

**BUSINESS AND HUMAN
RIGHTS CLINIC**

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**The Impact of Bonsucro on
Human Rights in the Sugarcane Sector
A Focus on India**

About the Business and Human Rights Clinic

The Business and Human Rights Clinic is a year-long course offered at the School of International and Public Affairs (SIPA), Columbia University, which is designed to deepen student knowledge and experience of business and human rights through practice. Combining seminars, guest lectures, group work, and site visits, the Clinic is an interdisciplinary space for experimenting with new business and human rights methods and tools, carried out in partnership with non-governmental organizations (NGOs) and other practitioners.

The following students comprised the Clinic team for 2018-2019 that carried out the research for this report: Ana Perez Adroher, Shabnam Aslam, Anindita Chakraborty, Keri Lloyd, Sarah Johnson, and Jenise Ogle. Joanne Bauer, Adjunct Professor of International Affairs at SIPA and Clinic Faculty Lead, supervised the research and revised this report for publication.

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Executive Summary

The central question of the business and human rights field is how to ensure that companies respect human rights where they operate. Early in his mandate as UN Special Representative on business and human rights, John Ruggie described the problem of corporate impunity for human rights harms as stemming from a “misalignment...between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences.”¹ Government regulation alone does not provide an adequate solution because governments are often unwilling or unable to impose regulations or enforce the regulations that do exist. Moreover, even in countries with stronger rule of law where regulations are viable, regulations often can’t keep up with technology and financial innovation. At the same time, corporate self-regulation is ineffective, as it depends largely on the oversight of civil society. Civil society members are also consumers with a broad array of interests that don’t necessarily align with human rights, such as a desire for cheap goods and convenience. Multi-stakeholder initiatives (MSIs), involving willing businesses, NGOs, and sometimes governments, are a hybrid form of governance that holds promise in filling the gap. Although there is no single definition of what constitutes an MSI, they typically involve a negotiated set of standards for a specific industry, sector, or human rights problem, and an accountability mechanism that holds participating companies to those standards.

Bonsucro is a multi-stakeholder initiative (MSI), founded in 2008 as the Better Sugarcane Initiative and headquartered in London, that seeks “to promote sustainable sugarcane production, processing, and trade around the world” through its certification scheme and other initiatives “to accelerate change for the largest agricultural commodity in the world.”² Only ten years old and tasked with addressing a high-risk sector that has been associated with environment, land, and labor rights abuses, much is at stake for Bonsucro’s efficacy as a legitimate governing force. As a member of ISEAL, Bonsucro is required to carry out regular independent impact evaluations every five years, which are “systematic, objective and in-depth, ex post assessments of the medium or long-term effects – positive or negative, intended or unintended – of the implementation of a standards system.” Bonsucro seeks to do so through university partnerships.

This project with the SIPA Business and Human Rights Clinic represents the first such partnership. The report is based on field research conducted by the Business and Human Rights Clinic at the School of International and Public Affairs (SIPA), Columbia University, between September 2018 and May 2019. With full leeway to determine the scope and design of research, we were tasked to evaluate the human rights impact of the Bonsucro Production Standard. We decided to focus on its activities in a specific country, since impact is context dependent, and selected India for the case study. Bonsucro was originally most active in Brazil, where it has the greatest number of certified mills, and its signature Production Standard (the Standard) was originally built around conditions on large plantations with advanced mechanization like those in Brazil.³ As Bonsucro expanded geographically it recognized the need to adapt the Standard

to very different circumstances, such as in India where smallholder farming is prevalent. Bonsucro's first engagement in India dates to 2009, and its first formal trainings to 2011. By October 2018, when we began our study, one Indian mill was about to be certified and several more were working towards certification.

In addition to its prominence as a major producer of sugarcane, we selected India for three further reasons: 1) It is one of a small number of countries besides Brazil where Bonsucro has been active for at least five years. 2) Harvesting season in India coincided with the window (our spring break) in which we were available to conduct fieldwork. Visiting during harvesting season is important so that we could meet with and observe laborers, including any migrant workers, harvesting cane. 3) There was potential for a clear "before and after" picture of Bonsucro impact because of the presence in India of Bonsucro's first in-country program manager, who was hired the year before. Bonsucro's decision to dedicate scarce resources to an in-country staff person was based on the rationale that country managers were the most "efficient"⁴ means to implement the Production Standard. The move also aligned with Bonsucro's revised Theory of Change, which was published that year, as Bonsucro embarked on a board-mandated transformation from a certification standard to a "platform for change."

The growing and harvesting of sugarcane carries a legacy for serious human rights abuses – and India's sugarcane sector is no exception. Studies of sugarcane production in India have highlighted the prevalence of modern forms of slavery – notably child labor and bonded labor – as well as other harmful working conditions, including inadequate access to drinking water and sanitation facilities. In addition, women in this sector are severely affected by substandard wages and by assault and abuse. As the second largest producer of sugar in the world after Brazil, and facing a host of complex challenges, India is ripe for the expansion of a sustainable sugar initiative to address these problems. Sugarcane cultivation is the main source of income for 67 percent of smallholder farmers and 98 percent of marginal farmers across the country: the potential to positively impact farmers' lives and livelihoods is significant.

It is too early to conduct a full impact evaluation for Bonsucro in India because the program's impact is still too partial and too new. According to the ISEAL standard (and other best practices in monitoring and evaluation), "The number, regularity and extent of impact evaluations should be commensurate with the maturity, scale and intensity of the activities of the standards system. Impact evaluations generally take a number of years to complete as a goal is to see change over time."⁵ In the India case, mill participation at the yearly trainings that Bonsucro began conducting in 2011 lacked strong engagement, as mills participated mostly under the sponsorship of their buyers and generally not out of their own desire for change.⁶ Mill motivation began to pick up with the India Accelerator Program led by the new India program manager, which was only a year old at the time of our research began. We also lacked strong treatment cases, as well as "non-treatment" cases since the four mills that agreed to participate in this research either had just been certified or were close to being certified. One Indian mill had been Bonsucro certified since 2016, but this mill declined to participate in the study.⁷

Therefore, this report assesses the outcomes of certification in India that are observable at the early stages of the program. Given the complexity of the human rights issues that certification potentially affects, we relied primarily on qualitative interviews and analysis. This study is informed by 28 remote stakeholder interviews as well as two fieldwork trips to India in 2019 by student participants in the Clinic, who conducted 56 in-person interviews with mill management, mill workers, farmers, and farm workers at four Bonsucro member mills (one that had just been certified and three working towards certification) that agreed to participate.

At the mill level, we found that certification had minimal impact. Prior to engaging in the Bonsucro certification process, mills had already achieved other standards and certifications included ISO-9000, 4000, 18000, SA 8000 as well as other sourcing requirements of large buyers. The impact of subsequently seeking Bonsucro certification was largely redundant with operational changes that they had already made. At the farm level, however, the potential for impact of certification is more pronounced. Among standards organizations, only Bonsucro offers a program to train farms selected by the Bonsucro member mill for certification under a dedicated standard for farmers: The Production Standard for Smallholder Farmers (Smallholder Standard), which Bonsucro first rolled out in mid-2018. This is a distinct advantage of Bonsucro certification, according to member mills we interviewed, many of which had participated in the stakeholder consultations that recommended a bespoke smallholder standard. While several other organizations provide training to farmers on agronomic practices to increase yield and mitigate the environmental impact of cane cultivation, only Bonsucro has made contact with the farms and mills to raise awareness of laws and regulations pertaining to human rights, including health and safety conditions, minimum working ages and minimum wages.

A fundamental question that loomed over our study is the degree to which Bonsucro certification can be relied upon as a valid indicator of compliance with the Standard. Auditor reports are not public and the outcome evaluation reports that Bonsucro produces annually only include data that are aggregated across mills and farms, as well as case studies of positive impact.⁸ This lack of transparency requires that the public take the assessor's word that the mill has met the standard, and denies stakeholders — including migrant worker and land rights advocacy organizations — the opportunity to identify potential auditing errors. Revelations about auditor misconduct for a certification standard in the cocoa sector, including “patchy inspections” and “susceptibility to fraud,” underscore long-standing concerns of social auditing to which the sugarcane sector may not be immune.⁹

These concerns are endemic to social auditing schemes, as discussed in the Introduction of this report, and make the presence of a well-functioning, transparent grievance mechanism at the farm level important. Our recommendations include looking to the successful model of worker-driven social responsibility, exemplified by the Fair Food Campaign, in which human rights protections are “worker-driven, enforcement-focused, and based on legally binding commitments that assign responsibility for improving working conditions to the global corporations at the top of those supply chains.”¹⁰

Key findings:

- ∞ In identifying farmers for certification under the Smallholder Standard, mills target “progressive” farmers — typically wealthy, knowledgeable about sustainable practices, and well on their way to meeting the Standard at the time they are selected. The Bonsucro certification system, therefore, appears to be rewarding good behavior, rather than transforming the sector in line with its mission as a platform for change.
- ∞ Mills do not select farmers for certification who do not have the requisite documentation to prove land ownership. This may inadvertently replicate inequities, particularly gender inequities. Because of India’s patriarchal inheritance system, women are often excluded from land titling.
- ∞ Gender considerations are not adequately reflected in the Smallholder or Production Standards, portending low impact with respect to gender discrimination in the sector. In addition to land documentation, there is a gender pay gap that results from a family exchange system of labor in which only the male head of household is paid. Moreover, some of the farms do not have dedicated nearby washrooms, which creates a risk of gender-based violence for female farm workers.
- ∞ Scaling up certification of farmers can be costly given the sheer numbers of smallholder farmers supplying cane. Without a price premium to offset additional costs of training and monitoring, the value proposition of certification is unclear to some mills.
- ∞ The Farm Diary, a requirement of the Smallholder Standard that farmers must record details such as labor hired, crop varieties planted, fertilizer applied, irrigation used, etc., presents high potential for observable impact. However, the quality of the diaries varied widely across mills. The inconsistency limits the potential for the Farm Diary to serve as a resource for farmers, embed best practices as routine, and increase awareness of Bonsucro’s mission across all certified farms.
- ∞ The use of personal protective equipment (PPE) increased over the last two years, pointing to an observable outcome of Bonsucro interventions and the Smallholder/Production Standard. However cultural and habitual barriers to proper use of such equipment remain and need to be addressed.
- ∞ Formal identification checks, written contracts, and pay slips are not common practice. The Smallholder Standard requires that farmers ensure that workers are not underage and recommends checking identification as one way to do so. Just one smallholder farmer that we spoke with reported checking the identification of his workers. Most farmers told us that they predominantly sourced labor from their village, or even through family exchanges of labor, and therefore it is unnecessary, and even considered rude, to conduct such checks, produce a written contract, or provide pay slips. Ensuring farmer

awareness of child labor laws and developing other practices to prevent child labor and other forms of labor exploitation is critical in this situation.

- ∞ The Production and Smallholder Standards include an indicator for certified farmers and mills to implement a grievance and dispute resolution mechanism; however, it is not a “core” indicator, and therefore the presence of a grievance mechanism is not essential to achieving certification. Farmers consistently reported that they were not aware of any formal complaint procedure. We were therefore not able to identify observable impact of the Bonsucro Standard vis a vis this indicator.

Key Recommendations:

Our recommendations to strengthen the human rights impact of the Bonsucro Smallholder/Production Standards and certification process are organized around three themes: 1) Improving verification of compliance with the Standard; 2) Enhancing the human rights compatibility of the Smallholder/Production Standards; and 3) Promoting human rights through the platform for change.

Verification of Compliance

- ∞ Conduct a thorough review of auditor training and guidance to ensure auditors have adequate expertise on human rights.
- ∞ Revise the Smallholder/Production Standard and guidance to make it more prescriptive with respect to human rights monitoring.
- ∞ Make the existence of a grievance mechanism at the farm and mill levels a core indicator and conduct a comprehensive review of the grievance mechanism requirement and training to ensure alignment with the effectiveness criteria of the UN Guiding Principles on Business and Human Rights.
- ∞ Prioritize lower-level field staff — the individuals whose job it is to visit the farms — in mill trainings and provide content on how to detect human rights violations.

Human Rights and Improvements to the Smallholder and Production Standards

- ∞ Amend the due diligence requirements on new projects to require a human rights impact assessment.
- ∞ As part of the farmer selection standards for Bonsucro certification, provide flexibility in accepting documentation of the right to farm on land, and promote dialogue with Indian member mills on this topic.
- ∞ Include a provision requiring farmers to provide access to washrooms.

- ∞ Make the provision of personal protection equipment a core indicator and provide education and training to sensitize workers to its benefits and the importance of wearing equipment correctly.
- ∞ Specify what farmer oversight of gang leaders is required to ensure that gang leaders are adhering to the Standard.
- ∞ Include the topic of freedom of association in mill and farmer trainings.
- ∞ Integrate gender non-discrimination (Principle 2) throughout the Smallholder and Production Standards and, as part of this process, undertake a comprehensive gender analysis of the standards.
- ∞ Review the definition of “family labor” in the Smallholder Standard to minimize any unintended risk of child exploitation
- ∞ Revise the “Obey the Law” criterion and guidance of the Production Standard to clarify that when national law conflicts with international human rights law, mills are expected to strive to honor the principles of internationally recognized human rights.

Promoting a “Platform for Change”

- ∞ To maximize the utility of the Farm Diary, revise the template for recording of specific human rights-related information that might otherwise be overlooked, such as ages and genders of laborers, hours worked, and payments made.
- ∞ Create a guideline for mill selection of farmers for certification so that selection is representative of the farmers supplying to that mill.
- ∞ Facilitate a dialogue among member producers and buyers to determine how to deliver a price premium to mills for certified sugar.
- ∞ Extend Bonsucro’s reach by including training on the Production Standard for farmer cooperatives.
- ∞ Engage the Indian national government, which has committed to upholding business and human rights standards through its newly issued draft National Action Plan on Business and Human Rights, in efforts to encourage Indian sugar buyers to respect human rights, and thereby extend Bonsucro’s reach.
- ∞ Harmonize the Production Standard with other existing initiatives targeting the sugarcane sector while simultaneously improving its alignment with human rights.

1. Introduction

Sugarcane farming, the backbone of the sugar industry, is a menace for the farmers it seems to support. This might not cross the average consumer's mind as the checkout clerk scans the barcode on that box of donuts, but for farmers around the globe, growing sugarcane perpetuates cyclical and seasonal patterns of debt. These debts can seem insurmountable, as was the case for hundreds of thousands of farmers driven to suicide in the last few decades in India. These farmers and their children — forced to help as farm hands instead of attending school — suffer life-threatening exposure to dangerous pesticides used on the crops, most notably kidney diseases.¹¹

The harsh conditions of laborers who harvest sugarcane are legend. It is on sugarcane farms or plantations where some of the most serious human rights risks within the agriculture sector occur, including forced labor through debt bondage. Since 2008, the multi-stakeholder initiative Bonsucro (formerly the Better Sugarcane Initiative) has sought to reduce the environmental and social impacts of sugarcane production by creating a higher social standard that is sustainable as well as economically viable. Multi-stakeholder initiatives (MSIs) designed to promote high standards of corporate social and environmental practice have come to be seen as “the gold standard of transnational private governance.”¹² As such business partners, consumers, and investors often use them as proxies for good corporate conduct. Because of their importance, scholars and practitioners have called for greater scrutiny into the standards and practices of MSIs and have questioned their efficacy and even their legitimacy.¹³

In August 2018, Bonsucro commissioned the Business and Human Rights Clinic at the School of International and Public Affairs (SIPA), Columbia University, to carry out an impact evaluation of the implementation of the Bonsucro Production Standard on human rights in the sugarcane sector. Having been in existence for ten years, Bonsucro is bound under the terms of its membership in the ISEAL Alliance, “a global membership association for credible sustainability standards,” to produce an independent impact evaluation in line with the ISEAL Code of Good Practice.¹⁴ In line with the SIPA clinic’s focus, the evaluation would focus on the MSI’s human rights impacts. The original aim of the evaluation was to determine the extent to which the Bonsucro Production Standard system — the standard itself and its implementation — leads to intended human rights impacts for workers and communities in Bonsucro member company operations. In line with the ISEAL Code, we also sought to ascertain whether the interventions have unintended human rights impacts, and to determine whether it is possible to attribute the observed effects on human rights to the standards system.¹⁵ Bonsucro provided the clinic with full leeway to decide the scope and design of the evaluation.

We decided to concentrate on Bonsucro’s human rights impacts in one country, India, for the reasons provided below. As explained in Section 2.4 on Bonsucro’s Theory of Change, since Bonsucro’s earliest mill participant in India declined to participate in this research, and since other Bonsucro interventions in India were at an early stage, we were unable to conduct a formal impact evaluation. Instead, we undertook a formative evaluation with the objectives

of establishing a benchmark for future impact evaluations and identifying potential challenges of the Standard and its implementation in achieving a positive human rights impact.

Human rights are enshrined in international law through nine core treaties that delineate the rights that nation states are duty bound to protect.¹⁶ Since the launch of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011,¹⁷ widely considered the most authoritative standard on corporate human rights responsibilities, most major corporations accept that human rights duties are not solely born by states, but that they, too, have human rights responsibilities. The scope of human rights is wide, including the rights to an adequate standard of living or a living wage, just and favorable working conditions, freedom of association, non-discrimination, and the rights of children, women, minorities, Indigenous peoples, and those with disabilities. Beyond labor rights, land and natural resource rights are also understood to be salient issues for the agriculture sector. As in any sector, sugarcane buyers, traders, and processors can have broad adverse, as well as positive, impacts upon all these rights, particularly through their supply chains at the production level.¹⁸ In approaching the question of human rights in the sugar industry for this nine-month study, we sought to narrow the focus to make it more manageable. We determined, however, that since this is the first independent study of Bonsucro with a focus on human rights, we needed to maintain a broad scope in order to identify the potential positive impacts on rights by the Production Standard.

First, given the complexity of human rights, isolating for a particular right provides an inadequate picture of impact. Human rights are interrelated and interdependent; human rights work therefore seeks to address power imbalances that lead to violations. As stated in one guide on monitoring and evaluating human rights impact:

Human rights advocates operate in a power-charged, contested, and constantly shifting context. Change involves complex and often fluid chains of influence, rarely linked to one action. Results often are markers of progress in the right direction, rather than a solid end state. All of these variables create challenges for traditional evaluation methodology, which prefers interventions to be more predictable, linear, and controlled.¹⁹

Second, in reviewing the available data that Bonsucro collects on the mills through the Bonsucro calculator and previous monitoring and evaluation reports produced internally by Bonsucro, we found the information on human rights to be relatively sparse compared to measures, such as yield and pesticide use. Third, we realized that despite having some activities in India starting in 2009, Bonsucro's interventions relevant to impact in India had begun only in 2017, making them too recent for a formal impact evaluation. Therefore, we designed this project as a preliminary evaluation to serve as a baseline for future evaluations of the human rights impact of the Production Standard in India, emphasizing select criteria relating directly to human rights concerns in the sugar sector, namely labor and land rights, particularly related to migrants, women, and children.

This report consists of seven sections plus five appendixes. This Introduction explains the impetus for the evaluation, the decision to focus on India, and an overview of several ongoing debates around impact evaluations and certification schemes underlying our research. Section 2 provides an overview of methodology, methods of data collection, and analysis (with our detailed methodology and research questions provided in Appendix 3). Section 3 explains the geographic context of our study, with a focus on Bonsucro’s interventions in India followed by a general overview of the human rights issues in the Indian sugar industry and the applicable labor and land legislation. Section 4 provides an overview of the human rights standards that underpin this evaluation. Section 5 addresses our findings at both the mill and farm levels. Section 6 outlines our recommendations for how Bonsucro can amend the Production Standard and its implementation to improve human rights outcomes and for amendments to its general strategy for better positive impact. Finally, Section 7 concludes with our overall assessment of how Bonsucro is performing, notable strengths, key areas for improvement, and design recommendations for a future impact evaluation in India.

1.1 About Bonsucro and the Bonsucro Production Standard

Bonsucro is a global multi-stakeholder initiative (MSI) for the sugarcane sector with a mission to “ensure that responsible sugarcane production creates lasting value for the people, communities, businesses, economies, and eco-systems in all cane-growing origins.”²⁰ To achieve this, Bonsucro’s strategy since 2016 has been to build a platform for change.²¹

As of May 2019, Bonsucro had over 500 members worldwide, from over 43 countries, representing all actors in the sugarcane value chain: farmers, millers, traders, buyers, and civil society organizations.²² Bonsucro offers two certification standards: a Production Standard²³ and a Chain of Custody Standard.²⁴ In 2018, the Production Standard was adapted for smallholder farmers and rolled out globally, including in India, where smallholder farming predominates.²⁵ The Bonsucro certification system is based upon both the Production Standard and the newer Production Standard for Smallholder Farmers; it includes programs designed to help members meet and maintain the standard. Among these programs, Bonsucro offers Bonsucro Connect, an online tool for mill use to demonstrate and monitor sustainability performance,²⁶ “accelerator programs” that “support farmers and mills in addressing their challenges and promote sustainable production,”²⁷ technical outreach and training, and a community of practice and support. This conception reflects Bonsucro’s recent move toward a systems change strategy of becoming a “global sugarcane platform.” According to Bonsucro’s 2017 Theory of Change (ToC),

The organisation understand[s] that certification should no longer be the sole focus of Bonsucro, and that it should be only one of the possible approaches to help producers to improve. A platform model, built on partnerships and global alignment, was better suited to take the organisation forward... Th[is] context led Bonsucro to propose a new strategy (approved by the Board in early 2016),

*to become the global sugarcane platform, creating value and positive change in the sugarcane sector.*²⁸

The ToC that appears on Bonsucro’s website reflects this change. As we designed the evaluation, we could see that the platform is still in a nascent phase and, in some locations, Bonsucro remains a certification scheme only.

During our initial desk research, consisting of remote phone and video interviews with Bonsucro members and stakeholders, we learned that the Production Standard was not the only sustainability standard to which Bonsucro members sought to adhere. In fact, in our discussions with Indian mill managers during our site visits, we learned that mills pursuing Bonsucro certification had previously earned certifications through other standards, thus the required changes to achieve Bonsucro certification were minimal. According to Nahuel Tunon, Standards Manager at Bonsucro, “The differentiators of the Bonsucro Production Standard versus the other standards is that we incorporate more environmental indicators and focus on performance improvement and data collection.”²⁹ One Bonsucro member told us that they felt there was room for improvement on the social aspect of the Production Standard, citing a different standard that they believe is stronger than the Bonsucro standard on human rights.³⁰

We also discovered that not all Bonsucro members were in favor of the change in mission. We spoke to two members who believed that Bonsucro should continue to serve primarily as a certification standard for individual mills and farms; accordingly, the organization’s focus should be on improving the Production Standard implementation and expanding certification across the sector. For Bonsucro to support a range of other interventions beyond certification, they felt, would sidetrack Bonsucro’s lean staff from its primary mission.

The Bonsucro Production Standard covers six principles:

1. Obey the law
2. Respect human rights and labor standards
3. Manage input, production, and processing efficiencies to enhance sustainability
4. Actively manage biodiversity and ecosystem services
5. Continuously improve key areas of the business
6. Require biofuel use under the EU Renewable Energy Directive (2009/28/EC) and revised Fuel Quality Directive (2009/30/EC)

Each principle has assigned criteria, each with specific indicators. Of those indicators, sixteen are designated as “core” and the rest are “non-core.” For a mill to achieve certification under the Production Standard, it must fully comply with the core indicators (plus Principle 6 for certification by Bonsucro EU) and a minimum of 80% of all indicators. According to Tunon, except for the addition of Principle 7 on the “organization of farmers” in the Smallholder Standard,³¹ the scope of the core indicators remains the same, ensuring that certified mills and farms comply “with ILO conventions, no use of banned agrochemicals, and environmental and

health and safety plans are in action.” The Production Standard requires an action plan for improvements regarding unmet non-core indicators but does not require that they be met by the next audit, nor that indicators be realized progressively.

1.2 Geographic Focus

This evaluation focuses specifically on the Indian states of Maharashtra and Karnataka where most member mills are located, including India’s only three Bonsucro certified mills.³² The SIPA Clinic research team conducted fieldwork there during two ten-day periods, January and March 2019. The January trip was a scoping trip to finalize the project design; the March trip was to collect data systematically to clarify the accuracy of causal pathways of Bonsucro’s Theory of Change, described in Section 2.5, and to identify outcomes, as well as any unintended consequences of interventions. We considered conducting a comparative study across two country sites; however, due to time constraints and the complexities of assessing human rights impacts, we limited the evaluation to one country.

The following chart describes the three criteria that led to the decision to focus on India.

Criteria	Explanation	Countries
Will the mills be in harvest season and therefore operating?	In 2018, the countries/regions in which Bonsucro members were located where it would be harvest season during January and March.	China, India, Pakistan, Thailand, Mexico, Central America, Northeast Brazil, and Colombia
How many mills should we study and what should their status be (certified/working towards certification)?	If we are only able to conduct fieldwork in one country, to ensure an adequate research sample, we need to select a location with a minimum of two certified mills, and other mills working towards certification.	Southeast Brazil, Thailand, India, Australia, Nicaragua, Guatemala, and China
In which countries are there mills that have been certified for a minimum of five years?	Bonsucro certification is valid for three years. Therefore, mills certified for a minimum of five years will have completed at least two audit processes, which will provide a more robust data set.	Australia and Southeast Brazil

Considering these country selection criteria, we concluded that no country would meet all the requirements. Since interviewing farm laborers would be central to the study of labor rights, it was essential to conduct fieldwork during harvest season. (See **Figure 1.2**) With this in mind, India was chosen as the geographic focus of our study, pending the agreement of the mills to participate.

Country	Harvest	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Australia	June - December												
China	November - March												
India	November - June												
Pakistan	October - May												
South Africa	May - December												
Swaziland	May - December												
Thailand	October - April												
Indonesia	May - November												
Mexico	November - June												
Central America	December - June												
Argentina - Tucuman	April- November												
Argentina - Salta y Jujuy	May-October												
Bolivia	May-October												
Brazil - Centre South	April - December												
Brazil - North East	September - March												
Colombia	All year long												
Harvest													

Figure 1.2 Source: Bonsucro website

Bonsucro’s first activity in India was in 2009 when it selected Chennai for the second annual meeting of what was then the Better Sugarcane Initiative. By October 2018 when we were designing this evaluation,³³ two mills had been certified — EID Parry (India) Ltd., Haliyal, and EID Parry (India) Ltd., Nellikuppam — and two more were on their way to certification.³⁴ As a research site, India presented two related advantages. First, it was the only location where Bonsucro had a full-time country-level Program Manager (appointed in September 2017). Bonsucro senior staff believed that an on-the-ground presence has accelerated progress in India’s program, and anticipated that, because of the manager’s relationships with member mills, we would have participants willing to share their data. Moreover, the Program Manager could also provide logistical support for our research team.³⁵

1.3 Certification and Social Auditing

This research on Bonsucro’s multi-stakeholder initiative took place in the context of intense public and academic scrutiny of social auditing and certification systems, as well as of Bonsucro itself. A University of Sheffield (UK) study on forced labor in the cocoa and tea supply chains in India and Ghana, published just before we started our research, renewed the conversation about the efficacy of certification and social auditing. Prior to the Sheffield report, Richard Locke’s widely cited research on the effects of social auditing of factories supplying apparel and footwear had reinforced organized labor’s long-held claims³⁶ that private voluntary monitoring to fill the regulatory gap created by the emergence of global supply chains was a “second best” solution.³⁷

The University of Sheffield report, based on extensive fieldwork, casts doubt on the value of certification schemes in addressing human rights harms. It points to a “lack of effectiveness, transparency, and traceability in ethical certification schemes, and suggests they are ineffective tools for addressing and preventing forced labor in global supply chains.”³⁸ According to the report, ethical certifications require at least five changes, including these: “collaborate with other business actors to ensure that producers have the financial and non-financial resources they need to meet ethical certification standards [...] reform the institutional design of their programs so that they encompass rather than exclude the workforces most vulnerable to forced labor within the supply chain [...] and confront cheating and manipulation in audits.”³⁹ The Sheffield report added to the growing chorus of criticism in the wake of the Rana Plaza factory building collapse in Dhaka, Bangladesh, which killed over a thousand young female workers in 2013, just after passing an audit by a German firm. Two devastating tailings dam breaks at two different Brazilian sites run by mining giant Vale in 2015 and 2018 compounded the problem. Reflecting this rising concern, the widely respected Business & Human Rights Resource Center began a blog series called Beyond Social Auditing in March 2019.⁴⁰

That same month, as we returned from our fieldwork, a new academic study cast a critical light on Bonsucro itself. Examining three agricultural commodity MSIs — Bonsucro, the Roundtable on Sustainable Biomaterials (RSB), and the Roundtable on Responsible Soy (RTRS) — Phillippe Schleifer questioned Bonsucro’s legitimacy and transparency.⁴¹ Of the three MSIs, Schleifer found that Bonsucro had the least participatory governance structure since its board was dominated by established stakeholder groups, namely big brands and large global north NGOs, which had not changed since its inception in 2008. Schleifer posited that Bonsucro’s development of a groundbreaking system of metrics was an intentional effort “to compensate for this lack of inclusiveness.”⁴² Any legitimacy derived from the introduction of objective metrics, Schleifer asserted, was undermined by Bonsucro’s complaint resolution process, in which a complaint would be adjudicated by the CEO and Board of Directors alone, thus bringing the integrity of the MSI into question.

In fact, Bonsucro’s complaint resolutions process has been under fire for several years, including during our study. The NGOs Inclusive Development International and LICADHO accused Bonsucro of not taking appropriate steps to sanction one member, Mitr Phol, following serious allegations related to the company’s land acquisitions in Oddar Meanchey Province in Cambodia.⁴³ The NGOs first filed a complaint with Bonsucro in 2016 for readmitting Mitr Phol following the Thai Human Rights Commission’s 2015 finding that the company had violated the rights of the villagers.⁴⁴ In November 2018, the Bonsucro board decided not to “consider it appropriate to place any conditions on Mitr Phol’s continued membership of Bonsucro.”⁴⁵ In response, the NGOs filed a complaint on behalf of the affected communities with the UK National Contact Point (NCP) for violation of OECD Guidelines on Multinational Corporations, marking only the second time that a complaint had been filed against a non-profit entity at an NCP.⁴⁶ In September 2019, the UK NCP agreed to accept the complaint. In

response, Bonsucro publicly announced that it would accept mediation and that its grievance process was undergoing review to ensure alignment with international standards, including OECD guidelines.⁴⁷

The right to effective remedy is established in international law, including the Universal Declaration of Human Rights (article 8) and the International Covenant on Civil and Political Rights (article 2[3]). It is also a key tenet of the UNGPs, which lay out eight effectiveness criteria for operational-level grievance mechanisms (the first seven also apply to any state- or non-state-based grievance mechanism).⁴⁸ Given the centrality of transparency to human rights accountability, we decided to include the Production Standard’s grievance mechanism indicator 5.8.1 as part of our human rights evaluation. Two aspects were considered: 1) whether the presence of a grievance mechanism should be required for certification and 2) whether the mechanism itself should provide a grievance mechanism. The debate on Bonsucro’s grievance mechanism echoed another debate surrounding the lack of accountability of Equator Principle member banks in relation to the Dakota Access Pipeline in the United States.⁴⁹

In contrast to this criticism, a favorable independent study was published on Bonsucro’s impact on the climate crisis in February 2019, following our first field visit. Researched and written by academics at the University of Minnesota, the study’s conclusion is summarized in its title, “Voluntary Sustainability Standards Could Significantly Reduce Detrimental Impacts of Global Agriculture.” The study assesses Bonsucro’s potential large-scale sustainability outcomes in relation to national and global sustainability commitments and development goals. It concludes that there is strong “potential of Bonsucro — one of the largest and fastest growing global voluntary sustainability standards (VSS) — to reduce eutrophication, water use, greenhouse gas emissions, and natural ecosystem conversion.”⁵⁰ The University of Minnesota’s finding that the Bonsucro Production Standard contributes to the fight against climate change also relates to Bonsucro’s human rights impact since climate change has dramatic negative impacts on human rights, particularly on the poor and landless, including the rights to life, water and sanitation, food, health, housing, self-determination, culture, and development.⁵¹ This climate study is therefore one indicator of Bonsucro’s positive human rights impact.

2. Methodology

2.1 Overview

As a member of the ISEAL Alliance, a global membership association for sustainability standards, Bonsucro has committed to undergoing regular independent impact/outcome evaluations. The evaluation process is designed to assess sustainability, unintended effects of assessed interventions, factors influencing the results, and the extent to which effects can be attributed to the activities of the standards.

While worker rights are key concerns in the sugarcane sector, applicable human rights concerns extend to land rights⁵² and the right to effective remedy.⁵³ Because land rights violations associated with this sector generally occur in relation to large land acquisitions to make way for large sugarcane plantations, Bonsucro staff believe that land rights are unlikely to be an issue in India where cane is grown mostly by smallholder farmers. Through field interviews, we sought to verify whether these criteria and indicators are salient in the context of the sugar industry in India with its base of smallholder farmers, a significant number of whom are women, even if they are not recognized as such.⁵⁴ We therefore added Criterion 1.2 and Indicator 5.8.1 along with Criterion 2.1 – 2.4 to the scope of our evaluation criteria, since they address labor rights, land rights, and the right to effective remedy, as shown in the chart of these Production Standard Principles, Criterion, and Indicators below (see **Figure 2.1**). This remains a selective list of human rights indicators since other criteria in the standard, including mitigating climate risks, also have human rights implications.

The first Indian Bonsucro member to seek and achieve certification, EID Parry, declined to participate in our research, stating that “it’s too early to do an evaluation of the benefits.”⁵⁵ However, four other Bonsucro member mills — one just certified in December 2018 and three others working towards certification⁵⁶ — did agree to participate. That these mills only became members of Bonsucro within the last five years precluded an impact evaluation of Bonsucro in India. These member mills are also beneficiaries of improvement programs run by the International Finance Corporation (IFC) of the World Bank, and the non-profit organizations Solidaridad Network, Landesa, Vasantdada Sugar Institute (VSI), and Krishi Vigyan Kendra (KVK), thus further complicating an impact evaluation for Bonsucro alone.⁵⁷

For the research design, the Clinic drew upon well-established best practices for impact evaluation of multi-stakeholder sustainability initiatives, including ISEAL Alliance and MSI Integrity. It is also guided by the following ethical principles of engagement and research: accuracy and quality assurance, data protection and confidentiality, independence, and transparency.⁵⁸ In this section we elaborate upon the methodological choices we made, which were influenced both by the ISEAL requirements and the state of play of Bonsucro’s India program. The analysis led to a reconsideration and revision of Bonsucro’s Theory of Change, which is also discussed below, and in Appendix 3.

Principle 1: Obey the Law	
Criterion	Indicator
1.2: To demonstrate clear title, to land and water in accordance with national practice and law	1.2.1: The right to use land and water can be demonstrated
	1.2.2: Land that is legitimately contested by other users
Principle 2: Respect Human Rights and Labour Standards	
Criterion	Indicator
2.1: To comply with ILO labour conventions governing child labour, forced labour, discrimination and freedom of association and the right to collective bargaining	2.1.1: Minimum age of workers 2.1.2: Absence of forced or compulsory labour 2.1.3: Absence of discrimination 2.1.4: Respect the right of all workers to form and join trade unions and/ or to bargain collectively
2.2: To provide a safe and healthy working environment in work place operations	2.2.1: Lost time accident frequency 2.2.2: Main health and safety risks are assessed and measures for mitigation of risk are implemented 2.2.3: Appropriate personal protective equipment supplied to and used by all workers 2.2.4: Percentage of staff trained for health and safety at start and at least every 5 years 2.2.5: All workers present on the field and/or mill have access to drinking water in sufficient quantity 2.2.6: All workers present on the field and/or mill have access to first aid and provision for emergency response 2.2.7: Working hours lost as percentage of total hours worked
2.3: To provide employees (including migrant, seasonal and other contract labour) with at least the applicable minimum wage	2.3.1: Ratio of lowest entry level wage including benefits to minimum wage and benefits required by law 2.3.2: Maximum number of hours worked (normal and overtime) 2.3.3: Overtime is paid at a premium rate or equally compensated
2.4: To provide clear, equitable and comprehensive contracts	2.4.1: Existence of a contract or equivalent document
Principle 5: Continuously improve key areas of the business	
Criterion	Indicator
5.8: To ensure active engagement and transparent, consultative and participatory processes with all relevant stakeholders	5.8.1: Existence of usage of a recognised and accessible grievance and dispute resolution mechanism for all stakeholders 5.8.2: Percentage of projects involving multi stakeholders where agreement has been reached by consensus driven process based on Free, Prior and Informed Consent

Figure 2.1 Bonsucro Production Standard criteria that are the focus of this study

An impact evaluation, as defined by ISEAL, requires that the intervention be in place for at least five years. Despite its ten-year history in the country, Bonsucro conducted few activities in India prior to 2017. Considering how recent these interventions are, their results cannot yet be analyzed since impacts will only be realized in future years. Due to these limitations, we aimed to develop a formative evaluation with the objective of establishing a benchmark for future impact evaluations and of identifying potential challenges of assessing impact based on the present program of Bonsucro’s interventions in India.

2.2 ISEAL Requirements

The ISEAL Alliance is a global membership association that aims to “strengthen sustainability standards systems for the benefit of people and the environment.”⁵⁹ As a member of ISEAL, Bonsucro is required to carry out regular independent impact evaluations, which it defines as “systematic, objective and in-depth, ex post assessments of the medium or long-term effects — positive or negative, intended or unintended — of the implementation of a standards system.”⁶⁰ In 2010, ISEAL developed the Code of Good Practice for Assessing the Impacts of Social and Environmental Standards Systems (Impacts Code) to guide the development of monitoring and evaluation programs by ISEAL member sustainability standards systems. These programs would “track progress toward achieving intended outcomes and evaluate the contribution that the standards system makes toward achieving long-term social, environmental, or economic impacts.”⁶¹ The present impact evaluation used the Code, revised in 2014, to guide its design and implementation.

ISEAL Definition of Impact Evaluation⁶²

An impact evaluation is a systematic, objective and in depth, ex-post assessment of the medium or long-term effects, positive or negative, intended or unintended, of the implementation of a standards system. Impact evaluations employ methodologies that are designed to enable evaluation used to understand the extent to which an observed change can be attributed to the standard system or another intervention.

The ISEAL requirements for member multi-stakeholder initiatives stipulate the following:⁶³

- If the scheme owner has had an operational standards system for at least two years, it shall conduct, commission or otherwise undergo at least one in-depth outcome or impact evaluation per year.
- The scheme owner shall ensure that at least some of these in-depth evaluations are independent impact evaluations, designed to determine whether it is possible to attribute observed changes to the standards system.

- The scheme owner shall ensure that each impact evaluation, at the very least, answers questions related to the intervention’s sustainability, unintended effects resulting from the activities or intervention assessed, factors influencing the results and the extent to which the observed effects can be attributed to the activities of the standards system.

2.3 Research Questions

In developing our methodology, we sought to develop internal and/or external validity. Internal validity asks, “How do we establish a contributory relationship between intervention, outputs, and processes of change leading to outcomes and impacts?” External validity asks, “How — and to what extent — can we generalize our findings to other settings (interventions, regions, target groups, etc.)?” We used the MSI Evaluation Tool: For the Evaluation of Multi-Stakeholder Initiatives⁶⁴ as a guide, which shaped our research questions. This tool consists of seven core areas, all of which are pertinent: appropriate human rights scope and mandate, sufficient standards, inclusive and comprehensive internal governance, effective implementation mechanisms, ongoing development and review of the MSI, involvement of affected community, and transparency and accessibility.

The focus of this evaluation is the impact of Bonsucro certification and the implementation of the Production Standard specifically with respect to the criteria and indicators within Principles 1, 2, and 5 that relate to land rights, labor rights, and grievance mechanisms. As a human rights evaluation of the Production Standard, we also had to pay attention to how the Production Standard aligns with human rights standards. Accordingly, this evaluation is framed by the following research questions:

1. To what extent are Indian mills and farms implementing the selected human rights criteria of the Bonsucro Production Standard)?
 - a. How are these criteria being implemented in India?
 - b. What are the barriers to successful implementation of these criteria in India?
2. What intended sustainability outputs, in relation to the Theory of Change, are being realized at the Indian mills and farms that are working with Bonsucro to meet the Production Standard?
 - a. To what extent is it possible to attribute the observed effects to the certification system?
 - b. What unintended effects (positive or negative) resulted from the intervention assessed?
 - c. What factors could have influenced the results? Of these factors, which are within Bonsucro’s control and which are outside it?
3. How are farm and mill workers affected by the Bonsucro Production Standard?

- a. How, if at all, is the Bonsucro Production standard affecting the rights of workers of its Indian member mills and farm workers of their certified farms?
 - b. How has the experience of farm and mill workers changed in relation to the (selected) human rights criteria and indicators since the start of implementation of the Bonsucro Production Standard in India?
 - c. Is there a perceivable difference between the labor conditions of farm and mill workers from certified members as compared to non-certified members and non-members and can those differences be attributable to the Production/Smallholder Standard?
 - d. What unintended effects (positive or negative) have affected farm and mill workers because of Bonsucro's activities and why?
 - e. In what ways can Bonsucro's engagement with farm and mill workers be improved?
4. Which Bonsucro Production Standard elements address human rights issues specific to the sugarcane industry in Karnataka and Maharashtra (the Indian states in which member mills that agreed to participate in the study are located)?
 - a. Which Bonsucro Production Standard elements address human rights issues specific to the sugarcane industry in Karnataka/Maharashtra?
 - b. Because of certification, what policies and practices did mills and farms implement to ensure human rights are respected?
 - c. Are there human rights issues⁶⁵ specific to the sugarcane industry in Karnataka/Maharashtra that are not being addressed by the Bonsucro Production Standard?
 - d. What have we observed in the field about the strength of the Production Standard in terms of human rights, and what if any weaknesses in the Standard itself need to be addressed?
 5. In what ways does the implementation of the Production Standard reduce the risk of social exclusion of vulnerable stakeholder populations?
 - a. What interventions address gender issues?
 - b. What interventions address minorities?
 - c. What interventions address migrant workers?
 - d. What interventions address other marginalized groups?
 - e. What protections have been implemented to promote inclusivity? How are these protections ensured?
 - f. How can the production standard be strengthened to promote inclusivity?
 6. How has the Production Standard improved the management of and response to human rights complaints among Bonsucro members?
 - a. How well has Criterion 5.8 ("To ensure active engagement and transparent consultative and participation processes with all relevant stakeholders") of the Production Standard been implemented?
 - b. To the extent that mills and farms have put in place grievance mechanisms, do the grievance mechanisms comply with the guidance of the Production Standard as well as the authoritative standards for operational grievance

mechanisms established by the UN Guiding Principles on Business and Human Rights?⁶⁶

i. What means of remedy are available to farm and mill workers and affected communities?

ii. What structure or measures are in place to protect the confidentiality of complainants?

iii. How accessible is the grievance mechanism?

2.4 Data Collection

Data for this evaluation was collected through desk research involving a thorough review of the Production Standard and its guidance, Bonsucro's monitoring and evaluation reports and other publicly available materials, farm diaries that the mills shared with us,⁶⁷ and interviews with Bonsucro staff, stakeholders, and mill managers, mill workers, farmers, and farm workers. Stakeholder interviews were conducted in three phases:

1. September 2018 – April 2019 interviews via Skype and Zoom with Bonsucro staff, board members, representatives of Bonsucro member companies, NGOs, sugar buyers, academic experts, mill managers, and other stakeholders (28 interviews)
2. January 2019 scoping site visit (46 interviews)
3. March 2019 site visit to complete primary data collection (46 interviews)

We evaluated Bonsucro's interventions for implementing the Production Standard in India in relation to the four mills we visited during two fieldwork trips. Primary data collection for this study leans heavily towards qualitative, which followed a participatory approach that relied upon semi-structured and open interviews. We conducted two ten-day field visits in January and March to Karnataka and Maharashtra, the states where the Bonsucro certified mills were located, to conduct interviews and collect data from the mills and farms. During these site visits, we conducted a total of 56 interviews conducted individually and within focus groups of 5- 8 people with mill management, mill workers, farmers and farm workers (please see the table below for further details). In addition, prior to the site visits we conducted 28 interviews by Skype with Bonsucro staff, board members, representatives of Bonsucro member producers and buyers, member and non-member NGOs, academic experts, and mill managers. (See Appendix 5) The duration of each interview was approximately thirty minutes to one hour. We did not collect any personally identifiable information to ensure confidentiality, and consent was granted by subjects verbally.

We incorporated other methods, such as unobtrusive measures of observation through face-to-face interviews and focus groups. We used the outcome harvesting method of impact evaluation, which consists of collecting evidence on what has changed “and then, working backwards, [to] determine whether and how an intervention has contributed to these changes.”⁶⁸ Quantitative methods used in our primary data collection were predominantly based on simple survey instruments, read to the respondents during face-to-face interviews.

During the two site visits we met with farm workers, farmers, mill workers, mill managers, and several experts. In relation to sugar mills, we interviewed the Unit Head, Cane Head, Internal Audit leads, and representatives of the Administrative department (Human Resources, Training, and Health & and Safety) as well as workers selected at random. The following chart indicates the type and number of subjects interviewed:

Subject	January trip		March Trip		
	Certified Mill A	Mill in Process of Certification A	Certified Mill A	Mill in Process of Certification B	Mill in Process of Certification C
Mill Executives	5	9	3	2	4
Male Mill workers	5	10	0	6	0
Certified male farmers	5	0	13	0	0
Certified female farmers	1	0	0	0	0
Non-certified Bonsucro selected male farmers	0	2	0	6	8
Non-certified Bonsucro selected female farmers	0	0	0	0	0
Non-certified male farmers	1	1	0	1	3
Non-certified female farmers	0	0	0	0	0
Male Farm Workers	0	0	0	0	0
Female Farm Workers	0	4	0	0	0
Other Expert Stakeholders	3	0	0	0	0

We hoped to speak with additional stakeholders such as government officials and people in the communities in the sugar growing areas who might have helped us to understand more about labor supply to the farms, but limited time in the field did not permit this. A future study would benefit from the inclusion of these stakeholders to better triangulate the data collected.

To supplement the information that can be found in the publicly available monitoring evaluation reports, where data is aggregated, Bonsucro also shared anonymized data of certified, and occasionally pre-certified, mills. Bonsucro keeps an extensive database of information drawn from member mill and farm use of the Bonsucro Calculator.⁶⁹ The Calculator is a tool Bonsucro offers to member mills – both those that are certified and those that are working towards certification – to help them determine the degree to which they are in

compliance with the Standard. Since the human rights data in this data set is provided as a “yes/no” response rather than as a metric, however, its usefulness for our purposes was limited.

Our first fieldwork trip in January 2019 to conduct interviews with managers and workers at two mills — one certified and one working towards certification — revealed few signs of impact of the Production Standard at the mill level. Managers at the two mills told us that achieving Bonsucro certification was relatively simple because they had already been certified by other standards systems with similar metrics. On the other hand, smallholder farmers seemed likely to benefit from the Bonsucro certification process since, unlike other standards systems, it was the only one tailored to farmers. Farmers we interviewed during the January site visit⁷⁰ told us that they had attended training conducted by the mill as well as sessions co-hosted by Bonsucro⁷¹ and the other civil society organizations noted above. Farmers reported that the training made them aware of local laws, health and safety practices such as personal protective equipment (PPE) usage, and regulations regarding owning uncontested land and irrigation channels. These conversations led us to believe that while Bonsucro’s impact at the mill level is negligible, it might have significant impact at the farm level. On that basis, we dedicated the second fieldwork trip in March 2019 primarily to analyzing the implementation and impact of the Production Standard at the farm level.

Bonsucro’s earliest activities in India were technical training and visits of senior staff to meet with mill managers, which began as early as 2008 when Bonsucro was still the Better Sugarcane Initiative⁷² (see Appendix 1 for a timeline of Bonsucro’s activities in India). However, it is not possible to assess the impact of this early training on the decision of the mills to pursue certification, particularly since the first Indian mill was certified only in 2016. In many cases, the managers who attended the training had since left the mills. The same is true of later training that took place in 2013 and 2014 since attending technical training does not necessarily mean that the mill was actively seeking certification.⁷³ Taking into account that our focus is necessarily on the *potential* impact of the Bonsucro Production Standard and its implementation, only interventions related to the certification process could be evaluated. These took place in 2016, 2017, and 2018 in the form of technical training, gap analysis, piloting the Smallholder Production Standard, and certification process auditing.

Prior to the March site visit, we asked mill managers at the three participating mills to facilitate access for us to interview mill management, including unit heads, cane heads, audit heads, and those in charge of health and safety (45-minute interviews). We also asked to interview mill workers (two 60-minute focus groups of six to ten workers each), farmers, and farm workers. We requested to visit between four and eight farms of three types: 1) farms certified under the Bonsucro Production Standard plus those not certified; 2) a range of small, medium, and large farms; and 3) farms headed by women. Accordingly, we created questionnaires for the different stakeholders involved: farmers, farm workers, mill workers, and mill management.

Through our own networks we identified and retained two graduate students from Mumbai and Pune respectively, who served as interpreters of Maharati, the language spoken in the state of Maharashtra) and/or Hindi to English.

2.5 Research Limitations

For the most part, mill management — predominantly field division heads and field officers within those divisions — served as our access point to farmers. Introduction to the mills was made by Bonsucro, whose relationship is strictly with the mills, not the farms.⁷⁴ Since Bonsucro is an organization with only 17 staff worldwide whereas one mill in India has around 60,000 farmers supplying to it, this strategy is deliberate and unavoidable.⁷⁵ While we made an effort to identify independent interlocutors who could introduce us to farmers, we found no one with the time to assist us during the period of research. In any case, given how new the Smallholder Standard is, it is unlikely that farm labor organizations would be able to identify the farms selected to produce for Bonsucro member mills.

This dynamic affected the farmers we had access to as well as our interactions with farmers since the mill management selected our subjects, organized our transportation, travelled with us to interview sites, and communicated with the farmers prior to our interviews. We expected that by visiting farms not selected for certification that we would be able to see the contrast between farms engaged and those not engaged in the Bonsucro process. We needed to be more explicit, however, about our interest in seeing other farms excluded from the selection process.

As explained above in section 1.2, we chose India largely because harvesting season normally takes place from December until March, when we were available to travel. Unfortunately, as with any agricultural produce, the precise end of harvest cannot be predicted due to weather and field conditions. By the time we arrived, the farm workers had left the farms, so we were unable to speak with them as they harvested the sugarcane, get a sense of the presence of children and conditions for migrants on the farms, or observe harvesting being done. On the other hand, this was beneficial for our study because it permitted us to have longer, in-depth conversations with farmers who would have otherwise found it challenging to speak with us for the same length of time during harvesting season, which was evident during the January trip.

Our fieldwork constraints can be summarized as follows:

- **Mill control:** The mills controlled access to farmers and, therefore, were aware of the individuals we interviewed. It was not evident during our visit that either the protocol, or our requested access, had been circulated to the staff responsible for coordinating our visits with farmers and those shepherding us around. Ultimately, we achieved interviews with farmers with a range of farm sizes, but we interviewed only a few non-certified and female farmers (though did speak to several families in which both the husband and wife were on the land title and involved in farming).

- **Limited access to local NGOs and community members:** The team attempted to locate potential access points, such as local NGOs and prominent community members, who would be able to facilitate introductions to potential interview subjects. We hoped that making connections with these subjects unaided by the mills would allow for greater independence in our fieldwork and would provide additional privacy for our subjects. Unfortunately, due to our time constraints, we were not able to find those local access points in time for our trip.
- **No access to farm workers:** We were unable to speak with farm workers during the March trip as we had done during the January trip since harvesting season had ended just before our arrival. Since farmworkers work on numerous farms throughout the season, their experience across of the farms — both those involved in certification and those not involved — would likely have yielded particularly useful insights, including providing a counterfactual (the farms not involved in certification) against which to assess the impact of Bonsucro certification.
- **Privacy of interviews & presence of mill workers:** We found it difficult to have private interviews with subjects. Family members and friends often joined interviews and interjected into the conversation. This was helpful at times when it revealed new information; at other times, it was distracting. There were also instances when mill workers would wander into an interview. Over time, we became more adept at asking them to leave.
- **Language barriers:** The interpreters performed adequately during interviews. However, at times they provided more context, especially related to Bonsucro, than we had directed them to give at a particular moment. In so doing they also reordered our questions and may have tainted some of the responses. Moreover, despite our instructions the interpreters provided consecutive interpretation of our questions that were summaries of what was said from memory rather than simultaneous interpretation. As a result, the comprehensiveness of the translations we were given is in doubt.

We also faced limitations in accessing data. As noted above, at the outset we anticipated at the outset of the project using the Bonsucro Calculator dataset. This dataset proved to be of limited use for this study, however, since the data is anonymized, with no attribution to individual mills, and is relatively weak on the human rights indicators we were tracking. For labor rights, for example, the available data from the anonymized mills included the following categories:

“Total time spent by direct employees in vocational training sessions”

“Number of total direct employees”

“Number of contracted workers”

“Total spent on direct employees in vocational training”

“Total payroll”

“Total number of male workers”

“Total number of female workers”

Other relevant indicators required simply “yes/no” answers, such as,

“Is the impact assessment in compliance with a recognized Environmental Social and Impact Assessment (ESIA)?”

“Are relevant national laws and international conventions complied with?”

“Can the right to use the land and water be demonstrated and is not legitimately contested by local communities with demonstrable rights?”

“Is there absence of forced or compulsory labour?”

“Is there absence of discrimination?”

“Is the right of all personnel to form and join trade unions and/or to bargain collectively respected?”

“Is there a recognized grievance and dispute resolution mechanism for all stakeholders?”

Indicators formulated this way produce answers that inadequately capture the complex realities in which mill and farm production takes place. The indicator on grievance mechanisms, for example, requires a more complete set of metrics or a narrative response to ensure that the dispute resolution mechanism meets the effectiveness criteria of the UNGPs (Principle 31), and that it is open to human rights complaints. Even where human rights-related metrics require a numerical response, the figure provides an ambiguous picture of the criterion being assessed. For example,

“Percentage of meetings of stakeholder engagement where agreement has been reached by consensus driven process”

Having access to the audit reports may have given us a clearer picture of the performance of Bonsucro certified mills overall, as well as the one certified mill that was part of this study. When we asked Bonsucro for the reports, they referred us to the mills explaining that they are the property of the mills. Though we did ask the certified mill about the results of the audit, without Bonsucro’s facilitation in obtaining the auditing reports, we found it difficult to ask it to let us see the reports. This is particularly so, since although we had a non-disclosure agreement with Bonsucro, we had none with the mills themselves, nor did we have a direct prior relationship. With more time, we may have been able to develop our relationships with the mills so that they would feel comfortable sharing this data.

2.6 Our Approach to Evaluating Impact

It is widely held view that impact evaluations should employ a theory-based approach. According to the Organization for Economic Co-operation and Development (OECD), a

theory-based evaluation can assess a “supposed chain of causation from intervention to impact and to measure or describe the changes induced along the chain.”⁷⁶ Specifically, a theory-based approach permits evaluators to analyze *why* an intervention has led to a specific outcome by examining the assumptions, risks, and conditions that are meant to bring forth impact.⁷⁷ This impact evaluation will follow best practices and utilize a theory-based evaluation approach.

There is an ongoing debate within the Monitoring and Evaluation (M&E) field regarding whether an impact evaluation can be considered valid if it cannot demonstrate causal attribution of an intervention to a specified impact. One school of thought asserts that “impact” implies causality and that to determine causality an impact evaluation requires a randomized control trial (RCT) and a counterfactual. Counterfactuals permit evaluators to estimate what would have occurred in the absence of the program.⁷⁸ In the absence of a counterfactual and a properly conducted RCT that enables researchers to isolate the potential impact of an intervention, this faction believes, it is impossible to prove that impact is attributable to a specific program rather than some outside factor. Without these conditions, the label “impact evaluation” should not be used. Other social scientists maintain that impact evaluations need not be limited to only determining causal attribution, but can also include “plausible contribution”⁷⁹ since attribution is not always possible to prove in complex environments. Under these conditions, it is more feasible to prove an intervention’s *contribution* toward a particular impact, which can still provide insight and value.

When Bonsucro partnered with the SIPA Business and Human Rights Clinic, it asked us to conduct an impact evaluation of Bonsucro certification and implementation of the Bonsucro Production Standard in accordance with the ISEAL Impacts Code. Without the time and resources to develop an RCT, we sought to identify a non-member Bonsucro mill and farms that could serve as a counterfactual. This, too, proved difficult, as we were not able to identify a non-member Bonsucro mill that was willing to participate in the research.⁸⁰ We decided, instead, to seek to understand the *plausible contribution* of Bonsucro’s Production Standard to particular outcomes.

However, we established that this type of impact evaluation would not be possible. Although Bonsucro has been active in India since 2008, as noted above, its founding Indian member, EID Parry, declined to participate in our research. The Indian sugar mills of other companies that subsequently achieved certification did so only starting in 2018. While they became Bonsucro members and participated in technical training dating back to 2013 and 2014, they were not pursuing certification at that time. Moreover, we were informed that there was little enthusiasm for the early training, and that the companies would attend only if — and largely because — a sugar buyer sponsored them. Even then, absenteeism was often high, and since mill managers tend to change their place of work, sometimes after attending the training sessions, the manager would leave the mill, which would further weaken Bonsucro influence.⁸¹ Therefore, we determined that this earlier training could not be directly related to the certification process. The same mills attended training again in 2016, 2017, and 2018,

participated in a gap analysis against the Production Standard, and subsequently got certified. This short time span is a limitation that prevents us from assessing the impact of Bonsucro in line with the ISEAL Code of Practice, which requires that an activity be in place for at least five years. Furthermore, because Bonsucro’s program in India is new — despite its more than 10 years in that country — plausible contribution is also difficult to assess.

Its interventions also cannot be completely isolated from the interventions of civil society organizations and governmental assistance programs. Bonsucro’s Production Standard was developed in partnership with EID Parry and Indian stakeholders. The mechanism for introduction of the standard and improvement of the member’s performance, particularly for farmers, was largely developed and conducted by development organizations such as Solidaridad, International Finance Corporation (IFC), and Landesa, as well as governmental assistance programs such as Vasantdada Sugar Institute (VSI) and the Krishi Vigyan Kendra (KVK).⁸² The mills cited the trainings provided by these programs as their first introduction to the Production Standard. Additionally, we discovered that individual mills have taken initiative and introduced the Production Standard to its partner farmers without any action by Bonsucro. In these instances, we might say that the Production Standard itself may have had impact, and Bonsucro may have contributed to that impact through its partnerships with these organizations.

2.6.1 Working with Bonsucro’s Theory of Change (ToC)

In 2017, Bonsucro debuted a revised theory of change (ToC) to inform its strategy to “become the global sugarcane platform, creating value and positive change in the sugarcane sector.”⁸³ See **Figure A3.1** in Appendix 3.

Following a review of Bonsucro’s interventions in India, we saw a need to adapt the ToC for an evaluation of its impacts in India specifically. Whereas Bonsucro’s ToC is forward-looking and references programs that have not yet been instituted in India or have only been in place for a short time (6–12 months), our evaluation is an assessment of past interventions. Therefore, we saw the need to adapt the ToC was needed to reflect specific Bonsucro interventions in India.

To adapt the ToC to the study of impacts in India, Bonsucro’s specific interventions needed to be identified, with outputs linked to these interventions. We define outputs as the tangible direct effects derived from the interventions. Since some outputs resulting from Bonsucro intervention take longer to realize, we distinguished outputs realizable in the short-term from those realizable in the medium-term. Outcomes, on the other hand, are the results flow from the outputs that are achievable in the short- and medium- term, whereas impacts are the long-term effects (positive and negative) representing systematic changes in the environment, economy, society, and supply chain that flow from the outcomes.

At our request, Bonsucro produced a timeline of its activities in India, which we verified through our interviews (see Appendix 1). We then looked to Bonsucro’s 2017 ToC (see **Figure A3.1** in Appendix 3) to isolate the direct outputs that could result from the limited

interventions that took place in India and revised them accordingly. We also theorized outputs that did not appear in the Bonsucro ToC but that logically flow from the interventions not previously included. For example, our desk research revealed that the Bonsucro Production Standard was more often disseminated through programs developed by civil society organizations such as Solidaridad and Vasantdada Sugar Institute, as well as governmental assistance programs, which were prompted to use the standard because of buyer influence rather than direct outreach from Bonsucro. Consequently, we added a specific output to reflect this practice: “Provide Bonsucro Production Standard for NGO use in their service delivery to mills and farmers and for broad dissemination to farmers.” Subsequently, we considered potential outcomes that follow from these outputs that could be realized in the future. Because Bonsucro’s ToC aims to contribute to the Sustainable Development Goals (SDGs) we isolated the SDGs identified within Bonsucro’s 2017 Outcome report⁸⁴ to define their impacts. **Figure A3.2** (in Appendix 3) represents the revised theory of change that we developed from this process. A more detailed explanation of these revisions can be found in Appendix 3.

3. Geographic Context

India is the second largest producer of sugar in the world after Brazil.⁸⁵ With an annual turnover of US\$7.24 billion,⁸⁶ the Indian sugar industry employs over 100 million people.⁸⁷ Sugarcane cultivation is the main source of livelihood for 67% of smallholders and 95% of marginal farmers.⁸⁸ **Figure 3.1** highlights the major sugar producing states in India. Two of the largest are Maharashtra and Karnataka, the states in which this study was carried out.

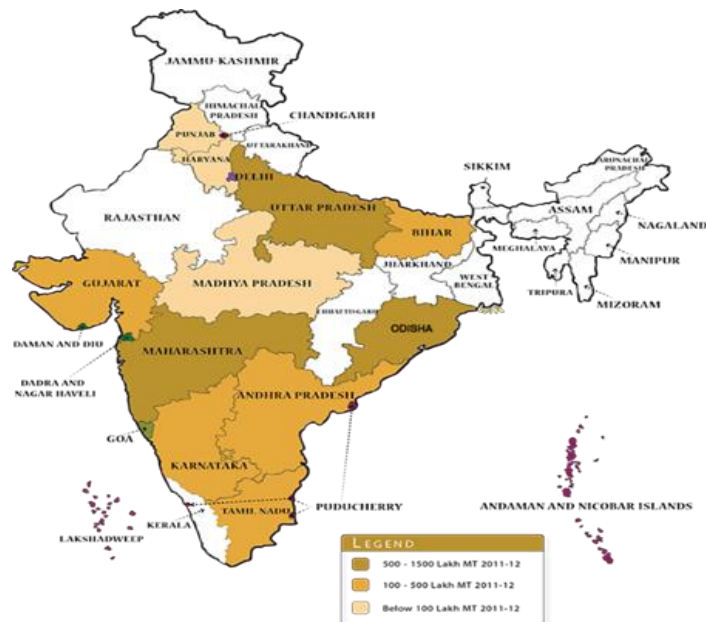


Figure 3.1. Major sugar producing states in India: Uttar Pradesh, Maharashtra, and Karnataka.

Source: *Farmer's Portal, Ministry of Agriculture and Farmers Welfare, Government of India*
<https://farmer.gov.in/cropstaticssugarcane.aspx#>

With sugarcane being one of the most profitable cash crops in the country, sugarcane farmers constitute a powerful vote bank comprising 50 million farmers and their families. As such, patronage impacts the prices farmers receive, the power dynamic between mills and farmers, and the viability of sugar as an export commodity (see Appendix 2 for further discussion about the politics of sugar in India).

In this section, we first describe the history of Bonsucro's engagement in India and its current strategy for realizing Bonsucro's mission as a platform for sector change in the country. Next, we discuss the human rights risks in India's sugarcane sector, related to land, labor, and the rights of women, migrants, and children as documented in the literature. As Principle 1 of the Production Standard, "Obey the Law" emphasizes national law, we conclude this section with a brief review of Indian land and labor laws, as the context for analyzing our research findings.

3.1 Bonsucro in India

Bonsucro's relationship with India began in 2008 when it was still the Better Sugarcane Initiative (BSI).⁸⁹ Indian sugar mill EID Parry, a founding member of BSI, helped to develop Bonsucro's initial standards system. In 2009, EID Parry hosted BSI's second Annual General Meeting in Chennai, India. The BSI board and its members spend two days visiting EID Parry mills and farms. The first Production Standard is also approved for public release the same year.

In 2011, BSI formally became Bonsucro and launched its certification system. Bonsucro sought feedback on its Production Standard from Indian sugar producers and held a public consultation in June 2011. In December 2011, Bonsucro held its first technical training in India and invited potential members to learn about the Production Standard. When Bonsucro entered India, the introduction of the Production Standard for certification was the primary form of intervention and, as a result, became the only channel through which Indian mills interacted with Bonsucro. Bonsucro's focus shifted in the period since entering India, as reflected in its revised 2017 Theory of Change.

In 2012, the Farmer Support Programme (FSP) was established jointly by the non-profit Solidaridad and the International Finance Corporation (IFC) in Tamil Nadu to increase the capacity of sugar companies to attain sustainable sugarcane production.⁹⁰ The program used the Bonsucro Production Standard as a benchmark for improvement, and Bonsucro provided a component of the program on training for the standard. In 2014, when Bonsucro revised its global Production Standard, it chose EID Parry Pugalur, based in Tamil Nadu, as one of the pilot sites. In February and December, it held public consultations on the new Production Standard in India. The consultations surfaced contextual concerns that would prevent Indian mills and farms from meeting the Standard, namely labor, discrimination, and water-use efficiency.

In May 2015, EID Parry Pugalur became the first certified sugar mill in India. That same year, Bonsucro began enhancing its engagement with Indian stakeholders in Chennai, Bangalore, and Delhi in order to build a stronger network, and another stakeholder consultation of the Production Standard was held in India. Recognizing that EID Parry sources all its sugarcane from smallholder farms — approximately 100,000 smallholder farmers in Tamil Nadu alone⁹¹ — exposed farm-level difficulties in applying the standard in countries reliant on smallholders. Citing discrepancies in record keeping and a “lack of clarity around land titles,” recommendations were made to adapt the Production Standard for smallholders.⁹² Bonsucro created the Production Standard for Smallholder Farmers following an internal strategy review and held member consultations globally, including those held in India.

In 2016, Solidaridad began a development program for smallholder farmers in India. This program used the Smallholder Production Standard as a benchmark for farmer improvement. Later that year EID Parry certified its Haliyal mill in Karnataka and its Nellikuppam mill in Tamil Nadu. In 2016, Bonsucro made the strategic decision to become a

global sugarcane platform, and, throughout 2017, worked to foster greater engagement in India with more frequent stakeholder visits. In September, Bonsucro hired its first program manager for India, Ritu Baruah, and launched the Indian Accelerator Program.

In November 2017, the Production Standard for Smallholder Farmers was pre-piloted at five mills in Indian mills (Ajinkyatara, Baramati Agro, Dalmia Sugar, NSL Sugars Mandya, and Sri Chamundeswari Sugars). In April 2018, an official pilot was launched at Baramati Agro using the final draft of the Production Standard for Smallholder Farmers. In December 2018, shortly after we had selected India as our research focus, Olam Chandgad was certified, and in April 2019, after we had completed our fieldwork, Baramati Agro was certified. Both mills were certified under the Production Standard for Smallholder Farmers.

3.2 Multinational Buyers

Like other certification standards, Bonsucro focuses on the segment of the market in each country of producers (mills) that directly supply multinational food and beverage brands. Multinational brand purchases represent roughly 20% of the sugar market. Globally, roughly 70% of the sugar produced is purchased for domestic consumption, and 30% is for export.⁹³ According to Nicholas Viart, Bonsucro Director of Standards and Innovation, Bonsucro has deliberated on how to reach the 80% of the market supplied by local sugar buyers, in India and globally. Viart sees two ways: 1) engage with local brands; 2) engage the mills to contact their domestic clients and “push knowledge about sustainability sugar and see if they can get them interested.” India poses a significant challenge for the first strategy. According to Viart, “The market is extremely fragmented, India is a huge country; there are a lot of players.” Viart predicts that at some point Bonsucro will try to interest more local brands in India — as it has in Argentina and South Africa. However, given that Bonsucro certified sugar currently accounts for just 4% of global sugar production, Bonsucro still sees plenty of work to be done with the major global brands.

Bonsucro’s current strategy in India towards achieving a “platform for change,” is described by Nahuel Tunon, Bonsucro Standards Manager:

Almost everything we work on now is the platform [for change]. We gather the various stakeholders around the notion of Bonsucro and sustainability, and we support them either directly or indirectly through partnering with other organization in implementing the objective, which is delivering the content of the standards. Achieving certification is still one of the goals. It’s like having the carrot of certification to reward mills, to recognize change and improvements. But our journey with them starts much before [certification] and we are here to support them to achieve that. Then once certification is achieved, we work on the much more complex issue of how to develop the market for certification, which is still slow to take up, and brings some challenges.

Therefore, our strategy for India is threefold. First, on a global level, we’re trying to get alignment and commitments for Bonsucro in terms of international

*brands purchasing. On the ground level in India, we are trying to do two things. One is to provide technical trainings and support to the mills. One way of doing this is through the technical weeks. The other is by demonstrating the impacts of certification in terms of return and sustainability outcomes.*⁹⁴

Nicolas Viart, Director of Standards and Innovation, adds this:

One of the very practical changes that came through the creation of the platform is that we also changed our internal team structure. That's when we started bringing the regional directors in... The concept of a "platform" is quite high level, but on the ground, what it really means is having a local dedicated team there who can...connect the different players working in sustainability inside the region and bring much more of a local focus to it. And I think that's the main change.

Through the programs and partners, our goal is to bring the knowledge directly to the mill level on the ground. So, we designed programs that encourage gap analyzes and training of the trainers at the mill level and at the farm level. As we have limited time with each member, we generally carry out one gap analysis on a limited number of farms together with the mill extension team. The mills will then replicate and extend the number of gap analyses at farms. So, we go one step further now: we pushed to enter and to bring the knowledge directly to the mill, so they have access to that first-hand knowledge... We are working to make that journey a bit easier than it was six years ago when they were alone in front of the standards.

3.3 Human Rights Issues in India's Sugarcane Sector

The sugarcane sector in India, as in other countries, has long been in the spotlight for human rights abuses. Sugarcane farm laborer's often work in hazardous conditions without adequate protective equipment. They are not granted sufficient breaks, shade, or access to clean drinking water and sanitation facilities. Delays in paying migrant workers (by middlemen or harvesting gang leaders) force migrants to take high-interest loans that they are often unable to repay.⁹⁵ Other than a few private mills, most are found to have poor working conditions and rarely provide safety equipment to their workers or water, shelter, or sanitation facilities for farmers waiting to sell cane. According to a 2012 study of labor risks in the Indian sugarcane sector:

There is hardly any documentation at the farm level. Workers do not have contracts; wages are often below minimum wages and are paid to workers at the end of the harvest. There are many health and safety concerns with regards to sugarcane production, including the use of machetes to cut sugarcane for preparation of seedlings and for harvesting. Chemical are often applied on the farms without proper protective equipment for workers. Workers and their families reside in temporary shelters made out of bamboo and tarpaulin, sometimes without access to water and sanitation facilities. Some factories in the South provide schools for the children of migrant workers, but this is not a

*statutory requirement. The monitoring and enforcement of local labor laws is generally weak in the sugarcane farms.*⁹⁶

A 2018 Oxfam India study on the human rights and sustainability practices in the Indian sugarcane sector in the state of Uttar Pradesh found children between the ages of 12 and 16 hired to work through contractors.⁹⁷ The report found this practice prevalent in the states of Bihar, Madhya Pradesh, Chhattisgarh, Odisha, and West Bengal, and merits further investigation in other major sugar producing states like Karnataka and Maharashtra.⁹⁸ These children hail from poor families of migrant workers or smallholders and often drop out of school to support their families. They are often subjected to verbal and physical abuse, hired based on false information, lack bargaining power, and paid little to nothing.

A 2017 ILO study on child labor in India also found evidence that children continue to be engaged in hazardous sugarcane farming activities, such as applying agro-processing chemicals, cane-cutting, and other aspects of manual harvesting. The study recognizes the challenges of reforming the Indian sugar industry are compounded, given the lack of precise data on working children, by a lack of traceability in the sugar supply chain.⁹⁹

Female farmers are also highly disadvantaged and have very little bargaining power in the agricultural sector as is evident in a sizeable gender-based wage gap, with men making as much as five times what women make.¹⁰⁰ Female workers are also disadvantaged by customary practices and often subjected to sexual abuse.¹⁰¹

Despite minimum wage laws across all Indian states, farm workers are often paid far lower rates. Because of smallholder sugarcane farmers' reliance on manual labor, they are willing to pay higher wages only when there is a shortage of workers during harvesting season. Migrant farm workers, unlike farmers and local labor, are not a part of the local vote-bank¹⁰² and are particularly vulnerable to exploitation. They are often made to work in poor conditions with no breaks or holidays and are not paid the minimum wage. Poor living conditions, lack of access to sanitation, and lack of health facilities also worsen their plight. Cases of debt bondage, where workers receiving advance payments are obligated to harvest large volumes of sugarcane, have been documented.¹⁰³ In such cases, the entire household has to migrate and supply labor during harvesting season, which leads to children missing classes, facing adjustment issues, and eventually dropping out of school.¹⁰⁴

To raise their grievances, farmers have the option to join trade unions or directly approach mill management.¹⁰⁵ Yet, Oxfam reports that in the state of Uttar Pradesh these channels are mostly used by powerful landowning farmers. Smallholders and particularly female farmers are disadvantaged, as they are unaware of the existence of these platforms or do not have the necessary land title to qualify for membership.¹⁰⁶ While some national labor organizations, such as Ajeevika Bureau¹⁰⁷ and the South Asia Migration Resource Network (SAMReN), as well as grassroots organizations support migrant workers, Oxfam reports that they are few in number and oftentimes migrants are not aware of their existence. Since having

access to remedy is a key human rights concern, we sought to find out whether these same dynamics exist in Maharashtra and Karnataka, where the Bonsucro member mills we visited were located, and whether the implementation of the Production Standard is improving access.

Along with labor rights, as noted above, we decided to include in the evaluation the situation of land rights and security of land tenure in the areas where Bonsucro mills operate, and whether this might be an area of impact. This is an important area of study for any human rights impact evaluation of an agricultural initiative, particularly given its critical role in the lives of smallholder farmers.¹⁰⁸ Our early interviews with NGOs knowledgeable about the sugarcane sector in India highlighted a general lack of awareness of land rights at the grassroots level.

3.4 Land Reform and Labor Laws in India

3.4.1. Land Reform

Despite national laws designed to promote land titling and secure tenure, overall, small and marginal farmers in India are vulnerable in the face of powerful landowners due to lack of land ownership and tenancy protections.¹⁰⁹ As part of this human rights evaluation, we made the Production Standard's impact on land rights one of our dependent variables. This study pays attention to land access constraints, with which smallholders, particularly women farmers, must contend. Since the Production Standard's land rights criteria are based on national law,¹¹⁰ we first review Indian land reforms regarding land titling and tenure.

Since its independence in 1947, India has instituted a multitude of reforms relating to land acquisition and tenancy, including the abolishment of large aristocratic landholders known as *zamindaris* and intermediaries, and “the digitization of land records aim[ed] at conclusive titling.”¹¹¹ Paradoxically, studies have shown that India's reforms have primarily benefited large landowners, not disadvantaged and vulnerable populations they were purportedly designed to help.¹¹² The limits of the Indian government's efforts are reflected in its failure to ratify ILO Conventions No. 169 on the rights of consent of Indigenous and Tribal Peoples and No. 117 on Social Policy (Basic Aims and Standards).¹¹³ Part of the problem is that despite the heavy influence of the central and regional governments, land is regulated at the state level in India, and land laws vary significantly. Only a small proportion of tenant farmers have been able to secure land rights,¹¹⁴ while both large and small landowners with weaker land claims continue to be exploited and are subject to eviction.

To address insecure land tenure issues across India, in 2015 the federal government passed the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Act. The legislation required that a social impact assessment be conducted prior to acquiring land and laid down mechanisms for fair compensation to farmers and other rehabilitated persons. However, the Act attracted significant criticism and was labelled “anti-farmer” by activists and opposition parties because it removed the requirement to seek farmers' consent for claiming land under the notion of “eminent domain”¹¹⁵

for a number of “growth” sectors: namely, industrial corridors, infrastructure including public-private partnerships, affordable housing, national security, rural infrastructure, and electrification.¹¹⁶ The central government recognized that tenancy was often the only alternative for millions of smallholders. In 2016, the government’s think-tank, NITI Aayog,¹¹⁷ introduced a new piece of legislation, the Model Agricultural Land Leasing Act. This law permits voluntary and mutual rental agreements, which are legally recognized, while assuring landowners that they will continue to hold ownership over their lands.

Despite these critical reforms, weak succession laws have inhibited women’s control over land titles. In some states, farmers without land titles are unable to join cane societies or other state-sponsored vehicles to promote access to farming resources or sell produce to the cane growers’ program. Farmers lacking credit history and collateral (land) often end up over-leveraged as they pledge jewelry to borrow small amounts from informal lenders at usurious rates of interest.¹¹⁸

On the negative side, landowners’ immediate and understandable (in hindsight) reaction to most of the reforms was to eject tenants on a massive scale. After a thorough study, Indian civil servant and scholar P. S. Appu estimated that tenant families were evicted from 33 % of India’s agricultural land as a result of the post-Independence tenancy reform legislation.¹¹⁹ On the positive side, according to government data, about 10% of those who had been tenant farmers at the time the reforms passed have received owner-like rights to the land they had been leasing. Most of those beneficiaries were concentrated in just a few Indian states. In recent years, the number of new tenant farmers gaining owner-like rights to land through this route has been nominal. Exacerbating the active dispossession caused decades ago, tenancy reform laws continue to result in decreased land access for landless and marginal farmers. Landowners are reluctant to rent out their land because they fear losing rights and control over it. A study of 5,000 rural households found that tenancy restrictions limit the supply of agricultural land available to renters and thus prevents access by land-poor households. In essence, there are too many land laws for Indian farmers to understand¹²⁰ and there is a pressing need to implement new laws at the state level.¹²¹

3.4.2. Labor Laws

Enforcement of Indian federal and state labor laws varies considerably and is particularly problematic in the agricultural sector. Laws to protect children and migrant workers are in place, various remuneration and minimum wage laws have been passed, and India has ratified many ILO conventions applicable to agriculture. Early reforms also addressed the complex and often-invisible problem of bonded labor.¹²² But as the Fair Labor Association asserts in a 2012 “risk mapping” report of the Indian sugarcane sector, enforcement of labor laws remains weak:

Although Indian labor laws are comprehensive, there is general lack of implementation and proper labor inspection across unorganized sectors, especially in the agricultural farms. The majority of the farmers are small landowners with a very small hired workforce; therefore, in many cases local

labor laws do not apply. In recent years, the government has made some efforts to develop specific legislation for the agriculture sector, e.g., prescribing minimum wages and minimum age of work. Overall, implementation of labor laws and monitoring by the government or by the private sector is weak.¹²³

4. Human Rights Provisions in the Standard

The human rights requirements of the Bonsucro Production Standard and the Production Standard for Smallholder Farmers related to labor rights, secured land rights, and the right to remedy are found in Principles 1, 2, and 5. As already noted, there are other requirements in the Production Standard that are related to other human rights, such as the right to water (that is mentioned in Criterion 1.2, for example); however, to make the project manageable, we decided to limit the scope to certain human rights. This study considers the Smallholder Production Standard, and its application at the farm level, since all Indian mills that either achieved or are pursuing certification employ that Production Standard. As noted above, Bonsucro reviewed and adapted the Production Standard in 2017 to make it better suited to the practices of smallholder farmers, and, consequently, it has determined different requirements for certification of smallholders.

Bonsucro notes in the introduction to the Smallholder Standard that “there are non-core indicators that have been removed, but the scope of the core indicators has remained the same” and specifically notes that the Smallholder Standard ensures compliance with ILO Conventions.¹²⁴ Accordingly, the rights holders of concern in this labor rights analysis are individuals working on smallholder farms. Farm workers, in general, comprise most workers that fall under the umbrella of Bonsucro certified mills and farms: of the over 160,000 direct and subcontracted workers employed, 66% work in farm operations.¹²⁵

Labor standards are included under Principle 2 of the Smallholder Production Standard, “Respect Human Rights and Labor Standards.” Of the 13 indicators contained within Principle 2, nine are core requirements, and six specifically reference or employ standards present within ILO Conventions.

Core indicators include the entirety of Criterion 2.1, “To comply with ILO labor conventions governing child labor, forced labor, discrimination and freedom of association and the right to collective bargaining.” Its four indicators align with the four fundamental principles of the ILO:

Respect minimum age of workers and of children on smallholder farms (Indicator 2.1.1; ILO Conventions 138 & 182)

The absence of forced or compulsory labor (Indicator 2.1.2; ILO Convention 28 & 105)

The absence of discrimination (Indicator 2.1.3; ILO Convention 111)¹²⁶

Respect the right of workers to form and join trade unions and/or to bargain collectively (Indicator 2.1.4; ILO Conventions 98 & 87)

Core indicators also cover occupational health and safety requirements. This includes Indicator 2.2.2, which requires that “main health and safety risks are assessed and measures for mitigation of risk are implemented.” It should be noted that in the absence of national laws, ILO

Convention 184 could provide guidance for key potential areas of risks to address. The Standard also requires that all workers present on farms “have access to drinking water in sufficient quantity” (Indicator 2.2.5), and “have access to first aid and provision for emergency response” (Indicator 2.2.6).

Further, the Standard requires, as core, that the lowest entry-level wage, including benefits, provided by workers meets or exceeds the minimum wage and benefits required by national law, and, in the absence of national law, ILO C131 can serve as a basis for its definition (Indicator 2.3.1). This requirement also references ILO C95 and C110 in stipulating that payment of wages shall be in line with those Conventions. The final core indicator within Criterion 2.2 requires farmers to provide clear, equitable, and comprehensive contracts (or equivalent documents).¹²⁷ It stipulates that the contract shall include at least the following elements, whether or not specified by the law: hours of work, overtime payment, notice, rest periods, holidays, wages, mode of payment, and if legal, any deductions that will be made. If written contracts are not required by national law, the use of verbal contracts is permitted.

There are four non-core labor standard indicators, covering health and safety provisions and maximum number of hours worked. Non-core health and safety indicators seek to ensure that work-related injuries are recorded (2.2.1), appropriate personal protective equipment (PPE) is used during high-risk activities, and provided free of charge (2.2.3), and that workers have basic instruction on health and safety, annually, before commencing their tasks (2.2.4). Finally, non-core Indicator 2.3.2 notes that workers must not work more hours than the level required by legislation (including overtime), and in the absence of a legal requirement the maximum hours worked shall not exceed 60 hours per week.

Secured land rights are a core indicator as well. They are regulated in Criterion 1.2, which requires landowners to demonstrate “clear title to land and water in accordance with national practice and law.”¹²⁸ That land title can be related to either documented legal ownership, lease of the land, or through customary rights.¹²⁹ The Standard also requires that if the operator has relinquished the rights to his or her benefit, the operator shall demonstrate that this decision was negotiated and that it respected the Free, Prior, and Informed Consent (FPIC) principle. Finally, the Standard refers to ILO Conventions 169 on Indigenous and Tribal Peoples, and 117 on Social Policy in relation to how to treat customary land rights.¹³⁰

In relation to the right to remedy, the Standard does not refer to any international human rights framework. However, non-core Criterion 5.8 requires that there shall be an “existence of a usage of a recognized and accessible grievance and dispute resolution mechanism for all stakeholders.” This includes, but is not limited to, farmers, workers, contracted workers, the mill, local communities, indigenous, and tribal people.¹³¹ If any dispute, grievances, or conflicts arise, “the farmer or group manager [should act] appropriately to resolve them through negotiated agreement between [the] parties based on Free, Prior and Informed Consent.”¹³² Furthermore, Bonsucro’s guidance refers to the AA 1000 Stakeholder Engagement Standard

“as [a] useful source of information” to help achieve stakeholder consensus in evaluating and addressing social impacts, and thus help prevent conflict.¹³³

Below we analyze if the cited indicators on labor, land, and remedy rights in the Production Standard for Smallholder Farmers and the Production Standard could have an impact, considering the current structure on how the mills are implementing these Standards. As explained in Section 2.4, we were unable to establish impact and, instead, we conducted a formative evaluation to assess whether there could be potential for future impact based on current interventions.

Bonsucro bases the Production Standard on the ILO Core Conventions. Accordingly, we base our analysis on the international human rights frameworks that the Production Standard is based upon: ILO Conventions No. 87 and 98 on freedom of association and the effective recognition of the right to collective bargaining; Conventions No. 29 & No. 105 on the elimination of all forms of forced or compulsory labor; Conventions No. 138 & No. 182 on the effective abolition of child labor; Conventions No. 100 & No. 111 on the elimination of discrimination in respect of employment and occupation. In addition, we included other authoritative standards that are applicable to the human rights issues in the Indian sugar sector and to which Bonsucro sugar buyers have publicly committed:

United Nations Guiding Principles on Business and Human Rights (UNGPs) (2011)¹³⁴

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979)¹³⁵

Gender at Work Analytical Framework¹³⁶

Women’s Empowerment Principles (2010)¹³⁷

Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965)¹³⁸

Convention on the Rights of the Child (CRC) (1989)¹³⁹

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)¹⁴⁰

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012)¹⁴¹

While there is overlap across these standards — for example, the UNGPs are based on the ILO Core Conventions as well as the International Bill of Human Rights — each elaborates on specific subjects relevant to responsible sugarcane production and processing. Ensuring that the Production Standard is compliant with these norms is important for Bonsucro to achieve greater positive human rights impact. As we were nearing the end of the research, Bonsucro had begun a process of revising the Production Standard; using these human rights standards as its benchmark can add value to the human rights impact it seeks. If Bonsucro’s Production Standard is aligned with only some international human rights standards, this may limit Bonsucro’s positive impact.¹⁴²

5. Fieldwork Findings

This discussion of findings is informed by 56 interviews with mill management, workers, and farmers across two research trips, and the four Bonsucro member mills visited, carried out both individually and in focus groups. It identifies outputs as well as potential outcomes and signs of potential impact of Bonsucro's interventions, and areas targeted by Bonsucro where such signs were not evident. We also consider aspects of sugar production and processing that are currently not a focus of Bonsucro activities, but could benefit from them. As previously noted, the four mills that participated in this research engaged with Bonsucro through the certification process, working to understand and comply with the Bonsucro Production Standard.¹⁴³

This section considers the certification process at two levels. First, it describes the experiences of mill management with the Production Standard, in particular their experience in following the standard at both the mill and farm levels. Second, it communicates findings on the implementation of the Production Standard in relation to the select human rights criteria, as outlined above in section 2.1, at both mills and farms, with a particular focus on the farm level.¹⁴⁴ As noted above, this is a preliminary assessment of potential impacts of Bonsucro's activities in India vis-a-vis the select human rights criteria, and of areas where this research found little or no evidence of the outcomes predicted in the Theory of Change. The analysis is drawn mainly from the March fieldwork during which we visited with managers of three mills and their supplying farmers.¹⁴⁵

The three mills included the mill that had just been certified, Olam Agro India Pvt. Ltd. a mill that was about to be certified, Baramati Agro Ltd,¹⁴⁶ and a mill that was working towards certification, Dalmia Bharat Sugar and Industries Limited, under the Bonsucro Standard and the Production Standard for Smallholder Farmers. The non-certified mills were among the preferred mills of a major international sugar buyer, PepsiCo, which in 2017 commissioned Bonsucro together with the consulting firm One Peterson, to conduct a gap analysis of these mills against the Smallholder Standard. We aggregate our findings across the mills for two reasons. First, since the sample of mills is small, aggregating the data ensures anonymity of the participating mills. Second, because all mills had been seeking certification for at least two years — which included participation in multiple training sessions on the standard and undergoing a gap analysis as well as a pre-audit¹⁴⁷ — we considered all far enough along in the process that the non-certified mills did not provide a sufficiently strong counterfactual against which to demonstrate impact.¹⁴⁸ Moreover, because all mills had previously participated in sustainability initiatives, including certifications that overlap with Bonsucro's Production Standard, and several institutions and NGOs were already working with mills on sustainable sugar, it is challenging to attribute improvements to Bonsucro interventions. Therefore, we mainly focused on improvements observed across several mills, rather than isolating each mill's experience, although where we observed potential differences between the two certified mills and the two that were not yet certified, we point them out.

Mill management at all four mills we studied noted that while pursuing a certification for their operations at the mill level was not a new exercise for them, they singled out Bonsucro’s extension to the farm level as a differentiator between itself and other certifications. In a 2018 report about the piloting of the Smallholder Standard, Bonsucro cited Nitin Kayande, manager of Baramati Agro:

From a milling perspective, we are used to audits, mainly for social requirements, so Bonsucro implementation at the mill is not a big challenge. The main challenge for us is at the farm level.¹⁴⁹

Accordingly, the process of implementing the Smallholder Production Standard was a new exercise for the mills and their field staff.

Based on the finding during the January site visit that Bonsucro impact would be more evident at the farm level, we chose to center the second site visit in March at the farm level. To the extent that the discussion below addresses changes at the mill level across all four farms, we include the data from the fourth farm in the analysis below. The chart below denotes the interview subjects:¹⁵⁰

Subject	January trip		March Trip		
	Certified Mill A	Mill in Process of Certification A	Certified Mill A	Mill in Process of Certification B	Mill in Process of Certification C
Mill Executives	5	9	3	2	4
Male Mill workers	5	10	0	6	0
Certified male farmers	5	0	13	0	0
Certified female farmers	1	0	0	0	0
Non-certified Bonsucro selected male farmers*	0	2	0	6	8
Non-certified Bonsucro selected female farmers*	0	0	0	0	0
Non-certified male farmers	1	1	0	1	3
Non-certified female farmers	0	0	0	0	0
Male Farm Workers	0	0	0	0	0

Female Farm Workers	0	4	0	0	0
Other Expert Stakeholders	3	0	0	0	0

* “Bonsucro selected farmers” refers to those farmers selected by Bonsucro member mills to be certified as part of their own process of certification.

5.1 Mill Level

5.1.1 Motivation for Pursuing the Standard

When asked what motivated their company to pursue Bonsucro certification, responses of the managers across the mills varied. The most common answers were:

- There is a significant push from buyers who want to procure sustainable raw materials. Some buyers require that their suppliers are Bonsucro members, whereas others suggest membership as best practice. All mills noted the potential of receiving a price premium from large international buyers for Bonsucro certified sugar as a significant motivator for achieving certification.
- Management has a stake in increasing the sugar yield of farmers to ensure that the plant is supplied with cane to sustain crushing operations; this in turn provides farmers with higher revenue at a lower cost, and ultimately allows the company to extend the growing and harvesting season.
- Mill management would like to help farmers inculcate sustainable business practices and ensure that the mill complies with relevant laws.

Each of the firms has made a public commitment to “ethical business practices,” which can be found on their websites. Olam Agro India, Pvt, which is part of large global firm, has the most developed statement, containing codes of conduct. The owners we spoke with were all aware of these commitments and cited them in our conversation with them. While corporate values were expressed in the form of helping farmers inculcate sustainability business practices, the rationale remained largely instrumental: to service the demand for certified sugar by international buyers.

5.1.2 Comparison of “Bonsucro Mills” with Other Private Mills and Co-operatives

Farmers selling to Bonsucro certified mills or mills working towards Bonsucro certification (“Bonsucro mills”) have the option to sell to other private mills or to public co-operatives. The proportion of farmers supplying Bonsucro member mills that also supply to non-Bonsucro mills and co-operatives varies across the four mills that participated in our study, though all farmers that we spoke with noted that they do not maintain contractual exclusivity with the Bonsucro mill and can supply elsewhere if they wish. Farmers supplying to one particular Bonsucro mill told us they supply to both the Bonsucro mill and public co-operatives.

Since the farmers have a choice of where to sell, we wanted to know if Bonsucro mills had a quality, in relation to other private mills or co-operatives, that would make them attractive to farmers. Two of the four Bonsucro mills we studied had higher numbers of farmers supplying to multiple mills. These farmers noted a clear preference for supplying to private mills generally (including Bonsucro mills) over co-operatives. Farmers supplying to the soon-to-be certified mill, Baramati Agro, noted that they preferred to supply first to a private mill because they believe the registration system of that mill to be professional and reliable, and enjoyed the training opportunities that mill provided. (All farmers noted that private mills offered relatively more training than co-operatives.) Furthermore, supplying farmers across the Bonsucro mills said they have more confidence in a private mill's ability to pay on time, and that their pricing was fairer relative to co-operatives. Some farmers expressed support for the practice of supplying to multiple mills, explaining that it generates competition among the mills and in doing so drives up sugarcane prices. In general, farmers preferred to supply to private mills, but still supplied to co-operatives as well.

5.1.3 Outcomes of Bonsucro Certification: Mill Level

When we asked managers¹⁵¹ of the mills we visited, “How would you rate Bonsucro’s impact on the sugar sector? Have you seen any tangible changes?” and “What do you think Bonsucro has done well? What of Bonsucro’s programs/interventions have been most effective?” the responses were consistent. Managers did not recognize much influence of Bonsucro on their practices at the mill level because they had previously made changes to achieve other certifications related to sugar processing. They told us that minimal effort was required to achieve mill level compliance with the Bonsucro standard and they were confident about the mill’s compliance with the Production Standard. The other certification schemes against which they had already been audited included ISO 9000 (quality management),¹⁵² ISO 14000 (environmental management),¹⁵³ OHSAS 18000 (occupational health and safety),¹⁵⁴ Integrated Management System (IMS),¹⁵⁵ Good Manufacturing Practices,¹⁵⁶ Social Accountability Certification (SA 8000),¹⁵⁷ Food Safety System Certification (FSSC),¹⁵⁸ and Supplier Guiding Principles (SGP),¹⁵⁹ as well as those mandated by sugar buyers. One mill Health and Safety officer interviewed told us that the Bonsucro requirements at the mill level are comparable to those for maintaining compliance with IMS and ISO 14001 certification.

Yet a buyer and a trader we spoke with both told us that Bonsucro’s social standards are weak, particularly compared to another standard not cited by the mills, Sedex’s (SMETA-audit).¹⁶⁰ They told us,

Some [of our clients] mention that Bonsucro is not so strong in the social standard. It is not that they do not care but they do not look deeply like Sedex. Bonsucro is also looking at different aspects like productivity and environment. There are questions that Bonsucro could add in their certification...that will not add to the complexity of the audit.¹⁶¹

The opinion that Bonsucro is stronger on environmental indicators is supported by Bonsucro's own statements about what it believes it offers in relation to these other standards:

The differentiators of the Bonsucro Production Standard versus the other standards is that we incorporate more environmental indicators and focus on performance improvement and data collection.¹⁶²

In one case, a manager at one of the mills visited cited two changes related to Health and Safety that his mill introduced because of pre-audit analysis:

- Improving training on first aid (for example, eye drops should be made available in case a particle becomes lodged in a worker's eye); and
- Improving environmental monitoring (achieved through implementation of a hygienic survey done once every six months to monitor heat, radiation, noise, ambient air and identify remedial actions).

On the topic of impact, mill managers commonly turned to the subject of auditing, and the fact that Bonsucro is the only certification that covers the farm level. Mill management criticism of the audits suggests that there is scope for improving trust in the process. Two criticisms were cited in relation to other certifications:

- Only one Bonsucro certified audit company in India, Control Union, has trained auditors to conduct audits for the Production Standard for Smallholder Farmers.¹⁶³ The dependency on Control Union and lack of competition creates little incentive for the auditor to improve, or for more competitive pricing.
- In the pre-audit process, areas of non-compliance are identified but no help is given in how to improve to prepare for the audit.¹⁶⁴

During our mill visits, we made two observations of areas in which practice did not meet the standard: At one of the mills, we observed that when we arrived some of the workers walked barefoot, without protective shoes. Some people had protective shoes and put them on when they saw us. If others had protective shoes, they did not put them on during our tour of the mill.¹⁶⁵ Another mill did have safety shoes, but not in women's sizes. We also saw no female workers there. Therefore, there may be scope for Bonsucro-member mills to improve upon the workplace climate for women — and relatedly, female representation among the mill workers and managers — as well as health and safety at the mill level.

5.1.4 Mill Strategy for Farm Level Implementation: Selecting Farmers for Certification

All three mills that we visited during the March field visit, when we focused on practices at the farm level, utilize the Smallholder Production Standard. One had achieved certification under that Standard in December 2018 — the first in India to do so — and two were in the latter stages

of achieving certification, with one of the two becoming certified the month after we visited. All mills described themselves as being in the “pilot phase” of implementing the Smallholder Production Standard amongst a selected group of farmers. The number of farmers included within the scope of certification is negligible compared to the total number of farmers. For example, one mill targeted 803 farmers from a total supplier pool of 25,000 farmers (3%), and another targeted 300 farmers from a total of 7,000 (4%). Notably, of the 803 farmers at the one mill only 14 women were chosen for certification; at the second mill with 300 farmers, 30 are women. As Bonsucro does not set a threshold for the percentage of farmers to be trained as part of mill certification nor a recommendation for gender equity, without a price premium, there appears to be little incentive for the mills to raise these percentages and train additional farmers.

While the number of farmers selected by each mill for the pilot phase differed, the strategy each mill employed in selecting those groups was similar, even though managers at all three mills responded that farmer selection is their decision and they had received no guidance from Bonsucro on farmer selection. Broadly, this strategy involved selecting farmers who were considered by management to be “progressive” or “modern,” had land documentation that complied with Bonsucro’s requirements, and already demonstrated compliance with most of the Bonsucro Standard.

COMMON CHARACTERISTICS OF FARMERS SELECTED FOR CERTIFICATION

“Progressive farmers” Unsurprisingly, mills seeking certification under the Smallholder Standard would start with the mills that are already far along in terms of compliance. Mills described these farmers as demonstrating a “progressive” approach, defined in terms of attending training provided by the mill, or implementing new, innovative technologies and systems, especially those recommended by the mill. The farmers the mills selected for certification were therefore more educated and wealthier farmers who had the financial resources to purchase new types of inputs and equipment, and the literacy and knowledge to execute new practices.

Land documentation: All mills identified land documentation requirements as a challenge to implementing the Standard since some smallholder farmers do not have the documentation the Smallholder Standard requires, or are in land disputes, often with family members.

Pre-existing compliance with the Smallholder Standard: Mill management and field officers prioritized selecting farmers that are already in compliance with most of the Standard. Specific examples cited in our interviews were farmers that did not burn trash, had irrigation systems that clearly met the requirements (e.g. drip), had soil testing already completed, and had a toilet and water source on site.

Because of a common “low hanging fruit” strategy among the mills, overall the farmers that we interviewed were educated (certainly literate), relatively comfortable financially, attended mill training, and/or had relationships with mill field staff, and demonstrated an interest in achieving best practices, in experimentation, and in farming in a more sustainable way. Although both mills in the process of certification took us to visit farms that they had not selected for certification, we sensed that we were seeing the best of the best of the farmers supplying to these mills — at least with respect to the certified farms and those selected for certification. One reason for this could be that the mills wanted to impress us, and that our farmer interviewees are not representative of sugarcane farmers in Maharashtra and Karnataka. While this may be the case, however, based on the common farmer selection strategy across the three mills, we recognize that it is likely that they are representative of the population of Bonsucro-certified farmers. At a minimum, it seems fair to conclude that the Bonsucro certification system is rewarding good behavior. What is less well-understood is how Bonsucro and its member mills can influence farmers that are not “progressive” — whose human rights practices fall too far outside of the Production Standard to be brought into Bonsucro’s platform for change.

To get a better understanding of why certain farms are rejected from certification, we asked the three mills about their selection process. Each mill conducts an initial scoping exercise across their supplying farmers to initiate the selection process and identify criteria for selecting farmers to participate in certification. This process ranges from informal information gathering from field officers at one mill, to a formal survey of 50 farmers at another. Mill managers gave various reasons for excluding farmers, including lack of compliant land documentation evidencing land title, and a farmer’s lack of time, interest in progressive farming, or resources to make necessary changes to achieve compliance. For many farmers in the area, farming is not their sole source of income, mill managers explained, and therefore the farmers may think they do not have the time for additional work on the farm or attending training.

ANALYSIS: THE EXCLUSION OF WOMEN FARMERS

It is difficult for women farmers to fulfill the land documentation criteria as they are less likely to possess land title and are often burdened with the responsibility of home production in addition to farm production. The husband–wife couples who farmed together told us that the wives had to care for their children and the household in addition to completing farm work. This double burden prevents women from taking a more active role in management of the farm or attending training. It is also likely to inhibit Bonsucro’s positive impact on gender inclusion, as most will be unable to access the benefits of Bonsucro’s intervention because of these cultural and structural.

1. Discrepancies in strategies across mills

Geographic scope:

Two of the mills that we visited in March adopted a strategy of certifying farmers across all the geographic divisions supplying to the mill, whereas the third mill prioritized certifying farmers near the mill. One of the certified mills selects farmers in roughly half of the 350 villages supplying to the mill, with the objective of certifying at least one farmer per village across a wide range of villages. The mill recognizes that the effect of this strategy is that the Production Standard will become more widely known, but it did not say that this was the *intention* of the strategy. This mill also sought to certify more farmers per village in villages close to the mill (10 farmers per village in the proximity of the mill, and 2 or 3 per village if the village is far away), due to the costs associated with monitoring certified farms and transporting sugarcane from villages located farther away.

Plans to expand the number of farmers selected for certification:

The greatest discrepancy among the three mills was their approach to expanding the certification to include more farmers. Only one mill, Olam Agro India Pvt. Ltd, which is part of a major global agribusiness firm, had existing plans to expand the number of its supplying farmers certified under the Smallholder Production Standard. It had set a goal of 500 additional farmers certified per year, which they felt they could accomplish with existing staff. The two remaining mills did not have any immediate plans for growing the pool of selected farmers. One noted that it would consider, and plan to do so, after achieving certification.

ANALYSIS: WHY IS IT SIGNIFICANT TO EVALUATE MILLS' FARM SELECTION STRATEGY?

Certified farmers receive greater access to training and resources, such as first aid and PPE equipment, than non-certified farmers. Nonetheless, non-certified farmers may be affected by activities related to the Bonsucro certification process. For example, mill management noted that most training is open to all farmers, regardless of selection; however, certified farmers received more training than non-certified farmers given that some mill training sessions are only open to the farmers selected for certification. Furthermore, mill management and field officers noted that the presence of a selected farmer in a village piqued other farmers' interest in the certification, given that they observed changes in practices introduced by certified farmers.

Mill management also noted a spill-over effect in which certified farmers could serve as a base of knowledge and evidence of good practice for other farmers in the village. Given that labor practices, workers themselves, the determination of wages, and payment are commonly determined at the village level, there is potential for Bonsucro certified farmers

to sway village practices overall, irrespective of how many certified farmers there are in that village.

This logic would suggest that best practice for breadth of impact of the Bonsucro certification standard would entail certifying farmers that cover the entire geographic area supplying to the mills. The challenge is that the geographic area supplying to these mills can be very large and certifying farms further away from the mill can be costly. In order to be certified, mill staff need to visit those farmers selected to be certified to gather all the data and check compliance with the standard. If farmers are geographically dispersed, then it takes more time and resources, beyond the mill responsibility to harvest and transport the cane.

5.1.5 Farm Level Challenges

I. Land documentation requirements

Management at all mills singled out Bonsucro's land documentation requirements as a barrier to certifying farmers. One mill began selecting farmers to participate in its smallholder certification prior to checking that the documentation of the farmers' land holding complied with Bonsucro requirements. Upon checking the documentation, they discovered that many farmers did not meet these requirements and therefore had to remove them from the certification pool.

Another mill manager reported that they rejected between 12% and 18% of farmers initially selected for inclusion in the certification for lack of compliant land documentation demonstrating land title and for non-compliance with aspects of the Standard. When asked what they might do to support land documentation, mill managers replied that they did not have the resources to address this question.

II. Scaling up

In contrast with Olam, management at the other two mills emphasized resource and work force constraints as the biggest challenge to substantially increasing the number of farmers certified. Management at one of the two mills explained that certifying *all* supplying farms is impossible given that certification requires the direct attention of field staff through field visits and checking the Farm Diary — the record kept by the certified farmers and farmers working towards certification. Additionally, they noted that the season is starting earlier every year, and therefore the amount of time prior to the season for field staff to coordinate these activities with farmers is diminishing. Accordingly, due to resource constraints, in order to increase the number of farmers certified substantially, they said they would have to consider removing currently certified farmers from the certification pool, and therefore not conduct a regular

compliance check. Similarly, management at another mill noted that having more than 20 farmers certified in each of their geographic divisions would be challenging.

On the other hand, the third mill reported that their existing staff, registration processes, and infrastructure (i.e., technological applications), could handle a significant scaling up of the number of farmers certified under the Production Standard. Two factors contributed to this: first, management believed that their supplying farmers are either already in compliance with the Standard, or close enough to compliance where the gap can be closed through training in the field or at a nearby farming extension facility; second, the mill had worked extensively on developing technological applications to aid both farmers and field officers. This mill did not attribute these advances to the Production Standard, but rather to other mill initiatives it had developed which pre-dated its involvement with Bonsucro. These include an app they for farmer management that was so advanced that one of the other mills under study was considering purchasing it from this mill. In addition, since 1992, this mill owned and operated an award-winning science center for promoting sustainable farming yields.

III. Incentivizing farmers

Challenges faced in certifying farmers are two-fold. First, management noted that their farmers are both progressive and financially relatively well off, and therefore generally the gaps between current practice and the Standard are not significant (some estimated as little as 10%). Further, farmers are motivated to invest and make changes where there is a demonstrated material benefit to them, such as increasing yield or improving soil quality and environmental conditions. In the absence of such material incentives, farmers are not individually motivated to make changes, such as providing workers with PPE training, which may be costly yet not materially beneficial.

Second, and following from the first challenge, for the mill to provide incentives for farmers to participate will require them to expend more resources or pass some sort of benefit directly from the buyer to the farmer. They claim they are unable to do so, however, in the absence of a price premium for Bonsucro-certified sugar, or more direct and material support from Bonsucro. Farmers that have already participated in certification have not yet received this and one member of management noted, “after a year, we need to show that (premium)” or some corresponding form of financial benefit. A price premium would offset some of the costs that mills are incurring from the certification process — for example, at one of the mills, all selected farmers received a first aid kit provided free of charge. Another mill provided all farmers going through the certification process PPE equipment. Management at all mills noted that to increase the number of farmers certified, a price premium from buyers of Bonsucro certified sugar that they could then pass along is needed. A member of management at one mill noted that “with a premier [*sic*] price [for Bonsucro certified sugar], we can certify 10,000 farmers” against the Smallholder Production Standard.

IV. Presence of children on the farm

The mills hire laborers (one mill estimated between 3,000 and 5,000 people) for the entire season, many of them migrants, to directly harvest and transport the sugarcane from its supplying farmers. Management at one mill noted that children travel with the parents for the season, and that in the absence of childcare, or available schooling, parents must bring their children to the field with them when they work. This presents a challenge for the mill at two levels. First, while mills are required by law to provide insurance for all harvesters, the mills cannot include children in the insurance application, since by listing the children and their ages on the insurance, the government will be notified of their presence on the farm. Second, it makes it difficult to meet the Production Standard, according to management at one of the mills. As noted above, the Standard prohibits child labor, with allowances for light family farm work, but the presence of children is not forbidden.

According to Ritu Baruah, Bonsucro's Regional Coordinator for India, awareness of the issue of child labor at the farm level has "risen dramatically" in recent years, and the visible evidence that change has happened is in the increasing number of children in the schools. She credits this to three factors: 1) Indian laws prohibiting child labor; 2) the awareness of child labor laws at the mill level and the constant communication of that to the farmers supplying the mill; and 3) the strong work of civil society and government to publicize prohibitions on child labor and provide lunch at school, books, and uniforms. "You talk to farmers at the field about this, and they say, 'We know'... So there is a very big change."¹⁶⁶

5.2 Farm Level

5.2.1 Certification Awareness

Farmer awareness of Bonsucro depends upon how the mill presented the certification process to farmers and the implementation of the process of certification, particularly the construction of the Farm Diary. The extent to which mills informed their selected farmers that they are participating in a certification process for an external and international standard varied across the three mills, and, accordingly, awareness of the organization differed substantially from one mill to the next.

Only one mill promoted the certification process to selected farmers as being for Bonsucro, and farmers at this mill had a strong awareness of the organization and were aware that they had achieved Bonsucro certification. This was also the only mill that explicitly mentioned Bonsucro in the Farm Diary given to and used by selected farmers, which farmers shared with us. Most of the farmers we spoke with that supplied to that mill were able to articulate elements of the Production Standard; few focused on social aspects of the Standard without prompting.

Alternatively, the remaining two mills did not explicitly “brand” or attribute the certification process to Bonsucro, and neither Farm Diary mentioned the organization specifically. Most of these farmers across the two mills that we spoke with reported not having heard of Bonsucro. Just one farmer that we spoke to, who also worked at the mill, was aware of Bonsucro and remembers the auditing process. Overall, these farmers believe that the certification process was an initiative developed by the mill, while some are not even aware that they were participating in a formal certification process. Among the selected farmers who were aware of Bonsucro, several viewed the organization as primarily promoting organic farming.

One mill purposefully chose not to inform the participating farmers that the certification was for an external body because the company did not want the farmers asking for a price premium for their sugarcane. As a result, most farmers interviewed thought they were just receiving general assistance and additional training from the mill in order to improve the production on their farms and implement organic farming techniques. The farmers did not consider these interventions to be unusual since the mill devotes a lot of time and effort to improving the performance of all their partner farms, particularly through a local dedicated training center.

Farmers supplying mills that marketed the process as Bonsucro certification more often attributed mill training as directly related to Bonsucro. Further, mill management and field officers distributed Bonsucro training material alongside resources from other organizations during training. While there is overlap between this material and the Bonsucro Production Standard, farmers often attributed practices to Bonsucro in areas in which it is less involved (e.g. organic farming).

ANALYSIS: IS FARMER AWARENESS OF BONSUCCRO NECESSARY FOR IMPACT?

Several farmers told us they are not aware of Bonsucro, even though they report that they have seen changes on the farm. Awareness matters because without transparency in communication with farms regarding the purpose of the certification process, farmers are vulnerable to exploitation. Both farmers and mills comprise the certification process for Bonsucro, and in the process, both incur costs in the course of achieving that certification. Lack of awareness among farmers about Bonsucro, its aims, and the potential benefits the mill could be receiving because of their certification, could create a situation in which farmers could be exploited should mills begin to receive price premiums or other benefits for certified sugar and not pass those benefits onto suppliers.

Furthermore, farmers that are aware that the certification process is for an external and international standard-setter, Bonsucro, viewed their inclusion in the certification as a source of pride and attributed that feeling to both Bonsucro and the mill. While farmers

supplying to mills that did not explicitly attribute the certification process to Bonsucro were proud of the changes they had implemented, they did not attribute that feeling of pride to the certification process, or the mill. Communicating transparently to farmers that the certification process they are undergoing is for Bonsucro can result in stronger and more positive relationships between the mills and their suppliers.

5.2.2 Farm Level Impact

We asked farmers about impact at two levels. At the start of our interviews with selected farmers, we asked generally about the most significant changes made in the operation and management of the farm in the previous two years, and then we asked what prompted these changes. If Bonsucro was not mentioned, we would then ask if they needed to make any changes to obtain Bonsucro certification.

Farmers noted that significant changes made in the operation and management of the farm in the last two years included the increased usage of safety equipment (PPE), ending the practice of trash burning, increase in row spacing, and introduction of environmentally friendly farming practices including drip-irrigation, better management of chemicals, and use of different pesticides and fertilizers. Many farmers attributed these changes to suggestions made by the mill, and farmers supplying to the mill that “branded” the certification process as being for Bonsucro, and were most aware of the organization, attributed changes to Bonsucro as well. However, some farmers mentioned their own interest in learning as the source of change.

The Bonsucro certification process is just one way in which farmers gained information on sustainable practices. In addition to training on the Production Standard held at the mill or in the village, farmers learned about sustainable practices through VSI training held locally and in Pune, where one mill sent a large group of farmers for training. When we asked what changes farmers had made in recent years, they all jumped to issues such as row-to-row distance, irrigation, and pesticides, which increase the quality of sugarcane. When we asked where they learned these practices, they mentioned different sources. Some mentioned farmers’ Facebook and WhatsApp groups, digital apps, information from the state agriculture department or universities, as well as agriculture events and exhibitions that they visited or saw online. Farmers supplying to the mill that owns the science center mentioned that center, which was already doing training before pursuing Bonsucro certification. Because of these multiple sources of training and information, it is difficult to attribute these improvements to Bonsucro.

CHALLENGES IN ATTRIBUTING IMPACT AT THE FARM LEVEL TO THE PRODUCTION STANDARD

Several aspects of our research, and of the country context, have clearly made it difficult to assess Bonsucro's impact for farmers participating in the smallholder certification process in India.

Farmers selected for certification were already "advanced" farmers. At one mill, prior to the implementation of the Smallholder Standard, some farmers had received awards or recognition from the mill and/or from local or regional government for progressive farming practices, or for having the highest annual yield in the area. Other farmers were well educated and took courses in universities (one of them mentioned six different universities). Consequently, as these farmers are actively seeking out education and training opportunities, it is difficult to attribute their high level of awareness to Bonsucro, and we cannot say that those impacts would not have occurred in the absence of Bonsucro.

There are some indications that at least one of the mills had prepared the farmers prior to our interviews with them. On the second day of interviews, all farmers came prepared to the interview with their Farm Diary and mentioned Bonsucro directly (at the outset) as the cause of the most significant changes made in their farms. This was not the case on the first day of interviewing farmers supplying to that mill. A consequence of certain answers be promoted by the mills could result in farmers emphasizing some impacts when they otherwise would not do so (unprompted). Therefore, in our analysis, this could result in undue weight farmers placed on certain topics, including social impacts.

1. The Farm Diary

The main challenge for auditing farms has been their record keeping. Consequently, an innovation of the Smallholder Standard is the requirement that farmers undergoing certification keep a Farm Diary. Farmers use the Farm Diary, a template of which is provided by the mills, to record information about their farm operations (e.g., labor utilized and payment, type of fertilizer used and doses) relevant to the Standard. The mills we visited created different "diaries" for collecting the necessary data from each farmer. The quality and content of the diaries that mills and farms showed us vary significantly in terms of detail. In some cases, the diaries are kept by the mills, in other cases by the farms

For the two mills that prior to starting the certification had not asked farmers to record such information in a centralized location, the Farm Diary presents a significant change of practice. Both mill management and farmers noted that the Farm Diary enables farmers to identify when their yields have increased, or when their costs have gone down. Most farmers noted that prior to receiving the Farm Diary they solely recorded their inflows and outflows of cash, and therefore are now maintaining a much more comprehensive record. All mills reported that they found the process of creating, distributing, and having their farmers use the Farm

Diary to be helpful as a primary means for assessing compliance, and for standardizing and centralizing the recording of relevant information (including human-rights related measures, such as ages of workers) for certification. While farmers did not note the use of the Farm Diary as a significant change they had recently made, it was evident that its implementation presents a change introduced because of Bonsucro.

The content, arrangement, and comprehensiveness of the Farm Diaries varied widely across them. Although Bonsucro provides a template for data collection necessary to comply with the Production Standard, it does not provide guidance to the mills on the Farm Diary. Instead, it instructs the mills to adapt the templates to the local condition. At one mill, the Farm Diary is simply a collection of various tables in which farmers record details, such as which pesticides/chemicals were used and in what dosages, details on the irrigation system, and on the amount of labor used (and expenditures in each of those categories). The Farm Diary for another mill is very similar, with the addition of some information about best practices regarding PPE and local laws, but not specifically about the Bonsucro Standard. These two mills noted that they were still in the process of developing their diaries and would be implementing changes over the next year. One mill manager told us that they needed to change the content of the diary due the questions that auditors asked. They currently include the Smallholder Standard, as well as the required records, in the local language but mentioned that auditors asked different questions; in order to help farmers, they were planning to modify the

content. The diary of one of the certified mills, which the mill titles “Bonsucro Farm Diary,” is the most comprehensive.



NSL Sugars materials for farmers: 1) Training event flyer; 2) Farm Diary, and 3) Crop Calendar. Photo credit: Sarah Johnson

According to mill managers, the process of assisting farmers with completing the Farm Diary, and then checking it, is resource intensive for the mill, as it requires field staff to visit the farms physically throughout the season. Illiterate, or less educated, farmers require more assistance to complete the diary. This creates an incentive for mills to continue prioritizing more educated farmers for certification. We also heard from Bonsucro that there are significant

challenges with record keeping at the farm level, particularly with respect to keeping records of the type and amount of chemicals used and the amount of water use. Sometimes the only way to determine it is if the farmer keeps receipts, in which case the mill can go back and calculate the probable chemical use.

5.2.3 Farm Operations

The findings in this section are from farmers supplying to the three mills visited during the March research trip where the focus of our research was the implementation of the Smallholder Production Standard at the farm level. Of the mills that participated, only one had achieved certification at the time of that trip, however all three mills had been engaging farmers in the certification process for at least two years at the point of our visit. Accordingly, all were considered far enough along in the certification process to evaluate the preliminary impact of Bonsucro.

CRITERION 2.1

To comply with ILO labor conventions governing child labor, forced labor, discrimination and freedom of association and the right to collective bargaining.

I. Farm Classification: Categories of Workers

Most of the farmers we spoke with relied upon family labor, in which most if not all members of the family help on the farm, supplemented by labor recruited within the immediate village.¹⁶⁷ For most farmers interviewed, farming was their only source of income. Just a few of the farmers were better off and have other sources of income. In those cases, for the most part the family did not work on the farm. A minority of respondents reported recruiting workers from nearby villages, and no farmer personally recruited the seasonal, migrant laborers that harvest and transport the sugarcane given that service is completely arranged for and executed by the mill. Some farmers told us they exchange labor with their neighbors. Debt bondage is a problem that often leads to human trafficking and child labor and is well documented in the agricultural sector in India.¹⁶⁸ Without being able to speak with farm workers or worker representatives, we were not able to explore the prevalence of debt bondage in the region satisfactorily.

ANALYSIS: FAMILY EXCHANGES

Several farmers that we interviewed noted that they utilize family exchanges as a supply of labor on the farm, whereby a family will work on another family's farm, often a neighbor, or member of their village, in exchange for that recipient family then working on their farm. The

practice of families “exchanging” labor presents a challenge in implementing the Production Standard in two ways: firstly, in terms of recruitment (checking identification and establishing a contract), and in terms of payment (given that it is an exchange of labor, rather than wages or a piece-rate payment). The practice of family exchange illuminates a gap between the Production Standard and the practices specific to smallholder farmers in India and potentially reduces the impact of the Standard in these aspects.

Gender Analysis: Security and Access to Finance

We found that women in the family generally contributed to farm labor when their household and family duties were limited. For example, one male farmer mentioned that his wife began contributing to farm work once their children were adults and left the home. Furthermore, these women did not receive wages directly; they would commonly be given money by the males in the household.

Male household members controlling a family’s wealth pose a potential risk to the safety of female family members. Lacking control over a valuable resource can limit their freedom of opportunity and make them vulnerable to potential financial abuse. This social barrier for women likely inhibits the realization of a positive impact on women’s financial access as well as their ability to ensure equal remuneration for work of equal value, specifically for women, as required by the non-discrimination criterion based upon the Production Standard’s Principle 2 (based on ILO Convention 100, Art. 2).

II. Operations: Recruitment

The manner of farmer recruitment depends upon the type of worker (defined above), and type of labor required, but overall is informal. The following chart shows categories of workers and the method of their recruitment.

Category of worker	Recruitment method
Family labor	Not applicable
Family labor exchanges	From immediate village, and would be one-on-one with another family or could be a group of families which exchanged
Labor from village, including friends	Recruited individually, directly by the farmer, and informally
Labor from surrounding villages	Could be recruited individually, or through gang leaders*
Migrant labor	Both recruited and paid by the mills, not farmers

* Farmers we spoke with told us they did not use recruiters.

Farmers report having two categories of arrangements with workers: waged work, which covers the majority of workers and activities, and what the Standard considers “piece-rate” work, in which a group of workers are hired for the completion of a task, and compensation negotiated based on the amount of work required. This is consistent with our understanding of the Indian context. For waged work, the type of arrangements between farmers and workers varies widely: sometimes they are hired daily, weekly, or for the complete season. Some farmers reported hiring the same workers every year.

ANALYSIS: ABSENCE OF FORMALLY CHECKING IDENTIFICATION

The Production Standard requires farmers to ensure that workers are not underage and recommends checking identification as one means by which farmers can do so. However, just one smallholder farmer that we spoke with reported checking the identification of their recruited workers. Given that farmers predominantly sourced labor from their direct village, or even through family exchanges of labor, it was considered unnecessary, and in some cases rude, to conduct such checks. Farmer awareness of child labor laws is critical, along with developing other practices to prevent child labor in a situation of no formal background checks.

III. Operations: Organization of farmworkers

In the absence of being able to talk with workers themselves, we were unable to identify barriers to farm workers’ freedom of association. The Production Standard states:

The Standard applies to all permanent workers on the premises of farms included in the unit of certification, either hired by individual farmers or as a shared service of the group or mill.

The operator shall respect such rights and shall not interfere with workers’ own efforts to set up representational mechanisms in accordance with the law.

If the farmers are using any shared services (for example cane cutting), the rights of the workers shall be respected.

ILO Conventions C 98 and C87 form the basis for this indicator. Workers shall be able to choose how they want to organize; to express their issues and to collectively negotiate solutions.

In the case where the site of employment is very small (<30 people) and there may not be a committee, the operator shall ensure access to management and the effectiveness of the system implemented. The operator shall also allow workers (farmers and workers in the farms) to join external trade unions. (Production Standard, 2.1.4)

Farmers told us that farm workers participate in unions or other formal work associations. Yet, they also expressed their view that formal worker organizations are unnecessary, noting that

the recruitment and employment of workers is often an informal process that occurs predominantly within villages. Some farmers noted that for farm workers organized into gangs, the gang leader serves the role of communicating grievances from the workers to the farmer and working to resolve them. Freedom of association for farm workers supplying to Bonsucro member farms is therefore an area that merits further study.

IV. Discrimination: Migrants, Women, and Children

INDICATOR 2.1.3

Special care shall be taken on the treatment of vulnerable groups subject to discrimination such as female workers, migrant workers or contracted workers, underrepresented ethnic or social groups, union representatives, union members, or non-unionised workers.

The Smallholder Production Standard requires the absence of discrimination in indicator 2.1.3. We consider several vulnerable groups in detail.

MIGRANTS

As previously noted, mills rely on migrant labor mainly for the harvesting and transportation of the cane. All three mills that we visited offered harvesting and transportation service to their supplying farmers, which more than 75% of the farmers interviewed utilized. Under this system, mills recruit, employ, and supply labor to their supplying farmers to harvest the sugarcane and transport it to the mill to be crushed and processed. Both mill management and farmers noted that many harvesting and transportation laborers are migrants.

For example, one mill noted that harvesting is conducted using 99% manual labor and requiring approximately 3,000 to 5,000 laborers per season. In the offseason, the harvesting team works to recruit these laborers from two or three districts in Maharashtra through “gang leaders,” or recruiters. The contract is established with the gang leader only, and gang leaders receive a 50% advance of the payment for that season. Of the laborers hired for harvesting for this mill, 80% husband–wife couples and the other 20% are men. Wages are determined and paid to the couple, not individually, and are delivered to and distributed by the gang leader. Field staff sometimes conduct surprise visits to ensure that payment is being made. In doing so, we were told, they confirm only that payment is being made, not how much is being paid.

Going into the field to speak to farmers, we thought that only the farmers engage gang leaders to supply seasonal labor. We learned that this is the case for certain farming activities like seeding and tending the cane, but for harvesting the cane, the mills engage the gang leaders. Due to time constraints, we were not able to ask all the mills about the due diligence they conduct to ensure that the provisions of Principle 2 of the Production Standard are followed in this recruitment scheme, we were able to speak with the mill managers from the two certified

mills (one already certified, and one that would be certified the next month). The manager at one of the mills told us that when his mill uses gang leaders, they check the identification of all the workers. Yet they are only able to provide housing facilities for 5% of the laborers. A mill manager from another mill told us that since the mill “staffs very locally” from nearby villages, they consider the workers doing the harvesting as local farmers and do not need to check identification.

The mill that checks the identification of all workers explained that it has a temporary school on site for the children of migrant labor, who live near the mill for three to four months at a time. The school was not operating when we visited, so we were unable to see it or speak with the teachers. Notably, in its 2012 study of risks in the sugarcane sector in India, the Fair Labor Association found that migrant workers rarely use these schools, as “parents prefer that their children assist them in harvesting and look after infants rather than attend school.”¹⁶⁹ Ritu Baruah, Bonsucro’s India manager, reports that much has changed in recent years as awareness of child labor laws has resulted in much higher rates of migrant children school attendance.

ANALYSIS: GANG LEADER SYSTEM AND LABOR EXPLOITATION RISKS

Several farmers reported recruiting labor through gang leaders, primarily for weeding, a labor-intensive task. Farmers pay a group of laborers through the gang-leader an amount based on the acreage of the task. The rate is negotiated between the gang leader and the farmer based on the current market rate, and the amount of work to be done. Though farmers broadly stipulate how quickly they want the work done, it is up to the gang leader to determine the number of workers hired for the task, and farmers would not check, or stipulate, a minimum or maximum number of workers required. As such, the payment for the task would not be scaled according to the number of workers involved. Farmers pay the wages of all the laborers in the gang to the leader, and it is then the leader’s responsibility to distribute those wages accurately and on time. While some farmers said that they would periodically check directly with workers to ensure they were receiving payment from the gang leader, this was not a formal system, nor did they check the amounts that workers were being paid.

When wages are not given to workers directly, there is potential for labor exploitation. For example, gang leaders can potentially hire more workers, and pay them less than the minimum wage — or not at all — without oversight from the farmer. Subcontracting to gang leaders is permitted under the Production Standard, and labor standards requirements contained in the Standard apply to subcontracted workers. However, since the Production Standard indicates a threshold for compliance, not how farmers and mills should be in compliance, it does not specify what oversight the farmer is required to take in this context to ensure that these requirements are being fulfilled by the gang leader.

WOMEN

Female representation in farm certification: Across the three mills, the selection of female farmers for certification is low: At the mill with the largest group of farmers selected for certification, female farmers make up roughly 2% of the pool. While five of the farmer interviews during the January and March site visits were conducted with both the husband and wife, in no cases were we able to interview only the female farmer. In many cases, wives had management responsibilities, such as recruiting and payment of workers. Even though women (wives and sisters-in-law in particular; we did not speak with any single female farmers) are involved in the operation of the farm, the mills told us they select very few to be certified farmers.¹⁷⁰

Mill managers provided several reasons. First, the farmer selected for certification is the individual listed on the land holding documents, and in many cases, that individual is a husband, or male relative. In some cases, both husband and wife are on the land title, or some of the land is in the wife's name. In most of these situations, the husband would be selected as the certified farmer. Furthermore, female farmers are less likely than their husband or male relative to regularly attend training sessions run by the mill, though a small number of women had attended a VSI training weekend in Pune that was designed specifically for women. One reason provided for this lack of attendance was that wives tend to be more involved with child-rearing, and in the case of farms in less remote areas, other family businesses, in particular dairy farming.

This finding suggests that mills can do more to comply with the Production Standard's anti-discrimination indicator: If women cannot attend training due to childrearing constraints, the mill should find ways to accommodate the women by providing training at a more family friendly time or by arranging a suitable alternative.

The role of female workers

One persistent issue that arose during our fieldwork is the discrepancy in the wages between men and women. Typically, the answer we heard for why women are paid less is because their labor is less intensive. Only a handful of women did the same work as men, they said, and, in one instance, a farmer still paid women less without giving further reason.

ANALYSIS: GENDER DISCRIMINATION IN FARMING

Female farm owners face a double responsibility for both farm and home production. Women's responsibility for running the home routinely prevents them from taking a more active role in the economic production of the farm or the control of its profits. According to Article 11 of CEDAW, women have the right to work and this should not be discriminated against on the grounds of marriage or maternity. Furthermore, women face gender discrimination that routinely undervalues their contributions to farm production. These social and structural barriers require careful consideration for the Production Standard to have a positive impact on women's ability to work, control their financial resources, and even access programs.

CHILDREN

Our inability to witness farmworkers on the farms meant that our primary sources of information about children were the farmers. We found that awareness of the prohibition of child labor among the farmers was high; most of the farmers interviewed answered that the children would not help in the field. One farmer stated that his farm's location near a major city prevents farmers from hiring children because government authorities are close to the farms and can inspect them. When asked for the required age to work in their farms, most provided ages at least two years above 18, the internationally recognized minimum age requirement. Some farmers told us that they use this conservative age because they require workers capable of completing more demanding tasks. The only farmers that told us that their children helped in the farm when they came back from school — conducting light tasks, such as weeding the fields — were a focus group of non-certified farmers. Farmers we spoke with who were not part of the certification process were aware of the presence of minimum age laws, but were unable to state the exact age limits. These observations were discussed with Indian academics during the January fieldwork trip who concurred with our findings.

With respect to the risk of child labor in migrant population, as noted above, the mills are charged with harvesting cane, so they take responsibility for supplying labor. Mills told us that they recognize that families travelled together during harvesting season. One mill manager stated that this was a problem for them, exposing an unintended consequence of children's presence on farms even if they are not working: the mill's insurance would only cover the parent workers and therefore, children are unprotected. This mill manager explained that they could not include children in the insurance because the government would find out that they have children in the farm premises, which could create legal problems for them. Another mill noted that children of laborers are covered by their insurance.

ANALYSIS: CHILD LABOR

Article 3 paragraph 1 of the Minimum Age Convention, 1973 (No. 138)¹⁷¹ specifies that “*The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.*” However, Article 2 paragraph 1 of the same Convention permits each country that ratifies the Convention to specify “*a minimum age for admission to employment or work within its territory and on means of transport registered in its territory.*” Article 2 paragraph 3 further states that this age “*shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.*” However, paragraph 4 clarifies that “*a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.*” India ratified Convention 138 on 13 June 2017 with a minimum age specified of 14 years.¹⁷²

Opining on the appropriateness of India's determination that its economy and educational facilities are insufficiently developed is beyond the scope of this report. We note, however, that the Bonsucro Production Standard defines a minimum age of "13 (12) for light family farm work,"¹⁷³ which is less than the minimum age specified in India's ratification of Convention 138.¹⁷⁴ According to our field interviews, children of migrant parents often accompany their parents working on the farms. It is not clear what working age limit should apply to such children, and whether, if they assist their parents with tasks, such work would be considered "light family farm work."

CRITERION 2.2

To provide a safe and healthy working environment in workplace operations

I. Operations: Health and Safety

Most farmers say that they comply with health and safety provisions, citing the use of PPE and the Production Standard requirement to have a first aid kit on farms. Yet we saw variance across mills. Several farmers reported not maintaining a first aid kit since their land is located near a hospital. According to both the farmers and the mill managers of one of the mills, that mill had provided all certified farmers with first aid kits upon selection, and therefore all farmers interviewed for that mill reported having a kit. Several mills also reported supplying PPE to their farmers selected for certification, and most farmers we spoke with reported supplying PPE directly to their workers. However, some farmers require that their workers bring their own PPE, and the comprehensiveness of equipment used varies. Farmers noted that of all the equipment, it was the most challenging to get workers to wear helmets, as it was customary to tie a scarf or fabric around one's head; one admitted that even he doesn't like to wear gum boots. Additionally, farmers noted that some pesticides/chemicals come with PPE provided upon purchase.

In the event of an accident, many of the farmers we interviewed noted that they must pay the expenses of a worker when that worker is injured on the job. Nonetheless, most farmers said they did not provide any training on these issues to their workers.

Moreover, several farmers did not provide access to washrooms, leaving women particularly vulnerable. Although no farmer we spoke with mentioned this, it is likely a particular challenge for women who are menstruating and potentially heightens the risk of gender-based violence.¹⁷⁵ This is not a requirement in the Bonsucro smallholder standard, but the inclusion of washrooms may be an indicator that should be added during the Production Standard revision process.

ANALYSIS: USE OF PPE

Farmers widely reported providing PPE to their workers. Whether workers actually use the equipment varies, according to the farmers, depending on the type of equipment. Mill managers and farm owners both noted that workers are reluctant to use helmets because it is customary for workers to use a piece of cloth/scarf wrapped around their head instead, which the workers felt to be sufficient. The simple provision of PPE fails to affect this custom.

CRITERION 2.3

To provide employees (including migrant, seasonal, and other contract labor) with at least the applicable minimum wage

II. Operations: Wages

INDICATOR 2.3.1

Workers paid at piece-rate shall receive the required minimum wage within working the number of normal legal hours of work.

Generally, certified farmers reported that they abide by minimum wage and maximum working hours laws, with some saying they pay above the minimum wage, which we were not able to verify independently with the farm workers. Farmers noted that the determination of daily wages for laborers was decided each season at the village level.

A minority of farmers noted practices that are not compliant with the Smallholder Production Standard, indicating that there is still scope for interventions that can improve impact. These practices include: not meeting the hourly minimum wage requirement, or exceeding the maximum working hours (e.g. paying the daily minimum wage (set at 8 hours for 12 hours of work); paying women a different wage than men for the same work; and the lack of any sort of payment transferred when work was done by family exchange.

III. Pay Slips/Records

INDICATOR 2.3.1

Pay slips and records shall be provided where feasible... In absence of records, wages may be demonstrated through interview.¹⁷⁶

Similar to our findings regarding checking the identification of workers, no farmer reported providing pay slips to workers when delivering their wage, though most farmers noted that they kept their own records on who was paid, and what. Again, farmers said they considered it unnecessary to provide such documentation given the personal relationships they maintain with their laborers as neighbors, and through farm exchanges. The Production Standard allows for accommodation to local circumstances. However, as this is a cultural issue, Bonsucro should consider how to address it, since the practice places at risk the rights of workers.

ANALYSIS: FAMILY LABOR AND WAGES/OVERTIME

Many farmers told us that their immediate or extended family assists with farm labor. For most farmers, the family labor involved is the farmer, his wife, and potentially his brother(s)-in-law or sister(s)-in-law. As noted above, the practice of children helping was only expressed in a focus group with non-certified farmers — they told us that children might help with light tasks after school, like removing the results of weeding. Several farmers explained that while their hired labor would not work more than eight hours, family workers would do so. Further, no family reported paying a wage to other family members, which again makes women in the household especially vulnerable. Family labor is an essential part of smallholder farming in India, and most of the indicators in Principle 2 apply to it. Future revisions of the Smallholder Standard will benefit from specific analysis of how family labor is considered under the Standard considering the vulnerabilities highlighted here.

CRITERION 2.4

To provide clear, equitable and comprehensive contracts

Presence of contracts

The Bonsucro Smallholder Standard requires the provision of contracts and permits the use of verbal contracts where allowed under national law. Indian law (Indian Contract Act, 1872) permits verbal contracts, and this is the predominant practice among the smallholder farmers we interviewed. Only two smallholder farmers that we spoke with — both selected for certification — provide written contracts for their workers, and those contracts are for long-term or seasonal workers rather than day laborers. Several respondents stated that formal written contracts are unnecessary since they recruit relatively few workers outside of their family, and since they have pre-existing relationships. As with checking identification and providing pay slips, the farmers also believe that given personal relationships it would be inappropriate to draw up formal contracts.

This is another area of potential labor exploitation where the Production Standard does not yet appear to be having much influence on farmer practice. The risk is especially high for the migrant labor that is relied upon during the harvesting and transportation of sugarcane. Yet, here the risk falls within the ambit of mill practice: for all but one farmer who we spoke with, this workforce was entirely recruited and managed by the mill, who would establish contracts with the gang leaders who recruit husband–wife couples or individual laborers.

CRITERION 5.8

To ensure active engagement and transparent, consultative and participatory processes with all relevant stakeholders

INDICATOR 5.8.1

Existence of usage of a recognized and accessible grievance and dispute resolution mechanism for all stakeholders.

Mill relationship and complaint process

None of the farmers was aware that the mills have a formal procedure for handling complaints. However, most farmers answered that if they had any issue with the mill, they would approach mill staff directly and informally. Sometimes they referred to field officers, sometimes to staff located at the mill, and sometimes they would mention “escalating it to managers.” At one mill, the farmers selected for certification were also shareholders of the mill, so they felt they had a higher level of access to management. Some farmers were part of farmer unions and referred to them as a useful point of contact in helping to apply pressure when solving a problem with the mill.

It is apparent that claims made are not usually related to human rights. When asked about challenges farmers had in relation to the mills, farmers across all three mills answered that they did not face any issues. A few farmers cited late payments as the subject of these claims, although Bonsucro staff noted that the claims also typically relate to the harvesting schedule and long delays in cane deliveries. Farmers who told us they did not have any complaints cited similar reasoning: Private mills, as compared to co-operatives, are better managed and therefore they always pay on time.

ANALYSIS: GRIEVANCE AND DISPUTE RESOLUTION MECHANISMS

UNGP 29 establishes that “To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.” Bonsucro also requires its certified members, under indicator 5.8.1 of the Production Standard, to “implement a resolution mechanism and communicate it internally and externally so that it is locally recognized as a legitimate procedure to refer to in the event of problems.”¹⁷⁷ The indicator is not a core one, however.

Farmers that were going through or had gone through the process of certification were not aware of specific resolution mechanisms in place at the mill level. They reported that they felt free to approach mill staff to complain if anything went wrong but did not describe a formal process. While Indicator 5.8.1 does not specify that farmers know how the complaint mechanism operates, it does require that there is a formal mechanism, “with a clear process for discussion and resolution,” that is communicated and recognized as a legitimate procedure. The fact that farmers don’t know that such a formal mechanism exists suggests that this threshold is not being met. We were not able to ascertain whether certified farmers felt that their relationship with the mill with respect to complaint procedures had changed since the start of the certification process, as our questions around complaints elicited the same response: farmers were not aware of any formal complaint procedure. The impact of the Bonsucro Production Standard vis a vis this indicator is, therefore, limited. In order for operational-level grievance mechanisms to impact the farmer’s right to remedy, they should comply with the eight effectiveness criteria under UNGP Principle 31, among others: accessibility (farmers and other stakeholders should be aware of their existence) and predictability (clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation).

Because we were not able to speak with farm workers, we are unable to report about farm workers’ experience with raising concerns with either the farms or the mills. Considering the high rotation of farm workers and the lack of formal written contracts, we expect that farm worker awareness of a grievance mechanism on specific farms is low, even when they exist. This would be an important area to explore in future research on the impact of the Smallholder Standard.

6. Recommendations

A certification standard is only as good as the quality of its verification process. In 2019, Bonsucro’s verification system for certification in India rests on auditing conducted by one firm, Control Union, certified by Bonsucro under the Smallholder Standard. In our Skype interviews with Bonsucro members outside of India and in our interviews with the Indian mills, we heard criticisms about the quality of the check done by this auditor.¹⁷⁸ This finding raises significant concerns for the Smallholder Standard’s impact; as such, a review of the Bonsucro verification system is our top line recommendation that calls for immediate attention.

Our recommendations to improve human rights impact of the Smallholder Standard are organized around three themes:

1. Verification of Compliance
2. Human Rights Alignment of the Standards
3. Promoting human rights through the platform for change

6.1 Verification of Compliance

AUDITING REVIEW, AUDITOR SELECTION, AND TRAINING

Conduct a thorough review of auditor training and guidance to ensure auditors have adequate expertise on human rights.

In mid-2019, Bonsucro began working to onboard and train more auditing companies for its Smallholder Standard audits in India, an important step forward. We recommend that in addition, Bonsucro retain an independent consultant to conduct a thorough investigation of the effectiveness of the auditing process in order to identify areas in need of improvement. With the results of the investigation in hand, Bonsucro will be able to identify the specific requirements for auditor selection and training.

Auditor training and guidance should devote attention to the human rights issues addressed in this report that may be harder to assess and observe, including, anti-discrimination, and potential abuses related to the labor and land rights of migrants, women, and children. This will require that these standards be verifiable in the first place, meaning that they are “specific, measurable and clearly stated.”¹⁷⁹

Revise the Smallholder Standard and guidance to make it more prescriptive with respect to human rights monitoring.

Because human rights violations are often hard to detect, the Smallholder Standard and guidance for auditors and field staff should be explicit about how to monitor human rights. For example, it should include detailed information on how to check workers hours, wages, ages, etc.

GRIEVANCE MECHANISMS

Conduct a comprehensive review of the grievance mechanism requirement and training to ensure alignment with the effectiveness criteria of the UN Guiding Principles.

Auditing is just one part of verification for a certification system, which also includes effective grievance mechanisms and lower-level mill field-staff engagement and capacity building.

The presence of an effective grievance mechanism is the means by which rights holders — workers in the workplace as well as communities — claim their rights. The mill managers and farmers we spoke with are largely unfamiliar with the idea of an effective grievance mechanism as a component of sustainable sugarcane. Many of the farmers we spoke with suggested that it was unnecessary since the farmworkers come from family, neighbors or neighboring villages. A similar reason was given for not checking the age of the workers. Even so, it does not provide adequate protection or voice for migrant labor, which mills retain through gang leaders, or for women, who for cultural reasons may feel reluctant to speak up.

Having an effective grievance mechanism at the mill and farm levels is not at present a core indicator of the Bonsucro Production Standard, and as noted in this report, indicator 5.8.1 which provides for an operational level grievance mechanism is not fully aligned with the UNGPs' effectiveness criteria (Principle 31). To ensure that worker rights in the workplace are protected in all dimensions — health and safety, anti-discrimination, payment of a living wage, and protection against violence and all forms of forced labor, including debt bondage and child labor — several measures should be considered:

1. Make indicator 5.8.1 a core indicator and amend it to reflect the effectiveness criteria under UNGP Principle 31 explicitly.
2. Study the model of worker-driven social responsibility, particularly that of the award-winning Fair Food Program,¹⁸⁰ to see if there are elements that can be adopted. Effectiveness means, among other things, that the complaints mechanism is trusted by and accessible to all workers at the mill and farm level, particularly the most vulnerable (e.g., migrant workers, women, etc.). Best practice for grievance mechanisms are found in the model of worker-driven social responsibility, which puts the workers at the center of creating and monitoring the grievance mechanism.¹⁸¹
3. As part of the platform for change, include creating and maintaining a grievance mechanism in training at the farm and mill levels.
4. Revise the guidance for grievance mechanisms to indicate that they should include a clear statement that human rights concerns are within the scope of accepted complaints. In addition, since women are underrepresented among mill managers and mill workers, any mill level mechanism should be designed to ensure that women complainants feel safe.

5. To ensure transparency and build trust in the performance of the mechanism, require mills to publish a report of the number and types of complaints and how they were resolved, while preserving the anonymity of the complainant.
6. Make Bonsucro’s Complaints Procedure available to all stakeholders — including farm workers and communities — as a last resort. To communicate this option, mills can be required to inform complainants of the existence of the Bonsucro Complaints Procedure and instructions on how they can file a complaint directly with Bonsucro. Moreover, Bonsucro can make explicit on its webpage that its Complaints Procedure may be used by those adversely affected by the operations of its members.

LOWER-LEVEL MILL FIELD STAFF

Prioritize lower-level field staff in mill trainings

Monitoring of the farms is conducted by the mill’s field staff, through regular site visits to the farms. Each mill has an extensive field staff — or cane department — that spreads out over the entire geographic area of its supplying farms. The geographic area is divided up into divisions, with each division having a division head, and under them approximately 3–5 lower-level field staff whose job it is to visit the farms. Mills had this monitoring and engagement system in place for delivering training and distribution of supplies, such as pesticides, prior to the introduction of the Production Standard. When the Production Standard was introduced, the mills slotted the delivery of the program into this system, increasing the workload of the lower level staff.

Bonsucro managers told us that they have plans to dedicate more resources to management training. Given the critical task of monitoring the farms for violations of the Standard, we recommend prioritizing training and capacity building for lower-level field staff. We also recommend that Bonsucro and its on-the-ground partners engage with the field staff to determine whether they have adequate capacity to conduct effective monitoring across the farms that they are responsible for, and if not strategize on how to build that capacity. Moreover, future impact evaluations should reserve ample time to interview lower level field staff.

6.2 Human Rights Alignment of the Standards

The impact of the implementation of a standard necessarily depends on the strength of that standard as well as the programs and processes for its implementation. An entire project could be devoted to a human rights evaluation of the Production Standard only. The Clinic produced a paper laying out the gaps, which we provided to Bonsucro.¹⁸² The following recommendations for the revision of the Smallholder Standard are derived from this study and field research — and as a “look back” at the Standard following the identification of potential impact.¹⁸³

IMPACT ASSESSMENTS

Amend the due diligence requirements on new projects to require a human rights impact assessment.

Criterion 5.7 of the Smallholder Standard is a core indicator that requires an environmental and social impact assessment (ESIA) for greenfield expansion or new sugarcane projects “to ensure transparent, consultative, and participatory processes that address cumulative and induced effects.” The notes to the indicator explain that,

Environmental and Social Impact Assessment process shall start prior to the formulation phase of a project, focus on significant issues and involve key stakeholders to identify them, provide information on possible alternative or appropriate mitigation measures for making decision based on free prior informed consent (FPIC) process, monitor and evaluate implemented measures. The group manager shall ensure the assessment is carried out. An ESIA is a tool to provide environmental and social information for decision-makers who authorise/manage the project. It enables social and environmental issues to be taken into account during all phases of project design and implementation.

The ESIA shall consider the following topics:

Environmental: soil; water; biodiversity; ecosystem services; air; climate; waste and noise.

Social: structure (health, transportation, education and others); areas or resources of customary use; land conflicts; areas of high cultural, archaeological and historical values; food security.

This criterion is a notable strength of the standard particularly with respect to land rights. It can be strengthened by requiring a human rights impact assessment (HRIA), which is more comprehensive, rather than an ESIA. As Principle 18 of the UNGPs state,

While processes for assessing human rights impacts can be incorporated within other processes such as risk assessments or environmental and social impact assessments, they should include all international recognized human rights as a reference point, since enterprises may potentially impact virtually any of these rights.

The advantage of an HRIA is that it directs attention to vulnerable groups and other hidden impacts that otherwise are often overlooked. The notes of Criterion 5.7 specify a set of topics for the ESIA that while broad in scope leave open the potential for the exclusion of some rights, in particular the specification of potential impacts on women and other vulnerable groups. Our recommendation for the land rights provision in the Standard, below, provides detail on how the impacts on women can be overlooked with the standard.

Moreover, the impact assessment can apply to all human rights, including labor rights. Extending the impact assessment to labor rights will help to shine a spotlight on potential problems relating to the use of migrant labor as well as child accompanying parents in the field.

Since risk of labor rights abuses are ongoing, the farms and mills should be instructed to conduct impact assessments periodically, along with regular review of the functioning of the grievance mechanism.

LAND RIGHTS

Amend the Production Standard to allow for flexibility in accepting documentation of the right to farm on land, and promote dialogue with Indian member mills on this topic.

Because of the prevalence of smallholder farmers in India, it is widely believed that land rights violations from large-scale land grabbing are not at risk within the country's sugarcane sector. Yet there are other threats to secure land tenure. For example, because of the patriarchal inheritance system in India, land titling discriminates against those whose names do not appear on the title, which affects both men and women, but mostly women. While the Production Standard allows for customary land claims, we found that mills looked for documented ownership according to Indian law, as several hundred farmers were rejected from certification due to insufficient documentation. The Production Standard, which requires land documentation, may therefore inadvertently replicate inequities by denying farmers the ability to benefit from certification.

Bonsucro should open a dialogue with Indian member mills to understand the issues farmers face in achieving land documentation compliant with the Production Standard, with the goal of developing guidance and training to mills on how land rights could be recognized in this context. In relation to women farmers, Bonsucro can partner with local NGOs to encourage landholders to add female family members to their land titles, as this could increase the number of women eligible for Bonsucro certification. Guidance could be developed locally through focus groups — including women only focus groups — or workshops that provide mill and farmer input into local customary practices and needs and what measures could assist in certifying farmers without formal land title. Training should include raising mill awareness of the state land laws — in particular, the land leasing acts and laws, and how they impact farmers. Bonsucro may wish to seek specialized legal advice as each state has different regulations.

LABOR RIGHTS

Add an explicit reference to access to washrooms.

We found that some farmers who were selected for Bonsucro certification did not have a designated toilet facility near their fields. Lack of access to washrooms poses health risks for workers operating in high temperatures, particularly female workers. A recent study by Sri Ramachandra University, Chennai, found that women workers who are exposed to high-heat environments and inadequate sanitation facilities at Indian workplaces have significant risks of heat-related health illnesses and urogenital issues.¹⁸⁴

At present, the Smallholder Production Standard does not specify worker access to washrooms and hand-washing stations. A revision of the Standard could draw upon existing field sanitation standards. For example, the U.S. Occupational Health and Safety Administration (OSHA), which details what agricultural employers must provide to protect workers from pesticide exposure and other hazards, stipulates that a toilet and an adjacent handwashing facility must be provided within a quarter mile of the field for every 20 workers. WASH@Work, a self-training handbook developed by the ILO on improving access to safe water, sanitation, and hygiene (WASH), considers the conditions of rural agricultural workers and its training guides and action manuals can serve as a useful resource for mills and farmers.¹⁸⁵

Close loopholes on Personal Protective Equipment (PPE) in the Production Standard.

Our fieldwork findings indicate that mills and their supplying farmers are more aware of the importance of PPE, and this could be a sign of Bonsucro impact. Yet, despite the awareness and greater access to PPE, mill managers, and farmers acknowledge that workers and even the farmers themselves are not yet accustomed to the equipment and often do not use certain PPE components. Accordingly, workers remain at risk of exposure to harmful pesticides and other workplace hazards.

The Smallholder Production Standard addresses the issue of workplace safety using PPE, but loopholes remain. Indicator 2.2.3 stipulates that “appropriate personal protective equipment supplied to and used by all workers,” and Indicator 2.2.4 notes that farmers and workers should be briefed/trained for health and safety at start and at least every year.¹⁸⁶ However, these indicators are not core requirements of the Standard. Core indicator 2.2.2 requires that the main health and safety risks are assessed and measures for mitigation of risk are implemented through a plan that is reviewed at least once a year. However, this indicator does not specifically reference the inclusion of PPE in that plan.

Further, not all farmers interviewed considered pesticide spraying as significant risks posed to workers, indicating that the use of PPE could be absent from their group’s risk management plan, or that these farmers were uninformed of the plan’s details. Revising the Standard to place more emphasis on the use of PPE, by making Indicator 2.2.3 a core indicator, could draw more attention to the issue. Mill management and farmers acknowledged that more could be done to increase awareness among workers to change behavior, for example by providing anecdotes of harms to workers. Bonsucro should continue to discuss this issue with mill membership and experts in the field, including government officials, and distributing that information broadly.

Amend the Standard to specify what farmer oversight is required to ensure that gang leaders are adhering to it.

Farmers we interviewed reported recruiting labor through gang leaders, primarily for labor intensive tasks like weeding. The rate is negotiated between the gang leader and the farmer based on the current market rate, and the amount of work to be done. Though farmers broadly stipulate how quickly they want the work done, it is up to the gang leader to determine the number of workers hired for the task; farmers do not check, or stipulate, a minimum or maximum number of workers required. As such, the payment for the task is not scaled according to the number of workers involved. Farmers pay the wages of all the laborers in the gang to the leader, and it is then the leader's responsibility to distribute those wages accurately and on time. While some farmers told us that they periodically check directly with workers to ensure they are receiving payment from the gang leader, this is not a formal procedure. Moreover, they told us that they did not check the amounts that workers were being paid. Such circumstances create potential for labor exploitation.

Subcontracting to gang leaders is permitted under the Production Standard, and labor standards requirements contained in the Standard apply to subcontracted workers. The Production Standard can be revised to specify what farmer oversight is required to ensure that the gang leaders are adhering to the Standard.

Include the topic of freedom of association in mill and farmer trainings.

Farmers told us that farm workers participate in unions or other formal work associations. At the same time, they told us that formal organizations are unnecessary, noting that the recruitment and employment of workers is often an informal process that occurs predominantly within villages where everyone knows one another. Some farmers noted that for farm workers organized into gangs, the gang leader serves the role of communicating grievances from the workers to the farmer and working to resolve them. Freedom of association for farm workers supplying to Bonsucro member farms is therefore a subject that Bonsucro should include in its engagement and training, and which merits further study.

Integrate gender non-discrimination (Principle 2) throughout the Smallholder and Production Standard and, as part of this process, undertake a comprehensive gender analysis of the standards.

Our research identified several measures that are needed to ensure that the Production Standard fully considers women so that gender equality is not adversely affected in its implementation. Bonsucro can partner with local women's organizations to provide gender sensitivity training to mill managers, mill workers, and farmers. Gender sensitivity training could alleviate gender discrimination that prevent women from equal participation in farm production and extension services, and that prevent farmers from paying women farmworkers less than men farm workers for the same work.

In revising the Standard, Bonsucro may consider including an indicator specifically applied to non-discrimination based on gender, rather than sex, to ensure that the Standard is inclusive of gender non-conforming identities. This indicator would also function to raise awareness of the significant difference between sex (the biological difference between males and females) and gender (the socially constructed roles associated with the male and female sexes). A prohibition based on gender as well as sex could increase the impact that Bonsucro has in promoting non-discrimination among its certified members.

Bonsucro can begin recording gender and age disaggregated data, which will permit a comparison of the gendered impact of the Production Standard's implementation. Moreover, it would enable Bonsucro to make necessary adjustments to its Standard or its implementation practices when adverse impacts are observed.

Review the definition of "family labor" in the Smallholder Standard to minimize any unintended risk of child exploitation.

Bonsucro can conduct comprehensive research on the risk of child labor exploitation related to family labor. Our research identified two potential gaps.

First, the Production Standard defines a minimum age of "13 (12) for light family farm work," which is overridden by the minimum age specified in the ratification of ILO Convention No. 138 — Minimum Age Convention (1973) of 14 years. The Smallholder Standard should be revised to provide clear guidance on what working age limit should apply to children who accompany their parents, and what tasks are considered "light family farm work" where children assist parents in the fields. In particular, the revisions should include more specific definitions of "light family farm work" and "work by children on family small holdings."

Second, mills face a conundrum of not being able to include the children accompanying harvesters on the insurance application for workers because of government prohibitions on child labor. Bonsucro should engage mills on this issue. A multi-stakeholder solution to this problem may be required, involving government officials, migrant and child rights organizations, mill managers, and farmer worker representatives.

"OBEY THE LAW" CRITERION

Revise the "Obey the Law" criterion of the Production Standard so that it is aligned with international human rights standards.

The guidance for Criteria 1.1 of the Production Standard specifies that:

In some cases, the Standard can go beyond the national laws and in such cases, the Standard shall prevail. In some cases, the Standard contradicts or contravenes national laws, in which case, national laws shall prevail. Therefore, the strictest requirement shall prevail.¹⁸⁷

This language is ambiguous. The UN Guiding Principles on Business and Human Rights state that “the responsibility to respect human rights is a global standard of expected conduct for all business enterprises...and it exists over and above compliance with national laws and regulations protecting human rights” (UNGPs, Principle 11). Bonsucro can revise the Standard and the guidance accordingly, to make clear that mills should always strive to comply with international human rights standards principles of the Standard, and include in its mill training how mills and farmers can overcome dilemmas when there is conflict. A good source for guidance is the British Institute of International Comparative Law’s publication, “When national law conflicts with international human rights standards: Recommendations for Business.”¹⁸⁸

6.3 Improving the Platform for Change

THE FARM DIARY

Revise the template for the Farm Diary to maximize its utility.

The Farm Diary has strong potential to improve farmer compliance with the Standard by embedding best practice as routine, increasing awareness of Bonsucro’s mission, and serving as a resource for farmers. At present, based on the diaries we viewed, the quality and utility are highly uneven across the mills. While the template created by Bonsucro is designed to be adapted by the mills, there are some basic elements that Bonsucro could require mills to include, such as:

- information about local laws, best practices, and the Standard in local language
- charts for recording of information that might otherwise be overlooked, such as ages and genders of laborers, hours worked, payments made

Moreover, discussion of the importance of the Farm Diary and good Farm Diary practices can be part of Bonsucro trainings.

SELECTION OF FARMERS TO BE CERTIFIED

Create a guideline for mills’ farmer selection for certification so that it is representative of the farmers supplying to that mill.

In general, mills select farmers for certification that are already complying with most of the Standard. These farmers are typically more educated and have higher incomes. Targeting wealthy, educated farmers with additional sources of income and a good understanding of laws and regulations diminishes Bonsucro’s impact. Selecting a representative group of farmers would allow for greater impact of the Standard on low-income, vulnerable farmers who could most benefit from the guidance and training provided to improve yields and human rights outcomes.

To this end, Bonsucro can create a guideline for farmer selection to encourage mills to select a representative group of farmers that includes both female and male farmers, with different income levels and education backgrounds. Bonsucro should also engage with the mills to develop incentives and strategies to scale up the number of certified farmers.

TRAINING FOR COLLECTIVES/CO-OPERATIVES

Extend Bonsucro's reach by including training on the Smallholder Standard within farmer cooperatives.

The Indian sugarcane sector is comprised of tens of millions of smallholder farmers; with each mill typically having thousands of supplying farms, extending the reach of training sessions for is challenging. Farmers told us that they often informally discuss farming practices with their neighbors and share information from training programs. Existing mill training sessions with farmers, outside of Production Standard training, scale the learning by grouping farmers into collectives for “train the trainer” programs. To improve coverage of Bonsucro farmer training and thus scale its impact, these formalized training processes can be expanded to include training on the Production Standard.

THE VALUE PROPOSITION OF CERTIFICATION

Facilitate a dialogue among member producers and buyers to determine how to deliver a price premium to mills for certified sugar.

The value proposition for mills of the Bonsucro certification is a topic in need of greater attention. Whereas buyers are taking steps to ensure they procure more Bonsucro certified sugar, mills remain uncertain about the benefits of certification to their business. At present certification does not translate into a price premium for the mill, nor increased volume of supplies to buyers, nor other benefits. To address this situation and improve the prospects for the development of a price premium, Bonsucro could capitalize on its membership of diverse stakeholders in the sugarcane supply chain to develop new initiatives that, open new channels of communication and improve transparency between producers and buyers. This can include providing opportunities for mills to share information with buyers surrounding the changes the mill and the smallholder farmers have made during the certification process.

DOMESTIC BUYERS

Expand Bonsucro's reach by engaging Indian sugar buyers.

Certification is driven by international buyers and, consequently, the impact of Bonsucro on domestic buyers is minimal. In order to have a wider impact in India, Bonsucro can develop a plan for engaging Indian sugar buyers, which represents a much larger share of the total Indian sugar market. It can encourage its member mills to engage with its domestic buyers around the benefits of sustainable sugar.

One way Bonsucro can extend its reach in India would be to leverage India's draft National Action Plan on Business and Human Rights (NAP).¹⁸⁹ Published as a "Zero Draft" in February 2019 following a push from the UN Working Group on Business and Human Rights for all states to develop a NAP (India is the 24th country to do so), India's NAP sets out "its commitment to encourage socially responsible businesses"¹⁹⁰ in accordance with the UNGPs. The NAP covers a wide range of commitments by the Indian government to protect citizens against potential harm by businesses in the areas of environmental rights, labor rights, protection of vulnerable groups (including women, children, gender identity, people with disabilities, scheduled castes and tribes), protection of human rights defenders, and with specific references to the need for community consultation regarding investments and provision of access to remedies when businesses do harm. Bonsucro might partner with the lead agency for the NAP, the Ministry of Corporate Affairs, to incentivize domestic buyers to demand sustainable sugarcane practices from their growers and processors.

ALIGNING SUSTAINABLE SUGARCANE STANDARDS

Harmonize the Production Standard with other existing initiatives targeting the sugarcane sector while also improving its alignment with human rights.

Prior to pursuing Bonsucro certification, the mills that participated in this study had achieved other quality management, environmental management, and occupational health and safety certifications. Mill managers told us that they needed to make only minimal changes in their practices before Bonsucro certification because they had already met the Production Standard through their prior certifications.

As part of its Benchmarking and Improvement Partnerships program, Bonsucro can continue to monitor these other sustainability standards for the Indian sugarcane sector to determine the extent to which they overlap or differ from the requirements of the Bonsucro certification.¹⁹¹ Bonsucro may wish to establish partnerships with other certification bodies with similar requirements to align and cross-promote their respective standards in India, while continuing to uphold human rights standards.

The benefit of partnerships with other certification bodies is a reduction in duplicative efforts and a more streamlined approach for mills, which are often under-resourced in pursuing certification. This would allow a greater number of farmers to be reached more quickly, thus extending the impact of the Standard. In addition, Bonsucro should continue partnering with domestic and international civil society organizations working in India to inform the improvement of the Standard and to develop guidance and training tailored for the Indian context.

7. Conclusion

Evaluating the human rights impacts of a global multi-stakeholder initiative like Bonsucro that aims to improve the way a high-risk sector operates presents significant challenges for researchers. For this evaluation, we focused on select human rights indicators of the Bonsucro Production Standard relating to land rights, labor rights, and grievance mechanisms, while recognizing the interdependence of rights and the Standard's other sustainability indicators that complement those that we selected. A key limitation of our study was our inability to interview and observe more farmworkers, and, in particular, migrant workers retained for harvest season. Therefore, we were only able to assess mill and farmer attitudes and initiatives, and the voices and check of the most vulnerable are missing. Further, as Bonsucro continues its reorientation as a "platform for change," new interventions in India that could favorably impact human rights will merit evaluation. In short, much remains to be explored with respect to past and future human rights impacts of the implementation of the Bonsucro Production Standard. The aim of this report, therefore, was to lay a foundation for future impact evaluations.

We identified two key areas of potential human rights impact of the Production Standard: First, a focus on health and safety at Bonsucro certified farms, particularly in the purchase and use of personal protective equipment (PPE). The uptake in use of PPE may reflect the positive impact of Bonsucro's concerted focus on improving health and safety practices, following the PepsiCo-commissioned gap analysis conducted of five member mills in 2017–2018 where the weakness was identified. Bonsucro's work on health and safety improvements continues: in February and March 2019, as we were heading into the field to conduct this research, it began rolling out three templates for the mills to use, one of which was a "Health and Safety Plan." The other two are on "Environmental Management" and "Hazard Identification and Risk Assessment."¹⁹²

A second area of potential impact relates to an output of the Bonsucro certification process: the farmer adoption of the Farm Diary that certified farmers are required to keep. The introduction of the Farm Diary, which enables farmers to record information that can be used to demonstrate continuous improvement, is a good starting point. Whether the Farm Diary use can contribute to positive impact on human rights will depend upon the quality and consistency of the recorded data, and importantly whether data relating to farm worker rights is being recorded. A follow up study that analyzes the content of the Farm Diaries could provide insight into the degree to which farmers are tracking and addressing all Production Standard criteria, and not just those related to one indicator, such as pesticide use.

Among the India Bonsucro mills that agreed to be part of this study, there was greater potential for impact at the farm level since these mills, which were either certified or on a path to certification — had previously complied with other standards and certifications designed for the mill level. Notably, Bonsucro's attention to changes at the farm level differentiates the certification from those that the mills had already pursued. However, there is potential for Bonsucro certification to result in mill level impact among mills that are not the preferred

suppliers of the major multinational buyers and therefore have not achieved compliance with other standards and certifications.

Management at all four mills select farmers for Bonsucro certification that they determined were already largely compliant with the Production Standard, indicating that there are other farmers supplying to these mills where the impact of certification could be more substantial. Management at one mill noted early evidence of a “spill-over” effect where the certification of farmers in a village drew the interest of non-certified farmers in the practices being implemented. Since our study included only a small sample of non-certified farmers, we were unable to verify this effect. Future studies might examine the impact of farmer selection strategies and in doing so consider this potential “spill-over” effect.

While the farmers that mills selected for certification showed substantial interest in environmentally friendly practices, in general, labor rights and land rights, in particular the rights of migrant workers and women, were not on their radar; they did not mention these issues in our conversations of changes or challenges unless prompted. A prevailing characteristic for the smallholder farmers interviewed is the use of family labor, a practice that presents unique human rights challenges regarding the number of hours worked by family members, and financial access and security, particularly for women. As discussed extensively in the Findings section of this report, we found little evidence of the Smallholder or Production Standard’s impact on gender discrimination and women’s rights generally. Future studies would benefit from a specific focus on the implementation of the Smallholder Production Standard among farmers that utilize family labor and consider how impact may vary by family member.

Improving our understanding of the human rights impact of the Bonsucro Production Standard would benefit from a focus on living wages. The Global Living Wage Coalition defines “living wage” as:

*The remuneration received for a standard workweek by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transportation, clothing, and other essential needs including provision for unexpected events.*¹⁹³

Living wage can be an important proxy indicator for a range of rights, including land rights, child rights and other worker rights. The Netherlands-based Platform on Living Wage Financials (PLWF), an “alliance of 12 financial institutions that encourages and monitors investee companies to address the non-payment of living wage in global supply chains,”¹⁹⁴ has found that companies that have specific interventions on living wage tend to have more developed policies and processes on other human rights standards. The PLWF is therefore encouraging member investors to use companies’ performance on living wage “as a proxy to identify both outperformers and underperformers” of social performance.¹⁹⁵ Hence, an impact evaluation focusing on wages paid by Bonsucro certified members to its workers, as well as the income of farmers, could provide a useful measure of human rights outcomes. Further, the

evaluation might examine how more concerted pressure on buyers to pay mills a premium for certified sugar would enhance impact.¹⁹⁶ The assumption to be tested is that a premium would not only cover the cost of the certification program — training and implementation — but would also be passed along to farmers in the form of higher incomes and then to farm workers in the form of higher wages. It is important to note, however, that living wage may not serve as an adequate proxy for gender rights, which, as already noted, merits greater attention within the Bonsucro certification system.

A fundamental question that loomed over our study is the degree to which Bonsucro certification can be relied upon as a valid indicator of compliance with the Standard. Auditor reports are not public, and the outcome evaluation reports that Bonsucro produces annually only includes data that is aggregated across all mills and farms, as well as case studies of positive impact.¹⁹⁷ This lack of transparency requires that the public take the assessor’s word for it that the mill has met the standard, and denies stakeholders — including migrant worker rights and land rights advocacy organizations — the opportunity to raise potential auditing errors. Serious revelations about auditor conduct for another certification standard in the cocoa section, including “patchy inspections” and “susceptibility to fraud,” underscore long-standing concerns of social auditing to which the sugarcane sector is likely not immune.¹⁹⁸

These concerns underscore the weaknesses of social auditing, discussed in our Introduction, and makes the presence of a well-functioning, transparent grievance mechanism at the farm level even more important. As MSI Integrity, a civil society non-profit watchdog of MSIs has noted, the benefits of a grievance mechanism “will only result from an appropriately designed and implemented mechanism. An ineffective mechanism may compound initial grievances and may cause more harm than good.”¹⁹⁹ Our recommendations include looking to the successful model of worker-driven social responsibility, exemplified by the Fair Food Campaign, in which human rights protections are “worker-driven, enforcement-focused, and based on legally binding commitments that assign responsibility for improving working conditions to the global corporations at the top of those supply chains.”²⁰⁰

Since late 2017, Bonsucro has ramped up its work in India by hiring of a dedicated in-country manager to drive the India Accelerator Program. In 2018, it piloted the new Smallholder Standard in the country, the creation of which was largely a response to the expressed needs of Bonsucro India members. As noted above, based on the pilot, in early 2019 it began to roll out three templates for mill improvement procedures as a response to the results of the pilot. Three of the four mills that participated in this study were far enough along in the certification process to have scheduled audits. Bonsucro managers remarked to us the marked uptick in mill interest in the Standard demonstrated at a July 2019 training in India, where mills actively exchanged experiences of working towards certification. As such, future studies of Bonsucro in India will have significantly more information upon which to evaluate impact.

Bonsucro’s mission turn to a platform for change that supports mills and farms in their journey towards certification is a sound approach that acknowledges the myriad social and

environmental challenges the sector faces. Bonsucro’s lean, dedicated staff works hard and creatively to build out the vision of the platform, rolling out and assessing new initiatives as part of a program of continuous improvement. For this, Bonsucro and its partners should be commended. A concern, however, is that like other certification standards, Bonsucro is trading on its brand of certification, and investors and brands are counting on it as a complete and reliable signal of sustainable sugarcane.²⁰¹ To make this claim confidently, much more work is needed, and investors and other stakeholders relying upon Bonsucro certification as a signal of sustainability — particularly in the area of human rights — should treat Bonsucro as a work in progress and not rely on the Bonsucro seal solely in its human rights due diligence.

Appendix 1: Timeline of Bonsucro's Interventions in India

This timeline of Bonsucro activities in India was compiled by Clinic researchers, based upon a list provided by Bonsucro and supplemented by stakeholder interviews.

- 2008–2009:** EID Parry is a founding member of the Better Sugarcane Initiative.
- 2009:** EID Parry hosts the Better Sugarcane Initiative's second Annual General Meeting in Chennai, India. The Better Sugarcane Initiative's board and members spend two days visiting EID Parry mills and farms.
- The Production Standard is approved for public release.
- June 2011:** Public consultation on the first Bonsucro Production Standard is held in Tiruchirappalli, Tamil Nadu.
- December 2011:** Technical training in Tamil Nadu (subcontracted to Proforest) to review the Production Standard with potential members and perform a gap assessment of EID Parry Pettaivathalai.
- 2012–2015:** Bonsucro and the International Finance Corporation (IFC) join Solidaridad's Farmer Support Programme (FSP) to build farmer capacity for sustainable sugarcane production. The Bonsucro Production Standard is used as benchmark for improvement in FSP and Bonsucro provides technical support to farmers.
- May 2013:** Technical training (sponsored by IFC and Solidaridad).
- February 2014:** Public consultation in India, as part of a series of global public consultations, to solicit input on the first draft of the revised Production Standard. Labor discrimination and water use efficiency are discussed.
- March 2014:** First draft of the revised Production Standard piloted at EID Parry Pugalur.
- December 2014:** Technical training; member mills in attendance include EID Parry, Olam, NSL Sugars, and Rajshree Sugars & Chem.
- A stakeholder meeting sponsored by IFC and Solidaridad is held in Delhi.
- Gap analysis of EID Parry Mundiampakkam and Rajshree Sugars & Chem Ltd.
- Public consultation of the Production Standard in India. Recommendations are made for a smallholder standard and for easing of the fertilization requirements.
- May 2015:** EID Parry Pugalur is certified through the FSP. The certification is cancelled in June 2018 due to drought.

- 2015:** Engagement begins with Indian stakeholders to build a stronger network in Chennai, Bangalore, and Delhi. A public consultation of the Production Standard is held in India. Following an internal strategy review, recommendations are made for a smallholder standard and for easing of the fertilization requirements.
- 2016–2017:** Solidaridad begins a development program for smallholder farmers using the Bonsucro Production Standard as a benchmark.
- April 2016:** Stakeholder visit by Bonsucro CEO.
- June 2016:** EID Parry Haliyal is certified.
- February 2016:** EID Parry Nellikuppam is certified.
- August 2016:** Technical training for potential members in Pune, Maharashtra.
- October 2016:** Technical training and a stakeholder visit by the Bonsucro Program Director. Member mills in attendance include Baramati Agro, Chamundeswari, Dalmia Bharat Sugar, EID Parry, Godavari Biorefineries, Olam, and Shree Datta S.S.K.
- November 2016:** Stakeholder visit by Bonsucro CEO.
- January 2017:** Stakeholder visit by Bonsucro CEO.
- June 2017:** Stakeholder visit by Bonsucro Program Director.
- July 2017:** Technical training.
- August 2017:** Technical training led by the Bonsucro Standards Manager in Chennai where participating mills are introduced to the Production Standard, and visits EID Parry. Participating Bonsucro member mills include Baramati Agro, Dalmia Bharat Sugar, DCM Shriram, EID Parry, Olam, and Vijayanagar Sugar Mills.
- September 2017:** Program Manager for India hired.
- November 2017:** With consulting firm One Peterson, Bonsucro organizes technical training attended by managers of three mills and other enabling organizations, including two certification bodies: Intertek and SGS.
- PepsiCo commissions Bonsucro together with One Peterson to conduct gap analysis against the Production Standard at five preferred PepsiCo mills: Ajinkyatara Sugar, Baramati Agro, Dalmia Sugar, NSL Sugars Mandya, and Sri Chamundeswari Sugars. The gap analysis is conducted at both the farms and the mills.
- Bonsucro launches the India Accelerator Program.

- January 2018:** Report presented to PepsiCo. Based upon the findings of the gap analysis, “Health and Safety” and “environment impact management” are identified as two core areas where data is lacking at the field level.
- April 2018:** Pilot of the final draft of the Production Standard for Smallholder Farmers begins at Baramati Agro.
- October 2018:** Bonsucro CEO delivers keynote address at the Kingsman Asia Sugar Conference in Delhi and meets with Baramati Agro. Other Bonsucro managers also attend.
- December 2018:** Olam Chandgad mill is certified, with assistance from IFC and Solidaridad, under the Production Standard for Smallholder Farmers.
- February to March 2019:** Rolled out capacity building “train the trainer” programs at three of the PepsiCo preferred mills: NSL Sugars Mandya, Baramati Agro, and Vijayanagar Sugar Mills. The programs used the newly developed training materials and templates— Health and Safety Plan and Environmental Impact Management for member mills — to be used as a part of a “Hazard Identification and Risk Assessment” for the farm and the mill.
- April 2019:** Baramati Agro mill is certified against the Production Standard for Smallholder Farmers.

Appendix 2: The Politics of Sugarcane in India

*“Indian politics and democracy is [sic] run by sugar.”*²⁰²

Sugar is one of the most politicized commodities in India and has been known to make or break political careers. A study conducted by Dartmouth College professor Sandip Sukhtankar found that of the 183 mills in India’s largest sugar producing state, Maharashtra, 101 had chairs who had contested state or national elections between 1993 and 2005.²⁰³ Furthermore, the two largest sugar producing states in the country, Maharashtra and Uttar Pradesh, also have the highest number of seats (130 out of 256) in the lower house of the Indian Parliament, the Lok Sabha. Thus, even though sugarcane is a water intensive crop and requires precise cultivation to protect the land, recent years have seen bountiful production with state governments removing caps on surplus molasses production, leading to significant depletion of the groundwater table and further exacerbating the country’s water crisis. Despite efforts to push for deregulation, sugar prices continue to be controlled by the state government. Increasing minimum subsidies, raising subsidies, generous bailout packages offered to debt-ridden mills, appointments of “independent” directors of sugar co-operatives²⁰⁴ and raising limits for ethanol production are examples of a few political strategies taken to keep farmers and mill owners happy.

State-Controlled Prices

Following Indian independence, sugarcane prices were decontrolled, fully or partially, on multiple occasions. Nonetheless, given its importance in Indian politics, both processed sugar and cane prices are remain largely controlled by the Central government under the Essential Commodities Act of 1955.²⁰⁵ As a result, high fluctuations in supply and demand conditions are common and often have severe implications on the profitability of sugar mills.

Setting thresholds for sugar prices involves both political and economic considerations. Sugarcane farmers form an important part of the vote bank. Furthermore, government policies are often designed with a welfare objective towards protecting small and marginal farmers, which includes a large proportion of the 50 million sugarcane cultivators in the country. Thus, to protect farmers, in 1966 under a Sugar Cane Control Order, the government established the Fair and Remunerative Price (FRP) that sugar mills are mandated to pay farmers for sugar, regardless of the mill’s revenues. The FRP, which is established for each season, is determined based on a variety of factors, including: the cost of production, returns from alternative crops, selling price of sugar, recovery rate, realization earned from the sale of by-products like molasses, bagasse, and press mud along with the addition of a reasonable margin for farmers. In addition to FRP, the Food Corporation of India buys sugarcane from farmers and pays them a Minimum Support Price (MSP), which is usually above the market price, if farmers are unable to obtain a fair price in the open market.²⁰⁶ Lastly, state governments fix the State Advised Price (SAP) keeping in mind that it has to be above the MSP and is exclusive of Goods and Services Tax and transportation charges. Farmers are also paid a premium for a high recovery rate, or sugar output, from sugarcane.

The FRP greatly advantages farmers, as their fate no longer depends upon the profits or performance of the mills. Moreover, unlike most other crops, farmers can avoid middlemen and directly sell the cane to mills. Thus, as shown in **Figure A2.1**, sugarcane continues to be a lucrative crop for farmers and therefore they have little incentive to start producing other crops.

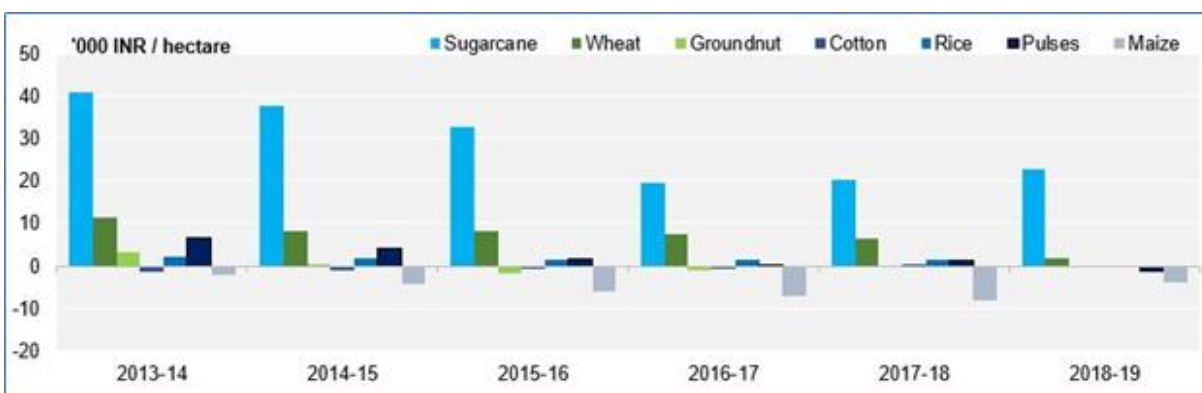


Figure A2.1. Sugarcane — a high return crop for farmers

Source – Czarnikow Group Limited, “The Sugar Market: In Transition?” Feb. 6, 2019.

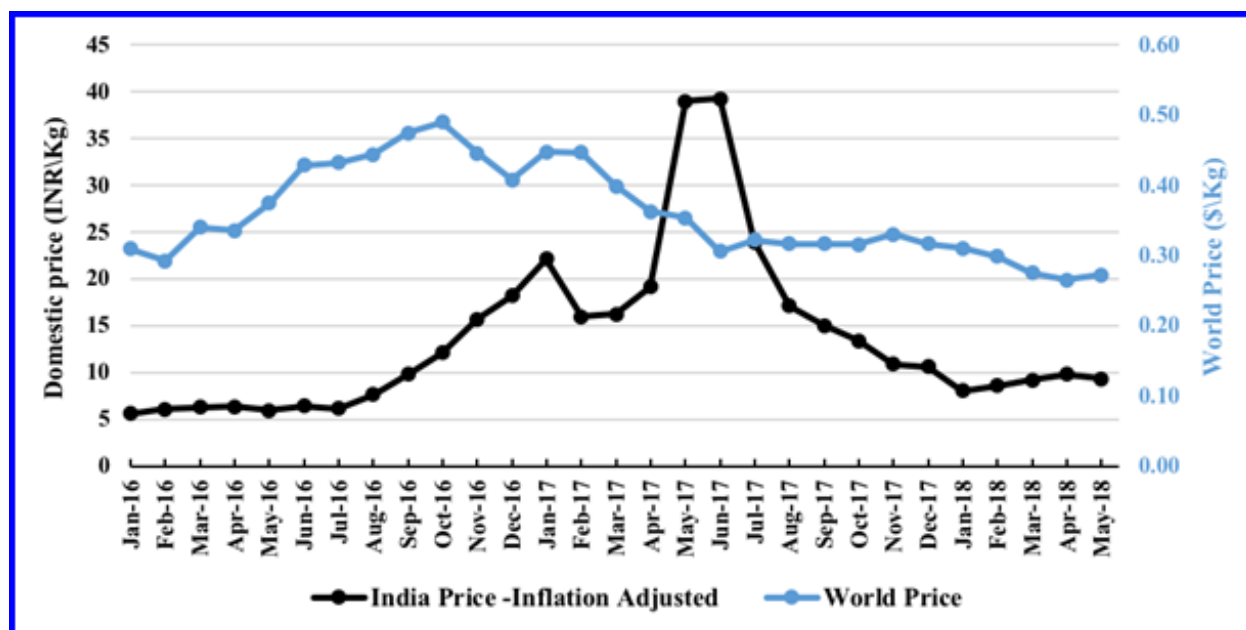
On the other hand, mills are under tremendous pressure. With surplus production and price regulations, the cost of production often surpasses revenue. Furthermore, in 2018, the government tightened regulations on the sugar sector by dictating how much sugar they can sell domestically each month, setting the minimum domestic sugar price, and setting a five-million-ton export quota backed by subsidies for cane growers and inland logistics.²⁰⁷

In recent years, stringent regulations and price policies coupled with surplus production have adversely affected the productivity of the sugarcane production as well as the overall profitability of the sector (shown in **Figure A2.2**). India is already self-sufficient in sugar production. The high cost of production makes Indian sugar prices uncompetitive (cane prices in India are about 70%–80% more expensive than cane grown in Brazil) and exports become more difficult. Thus, the mismatch between high cane prices and low processed sugar prices affects the profitability of mills.²⁰⁸ With mills going into arrears, making timely payments to farmers becomes challenging. This issue is particularly prevalent in Maharashtra, where the SAP is less than other states and farmers are often paid up to 50 days after supplying cane.²⁰⁹

To control the situation, the government intervenes by further increasing the MSP/SAP (as evidenced in February 2019 when the MSP was raised from Rs 29 per quintal to Rs 31 per quintal) and thereby helps mills clear the US\$ 2.8 billion debt they owe farmers.²¹⁰ The government also offers generous interest-free loans, subsidies, and incentives to bail out the ailing sector and helps sell the surplus production domestically. The Rangarajan Committee (2012) thus points to the need for loosening the government’s iron grip on the sugar sector and designing alternative mechanisms

like paying farmers on a value-sharing basis.²¹¹ Until now, this recommendation to do away with the SAP has only been accepted by Karnataka and Maharashtra, the two states in which this team undertook fieldwork for this study.

Figure A2.2. Falling sugar prices.



Source – IFPRI, “Charting the future of India’s sugar industry,” Deepayan Debnath and Suresh Babu, Oct. 10, 2018

Water Shortage

Drought has been a serious concern in India in recent years. Aside from its impact on sugarcane production, understanding the impact of droughts is also important from a human rights standpoint: there have been frequent reports of droughts driving debt-ridden farmers and (sometimes) their entire families into desperate acts like committing suicide.²¹²

Sugarcane is a water intensive crop. A study by the Indian Council of Research on International Economic Relations (ICRIER) suggests that poor farming practices, surplus production, power subsidies, and inefficient use of water leading to the rapid depletion of groundwater tables, sugarcane production was far lower than its estimated potential in the water abundant states like Bihar and Uttar Pradesh.²¹³ ICRIER estimates that 78% of the fresh water available in the country is currently being used up in agriculture.²¹⁴ Furthermore, the states of Karnataka and Maharashtra, which are the focus of this evaluation, are situated in drought prone zones. Ironically, almost all the sugarcane in Maharashtra is cultivated using irrigated water, while drinking water must be physically supplied to some of the arid sugarcane producing belts (like Marathwada where 22% of state’s sugarcane is grown) in the state. According to the World Bank, only roughly 35% of India’s agricultural land is irrigated, while the remaining 65% of farming is rain dependent.²¹⁵

With a per-capita water availability below 1,400 cubic meters (compared to a benchmark of 1,700 cubic meters), water scarcity is a prevalent issue in India. India's water crisis is exacerbated by geographic, economic, and political factors. Water scarcity issues coupled with recurring droughts have serious consequences on sugarcane production in India and oftentimes lead to spates of farmer suicides as evidenced in Karnataka in 2016. In order to address this issue, efforts are made to introduce sustainable farming practices and better ratoon management. Advocacy efforts by international organizations like World Wildlife Fund (WWF) and Solidaridad as training programs by the Vasundhara Sugar Initiative (VSI) in Pune, inter-state coordination for determining the optimal cropping patterns, shifting the balance towards less water-intensive crops, transitioning back to using traditional (instead of High Yielding Varieties) of seeds, restoring groundwater levels through rainwater harvesting and artificial groundwater recharge and use of alternative technologies like the use of drip, sprinkler and other micro-irrigation technologies are being adopted across states.

States like Maharashtra are actively pursuing drip irrigation and are incentivizing farmers by offering subsidized loans to undertake the required investment. Even though merely 24% of the total 0.942 million hectares under sugarcane cultivation is currently covered by drip irrigation, the government has ambitious plans to cover the entire state in subsequent phases. Drip irrigation is a lucrative solution for water scarce states as it controls the water and nutrients received by the crop and thereby saves 40–50% more water than alternatives like flood, canal, and sprinkler irrigation systems.²¹⁶ It also helps farmers earn greater returns by increasing the amount and quality of yield, along with higher sucrose content and extended plant life and improving the overall soil quality.²¹⁷

Challenges Facing the Indian Sugarcane Sector

While sugarcane cultivation is profitable for farmers, the tight controls and price regulations result in huge losses for mills and, in turn, delays the payments made to farmers. As a result, farmers end up selling the cane to jaggery (locally known as *gur* or *kolhus*) manufacturers. Unlike the sugarcane sector, the jaggery industry is unregulated; given the recent increase in yield, manufacturers can match the SAP and make timely payments. Jaggery manufacturers also buy up the surplus cane and stock it as a protection against future price rises.²¹⁸

In addition to domestic competition from jaggery, the higher cost of production of Indian sugar reduces the competitiveness of exports in international markets. In addition, export subsidies offered by the government might lead to disputes with other trading partners in the World Trade Organization (WTO) and make farmers worse off economically. Consequently, the government is actively encouraging mills to diversify into ethanol and bio-fuel production.²¹⁹

Furthermore, given the relatively low degree of attention given to sustainable farming practices, access to water resources coupled with bouts of drought have adverse effects on future sugarcane production. In particular, climate change presents serious ramifications on future yields and often encourages farmers and their families to seek alternative sources of employment.²²⁰

Another major concern affecting sugarcane production is the increasing shortage of farm labor given the rise in agricultural minimum wages and the shift towards finding guaranteed employment in centrally sponsored schemes for unskilled labor. This issue is particularly prevalent in sugarcane producing states like Maharashtra, Gujarat, and Karnataka.²²¹ Consequently, farmers rely upon family labor. Rapid urbanization is another challenge that affects the productivity of the agriculture sector. Members from farming households as well as laborers tend to migrate to nearby cities or suburban towns looking for better-paid work. Lastly, growing populations have resulted in the expansion of cities, which often result in fertile farmland being used to construct industries, office spaces, or residential complexes.

Appendix 3: Adapting the Bonsucro 2017 Theory of Change Detailed Methodology

In 2017, Bonsucro debuted a new theory of change (ToC) (refer to **Figure A3.1**) to inform its strategy to “become the global sugarcane platform, creating value and positive change in the sugarcane sector.”²²² Following a review of Bonsucro’s interventions in India, we made the decision to adapt the ToC for time and context because the present version is not suitable for our type of evaluation. First, Bonsucro’s ToC is forward-looking since it references programs that have not been instituted or have been in place for a short time. These include, among others, the benchmarking and accelerator programs. Our evaluation is seeking to find, to the extent possible, plausible contribution of Bonsucro’s interventions in the improvement of human rights outputs of certified mills and farms, and to be an assessment of past interventions and their present outputs.

Furthermore, the ToC is generally applied to all Bonsucro’s programs throughout the world. Our research demonstrated that each country has its own specificities. For example, India has faced a severe water crisis and specific states such as Tamil Nadu have had challenging droughts. In the past, Tamil Nadu had a certified mill; however, the present water conditions prevent the state from being able to meet the Production Standard successfully. Additionally, Indian sugarcane farming is predominantly run by smallholders, which helped to inspire a new Smallholder Production Standard that was developed to reflect the unique characteristics of this type of farming. Moreover, our evaluation is focused on human rights. We have discovered that not only does each country face its own unique human rights challenges, but also that each state in India faces its own set of human rights challenges. Consequently, this requires an adapted version of the ToC to reflect the specific interventions that have been implemented in India.

We aimed to align our revised ToC as closely as possible to Bonsucro’s 2017 version, while adapting it for context and time. Our desk research also revealed to us a need to amend aspects of the causal pathways to clarify Bonsucro’s interventions and their relationships to potential effects.

In the 2017 ToC interventions are conflated with outputs within the grouping “outputs and products,” which confuses the causal pathways. For example, transparency is labelled as an “output or product” within its buyers’ pathway, but it does not specify what interventions produce transparency. Instead, transparency should be an output produced by multiple Bonsucro interventions, including Bonsucro Connect and market certification. Yet, the 2017 ToC groups these three activities, transparency, Bonsucro Connect, and market certification, together under “outputs and products,” without delineating the specific causal pathway between these interventions and greater transparency for buyers. We recognized that our revised ToC will need to identify Bonsucro’s specific interventions in India and that outputs should lead from these interventions.

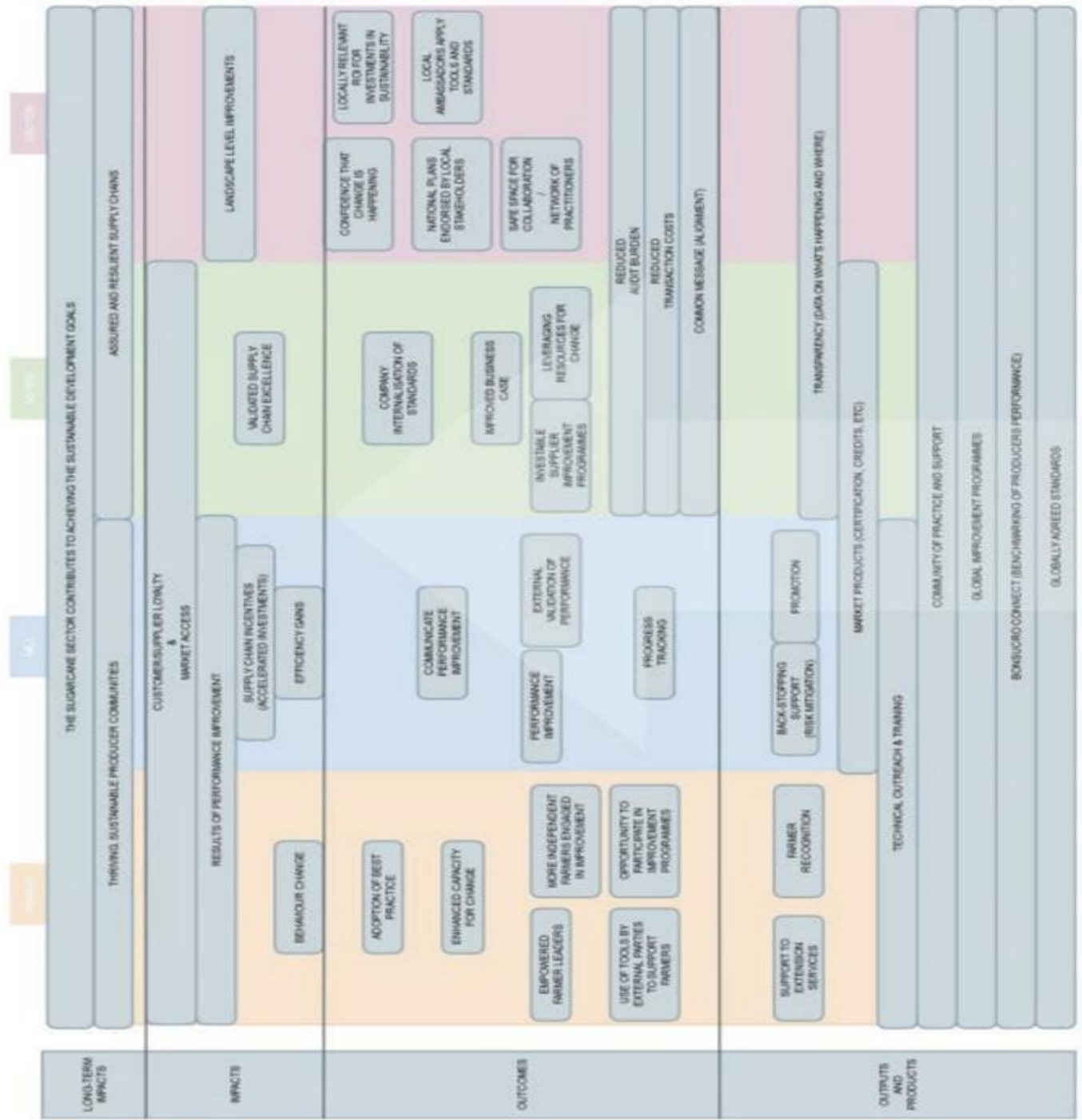


Figure A3.1 Bonsucro’s “Public ToC Draft.”

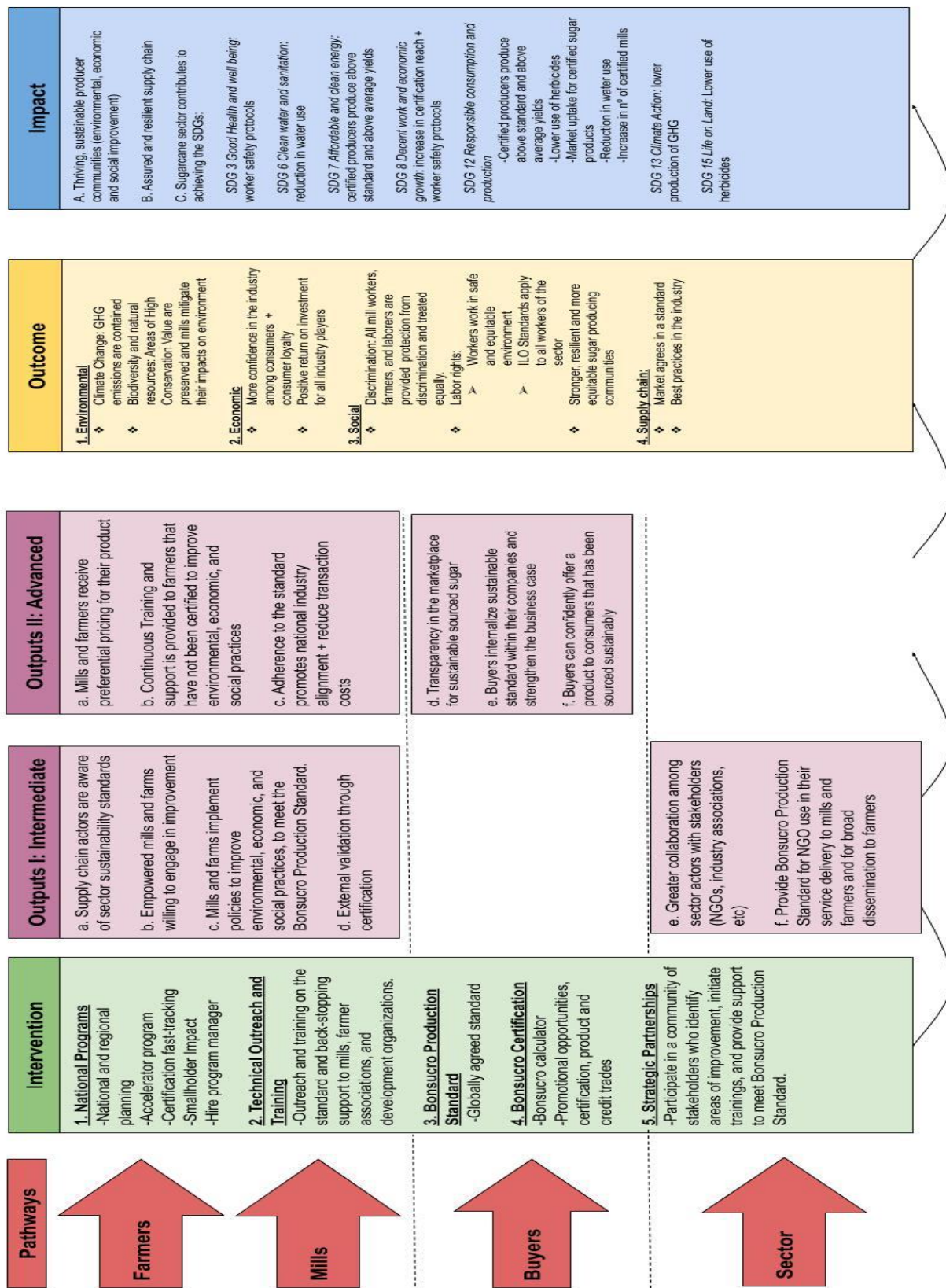


Figure A3.2 Revised theory of change.

Furthermore, the 2017 ToC identifies outcomes that we see as outputs. We define outputs as the tangible direct effects derived from the interventions. For example, the ToC includes “opportunity to participate in improvement programmes” and “progress tracking.” These are direct results of Bonsucro’s interventions and therefore should be recognized as outputs. We recognize that there are outputs that result from Bonsucro intervention that take longer to develop, and, therefore, outputs can be divided into those that are intermediate and those that are advanced. For instance, “company internalization of standards” can be seen as a direct effect of Bonsucro’s interventions. Once a company adopts the Bonsucro Production or the Mass Balance Chain of Custody Standard²²³ it internalizes and adheres to the principles of the standard. However, this process requires longer development than other outputs. Therefore, this output and others of this nature would belong in an advanced outputs section.

In recognizing the temporal flow of a ToC, outcomes should represent more systematic changes resulting from outputs. The 2017 ToC includes “results of performance improvement” in its impact section. Yet, this is not an impact of the Production Standard; instead, this is an outcome produced by Bonsucro’s outputs; however, “results of performance improvement” is a broad statement that requires more specificity. This was not the only “impact” where the phrasing is ambiguous, and the designation is in doubt. For example, “behavior change” and “efficiency gains” are better suited in an outcomes section because they result from outputs. We propose that the outcomes section specify the systematic changes that are a result of outputs.

The “long-term impacts” category also lack specificity. To remedy this, a ToC can identify which distinct Sustainable Development Goals are most likely to be achieved because of Bonsucro interventions, as stated in Bonsucro’s 2017 Outcome report. These impacts are realized in the long-term and are a result of the systematic changes produced from the outcomes.

Figure A3.2 represents the ToC we used to guide this evaluation. The 2017 ToC identifies four causal pathways — farmers, mills, buyers, and sector —the major categories of stakeholders that are the beneficiaries of Bonsucro intervention. We saw a need to change the pathways of impact, from short- to long- term: Intervention, Output (Intermediate and Advanced), Outcome, and Impact.

At our request, Bonsucro produced a timeline of its interventions in India, which we used to assess the type of programming that Bonsucro had implemented (see Appendix 1). We relied upon primary and secondary sources to confirm the information provided to us in Bonsucro’s timeline and to add additional programming that may have been overlooked. Subsequently, we assessed the timeline for the different types of interventions. Our assessment found that the Bonsucro Production Standards (including the Smallholder Production Standard), certification, technical training, NGO partnerships, and stakeholder consultations were the most prevalent Bonsucro interventions. Therefore, these actions are noted within the intervention section of our revised ToC.

Once we determined the specific interventions implemented in India, we looked to Bonsucro’s 2017 ToC to isolate the direct outputs that could result from the more limited

interventions that took place in India and revised them for context. For example, Bonsucro included “external validation of performance” within the 2017 ToC. We renamed this “external validation through certification” since that certification is the mechanism by which mills and farms are identified as having achieved improvements and is a direct impact of Bonsucro’s intervention. Additionally, we included, “Mills and farms implement policies to improve environmental, economic, and social practices, to meet the Production Standard.” The 2017 ToC includes “performance improvement,” and we revised our output to incorporate more specificity on the types of improvements that are made from implementation of the Production Standard.

We also theorized new outputs that would logically flow from the interventions that were not previously included. From our preliminary research, we discovered that the dissemination of the Production Standard was frequently done through non-governmental development organizations and governmental assistance programs, which were prompted to use the standard because of buyer influence rather than direct outreach from Bonsucro. Consequently, we included a specific output that reflected this practice: “Provide tool (Bonsucro Production Standard) for non-governmental development organizations’ use in their service delivery, which is disseminated to a wider audience.”

The inclusion of this output recognizes the contribution the Production Standard has had on the service delivery of other organizations. Our preliminary desk research pointed to the Production Standard as a framework for improvement, which non-governmental organizations and governmental assistance programs have used to tailor their service delivery in India. In short, these organizations have adopted the Production Standard as a means to improve their own impact, and the Standard itself is essential to achieving the future outcomes we have indicated in the revised ToC, such as the adoption of best practices in the industry.

According to our desk research, the adoption of the Production Standard by non-governmental organizations and governmental assistance programs was a relatively swift occurrence while other outputs took longer to be realized. Again, we are defining outputs as direct effects realized by the intervention. We decided to distinguish these delayed effects such as “transparency in the marketplace” as intermediate outputs. Bonsucro’s interventions, specifically certification, can directly enable transparency in the sugar marketplace since all parties would recognize that Bonsucro certified sugar was grown and processed according to the Production Standard. Nonetheless, we recognize that transparency would take more time to realize than other outputs. It would first require the realization of intermediate outputs, such as greater awareness of Bonsucro within the marketplace for sugar. We used similar judgment, taking into account our preliminary research, to infer whether other outputs should be considered intermediate or advanced.

Subsequently, we considered potential outcomes that follow from these outputs that could be realized in the long-term; however, these outcomes cannot be observed presently because Bonsucro’s interventions with the mills that agreed to participate in this research was too recent. We define outcomes as systematic changes in the environment, economy, society, and supply

chain that result from Bonsucro’s interventions. We include the “environment,” “economy,” and “society” since these categories were identified in Bonsucro’s 2017 Outcome Report as the areas for which Bonsucro seeks to have an important contribution. We also include “supply chain” to recognize the potential outcomes that Bonsucro could have on the functioning of the entire marketplace for sugarcane if successful. We then infer from our outputs what systematic changes could reasonably be achieved. For example, all industry players in the supply chain should be able to see greater customer loyalty and return on their investment if Bonsucro is successful in enabling preferential pricing and external validation from certification. We use a similar line of reasoning for the other areas of systematic change.

Finally, the 2017 ToC states that the organization’s interventions will contribute to the larger global improvement framework of the Sustainable Development Goals (SDGs). We isolate the seven SDGs identified within Bonsucro’s 2017 Outcome Report that the organization is most likely to be able to contribute towards. For example, improvements in worker safety protocols for Bonsucro certified sugarcane producers could reasonably contribute to SDG 3, “Ensure healthy lives and promote well-being for all at all ages.”²²⁴

Appendix 4: Stakeholder Interviews

We are grateful to individuals from the following organizations who agreed to be interviewed for this research. Section 5 of this report contains a list of individuals interviewed during the India site visits identified by their type (e.g. farmers, farmworkers, mill workers, etc.).

Bonsucro staff/board

Ritu Baruah, Regional Coordinator, India
Miguel Hernández, Regional Director, Latin America
Rick Lyu, Regional Director, Asia Pacific
Danielle Morley, CEO
Rafael Seixas, Membership Manager
Nicolas Viart, Head, Standards & Innovation
Claudia Asensio, Chair, Members Council

Bonsucro members

The Coca-Cola Company
Copersucar
Mars
Pantaleon
PepsiCo
Dr Gopinathan MC, Solidaridad (Members Council)
Alexander Borjk, World Wildlife Fund

Mill managers

Baramati Agro Ltd.
Middle Management

NSL Sugars Ltd.
Process Dept.
Cane Dept.
General Management
Safety Dept.
Security Dept.
Human Resources Dept.

Dalmia Bharat Sugar & Industries Ltd.
Senior Management

Olam Agro India Private Ltd.
Cane Dept.
General Management Dept.
Human Resources Dept.
Health & Safety Dept.
Internal Audit Dept.

Civil society organizations

Inclusive Development International (USA)
La Isla Network (USA)
Landesa (India / USA)
Nomogaia (USA)
Oxfam (India / USA)

SAI Platform (Italy)
Solidaridad (India)
University of Agricultural Sciences (Bangalore, India)
Verite (USA)
World Wildlife Fund (USA)

Other ILO Senior Advisor, Child Labor

Appendix 5: Questionnaires

The following interview guides were used for Skype and field interviews and adapted for each interview subject. Each interview or focus group was preceded by: an introduction of the interviewers and the SIPA Business and Human Rights Clinic; an explanation of the research purpose and the intended length of the interview; a reading of the consent protocol, including a statement of guarantee of anonymity, confidentiality, the voluntariness of the interview and the right to refuse to answer any questions; and a request for consent to record the interview.²²⁵

We conducted field interviews with mill managers, mill workers, farmers, and farm workers. We developed interview questionnaires specific to each of these groups, and within each set developed specific questions for women and migrants. Interview questionnaires were more general for the first scoping trip, where the aim was to interview as many people as possible to build a better understanding for a deeper, more focused probe in the next field visit. For our return visit in March, we developed more detailed questionnaires and the interviews tended to be longer. Since our focus was solely on impact at the farm level, we did not interview mill workers at this site visit. With the expectation that we would be able to interview farmworkers in March, we prepared a detailed farmworker interview guide, which is included below.

For all interviews, we led by probing for information on what the respondent felt had changed during the period in which the mill or farm had engaged with the Production or Smallholder Standard by asking, “Have you seen any changes in the past [x] years?” and “What is the most significant change?” Recognizing that so early in the mill or farm’s engagement with the Standard we might not see much change, our subsequent questions were designed to shed light on the respondent’s views about current conditions, in order to establish a baseline for a future study.

Stakeholder interviews – via Skype and in the field

Traders and other Intermediaries

1. What is your relationship with Bonsucro?
2. Why did you choose to join Bonsucro? Did you consider other options?
3. What do you perceive are the benefits of Bonsucro certification?
4. What programs have you been offered through your Bonsucro membership? What support do you receive? In which areas?
5. What do you think Bonsucro has done well? What do you think are areas for improvement? In what ways?
6. In your opinion, is there something more that Bonsucro should be doing to address social and environmental challenges in the sugarcane sector? Is there something that Bonsucro should be doing differently?

Buyers/Corporations

1. What is your relationship with Bonsucro?
2. What was the incentive for creating Bonsucro/joining Bonsucro? Do you feel Bonsucro has accomplished its goals?

3. Please explain your understanding of what Bonsucro does. In your opinion, what are its most valuable programs and initiatives?
4. What do you perceive are the benefits of Bonsucro's certification process? Has it had an impact on your business?
5. What do you think are Bonsucro's most positive impacts?
6. How would you rate Bonsucro's impact on labor and land rights in the industry?
7. In your opinion, is there something more that Bonsucro should be doing to address social and environmental challenges in the sugarcane sector? Is there something that Bonsucro should be doing differently?

NGOs and academics

1. Please explain your understanding of the situation of the mill and farm workers in India.
2. Can you explain your understanding of what Bonsucro does? What are its key programs and initiatives?
3. What do you perceive are the positive and negative impacts of the Production Standard? Has it had an impact on your area of focus?
4. How would you rate Bonsucro's impact on labor rights, land rights, and the right to remedy in the industry?
5. What do you think Bonsucro has done well? What do you think are areas for improvement? In what ways? What challenges remain?

Interview Questions – January scoping trip

Mill Managers

Opener

1. What is your relationship with Bonsucro?

General questions

1. How would you describe the impact of the Bonsucro Production Standard or Smallholder Standard on the sugarcane sector?
2. Have you seen any tangible changes at your mill since engaging with the Production/Smallholder Standard?
3. Which, if any, of Bonsucro's programs/interventions have been most effective?
4. In your country, what do you consider to be the largest concern to mills and farmers?
5. What do you regard as areas of the sector in need of improvement? Is the Production/Smallholder Standard having an impact on these areas?
6. How would you rate Bonsucro's impact on mill and farm labor practices?
7. Are there any issues related to land in the sugarcane sector here? If so, do you feel that the Production Standard can have a positive impact in addressing these problems?

Questions specific to the mill

8. What are the key benefits to your mill of Bonsucro membership?
9. What programs have you been offered through your Bonsucro membership? What support do you receive? In which areas?
10. Did you incur any costs in seeking Bonsucro certification?
11. Do you believe you have experienced a positive return on your investment? Is this something that you can or have calculated?

12. Why did you choose to join Bonsucro? Did you consider other options?
13. (If the mill is certified:) What do you perceive are the benefits of Bonsucro certification?
14. (If the mill has gone through an audit process:) What did the auditors look for? Were there any areas of noncompliance? If so, how were these addressed?
15. Have you used the Bonsucro calculator? Do you find it useful/ easy to use?
16. What mechanisms are in place to address worker grievances? Briefly explain the process.

Ending:

17. What challenges remain for the sector? Do you feel that Bonsucro is positioned well to address them? What should it do that it is not already doing?

Mill workers

1. How long have you worked at this mill?
2. Have you seen any changes since then? Please tell me about them.
3. What is it like to work here? Has it always been like that?
4. Did you work at another mill before this? Which is a better place to work? Why?
5. Are you from this area? Did you travel here for this job?
6. Where do you live when you are not working at the mill?
7. Do you have children? How old are they? Do they come with you to work?
8. Do you have a contract?
9. When do you start your day? When do you end it? Do you get paid more when you work long hours?
10. If you have a complaint or problem, is there a way to express it?
11. Are you part of a worker union?
12. Are you aware of the Bonsucro Production Standard? What do you know about it?

Farmers and farm workers

1. How long has your farm been supplying to the mill?
2. Who owns the land where you grow and harvest sugarcane?
3. What challenges do you face as a farmer? How have these changed over time? (Follow up.)
4. Is your farm certified by Bonsucro or any other standard? Have you experienced any changes as a result? Did you face any challenges/costs in obtaining the certification?
5. How are grievances addressed? Do you trust the grievance process?
6. (*Question to all farm workers*): What is it like to work on this farm?
7. (*Question to all farm workers*): Is there a mechanism in place to complain? (If, yes) Were you satisfied/happy with the result?
8. (*Question to women workers*): Do you have a contract? Are you familiar with the terms? Is your wage at par with male colleagues?
9. (*Question to women workers*): What safeguards are taken by the mill to provide protection and a hygienic environment?
10. (*Question to women workers*): If there are any instances of harassment by male workers/ supervisors, how is it resolved? Is there a safe channel for reporting grievances? Are there any risks associated with making a formal complaint?

Interview Guides – March site visit

FARMER GUIDE

Participant Introduction

- Please start off by telling me **just your first name** and how old you are.
- And are you married?
- Do you have children?
 - *[IF YES]* And what are their ages?

To start with I'd like to understand a little more about the size of your farm and who you supply to...

Farm classification - size

- Is farming your only source of income?
- Do you grow any crops other than sugarcane?
- [Just focusing on sugarcane] How many hectares of land under sugarcane do you manage?
- Who owns the land where you grow and harvest sugarcane?
 - *[If COUPLE and mention WE DO]* Are both of your names on the land title?
 - *[IF JUST ONE]* Why is that? (*i.e. that just one name and not both*)
- How long have you been growing sugar cane?
- How many mills does your farm provide to?
 - Which mills do you provide sugar cane for?
 - *[If Bonsucro certified mill is mentioned]* Does each mill you supply to have its own designated area of your land (/plot)?
- How long has your farm been associated with each mill?
- Do you have a contract with each mill?
- Do you deliver directly to each mill?
 - *[IF NOT]* Where do you deliver instead?
- What is the nature of your relationship with the mill? How long have you been employed?

1. Operations - Introduction

Next, I have some questions about changes you've made at the farm in the past couple of years.

Most Significant Change

- What do you see as the most significant change you have seen in how you manage your farm in the past two years?
- (*ALTERNATIVE*) Have you made any significant changes in how you manage the farm in the past two years?
 - *[If YES]* Can you briefly describe them?
 - *[IF SAYS THERE ARE MANY]* Just focus on the three that you consider to be the biggest changes.
 - What prompted you to make these changes?
 - *[PROBE IF CHANGES THE RESULT OF MILL]*
 - *[FOLLOW UP SPECIFICALLY ON CHANGES RELATED TO H. RIGHTS AREAS COVERED BY THE STANDARD]*

2. Bonsucro Awareness

[NOTE IF FARM IS CERTIFIED OR NOT]

I have a couple of questions about the organization that I mentioned at the beginning of the interview...

- Have you heard of Bonsucro?
 - *[IF YES]* When did you first hear about it?
 - What have you heard about it?
- Have you engaged directly with Bonsucro?
 - *[IF YES]* How so?
- Are you aware of the Bonsucro certification?
 - *[IF YES]* What do you know about it?
 - *[IF NO, DESCRIBE]*
 - *[IF YES]* What did you have to do to get that certification?
- *[IF NOT ALREADY MENTIONED]* Are you aware of the Bonsucro Production Standard?
 - *[IF YES]* What do you know about it?
- *[IF MENTION CHANGES IN RELATION TO BONSUCRO]* Other than the areas you have already mentioned [*LIST AREAS MENTIONED IN CHANGES, e.g. FERTILIZER STANDARDS, PPE*], what other areas of your work does Bonsucro focus on?
 - *[CLARIFY IF NEED BE BUT DON'T MENTION ANY SPECIFIC AREAS - E.G. DON'T MENTION LABOR SPECIFICALLY]*
 - *[IF CERTIFIED]* Were your workers involved in the certification process?
 - What about your family, were they involved?
- *[IF CERTIFIED]* How has the Bonsucro certification benefited you?
- What were the biggest changes you had to make to obtain Bonsucro's certification?
- Are there any areas you didn't need to make any changes?
 - *PROBE TO SPECIFY*
- Did you face any challenges/costs in obtaining the certification?
- Are you aware of the farm diary? It's a booklet that contains information on the Bonsucro Production Standard and is a place farmers can record relevant production information for the farm like seasonal yields, and chemical use.
 - Do you use the farm diary?
 - If so, do you receive help to complete the farm diary?
- Are you aware of the Bonsucro Calculator?
 - *[IF YES]* Did you use it?
 - Was it helpful?
 - *[IF YES]* How so?
 - *[IF NO]* Why do you think that is?
- What benefits are you receiving from Bonsucro certification?
- *[IF CERTIFIED]* Did anyone come to check your farms as part of the certification process?
 - Who were they? *[FOLLOW UP IF NEED TO CLARIFY]* Were they from the mill?
- Have you ever received any recognition or awards from the mill?

3. Relationship to the mill/Complaint process

I want to understand a little more about your relationship with the mill....

- Do you have any challenges working with the mills?
- How do you manage these challenges?
- Do you communicate these challenges to the mills?

- *[IF DON'T MENTION LATE PAYMENTS]* Are the payments from the mill always on time?
- *[IF NO]* How late was the payment?
- What challenges did that present for you?
- Did you have to take out a loan as a result?
- What do you do when you have a complaint?
- *[If the mill is not mentioned]* Can you bring that complaint to the mill directly?
 - *[If yes]* How?
 - To whom?
 - Do you trust this system?
 - Is your complaint anonymous?
 - Have you ever used it?
 - *[If not]* Why not?
- *[If aware of Bonsucro]* Can you bring your complaint to Bonsucro?
 - How does it operate?
 - Who are those complaints addressed to?
 - Have you used the complaint process?
 - *[IF YES]* For what reason?
 - In your view, how effective has it been?

4. Farm classification – family or not/Minimum age/Migrant presence

Next, I have some questions about who works on your farm...

- How many people worked on your farm this season on sugarcane?
- *[IF MARRIED]* Does your *[husband/wife]* work here as well?

IF INTERVIEWING MARRIED COUPLE OR SOMEONE WHO WORKS ON THE FARM WITH THEIR SPOUSE:

I'd like to understand a little better how the two of you manage the farm...

- How do you distribute the work of managing the farm between the two of you?
- *[ASK WIFE DIRECTLY]* What tasks are usually your responsibility?
- *[PROBE IF INVOLVED IN HIRING, SALE OF CANE]*
- *[TO HUSBAND]* And are yours the same or different?
- *[IF DIFFERENT TASKS]* How did you decide on that distribution?

IF family farm:

- Do you have any *[other]* family members that work here?
- Do you ever hire workers that are not part of your family?
- How many?
- *[IF FAMILY FARM]* Do you regularly hire workers? *(i.e. every season?)*
- Is it the same workers coming to the farm every day? *[i.e. same for whole season? Change monthly/weekly/daily?]*
- What is the greatest number of workers that you have had working on the farm at one time?
- Do any of your workers migrate/travel to be here for the season?
- How many women workers are there on your farm?
- What sorts of jobs/work do they mostly do?
- What sorts of jobs are there to do on the farm?
 - Are there any tasks which children can help with?

- [IF YES] How often do they help?
- Can you give me some examples?
 - [IF NONE MENTIONED] Do they ever help with... harvesting? Chemical application? Cane burning? Do they ever operate machinery?
- What ages are they when they help with this task?
- [IF NOT MENTIONED] When (during the day) do they typically help?
- And for how many hours would you say that they help?
- And is that primarily on weekdays?
- Do you or your workers conduct these tasks with them?

5. Operations – 2.1 Minimum Standards

Next, I have some questions about how you recruit and hire workers...

- How old do you have to be to work on your farm?
 - [IF AGE<18] What kind of work do [lowest age mentioned] year olds do on your farm?
 - Why did you decide on [repeat age]?
 - Who is responsible for recruiting workers for your farm?
 - How do you verify the ages of your workers?
 - Have you ever had issues with fraudulent work/identity documents?
- What types of working arrangements do you have with your workers? As in, are they employed on a seasonal, monthly, weekly, or daily basis?
- And is that for all workers, or do some have different arrangements?

When your workers are hired....

- What is the process of hiring farm labor? Please walk us through that.
- Do workers need to provide you with personal documentation?
- [If mention ID or other identifying documentation] Are those photocopies, the actual ID, or do you write down the ID number?
- Do your workers receive any documentation from you (*alluding to contract*)?
- What documents do you keep in the file?
- Who is responsible for collecting and checking these documents?

Wages:

- How do you determine the wages of your workers?
- And how frequently are they paid?
- Do you pay directly to your workers, or does someone manage that for you?
- Do you keep a record of your payments?
- What types of things do you record?
- Do you provide pay slips? [IF YES] What information is on them?
- Do your workers live on site?
- How do they typically travel to work?
- Do you arrange that for them?
- [IF YES] Do they reimburse you for that travel? How so? [*i.e. part of wages? Deposit?*]
- Are you aware of a union or organization representing **farm workers** in the area?
 - [IF YES] Can you list them?
 - [IF YES] Are any of your workers members of these unions/organizations?

- Are you aware of a union or organization representing **farmers** in the area?
 - *[IF YES]* Can you list them?
 - *[IF YES]* Are you a member of any of these unions/organizations?
 - Why did you join?
- How did you learn the law related to labor rights?

6. Operations – 2.2 Health & Safety

Trainings:

Next, I have some questions about training...

- Do you arrange or conduct trainings for your workers?
- What are the trainings about?
- How often do they occur?
- Do you conduct them, or does an organization arrange them?
- *[IF ORGANIZATION]* Which organizations specifically?
- *[IF DIRECT]* Do you ever work with external organizations on trainings for your workers?

Trainings for Female Farmers:

- Do you have access to training programs to improve your work?
 - *[If no access to these programs]* Do you know anyone who has access to these programs?
 - *[If yes]* Who has access to these programs?
 - Why do you think they can access these programs and you cannot?
- *[If yes]* What do these programs teach you?
 - Who else joins these programs? Are these women or men?
 - *[If only women]* Why do think only women join these programs?
 - Are you aware of programs that only assist men?
- What do you think of the accessibility to training programs for men?

Farmer Trainings

- Have you attended any trainings yourself in the past two years?
- *[IF YES]* Who conducted the trainings?
- *[IF YES]* What were they about?

Next, I have some questions about potential risks on your farm.

- What are the biggest health and safety risks in the operation of the farm?
- How do you address those risks?
- How often do you review these risks?
- *[CLARIFY]* Is that a formal process?
- *[IF DON'T MENTION KEEPING RECORDS]* Do you keep an accident log?
- *[IF DON'T MENTION WORKER TRAININGS]* Do your workers receive health and safety trainings?
- *[IF DON'T MENTION PPE]* Do you provide personal protective equipment to workers?
- Does everyone receive this equipment?
- How often do you replace the equipment?
- *[IF NOT MENTIONED]* Is there a supply of drinking water on the farm?

- *[IF NOT MENTIONED]* Is there a first aid kit on site?

Sugar transportation

- Do you personally transport the sugarcane from your farm to the mill(s)?
 - *[IF NO]* Who does? What is their relationship to your farm? *[i.e. their contract]*
 - *[IF YES]* How long do you typically have to wait at the mill supply gates? *[IF MORE THAN A COUPLE OF HOURS]* Do you have access to water, food, and shelter from the sun during that time?

Thank and Close

Is there anything you would like the mill to know?

Is there anything you would like Bonsucro to know?

Is there anything else that you would like to tell me?

Thank you so much for your time today.

MILL MANAGER GUIDE

Participant Introduction

- Please tell me **just your first name** and how old you are.
- And are you married?
- Do you have children?
 - *[IF YES]* And what are their ages?
- How long have you been working here?

Most significant change

- What are the most significant changes you have seen in the past three years?
 - What did these changes entail specifically? *[IF SHORT ON TIME, FOCUS ON BONSUCCRO RELATED INTERVENTION OR SKIP]*
 - *[if working conditions not mentioned]* Were there any changes made in working conditions?
 - *[if yes]* which ones?
 - What was the reason for making these changes?
 - *[if Bonsucro is not mentioned]* Did Bonsucro influence, in any way, those significant changes?
 - *[if no]* why not?
- Has Bonsucro had any influence in smaller changes?
 - *[if yes]* In what ways did Bonsucro influenced that changes?
 - Did you manage these changes entirely with internal staff, or did you seek external help?
 - **[FOLLOW UP ON EXTERNAL HELP]**

General challenges facing mill, biggest changes made

- I. I want to start with the bigger picture, and the challenges your mill faces generally.
- II. In your opinion, what are the three biggest challenges facing your mill now?
- III. What are the biggest changes *[/programs you have implemented]* you have made in the past *[years since Bonsucro certification]*?

- A. What did these changes entail specifically? *[IF SHORT ON TIME, FOCUS ON BONSUCRO RELATED INTERVENTION OR SKIP]*
- B. Did you manage these changes entirely with internal staff, or did you seek external help?
1. [FOLLOW UP ON EXTERNAL HELP]

Motivation to learn about the Production Standard/pursue Bonsucro Certification

- How did you first hear about Bonsucro?
- What motivated **[company]** to pursue Bonsucro certification?
- Why did you choose to join Bonsucro? Did you consider other options?

Price and interaction with buyers

- *[IF HAVE NOT MENTIONED BUYERS]* Are your (major?) buyers aware of the Bonsucro Standard?
- *[IF BUYER REQUIRE/MOTIVATE STANDARD]* How did **[the buyer]** describe the Bonsucro Standard?
- What benefits of certification did they mention to you?
 - *[FOLLOW UP ON PREMIUM ON PRICE, IF NOT MENTIONED]* Did you discuss a premium on price with **[the buyer]** in relation to Bonsucro certification?
 - Have you continued
 - Do you report your progress with the Bonsucro certification to **[the buyer]**?
 - *[IF YES]* What things do you report?
 - *[IF PROGRESS ON ANY HUMAN RIGHTS INDICATOR NOT MENTIONED, PROBE?]*
 - *[PROBE ON FARM LEVEL PROGRESS? IF BUYERS PUSH SMALLHOLDER?]*

Engagement with Bonsucro during certification

- What programs have you been offered through your Bonsucro membership?
 - What support do you receive?
 - In which areas?
- In what ways did you engage with Bonsucro prior to certification?
- In what ways did you engage with Bonsucro during certification?
 - *[This could be through events, trainings (online or in person), conferences, webinars...]*
- What do you think Bonsucro has done well? What of Bonsucro's programs/interventions have been most effective
- What do you think are areas for improvement? In what ways?
- *[FOLLOWUP ON SPECIFIC INTERVENTIONS - TECHNICAL WEEK]* Have you ever attended a Bonsucro technical week?
 - How did you learn about the technical week?
 - What was the reason for attending the technical week?
 - What did you take away from the technical week? *[PARTICIPATION HELP WITH CERTIFICATION IMPLEMENTATION?]*
- In your opinion, what Bonsucro event, program, or training was the **most helpful** to you when working towards certification?
 - Why?

- In your opinion, what Bonsucro event, program, or training was the **least helpful** to you when working towards certification?
 - Why?

Implementation of the Standard

- **At the mill level**, what were the biggest changes you had to make to achieve certification?
 - What did those changes look like?
 - *[Bonsucro assist directly with? Achieve through internal resources, or require external support?]*
- *[Could ask about areas where already complied?]*
- **At the farm level**, what were the biggest changes you had to make to achieve certification?
 - What did those changes look like?
 - *[Bonsucro assist directly with? Achieve through internal resources, or require external support?]*
- (If the mill has gone through an audit process:) What did the auditors look for? Were there any areas of noncompliance? If so, how were these addressed?
- What are the key benefits to your mill of your Bonsucro membership?
- What mechanisms are in place to address worker grievances? Briefly explain the process.
- (If the mill is certified:) What do you perceive are the benefits of Bonsucro's certification process?
- Did you incur any costs in seeking Bonsucro certification?
 - Where specifically did you incur costs during the certification process?
- Do you believe you have experienced a positive return on your investment? Is this something that you can or have calculated?

Grievance mechanism

- Grievances
 - What do you consider a grievance?
 - If a worker at the mill has a grievance, how can they *express it / bring a complaint / make management aware*?
 - *[IF MENTIONS A FORMAL PROCESS SPECIFICALLY]* Can you walk me through the process? Has this process changed in [# of years since started working with Bonsucro]?
 - *[IF DESCRIBES AN INFORMAL PROCESS] [NEED PROBING QUESTIONS]*
 - If a farmer has a grievance, how can they *express it / bring a complaint / make management aware*?
 - Has this process changed?
 - *[IF YES]* When?
 - Is it anonymous, confidential?
 - *[Genuine remedy vs. CSR actions]*
 - *[Involvement of Unions]*
 - Union awareness of Bonsucro?

Smallholder Standard

- *[IF SMALLHOLDER IMPLEMENTER]* What motivated [**company**] to pursue Small certification
- *[Buyer vs. Bonsucro vs. something else]*

- *[Challenges with the implementation of the small holder standard in India]*
 - What are the challenges that mill was facing in the implementation of the standard at the farm level that → the development of the smallholder standard?
 - *January findings: challenges in implementation due to requirements of Bonsucro standard [need to have documentation of land in their name; a challenge which is worse for female farmers]*
 - Has the smallholder standard addressed ^ these issues/challenges?
- Have you used the Bonsucro calculator? Do you find it useful/ easy to use?
- Has the number of farms that you source from changed since [year of Bonsucro certification]?
 - *[IF YES]* Increase or decrease?
 - *[IF INCREASE]* How decide which farms to bring on?
 - Certify as a requirement of working with?
 - If not immediately certify -- plan when they will be?
 - *[IF DECREASE]*

Farmer certification strategy

- How many farms supply to your mill?
- How many farms are Bonsucro certified?
- How do you decide which farms to certify under the Bonsucro Standard?
- Do you believe it will be feasible to certify **all** supplying farms under the Bonsucro Standard?
 - *[IF NO]* Why is that?
 - *[IF YES]* Do you have a strategy for doing so? What is it?

Next steps for engagement with Standard

- *[Have they had any communication involvement/training post-certification?]*
 - Post-Mill certification
 - Post-Smallholder certification

Other (non-Bonsucro) interventions that contribute to impact

- *[Need to make sure that we ask for every change that they've implemented during / after certification process, the interventions related to it and who led]*
 - Other than Bonsucro, are you aware of other standards for the sugarcane sector?
 - *[IF YES]* Which ones?
 - Have you implemented, or are in the process of implementing, any of those standards?
 - What are the main differences and similarities between [other standard] and Bonsucro?
 - *[Potentially, if time]* How do you view [other standard] in relation to Bonsucro?
 - *[IF NEED TO CLARIFY]* Does it fill gaps that you see in the Bonsucro standard? Does it complement it? Is it a replacement for the Bonsucro Standard?
18. *[If fair trade certification is mentioned]* Why is valuable? How does it compare with the Bonsucro Production Standard?
 19. How would you describe the impact of Bonsucro on the sugarcane sector?
 20. Which, if any, of Bonsucro's programs/interventions have been most effective?
 21. In your country, what do you consider to be the largest concern to mills and farmers?
 22. What do you regard as areas of the sector in need of improvement? Is the Production Standard having an impact on these areas?
 23. How would you rate Bonsucro's impact on mill and farm labor practices?

24. Are there any conflicts over land in relation to sugar? If so, do you feel that the Production Standard can have a positive impact in addressing these problems?

Questions for certified mills:

Price and interaction with buyers

- What benefits have you received from Bonsucro certification?
- Are you receiving a premium price for your Bonsucro certified sugar?
- If not, who do you think is responsible for ensuring you receive a premium price?
- Do you think Bonsucro can help you receive a premium price?

Questions for mills that participated in the Smallholder Standard Pilot:

[Ask specifically about the small-holder farm pre-pilot experience]

- Can you describe what the smallholder farm pre-pilot experience was like from your perspective?
- Who supported you in the implementation of the smallholder pre-pilot?
- If not Bonsucro, what role did Bonsucro have in the implementation of the smallholder pre-pilot?

Thank and Close

Is there anything you would like the mill to know?

Is there anything you would like Bonsucro to know?

Is there anything else that you would like to tell me?

Thank you so much for your time today.

FARM WORKER GUIDE

Participant Introduction

13. Can you start off by telling me **just your first name** and how old you are?
14. Are you from this area?
 - [CLARIFY IF NEED BE] Did you travel here for work? How far?
 - [IF NO] What region are you from? [NOTE AS MIGRANT]
15. And are you married?
16. Do you have children?
 - [IF YES] And what are their ages?
17. How old were you when you first started harvesting sugarcane?
18. And was that at this farm, or another?
 - [IF ANOTHER] Where was that farm?
 - [If another AND age started working is under 18] And how old were you when you started working at this farm?
 - How long have you worked at this farm?
19. What time do you start your day typically?
20. And when do you end?
21. What is your typical workday like?
22. What do you enjoy most about your job?
23. What do you enjoy least, or what is the biggest challenge in your job?

Most Significant Change

24. What changes, if any, have been implemented in the past year at the farm that have impacted you directly?
25. [IF YES] Has the change been for the better, or worse?

1. Migrant Labor

[IF MIGRANT, DO THIS SECTION] Next, I have some questions about how you found this job. You mentioned earlier that you are not from this area...

- Why did you decide to leave your home and travel to work in this area?
- How did you find this farm specifically?
 - *[If need to clarify]* Did someone recruit you to work here?
 - Were they an employee of [FARM NAME]?
 - *[IF NOT]* What relationship does that person have with the farm?
 - *[Follow up if said recruited]* What sorts of things did the recruiter arrange?
 - Did you pay to the recruiter before you started working?
 - How much was it?
 - What was the deposit or fee for?
 - Did you need to pay interest on it?
 - Do you still owe this fee?
 - *[IF NO]* How long did it take you to pay the fee?
- Have you paid the recruiter since you started working?
 - *[IF YES]* How often?
 - For what reason did you pay them?
- Where do you live when you are not working in the farm?
- Have you visited your hometown since working here?
 - *[IF YES]* What was the reason for going back to your hometown? (*the contract finished, fired, visit family, etc.*)
 - *[IF NOT]* Why haven't you gone back to your hometown? (*he does not have money, he does not have family back, he is not allowed*)

2. Not Migrant Recruitment

Next, I have some questions about how you found this job...

- How did you find this job?
 - *[If need to clarify]* Did someone recruit you to work here?
 - Were they an employee of [FARM NAME]?
 - *[IF NOT]* What relationship does that person have with the farm?
 - *[Follow up if said recruited]* What sorts of things did the recruiter arrange?
 - *Did you pay to the recruiter before you started working?*
 - How much was it?
 - What was the deposit or fee for?
 - Did you need to pay interest on it?
 - Do you still owe this fee?

- [IF NO] How long did it take you to pay the fee?
- Have you paid the recruiter since you started working?
 - [IF YES] How often?
 - For what reason did you pay them?
- Where do you live when you are not working in the farm?

3. Female Worker

I have some questions about your experience working on this farm....

- What type of work do you do on the farm?
- How many hours a day do you work on the farm?
- [Refer to applicable wage section]
- Do you have access to washrooms?
- [If not] How does this affect your health, especially during menstruation?

We now want to understand who you work with.

- Who are your co-workers?
- Are these men or women?
 - [If work with men and women] How much are men paid for this work?
 - [If a difference in wages] Why do you think there is a difference in payment?
 - [If work with only women] What type of work do you see men doing?
 - How much are men paid for this work?
 - Are you interested in doing [type of work that men do]?
 - Why or why not?

4. Minimum age

Next, I have some questions about who works on the farm with you....

- [IF MARRIED] Does your [husband/wife] work here as well?
- Do you have any [other] family members that work here?

[IF HAVE CHILDREN]

- [You mentioned earlier that you have children] Are your children here at this moment, at the farm?
- Do they go to school?
 - [IF NO] How do they spend their days / What are they doing?
- Do your children ever work on the farm with you?
 - [If YES] What kind of work do they do?

[ASK TO ALL]

- Have you ever seen children working here?
 - [If YES] What kind of work do they do?
 - [ASK FOR BOTH YES AND NO] Has that always been the case?
 - [IF NO] What has changed?
 - Why do you think that is?
- What do you know about this area more generally? Do you see children working on other farms?

5. Contract

Next, I have a couple of questions about what happened when you first started working here

- When you first started working here, did you sign a contract or agreement?
 - *[IF YES]* Did you understand what was in the contract?
 - *[IF YES]* Did someone help you understand what was in the contract?
 - What information was included in the contract
 - Did you provide any documentation to the farm management?
 - Did they keep that documentation, or do you have possession of it now?
- Have you been informed of a non-discrimination policy?
- For example, is it possible for women to be paid a different amount than men for the same work?

6. Wages

Next, I'd like to ask a couple of questions about your work here at this farm and your compensation

- When do you start your workday?
- How many days do you work during the week?
- How are your wages determined?
- What are your stipulated working hours?
- Do you ever work over-time?
 - *[If yes]* Are those hours paid?
 - What is the pay-rate for overtime hours?
- How are you paid?
- Do you receive pay slips?
- How often are you paid?
 - *Clarify if need be:* By the hour? Or the day? Or for the whole season? Or for land covered?
- When was your last pay-day?
- Do you receive your salary on time?
 - *[If not]* Was a reason provided for why?
 - What was the reason?
- Have you ever had to miss work, for whatever reason?
 - *[IF YES]* What was the reason?
 - Who did you contact to inform that you were not going to work?
 - What happened?
 - Where you paid for the days of work you missed?
- *[If Have Never Missed Work]* What would happen if you miss one or two days of work?
 - Can you leave work whenever you want?
 - *[IF NOT]* Why is that?

7. Association

- Are you aware of a union or organization representing farm workers in the area?
 - *[IF YES]* Can you list them?
 - *[IF YES]* How did you hear about it/them?
- Are you part of any of them?
 - *[IF YES]* When did you join?
- *[IF NO]* Why didn't you join the union?

8. Health & Safety

Next, I have some questions about the sorts of things you do on the farm and how the farm operates

- What types of things do you do in your job?
- Have you ever felt unsafe while doing any of those things?
- Have you ever had an accident during work?
 - *[IF YES]* what did you do?
 - Who did you contact?
- Do you receive any protective equipment to do your job?
 - Did you receive it when you started working?
 - *[IF NO]* Does anyone else receive protective equipment to do their job?
 - Why don't you receive it?
 - *[IF YES]* is it mandatory to use it?
 - Is the equipment in good condition?
 - Who provides the equipment?
 - Do you have to pay for the equipment?
- Since you started working here, have you ever received a training on health and safety measures?
 - *[IF YES]* when did it take place?
 - *[IF NO]* Have you been told what to do in the case of an emergency?
- Who conducted the training?
- What was the content of the training?
- Was it mandatory to attend the training?
- Is there a supply of drinking water on the farm?
- Do you have access to washrooms?
- Is there a first aid kit on site?
 - *[IF YES]* Do you know where it is?
 - How far is it from where you are typically working?

9. Bonsucro Awareness

Finally, I have a couple of questions about the organization I mentioned at the beginning of this interview, Bonsucro.

- *[IF NO OR DON'T MENTION BONSUCCRO]* Have you heard of the Bonsucro Production Standard?
- *[IF YES]* What have you heard about it?
- *[IF YES]* Have you engaged directly with Bonsucro?
- To your knowledge, has the farm certified with any external standards?
 - *Clarify if need be: An external standard is a set of rules, or standards, that the farm voluntarily signs up to, and requires that they operate in a way that is in alignment with the standard.*
- *[IF YES]* What are they?
 - *[IF MENTIONS BONSUCCRO, ASK FOLLOWING QUESTIONS ABOUT BONSUCCRO]*
 - What sorts of things do(es) the Standard / these standards cover?
 - *[IF MENTION WORKERS]* You mentioned workers. How does the Standard affect you? Have you participated in any trainings?

- *[IF DON'T MENTION WORKERS]* Does the standard/these standards relate to you?
 - *[IF YES]* How so?
 - *[IF NO]* Why not?
- Are you satisfied with the treatment at your work?
 - [If not] What is the reason?

Thank and Close

Is there anything you would like the mill to know?

Is there anything you would like Bonsucro to know?

Is there anything else that you would like to tell me?

Thank you so much for your time today.

Endnotes

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⁶ Skype interview with Nicholas Viart and Nahuel Tunon, Aug. 6, 2019.

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About the Business and Human Rights Clinic

The Business and Human Rights Clinic is a year-long course offered at the School of International and Public Affairs (SIPA), Columbia University (New York), which is designed to deepen student knowledge of business and human rights through practice. Combining seminars, guest lectures, group work, and site visits, the Clinic is an interdisciplinary space for experimenting with new business and human rights methods and tools, carried out in partnership with non-governmental organizations (NGOs) and other practitioners.

The following students comprised the Clinic team for 2018-2019 that carried out the research for this report: Ana Perez Adroher, Shabnam Aslam, Anindita Chakraborty, Keri Lloyd, Sarah Johnson, and Jenise Ogle. Joanne Bauer, Adjunct Professor of International Affairs at SIPA and Clinic Faculty Lead, supervised the research and revised this report for publication.

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- ²³ Bonsucro, “Bonsucro Production Standard v4.2,” Dec. 2016. <http://www.bonsucro.com/wp-content/uploads/2017/04/Bonsucro-PS-STD-English-2.pdf>.
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- ²⁸ Bonsucro, “Theory of Change Draft,” Oct. 2017, p. 3. <http://www.bonsucro.com/wp-content/uploads/2017/10/Public-Theory-of-Change-Draft.pdf>.
- ²⁹ Nahuel Tunon via email, May 3, 2019. In a Sept. 5, 2019 email Tunon clarified the main differences between Bonsucro and other standards: 1) Bonsucro is a dedicated Sugarcane Standard. All of the indicators are designed to fit with the realities of the growing and processing of sugarcane; 2) Bonsucro is a metric standard focusing on data collection and meeting globally applicable defined metric thresholds. This encourages measuring and performance improvement; 3) Most of the other standards mentioned in the study do not have requirements that relate to environmental protection, like the Environmental Impact Management Plan (4.1.3).

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- ³⁰ That standard was the Sedex Members Ethical Trade Audit (SMETA), covering four pillars: Labor, Health and Safety, Environment, and Business Ethics. See <https://www.sedexglobal.com/smeta-audit/>.
- ³¹ “Bonsucro Production Standard for Smallholder Farmers,” version 1.0, June 2018. <http://www.bonsucro.com/wp-content/uploads/2018/06/Bonsucro-PS-for-Smallholder-Farmers-English-Final-June-2018.pdf>.
- ³² When we started the project, one mill was about to be certified. A third mill was certified the month after our fieldwork trip.
- ³³ In 2016, two EID Parry mills were certified. Due to droughts, however, one of the mills did not renew certification. In November 2018, the first Olam mill was certified.
- ³⁴ Olam-Chandgad was certified in November 2018; Baramati Agro Ltd. was certified under the Smallholder Standard in April 2019, one month after we concluded our fieldwork.
- ³⁵ Another advantage is that one of our team members is Indian, had significant experience conducting fieldwork in India, and speaks Hindi.
- ³⁶ AFL-CIO, “Responsibility Outsourced: Social Audits, Workplace Certification and Twenty Years of Failure to Protect Worker Rights,” Apr. 23, 2013.
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- ⁴⁰ Business & Human Rights Resource Center, Beyond Social Auditing, <https://www.business-humanrights.org/en/about-us/blog/beyond-social-auditing>.
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- ⁴⁶ The first complaint against a non-profit was filed in January 2018 by, Transformation for Justice (TuK Indonesia), against the Roundtable on Sustainable Palm Oil (RSPO) with the Swiss NCP.
- ⁴⁷ Bonsucro, Statement: Complaint Under OECD Guidelines for Multinational Enterprises, Sept. 25, 2019. <http://www.bonsucro.com/statement-complaint-under-oecd-guidelines-for-multinational-enterprises-2/>.
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- ⁴⁹ Boston Common Asset Management, “Investors Urge Global Banks to Strengthen Equator Principles to Avoid Community Conflicts — Post Dakota Access Pipeline,” Aug. 27, 2019. <http://news.bostoncommonasset.com/investors-urge-global-banks-to-strengthen-equator-principles-to-avoid-community-conflicts/>.

⁵⁰ W.K. Smith et al., “Voluntary Sustainability Standards Could Significantly Reduce Detrimental Impacts of Global Agriculture,” *Proceedings of the National Academy of Sciences*, 116, no. 6 (Feb. 5, 2019): p. 2136. <https://doi.org/10.1073/pnas.1707812116>.

⁵¹ UN Office of the High Commissioner on Human Rights, “Human Rights and Climate Change.” <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>.

⁵² Oxfam, “Sugar Rush: Land Rights and the Supply Chains of the Biggest Food and Beverage Companies,” Oct. 2, 2013. https://www.oxfam.org/sites/www.oxfam.org/files/bn-sugar-rush-land-supply-chains-food-beverage-companies-021013-en_1.pdf.

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⁵⁴ A 2018 Oxfam India study notes that “While women farmers contribute their labor as much as male farmers do they are not recognized as farmers.” See Oxfam, India “Human Cost of Sugar: A farm-to-mill assessment of sugar supply chain in Uttar Pradesh,” p. 8.

⁵⁵ The reason that the EID Parry manager gave is that an impact evaluation at this stage would be premature. In an email response to our request, S. Raghu, Head of Quality wrote, “Greetings from EID Parry. Thanks for your mail requesting for Bonsucro Evaluation at our Bonsucro Certified plants. Apologies for delayed response as we were travelling and involved in preparing our Long-Term Strategy. Since 2013, we have been involved in the Bonsucro journey in four of our plants (three for Bonsucro standards and one for Chain of Custody). All together we have around 1000 farmers and farms certified for Bonsucro in these units. Though the number of years seems to be long, the progress is slow covering just 1000 farmers against our total farmer base of over 1,000,000. Lots of challenges still exist both in farms and in plants to implement the Bonsucro standards. We feel that in this long journey, we have just began [*sic*] and it’s too early to do an evaluation on the benefits etc. Hence, we feel that we can have it once we have implemented the Bonsucro certification in all our plants, with sizable farmers and farm basis in 2–3 years from now as we have a road map developed. Hope you will understand and it makes sense even if it will not make a weightage to your evaluation project study.”

⁵⁶ Since the completion of our field study, one of the three has achieved certification.

⁵⁷ See Section 3 for a more detailed account of Bonsucro’s history in India.

⁵⁸ The project was approved by Columbia University’s Institutional Review Board as #IRB-AAAS2050, and therefore accords with established policies and guidelines for conducting human subjects research at the University

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⁶⁰ ISEAL Code of Good Practice, 2.0 p. 6.

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⁶⁶ The Production Standard has its own guidance for how to implement a grievance mechanism. Principle 31 of United Nations Office of the High Commissioner Human Rights, “Guiding Principles on Business and Human Rights. Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” (New York/Geneva: United Nations, 2011). https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

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- ⁶⁷ Farm diaries are kept by certified farmers or farmers working towards Production Standard certification. We were not able to study these in depth since they were written in the local languages. However, one set of diaries were in a mix of both Marathi and English, and the Hindi-speaking member of our team and our interpreters helped to give us a feel for their content.
- ⁶⁸ Better Evaluation, “Outcome Harvesting”: Combine Qualitative and Quantitative Data. https://www.betterevaluation.org/en/plan/approach/outcome_harvesting.
- ⁶⁹ Bonsucro calculator: http://www.bonsucro.com/tools_resources/bonsucro-calculator/.
- ⁷⁰ During the January field visit, we spoke with six farmers producing for the newly certified mill, and three farmers and three laborers from the mill seeking certification.
- ⁷¹ Training provided by Bonsucro is on the contents of the Production Standard, not on performance improvements.
- ⁷² See Appendix 1 for a timeline of Bonsucro interventions in India.
- ⁷³ According to Nicolas Viart of Bonsucro who conducted the training, mill participants contacted in advance of the training told the Bonsucro organizers they wouldn’t participate if there were a fee. In fact, largely they would only participate if a buyer encouraged them to go and would sponsor them. Even then, there was significant absenteeism.
- ⁷⁴ This is a deliberate strategy. Given that there are some 60,000 sugar cane farmers in India alone, it is not possible for a small organization of just 17 staff to develop relationships with all of them, according to Nahuel Tunon, Bonsucro’s standards manager.
- ⁷⁵ Interview with Bonsucro Standards Manager, Nahuel Tunon.
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- ⁸¹ Skype conversation with Nahuel Tunon and Nicolas Viart of Bonsucro, Aug. 6, 2019.
- ⁸² See: Vasantdada Sugar Institute <http://www.vsisugar.com/> and Krishi Vigyan Kendras <http://www.kvkleh.com/>.
- ⁸³ Bonsucro, “Theory of Change Draft,” Oct. 2017, p. 3. <http://www.bonsucro.com/wp-content/uploads/2017/10/Public-Theory-of-Change-Draft.pdf>.
- ⁸⁴ Bonsucro, “Outcome Report 2017,” Jan. 2017. http://www.bonsucro.com/wp-content/uploads/2017/01/Bonsucro-Outcome-Report-2017_Final.pdf.
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- ⁸⁶ Indian Mirror, “Indian Sugar Industry, Sugar Industry in India, Sugar Industry, Sugar Industries,” *Indian Mirror*. <https://www.indianmirror.com/indian-industries/sugar.html>.
- ⁸⁷ Farmers’ Portal, “About Sugarcane.” <https://farmer.gov.in/cropstaticssugarcane.aspx>.
- ⁸⁸ India produces only plantation white sugar, a type that does not store or ship well. New World Encyclopaedia: Sugar <http://www.newworldencyclopedia.org/entry/Sugar>. Smallholder farmers are defined as those marginal and sub-marginal farm households that own and/or cultivate less than 2 hectares of land. They constitute about 78% of

the country's farmers (Agricultural Census 1990–1991). <http://www.fao.org/3/ac484e/ac484e04.htm>. Marginal farmers usually own less than 1 hectare of land while smallholders own up to 1 to 2 hectares of land.

⁸⁹ This section was constructed from Bonsucro internal training and meeting records, as well as from interviews with Dr. Gopinathan Mambully Chandrasekaran, Bonsucro's Ambassador for India, and Ritu Baruah, Regional Coordinator for India.

⁹⁰ Solidaridad, "India: New Step Towards More Sustainable Sugar," Aug. 8, 2012. <https://www.solidaridadnetwork.org/news/india-new-step-towards-more-sustainable-sugar>.

⁹¹ "Bonsucro Standard Sweetens Parry's Sugar Brand in India," ISEAL Alliance. <https://www.isealliance.org/impacts-and-benefits/case-studies/bonsucro-standard-sweetens-parrys-sugar-brand-india>.

⁹² "Piloting The Smallholder Standard around the World," *Bonsucro* (blog), June 14, 2018. <http://www.bonsucro.com/piloting-the-standard-around-the-world/>.

⁹³ According to the International Sugar Organization, an intergovernmental organization, in 2018 the export figure was closer to 35%. See: <https://www.isosugar.org/sugarsector/sugar>.

⁹⁴ Skype interview with Nicholas Viart and Nahuel Tunon, Aug. 6, 2019.

⁹⁵ Responsible Sourcing Tool: Sugar Report. <https://www.responsiblesourcingsource.com/visualizerisk>.

⁹⁶ Fair Labor Association, "Task and Risk Mapping of Sugar Production in India," Sept. 2012, p. 3. https://www.fairlabor.org/sites/default/files/documents/reports/task_and_risk_mapping_of_sugarcane_production_in_india.pdf.

⁹⁷ Oxfam India, "Human Cost of Sugar: A Farm-to-Mill Assessment of Sugar Supply Chain in Uttar Pradesh," Oct. 2018. <https://www.oxfamindia.org/sites/default/files/2018-11/HUMAN%20COST%20OF%20SUGAR-A%20FARM%20TO%20MILLS%20ASSESSMENT%20OF%20THE%20SUGAR%20VALUE%20CHAIN%20N%20U.P.%2020.pdf>.

⁹⁸ One of the buyers we spoke with referred us to the report saying that it "focuses on Uttar Pradesh but the same could be applied to Karnataka. Read this report to understand human rights issues."

⁹⁹ ILO, "Child Labor in the Primary Production of Sugarcane," Report, Sept. 29, 2017. http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29635/lang--en/index.htm.

¹⁰⁰ Oxfam India, "Human Cost of Sugar: A Farm-to-Mill Assessment of Sugar Supply Chain in Uttar Pradesh," p. 17.

¹⁰¹ "Sexual Abuse Plagues Female Workers on India's Sugarcane Fields," *Reuters*, Aug. 2, 2016. <https://www.reuters.com/article/us-india-women-abuse-idUSKCN10D1FN>.

¹⁰² A vote-bank is a local block of voters (usually representing politically important communities, caste, religious, or ethnic groups) and targeted by political leaders for support. Sugarcane farmers are an important part of India's vote-bank and hence politicians are careful about fixing the sugar prices and ensuring that producers are protected. Given that migrant laborers move from different states, they do not form a part of the regional vote-bank and hence, do not receive political patronage.

¹⁰³ Freedom Fund, "Unlocking What Works: How Community-Based Interventions are Ending Bonded Labor in India," *Evidence in Practice*, no. 4, Sept. 2019. <https://d1r4g0yjcvc7lx.cloudfront.net/uploads/20190909220413/Freedom-Fund-Evidence-in-Practice-Paper-Unlocking-what-works.pdf>.

¹⁰⁴ Sanket Jain, "In Maharashtra, Children of Migrant Sugarcane Field Workers are Forced to Skip Half their Classes Every Year," *Firstpost*, Apr. 23, 2018. <https://www.firstpost.com/india/in-maharashtra-children-of-migrant-sugarcane-field-workers-are-forced-to-skip-half-their-classes-every-year-4443007.html>.

¹⁰⁵ In Uttar Pradesh, farmers also have the option of joining Cane Societies, "the implementing wing of the Cane Development and Sugar Industry Department at the district level... The Cane Societies interact directly with the farmers and sugar mills. Cane societies along with the mills are responsible for generating the fortnightly calendar — a plan for farmers for harvesting cane at a fortnightly interval spread over 180 days of operation of the mill, along

advice to the farmers about dropping harvested cane at the sugar mill or at the procurement centers established by the mills in the cluster of villages.” Oxfam India, “Human Cost of Sugar: A Farm-to-Mill Assessment of Sugar Supply Chain in Uttar Pradesh,” p. 6.

¹⁰⁶ Ibid., p. 16.

¹⁰⁷ Ajeevika Bureau <http://www.aajeevika.org/where-we-work.php>.

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¹⁰⁹ Tim Hanstad, “India’s Land for Rent: The Future of Indian Land Reform,” *Foreign Affairs*, Apr. 26, 2016. <https://www.foreignaffairs.com/articles/india/2016-04-29/indias-land-rent>.

¹¹⁰ Criteria 1.1, “To comply with applicable laws” and 1.2, “To demonstrate clear title to land and water in accordance with national practice and law.”

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¹¹² Hanstad, “India’s Land for Rent.”

¹¹³ ILO, “Ratifications of ILO Conventions: Ratifications for India.” https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102691.

¹¹⁴ Hanstad, “India’s Land for Rent.”

¹¹⁵ Eminent domain refers to government right to expropriate private property for public use, with compensation.

¹¹⁶ Paul Norby, “Development, Displacement and Capitals,” *DCRD Publications*, Dec. 2016. https://www.academia.edu/34703964/dvelopment_displacement_and_capital_dr.norvy_paul.pdf.

¹¹⁷ NITI Aayog (National Institution for Transforming India), was formed by resolution of the Union Cabinet on Jan. 1, 2015, as the premier policy “Think Tank” of the Government of India. It provides directional and policy inputs to the Government of India as well as relevant technical advice to the Center and States. It replaced the erstwhile Planning commission (instituted in 1950) to bring greater cohesion amongst the states and thereby promote Co-operative Federalism. <http://www.niti.gov.in/content/overview>.

¹¹⁸ Maya Sharma, “PM’s Farmer Outreach in Karnataka that Witnessed 1,000 Suicides Last Year,” NDTV, Feb. 27, 2016. <https://www.ndtv.com/india-news/pms-outreach-in-karnataka-that-witnessed-1-000-farmer-suicides-last-year-1281786>.

¹¹⁹ P.S. Appu, *Land Reforms in India*, New Delhi: Vikas Publishing, 1966, pp. 82-124.

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¹²² “Bonded labor” is defined as service arising out of loan, bond, or advance: https://pblabor.gov.in/Content/documents/pdf/rti/rti_chapter18.pdf.

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¹²⁴ Bonsucro, “Bonsucro Production Standard for Smallholder Farmers v1.0,” June 2018. www.bonsucro.com/wp-content/uploads/2018/06/Bonsucro-PS-for-Smallholder-Farmers-English-Final-June-2018.pdf.

¹²⁵ In the sugar sector, 89% of all farmworkers are men; 11% are women. “Bonsucro Outcome Report 2018,” Mar. 2019. www.bonsucro.com/wp-content/uploads/2019/04/Download-Bonsucro-Outcome-Report-201819.pdf.

¹²⁶ This indicator does not reference ILO Convention No. 100, one of the two fundamental conventions prohibiting discrimination in respect of employment and occupation.

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- ¹²⁸ Bonsucro, “Bonsucro Production Standard for Smallholder Farmers v1.0.”
- ¹²⁹ *Ibid.*, p. 7.
- ¹³⁰ *Ibid.*
- ¹³¹ *Ibid.*, p. 16.
- ¹³² *Ibid.*
- ¹³³ Bonsucro, “Guidance for the Production Standard Including Guidance for the Bonsucro EU Production Standard” (London, 2016), p. 78. www.bonsucro.com/wp-content/uploads/2017/04/Bonsucro-PS-GDC-English-v4.2.pdf.
- ¹³⁴ United Nations Guiding Principles on Business and Human Rights, 2011. https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
- ¹³⁵ Convention on the Elimination of all Forms of Discrimination Against Women, 1979. <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.
- ¹³⁶ Gender at Work Analytical Framework. <https://genderatwork.org/analytical-framework/>.
- ¹³⁷ Women’s Empowerment Principles, 2010. https://www.un.org/en/ecosoc/newfunct/pdf/womens_empowerment_principles_ppt_for_29_mar_briefing-without_notes.pdf.
- ¹³⁸ Convention on the Elimination of All Forms of Racial Discrimination, 1965. <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>.
- ¹³⁹ Convention on the Rights of the Child, 1989. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.
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- ¹⁴¹ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 2012. <http://www.fao.org/3/a-i2801e.pdf>.
- ¹⁴² We assessed the Smallholder Production Standard against international human rights standards in detail in an unpublished paper provided to Bonsucro. The paper is also on file with the authors.
- ¹⁴³ At the farm level, mills used the Smallholder Production Standard.
- ¹⁴⁴ See the methodology sections (Section 2 and Appendix 3) for the reasons why we focused on the farm level after our first fieldwork trip.
- ¹⁴⁵ One of the mills we visited in March was one of the two mills we visited in January. Therefore, we met with four mills in total over the two visits. The two mill visits in January focused on discerning outcomes at the mill level; the second visit to three mills focused on outcomes at the farm level.
- ¹⁴⁶ This mill was certified in April 2019, the month following our fieldwork.
- ¹⁴⁷ Only the certified mill had completed an audit.
- ¹⁴⁸ Of the four mills that participated in the study, only one had achieved certification by March 2019. A second mill became certified in April 2019; therefore we can assume that when we visited it had met the requirements for certification and was waiting for the final auditor’s statement.
- ¹⁴⁹ Bonsucro, “Piloting the Smallholder Standard Around the World.” <http://www.bonsucro.com/piloting-the-standard-around-the-world/>.
- ¹⁵⁰ Interviews were conducted both individually and in focus groups. During the January trip, five male mill workers from the certified mill were interviewed individually, and ten male mill workers from the mill undergoing certification participated in a focus group. During the March trip, two focus groups each of three male mill workers of the mill undergoing certification were conducted. As for farmers, at the certified mill in January we interviewed five certified male farmers, one certified female farmer, and one non-certified male farmer. For the mill in certification, we interviewed two male farmers selected for certification, one non-selected male farmer, and four

female laborers. During the March trip, at the certified mill, we interviewed thirteen certified male farmers. For one of the mills in the process of certification, six selected male farmers and one non-selected male farmer were interviewed. At the other mill in the process of certification, we interviewed four selected male farmers, and conducted two focus groups with farmers — one with four selected male farmers, and the other with three non-selected male farmers.

¹⁵¹ Non-management mill workers were not aware of Bonsucro and thus were not able to attribute any changes.

¹⁵² ISO 9000 (quality management). <https://www.iso.org/iso-9001-quality-management.html>.

¹⁵³ ISO 14000 (environmental management). <https://www.iso.org/iso-14001-environmental-management.html>.

¹⁵⁴ OHSAS 18000 (occupational health and safety). <https://www.bsigroup.com/en-US/OHSAS-18001-Occupational-Health-and-Safety/>.

¹⁵⁵ Integrated Management System (IMS). <https://integrated-standards.com/articles/what-is-integrated-management-system/>.

¹⁵⁶ Good Manufacturing Practices. <https://ispe.org/initiatives/regulatory-resources/gmp>.

¹⁵⁷ Social Accountability Certification (SA 8000). <https://www.sgsgroup.us.com/en/sustainability/social-sustainability/audit-certification-and-verification/sa-8000-certification-social-accountability>.

¹⁵⁸ Food Safety System Certification (FSSC). <https://www.fssc22000.com/>.

¹⁵⁹ Supplier Guiding Principles (SGP). https://www.coca-colacompany.com/content/dam/journey/us/en/private/fileassets/pdf/unknown/unknown/SGP_Brochure_ENG.pdf

¹⁶⁰ Sedex (Smeta-audit). <https://www.sedexglobal.com/smeta-audit/>.

¹⁶¹ We promised anonymity to all interviewees. Notes and transcripts of interviews are on file with the authors.

¹⁶² Nahuel Tunon, Bonsucro, email, May 3, 2019.

¹⁶³ According to Nahuel Tunon of Bonsucro, “There are five licensed certification bodies, two licensed for smallholder audits; however, only Control Union has trained auditors in India for smallholder audits” (email, May 9, 2019). Bonsucro was meeting with other auditors in India and seeking to add more certified auditors for the Production Standard.

¹⁶⁴ Rafael Seixas, Bonsucro Membership Manager, said, “Mills can receive recommendations in gap analysis, but not in pre-audits/audits as this would be a conflict of interest to the auditor” (email communication).

¹⁶⁵ We held the focus group after the mill walk-through; everyone who participated wore the full safety gear.

¹⁶⁶ Skype interview with Ritu Baruah, Aug. 9, 2019.

¹⁶⁷ It is common practice in India for farmers to rely upon family labor, supplemented by labor recruited from the immediate village. Most if not all members of the family help on the farm. J. Marzin, B. Daviron, and S. Rafflebeau, “Family Farming and Other Forms of Agriculture,” in J.M. Sourisseau, ed., *Family Farming and the Worlds to Come*. Dordrecht: Springer, 2015.

¹⁶⁸ ILO, “Child Labor in the Primary Production of Sugarcane,” Report, Sept. 29, 2017. http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29635/lang--en/index.htm; Freedom Fund, “Unlocking What Works: How Community-Based Interventions are Ending Bonded Labor in India,” *Evidence in Practice* no. 4, Sept. 2019. <https://d1r4g0yjuvcc7lx.cloudfront.net/uploads/20190909220413/Freedom-Fund-Evidence-in-Practice-Paper-Unlocking-what-works.pdf>.

¹⁶⁹ At the farms of another mill, the report explains that children do attend a school run by a local NGO; 60 children are enrolled, but just 40–45 attend: “The teachers explained that they make a round of the workers’ camp every day, urging parents to send children to the school. Few parents are keen to send their children to school, preferring to take their children to the fields to help in harvesting.” Fair Labor Association, “Task and Risk Mapping of Sugarcane Production in India,” 2012, pp. 33–35.

¹⁷⁰ The landholder is most often listed as the certified farmer for Bonsucro certification.

¹⁷¹ ILO Convention No. 138, Minimum Age Convention (1973): https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312283:NO.

¹⁷² ILO, “Ratifications of ILO Conventions: Ratifications for India.”

¹⁷³ Bonsucro, “Bonsucro Production Standard v4.2.”

¹⁷⁴ The Bonsucro Production Standard further clarifies: “Work by children on family small holdings is only acceptable under adult supervision and when work does not interfere with the child’s schooling and does not put at risk his or her health.” The Guidance for the Production Standard defines “family and small-scale farms” as “entities where only direct family members work and which do not regularly hire workers.”¹⁷⁴ The Guidance further states: “In the case of family and small-scale farms where children work, the operator shall ensure that: Only children above the age set by the conventions work; The children are under adult supervision; The children do not perform any hazardous work; The work does not interfere with the child’s schooling; The work does not put the children’s health at risk.” Convention 138 was ratified with a specified minimum age of 14 for India, which would override the age limit of 13 (12) for “light family farm work” based on the guidance that states, “only children above the age set by the conventions work.”

¹⁷⁵ Marni Sommer and Bethany Caruso, “Gender Equality Comes One Toilet at a Time,” *The Conversation*, Nov. 19, 2015. <http://theconversation.com/gender-equality-comes-one-toilet-at-a-time-50700>.

¹⁷⁶ “Bonsucro Production Standard for Smallholder Farmers: Version 1.0.” <http://www.bonsucro.com/wp-content/uploads/2018/06/Bonsucro-PS-for-Smallholder-Farmers-English-Final-June-2018.pdf>.

¹⁷⁷ Guidance for the production standard v4.2, p. 75.

¹⁷⁸ Control Union’s auditing of a different sector, the cocoa sector, has been under particular scrutiny. In October 2019, the *Washington Post* reported that Control Union was also the auditor that had been most severely criticized by the cocoa certification body UTZ, for “significant lapses in compliance reviews.” Although this discovery does not necessarily mean that the auditing of sugar has the same problems, the negative publicity reignited concerns about social auditing. Peter Whoriskey, “Chocolate Companies Sell ‘Certified Cocoa.’ But Some of Those Farms Use Child Labor, Harm Forests,” *Washington Post*, Oct. 23, 2019. <https://www.washingtonpost.com/business/2019/10/23/chocolate-companies-say-their-cocoa-is-certified-some-farms-use-child-labor-thousands-are-protected-forests/>.

¹⁷⁹ MSI Integrity, “Essential Elements of MSI Design,” Nov. 2017, p. 1. http://www.msi-integrity.org/wp-content/uploads/2017/11/Essential_Elements_2017.pdf.

¹⁸⁰ Fair Food Program, <https://www.fairfoodprogram.org/>.

¹⁸¹ See Worker-Driven Social Responsibility Network, “What is CSR?” <https://wsr-network.org/>.

¹⁸² Unpublished paper also on file with the authors.

¹⁸³ In mid-2019, Bonsucro began to undertake a comprehensive review of the Production Standard, including the Smallholder Standard, with a plan to publish a revised standard in December 2020. Bonsucro has created a webpage devoted to the revision, providing details of the process, including the governance structure, the makeup of the steering committee, and a timetable. Bonsucro, “Standards Development and Revision.” <http://www.bonsucro.com/production-standard/standards-development/>.

¹⁸⁴ V. Venugopal, S. Rekha, K. Manikandan, et al. “Heat Stress and Inadequate Sanitary Facilities at Workplaces — An Occupational Health Concern for Women?” *Global Health Action*, Sept. 14, 2016. doi:10.3402/gha.v9.31945.

¹⁸⁵ *WASH@Work: A self-training handbook: First module: International policy framework*, Geneva: ILO, 2016.

¹⁸⁶ Bonsucro, “Bonsucro Production Standard for Smallholder Farmers, ver. 1.0,” June 2018. <http://www.bonsucro.com/wp-content/uploads/2018/06/Bonsucro-PS-for-Smallholder-Farmers-English-Final-June-2018.pdf>.

¹⁸⁷ Bonsucro, “Guidance for the Production Standard Including Guidance for the Bonsucro EU Production Standard,” p. 20.

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- ¹⁸⁸ Lise Smit, Arianne Griffith, and Robert McCorquodale, “When National Law Conflicts with International Human Rights Standards: Recommendations for Business,” British Institute of International and Comparative Law, May 2018
- ¹⁸⁹ Ministry of Corporate Affairs, Government of India, “National Action Plan on Business and Human Rights, Zero Draft,” Feb. 2019. http://www.mca.gov.in/Ministry/pdf/NationalPlanBusinessHumanRight_13022019.pdf.
- ¹⁹⁰ Indian NAP, p. 5.
- ¹⁹¹ “Announcement on Benchmarking and Improvement Partnerships,” *Bonsucro* (blog), Apr. 16, 2019. <http://www.bonsucro.com/announcement-on-benchmarking-improvement-partnerships/>.
- ¹⁹² The Clinic asked Bonsucro to provide the Pepsico report, but the request was not granted.
- ¹⁹³ The Global Living Wage Coalition has created this definition based on over 60 living wage descriptions, including those of the ILO. <https://www.globallivingwage.org/about/what-is-a-living-wage/>.
- ¹⁹⁴ Platform on Living Wage: <https://www.livingwage.nl/>.
- ¹⁹⁵ Principles for Responsible Investment, “PRI Awards 2019 case study: Platform Living Wage Financials,” Sept. 10, 2019. <https://www.unpri.org/pri-awards-2019-case-study-platform-living-wage-financials/4841.article>.
- ¹⁹⁶ Corporate Accountability Lab, “Empty Promises: The Failure of Voluntary Corporate Social Responsibility Initiatives to Improve Farmer Incomes in the Ivorian Cocoa Sector,” July 2019. <https://legaldesign.org/empty-promises>.
- ¹⁹⁷ See for example, Bonsucro, “Outcome Report 2018.” <http://www.bonsucro.com/wp-content/uploads/2019/04/Download-Bonsucro-Outcome-Report-201819.pdf>.
- ¹⁹⁸ Whoriskey, “Chocolate companies sell ‘certified cocoa.’”
- ¹⁹⁹ MSI Integrity, “Essential Elements of MSI Design,” Nov. 2017, p. 12. http://www.msi-integrity.org/wp-content/uploads/2017/11/Essential_Elements_2017.pdf.
- ²⁰⁰ Worker-Driven Social Responsibility Network, “What is WSR?” <https://wsr-network.org/what-is-wsr/>.
- ²⁰¹ For example, the agricultural sector standards of the Sustainability Accounting Standards Board (SASB), which increasingly large institutional investors rely upon as measures of materiality for social and environmental disclosure, requires that “The entity shall disclose the percentage of agricultural products it sourced that are certified to a third-party environmental and/or social standard.” Bonsucro is named as one of the standards that would satisfy this requirement. See Sustainability Accounting Standards Board, “Agricultural Products, Sustainable Industry Classification System® (SICS®) FB-AG, Oct. 2018.
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- ²⁰³ Farmers’ Portal, “About Sugarcane.”
- ²⁰⁴ The Indian sugar sector has three distinct categories: public mills (6%), private mills (40%), and co-operative mills (53%). The number of private mills has increased in recent years. http://www.in.kpmg.com/pdf/indian_sugar_industry.pdf.
- ²⁰⁵ Shrikant L. Patil, “Performance Appraisal of Co-operative Sugar Factories in Bijapur and Bagalkot Districts in Karnataka State” (Karnatak University, 2009). <http://shodhganga.inflibnet.ac.in:8080/jspui/handle/10603/95749>.
- ²⁰⁶ Government of India, Department of Food and Public Distribution, “Sugar & Sugarcane Policy.” <https://dfpd.gov.in/sugar-sugarcane-policy.htm>.
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