

Madam Chair, distinguished participants and guests, ladies and gentlemen, good morning. It is my sincere pleasure to be here with you as one of a series of important topics which will be addressed today by this esteemed body. My name is Anurag Varam, I'm a private sector lawyer in Washington Dc in the US. I've spent most of the past 15 years with African American and Native American or American Indian farmers in the US in their efforts to correct a legacy of discrimination in the US government owed farm programmes.

And so I will begin with the farming story, a story which unfortunately is very true in the US and I suspect in many other parts of the world. For many decades the ability of average American farmer to succeed in this occupation has been the availability of credit. The system is simple, if I'm a farmer I borrow money at the beginning of the crop year to purchase seed, fertiliser to fix my equipment and hopefully I'm able to keep enough to feed my family and maintain and develop my crops or livestock throughout the farm year. At the end of crop year when I can take my crops or livestock to market the proceeds are enough to pay my loan and perhaps develop my far.

Approximately 5 years ago the US government realised that small and minority farmers could not thrive in this credit based system, private banks regularly choose not to lend to these farming populations and were never prosecuted. The US governments solution, through their US department of agriculture, was to create their own lending programmes, it would be the lender of last resort. USDA would establish credit offices over 2,700 in total in every corner of America for farmers who could not receive credit from other sources and so every year from the lates 1960s to today the US government would annouce billions of dollars in farm loan funds which meant that each of the USDA credit offices would receive millions of dollars a piece to hand out to local farmers. The result unfortunately was predictable, the local loan officers in each of the 2,700 offices would give out laons to family members, friends and other with whom they were acquainted, rarely to those with whom they were not familiar or did not trust beginning with minority farmers.

When a minority farmer would walk into the local US department of agriculture office, seeking a loan application , they would be told that no more applications were available or that funds were exhausted or that they need not bother applying because they would never qualify. In the cases where minority farmers did receive an application they were not given the personal services afforded to white farmers such as an explanation of the various programmes for which they could apply, assistance in completing the multi-page, up to 40 pages application form and other technical forms or given a complete understanding of the qualifying criteria and informaiton that they would need to provide they need to qualify for a loan and the types of information which would make the difference in the final decision. In the relarivley rare instances where minority farmers did receive an initial loan from USDA they were never offered payment restructuring, deferral or other services routinely received by white farmers when unexpected or natural adverse circumstances occurred such as drought, floods or disease.

To make matters worse, in 1983, the US department of agriculture dismantled and defunded its Office of Civil Rights, the arm of the US federal agency charged with investigating charges of

discrimination and informing, enforcing civil rights laws. Accordingly such misconduct and mistreatment meant that year after year over 4 decades minority farmers would receive disproportionately low nearing insignificant amount of federal farm loan programme dollars as compared to their white counterparts from the same region. More importantly during the same time period it is estimated that the disappearance of minority farmers occurred at a rate of nearly four times that of similarly situated farmers. In the case of native American farmers, this resulted in the loss of land through private foreclosure. Land which they first settled, land which the US government reportioned into reservations, and now land which would forever be lost.

So 1997 we as a group of private lawyers, filed a class action law suit in US federal court on behalf of African American farmers nationally. But when we filed this case it was not our intention to simply in court against the all powerful US government, rather we created a movement. For each scheduled appearance before the federal judge we gathered hundreds of African American farmers to come to Washington DC to sit in the courtroom and walk the halls of the US congress, before long national and local media began covering the case. The US congress took note and took action. They passed a special law for the sole purpose of removing the legal time limitation applicable to all law suits, thus allowing our case and others like it to include claims dating back to 1981. Within 2 years President Bill Clinton authorised a settlement of this lawsuit, accordingly to date for having faced discriminatory treatment at the hands of USDA over 1,600 African American farmers have received cash compensation and elimination of federal farm debt totalling over 1 billion dollars. The US congress has authorised additional African American farmers to take part in this type of recovery and that is ongoing. This group of farmers was also guaranteed preferential treatment on future loan applications as well as access to lands previously lost but that was not enough. In 1999 we filed another lawsuit in US federal court, on behalf of native american or american indian farmers. Unfortunately, in fighting this case we ran into two significant problems. One, the lack of political power of the native american population in the US, both in the executive and legislative branches. As well as eight years of a US administration from 2001 to 2008 which did not acquiesce to allegations of discrimination.

However I am pleased to report that 6 weeks ago we were able to resolve this latter case with the Obama administration for 780 million dollars in cash compensation and elimination of existing farm debt. Very relevant to many of you in this room, this compensation was supplemented by a number of policy and programmatic changes. Never before agreed to by the US government and which will prevent future abuses of federal government loan programmes and give on ongoing voice to native american farmers and ranchers in the US system. Some examples of these changes include the fact that the US department of agriculture has agreed to create a national council on native american farming and ranching. The US will establish 10 to 15 technical assistance centres, near or on, American indian lands. The purpose of these centres will be to provide this farming population with assistance resources and information it will need to fully participate in the federal governments farmland programmes. The US government will also appoint an Ombudsperson to oversee all allegations of misconduct or discrimination against minority or women farmers.

Both of these lawsuits have played a prominent role in bringing national awareness to US governments problem of discrimination against minority farmers. In turn these cases have also played direct and indirect role in providing more opportunities for minority participation in federal government sponsored farm programmes. It is important to know that the key to the effectiveness of both settlements however has been the strict supervision over government conduct by effective and responsive judicial system. For this audience lawyers and non-lawyers alike, I hope these positive experiences provide ideas for constructive action in other countries where farmers and small land owners face similar circumstances. As I conclude I must tell you that our next endeavour is to join the effort to bring similar justice to parallel cases of women and Latino American farmers. Stay tuned. Thank you for allowing me to be part of this discussion