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The Right to Food in Eastern and Southern Africa

What is the right to food?

Why is the right to food violated in Eastern and Southern Africa?

How to secure the right to food in Eastern and Southern Africa?

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INTRODUCTION	4
PART 1: WHAT IS THE RIGHT TO FOOD?	5
THE RIGHT TO FOOD.....	5
THE RIGHT TO FOOD IN OTHER RELEVANT TREATIES AND KEY DOCUMENTS	8
LINK TO OTHER HUMAN RIGHTS	10
RIGHT HOLDERS AND DUTY BEARERS	11
RIGHT HOLDERS.....	11
DUTY BEARERS	12
PART 2: WHY IS THE RIGHT TO FOOD VIOLATED IN EASTERN AND SOUTHERN AFRICA?	18
FOOD INSECURITY IN EASTERN AND SOUTHERN AFRICA	18
PROTECTION DEFICIT.....	19
CLIMATE AND THE ENVIRONMENT	19
CONFLICT AND POLITICAL UNREST.....	28
DISASTER PREPAREDNESS AND RELIEF	31
EQUITY AND PARTICIPATION DEFICIT	39
SELF-SUSTAINED RURAL FARMERS.....	39
PASTORALISTS.....	50
INDIGENOUS PEOPLES.....	54
WATER	65
FISHING.....	68
ALTERNATIVE INCOME.....	71
NUTRITION	78
HEALTH.....	82
PART 3: HOW TO SECURE THE RIGHT TO FOOD?	85
CONCLUDING SUMMARY OF POSSIBLE APPROACHES.....	85

INTRODUCTION

All people in the world have a fundamental right to be free from hunger according to the International Covenant on Economic, Social and Cultural Rights, but there are 820 million people who are undernourished in the developing world today¹.

Norwegian Church Aid (NCA) started its work with hunger crises in Africa in Biafra in 1966. Since then NCA and other organisations have been working to secure the African peoples right to food through emergency relief and long-term development aid. Today work to halve world hunger as part of the millennium development goals is showing results globally, but in Africa the picture is different.

The last report from FAO about the state of food insecurity in the world 2006, says that among the developing regions today, the greatest challenge is the one facing sub-Saharan Africa. It is the region with the highest prevalence of undernourishment, with one in three people deprived of access to sufficient food. FAO's projections suggest that the prevalence of hunger in this region will decline by 2015 but that the number of hungry people will not fall below that of 1990-92. By then, sub-Saharan Africa will be home to around 30 percent of the undernourished people in the developing world, compared with 20 percent in 1990-92².

There is an increase of food crises and hunger emergencies in Eastern and Southern Africa, caused by a combination of climate change, conflicts and political factors. In Sub-Saharan Africa the average number of food emergencies per year has tripled since the mid-1980s³. In the 1960s Africa was feeding itself and exporting food, but today Africa can no longer feed itself and imports food for USD 20 billion per year. The complexity of today's hunger in Africa gives no simple answer to how to eradicate hunger in Africa. There are 160 million people in Eastern and Southern Africa who are undernourished⁴. This paper will focus on these two regions and try to illustrate some of the factors that contribute to food insecurity.

In trying to use a rights based approach, the paper's first part provides an introduction to the right to food and an analysis of right holders and duty bearers. Part 2 attempts to analyse some of the factors that contribute to hunger in Eastern and Southern Africa and come up with possible approaches for national governments and the international community in order to better promote the right to food in these two regions. The paper ends with a concluding summary of possible approaches.

In the context of Eastern and Southern Africa and hunger I have kept South Africa out of this analysis since the context of food security is very different there compared to the other countries.

This is a desk study based on available written material, NCA's internal reports, conversations with colleagues at NCA and my experience as a programme coordinator for southern Africa with NCA. I hope this paper can supply an introduction and starting point for NCA and our partners' work on an advocacy strategy to promote the right to food and prevent food crises.

Several colleagues at NCA have been given me valuable input to this study. In particular Hans Morten Haugen, Irene Wenaas Holte, Kari Øyen, Gwyn Berge, Isaia Kipyegan Toroitich and Gaim Kebreab that were part of my reference group. I also want to thank all other colleagues at NCA that have shown an interest and given me input to my work. Finally, I would like to thank the NCA department for development policy, by Gunstein Instefjord, for providing me with this opportunity to delve into a subject like this and hopefully contribute to the further development of NCA's work to promote the right to food and prevent hunger. This said this report is written by me and as such represent my personal views and interpretations, and should be read as an input to further discussions.

Oslo, December 2006
Merete Skjelsbæk

¹ The state of food insecurity in the world 2006, FAO

² The state of food insecurity in the world 2006

³ Africa – up in smoke 2, Oxfam 2006

⁴ Statistics from 2001-2003, The state of food insecurity in the world 2006, FAO

PART 1: WHAT IS THE RIGHT TO FOOD?

THE RIGHT TO FOOD

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UNHR):

Everyone has the right to a standard of living adequate for the health and well being of him and of his family, including food, clothing, and housing and medical care (Article 25:1).

The UNHR was adopted by the United Nations General Assembly in 1948. Declarations are acts of political intent that are not legally binding. The authority and status of declarations stem from their political support and legitimacy. The UNHR has nevertheless become widely recognized and is regarded as international customary law.

The UNHR was in 1966 further specified in two treaties, in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As treaties these covenants are legally binding for the member states that have ratified them, and they prescribe reporting and monitoring procedures that the states are obliged to comply with⁵.

THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

According to ICESCR article 11:

1. The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programs, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

There is no other right than freedom from hunger that is termed 'fundamental' in the Covenant.⁶

ICESCR has been ratified by 155 states⁷. The state parties who have ratified the ICECSR report to the Human Rights Council, which took over from the Committee on Economic, Social and Cultural Rights (CESCR) as the treaty body of independent experts that monitors implementation of the ICESCR in 2006.

⁵ Handbook in Human Right assessment, NORAD 2001

⁶ UNCCD and food security for pastoralists within a human right context, DCG Report no. 43, 2006

⁷ According to UN update, <http://www.ohchr.org> 15.12.2006

There is currently no optional protocol to the ICESCR, meaning that there are no possibilities for claims of violation of the ICESCR, including the right to food. For the International Covenant on Civil and Political Rights (ICCPR) there are two optional protocols, one providing for individual complaints. And there is an ongoing process for developing similar mechanisms for the ICESCR.

GENERAL COMMENT 12

In 1996 the first World Food Summit took place and it requested that the High Commissioner for Human Rights defined more specifically the right to food. In 1999 ICESCR article 11 concerning the right to food was further specified by CESCR in General Comment no. 12, The Right to Adequate Food (GC 12).

GC12 amplifies and interprets the content of the right to adequate food. It identifies its normative content, the corresponding state's obligation and what constitutes a violation of the right to food. The GC 12 is not legally binding, but is at the centre of how the right to food and the corresponding state obligations are understood and evaluated by the Human Rights Council and others.⁸

The GC 12 consists of four parts:

1) Normative content of article 11 of ICESCR:

The right to adequate food is realized when every man, women and child, alone or in community with others, has physical and economical access at all times to adequate food or means for its procurement.

It is further specified that adequate food should be

- Sustainable, implying food being accessible for both present and future generations
- Available in quality and quantity sufficient to satisfy the dietary need:
 - Free from adverse substances, not contaminated
 - Culturally and consumer acceptable
 - Available, by own production or through distribution systems
 - Accessible, economically and physically accessible for all groups in society

2) Obligations and violations

The states' *principal obligation is to take steps to achieve progressively the full realization of the right to adequate food and to ensure for everyone ... the minimum essential food.* There are three *types or levels of obligations on the state parties:*

- To respect existing access to adequate food
- To protect the access of individuals to adequate food
- To fulfil (facilitate) by proactively engaging in strengthening people's access to adequate food

Violations of the obligations occur when a state fails to ensure the freedom from hunger (see more about state obligation under national governments as duty bearers below).

3) Implementation at the national level

GC 12 requires the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles, that define the obligations, and the formulation of policies and corresponding benchmarks. It should also identify the resources available to meet the obligations and the most cost-effective way of using them. This process should be monitored and effective legislative or other appropriate remedies should follow up alleged violations.

4) International obligations

State parties should recognise the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food. Further, GC 12 argues that states have a joint and individual responsibility to cooperate in providing disaster relief and humanitarian assistance. (See International community as duty bearer below).

⁸ UNCCD and food security for pastoralists within a human rights context, DCG report no 43, FIAN 2006

VOLUNTARY GUIDELINES

At the World Food Summit five years later in 2002, the UN Food and Agricultural Organization (FAO) was asked to elaborate a set of guidelines to support the efforts of state parties to meet their right to food obligations. The Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (VG) was adopted by the FAO council in November 2004 by 187 governments. The VGs are based on negotiations between governments with the contribution from Civil Society Organisations (CSOs) and they are the first international agreed understanding of economic, cultural and social rights. These are the first kind of guidelines developed to counsel state parties on how to implement an economic, social and cultural right and has been developed by the state parties themselves.

The objective of the VG is to provide practical guidance to states in their implementation of the progressive realization of the right to adequate food in the context of national food security, in order to achieve the goals of the Plan of Action of the World Food Summit (see below). Other relevant stakeholders could also benefit from such guidance.⁹

The VGs cover the full range of actions to be considered by governments at the national level in order to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so.¹⁰

The voluntary guidelines provide specific guidelines for different areas, such as access to resources, economic development policies, national strategies, safe food etc. in order to assist governments willing to implement the right to food. Also the state's obligation to control other actors' engagement in their country and their effect on securing the right to food is included in the VGs¹¹.

Essential elements of the VGs are that state parties need to have national strategies in place for the implementation of the right to food or should integrate the right to food in existing poverty and food security strategies. These policies should consist of the following:

- 1) Careful analyses of the causes of hunger
- 2) An assessment of the existing legislative and policy frameworks and identification of problematic legislation areas in which adequate legislation is missing
- 3) All policy measures taken by governments need to be screened in order to make sure that they do not contribute to the violation of the right to adequate food
- 4) Governments should install a monitoring mechanism which will help to identify victims of violations as well as progress
- 5) Governments must have in place efficient procedures which allow victims of violations of the right to adequate food to demand their rights and request meaningful remedies

The Voluntary guidelines are not legally binding, but are a set of recommendations primarily for states, but also for international actors, civil society and private actors. There is a voluntary reporting possibility to the FAO Committee on World Food Security.

BOX:

"The VG interprets the right to food in a practical way. They emphasize the rights of human beings and they obligate governments. Thereby they facilitate transparent public discussions and political decision-making processes in favour of the fulfilment of the right to food."

(Hartwig de Haen, Assistant Director General Economic and Social Development FAO¹)

⁹ Voluntary Guidelines, FAO 2005

¹⁰ Voluntary Guidelines, FAO 2005

¹¹ 25 question and answers on health and human rights, WHO 2002

THE RIGHT TO FOOD IN OTHER RELEVANT TREATIES AND KEY DOCUMENTS

THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

The African Charter on Human and Peoples' Rights (the African Charter) of 1981 is the principal regional instrument protecting human and peoples' rights in Africa. It incorporates a wide range of socio-economic rights, including the rights to property, to work under favourable conditions and equal pay for equal work, to health, to education, family rights and the right to self-determination. However, the African Charter does not expressly recognize the right to food. It also does not recognize the right to an adequate standard of living. In contrast, the African Charter on the Rights and Welfare of the Child of 1990 binds State parties to provide adequate nutrition and safe drinking water in partial discharge of the duties engendered by the right to health¹².

The African Commission on Human and Peoples' Rights (ACHPR) is monitoring and promoting the implementation of the African Charter. Recent jurisprudence of the ACHPR establishes a growing commitment by this body to interpret the African Charter progressively. For example, in a landmark decision of the Social and Economic Rights Action Centre and the Centre for Economic and Social Rights vs. Nigeria, the ACHPR found a violation of the right to food, which is not expressly recognized by the African Charter. The Commission held that the right to food is implicitly recognized in such provisions as the right to life, the right to health and the right to economic, social and cultural development, which are expressly recognized under the African Charter. The right to food, according to the ACHPR, is inseparably linked to the dignity of human beings and is therefore essential for the enjoyment and fulfilment of such other rights as health, education, work and political participation¹³.

CONVENTION ON THE RIGHT OF THE CHILD

The Convention on the right of the child (CRC) from 1989 states that state parties shall take appropriate measures *to combat diseases and malnutrition... through the provision of adequate nutritious food and clean drinking water*¹⁴. In the CRC the determination of good nutrition is defined as food, care and health¹⁵.

WORLD FOOD SUMMIT PLAN OF ACTION

The World Food Summit took place in 1996, with representatives from 185 countries and the European Community. This historic event brought together close to 10,000 participants and provided a forum for debate on the eradication of hunger. The adoption of the **Rome Declaration on World Food Security and World Food Summit Plan of Action** (WFS Plan of action), has helped to influence public opinion and has provided a framework for bringing about important changes in policies and programmes needed to achieve 'Food for All'. The meeting also saw the active involvement of representatives of inter-governmental organizations, and non-governmental organizations (NGOs).

The WFS Plan of action provides a blueprint and also establishes targets for national governments, civil society and the international community¹⁶. In this declaration heads of state and governments "reaffirm[ed] the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger¹⁷".

¹² Africa's regional Development, Chsitopher Mbazira, ESR review Vol 5, no1, 2004

¹³ Africa's regional development, Christopher Mbazira, ESR review Vol 5, no1, 2004

¹⁴ CRC 24(3)

¹⁵ Stephan Lewis, Dep. Dir UNICEF, SCN news no 18 1999

¹⁶ The right to food in Theory and Practice, FAO 1998

¹⁷ Voluntary guidelines, FAO 2005

BOX:

World food summit plan of action (1996)

Commitment One: we will ensure an enabling political, social and economic environment designed to create the best conditions for the eradication of poverty and for durable peace, based on full and equal participation of women and men, which is most conducive to achieving sustainable food security for all;

Commitment Two: we will implement policies aimed at eradicating poverty and inequality and improving physical and economic access by all, at all times to sufficient, nutritionally adequate and safe food and its effective utilization;

Commitment Three: we will pursue participatory and sustainable food, agriculture, fisheries, forestry and rural development policies and practices in high and low potential areas, which are essential to adequate and reliable food supplies at the household, national, regional and global levels, and combat pests, drought and desertification, considering the multifunctional character of agriculture;

Commitment Four: we will strive to ensure that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a fair and market-oriented world trade system;

Commitment Five: we will endeavour to prevent and be prepared for natural disasters and man-made emergencies and to meet transitory and emergency food requirements in ways that encourage recovery, rehabilitation, development and a capacity to satisfy future needs;

Commitment Six: we will promote optimal allocation and use of public and private investments to foster human resources, sustainable food, agriculture, fisheries and forestry systems, and rural development, in high and low potential areas;

Commitment Seven: we will implement, monitor, and follow-up this Plan of Action at all levels in cooperation with the international community.

THE MILLENNIUM DEVELOPMENT GOALS (MDGS)

The MDGs has been set out by 189 countries and all the world's leading development institutions¹⁸. In Goal no. 1 the task is to *Halve, between 1990 and 2015, the proportion of people who suffer from hunger*. Among the indicators for this are:

4. *Prevalence of underweight children under five years of age*

5. *Proportion of population below minimum level of dietary energy consumption*

The UN millennium project is an advisory group to the MDGs and recommends all developing countries to develop a Poverty Reduction Strategy Plan (PRSP) to meet the MDGs and recommends how this should be prepared and implemented in participatory and accountable way¹⁹.

UN Human right bodies¹:

The Commission on Human Rights 1946-2006

UN primary body for the monitoring of human rights throughout the world. Representative body, consisting of government representatives of 53 of the 192 UN member states serving on a rotating basis. Setting human rights standards and international law, monitoring studies and clarify normative. Annual resolution that plays a role in strengthening commitment to the right to food.

Sub-commission on the protection and promotion of the right to food

Think tank of experts, Social forum every second year since 2002.

The Human Rights Council 2006

Has replaced the commission on human rights. The council shall promote human rights, address violations, be a forum for dialog and report to the UN general assembly. The assembly consists of 47 member states and shall hold three sessions a year.

The committee on ESC rights (CESCR) 1987

ECOSOC resolution 1985, Monitoring the implementation. 18 Independent experts meet twice a year, A treaty body that reports to ECOSOC Received country reports. No enforcement power or ability to receive individual complains. Make the General Comments, Constructive dialog and independent concluding observations, 1993 accepted and given time to NGOs shadow reports.

The office of the high commissioner of HR (OHCHR)

Secretariat, UN public servants.

Special Rapporteur on the right to food.

Independent expert promoting the right to food by developing the conceptual framework for the right to food, reports to governments. Two-yearly reports to the UN General Secretary and the Human rights council. Ad-hoc complaint mechanism – no power to enforce, but can "name and shame".

Optional protocol:

A suggested system for individual complaints and juridical structure.

¹⁸ <http://www.un.org/millenniumgoals/>

¹⁹ See www.unmillenniumproject.org

LINK TO OTHER HUMAN RIGHTS

In the Vienna Declaration and Programme of Action, which was adopted by the World Conference on Human Rights in 1993, paragraph 5 states that: *All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis*²⁰.

BOX:

The right to adequate food is indivisibly linked to other human rights and its ultimate objective is to achieve nutritional well-being which, in turn, is dependent on parallel achievements in the field of health and education. ... The realization of the right to adequate food is inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, both at the national and international level, oriented towards the eradication of poverty and the satisfaction of basic needs.

(Mary Robinson, United National High Commissioner of Human rights 1999)

As will be shown later in this study, securing the right to food is interlinked with securing the right to health, the right to education and the right to participation. Achieving the right to food can be defined as having food security, a condition where all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life²¹. Reaching the goal of food security is only possible by promoting economic, social and cultural rights as well as civilian and political rights combined.

BOX: Signing or ratification of some relevant international human rights treaties

COUNTRY	ICESCR	ICCPR	ICERD	CEDAW	CRC	ILO 169	UNCCD	Geneva Convention
Angola	R	R	N	R	R	N	R	R*
Botswana	N	R	R	R	R	N	R	R
Burundi	R	R	R	R	R	N	R	R
Djibouti	R	R	N	R	R	N	R	R
DR Congo	R	R	R	R	R	N	R	R
Eritrea	R	R	R	R	R	N	R	R*
Ethiopia	R	R	R	R	R	N	R	R
Kenya	R	R	R	R	R	N	R	R
Lesotho	R	R	R	R	R	N	R	R
Madagascar	R	R	R	R	R	N	R	R
Malawi	R	R	R	R	R	N	R	R
Mozambique	N	R	R	R	R	N	R	R
Namibia	R	R	R	R	R	N	R	R
Rwanda	R	R	R	R	R	N	R	R
Somalia	R	R	R	N	S	N	R	R*
South Africa	S	R	R	R	S	N	R	R
Sudan	R	R	R	N	R	N	R	R
Swaziland	R	R	R	R	R	N	R	R
Tanzania	R	R	R	R	R	N	R	R
Uganda	R	R	R	R	R	N	R	R
Zambia	R	R	R	R	R	N	R	R
Zimbabwe	R	R	R	R	R	N	R	R

R= Ratified, S=Signed, N= not ratified or signed

*Angola has only ratified or signed protocol I, Eritrea and Somalia have not ratified or signed protocol I and II

ICESCR: International Covenant on Economic, Social and Cultural Rights 1966
 ICCPR : International Covenant on Civil and Political Rights 1966
 ICERD: International Convention on the Elimination of All Forms of Racial Discrimination 1965
 CEDAW: Convention on the Elimination of All Forms for Discrimination against Women 1979
 CRC: Convention on the Rights of the Child 1989
 ILO 169: Convention concerning Indigenous and Tribal Peoples in Independent Countries 1991
 UNCCD: United Nations Convention to Combat Desertification 1996
 Geneva Conventions 1949 (Additional protocol I and II 1977)

20 UNCCD and food security for pastoralists within a human right context, DCG Report no. 43, 2006

21 Voluntary Guidelines I (15)

RIGHT HOLDERS AND DUTY BEARERS

RIGHT HOLDERS

All human beings have the right to adequate food and are therefore right holders to this right. According to ICESCR article 2(2) *rights ... will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, natural or social origin, property, birth or other status.* Article 11(1) of the ICESCR states that *the right of everyone to adequate standards of living for himself and his family, including adequate food....*

One third of the population in Sub-Saharan Africa suffers from chronic hunger. There are 160 million people in Eastern and Southern Africa who are undernourished and their right to adequate food is being violated.²²

In the Eastern and Southern African context there are certain groups that are particularly vulnerable to hunger and that need special attention in order to mobilize their own resources to be able to take part in changing their situation of vulnerability. Particular attention and action must be taken in order to secure women, children, the disabled, HIV and aids infected and affected, pastoralists, indigenous people, the poor rural population, urban poor and displaced people (refugees and internally displaced persons – IDP) their rights and ability to take part in changing their own situation in order to enjoy the right to food.

BOX:
People whose food intake is chronically insufficient to meet their minimum energy requirements in Eastern and Southern Africa 2001-2003.

COUNTRY	Populations undernourished, percentage of total populations	Human development index
Eritrea	73%	157
DR Congo	72%	167
Burundi	67%	169
Zambia	47%	165
Ethiopia	46%	170
Mozambique	45%	168
Zimbabwe	45%	151
Tanzania	44%	162
Madagascar	38%	143
Angola	38%	161
Rwanda	36%	158
Malawi	34%	166
Kenya	31%	152
Botswana	30%	131
Sudan	27%	141
Namibia	23%	126
Djibouti	26%	148
Swaziland	26%	146
Uganda	19%	145
Lesotho	12%	149
South Africa	-	121

According to the Human development report 2006, www.undp.org/hrd2006.
 Somalia is not part of the HDR 2006

²²Statistics from 2001-2003, The state of food insecurity in the world 2006, FAO

DUTY BEARERS

All actors in society are duty bearers obliged to respect and fulfil the right to food. All organizations and individuals with power of influence over others are duty bearers and have obligations in implementing the right to food. Therefore among the vulnerable groups there are individuals and groups who are both right holders and duty bearers. In Eastern and Southern Africa men are duty bearers in the family and in the local society in relation to women's right to food, as well as parents in relation to their children, local leaders in relation to their local communities and church leaders in relation to their constituencies.

NATIONAL GOVERNMENT IS THE MAIN DUTY BEARER

The main legal duty bearer obliged to secure the right to food is the state.

ICESCR Article 2,1 says that *each state party to the present covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present covenant by all appropriate means.*

GC 12 paragraph 15 argues that *the right to adequate food, like any other human right, imposes three types or levels of obligations on state parties: the obligations to **respect**, to **protect** and to **fulfil**. In turn, the obligation to fulfil incorporates both an obligation to **facilitate** and an obligation to **provide**.*

*The obligation to **respect** relates to existing access to adequate food and requires and restricts state parties not to take any measures that result in preventing such access.* This stipulates limits on the exercise of state power, rather than positive action. The state should not, in general, interfere with the livelihood of its subjects or their abilities to provide for themselves. Where any review indicates the existence of national legislation that has such an effect, either directly or indirectly, then immediate action will be called for to rectify the situation²³.

*The obligation to **protect** requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.* This requires regulating the conduct of non-state actors. This entails the establishment of an enabling regulatory environment, that is legislation and sanctions, for example, in the fields of food safety and nutrition, protection of the environment and land tenure²⁴.

The obligations to respect and protect requires the state to adopt appropriate legislative, administrative, juridical, and promotional and other measures towards the full realization of rights to food.

*The obligation to **fulfil (facilitate)** means the state parties must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, states have the obligation to **fulfil (provide)** that right directly. This obligation also applies for persons who are victims of natural or other disasters.* This requires positive action by the state to identify vulnerable groups and to design, implement and monitor policies that will facilitate their access to food-producing resources or an income. As a last resort, direct assistance may have to be provided, to ensure, at a minimum, freedom from hunger²⁵.

According to the GC12 paragraph 17 *it is important to distinguish the inability from the unwillingness of a state party to comply with their obligations. Should a state party argue that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such*

²³ The right to food in Theory and Practice, FAO 1998

²⁴ The right to food in Theory and Practice, FAO 1998

²⁵ The right to food in Theory and Practice, FAO 1998

access, the state has to demonstrate that every effort has been made to use all of the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations.

The VG call on states to set up mechanisms to inform people of their right to food and improve access to justice.

BOX:

Jean Ziegler, UN special rapporteur on the right to food for the UN Commission for Human Rights describes the state obligations in the following way:

Respect means the state violates the right to food if it does anything that hinders the access to food, or production of food, or production of income that gives access to food. For instance, if the government is expelling peasants from their land without compensation, then that is a key violation of the right to food. The state has to protect the right to food from outside actors, like municipalities that sell water supplies to private companies and then half the population cannot afford drinking water. Thirdly, the state must do everything to make roads and to rehabilitate land to make access to food possible through buying it or producing it. When there is an exceptional catastrophe where everything fails and people are dying from climatic problems on which the state has no influence, then the state has an obligation to appeal, in kind, to the international community to identify vulnerable groups and facilitate and organize the distribution of food.

[4 march 2004, IRIN News]

BOX:

Ratification of the CRC means our government partners acknowledge their obligation to become combatants against child malnutrition. This obligation is a legal commitment that stands firm, no matter what international conferences they have attended or what other development planning they have done. The fulfilment of obligations under human rights conventions, such as the CRC, thus create the context for good governance. Part of the duty of good governance is ensuring that others, especially the primary caregivers of children, are enabled to fulfil their part of this obligation to children. This duty of the State is more robust than the argument, which is also compelling in its way, that there is an economic justification for addressing malnutrition. We know this is so, but the duty to fulfil the right of children and women to good nutrition does not depend on an economic justification, and does not disappear just because it can be shown that tackling some other problem is more cost effective in terms of money or any other measure.

[Stephen Lewis, Dep. Ex Dir UNICEF, SCN news no 18 1999]

While only states are parties to the ICESCR and are thus ultimately accountable for compliance with it, all members of society - individuals, families, local communities, non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities in the realization of the right to adequate food. The state should provide an environment that facilitates implementation of their responsibilities (GC 12 paragraph 20).

INTERNATIONAL COMMUNITY'S ROLE AS DUTY BEARERS

According to ICESCR Article 11(1) the state shall take appropriate steps to ensure the realizations of this right (to food), recognising to this effect the essential importance of international co-operations.

GC 12 paragraph 36 specifies this further saying that *state parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food. In implementing this commitment, state parties should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate access to food and to provide the necessary aid when required. State parties should, in international agreements whenever relevant, ensure that the right to adequate food is given due attention and consider the development of further international legal instruments to that end.*

VG also recognizes the ex-territorial responsibility by addressing questions of international trade, food aid and embargos. The VG III paragraph 3 says that states *are strongly urged to take steps with a view to the avoidance of, and refrain from, any unilateral measure... that impedes the full achievement of economic and social development by the population of the affected countries and that hinders their progressive realization of the right to adequate food.*

This obliges all international actors to respect and protect and, if necessary, fulfil the right to food in their own relations and in actions affecting any human beings.

BOX:

In times of emergency states have at least a moral duty to share among themselves the burden of food aid and other measures of relief. I encourage agencies to establish international mechanisms to ensure that their own policies or programmes do not impact negatively on the implementation by states of the right to food and nutrition.

(Mary Robinson, SCN News no.18 1999)

Also the multilateral organizations have obligations to respect, and promote the right to food through cooperation with the national government. The IMF and the World Bank do not recognise the obligations they do have under international human rights legislation, in spite of their international position and the fact that most of their members are bound by the main international human rights instruments²⁶.

PRIVATE ACTORS AS DUTY BEARERS

According to CG 12 paragraph 20 *the private business sector – national and trans-national - should pursue its activities within the framework of a code of conduct conducive to respect of the right to adequate food, agreed upon jointly with the government and civil society.*

The VGs also address questions of non-state actors, encouraging direct responsibility for the right to food and the importance of regulating the market in order to ensure the right to food. The national governments are responsible for protecting their population by regulating private actors' harmful effects on food security and the private actors are obliged to follow these restrictions and regulations.

Principles for respecting and promoting human rights are part of several trans-national companies' strategies for social corporate responsibility and codes of conduct. All private actors operating in the Eastern and Southern African countries affected by food insecurity and hunger should relate to issues of social corporate responsibility in order to contribute to promoting the right to food.

International companies that have signed up to the UN Global Compact have committed to respect human rights. The first two principles of the UN Global Compact, are derived from the Universal Declaration of Human Rights²⁷:

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

Most global agric-food companies have however failed to sign up to corporate social responsibility initiatives such as the UN Global Compact²⁸.

CIVIL SOCIETY ROLE AS DUTY BEARERS

Securing human rights will require a participatory and accountable process in the community. And the role of civil society in contributing to information, promoting implementation and monitoring the right to food is therefore important.

As a source of information for the Human Rights Council (former CESCR), civil society plays a major role, a fact that the committee has always recognized and acknowledged. The CESCR was the first treaty body to welcome statements from NGOs regarding the status of human rights in specific

²⁶ The implementation of economic and social rights in the age of economic globalisation, Asbjørn Eide in Food and human rights in development, Whence Barth Eide 2006

²⁷ Quoted from http://www.unglobalcompact.org/Issues/human_rights/index.html (on 17.10.2006)

²⁸ Foreword by Mary Robinson in Food and human rights in development, Wenche Barth Eide and Uwe Kracht 2006

countries²⁹. The framework provided for implementing the right to food in the GC 12 and the VGs opens for an active role for civil society.

VG II paragraph 8 states that *the implementation of these Guidelines.... should benefit from the contribution of all members of civil society at large, including NGOs and the private sector.*

Information about the right to food

Knowledge among the vulnerable right holders about their right to food and other human rights is often limited. This limits their ability to promote and participate in securing their right to food, and the right to participation in processes affecting their food security situation. Providing information about the right to food, other human rights and how to claim these rights to vulnerable groups is therefore important.

Among the duty bearers there are also limitations when it comes to the knowledge about the right to food, other human rights and human rights mechanisms. Civil society has an important role in informing duty bearers of their obligations in relation to human rights and what their obstacles are for fulfilling the right to food and other human rights.

This kind of information is important at all levels of duty bearers; from husbands, parents and local leaders, to the government level, local administrations, parliamentarians and the international community.

Promotion of adopting the right to food

The CG and the VG promotes the adoption of national legislation for the right to food and securing the right to food in development strategies.

Civil society has an important role to play in promoting that the government ratifies relevant treaties and incorporates human rights in their national legislation.

The GC and the VG are resources that can provide guidance to civil society for assessing the existing legislation and development policies in relation to the right to food. The VGs are of great value as they were agreed upon by governments, and serve civil society organizations as a reference document in lobbying for governments to follow up their commitments on the right to food³⁰.

All policy measures should be subject to impact assessment to avoid effects that will lead to violation of the right to adequate food.

BOX:

The Right to Food Bill in Malawi

Since 2002, civil society groups in Malawi coordinated under the National Taskforce on the Human Right to Food have been working towards the adoption of a "Right to Food Bill". The Bill, drafted following extensive consultations with grass roots communities, is conceived as an implementation mechanism to accompany the government's Food and Nutrition Security Policy. The Bill will encourage State accountability through the creation of an independent authority to monitor compliance with its human right to food obligations under the ICESCR. The authority will also be mandated to conduct investigations into violations of the human right to food, to accompany recourse efforts on the part of victims and to develop public education materials about the human right to food.

(The human right to food in Malawi, FIAN 2006)

²⁹ Verginia B Dandan, SCN news no 18, 1999

³⁰ UNCCD and Food Security for Pastoralists with in a Human Rights Context

Monitoring the implementation of the right to food

The VGs presided applications are dependent on the national governments' will to implement. But they are practical guidelines and their effect also depend on civil society's use of them in holding governments accountable.

Some NGOs have started to use the national judicial system or their regional human rights system, to take up concrete cases of violations of this right³¹. The ACHPR gives, as shown with the example from Nigeria (see page 9), an opportunity to take up cases of violation of the right to food on a regional level.

The implementation of the core human rights treaties are monitored by committees of independent experts know as treaty monitoring bodies, under the UN. These meet regularly to review state parties reporting and to engage in a "constructive dialog" with governments on how they live up to their human rights obligations. Based on the principal of transparency, states are requested to submit their progress reports to the treaty bodies and to make them widely available to their own population. Thus, reports can play an important catalytic role, contributing to the promotion of national debate on human rights issues, encouraging the engagement of participants of the civil society and fostering a process of public scrutiny of government policies. At the end of the session, the treaty body makes concluding observations, which includes recommendations on how the government can improve its human rights record³².

The Human Rights Council monitors the ICESCR. The treaty monitoring bodies examine the information submitted by the states, as well as additional information from NGOs. The Human Rights Council is open for the active participation of NGOs, both at their meetings and in terms of receiving so-called shadow or parallel reports. NGOs need to apply for consultative status, or can choose to hand in their reports in cooperation with other NGOs that already have that status. This means that when countries have their regular reports reviewed by the various committees, NGOs can make contributions on matters that concern them³³.

The council presents its observations and recommendations; their concluding observations are public. In this case, the comments of the committee can be used effectively by attracting substantial media attention, and NGOs can function as watchdogs. The committees' comments also provide a basis for creating constructive dialogue between state officials and civil society organizations on relevant issues.³⁴

The VGs can also be used to assess other countries and international agencies, such as the WFP and WTO, to ensure that their activities are not undermining the capacity of the state to facilitate the realization of the right to food. The CSOs play an important role in securing that the right to food and the guidelines are not ignored in international debate³⁵.

CSOs in developed countries should encourage all state parties to the ICESCR to include extraterritorial obligations in their national reports to the Human Rights Council. CSOs should also prepare parallel reports on their national governments performance, including recommendations on extraterritorial obligations.

Another relevant UN institution is the Special Rapporteur on the right to food. His main function is thematic research, country visits and communications. The Special Rapporteur receives a large number of communications providing information about alleged violations of the right to food. The main sources of these communications are NGOs, intergovernmental organizations and other UN

³¹ The right to food in Theory and Practice, FAO 1998

³² 25 question and answers on health and human rights, WHO 2002

³³ UNCCD and Food Security for Pastoralists with in a Human Rights Context

³⁴ UNCCD and Food Security for Pastoralists with in a Human Rights Context

³⁵ Let's make the right to food a reality! By Yves Berthelot, Voluntary Guidelines on the right to adequate food from negotiation to implementation, FIAN documents, g47e/1006

procedures concerned with the protection of human rights. Awareness among civil society actors on these procedures is important and can create possibilities for NGOs to have their topic of concern investigated and commented on by the Special Rapporteur³⁶.

In the same way as states and international agencies should assess all their development programmes' direct or indirect effect on food security, civil society organizations should also assess all of their own activities in developing countries in the same way.

POSSIBLE APPROACH

National government

In Eastern and Southern Africa knowledge about the right to food among both right holders and duty bearers is limited. Informing of and promoting the right to food to the general public and in relation to decision-makers should therefore be a political priority for national governments.

National governments have to take on their responsibility related to the right to food in national and regional regulations. In this work the GC 12 and VGs should be used to guide adoption of the right to food in legislation and development policies.

International community

International Finance Institutions (IFI) and all other international agencies should commit to respecting and promoting the right to food in their cooperation with Eastern and Southern African countries.



Zambia 2005: Focus on girls' education with school feeding.

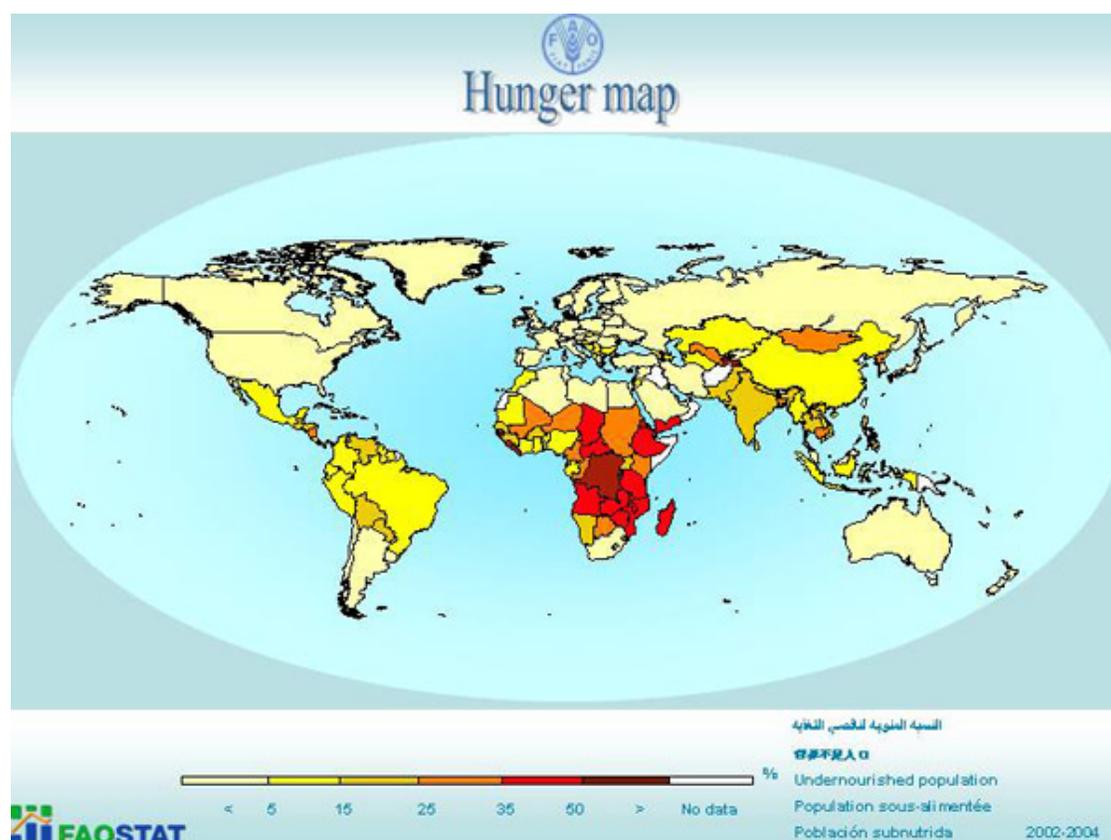
³⁶ UNCCD and Food Security for Pastoralists with in a Human Rights Context

PART 2: WHY IS THE RIGHT TO FOOD VIOLATED IN EASTERN AND SOUTHERN AFRICA?

FOOD INSECURITY IN EASTERN AND SOUTHERN AFRICA

There is an increase of food crises and hunger emergencies in Eastern and Southern Africa, caused by a combination of climate change, conflicts and political factors. In Sub-Saharan Africa 33% of the population are under-nourished and the average number of food emergencies in Africa per year has almost tripled since the mid-1980s³⁷. In the 1960s Africa was feeding itself and exported food. Today Africa no longer can feed itself and imports food for USD 20 billion per year.

In trying to explain why there is hunger and food insecurity in Eastern and Southern Africa this paper will use "the human dignity triangle". Human dignity is based on security, rights and development. Deficit of protection limits human security, equity deficits limit human rights and participation deficits limit human development. Being free from hunger and being food secure is a key part of living a dignified life. Following is an overview over some of the deficits of protection, equity and participation that is limiting food security and contributing to food crises and hunger in Eastern and Southern Africa.



³⁷ Africa – up in smoke 2, Oxfam 2006

PROTECTION DEFICIT

A protection deficit occurs when the national government is not able to protect its population against non-state actors or external factors beyond their control that affects their food security.

Three areas of protection deficit contribute to food insecurity in Eastern and Southern Africa today; climate changes and environmental degradation, conflict and political unrest and limitations in disaster preparedness and response.

CLIMATE AND THE ENVIRONMENT

CLIMATE CHANGES

Africa is the continent most vulnerable to climate changes because of its extreme poverty and dependence on rain-fed agriculture, which means that even small changes in the weather can have a huge impact. Climate data for Africa for the last 30–40 years shows that the continent has been warming, contributing to more erratic but intense rainfall, in other words more droughts but also more floods³⁸.

The African population today perceives climate changes as significant³⁹. The African Union's (AU) African regional strategy for disaster risk reduction concludes: *hydro-metrological hazards, (drought, floods, windstorm, particular tropical cyclones, landslide and wildfire) occur most pervasively and account for most of the people affected by disasters*⁴⁰. The continent as a whole is warmer by 0,5°C than it was 100 years ago and even more in interior areas. For example in Karicho, a highland area in the Rift Valley, the temperature has increased by 3,5°C the last 20 years. The six warmest years in Africa have all occurred since 1987 and there is a tendency towards greater extremes⁴¹.

Estimates suggest that climate changes will reduce crop yields by 10% over the whole of Africa⁴². Christian Aid has projected that 182 million people might die from disasters associated with climate change by the end of the century in Sub-Saharan Africa⁴³. A report by the economist Sir Nicholas Stern suggests that global warming could shrink the global economy by 20%.

THE EFFECTS OF CLIMATE CHANGE IN EASTERN AND SOUTHERN AFRICA

Changed rain patterns are affecting the agricultural and livestock-based food production in Eastern and Southern Africa. Factors such as: the *timing* of the onset of first rains (which affects when crops are planted), the *distribution* of rainfall within the growing season, and the *effectiveness* of the rain, are all real criteria that affect the success of farming⁴⁴.

Changes in rain patterns and the amount of rain will affect the biodiversity that is crucial for rural life in Africa and for African development. The biodiversity is important for food consumption, household energy (fuel), medicine, trade, house constructions, different ecosystems (like water filtrations, breakdown of waste etc.), and for the economically important tourism⁴⁵.

Climate changes also affect the fragile balance between burning of grass and forest growth. Grass burning is a technique used by farmers in most of Africa where vegetation is carefully burned off in order to revitalise land for food production. The vegetation has adapted to this and depends on these

³⁸ Causing Hunger, Oxfam 2006

³⁹ Africa – up in smoke 2, Oxfam 2006

⁴⁰ The global climate observing system programme in Africa, IRI 2006

⁴¹ Africa – up in smoke 2, Oxfam 2006

⁴² Africa – up in smoke 2, Oxfam 2006

⁴³ Africa – up in smoke 2, Oxfam 2006

⁴⁴ Africa – up in smoke 2, Oxfam 2006

⁴⁵ Klimaendringer i Afrika, WWF 2004

fires in order to grow. This interaction between humans and nature is also claimed to have a positive effect on biodiversity and amount of trees, which again is important for water conservation. A change to a drier climate threatens this fragile balance making the fires harder to control and preventing them from developing into to devastating intensive fires⁴⁶. Big bush fires that are out of control are currently a growing problem for food production.

With changed rain patterns causing floods or drought, the threat of water-borne diseases increase that affect people's ability to take part in production and their nutritional status. Vector-borne diseases like malaria and dengue are increasing because of floods and higher temperatures. Currently prevalence of malaria is increasing at a rate of 1.3% each year in Africa⁴⁷. It is also spreading to new areas, such as higher land and previously drier areas⁴⁸. New groups of people that have not developed immunity against malaria are also being affected. Climate changes also increase the threat of pests that affect both crops and livestock⁴⁹. In 1997 the weather phenomenon El Niño contributed to an increase of Rift Valley fever among both humans and livestock along the eastern coast of Africa, and 80% of livestock in Somalia and northern Kenya died⁵⁰ (see more about health on page 79).

Temperature increases also affect the sea level and temperature. Mangrove growth is diminishing and the coral reefs along the eastern coast of Africa are dying in many areas. Changes to coral reefs affect marine biodiversity, fishing and tourism. Coastal zones are also vulnerable to a potential rise in sea levels due to global warming, particularly roads, bridges, buildings, and other infrastructure that is exposed to flooding.

There is a link between climate change and conflicts because climate changes are putting more constraints on water and other natural resources (see more about conflicts on page 26).

Climate change contributes to migrations and urbanization, as people are forced to move because of hunger in rural areas. There are probably more climate refugees than political refugees in the world today, and the number looks likely to increase⁵¹.

BOX:

- 14 countries in Africa are subject to water stress or water scarcity and a further 11 countries will join them in the next 25 years
- Between 1970 and 1995, Africa experienced a 2.8 times decrease in water availability.
- Land areas may warm by as much as 1.6°C over the Sahara and semi-arid regions of southern Africa by 2050.
- In southern Africa and parts of the Horn, rainfall is projected to decline by about 10 per cent by 2050.
- Sea levels are projected to rise by around 25 cm by 2050.
- The west coast of Africa is currently affected by storm surges and is at risk from extreme storm events, erosion and inundation. With climate change, tidal waves and storm surges may increase and inundation could become a major concern.
- East Africa's coastal zone will also be affected: climatic variation and an increase in sea-level may decrease coral and patch reefs along the continental shelf, reducing their buffer effects and increasing the likelihood of east coast erosion.

[Africa – up in smoke, NEF 2005]

⁴⁶ Klimaendringer i Afrika, WWF 2004

⁴⁷ Africa – up in smoke, NEF 2005 page 18

⁴⁸ Africa – up in smoke, NEF 2005

⁴⁹ Klimaendrigner i Afrika, WWF 2004

⁵⁰ Quoted from DIFID in Klimaendinger i Afrika, WWF 2004

⁵¹ Africa – up in smoke, NEF 2005

Climate change management

The ability to anticipate when climate extremes will occur is important for early warning systems and for water resource management planning. Unpredictable climate changes are a disincentive to individual investment and adoption of innovation and it affects the success of other development interventions. Climate uncertainty necessitates a short planning horizon and risk management strategies that buffer against climate extremes, often at the expense of inefficient resource use, reduced average productivity and profitability and accelerated resource degradation⁵².

The Eastern and Southern African national governments' capacity and ability to use climate information in their planning and development is limited, especially at the local community level⁵³. This limits ability to plan and respond to the growing environmental changes.

Women are the first to become aware of climate changes. They have traditionally always developed coping strategies to deal with such changes, but women's knowledge and strategies to cope are not being fully acknowledged and developed⁵⁴. Women should be heard more in order to obtain information about the effects of climate change, and the participation of women in finding ways to handle the situation is of great importance.

Increased funding should be made available for adoption, assistance with research and climate monitoring in Eastern and Southern Africa. Development should build on indigenous coping strategies to live with climate changes and focusing on local disaster risk reduction initiatives. Special focus should be given to women's traditional knowledge and coping strategies and empowerment of vulnerable groups such as indigenous people, pastoralists, and women to participate in the development of climate change policies (see more about pastoralists page 27 and indigenous peoples page 51).

Worldwide there is a link between hunger prevalence and the high reliance on fossil fuels⁵⁵. There is currently little investment being done in alternative fuels in Africa and there is a high dependence on non-renewable energy sources. The focus of national governments, private investors and international donors are on fossil fuel, where there are big investments being made. In order for Eastern and Southern Africa to boost development in a sustainable way, investments in renewable energy are needed. Bio-fuel investments in Africa have started in Malawi and South Africa and can have positive impact for local farmers, but this will depend on who will have power in the market.

When drought in 2000 caused a decrease in hydropower production and constant power cuts in Kenya, the World Bank provided an emergency loan of 72 mills USD, funds that among other things were used to buy diesel generators⁵⁶. All development efforts and assistance should consider the impact they have on climate changes to prevent further increases in greenhouse gas emissions.

Climate changes are currently affecting Eastern and Southern Africa the most and are clearly a threat to the population's right to food in these countries. 20 industrialised states (including the US) contribute to 80% of today's greenhouse gas emissions. The slow process of reducing the emission levels are driven by economic interest, and the Eastern and Southern African governments have little possibility to influence the economically powerful states on these issues.

The Convention on Climate Change (UNFCCC) of 1994 sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate changes. It recognizes that the climate system is a shared resource whose stability can be affected by industrial and other emissions

⁵² The global climate observing system programme in Africa, IRI 2006

⁵³ The global climate observing system programme in Africa, IRI 2006

⁵⁴ Africa – up in smoke, NEF 2005

⁵⁵ The state of food insecurity in the world 2006, FAO

⁵⁶ Klimaendringer i Afrika, WWF 2004

of carbon dioxide and other greenhouse gases. The Convention enjoys near universal membership, with 189 countries having ratified it. A number of nations have also approved an addition to the treaty: the Kyoto Protocol, which has more powerful (and legally binding) measures and sets specific targets for the reduction of emissions.

According to VG III paragraph 3, States are strongly urged to take steps with a view to the avoidance of, and refrain from, any unilateral measures not in accordance with international law and the charter of the United Nations that impedes the full achievements of economic and social development by the population of the affected countries and that hinders their progressive realization of the right to adequate food. Global greenhouse gas emission need to be reduced in accordance with the UNFCCC and the Kyoto Protocol in order to prevent ongoing climate changes, which are causing food crises and hunger in Eastern and Southern Africa.

Pastoralists vulnerability to climate changes

About 43% of Africa's land surface is arid land with low and unpredictable rainfall and areas with mainly pastoral food production. Pastoralists are defined as a way of life wherein more the half of household income derives from the keeping of livestock⁵⁷. Pastoralists' production dominates in more than 58% of the arid and semi-arid land (ASALs) on the Horn of Africa and there is an estimated 50 million pastoralists and agro-pastoralists in Sub-Saharan Africa⁵⁸.

Pastoralists occupy the drought-prone lands that cannot support rain-fed agriculture. Their systems of mobile herding - of moving animals in search of water and grazing - have evolved over hundreds of years and are ideally suited to sustaining life in areas where rainfall is unpredictable from season to season and from place to place. In most of these areas, pastoralism is the only way to make a living from the land⁵⁹. Pastoralists use sophisticated methods to optimise the use of water and land and to deal with the effects of cyclical droughts by moving, sharing, exchanging and selling animals⁶⁰. It is scientifically proven that traditional livestock systems in the Sahel area can be significantly more productive per hectare than ranching operations in North America⁶¹. Sudanese and Somalian sedentary cattle production has lower productivity than the pastoral nomads⁶².

Where mobile livestock management has been allowed to continue unhampered, it has proven to help in the conservation of biodiversity, improved livelihood, and resulted in sustainable land management⁶³. Pastoralists deliberately keep diverse herds to be prepared for all eventualities. Their breeds are continuously exposed to all sorts of stress and can cope with insufficient feed, extreme temperatures and disaster. Pastoralists act as a stewardess of livestock diversity in the world⁶⁴. In the fragile ecosystem, no other productive sector could at present effectively absorb so many people⁶⁵. Mobile pastoralism is therefore seen as one key to environmental sustainability in the dry-land areas.

Pastoralists are currently one of the groups in Eastern and Southern Africa most vulnerable to climate changes that affect food production. Poverty rates are high and most development indicators are far below national averages amongst the pastoralists. Insecurity, poor basic services and low coverage against diseases, all combined with drought worsen a precarious situation⁶⁶. In addition to this their indigenous institutions for generations (indigenous knowledge and resource management) have been eroded⁶⁷.

⁵⁷ Horn of Africa 2006, consolidated appeals process, UN 2006, page 5

⁵⁸ Policies and strategies to address the vulnerability of pastoralists in Sub-Saharan Africa, Nikola Raas, PPLPI working paper no. 37, 2006

⁵⁹ http://www.oxfam.org.uk/what_we_do/issues/pastoralism/introduction.htm?searchterm=pastoralists

⁶⁰ HPG Briefing Note, May 2006

⁶¹ Deserted biodiversity, DCG 2006, www.drylands-group.org

⁶² The global drylands imperative, UNDP 2003

⁶³ UNDP report referred to in Delivering the agenda, Addressing chronic under-development in Kenya's arid lands, Oxfam 2006

⁶⁴ Deserted biodiversity, DCG 2006, www.drylands-group.org

⁶⁵ HPG Briefing Note, May 2006

⁶⁶ Horn of Africa 2006, consolidated appeals process, UN 2006

⁶⁷ Food Security Situation in the Pastoral Areas of Ethiopia, Beruk Yemane, 2003

The rationale of each individual herder is to keep a maximum number of animals as a necessary buffer against the impact of disease or drought. As total livestock and population numbers increase and compete for ever-diminishing resources, the carrying capacities of the land are exceeded and there are too few resources to support greater and growing numbers of people and animals. It is evident that each cycle of rain failure reinforces the consequences of drought, giving rise to significant humanitarian problems and long-term empowerment among pastoralists⁶⁸.

Pastoralists are dependent on the local markets in order to buy staple food. In a situation of drought prices of staple food rise. Selling of livestock when there is bad pasture is a coping strategy for the pastoralists, they need to sell before the livestock is affected by drought and they need more cash in order to buy staple food when prices go up. But in this situation many are forced to sell their stock at the same time and agriculture farmers also sell their livestock as a coping strategy, resulting in a fall in the price of livestock and in some cases the collapse of the whole livestock market.

The rapid recurrence of droughts during last 10-15 years leaves inadequate time to recover before the next shock occurs and pastoralists need more time to recover from a disaster than a settled agricultural farmer, as he needs cash to buy new herds and has to move to both buy this and find pasture for it.

Women are hit hardest among the pastoralist population, because they traditionally bear the responsibility of feeding their families and to collect and manage water. When donkeys and camels for transport are lost in droughts and water get scarce, it is the women who walk longer distances to find water, which also may put them at higher risk of violent attacks and rape⁶⁹. Women are also forced to seek casual employment and in some cases prostitution is the only solution.

Pastoralists have partly been blamed for creating drought as desertification has historically been thought to be in large part the result of pastoral practises. Provision of basic services has been used as a tool in order to settle pastoralists. These services did not correspond with the pastoralists' lifestyles and pastoralists were accused of sabotaging development in the name of ignorance and tradition, resulting in the halting of large projects and abandonment of the livestock sector in the 1980s by major donors as it was deemed to difficult⁷⁰.

The United Nations Convention to Combat Desertification (UNCCD) from 1996 has been ratified by 191 countries and its aim is to *combat desertification and mitigate the effects of drought... particularly in Africa... with a view to contributing to the achievement of sustainable development*. Further it aims at ensuring the long-term productivity of inhabited dry lands, and consequently ensuring the livelihood of affected rural people. The UNCCD is commonly perceived to be a well-included perspective on poverty and livelihood security, and further to be the environmental convention that takes the notion of participation and local ownership seriously⁷¹. All of the Eastern and Southern African states have ratified the UNCCD.

The UNCCD confirms that the state parties to the convention shall approach desertification and drought in a holistic manner, addressing the physical, biological and socio-economic aspects. Strategies to combat desertification must be connected to poverty eradication, enabling appropriate financial and institutional resources and promoting and strengthening cooperation between states and organizations with a sub regional, regional and international approach. The convention also claims that traditional and local knowledge; know-how and practices should be protected and included in combating desertification⁷².

⁶⁸ Horn of Africa 2006, consolidated appeals process, UN 2006

⁶⁹ Horn of Africa 2006, consolidated appeals process, UN 2006

⁷⁰ The global drylands imperative, UNDP 2003

⁷¹ UNCCD and Food Security for Pastoralists with in a Human Rights Context, DCG Report no 43, FIAN 2006

⁷² UNCCD and Food Security for Pastoralists with in a Human Rights Context, DCG Report no 43, FIAN 2006

Civil society in Eastern and Southern Africa should use the UNCCD to promote the rights of the pastoralists' way of life.

In order to secure the right to food in the ASHL areas there is a need to acknowledge the capacities of the pastoralists and build on their knowledge and ability to live and produce in these areas. How to do this will be described further below. (See more about pastoralists under equity and participation deficit).

ENVIRONMENTAL DEGRADATION

There is an interlink between climate changes caused by greenhouse gases and environmental effects of population growth, agricultural expansion, deforestation and changes in use of land such as urbanization and industrial expansion⁷³.

African's rural population makes daily use of soil and water for farming and fishing, of forests for food, fuel and fodder, of the biodiversity of a wide range of plants and animals, both domesticated and wild⁷⁴. Ancient survival techniques for exploiting natural resources are today threatened by growing populations and pressure on land, commercialisation of land and forests and climate change⁷⁵.

Use of artificial fertilizers is extensive in Eastern and Southern Africa today, causing degradation of soil quality and water pollution. Extensive use of improved seeds that are in heavy need of fertilizers has in some areas degraded the soil so much that it not possible to return to indigenous seeds that traditionally did not need artificial fertilizers. This contributes to the dependence on artificial fertilizers. Farming based on expensive and energy intensive artificial input is both vulnerable to fuel price increases and further adds to the problem of climate change⁷⁶. Overuse of fertilizers on commercial and self-sustained farms spreads through ground water and worsens the problems of fertilizer overuse (see also more about agriculture under equity deficit).

Water pollution from fertilizers, industry and lack of sanitation affects both human and animal health, agricultural production and fishing. Proper sanitation information and facilities are important to preventing water-borne diseases (see more about health below). With growing urbanisation, pressure on water and sanitation management in urban areas is a rapidly growing problem in Eastern and Southern Africa.

Urbanization is currently increasing rapidly in Eastern and Southern Africa today. The major cities are taking over productive land and lack the necessary means for their citizens to live a healthy life because sanitation facilities are inadequate, contributing to pollution of surrounding areas.

Industrial waste, inadequate sanitation and waste systems are polluting the environment in many different ways. Angolan fishermen complain about the pollution of their fishing waters from oil production at sea. Air pollution is also a problem in many of the Eastern and Southern African major cities.

In the 1990s the most rapid deforestation in the world, in proportional terms, happened in Africa⁷⁷. Africa loses approximately 5 million hectares of forest each year⁷⁸. Deforestation combined with changes in rain patterns is devastating for water conservation, natural water purification systems and water access regulations in the African river systems. In Eastern Africa, deforestation and commercial

⁷³ Klimaendringer i Afrika, WWF 2004

⁷⁴ The state of food insecurity in the world 2006, FAO

⁷⁵ The state of food insecurity in the world 2006, FAO

⁷⁶ Africa up in smoke, NEF 2005

⁷⁷ The state of food insecurity in the world 2006, FAO

⁷⁸ Klimaendringer i Afrika, WWF 2004

exploitation of wetlands have drastically reduced the environment's natural moisture protection and it affects the rainfall in the rainforest areas of central Africa⁷⁹.

It is estimated that desertification is advancing at an annual rate of 3.5 per cent in sub-Saharan Africa, with much higher rates in the arid and semi-arid areas⁸⁰. There has been a 30% decrease in rainfall and a decrease of 25% in the potential for plant growth in the Sahel belt in the last 30 years⁸¹.

Deforestation, causing land degradation and desertification, leads to a spiral: less moisture in soils and in greenery means less rainfall, which means less vegetation and so on. It has been argued that the effects are not simply local, and that tree felling as far a field as the Congo affects rainfall in the Sahel, hundreds of miles to the north. Deforestation accounts for between 20 and 30 per cent of all greenhouse gas emissions worldwide and has devastating effects on both biodiversity and local communities⁸².

Harmful hunting traditions also affects the environment, such as use of dynamite fishing in coral reefs and lacking monitoring system have contributed to overexploitation of fish resources in inland lakes (see more about fishing on page 65).

There are also examples of development projects that have introduced new varieties of plants or animals in order to boost development, but that have had devastating effects on the local ecosystems. Examples are *Prosopis juliflora*, which was introduced as a drought livestock supplement feed and for soil conservation, is today aggressively claiming prime irrigable cropland and rangelands adjacent to irrigated farms and water points for pastoralists, and the Nile perch introduced to Lake Victoria in the 1960s, which has exterminated almost all other fish in the lake (see more about fishing on page 65).

Hydropower is an important energy resource for African countries. 70 % of Kenya's power comes from hydropower⁸³. Drought also affects this resource and the price of energy. At the same time the high oil prices are affecting the African countries hard⁸⁴. This makes people more dependent on firewood, charcoal and fossil fuels as individually more affordable solutions, but this contributes to deforestation and climate change.

Environmental degradation contributes to conflicts as pressure on resources increases. Environmental degradation can be used as a tool in conflict, for example deliberate flooding, movement of people to marginalize land, or pollution of water sources⁸⁵.

Environmental management

Governments lacking the ability to control and regulate the use of natural resources in a sustainable manner are a major problem in Eastern and Southern Africa. This is due to a lack of technical knowledge and understanding among members of government and the administration, and their capacity and ability to regulate and monitor the situation and people's action. Charcoal production is not permitted in Zambia, but the national government has limited capacity to control or sanction the rural population's charcoal production.

Multilateral companies sometimes speculate in the inability of weak governments to control their activities, and in order to cut costs the environment is suffering. A general focus on economic development, industrialization and commercial farming at the expense of the local population has also contributed to limited action in order to safeguard the environment. There are currently also

⁷⁹ Causing Hunger, Oxfam 2006

⁸⁰ Causing Hunger, Oxfam 2006

⁸¹ Klimaendringer i Afrika, WWF 2004

⁸² Africa – up in smoke 2, Oxfam 2006

⁸³ Klimaendringer i Afrika, WWF 2004

⁸⁴ The effect of higher oil prices on Mozambique and Zambia, Botswana institute of development policy analysis, NCA occasional paper no 1/2005.

⁸⁵ Africa up in smoke, NEF 2005

inadequate laws and regulations and following up of existing laws and regulations to protect the environment in many parts of Eastern and Southern Africa.

ICESCR 12 secures the *right of everyone to ... physical and mental health*. It is further specified that the state parties should take the necessary steps for the *improvement of all aspects of environmental and industrial hygiene*. In line with the states' obligations to protect the peoples right to food, they are also obliged to regulate activities in order to protect the local environment as a means for food production. Decision-makers at the local and national level are responsible for and need to be able to put in place necessary regulations and monitoring systems and the ability to control and sanction violations.

There is a need for more information and knowledge in the general population about environmental degradation and how to contribute to sustainable development. The local actors need to have the knowledge and ability to choose sustainable actions. For example the small farmer should know the consequences of using artificial fertilizers and be able to choose alternatives.

Private companies' social corporate responsibility (SCR) strategies should include sustainable use of resources that are in harmony with the local population's use of the same resources and they have to follow local regulations and international standards on environmental protection.

International standards and regulations that protect the environment from pollution should also be promoted so that for example products that are not allowed in the EU or the US, are also banned in Africa. There have been some attempts made in relation to using the WTO to set standards related to environment and working standards, but the WTO does not include environmental protection in its agenda. For instance for genetically modified products the WTO has ruled against the EU, that the UN precautionary principle did not provide sufficient basis because of insufficient scientific evidence. Both environmental standards and human rights needs to be made part of the WTO regulations, or the WTO needs to commit to existing regulations governed by other organisations and institutions.

POSSIBLE APPROACHES

National government

National governments in Eastern and Southern Africa have to fully take on their responsibility to limit their emissions of greenhouse gases as much as possible in their development.

National governments in Eastern and Southern Africa need to prioritise developing adapted management approaches to the ongoing climate changes. This should be based on local knowledge and coping strategies. In order to achieve this, women need to be key actors and take part in strategy development and implementation.

National governments have to secure sustainable use of natural resources through laws, regulations, management and investments to prevent environmental degradation. All use of key natural resources should be seen in relation to securing the right to food.

The commitments made in the UNCCD should be followed up by national governments in order to secure pastoralists development in an environmentally sustainable way.

International community

Developed countries have to take on their responsibility and reduce emissions of greenhouse gases in accordance with international agreements and scientific evidence.

Financial support for adaptation must be increased, and industrialized countries must take leadership.

Any new climate change agreement (Kyoto II) must have at its core similar carbon levies and taxes to fund adaptation and include emission levels for the developing countries too.

Private actors working in Eastern and Southern Africa must respect national laws and regulations and ensure that their use of natural resources is environmentally sustainable and does not increase greenhouse gas emissions and is in line with securing the population's right to food.



Malawi 2003: Tree planting for water conservation and firewood.

CONFLICT AND POLITICAL UNREST

Conflicts and the related displacement and exile of millions of people, are responsible for more than half of the reported food emergencies in Africa⁸⁶.

EFFECTS OF CONFLICTS AND UNREST ON FOOD SECURITY

The direct and indirect effects of conflict and violence on securing right to food are:

- People taking part in war action and armed forces, keeping them away from food production.
- Destruction of crops, livestock and livelihood inputs
- Displacement of people: people fleeing or deliberately being displaced
 - Leaving fertile land unused
 - Increasing pressure on already populated areas
 - Displaced people and refugees moving into less fertile areas
 - Movement to urban areas, putting more pressure on the alternative economy and the urban environment
- Areas becoming non-accessible for food production
 - Fear or insecurity preventing people from going to their fields or tending to their livestock
 - Landmines preventing use of land for food production during and for a long time after a conflict
- Reduced investments and economic activity
 - Insecurity hampers investments and long term planning among poor people with few resources.
 - Destruction of infrastructure and means of communication, i.e. trucks and roads, hampers commercial activity.
 - Communications are hampered by security, e.g. roadblocks etc.
 - Diversion of resources to military purposes from development and relief efforts

These effects can be both unintended effects of conflict or deliberate effects as part of a war strategy. Providing support and/or denying or hampering support to populations affected by a conflict can be deliberate, for instance by openly stopping relief aid or hampering import of relief goods through customs etc.

Women and children are especially affected by conflict and its aftermath, as conflict compromises their already disproportionately vulnerable situations. The vast majority of displaced persons are women and children. When tension escalates, the risk of sexual violence and sexual exploitation and abuse increases, putting women and children at higher risk and affecting the ability of women to provide and prepare food.

The long-term effects of conflicts and violence also contribute to food insecurity. Long lasting conflicts can make returning to rural areas and a former way of life as presents or pastoralists difficult. Children who have grown up in camps may have lost their parents' knowledge about farming when they return to their place of origin, as is seen in some cases in Sudan after over 20 years of armed conflict and among refugees returning from Zambia to Angola.

In long-lasting conflicts the displaced need to maintain their ability and knowledge to live a normal life and produce their own food in order to be able to be repatriated when the conflict is over. In providing

⁸⁶ Causing hunger, Oxfam 2006

support to displaced people there is a need to balance the support in such a way that the displaced are provided with the support they need without putting constraints on the local population's resources, but at the same time not developing a system where both displaced and the surrounding areas become dependent on outside assistance and stop producing their own food.

A further problem after a long lasting conflict is the distribution of land. New settlers may have taken over land, and lack of formal land rights makes the returning population vulnerable (see more about land rights on page 57).

THE RIGHT TO ASSISTANCE

The 1949 Geneva Convention and the 1977 Additional Protocols states, with respect to the humanitarian needs of the civilian population, including their access to food in situations of armed conflict and occupation, *inter alia that starvation of civilians as a method of warfare is prohibited" and that "[i]t is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them, for their sustenance value to the civilian population or to the adverse party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive", and that "these objects shall not be made the object of reprisals".*

VG II paragraph 16.5 recommends that *states should make every effort to ensure that refugees and internally displaced persons have access at all times to adequate food. In this respect, States and other relevant stakeholders should be encouraged to make use of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement.*

VG II paragraph 16.6 also recommends that *in the case of natural or human-made disasters, states should provide food assistance to those in need, may request international assistance if their own resources do not suffice, and should facilitate safe and unimpeded access for international assistance in accordance with international law and universally recognized humanitarian principles, bearing in mind local circumstances, dietary traditions and cultures.*

LINK BETWEEN SECURING RIGHT TO FOOD AND CONFLICT

A hunger situation in a conflict prone area can also contribute to the escalation of a conflict and many of Eastern and Southern Africa's conflicts have been caused by pressure on natural resources.

The whole Eastern African region is affected by ongoing conflicts leading to the displacement of people. Both refugees and IDPs settle temporarily in arid and semi-arid areas where the pressure on land is increasing and the refugees' interests can come into conflict with pastoralists using the same areas.

Until recently, pastoralists' movements were well synchronized with neighbouring herding and farming people, although many of these arrangements are now under stress, because of increased pressure on resources such as water and land.

Conflict is a major feature of pastorals' areas as insecurity and community boundaries restrict the populations and livestock movement and hinder the development of traditional coping strategies to deal with climate change. Tension between pastoralists and between farmers and pastoralists give rise to water and resource-based conflicts. Insecurity, as the threat of conflict rises, further curtails pastoral mobility and reduces the capacity to cope with climate change. Inter-ethnic conflicts associated with access to grazing and water points as well as cattle raiding are all common features⁸⁷. Interference in the pastoralists' traditional organizations has also contributed to a collapse of accepted traditional legal processes to resolve disputes.

⁸⁷ Horn of Africa 2006, consolidated appeals process, UN 2006

Traditional local cattle raiding have also been transformed by the easy availability of small arms, due to ongoing conflicts in Eastern Africa⁸⁸.

Peace and reconciliation work is vital in order to establish food security in Eastern and Southern Africa. The connection between resource use and securing the right to food on the one hand and conflict prevention and peace and reconciliation work on the other, must be recognised in order to succeed with either of the approaches. Tools such as “Do no harms” and a participatory approach in order to obtain full knowledge regarding the connection between resources and conflict are some of the required approaches.

There is a dilemma in delivering food aid in situations of conflict. International aid can be seen as prolonging the conflict if the national government is able to continue the conflict since they do not need to attend to fulfilling their obligations with regards to providing social services and securing food for its people. One example is Angola prior to 2002 when income from oil and diamonds fuelled the war while the population was starving because of the conflict and lack of investment in securing the right to food and development. This is a dilemma for humanitarian organisations and it is important to be conscious of this dilemma and work on both contributing to ending the conflict and supporting the suffering population.

Working for securing the right to food and addressing the strain on resources are also important parts of the conflict prevention and peace and reconciliation processes. One example is securing water management systems that can be used jointly by pastoralists and settled farmers.

POSSIBLE APPROACHES

National governments

National governments have to use all efforts available in order to resolve conflicts as part of securing the populations right to food.

All parties to an internal or cross border conflict have to secure the affected populations right to food. The affected population, detainees and prisoners of war all have the same rights, and both parties to a conflict are responsible for protecting and securing these rights and contributing to facilitating this without any obstacles.

National governments must always consider issues of conflict prevention and/or peace building when managing natural resources.

In a conflict situation conflicting parties and national governments need to give special attention to protecting women because women are more vulnerable than other groups in these situations, that again affects their own and other vulnerable groups food security. National governments should use the UN Security Council resolution 1325 in their work to protect and secure women’s rights in conflict situations.

International community

The international community has both a responsibility to assist the national government in securing the affected population’s right to food in a conflict situation, but also has an obligation not to take on the responsibilities of conflicting parties related to the right to food and thereby prolong a conflict. The international community must hold national governments accountable for securing their own populations right to food in conflict situations.

⁸⁸ The global dry land imperative, UNDP 2003

DISASTER PREPAREDNESS AND RELIEF

NATIONAL DISASTER PREPAREDNESS

Lack of early warning systems and understanding of local contexts and coping systems contribute to late reactions to developing emergencies. Early warning systems need to be developed further in order to gain knowledge of the situation and be able to act as early as possible in order to limit the extent of an emergency. There is a need to improve the quality of relevant data, but also to coordinate and interpret these data better⁸⁹.

The World Summit on Sustainable Development (WSSD) concluded that in order to help Africa prepare for, and mitigate disasters at both the local and national level *...community-based disaster management planning by local authorities, including through training activities and raising public awareness is needed*⁹⁰.

In some of the countries and areas struck by food insecurity there are several actors performing surveys with different methods and there are weak databases for making forecasts. Divergences in estimates affect emergency response planning. Coordination of both disaster preparedness and relief operations is therefore important. NGOs and community-based organizations often have reliable early warning information, but their evidence may be ignored because it lacks the authority compared to official assessments⁹¹.

The approach to a hunger situation is very much dependent on the surveillance used for assessing the situation. A participatory approach with ferrule baseline studies is therefore important. Surveillance should not only look at production, but also do nutritional assessments and dietary assessments prior to food security interventions⁹².

It is important to know the living situation and the people affected by emergencies. In situations where minorities and indigenous peoples are involved, a sensitive and adaptive approach to the situation is required in order to be able to reach people with different lifestyles. In cases of minority groups and representatives for vulnerable groups in society, participation in political decisions and communication with local and central administrations are vital in both early warning systems and in identifying the right kind of support that is needed.

CG 12 paragraph 28 state that *measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable populations' groups and individuals.*

VG II paragraph 16.8 recommends states *to consider establishing mechanisms to assess nutritional impact and to gain an understanding of the coping strategies of affected households in the event of natural or human-made disasters. This should inform the targeting, design, implementation and evaluation of relief, rehabilitation and resilience building programmes.*

Part of disaster preparedness is to maintain infrastructure such as water installations. This is often a problem during times of good rain when there is less need for them and the local community, or the national government does not prioritise maintenance. The facilities that are not maintained often get damaged and are then of none or limited assistance when new emergencies strike.

VG II paragraph 16.7-8 recommends that *states should put in place adequate and functioning mechanisms of early warning to prevent or mitigate the effects of natural or human-made disasters.*

⁸⁹ Predictable funding for humanitarian emergencies: a challenge to donors. Oxfam 2005

⁹⁰ Africa-up in smoke, NEF 2005

⁹¹ Causing hunger, Oxfam 2006

⁹² Food security survey in north central and south Ethiopia, Bread for the world and EED, 2004

Early warning systems should be based on international standards and cooperation, on reliable, disaggregated data and should be constantly monitored.

The ability of national governments to prioritise disaster preparedness is constrained by the many different tasks for these countries already overstretched budgets. Knowledge and capability on the local as well as national level to take on disaster preparedness and relief can also be limited, in addition to lacking capacity in the local administration. Administration and coordination between government bodies at different levels is also a problem. Communication and decision lines are often unclear and bureaucracy can also be a problem. One example may be customs regulations limiting the import of food in a disaster situation.

A NCA assessment of the disaster preparedness of Ethiopia's water management revealed problems in the following areas: policy formulation, strategic planning, source and resource identification, promotion of maintenance and development of such resources, promotion of emergency preparedness at the regional level, information management, formulation of gender and community policies for emergency situations, coordination of the activities of the NGO community. Further, there was a lack of capacity in the areas of personnel, daily transport, planning/management skills and motivation⁹³.

The ability to prioritise local disaster preparedness has also been limited by international finance institutions liberalisation requirements to the Eastern and Southern African governments as part of structural adjustment programmes, in particular requirements to privatise grain reserves and market regulations (see more about this on page 37).

NCA's experience from Southern Africa is that it is difficult to attract funds for partners' disaster preparedness programmes. Stocking equipment is hampered and keeping qualified staff is made difficult since they have to be recruit personnel on short-term contracts for emergency operations only. The effect is that that the ability to build up own capacity is limited.

Investments in disaster preparedness systems and equipment are important in order to be able to react to developing emergencies in time. Having people, plans and tools in place allows for immediate response. Basing disaster preparedness on local government and local actors is the best way of securing that assistance can be mobilized in time, preventing the escalation of crises. For the slow onset of food crises in Eastern and Southern Africa, investments in local actors and local disaster preparedness management is important in order to reach the smaller crises as early as possible in local areas and prevent them from developing into big disasters. It is also important in order to make the communities more self-sufficient in coping with emergencies and not become dependent on unreliable foreign assistance (see below).

NATIONAL DISASTER RELIEF

The ability of governments to buy grain internationally and regionally is limited by lack of foreign exchange due to debt service and high inflation. Private import is limited by government restrictions in food import (e.g., import duties, government monopolies, uncertainty over government import plans), limited infrastructure capacity, and the high cost and shortages of fuel⁹⁴. The WFP appeal for Southern Africa for July 2002 to March 2003 applied for USD 507 million in relief aid. Meanwhile, Mozambique, Malawi and Zambia alone were to pay back USD 506 million in total debt service to multilateral and bilateral donors in 2002 and 2003, even after HIPC debt relief⁹⁵.

The willingness and ability of governments to declare a disaster situation is also important in order to acknowledge the situation and release national and international funds for relief operations. In 2003 the Mozambique government was reluctant to declare a disaster situation during a drought because of

⁹³ Emergency water preparedness for Ethiopia, Organisational and technical assessment, NCA 2003

⁹⁴ FEWS NET special report South Africa, 2005

⁹⁵ Why is Southern Africa hungry? A Christian Aid briefing, 2003

upcoming elections. For NCA partners this hampered their ability to get international support for their relief operations.

Politicising of support is also a problem in some of the Eastern and Southern African countries. For example in Zimbabwe where food aid has been used as part of election campaigning.

Disaster relief operations can be big business and the implementation of activities is affected by corruption at all levels of society.

The national government is the main actor responsible for securing food for its population in times of emergency as part of its obligations to fulfil the right to food, and the state parties to the ICESCR have committed to ensure the right food for *all without discrimination and to the maximum of its available resources*, (ICESCR 2(1 and 2)). *Food should never be used as an instrument for political and economic pressure* (GC 12 paragraph 37).

REGIONAL APPROACHES AND COORDINATION

Regional coordination of early warning systems and surveillance exists in Eastern and Southern Africa, but most of it is based on external actors like UNICEF and other UN actors.

Limited regional coordination of activities is important, especially in areas where there are nomadic populations crossing borders, such as in Eastern Africa. Better cooperation between the UN, national governments and NGOs reduces the possibility of inequitable interventions that would create “pull-factors” across borders, as affected populations converge on areas where services were being provided.

Pastoralists and livestock do not recognize political boundaries or national borders. Regional cooperation in national planning is therefore also important to prevent uncoordinated investments that can undermine positive effects. This is important both to prevent potential conflict and to find long-term solutions⁹⁶.

WFP assumes that informal cross-border maize import played a significant role in redressing the supply-demand imbalances in Malawi. Cross border trade can however have a negative effect on national production if food is imported from other regions and sold at lower prices than regional market prices⁹⁷. Looking regionally in a disaster situation is important in order to find the closest food surplus area. As will be shown below it is easier to get food from Northern Mozambique to Malawi, than from the north to the south of Mozambique.

In 2004 the Zambian authorities relaxed restrictions on informal exports of maize and established trading points at the common borders with the DRC and Malawi. This gave impetus to renewed informal cross border traders from Zambia to the DRC⁹⁸. In 2005 they also removed the 15% import levies on grain in order to encourage private sector participation in the grain trade⁹⁹.

According to GC 12 paragraph 38, states have *a joint and individual responsibility to cooperate in providing disaster relief*. When there is a food deficit, national restrictions on food import should be relaxed in order to encourage more regional food trade and regional coordination should be part of disaster preparedness and relief operations in Eastern and Southern Africa.

⁹⁶ Horn of Africa 2006, UN 2006

⁹⁷ Informal cross boarder food trade in Southern Africa, issue 1 WFP 2004

⁹⁸ Informal cross boarder food trade in Southern Africa, issue 1 WFP 2004

⁹⁹ Informal cross boarder food trade in Southern Africa, issue 13 WFP 2005

INTERNATIONAL RELIEF AID

According to the ICESCR and its interpretation in the GC 12, the international community is obliged to assist in food crisis interventions, and the national governments are obligated to receive international support if they are not able to fulfil the right to food for their population. Moreover, they should facilitate the distribution of required aid so that it actually reaches the needy as smoothly as possible.

International relief aid is often late and not adapted to the local needs. Aid arriving late is a big problem in Eastern and Southern Africa because small farmers have already exhausted their coping strategies long before relief aid arrives. This makes planning relief operations difficult, and emergency relief arriving too late will have a negative effect on rebuilding processes. There are several examples of relief food coming to late and having negative effects on the next harvest and thereby jeopardizing the rebuilding processes for local food production and the local food market.

Humanitarian assistance does not cover all needs because appeals seldom get 100% coverage. Pledged funds do not arrive and this hampers planning and implementation of relief activities. When international aid is required it must be delivered as predicted and in accordance with commitments.

Humanitarian assistance often arrives too late to prevent deaths and suffering. Humanitarian assistance is often determined more by media profile or political criteria than by humanitarian needs, and the slow onset emergencies in Africa often miss out.

Large-scale interventions like WFP operations do not always cover all areas. NCA experience from Malawi show that their assessments are done at one particular time and if the situation changes it is hard to become part of the distribution list later on. Smaller pockets of emergencies are not covered and it is difficult for other organizations to highlight the situation since they are often not able to provide the same amount of documentation as WFP etc. In 2002 a group of people from Nkamerija marched to the parliament in Lilongwe to protest since they were not included in the WFP distributions. It is therefore important to have several actors operating in different areas and in particular to focus on local organizations that are a member of the local communities and who know the context well.

Coordination with national government

In September 2005 the chairman of the national disaster task force of Swaziland, Ben Nosebands, said, "*Some drought victims are no longer preparing to plough their land to take advantage of recent rain. They claim that they are assured of continuing government food aid. Some of these people have even started selling their arable land, as they believe there will be free food*". But the WFP claim this is not correct and that non-production is due to the high HIV prevalence in Swaziland¹⁰⁰.

The big international donors such as WFP have been accused of not respecting the national governments in their work for securing relief aid. There are claims that they are providing support even though the national government has not asked for it or that support is not coordinated with the priorities of the national government.

There is a dilemma for international agencies to balance their obligation to contribute to securing food for vulnerable people in an emergency when the national government does not take its responsibility. The state parties to the ICESCR has undertaken *to the maximum of their resources* to realize the right to food. It is therefore the national government, which is the main responsible duty bearer in providing food aid. NGOs and the international community should therefore hold the national government accountable when this is not the case.

¹⁰⁰ Food dependency a rural myth – aid workers, 8 September 2005 www.irinnews.org

There is a need to coordinate international relief efforts and it should be the national governments responsibility to do this, but this requires an open and accountable process in order to prevent government using food crises for political gain.

Access to the right kind of support

Neglected and vulnerable groups are a problem when food is being distributed, as support is not adapted to their needs. Children, the elderly, HIV and AIDS affected, disabled, etc., are vulnerable groups for food distributions and need help to transport 50 kg of food 5-10 km, often meaning that the helper takes part for the ration as payment. According to GC12 paragraph 15 *adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly, the physically disabled, the terminally ill and persons with persistent medical problems including the mentally ill.*

In Eastern and Southern Africa, children, disabled, elderly, pregnant and lactating mothers, HIV and AIDS affected are normal target groups for special support. But NCA experience is that there are also other groups in society that are overlooked in emergency situations, for instance prisoners in Malawi and indigenous peoples. All people have the right to food even though they have violated other rights in society. Local NGOs and churches can have a key role in promoting these groups' right to food in an emergency situation.

Using local leaders and church leaders in identifying people in need of relief aid is a common approach in order to secure that the most vulnerable are reached. This gives these people a powerful position as key duty bearers. Information and training of these groups about the right to food and what it implies is crucial in order to prevent any form of discrimination against certain groups in the local community. To prevent stigmatisation of HIV positive member in the community or women that have been forced to prostitution because of hunger and are then seen as disgraced.

It is also important that the duty bearers that are providing assistance, be it government, local or international agencies, are aware of their roles. People suffering from hunger are extremely vulnerable to human rights violations, violating their dignity as human beings, and corruption is often a problem during implementation of relief operations. There is a difference between looking at relief aid and charity donations and seeing it as your duty to realize another person's right. This should also affect the implementation of support in order to secure respect for human rights and human dignity. An NCA study in Malawi has shown that there is a need to inform the right holders of their rights. One way of doing this is following up the Action by Churches Together (ACT) code of conduct with personnel at all levels and to have general discussions about how to implement relief operations in a way that prevents human right violations and secures human dignity.

In-kind food aid

Emergency food aid is still the dominant response to food crises, regularly constituting over half of all UN consolidated emergency appeals. Only 17 per cent of the non-food needs identified in the recent UN appeal for Kenya, for example, were funded, compared to 46 per cent of food needs. However, while food aid can play a crucial role in saving lives and reducing hunger, it is at best an incomplete response, and at worst can exacerbate food insecurity if it harms farmers' livelihoods. Since much in-kind food aid is imported, it can take up to four or five months to arrive. It may cost as much as 50 % more than food purchased locally, and may be nutritionally limited and culturally inappropriate¹⁰¹. Food aid coming in when there is local food available on the market may destroy the local market, because people are not willing to buy food when they can get it for free. In the long run this will diminish food production and contribute to people depending on food handouts, as is the case in Ethiopia today where an average of four million people, even in good years, face food shortages and are in need of relief assistance¹⁰².

¹⁰¹ Causing hunger, Oxfam 2006

¹⁰² Food security survey in north central and south Ethiopia, Bread for the world and EED, 2004

According to GC 12 paragraph 39, *food aid should, as far as possible, be provided in ways, which do not adversely affect local producers and local markets, and should be organized in such a way that facilitates the beneficiaries' return to food self-reliance.*

WFP gets 70% of their support as in-kind support. This limits their ability to buy food on the local or regional markets. Food aid is today an important way for the EU and the US to use subsidised overproduced food. The WFP receives 48 per cent of its food from the US¹⁰³.

The WFP policy is that they shall buy 30% of their food aid locally. An assessment in Mozambique shows that the procurement system of WFP is not adapted to buying from local producers, especially not smaller local producers. There is a need for a more flexible system for WFP's procurement that is adapted to the local context in order for them to be able to buy from smaller retailers and contribute to rebuilding local food production and markets.

Food aid bought at the local market can be a development factor in rebuilding food production and the market structure. Food aid agencies are a major market for Uganda's maize in addition to domestic consumption and the export markets in Kenya and Rwanda. Local procurement by food aid agencies influences wholesale market prices significantly in Uganda and have also helped increase maize production¹⁰⁴.

Local NGOs have the ability to import food for their operations outside the WFP system, but this is currently difficult because of restrictions in import systems. However, NGOs have an important role to play in promoting the local and/or regional purchase of food for relief operations.

Focusing on the need to secure local food markets has contributed to suggestions that it is better to hand out cash to vulnerable people so that they can buy their food and contribute to re-establishing and developing the local market. A traditional way of distributing food is food for work, where normally one member of a family works on a community project and gets paid in food aid for his/her family. The community projects are commonly part of development projects such as irrigations, road building, tree planting etc. In order to secure the local food market better there are several positive experiences from handing out cash instead of food for this work, so that taking part in the project contributes to maintaining the local food production and market.

BOX:

Providing cash to households through a cash-for-work programme gives people the dignity to make choices and buy what they need to support their families. 22,000 people are benefiting from Oxfam's cash-for-work programme in Turkana, northern Kenya, for households that have limited livelihoods options and are not able to provide fully for their families. They work on a range of projects benefiting individual households or the whole community, such as improving water sources and planting trees. Oxfam's experience has shown that households spend the money on food and other basic necessities, and invest in the future by buying tools, for example. It means that people do not have to resort to detrimental strategies to survive, such as selling off livestock. The provision of cash also helps to revitalise the local economy.

[Source: Oxfam]

The type of food to provide as food relief is also important. GC 12 paragraph 11 describes adequate and sustainable food: *cultural and consumer acceptability implies the need also to take into account, as far as possible, perceived non nutritional-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.*

Some of the relief food that has been provided to Eastern and Southern Africa has been genetically modified (GM). Introducing such products to the ecosystem in Africa has several dilemmas and some,

¹⁰³ Causing hunger, Oxfam 2006

¹⁰⁴ Regional Agricultural trade intelligence network, Food trade bulletin for Eastern Africa issue 20 FEWS 2005

for instance the government of Zambia, have refused to accept GM food (see about GMOs in agriculture page 43).

GM food should be the last solution for food distribution in a crisis; after all other options for food input are exhausted. If GM food is the only solution the grains should be milled before being distributed in order to prevent any planting and introduction to the local environment. People receiving this food should be properly informed about the fact that the products contain GM substances.

It is also important to respect countries or cooperation partners that have decided not to use GM food in their countries or activities.

Rehabilitation and long-term support

In situations of food deficits and hunger, food aid will only alleviate immediate needs. Livelihood assistance needs to be included to recover farming input and livestock. More focus should be on providing farming input, such as tools, seeds and fertilizers, and training and information about the need to diversify production, nutrition and local disaster preparedness. The often-used “packages” for rehabilitation need to be adapted to local needs and knowledge, and be of sufficient size to be able to boost development. More long-term commitments that build up livelihood and long-term food security are important also after the immediate emergency phase. Restocking livestock is time consuming and requires long-term perspectives and commitments from donors.

For every \$1 spent on preparing for disaster, a further \$7 is saved in the cost of recovering from it¹⁰⁵. The national cost for relief work can be seen as lost development opportunities as they are lost for investment in education, health, infrastructure etc. Relief aid will never solve the structural food insecurity of Eastern and Southern Africa. Protection from disasters, conflict and climate changes will not be sufficient as long as the inequity and participation deficit issues are not addressed at the same time.

POSSIBLE APPROACHES

National government

National governments need to prioritise building up disaster preparedness capacity locally and nationally, including adequate early warning systems. These systems need to be adapted to the new challenges climate changes are putting on food security in Eastern and Southern Africa.

National governments are responsible for providing required support, and if needed, coordinating and facilitating external support. In situations where external support is needed, the national governments should build up flexible structures for cross border trade and the import of donated goods. National governments should work for more regional coordination in emergency situations.

In an emergency situation national governments must ensure that all actors, national and international, implement their activities in a sustainable way that will secure long-term development and that respect the human rights of beneficiaries. National governments have to take on the responsibility to ensure that in-kind food support is implemented in such a way that it promotes the population's right to food in a long-term perspective.

National governments must never use distribution of humanitarian aid for political gain.

All kinds of corruption related to humanitarian relief operations should be properly investigated and sanctioned.

¹⁰⁵ Africa-up in smoke, NEF 2005

International community

The international community should support and contribute to building local disaster preparedness and disaster management systems.

International actors in a relief operation have to coordinate with national and local governments and respect their priorities, but at the same time contribute to holding national governments accountable if they are not addressing the populations right to food in an emergency situation.

Food aid should never be used as a means for dumping subsidised overproduction of food from other countries. All international actors should support and build structures that will enable them to purchase food as locally as possible and try to find alternative and more long-term development-friendly ways of supporting hunger crises in Eastern and Southern Africa, e.g. work for cash.



Zambia 2005: "Smart food aid" – a school feeding program.

EQUITY AND PARTICIPATION DEFICIT

The complexity of issues affecting a person's food security are linked to the distribution of resources. There is a link between distribution of resources between people and their participation in decision-making that affects them and their food security situation. The inequity in availability of resources, ability to benefit from these resources and lack power to influence distribution, are to be found at different levels from the household level to the international arena and within a wide range of areas.

The deficit of equity and participation will be presented together in this chapter. First by looking at some of the most vulnerable groups affected by food crises: self-sustained rural farmers, pastoralists and indigenous people. Second by looking at some resources for food production: land, water and fish. Thirdly by looking at other means of income. And finally: by looking at issues concerning nutrition and health.

SELF-SUSTAINED RURAL FARMERS

Today 70% of the population in Africa lives of agriculture. 25 % of Sub-Saharan African GDP derives from agriculture¹⁰⁶. Agriculture and livestock production is the main income for half of the African population – mostly the rural population¹⁰⁷. Women are responsible for 70% of all food produced in Africa¹⁰⁸. After a pronounced decline in the 1970s and early 1980s, per capita food production has now stagnated¹⁰⁹.

The typical African farmer has small margins and no buffer for even small changes in the rain patterns. When there is a crop failure caused by droughts, floods or pests on plants or animals, typical survival strategies are selling livestock, farming equipment and other assets, eating next year seeds, trying to find cash work, eating wild plants that are less nutritional and sometimes poisonous, etcetera. These strategies influences the next production phase when the farmer has less seeds and farming input, no surplus to buy fertilizers for, is without the farming tools that she has sold off etcetera. Diminishing input means less production capacity and yield in the next production phase too. A farmer without food stocks will also have to start to eat the next harvest as soon as possible, not being able to wait until a full yield of the production. When drought and floods arrive more frequently, a poor farmer has no time to re-establish her capacity and gets trapped in a vicious circle of decreasing production capacity.

Food production is intensive, hard manual labour work and in a situation of under- and malnourishment and/or capacity reduced by illnesses such as HIV and AIDS, this also becomes a vicious circle for poor people not having the strength to keep up food production (see Health page 79). Female and child headed households and other vulnerable groups depend on help for preparing land and harvesting, and with no surplus from the previous year they are not able employ extra help, and will therefore be at risk of getting an even smaller output of production the next season.

ICECSR article 11(2a) obliges states to *improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge to the principals of nutrition and by developing or reforming agricultural systems in such a way as to achieve the most efficient development and utilization of natural resources.*

Several different efforts have been made by governments in order to fulfil this obligation in the areas of market regulations and technical development. However, many of these efforts have failed and instead of contributing to securing the right to food they have had the opposite effect and increased

¹⁰⁶ The global climate observations system in Africa, IRIN 2006

¹⁰⁷ Klimaendringer i Afrika, WWF 2004

¹⁰⁸ Causing hunger and overview of the food crisis in Africa, Oxfam Briefing paper, July 2006

¹⁰⁹ Causing hunger and overview of the food crisis in Africa, Oxfam Briefing paper, July 2006

the poor rural population's vulnerability and food insecurity. Some of these attempts have been the liberalisation of state market regulations and introduction of improved seed varieties.

STATE MARKET REGULATIONS

To secure and stabilize the situation for small farmers and keep up food security, several African countries have had different kinds of subsidies on agricultural input (seed and fertilizers), different kinds of central grain reserves and/or fixed food prices. This has made it possible for small farmers to buy required fertilizers and seeds and has also been used deliberately in order to get farmers to go over to other plants that provide better yields (see more about this below). Fixed prices are also a way of securing income for small farmers by guaranteeing a sustained income. The regulated market has been linked to securing national grain reserve/stock for countries in times of emergency, through state purchase from the farmers. This system is in use in Zimbabwe where all grain has to be sold to the Central Grain Market (CGM) and from there it is sent to the mills and then resold at a fixed price, and in Ethiopia where government food stocks are administered locally and form an important part of the disaster preparedness system.

In the 1980s and 1990s several of these state lead mechanisms have been downscaled in order to open up more liberal free markets in line with IMF and WB requirements in many Eastern and Southern African countries. This liberalization process has been implemented without ensuring that alternative structures are in place¹¹⁰.

Experience shows that state interventions in staple food markets may encourage corruption and inefficiency. In Zimbabwe today the CGM is an important tool for the government in their political promotion and control of the population. Food distribution is used deliberately for political influence. The administration is also a problem in Zimbabwe with an inflation rate of more than 1000%. The farmers have to sell maize to the CGM, but risk not getting paid for several months with money that has lost its value. This has opened for a parallel black market.

On the other hand, an IMF evaluation of its Zambia programme including deregulation of the national grain market shows that withdrawal of public subsidies and marketing support can leave remote producers without buyers, thus increasing their vulnerability during food crises¹¹¹.

Some of the reasons that a liberalization process has not worked are governments' inadequate investment in rural transport and infrastructure, farmers lacking access to market information and the lack of effective private sector institutions¹¹².

A small farmer will harvest at the same time as others farmers producing the same crop. She will have limited storage facilities and needs to sell at the same time as other farmers, thus causing a drop in prices. Then when her own stock is gone she needs to buy when there no longer is a surplus of food at the market and the prices have increased again. At the same time seeds and fertilizers are more expensive when no longer subsidized and in some areas hard to get hold of due to a lack of a distribution network taking over from the government systems.

The lack of sufficient infrastructure, roads and communications can also give rise to situations where there is a surplus in one area and a food deficit in a nearby area, but the food is not being moved due to bad roads or lack of communication between the two areas. In Mozambique maize production in the north has no market information, the individual bargaining capacity is very low and they are physically cut off from the rest of Mozambique. There is an almost complete lack of infrastructure linking the south to the north. Distribution of food from surplus areas to deficit areas is costly and this cost has to be carried by farmers in a liberalized market¹¹³. The solution today is often that foreign food aid is taken in to cover the areas where there is a food deficit, thus leaving the farmers with a surplus without a market and a limited ability to get cash income to pay for seeds, fertilizers and equipment for the next production season.

¹¹⁰ Causing hunger and overview of the food crisis in Africa, Oxfam Briefing paper, 2006

¹¹¹ Why is southern Africa hungry? A Christian Aid briefing, 2003

¹¹² Causing hunger and overview of the food crisis in Africa, Oxfam Briefing paper 2006

¹¹³ Why is southern Africa hungry? A Christian Aid briefing 2003

Small farmers' knowledge about the market outside their own areas also gives them disadvantages as traders. A dealer can come to remote areas to buy food way below the market price. The local farmers without knowledge of prices in other areas have limited bargaining power. A growing amount of female-headed households combined with an illiteracy rate of up to 80% among rural women, especially limits the ability of women to negotiate on the local market. The limited infrastructure combined with limited access to transport leaves rural farmers in the hands of buyers coming to their communities. The establishment of a private food market structure is also prone to corruption. In Malawi we have seen examples of local buyers forcing people to sell their stock far below the market price, threatening to burn their stock if they do not sell.

Deregulation of other support systems related to local food production has also had negative effects on food production. The World Bank earlier advised the Zambian government to introduce user fees for farmers to access communal dip tanks, used to control livestock tick infestation, as part of its structural adjustment program. Because of cutbacks in government expenditure farmers were expected to take over the maintenance of communal dip tanks and pay for the chemicals they required. The sudden decision to withdraw government resources has left dip tanks in disrepair and led to a substantial increase in animal deaths¹¹⁴.

GC 12 paragraph 15 says that the state obligation to fulfil (facilitate) means the state must pro-actively engage in activities intended to strengthen people's access to a utilization of resources and means to ensure their livelihood, including food security. The VG II paragraph 16.7 even recommends that states should take appropriate emergency preparedness measures, such as keeping food stocks for acquisition of food. Today there is a need for investments in order to establish mechanisms to secure local markets and social security systems for rural people that have been affected negatively by the liberalisation process. Currently there are more state market regulations being reintroduced in some countries. For example Malawi has reintroduced subsidies for fertilizers that contributed to better harvest yields last year, even though there are administrative challenges linked to the reintroduction¹¹⁵.

According to GC 12 paragraph 41 *International finance institutions, notably the international Monetary Fund and the World Bank should pay greater attention to the protection of the right to food in their lending policies and credit agreements and in international measures to deal with the debt crisis. Care should be taken...in any structural adjustment programme to ensure that the right to food is protected.*

Cash and credits

Self-sustained farmers have become dependent on more cash income to cover higher prices on farming input due to liberalisation, needs to reinvest in farming equipment, livestock that have been sold off during food crises and extensive use of improved hybrid plants that are not replantable and increased need for fertilizers (see below). One part of liberalizing the agricultural markets in Eastern and Southern Africa has been the introduction of credits for farmers to cover these increased costs.

Even a small investment may be unimaginable for a very poor farmer. Favourable loans and credits are not available everywhere, and even if they are, they may not be accessible if one is not deemed creditworthy. Women produce 70% of the food produced in Africa, but they generally have limited access to owning land, which is the main credit value for small farmers. The result is that women have little possibility of obtaining credit (see more on land rights below).

Because of low savings and assets, investments have to provide a surplus every time. Drought and bad conditions will therefore create debts and may prevent access to further investments. Even though the outcome may be rewarding, a failure may be disastrous. For poor farmers, even small failures can lead to vicious circles, including debt, prostitution, etc.

¹¹⁴ Why is southern Africa hungry? A Christian Aid briefing 2003

¹¹⁵ The human right to food in Malawi, FIAN 2006

The management of credit systems are also a problem as short-term repayment times are impossible for small farmers who depend on each year's harvest. A failed harvest where all farmers sell their assets and harvest at the same time, hampers cash income and leaves no surplus for debt repayment and might result in a personal debt trap. Credits in India have lead farmers to take their own lives because of the debt they have acquired in the quest for access to seed and a good harvest¹¹⁶.

According to GC 12 paragraph 15 the obligations to fulfil the right to food means that the state must pro-actively engage in activities intended to strengthen people's access to a utilization of resources and means to ensure their livelihood, including food security. VG II paragraph 4 recommends that *states should improve the function of their markets... i.e. by developing appropriate credit policies.*

Credit schemes need to be adapted to the local farmer's ability to service loans. The repayment time needs to be longer and there is a need for insurance arrangement in cases of failed harvest. The smaller farmers are not good business for profit seeking banks, and other credit systems or support systems are therefore likely to be more appropriate for poor rural farmers and smallholders.

Some alternatives for traditional short-term commercial loans are the following: Commodity loans of farm input in order to boost development after a disaster. Any surplus the farmer has she can use for seeds and fertilizers and then borrow farming tools. If the harvest fails again she will not be able to sell off farm tools that are secured in community loaning arrangements and will therefore be available also for the next production. Subsidies for land restricted to rehabilitate is a different approach that supports soil rehabilitation in order to increase long-term yield potential and prevent use of artificial fertilizers that have to be bought.

TECHNICAL IMPROVEMENTS OF AGRICULTURAL PRODUCTION

Increased food production in Eastern and Southern Africa in order to keep up with population growth has mainly been based on expanding into new areas of land for production, including land that is less fertile. Declining soil fertility caused by increased pressure on the land from population growth and the dependency on chemical fertilizers are some of the factors affecting the decline in output of food production¹¹⁷.

Poor farmers have limited possibilities to leave land fallow for regeneration but need to plant as much as possible every year, at the same time as they normally produce the same crop every year, contributing to soil degradation.

Diversifying food production and technical support

Small farmers focusing their production on one main staple food is a major problem in areas that are prone to droughts or pests, since a harvest failure will affect the whole harvest for everyone at the same time. This focus on single crops was introduced during the colonial times and has been maintained and even reinforced by several governments in order to secure food for their population by focusing on high yield varieties. For example in Malawi the governments deliberately promoted improved maize varieties by subsidizing seeds and fertilizers and the government employed agrarian advisors in rural area and regulated the market to benefit maize production. Since the 1980s and 1990s a combination of changed market structures as shown above along with climate changes has increased the need for more diversified staple food farming. There are products that are much more drought resistant and adaptive to the local environment, for example millet, sorghum, sweet potato and cassava. These should be used more and cross-planted with other products in order to spread the risk of failed crops on different plants.

Limited information and education among poor farmers is preventing a development towards more diversification. Improved seeds for the main staple food also tend to be cheaper to buy on the local market, than alternative plants. Alternative plant seeds can even be hard to get hold of. There is also

¹¹⁶ You reap what you sow, DanChurchAid 2005

¹¹⁷ Why is Southern Africa hungry? A Christian Aid briefing, 2003

reluctance among the population when it comes to changing food patterns because some alternative products are viewed as the poor mans food and food culture is difficult to change. Women are responsible for 70% of the food production in Africa, but they have traditionally little influence on what the family produces. They also have little education and knowledge about the need to diversify. Focusing on capacity building for women and the empowerment of women is therefore important.

As part of liberalization, government funded systems of agrarian advisors to the rural population have been dismantled. Simultaneously development assistance to agricultural development that often supported or provided this kind of rural support system has diminished. The Natural Resource centre that previously educated agrarian advisors that worked in every local community in Malawi is now closed and the local technical advisors are gone.

The VG II paragraph 11 recommends that *states invest in human resources, i.e. investments in education; primary education, agricultural and environmental education*. There is a need for more education and information about the need to diversify production and other technical improvements in agricultural production. Technical training for women and education for girls is particularly important in order to achieve changes. Technical assistance for smallholder farmers should be prioritised by national governments as part of increased investments in rural and agricultural development (see more about investments in agricultural development below).

Improved seeds and new plant varieties

Since the 1960s new varieties of plants have been introduced in Eastern and Southern Africa in order to boost yields. Most of these varieties are dependent on fertilizers and many of them are not replantable hybrids, or subject to intellectually property rights that make it illegal to reuse them as seeds¹¹⁸. With the liberalisation process describe the investments linked to commercial seeds have created a high risk for poor farms to become trapped in continued food insecurity, hunger and a constant need of cash.

Modern seeds are often sold as a package, together with fertilizers and specific instructions about the correct use and treatment of the seeds. They often need higher inputs in terms of water and nutrients. If any of these parts are missing or are neglected, output will be less than expected. Breeders are generally keen to provide knowledge about the correct use and treatment of the seeds. However, there is always the risk of misunderstandings and a lack of information. The risk is even higher for farmers who cannot read or write. Without correct treatment and knowledge of the package, the yield will not be as expected. This particularly affects women because illiteracy among women in rural Africa can be up to 80%.

If capital is available, whether through loans, credits or savings, commercial seeds may still be a big investment for a poor farmer, and the purchase of a whole package, including fertilizers and pesticides, may not be feasible. Poverty is thus an obstacle for many farmers in accessing the seeds¹¹⁹.

Extensive use of improved subsidised seeds and fertilizers has contributed to extensive soil degradation that has made it difficult to go back to indigenous replantable maize, now that the subsidies have disappeared.

In order to succeed with improved seed there is a need for this to be better adapted to the poor rural farmers needs and abilities (like providing smaller packages she can afford) and more education and technical assistance in rural areas must be provided. For poor farmers training in sustainable farming that doesn't depend on artificial inputs such as chemical fertilizers and seeds and how cross planting different plants can improve soil quality, should be considered as more sustainable solutions.

¹¹⁸ You reap what you sow, DanChurchAid 2005

¹¹⁹ Why is Southern Africa hungry? A Christian Aid briefing, 2003

Intellectual property rights

Traditionally seeds have been saved from one year to the next and women have exchanged seeds with each other, contributing to diversification and the development of varieties. This has also been a local security system where those who had a failed harvest one year would get seeds from the other women in the community. Intellectual property rights are constraining these mechanisms.

The right to buy seed is individual and you are restricted from exchanging seeds or giving them to others. Seeds are purchased in the formal sector traditionally organized by men, and women may therefore lose their influence on what is being produced.

Making the new seed varieties hybrids that provide smaller yields the following season is a way of protecting intellectual property rights and securing profits. The farmers need to buy new seeds every season. This limits the flexibility and traditional security systems among poor rural farmers and increases their dependency on a cash income that makes them more vulnerable to a failed harvest becoming a vicious circle of food deficit and hunger.

Intellectual property rights are defined by WTO as “right given to people over the creations of their minds”. Central patent organs only take into consideration the technical aspects of an invention, and pay no heed to the social or economical implications of granting the patent¹²⁰. The ICESCR 15 (b) recognizes *the right for everyone to enjoy the benefit of scientific progress and its applications*. Intellectual property rights should therefore not hinder the use of improved seeds for poor farmers’ ability to produce food.

Patenting of genetic material and traditional knowledge without acknowledging its origin is also a problem. Farmers may suddenly have to pay for seeds that are based on their own knowledge and that have been used and developed locally for centuries. Access to improved seeds may therefore be denied to those who have themselves contributed to their development. The WTO, TRIPS agreement does not require any form of sharing of benefits as a result of the commercialisation of protected plants or plant varieties. One example is the Ethiopian plant teff, which has been crossed with other plants and then granted plant variety protection in the USA¹²¹.

The difficulties involved in protecting plant varieties may also create problems for farmers who do not intend to use them, but they might become so called “innocent bystanders”. When patented seeds spread with the wind outside controlled corporate farms, they may multiply and develop like any other biological organism in nature. This can cause critical problems for farmers. Patented seed, which is spread by the wind to other farmers, will naturally multiply. However, these farmers are not allowed to cultivate the patented seed without paying for it.

Articles 1.2 of the ICESCR state the right of peoples to... *freely dispose of their natural wealth and resources... in no case may a people be deprived of its own means of subsistence*. And according to article 25: *the inherent right of all people to enjoy and utilize fully and freely their natural wealth and resources*.

In most developing countries government research institutes have played an important role in the development of new, locally adapted varieties. Strong protection of intellectual property rights in the WTO (TRIPS) agreement with regards to agricultural technology and new patent varieties will create a barrier to the development of public research, which is crucial for agriculture in developing countries.

¹²⁰ The TRIPS agreement, an attack on poor farmer’s interests? by Hans Morten Haugen in What’s the matter with trade? NCA understanding the issue 01/2006

¹²¹ The TRIPS agreement, An attack on poor farmer’s interests? By Hans Morten Haugen in What’s the matter with trade? NCA understanding the issue 01/2006

State-funded seeds increase access for poor farmers, but it is also argued that they may slow down the development of new plant varieties. The privatisation of seed-related institutions has been addressed in, for example, the structural adjustment programs of the IMF and World Bank. Intellectually property rights can also limit the possibility of adopting varieties that are adapted to local conditions. The WB and IMF privatisation of seed rights has the effect of opening up the market for patented seeds. Commercial seed-breeders focus their production on the target groups they expect will give them the greatest profit. Seeds are primarily developed for big farms and production, not smallholder farms with poor soils and limited technical resources.

Because of intellectual property rights it is difficult and expensive to get into the seed research business and there is an increased concentration of research and development within plant breeding. Purchasing companies who own intellectual property rights is an attractive strategy by which to increase market power and avoid expensive lawsuits. This contributes to a culture of monopoly, which may lead to decreased competition, higher prices, and a lack of locally adapted plant varieties¹²². There is today a concentration of ownership in the seed industry in a handful of large corporations. Ten companies now control one-third of the global seed industry, further threatening agricultural biodiversity that is of great importance to the environment and climate in Africa¹²³.

ICESCR 11(2) says:

The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.

Investments in agricultural technology adapted to the special requirements of the poor rural African farmer is today losing out, since these are not profit-making investments. Governments and donors should therefore invest in this kind of technical development focusing on the poor rural farmers' needs and securing the free use of inventions.

Required changes in the TRIPS agreement

The TRIPS agreement must be balanced with human rights. The ICESCR recognises the right of the author as a human right. But authors' rights can only qualify as a human right if the exercise of the right does not hinder the exercise of any other human right¹²⁴. But the TRIPS agreement currently does not give satisfactory consideration to the obligations of the state under other agreements. Patenting should consider the social and economic consequences of such patents and if traditional knowledge is part of the patent, the original developers should be duly compensated.

African governments have put forward a series of demands as to what the review of the TRIPS should involve:

- It must be possible to protect traditional knowledge, registers of such knowledge must be established
- Unlawful appropriation of resources must be prevented: consent must be sought before resources are exploited
- Principles for benefit sharing must be included, building upon those listed in the Convention on Biological Diversity

¹²² The TRIPS agreement, An attack on poor farmer's interests? By Hans Morten in Haugen in What's the matter with trade? NCA understanding the issue 01/2006

¹²³ Africa- up in smoke, NEF 2005

¹²⁴ The TRIPS agreement, An attack on poor farmer's interests? By Hans Morten in Haugen in What's the matter with trade? NCA understanding the issue 01/2006

- Life forms and biological resources must be excluded from patenting¹²⁵.

At the same time, TRIPS does not hinder the provision of compensation or benefit sharing. Neither is it required that states follow the practices of the USA or EU, provided that minimum requirements are met. There are a number of options within TRIPS that can be used to ensure flexible implementation. The responsibility for this lies with the states. States also have a human rights obligation to improve methods of food production, a crucial factor if farmers are to actually have alternatives to the use of commercial, protected seeds that they do not have the right to use freely. This is why a greater focus needs to be directed towards the obligations of the state to secure the interests of poor farmers in relation to the system for patent and plant variety protection that TRIPS imposes. TRIPS does not prevent this sort of active policy in the field of agriculture, but the TRIPS agreement is now being implemented by developing countries—often without these countries making use of these possibilities of flexible implementation. Traditional knowledge is not regulated in TRIPS and all states that desire it can introduce appropriate legislation¹²⁶.

In order for new agreements on intellectual property rights to be helpful in combating poverty, these must prevent the theft of biological resources from poor societies. Trade agreements must not enforce laws on developing countries that threaten the right to life or health; a reduction of small farmers' rights to the use and sale of seeds and plants as a result of plant variety protection is unacceptable.

Small farmers' rights to save and exchange seeds should be recognised under the intellectual property rules of the World Trade Organisation and should be protected in developing countries' intellectual property rights legislation.

GMOs

Some of the new varieties being developed today are based on genetic modifications. Genetically modified organisms (GMOs) refer to plants and animals that have been manipulated at the genetic level through a special set of technologies that alter the makeup of living organisms. This is also termed biotechnology¹²⁷. The controversy around GMOs basically concerns the food supply and the impact on social, economical, cultural and environmental welfare. GC paragraph 12(10): defines adequate and sustainable food as being *free from adverse substances...* Scientific studies are currently too insufficient and inconclusive to state categorically that GMOs are harmful or beneficial to human health¹²⁸.

GMOs are not allowed in the EU, and introducing them to Eastern and Southern Africa could affect export products, which might consequently be a victim of European consumer opinion on GM foods and thereby damage future trade. It might for instance be difficult to export meat from animals that have been eating GM grain.

Internationally, the Cartagena (Biosafety) Protocol enshrines the sovereign right of countries to be informed of, and to take precautionary decisions on, imports of GMOs. But there are problems with this. Firstly there is a potential conflict here with WTO trade rules as the case against the EU mentioned above shows. There are also questions regarding the capacity of these countries to effectively develop and implement bio safety regulations at all levels. Finally, precautionary decisions require a lengthy process of scientific risk assessment and testing which requires investments and capacities that are limited¹²⁹.

¹²⁵ The TRIPS agreement, an attack on poor farmer's interests? By Hans Morten Haugen in What's the matter with trade? NCA understanding the issue 01/2006

¹²⁶ The TRIPS agreement, An attack on poor farmer's interests? By Hans Morten Haugen in What's the matter with trade? NCA understanding the issue 01/2006

¹²⁷ Position Paper on GMOs in Emergency and Development Operations, LWF 2005

¹²⁸ Position Paper on GMOs in Emergency and Development Operations, LWF 2005

¹²⁹ From www.eldis.org

GMOs are currently permitted in South Africa and banned in Zambia, but there are several other countries in the two regions that have no policy or position towards GMOs.

People have a duty to take anticipatory action to prevent any possible harm. The burden of proof of harmlessness of a new technology lies with the proponents, not with the consumer and general public. Before using a new technology, process, or chemical, or starting a new activity, people have an obligation to examine a full range of alternatives, including the alternative of doing nothing. Decisions applying the precautionary principle must be open, informed, and democratic and must include affected parties¹³⁰.

A moratorium should be introduced on the further commercialisation of GM crops until more research has been carried out into the socio-economic, environmental and biodiversity impacts of GM crops, particularly in developing countries.

Poorer farmers and communities should be enabled to participate more in national GM debates and policymaking.

The dilemmas connected to using GMOs should also be considered when using it as food aid.

Improved seeds and GMOs are not the silver bullet for solving Eastern and Southern Africa food insecurity. A green revolution copied from the Asian development will not be possible in Africa as there are several other aspects of inequity. The lack of participation and protection are combined reasons for the African food crises and all of these aspects need to be considered and addressed in order to secure the right to food and development.

INVESTMENTS IN AGRICULTURAL FOOD PRODUCTION

Focus on rural development and agriculture varies between the Eastern and Southern African countries. Some countries have good policies and strategies, but they are not being implemented because of limited funding, lack of understanding and capacity in the government administration and corruption in the administrations.

In Malawi the government has developed good plans for agricultural development and diversification, but they have not been implemented because of lack of funding and a limited capacity in the administration. These plans need to be approved and included in budget support systems in order to receive donor funding for implementation.

In order to improve agricultural development there is a need for investments in education, technology, research, infrastructure and water management. The African governments committed themselves in 2004 at the AU summit to allocate 10% of their national budgets to agricultural and rural development within five years¹³¹. This goal has still not been reached in most of the Eastern and Southern African countries where the average investment is currently about 5%. Food security and agricultural development plans and recommendations for national governments have also been developed by NEPAD.

According to ICCPR 25 (a) every citizen shall have the right and opportunity... to take part in the conduct of public affairs. Lack of participation in setting the political agenda combined with the political elites' limited knowledge and understanding of rural life, contributes to the lack of prioritising agricultural and rural development. *According to GC 12 (paragraph 23) the formations and implementation of national strategies for the right to food requires full compliance with principles of accountability, transparency, and people's participation.* The CEDAW is the human rights treaty with the most comprehensive definition of the right to participation for women.

¹³⁰ Position Paper on GMOs in Emergency and Development Operations, LWF 2005

¹³¹ Assembly of AU, Second ordinary session 2003, Assembly/AU/decl. 7

Little communication between the rural areas and the decision makers is one problem. The distance between poor rural areas to the decision makers in the capital is large because of the physical communication problems caused by inadequate infrastructure for transport and information. The mental and cultural distances may also be substantial.

Access to information is also a problem. Difficult and poorly coordinated administration and deliberate policies of confidentiality around political decisions and their implementation are factors working against openness and accountability. In order to have full participation in decision-making processes and their implementation, access to information is important. Accountability is also crucial in order for people to be able to take part in decision-making and for preventing corruption (see below).

Limited decentralizations also hamper participation because decisions are taken at the national level in the capital without proper participation and consultation with the affected population. There is a decentralisation process ongoing today in many of the Eastern and Southern African countries, but still many of the same problems are impeding participation at these levels, such as openness, communication etc. There are also problems with communication between central and local administrations.

Few control mechanisms of national policies and a weak civil society in general, and among the poor rural population in particular, also reduce their influence. Weak civil societies representing the vulnerable groups is one factor missing in many of the Eastern and Southern African countries.

In addition, corruption is a major problem in most of Eastern and Southern Africa. Corruption costs Africa USD 148 billion (AU calculation). Africa receives USD 20 billion in aid.

BOX:

Kenya 2006: The local media wrote about drought in the northern areas of the country as early as November 2005. At the same time the farmers in the western parts of the country did not have a market to sell their harvest. As the food got destroyed in the western parts of the country, a hunger situation developed in the north. In the end Kenya had to import maize and cereals from subsidized farmers in the US. The media has subsequently focused on persons centrally placed in the government and in the Kenyan food market that have a financial interest in importing food.

Malawi 2001: The national food stock was sold off, following demands from the WB and IFIs. The responsible minister has been accused of selling the stock to himself at the set fixed price and then selling it abroad for market price. Malawi ending up without a food stock for the drought situation in 2002/2003 and without the profit made from the stock that had been sold. The food deficit in the country contributed to high prices on maize, worsening the situation.

The Eastern and Southern African government's ability to prioritise agricultural development is also limited by the IFI's requirements, the earmarking of donations by donors and debt servicing. The funds available for manoeuvring and making own priorities are limited. So even if the intention was to increase investment in agricultural and rural development the actual ability to do this has been limited.

Since the 1980s agricultural development in Africa has not been prioritised. There has been a trend of liberalization of agricultural markets in Africa and at the same time investment in agriculture has decreased, both on the part of governments and international actors. Aid for agricultural production in Sub-Saharan Africa dropped by 43% from 1990-92 to 2000-02¹³². Liberalization and opening for private actors was seen as the way of developing Eastern and Southern Africa agricultural production, and private investments in industries and commercial farming were expected to trickle down to also benefit the self-sustained rural population. As shown above, this has not occurred and there is currently an increased interest by donors in the agricultural development of Africa. Agricultural development is also central in The Pan African NEPAD cooperation and other regional approaches such as SADC cooperate.

Agricultural and rural development is important elements for securing the right to food and the fundamental right to be free from hunger in Eastern and Southern Africa. The state must demonstrate

¹³² Causing hunger an overview of the food crisis in Africa, Oxfam Briefing paper, July 2006

that every effort has been made to use all the resources at its disposal in order to fulfil the right to food (CG 12 paragraph 17). It is therefore important that the national government, with broad participation from the population, is able to set the priorities for increased investment in rural and agricultural development. Ensuring that: investment is focused on promoting the right to food nationally and that development efforts are sustainable and implemented with the participation of the vulnerable groups of the society.

POSSIBLE APPROACHES

National governments

National governments in Eastern and Southern Africa should maintain and/or develop market regulations and national/local food stocks that contribute to securing the populations right to food and preventing crises. Investments in building market structures and infrastructure should be prioritised and adapted to the rural farmers' abilities and needs.

National governments should not agree to implement liberalisation models that will have negative effects on the local populations right to food. National governments should reject international agreements that can have a negative effect on the populations right to food.

National governments need to prioritise investments in agriculture and rural development in accordance with the AU agreement of 2004 and as main parts of their development plans (PSRPs). They should not prioritise commercial interests at the expense of the populations right to food, but be better adapted to local needs for developing food security. Investments should be directed towards technical developments at different levels of society, locally adapted research, human resources such as education, health services and other social services, and the development of natural resources. Diversified farming should be promoted. In order to identify local needs and appropriate development approaches, participation from local communities, in particular women and other vulnerable groups, must be secured.

National development strategies aiming at promoting the right to food directly or indirectly should use the VGs, CG 12 and the NEPAD development programmes for agricultural development to guide a participatory approach and identify areas to prioritise.

International community

International donors should support national development plans aimed at securing the right to food. Investment in agricultural and rural development should receive both financial and technical support.

The IFIs should not place conditions their cooperation with countries in Eastern and Southern Africa that affects the local populations right to food.

International agreements that have or may cause negative effects on the right to food in Eastern and Southern African countries must be changed in order to secure the right to food.

PASTORALISTS

The relationship between pastoralists and government is often based on a long history of misunderstanding and mistrust. In most African countries pastoralists are a minority groups while the majority of the population is settled, and most services are organized to meet their needs. It is commonly felt that mobile herding is primitive and outdated, and that pastoralists must adapt to mainstream systems of development and service delivery¹³³.

When governments and development agencies first started to address pastoral development in the early 1970s, the dominant view was that this way of life was backwards and needed to be modernized using an intensive, western livestock development model¹³⁴. Pastoralists have partly been blamed for creating drought because desertification has historically been thought to be in large part the result of grazing. Provision of basic services has been used as a tool in order to settle pastoralists. These services did not correspond with the pastoralists' lifestyles and pastoralists were accused of sabotaging development in the name of ignorance and tradition, and large projects were halted in the 1980s and major donors abandoned the livestock sector as it was viewed as too difficult¹³⁵.

This understanding of pastoralists ignores a range of external factors, which have contributed to undermining their resilience. Few national governments or external actors recognized the importance of pastoral livelihoods or supported them with appropriate policies and interventions. There is also little understanding that livestock is an important economic resource that could be positively harnessed¹³⁶.

Pastoral groups suffer from political and economic marginalization in most countries. Most pastoral societies are run by governments of non-pastoral origin, which are unfamiliar with the pastoralism. In the past the majority of funds available have been allocated to so-called high potential areas of the community, mostly fertile land and agricultural production. In Kenya these areas have received up to ten times the amount allocated to the arid districts, because it was believed that they were more productive and that wealth would somehow "trickle down". The increased vulnerability of pastoralists is a consequence of adverse national policies, which have restricted their access to key natural resources such as land and water¹³⁷.

LOSING ACCESS TO RESOURCES

ICESCR 1(2) says that *in no case may a people be deprived of its own means of subsistence*. But what has happened with many pastoralists in Eastern Africa is that they have been losing their access to land and water resources.

There is an expansion of sedentary agriculture into ASALs, due to population growth and/or conflict. Growing sedentarisation and the continuing encroachment by farming and other populations are forcing pastoralists into ever more marginal areas that cannot sustain their traditional lifestyle. Agro-pastoralism is spreading into pure pastoral rangeland as people have adapted to farming – both as response to food insecurity and a way of economic diversification.

Water irrigation activities affect the pastoralists' access to water both directly when water sources are taken over by farmers, and when the downstream flow of water diminishes as a result of irrigation.

¹³³ http://www.oxfam.org.uk/what_we_do/issues/pastoralism/introduction.htm?searchterm=pastoralists

¹³⁴ The global dryland imperative, UNDP 2003

¹³⁵ The global dryland imperative, UNDP 2003

¹³⁶ HPG Briefing Note, May 2006

¹³⁷ Delivering the agenda, Addressing chronic under-development in Kenya's arid lands, Oxfam 2006

Expansion of larger agricultural projects such as various plantation projects, commercial irrigation and research projects are also expanding into ASALs. In Ethiopia in 2003 approximately 1.9 million hectares of land were in the process of being converted for crop agriculture use.

Several planting projects in order to conserve water have also effect the pastoralists that are affected by encroachment of unwanted plant species. In Borana, Ethiopia, rangeland deteriorated after the 1960s following a ban on the use of fire. In the absence of fire, which pastoralists were using on a regular basis, grasslands become invaded by bushes, which reduce grass cover and thereby feed sources for livestock. *Prosopis juliflora*, which was introduced as a drought livestock supplement feed and for soil conservation, is aggressively claiming prime irrigable cropland and rangelands adjacent to irrigated farms and water points. Besides reducing the size of the range resources, this rapid expansion has had a negative effect on the composition and consumption of milk (from goats, cows and camels), causing a bitter taste in the milk produced. In some instances, pastoralists have abandoned consuming milk produced by animals fed on congress grass.

Generally, there is a shift in vegetation composition from natural pasture to shrubs and bushes, with a corresponding shift in livestock composition from grazers to browsers. Even though there are no actual backdated figures for comparison, per capita livestock holding is much lower, compared with the last 20-30 years. It can be inferred that livestock mortality due to drought has a direct impact on declining per capita livestock holdings as well as per capita production and consumption. Restocking is also very costly once the herd has been hit by disaster – drought or diseases.

The expansion of national parks inside the rangeland restricting the pastoralists from their land is also contributing to the vulnerability of pastoralists. The pastoralists do not receive any compensation or share of the benefit from tourism. Tourism trade in Kenya is worth more than USD 700 million per year.

According to ICESCR 11(2a) state parties *should reform agrarian systems in such a way as to achieve the most efficient development and utilizations of natural resources*. Pastoralism has proved to be the most productive and best adopted life form for food production in the ASAL areas and the management of resources should focus more on enabling pastoralism in these areas.

SOCIAL SERVICES THAT ARE NOT ADAPTED TO NEEDS

States obligations to provide social services has been an argument for trying to settle pastoralists and e.g. agricultural and water management projects have been put in place in order to settle pastoralists. Some also sees the chronic vulnerability of pastoralists in East Africa as an indicator that their livelihoods are unsustainable, and that they should be helped to take up farming or other productive activities¹³⁸.

Social services have therefore not been adequately provided nor adequately adapted to pastoralists' mobile lifestyle, leaving pastoralists with poor health and less education compared to the average population¹³⁹. There is a need for adaptive social services being provided to the pastoral communities, mobile schools with relevant curriculum. Health services and veterinary services are also important.

Veterinary services:

Livestock disease is a major constraint to livestock production and a cause of food insecurity among pastoral communities. The wide prevalence of diseases such as rinderpest, Contagious Bovine Pleuropneumonia (CBPP), Contagious Caprine Pleuropneumonia (CCPP), and trypanosomosis, results in high rates of morbidity and mortality. Livestock diseases coupled with nutritional stress account for 22% of calf mortality even in average rainfall years. During drought, certain diseases become critical in cattle. Shortage of pasture may force grazers such as cattle and equines to graze close to the ground, which may affect the mouth, teeth, and throat. This may further allow the passage of some

¹³⁸ HPG Briefing Note, May 2006

¹³⁹ The global dryland imperative, UNDP 2003

diseases to the digestive system causing irritation and sickness. After cattle, sheep and goats are the second most important animals used as a source of food and income¹⁴⁰.

Education:

Limited access to or total lack of education services and education that is not relevant and adapted to pastoralist needs and way of life, combined with veterinary services that are lacking or not adapted to pastoral needs, limit the capacity of pastoralists to cope with the outbreak of disease in livestock.

Pastoralists have traditionally not taken part in the political debate. Pastoralists are minority groups that are marginalized and therefore often excluded from participation in key aspects of political and economical life¹⁴¹. They have a traditional structure that should be preserved and there are today pastoralist organizations being established. For example in Kenya a separate interest group is working towards putting the pastoralists' problems on the political agenda.

According to ICESCR 13 *education shall enable persons to participate effectively in a free society*. Lack of education and development is hampering pastoral participation, and politicians see pastoralists as constituting a minority vote because they are numerically few and occupy marginal land of relatively little economic potential¹⁴². Adapting educational systems to the pastoralists' way of life with mobile schools etc. is therefore one step towards giving pastoralists better opportunities to participate.

Infrastructure and economic development:

There has been a severe lack of public and private investments in infrastructure and economic development, combined with poor access to markets. Financial services have largely ignored nomadic pastoralists. This is because mobility is seen as an obstacle to normal banking, and because, wrongly, pastoralists have often been viewed to be outside the cash economy¹⁴³.

Pastoralists do not own land individually, the most important asset to be considered creditworthy in Africa. This limits their capacity to re-establish a herd after a disaster since this requires a great deal of resources. Adaptive credit systems with a long-term perspective in order to enable pastoralists to restock their herds and an acceptance of collective landownership are needed.

There is today more research and statistics on the lives of pastoralists in Africa and a growing understanding both by the governments in Eastern Africa and among donors about the needs and potentials of pastoral life. There is a growing focus on pastoralism and new policies are being elaborated, for instance in Kenya. But there is still resistance against this and the implementation of policies is therefore not easy¹⁴⁴. Further information and research on pastoralism is required in order for decision-makers to obtain a better understanding.

POSSIBLE APPROACHES

National governments

National government should seek to increase the participation of pastoralists in decision-making processes at all levels of society. National governments need to build up better communications with pastoralist groups in order to be able to understand the pastoralists' abilities and needs. National governments should acknowledge and relate to pastoralists' traditional structures in order to create sustainable development that promotes the right to food.

¹⁴⁰ Food security situation in the pastoral areas of Ethiopia, Oxfam 2003

¹⁴¹ The state of pastoralism, Oxfam 2004

¹⁴² Rocking the balance when formalising land rights: Some reflections from Norwegian NGOs in legal empowerment- a way out of poverty, MFA Norway 2006

¹⁴³ The global dryland imperative. UNDP 2003

¹⁴⁴ Horn of Africa 2006, Consolidated appeals process, UN 2006

National governments need to secure pastoralists access to natural resources, such as land and water, in a way that contributes to their development, prevents conflict and promotes coexistence with other groups.

Social services such as education, health and veterinary services should be better adapted to pastoralism. Development of market structures and infrastructure should also be better adapted to the pastoralists' abilities and way of life.

National government should develop strategies for alternative income for pastoralists who are seeking to change their lifestyle.

Eastern and Southern African governments should prioritise regional cooperation in developing and implementing long-term development and disaster preparedness and relief efforts, targeting pastoral communities.

International community

International actors working in pastoral areas need to increase their knowledge and understanding of pastoralism and adapt their activities better to the pastoralists' abilities and needs.

INDIGENOUS PEOPLES

Available data indicates that indigenous peoples (IPs) tend to have lower food security than the average population in the countries where they live. Several factors have contributed to their vulnerability: indigenous land and resources have been taken over by others, while indigenous inhabitants have been increasingly pushed into marginal lands; their natural resources have been eroded or weakened due to environmental damage, and they have often been subject to discrimination in society at large¹⁴⁵.

A common definition of IPs is a non-dominant group living in a particular territory claiming to be the original inhabitants. Indigenous people usually have a geographical setting and belonging¹⁴⁶. There are today about 6 million indigenous nomads in Eastern Africa, 250 000 Pygmies in Central Africa and 110 000 San/Bushmen in Southern Africa¹⁴⁷.

They have traditionally had a hunting and gathering lifestyle and survival techniques that were based on balance with nature, which contradicts completely the more aggressive, expansive lifestyle of the farmers, be it agriculturalist or pastoralists, which through the centuries have been the main cause of the rifts between the different groups and the decline of indigenous peoples' existence¹⁴⁸.

Historically the first conflict started with the pastoral Bantus that spread over Africa and met the original inhabitants, the San people of Southern Africa. For them the San people, who were hunters and gatherers, were viewed as robbers, tramps and bandits – those who stole stocks. Thus the indigenous peoples were already marginalized in many places when the colonists arrived. The roots of poverty amongst IPs are to be found in colonization, the destruction of indigenous economic and socio political systems, continuing systematic racism and discrimination, social exclusion and the non-recognition of IPs individual and collective rights¹⁴⁹.

Following independence from colonialism, structural inequities were further reinforced by the introduction of discriminatory and oppressive land laws that ignored IPs' customary land tenure systems and laws. Natural resource management laws of governments contradicted indigenous sustainable natural resource management practices, seen as "wrong" practices. Pervasive paternalism, development aggression and government neglect in providing social services to IPs all contributed to chronic poverty amongst IPs. Indigenous territories were mainly regarded as resource base areas and it was the sole prerogative of the nation state to decide how to exploit these resources.

Until this day the IPs have been fighting for their rights to land and water, to language and history – and have usually failed. Power has changed hands, but other power relations and dynamics cause the same procedure to continue. One such "new" dynamic is that hunter-gatherer lifestyle is seen as a reminder of the "primitive past" of many young African governments, and as the western model of development is seen as the ideal to reach, there is no space or respect for indigenous peoples' traditions and culture. Even cultural tourism is seen as a derogatory form of livelihood, perceived as a way in which the prejudices and curiosity of the West about a past that Africa would rather move away from are perpetuated. The interest in traditional culture implies discrimination and lack of respect for Africans, and there is no sympathy for upholding such traditions. Therefore, many IPs are removed from their land by force, or by careful orchestration, such as the example of the Central Kalahari Game Reserve (CKGR) in Botswana today, in the name of "development"¹⁵⁰.

¹⁴⁵ The right to food of indigenous peoples, Siri Damman in Food and human rights in development Eide and Kracht 2006

¹⁴⁶ The first peoples, NCA Occasional paper 01/2005

¹⁴⁷ The first peoples, NCA Occasional paper 01/2005

¹⁴⁸ The first peoples, NCA Occasional paper 01/2005

¹⁴⁹ The first peoples, NCA Occasional paper 01/2005

¹⁵⁰ The first peoples, NCA Occasional paper 01/2005

In spite of the fact that IPs' traditional livelihood systems, such as "slash and burn" or shifting cultivation and agriculture, hunting and gathering and pastoralism, sustained them through centuries, too many people, even modern economists, still regarded hunting and gathering as inefficient and backward. Today, with the advent of global warming, it is regarded as the least invasive and most sustainable livelihood system¹⁵¹.

BOX:

Hadzabe of Tanzania: Even in periods of drought and lack of food, the Hadza people of the Kidero Mountains hardly go hungry. They always know what they can utilize. It may not always be easy to find food, but they are seldom without food. In the deserts where the San people live, in the mountain areas of the Hadza people, or in the forests of the Batwa people, those of us calling ourselves "developed" are the ones who are helpless. We cannot survive for long, often not even for many hours, in these environments. The indigenous have lived here for more than 50,000 years. They were the first ones to live here. However, purely undeserved, their way of doing so has been rejected by society at large.

(The first peoples; NCA occasional paper 01/2006)

Access to resources and provision of services

The IPs' food from game hunting has during the last 30 years been heavily reduced. Poaching and loss of habitat, as more and more cattle and farming people moved onto their land, has drastically reduced the game populations. Hunting and gathering has wrongly been viewed as ecologically unsustainable, backward or as a wasteful use of arable land.

As with pastoral minorities, government has had deliberate policies of settling indigenous people in order to provide them with social services and development efforts. Providing emergency support for these groups have also been an argument to settle them and integrate the indigenous group into "regular" society. This strategy has been hard to implement among parts of the indigenous population, who have not manage to adopt "modern" life.

The governments have traditionally tried to change the IPs into farmers. And they have been taught – without success due to inadequate rainfall - how to cultivate. With climate changes and failed crops the vulnerability of the IPs has increased and a traditionally independent way of living has turned to one of dependence. Life has been more passive than usual¹⁵².

The integration and assimilation of IPs into the market economy and the dominant society has also been the solution adopted by most modern governments. Such approaches have led to the conversion of their lands into commercial mono-crop agricultural and forest plantations, mines and export processing zones. Cash crop production has taken place on a massive scale.

Usually the nomadic people move to another place if the situation requires it. If legislation imposed by national governments functions against the will of the nomadic people, a normal reaction has been to withdraw and avoid confrontation. Withdrawal or moving to another location is no longer an option for many of the IPs in Eastern and Southern Africa. If they do, the alternative is to settle and leave behind their traditional way of living¹⁵³.

Little is known about gender relations among the IPs. Usually among hunters and gatherers the society is known to be egalitarian. Through destroying their traditional culture, the egalitarian thinking and way of living may also be destroyed, as women, who were the primary gatherers, have lost the power and status brought about by their strong contribution to the past economy.

Trying to find other means of survival have also been difficult for the IPs because of limited access to resources. For some IPs pottery replaced the forest traditions of hunting and gathering as a symbol of

¹⁵¹ The first people, NCA Occasional paper 01/2005

¹⁵² The pygmies of the grate lakes, Occasional paper 04/2002

¹⁵³ The pygmies of the grate lakes, Occasional paper 04/2002

their identity. Also men are potters, but as pottery became a way of living for these people, women's roles and importance increased. No forest for hunting, no land for agriculture results in the men losing their authority and contribution to the daily income and family life. Their self-esteem and social value is reduced as they lose their role in the family. Alcohol abuse is on the increase, marriages are unstable and moral values have changed¹⁵⁴.

For the Batwa potters new problems have arisen. Industrially produced containers and pots – made of plastic – were pumped into the market. The Batwa tried to compete with the new products by not increasing prices. In practice they did not manage. Inflation and potter substitutes destroyed the Batwa market. Access to clay has also been reduced. They need to walk longer and longer distances to get the right clay. The area for collecting clay may also be privately owned. When pressure on a local resource increases, the Batwa lose the contest. Also access to firewood for pot firing is reduced, which makes it even more difficult for the Batwa potters.

The debt burden of the Eastern and Southern African countries is undoubtedly a major factor in the poverty of IPs. In order to generate foreign exchange to pay debts, governments rely upon massive extraction of natural resources for export. In many countries the IPs' territories are the last frontiers where such resources are found, because the rest of the lands were taken by agro-pastoralists and on the remaining land the last IPs tried to protect their territories from further plundering by colonizers and even postcolonial governments. Plundering the natural resources may be a solution for some states to reach the MDGs¹⁵⁵. An example of this can be found in Botswana where the San people have been denied access to their land by the national government in order to give way for international companies involved in the diamond industry.

Article 1(2) of the ICESCR states that *in no case may a people be deprived of its own means of subsistence*.

Article 27 of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) requires state parties to condemn racial discrimination and pursue a policy of eliminating racial discrimination in all its forms. Article 27 of the ICCPR has been further specified in General comment no. 23 paragraph 7 on the rights of minorities that says that *culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of member minority communities in decisions, which affect them*. This implies that government strategies for securing the right to food should be designed with respect for indigenous culture and dignity in mind¹⁵⁶.

IPs have a right to their way of life and the government should abstain from actions preventing this and protect their ability to live the life of their choice. Social services should be adapted to the life of the indigenous people, hereunder education with a relevant curriculum, mobile services such as health clinics and schools and investment in infrastructure such as water and communications. These are efforts that would make it possible for the IPs to live a sustainable life and as such contribute to their food security.

Landlessness is the main problem for indigenous peoples today. The forest has been cut down or has become reserves or National Parks where no people can live permanently. There is a great need to find alternative ways of living for many of the indigenous peoples of eastern and southern Africa. To solve the minorities' situation, access to land is required. This means land that has the necessary quality for agricultural production and/or livestock. This will create the food security that is essential. For those who still live close to the forest – access to forest should be a priority.

¹⁵⁴ The pygmies of the great lakes, Occasional paper 04/2002

¹⁵⁵ The first peoples, NCA Occasional paper 01/2006

¹⁵⁶ The right to food of indigenous peoples, Siri Damman in Food and human rights in development Eide and Kracht 2006

Participation

Indigenous peoples' lack of participation is connected to their lack of recognition as indigenous minority groups with special rights. By not recognising their right to live a life of their choice as indigenous people, their right to food is also being diminished.

VG II paragraph 8b recommends that *special consideration should be given to the situation of indigenous communities*. National governments and decision-makers should recognise the indigenous peoples and their way of life, including their right to natural resources such as water, land etc.

Providing support to indigenous peoples requires a different approach that is adapted to their way of life and might therefore cost more, or is anticipated to cost more, for governments with limited resources. The limited political engagement of indigenous peoples and their limited access to the political arena contributes to this lack of understanding and limited use of indigenous knowledge about coping strategies.

In order to reach indigenous peoples with development efforts that benefit them, these peoples need to be included in the planning processes and decisions, and implementations need to be adopted to their particular needs and structures.

There is however also a need for the IPs to adapt to the new society. It is therefore important to provide them with skills about how to operate in a formal economy. This is a precondition for the IPs' ability to live alongside and in conjunction with the new societies. There is also a need to provide alternative jobs to those members of the IPs who have already been settled and wants a new lifestyle (see more about alternative income below).

IPs rights

The International Labour Organization (ILO) is the UN agency that is responsible for the Indigenous and Tribal Peoples convention – convention no. 169. This convention secures the indigenous peoples right to ownership and possession and the right of the peoples to participate in the use, management and conservation of natural resources on their land. It also states the right not to be relocated by force. But none of the Eastern and Southern African countries have signed the ILO 169¹⁵⁷. The convention is however being used a tool for claiming IPs rights, for example in a court case in Botswana.

The Africa Charter differs from the general thinking in the UN, as the charter protects all rights in the same document. The document also expressly recognizes and protects collective rights and uses the term "peoples" in its provisions.

When dealing with the right to food of indigenous people, however, their special situation and emerging rights must be taken into consideration. Central to their rights is the right to preserve and perpetuate their own culture, often requiring a right to control the material basis on which the culture relies. Their evolving right to their traditional land is a core issue; linked to an increasingly recognised right to a degree of autonomy and self-determination within the states where they live¹⁵⁸.

Civil society should work for promoting the ratification of the ILO convention 169 in the Eastern and Southern Africa countries and the acknowledgment of the indigenous peoples special rights.

¹⁵⁷ The first peoples, NCA Occasional paper 01/2005

¹⁵⁸ The right to food of indigenous peoples, Siri Damman in Food and human rights in development Eide and Kracht 2006

BOX:

THE BATWA / IMPUNYU OF RWANDA

The Batwa of Rwanda who still live in the forest call themselves "Impunyu". About 7000 or less are living as Impunyu today. The main problem for these people is that the public forest administration does not allow access to the forest. The result is that most of these Batwa live on the borders of the forest. They use it daily. Going in and out of the area, but cannot live there permanently. The Impunyu are semi-nomadic, moving from place to place. Their daily life is characterized by hunting small, and medium sized mammals, collecting leaf, fruits, honey and different tubers. Some of these people are good craftsmen and are doing business and trade. Their religion is built on the knowledge from the forest. They have sacred valleys, hills and caves, trees and swamps. Today many of these secret places have to be visited secretly since the forest now has become national parks. Traditionally when a member of the camp died in the bush, the person was buried on the spot, and the camp was immediately abandoned. Without permanency in the forest, this is difficult.

Traditionally each clan collectively owns an area of the forest. Other clans can visit or travel in areas belonging to other groups, but most of the time they are in their own area. Here they know the resources, plants, water resources, game as their own pocket. Those who have had their land taken by farmers, often still live in the same areas - now as squatters linked to the farm. Even if many of the Impunyu know how to farm, they rarely cultivate for themselves. Their traditional way of life has been destroyed and working for others or begging very often is the result - not their own cultivation of land. Sharing of resources has been natural for these people. The Impunyu regard begging as primarily a way of asking the Bahutu and Batutsi (the two main groups of Rwanda) to share, not as a sign of a miserable status, but a sign that indicates the miserable state of their forest. Begging in their perspective is also an indication of a sharing culture and does not necessarily have the same negative overtones as in a non-equal culture.

[NCA occasional paper 04/2002]

BOX:

THE HADZABE OF TANZANIA

The Hadzabe people of Tanzania are recognized as the original inhabitants, the first people of the area. There is no great discussion about "who was there first". Until recently they all lived as hunters and gatherers. Living in the bush and close to the Yaeda Valley, they could hunt and collect all natural resources, which were needed for daily life. Game like kudu, eland, dikdik, buffalo, wildebeest and zebra - only to mention some - were hunted. With bows and arrows - poisonous or not poisonous - smaller and bigger game were hunted and brought all necessary meat for the people. In addition they gathered different kinds of fruit, berries and roots. Collecting honey was - and is - an important resource for the Hadzabe. Today the situation has changed. Still some families are living only by hunting and gathering. Fewer and fewer people have the traditional mobile lifestyle, where they always brought along their arrows and bows, wherever they went. The majority now lives semi-nomadic. Partly settled they are still using the forest for hunting and gathering, but are not moving around as previously. The reason is that during the last 30 years game numbers have been heavily reduced by poaching and loss of habitat, as more and more cattle and farming people moved into the valley.

A main problem for the Hadzabe people has been the Tanzanian tradition of looking at an area where no people are settled, as uninhabited, once more the farmer/cultivator perspective. According to this tradition, an area where no person or family has settled down or not cultivated, has been open for those who can use it. In practice it means that the forest where the hunters and gatherers are living, is uninhabited and those who like can use the land. This land use implies mostly changing the land into something else, and for the Hadzabe this means that they have not only been pushed away from traditional hunting areas and seen cultivators and farmers taking over, but their land is no longer useful. Without enough land the Hadzabe traditional way of living will be history in a few years. There is a great need for forest, reserve areas with enough game, fruits, roots and water, where hunting and gathering can continue for those who do not want to settle. Those who are pastoralists have many of the same problems as non-indigenous pastoralists; Fishermen are having problems because of lacking fishing licenses.

[NCA occasional paper 04/2002]

POSSIBLE APPROACHES

National governments

National governments in Eastern and Southern Africa need to acknowledge the special rights of indigenous peoples. They should ratify the ILO 169 and other treaties related to indigenous peoples and secure the special rights of indigenous peoples in their national legislation.

National governments should promote and target efforts in order to develop more participation from indigenous peoples in decision-making processes.

National governments should secure IPs access to natural resources such as land, water and game in such a way that they are able to keep up their traditional way of life. Governments should protect IPs from harmful commercial interests and try to find appropriate alternative solutions where there is a conflict of interest.

National governments should reject policies that deliberately target changing IPs' lifestyles, but should at the same time have development strategies for alternative lifestyles and alternative income for those IPs who wish to change their way of life.

National governments should provide social services that are adapted to the special needs and lifestyles of the IPs, in particular education and health services.

International community

International actors working in areas involving IPs should secure good knowledge and understanding of these societies.

The international community should hold national governments accountable in relation to their obligations to respect and protect IPs' development and promote their right to food.

LAND RIGHTS

LAND UNDER PRESSURE

Throughout sub-Saharan Africa, land is a fundamental issue for economic development, securing the right to food and poverty reduction. Land is of crucial importance to the economies and societies of the regions, contributing a major share of GDP, incomes and employment in most countries, and constituting the main livelihood basis for a large portion of the population¹⁵⁹.

Land can have different functions for people:

- Land used for food production for own precaution
- Land used for cash crop production
- Land as an insurance good that can be traded if needed

There is today growing pressure on land for food production in Eastern and Southern Africa caused by:

- Population growth
- Population movements due to conflicts or emergencies
- Growing urbanization and urban settlements taking over agrarian land
- Commercial interests such as mines, commercial farming, tourism etc. For examples the displacement of San people in Botswana because of diamond mining and large groups of people in Sudan because of oil business expansion.

In addition, population growth and degraded land resources have led to farm size reductions, to the point that some farms are barely productive¹⁶⁰. Land has become a scarcity in many of the most food insecure countries in Eastern and Southern Africa today, and the pressure on land resources is growing. This is a problem in Ethiopia, Burundi, and Rwanda and Malawi and in certain areas of other countries.

As shown above, access to land is vital for pastoralists and indigenous peoples' ability to live a life of their choice with full food security. This is threatened by expansion by settled agricultural farmers and other economic interests.

According to the VG I paragraph 8.1 States should facilitate sustainable, non-discriminatory and secure access and utilization of resources consistent with their national law and with international law and protect the assets that are important for people's livelihoods. States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination. Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists and indigenous people and their relation to natural resources.

Land tenure in Eastern and Southern Africa is today governed through different systems that are functioning alongside one another. Landlessness, skewed patterns of ownership, and insecure tenure can be major causes of food insecurity and poverty as insecurity over ownership hinders investment¹⁶¹.

¹⁵⁹ Cotula, Lorenzo, Camilla Toulmin and Ced Hesse (2003). Land Tenure, Land Reform and Land Administration In Africa: Lessons of Experience and Emerging Issues (draft). A report prepared for the FAO by the International Institute for Environment and Development (IIED), Drylands Programme, Edinburgh

¹⁶⁰ New risks and opportunities for food security, scenario analyses from 2015 and 2050, IFPRI 2005

¹⁶¹ Causing hunger, Oxfam 2006

LAND LAWS

Colonial regimes imported systems of common and statute law for their own purposes, operating them alongside existing systems of customary law. Customary law prevailed in some areas, while statute law and imported common law prevailed in others. This legal and tenure dualism tended to reinforce settler interests, simplify and strengthen the roles of traditional authorities, and suppress women's land rights.

Since independence, different countries have pursued different policies, though the relegation of customary law to second-class status was usually maintained. Often, customary land administration arrangements were removed without being replaced by satisfactory statutory arrangements. Initially, many newly independent governments believed that measures to nationalize land would sweep away the inequities of tenure dualism and create unified systems of land rights that would bring prosperity to peasants and the urban masses alike. A number of countries sought to create a single legal system that made statute and imported common law paramount. Others attempted to restrict tenure dualism through state policies of nationalization and the conversion of freehold to leasehold. But customary law and tenure proved tenacious, and few early reforms aimed at strengthening state control over customary land proved effective or durable. Though customary law may hardly be acknowledged in national legislation, it often continues to dominate real life, especially in the rural areas and amongst the poor and underprivileged¹⁶².

The ownership structure of land clearly affects food production on resettlements in Ethiopia. Farmers have the right to use land for 30 years, free of charge. They are entitled to lease it but they do not own it and cannot sell it. This land tenure system is a major constraint to agricultural development by *inter alia* discouraging land investments, especially with regard to input that would increase productivity and conserve soil and reduce family holdings and pasture¹⁶³.

Today there is more focus on customary law and how to relate to this in order to get a sustainable structure of land ownership.

With the liberalization processes promoted by the IFIs and other donors, focus has been on the need to privatise land in order to make it a commodity on the market. The liberalization process has made access to credit more important and land is the main source for being creditworthy in rural Africa.

LAND REFORMS

To respond to such challenges, a large number of African states have adopted new policies and laws aimed at restructuring land relations over the last decade. Since the 1990's many African countries have adopted new constitutions. Many such constitutions also enshrine key principles concerning land relations, which are then implemented by legislation (e.g. Uganda, Eritrea, Ethiopia)¹⁶⁴.

Women

Privatisation of land rights have tended to exclude women more than previously and other groups such as community leaders and male-headed households have been able to strengthen their positions when it comes to land rights. Previously different people and community groups held different rights to a piece of land, but with privatisation most of the rights have been claimed by one person, and women have tended to lose out¹⁶⁵. Only 5 % of registered landowners in Kenya are women¹⁶⁶.

¹⁶² Legal dualism and land policy in Eastern and Southern Africa in Land Rights for African Development CAPRI, 2006

¹⁶³ Food security survey in north, central and south Ethiopia, Bread for the world and EED, 2004

¹⁶⁴ Cotula, Lorenzo, Camilla Toulmin and Ced Hesse (2003). Land Tenure, Land Reform and Land Administration In Africa: Lessons of Experience and Emerging Issues (draft). A report prepared for the FAO by the International Institute for Environment and Development (IIED), Drylands Programme, Edinburgh

¹⁶⁵ Legal empowerment- a way out of poverty, MFA Norway 2006

¹⁶⁶ Rocking the balance when formalising land rights: Some reflections from Norwegian NGOs in Legal empowerment- a way out of poverty, MFA Norway 2006

In Mozambique women lost their matrilineal inheritance system when privatisation of land and land rights were introduced in 2003. They do have a formal legal right to own land, but it is not regulated how they can inherit land, and the lines between family rights, land rights and customary rights are not clear¹⁶⁷. Customary law mechanisms securing women's rights to use land is also weakened when private ownership is introduced. This is a threat to groups that are normally taken care of by the community such as widows and non-married women, disabled etc. The right to inherit assets is becoming more and more important with the AIDS epidemic and the growing amount of female-headed households (see more about health below).

An IFPRI study suggests that where women have an independent right to land or are recognized as co-owners of land with their husbands, they also have more bargaining power within their household. This has been shown to increase the proportion of household income spent on food, education and welfare of children¹⁶⁸.

Pastoralists

Privatisation or formalization of land rights has also been a problem where there are several users of the same land. Traditional and customary arrangements and laws have traditionally regulated this so that different groups of people have right to use the same land for different purposes at different times. This has been important for the coexistence between pastoralists and settled agrarian farms. With growing pressure on land and privatisation these coexistence systems are threatened. Political prioritisation of agrarian settled life and limited political participation often means that the pastoralist's needs are not recognized, contributing to their vulnerability.

The federal constitution in Ethiopia from 1975 establishes in article 40 the right of pastoralists to *free land for grazing and cultivation as well as the right not to be displaced from their own lands*. Still, user rights over grazing land between ethnic groups are difficult to solve in practice¹⁶⁹.

Refugees/IDPs

The rights of returning refugees and displaced people are also a challenge in land distribution. Returning refugees/IDPs' rights to get back their land might be in conflict with other people, who have settled on their land in a vulnerable situation. With the long lasting conflicts in Africa in mind, it can be difficult to prioritise rights. Finding land for returning displaced people is important in order to secure their livelihood and to integrate them in society again, and it is an important part of peace-building processes. Land rights and user rights to land for displaced populations settled in camps can create problems for the ordinary population, as land is being overstretched and limiting output for all.

Indigenous peoples

The colonial powers divided Africa between themselves and stole or "bought" land from the natives. IPs, who according to their beliefs, culture and tradition could not sell land, saw "mother earth" being stolen from them. Selling land was like selling a limb, a part of you¹⁷⁰.

Land and water is the basis for everybody, but this applies especially to the indigenous people. The land and water of their ancestors is the basis of their cosmology. Not only is their daily food taken from these elements, but the land and the water also has spiritual properties. The land was given to them by their ancestors and will be passed on to the next generation. The past, the present and the future are woven together. Inheritance and respect for traditions are united in their traditional way of

¹⁶⁷ Cotula, Lorenzo, Camilla Toulmin and Ced Hesse (2003). Land Tenure, Land Reform and Land Administration In Africa: Lessons of Experience and Emerging Issues (draft). A report prepared for the FAO by the International Institute for Environment and Development (IIED), Drylands Programme, Edinburgh

¹⁶⁸ New risks and opportunities for food security, scenario analyses for 2015 and 2050, IFPRI 2005

¹⁶⁹ Rocking the balance when formalising land rights: Some reflections from Norwegian NGOs in Legal empowerment- a way out of poverty, MFA Norway 2006

¹⁷⁰ The first peoples, NCA Occasional paper 01/2006

life. Land cannot be bought or sold. It is managed by the clan or the group, and owned by the ancestors or God¹⁷¹.

Traditionally in most of Sub-Sahara Africa, forest people have had no rights to land. To indigenous peoples land rights tend to have a collective dimension, since land rights are largely vested on the community as such, with land being divided into individual or family holding only for the purpose of economic use. It is the "collective" which has rights – not only the individual. The western idea that land can be privately owned is usually not possible – it is anathema among the indigenous. Land – as water, trees and wild animals – all belong to the whole community. It should be shared; you take what you need but not more.

The ILO 169 conventions recognise the collective rights, which are related to the indigenous peoples' cultural and spiritual values to the areas and territories where they live. The ILO convention has been unique in their recognition of the collective rights of indigenous groups to own land and other resources¹⁷².

Indigenous people's land rights are linked to their recognition as indigenous people. The Botswana government does not accept the Basarwa (San people of Botswana) as indigenous, and is constantly denying them any land rights, as they can mostly not prove that they will be able to use it for pastoralist or agricultural purposes.

LAND REFORM ADMINISTRATION

The political processes behind land distribution and reforms are also important in order for the reforms to function as planned. The situation in Zimbabwe has clearly affected food production as forced land redistribution has been used for political purposes and led to a dramatic drop in food production.

Administrative and institutional limitations affect ongoing land reforms. For instance processes that do not take time to consult women or other vulnerable groups. Lacking knowledge of the local context by the implementers. Lacking systems for settling disputes and lack of proper communication with the effected populations and lack of accountability.

The village is central in the "rural thinking" of Tanzania. Since independence and the politics of Ujamaa the village has been the main vehicle for land management in the country. In theory significant power over land is decentralised to the village. But theory and practise are not always the same. Customary land rights also include those of the Hadzabe, but the structure of village government and management often complement the permanent settled farmers and their economy. The needs of the nomadic hunters and gatherers are not prioritised. By-laws according to the village do not reflect the needs of nomadic people, but – in practise – seem to be designed for agricultural settled people¹⁷³.

When land is taken over by industries, commercial farming or urban settlements, compensation for the users of the land is difficult if they lack formal ownership/registration, resulting in their main source of livelihoods being taken away from them leaving them with no alternative income.

¹⁷¹ The pygmies of the great lakes, Occasional paper 04/2002

¹⁷² The first peoples, NCA Occasional paper 01/2006

¹⁷³ The pygmies of the great lakes, Occasional paper 04/2002

POSSIBLE APPROACHES

National governments

National governments should focus more on securing the right to food in ongoing land reform processes. Commercial interest for privatising land should not be implemented at the expense of securing the right to food.

National governments have to analyse the relationship between customary law and formal land laws, also on areas related to land ownership, such as inherited customs, user customs etc.

National governments have to secure implementation of land reforms in a way that is participatory, building on good understanding of the local context, with respect to all involved groups and that prevents any form of discrimination. In a land reform process there is a need to have a holistic approach taking into account all the different interests of all stakeholders to the land.

Land reforms needs to give special attention to women, pastoralists, smallholders and landless workers, IPs and displaced people.

National governments should develop land reforms that respect and consider collective rights and different user rights for different groups.



Malawi 2003: The female farmer of Africa.

WATER

Water is a crucial factor affecting all aspects of human well-being. It is critical to basic human health, and water availability is a precondition for the production of food, the raising of livestock, the slaking of thirst, the prevention of disease and the provision of good hygiene and sanitation. Clean water is also crucial for social and economic development through health facilities and education, through energy production and industrial expansion¹⁷⁴. Clean water for human consumption is crucial for ensuring the right to food (see more about this on page 78 under Nutrition).

According to United Nations Water Development Report of March 2006, water reduction through environmental change and human exploitation is massive. In Africa, studies have shown rainfall patterns shifting away from the continents' interior to its coasts, leaving millions of the fast-growing inland population without sufficient water for consumption or food production¹⁷⁵.

Local droughts occur every year and continental crises seem to occur once a decade, or more recently, twice a decade. Although the continent uses only around four per cent of its renewable freshwater resources, water is becoming one of the most critical natural resource issues.

According to the United Nations Environmental Programme (UNEP), 14 countries in Africa are currently subject to water stress or water scarcity, and a further 11 countries will join them in the next 25 years. Between 1970 and 1995, Africa experienced a 2.8 times decrease in water availability¹⁷⁶. The underground water table is sinking dramatically every year to the point where there is an urgent need to quickly regenerate it¹⁷⁷.

NEED FOR IRRIGATION AND BETTER WATER MANAGEMENT FOR FOOD PRODUCTION

80% of total water consumption in Africa is used for agricultural production¹⁷⁸. The decrease in rain and the unpredictability of rain in Africa is causing major problems for food production. As ancient techniques of predicting the rain are not functioning any more because of climate changes, the customs of sowing and harvesting patterns are jeopardized. Too much rain at the wrong time is just as destructive as too little or no rain, as seeds get flushed away, fields are or there is too much moisture when harvests are supposed to dry in the fields.

Both the changed rain patterns and the growing pressure on land makes rainwater harvesting and irrigation more and more important, but this is hampered by limited knowledge and education amongst the poor population in the rural areas and lack of investments. There is need for inputs like cement, drilling equipment etc. that need cash investments that are difficult for poor rural populations to prioritise.

Only seven percent of African agricultural land is irrigated¹⁷⁹. FAO estimates that it would take USD 37 billion to double irrigation use in Africa by 2015¹⁸⁰. The ability and capacity of national governments hamper investments in water management because of limited knowledge about agricultural food production, strains on public funding, and water management not being a priority for development assistance. The conditions imposed by IFIs are also factors that limit investments.

¹⁷⁴ Running Dry: the humanitarian impact of the global water crisis, www.irinnews.org

¹⁷⁵ Running Dry: the humanitarian impact of the global water crisis, www.irinnews.org

¹⁷⁶ Africa – up in smoke? NEF 2005

¹⁷⁷ NCA water and sanitation program plan 2005-2009 for Eastern Africa, NCA 2005

¹⁷⁸ När vatten blir borte, NCA 2002

¹⁷⁹ Louise Fresco, Ass. Dir. General FAO referred to in Diminishing water could fuel conflict, 5 November 2005, www.irinnews.org

¹⁸⁰ IRIN: Diminishing water could fuel conflict, 5 November 2005 www.irinnews.org

The UNDP Human development reports 2006 'beyond capacity: Power, politics and global water crisis', identifies universal access to water as one of the greatest development challenges this century.

The report also acknowledges the lack of human capacity as a major drawback. Poor governance in Malawi's water sector, linked to weak capacity, has led donors to set up parallel systems operating independently of government programs. Malawi's Ministry of Water Development controls less than 12 percent of the development budget, while donors administer the balance through their own programs, the UNDP report said. Lack of capacity can even affect the provision of essential services by decentralized government systems, as in Ethiopia, although human capacity has also been weakened by the lack of legal recognition of village water supply and sanitation committees¹⁸¹.

Water management in rural areas in order to improve food production and as a part of disaster preparedness is important. In order to achieve this, focus should be on training and educating the rural population about water management (irrigation and rain water harvesting) in coordination and with support from the national and local governments.

INVESTMENTS IN WATER MANAGEMENT

Growing demands for water in industrialized development and commercial agricultural investments contributes to increased pressure on water resources. The governments and international agencies prioritise industrial needs when it comes to infrastructure investments like providing water. These investments are often made at the cost of rural development and food production. Industries and big farms are also a problem in areas where there is limited water, leaving less water available for small farmers and pastoralists. In addition there are problems of water pollution in connection with industries and commercial farms that use chemical fertilizers.

National governments need to prioritise water conservation more as part of securing the right to food. Investment in water provision to industries and large agricultural plants need to be assessed in relation to the effect it has on the local food production. Moreover, they must ensure that water resources are not taken from food production and that environmental standards are followed.

Southern Africa is generally a water-scarce region. Countries like Namibia and Botswana have difficulty in obtaining sufficient water to meet their people's needs. Huge plans for dam building (Epupa and Popa Falls in Namibia) and drawing water from Okavango to the capital, Windhoek, have been proposed. If the proposals are carried through, they may create huge problems for indigenous peoples in the areas and take away more land and resources from them¹⁸².

Governments should encourage the efficient use of water, especially for profit making activities, and not promote water intensive agriculture and industries in vulnerable areas.

IFIs and donors focus on industry support and large-scale commercial farming and encourage investments for private companies. Water management for local small farmers is not of interest to private companies, and privatisation does not serve the interests of poor rural farmers.

Women are the ones that are mostly affected by water deficits, as they are the ones traditionally responsible for providing water both for consumption and production. When water get scarce more time is used for fetching water and they need to walk longer distances carrying water This limits their time for food production and cooking, and young girls are prevented from going to school. In conflict areas longer distances also put women at risk of violent attacks and rape. Water conservation is therefore also important for the empowerment of women and their ability to secure adequate food for their households. According to CEDAW 14 (h) *state parties should... ensure ...women the right to enjoy adequate living conditions, particular in relation to... sanitation and water supply.*

¹⁸¹ AFRICA: Region lacks capacity to meet water MDG, www.irinnews.org 10.11.2006

¹⁸² The first peoples, NCA Occasional paper 01/2006

The growing pressure on water resources is also making water access a contributory factor to conflicts, and regional coordination of water resources is therefore important. Water is used as a means in conflicts; cutting people off or flooding areas, water installations used as targets, destroying irrigation streams, wells etc. Water is also used as a political means, for example the prioritisation of water investments in order to gain political goodwill or votes. Addressing the issue of natural resources like water is therefore important in conflict prevention and peace and reconciliation efforts.

In Eastern Africa there is a constant political discussion between the countries through which Nile flows in order to regulate and manage the common water resources. 60 African river basins are shared by more than one country¹⁸³.

Africa still has a huge potential for hydropower that is not yet fully developed, but donor investments and the interests of private companies are more geared towards fossil fuel that will contribute to further climate changes. More investments in renewable energy resources should be prioritised in Eastern and Southern Africa in order to decrease their dependency on fossil fuels and contribute to sustainable development.

POSSIBLE APPROACHES

National governments

National governments must prioritise promoting the right to food in their management of water resources.

National governments should invest in the development of water resources, particularly in irrigation and rainwater harvesting, as part of securing the right to food.

National governments must regulate commercial interests in water resources in such a way that they do not threaten the populations right to food. National governments must secure water resources against pollution and non-sustainable use, through national laws and regulations, and violations must be sanctioned.

National governments have to include a special focus on the special interests of women, pastoralists and IPs in their regulation and management of water resources.

International community

International donors should make funds available for investments in water management development as part of promoting the right to food, such as irrigation and rainwater harvesting.

¹⁸³ IRIN Ministers appeal for more funding to tap river's potential, www.irinnews.org 11.09.2003

FISHING

Apart from the developments in Lake Victoria, until very recently, most countries in sub-Saharan Africa looked on aquaculture as primarily a small-scale food-supplying activity for local subsistence, rather than as an investment-induced industry capable of growing beyond subsistence levels and generating important economic returns. Lack of economic incentive blocks indigenous aquaculture development. Thus, while capacity building and technical and institutional support is important, the major hurdle is investment¹⁸⁴. Aquaculture in Africa today is still essentially subsistence, secondary and part-time activity, taking place on small farms¹⁸⁵.

Fish contribute up to 50% or more of the animal protein in the diets of many Africans - a level second only to Asia¹⁸⁶. During the past ten years or so, Africa's production of fish has stalled and per capita fish supply has diminished, dropping from 8.8 kg/per capita in 1990 to around 7.8 kg in 2001. Africa is the only continent where this is happening, and the dilemma it poses is that there are no affordable alternative sources of protein. For a continent where food security is so precarious, it is extremely worrying¹⁸⁷.

The situation has been in part compounded by the fact that exports have increased substantially, as well as harvests by non-African fleets operating under fishing agreements¹⁸⁸. The net value of African exports of fish and fish products exceed the net foreign exchange income for the African international trade in cocoa, coffee or any other agricultural commodity, combined. In 2003, 36 percent of the production (live weight equivalent) was traded at regional and international level, with a large share (88 percent in value terms) destined to countries outside of Africa¹⁸⁹.

Foreign investments have been building up an industry around Lake Victoria to serve a fast growing market for fish. 60% of the fish exported from here goes to Europe. The national governments have supported these investments and the building of infrastructure and industries to meet European standards. But today there is an overcapacity in the fish industry and there is over-fishing in the Lake Victoria, leaving less fish for the inhabitants who are left with the smallest fish for their own consumption. As the potential of Lake Victoria is sinking, investors are moving to other lakes in Tanzania and Uganda¹⁹⁰ (see box below).

According to CG 12 paragraph 15 and 7 the *obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. Adequate food is defined as sustainable food, implying food being accessible for present and future generations.*

The fish industry has succeeded in exporting its products, but at the expense of local consumption. There is a need to balance this and contribute to establishing a local market too. Governments are obliged to regulate private enterprise activities in order to secure the populations right to food, and the private businesses have moral obligations not to exploit natural resources at the expense of the local populations right to food.

In the WTO trade with non-agricultural products are regulated in the NAMA agreement under negotiation. The NAMA proposal contravenes the Norwegian government's own inaugural statement

¹⁸⁴ Averting a hidden food crisis in Africa, published 22/08/2005, www.fao.org/newsroom

¹⁸⁵ Averting a hidden food crisis in Africa, published 22/08/2005, www.fao.org/newsroom

¹⁸⁶ Averting a hidden food crisis in Africa, published 22/08/2005, www.fao.org/newsroom

¹⁸⁷ Averting a hidden food crisis in Africa, published 22/08/2005, www.fao.org/newsroom

¹⁸⁸ Averting a hidden food crisis in Africa, published 22/08/2005, www.fao.org/newsroom

¹⁸⁹ NEPAD Fish for All Summit Abuja, Nigeria 25 August 2005, Address by Mr Ichiro Nomura, Assistant Director-General Fisheries Department of the Food and Agriculture Organization of the United Nations

¹⁹⁰ Big fish small fry, www.sum.uio.no

which asserts the "WTO agreements must not deny developing countries the policy space and means that we ourselves exploited historically" and "the government in negotiating non-agricultural market access, shall work to provide developing countries with the policy space required so that they may choose the development strategies most appropriate to their needs and level of development". The main negotiating stance of the EU, the USA and Norway is that only a NAMA-agreement that provides them with improved effective market access, which requires bound levels to be reduced to levels below the current applied levels, are acceptable. Such a stance reflects a political desire to pry open the sizeable middle class markets of a small group of developing countries, such as Malaysia, India, China and Brazil. The multilateral context makes this wholly inappropriate: There cannot be any justification, in a development and human rights perspective, for a strategy that denies all non-LDC the policy space required for sustainable fisheries and national industrialisation because rich countries' exporters demand market access to rich middle classes in a handful of countries¹⁹¹.

BOX:
RECENT DEVELOPMENTS IN EAST AFRICAN FISHERIES

Fisheries in East Africa have undergone a dramatic transformation during the last 25 years. From being locally based fisheries with little capital investment from outside in the lakes and in the inshore coastal areas of the Indian ocean, the present fisheries is increasingly being dominated by national and international capital.

Until now it is particularly Lake Victoria that has experienced the greatest changes. This is due to the explosion of the catch of Nile perch in the early 1980's. During the 1980's and early 1990's some 35 export-oriented factories were established on the shorelines of the lake in Kenya, Tanzania and Uganda. During the last 20 years Nile Perch has constituted 40-60 per cent of the total catch of 500,000 tons per year. 80-90 per cent of the catch of Nile perch, above 1 kg is being exported to countries in the North (EU receives 60 per cent of this export). The Nile perch that remains for the local market are the small perch, the rejected fish by the factories and the 'skeletons' (also called 'frames') of the perch after it has been filleted. This remaining fish is being processed by local people and sold in the local markets. However, the meat that is left on the Nile perch frame is increasingly being transformed into fishmeal used for animal feed, particularly for the chicken broiler industry.

About 30 per cent of the total catch from Lake Victoria consists of a small sardine (dagaa in Swahili). This has been considered the 'poor man's food' that has been affordable for most people. This small sardine is rich in proteins, vitamins, zinc, iron, etc. A spoonful of this fish every day will cover many basic needs for nutrition of a growing child. Some years ago it was estimated that half of the dagaa in Kenya was being turned into fishmeal. The situation is similar in Uganda and Tanzania. Several businessmen have shown interest for developing an export market for fishmeal made out of dagaa. About half of children around Lake Victoria are malnourished. In many areas around the lake UNICEF and other donors are supplying local clinics and hospitals with vitamin and protein pills imported from the North.

The Governments of the three countries of East Africa have been keen to develop the fish export industry. The exporting industry has received support from international development banks. The EU has helped to ensure that the fish exported complies with the hygienic standards established in EU. Among the governments and the development partners little attention have been giving to cater for the interests of local fishermen, the many thousands fisherwomen trading and processing in fish and local consumers.

Research from Kenya shows that for every job created in the export industry 6-8 jobs are being lost in the informal sector. It is particularly the many thousands of women that are small-scale traders and processors of fish that have lost their jobs. The consumers are also finding it less affordable to buy fish. Many of the fishermen who in the past were 'owner-operators' of their own fishing boats and equipment are now tied to the factories through credit relationships and thereby only receive a minimum price.

"Over fishing" is a serious concern in the Lake Victoria fisheries and there are many indications that the catch of fish is going down, and that the average size of fishes caught is diminishing. This worries the owners of the fish exporting factories. Therefore new export factories have been established on the shores of Lake Albert in Uganda and there are plans for export factories on Lake Kyoga in Uganda and Lake Tanganyika in Tanzania as well.

Until recently there was a ban on exporting marine finfish from the coastal areas of Tanzania (only prawns, octopus and lobsters were exported). Due to pressure from the export industry this ban has now been lifted on a trial basis. There are currently newly established factories exporting finfish from the coast and more export factories may be expected in the near future.

(Eirik G. Jansen, www.sum.uio.no)

¹⁹¹ The first peoples, NCA Occasional paper 01/2006

POSSIBLE APPROACHES

National governments

National governments regulate use of fish resources in such a way that it secures the sustainable development of and contributes to securing the right to adequate food.

National governments should invest in the training and technical development of their fishing industries, including small fishermen.

Natural fish resources, consumption and industry must be protected through national law and regulations from harmful effects of international commercial interests.

International community

International agreements regulating fish trade must secure local fish consumption as part of the right to adequate food and sustainable use of fish resources in developing countries.

ALTERNATIVE INCOME

NEED FOR ALTERNATIVE INCOME

According to CG12 paragraph 6 *the right to adequate food is realised when every man, women and child alone and in community has physical and economical access at all times to adequate food or means of its procurement*. Providing people with the ability to achieve sufficient resources to buy food is therefore part of securing their right to food and freedom from hunger.

There is today a growing demand for alternative sources of income in Eastern and Southern Africa. For self sustained farmers there is growing need for cash income to buy farming input, pay social services that are being privatised – education, health, water etc. – some need to pay land rental, and more and more cash is needed for seeds and fertilizer when subsidies are removed. Pastoralists need funds for restocking their herds because of more frequent crises. There is also a growing need for alternatives to self-sustainable farming because of the pressure on natural resources and land.

Pastoralists contribute substantially to the national economies. In Kenya 5% of the BNP comes from livestock production in ASALs¹⁹². In Ethiopia the livestock sector, where pastoral production is the key component, is 16% of GDP and one third of agricultural GDP and 8 % of export earning. It is predicted that the demand for meat and milk will double in developing countries the coming 20 years with continued population growth, and livestock production will offer vulnerable crop and livestock producers increasing opportunities to raise their living standards¹⁹³. But there is a need for a substantial capital investment in the form of a household herd in order to boost development. As much as pastoralism is in itself a viable economic activity, there is also a need to find ways to alleviate the growing population pressure on the land.

The growing population that puts pressure on rural resources makes people look for alternative income and contributes to urbanization. Bad harvests contribute to this movement and the urban population is growing fast, increasing demands for work in the urban areas. Food insecurity in urban areas is a growing problem in Eastern and Southern Africa, linked to high unemployment and the spread of HIV and AIDS (see more about HIV, AIDS and health on page 79).

ALTERNATIVE SOURCES OF INCOME

One way of boosting income in Southern Africa has been remittances from family members employed as migrant labourers on farms or in the mines in South Africa and Zambia. Retrenchments in the mining industry and stricter immigration controls into South Africa have reduced this very important source of income. Women farmers in southern Mozambique, for example, can no longer afford to employ others to help them prepare and harvest their fields¹⁹⁴. Malawian farmers can no longer go to work in the Zambian mining industry, even though these industries have seen a boost in recent years. Chinese now does the work there.

Some ways of finding alternative income is putting further strain on the local environment and contributing to climate changes. For instance in Kenya's Kakamega forest up to 100,000 m³ of timber for charcoal production may be illegally extracted every year by poor rural populations seeking additional income¹⁹⁵.

Women and children are forced to take more and more part in income-generating activities. Children are taken out of school in order to work alongside their parents. Girls are most vulnerable, as they are

¹⁹² Simpkin P. 2004 referred to in delivering the agenda, Addressing chronic under-development in Kenya's arid lands, Oxfam 2006

¹⁹³ Horn of Africa 2006, consolidated appeals process, UN 2006

¹⁹⁴ Why is southern Africa hungry? A Christian Aid briefing, 2003

¹⁹⁵ Africa – up in smoke, NEF 2005

often taken out of schools first. Lack of education will affect these children's development and they are prone to become trapped in the same poverty and hunger situation as their parents. Limiting children's and especially girls' education is one of the main threats to securing the right to food in Eastern and Southern Africa. Selling sexual favours is also a problem in areas of failed harvests and high unemployment, putting more people at risk of getting infected by HIV (see more about inherited hunger under Nutrition and Health on page 78 to 84).

BOX:

More than 600,000 children in Zambia are believed to be working on farms, in construction and other business sectors, and in the sex industry. Anne Kamwendo, project officer for the protection of children at the United Nations International Children's Fund (Unicef), says children were forced to work to supplement low household incomes. Although Zambia is signatory to the conventions of the International Labour Organisation (ILO), and although its laws do not allow children below the age of 15 to work for a living, for many of the country's million or more HIV/AIDS orphans and vulnerable children, there is little alternative.

(ZAMBIA: Crushing stones is not child's play, Irinnews.org 06.09.2006)

With regard to IPs, others are currently benefiting economically from their traditional knowledge. The intellectual property of indigenous people has become good business for pharmaceutical and biotechnology companies. Many of us may use products – creams, pills, and medicine – made of tubers, roots, berries and leaves. These are resources from nature's own pantry, knowledge and traditions gathered by the indigenous peoples. The main problem is not that these products are developed and used. The problem is that the indigenous peoples sharing their knowledge and traditions have often been deceived. Their property rights are not recognized; they are usually not paid for their knowledge collected through generations. But there are examples of private companies trying to address these issues and finding ways of compensating the original inventors¹⁹⁶ (see box below).

BOX:

Hoodia, a third native succulent, is a cactus-like plant. Probably San have used Hoodia through thousands of years to suppress hunger. During the war in Namibia soldiers saw how San people, used as trackers, could go on and on without eating anything except Hoodia. Hoodia contains ingredients that override the natural appetite. For the people of the so-called developed world, getting heavier and heavier, Hoodia could be the slimming-saviour for those who are too fat. Slimming pills may give good profit, but for whom?

Luckily there are discussions now between commercial interests and the San to find benefit sharing solutions for how to use the natural resources of the Kalahari. Difficult negotiations are proceeding, facilitated by Working Group for Indigenous Minorities (WIMSA), the political network of the San organizations, hopefully with satisfactory results for all involved. But it is very complicated, and several questions related to rights have to be resolved. One is: what is appropriate or fair share in the profits for the IPs? How much credit should be given to the contribution of traditional knowledge and how much should be given to the scientific achievement?

(NCA occasional paper 01/2006)

CASH CROPS AND INTERNATIONAL AGRICULTURAL TRADE

For self-sustained farmers a common approach for getting cash income is cash crop production or doing casual work on bigger farms. Structures stemming from colonial times of focusing on only one or a few kinds of cash crops in one region or country, such as cotton, coffee, tea, tobacco etc., has contributed to a structure that is extremely vulnerable to falling international prices and failed harvests. The collapse of international coffee prices in 2002 –2003 contributed to the food crises in Ethiopia the same year. Cash crops are affected by climatic and environmental changes in the same way as food crops, and therefore also fail in times of food crises.

¹⁹⁶ The first peoples, NCA occasional paper 1/2006

ICESCR 11 (2b) *obliges the states to take in to account the problems of both food importing and food exporting countries, to ensure an adequate distribution of world food supplies in relation to needs.* And according to CG 12 paragraph 36 *state parties should, in international agreements whenever relevant, ensure that the right to adequate food is given due action and consider the development of further international legal institutions to that end.*

The liberalization of trade markets and falling international prices on some of the most important cash crops for rural farmers in Africa, has hit the poor rural population the most and has been a important contributing factor to food crises.

The main goal of agricultural trade has been said to be to provide an enabling environment for a majority of the world's poorest to take advantage of the enormous opportunities to improve income and enjoy healthy lives¹⁹⁷.

The IMF and the World Bank (WB) have as part of the structural adjustment programmes contributed to the deregulation of agricultural production and promotion of commercial farming. Since the 1980s the IMF and the World Bank have used formal conditions and informal arm-twisting to persuade developing countries governments to deregulate and liberalize their agricultural markets rapidly. 80% of loans were tied to agricultural pricing reform as a major component of their conditions. The conditions of these institutions in relation to the Eastern and Southern African countries have aimed at encouraging the participation of the private sector in the production, marketing, processing and trading of agricultural commodities. The increasing dependency on private entities coupled with the withdrawal of government support for agriculture has changed the political economy of agriculture, as shown above. Cash-crop production by big international companies have become the winners in this game, e.g. flower production in Kenya, at the expense of the small local food producers.

There is an overproduction of food in the world today; this causes low prices and low income for farmers. To compensate for the low income, developed countries subsidise food production. The farmers can then sell their products at a lower price at the global market and some of it is used as food aid. This out-competes out the non-subsistence farmers in developing countries who are not able to get subsidies but have to compete with the subsidised products sold at their local market¹⁹⁸.

An APRODEV study concluded that ten years after the WTO came into existence in 1995, the impact of agricultural liberalization on farming communities and landless workers, especially women, has been disastrous – the past decade has seen rural livelihoods collapsing and more migration from rural to the urban areas. This report also shows that agricultural exports from the developing countries remain restricted and that import surges in many developing countries have not only shifted the terms of trade but have lead to further marginalization of rural communities. Import surges, depressed prices, loss of livelihoods, the closing down of domestic enterprises, shifts of cropping patters to export-oriented cash crop agriculture and corporate takeovers of farming are some the impacts that have been increasingly reported across the world. Most of the world, including Africa, is facing a serious agrarian crisis resulting from the cumulative impact of the economic liberalization policies and the WTO Agreement on Agriculture¹⁹⁹.

Africa as a whole has been a net importer of agricultural products since 1980, spending an estimated USD 18.7 billion in 2000. Import of subsidized products from the industrialised world has had devastating effects on local markets and production. EU agricultural policies have reduced African export of milk products by more than 90%, livestock by 70%, meat by 60%, non-grain crops by 50% and grain by more than 40%²⁰⁰.

¹⁹⁷ Trade liberalization in agriculture by Devinder Sharma, APRODEV 2005

¹⁹⁸ Going local on a global scale, Food First 2005

¹⁹⁹ Trade liberalization in agriculture by Devinder Sharma, APRODEV 2005

²⁰⁰ Trade liberalization in agriculture by Devinder Sharma, APRODEV 2005

Food consumption trends in developed countries can also affect the vulnerability of sectors elsewhere. For example the increased consumption of fish for health reasons can deplete fish stocks. There are also as show above, problems in some areas of Eastern and Southern Africa today in that fish resources are being exported at the expense of the local population's own consumption.

Processed food

The processing of food is limited in Eastern and Southern Africa. At the same time there is a growing middle class in Eastern and Southern Africa who demand new types of food that are not the traditional staples but more manufactured or processed food. This is a growing market with potential spin-off effects on local food production and alternative income. This market is today mainly being taken over by imported food that is extremely expensive.

Supermarkets are spreading in Africa and taking over the markets from the local producers. From 1992 to 2002 supermarkets have increased their retail market share by 45% in Southern Africa. Two South African corporate chains today dominate the region. Supermarkets tend to bring food from further away and centralize procurement to a few larger suppliers²⁰¹. Both local suppliers and small shops are put out of business by the bigger supermarkets importing food and taking the profit out of the country.

There is potential growing market for meat both in Africa and internationally as a trend of development. But food safety restrictions in importing countries are limiting the ability of African countries to export. Limited investments and capacity to deal with livestock diseases are hampering export abilities. The fish industries around the Victoria Lake focused on export to Europe show that it is possible to build up the required structures in African countries to meet requirements for export.

Tariffs in the US and EU are hampering export of processed food and agricultural products. Tariff scales, or duties that rise with each processing step, is a standard feature of industrialized country protectionism. In the EU, fully processed food products face tariffs almost twice as high as the tariffs for the first stage of processing. Seasonal tariffs also hamper import²⁰².

In the WTO Agreements on Agriculture it is important to actively support G33's proposals for a special safeguarding mechanism and a special products range that exempts food security crops and low-income farmers' crops from tariff reductions, and allows them to raise tariffs above bound levels on those crops in cases of malevolent import surges. Small scale and family farmers are dependent on continued subsidisation and tariff protection in order to continue their provision of food and other goods as non-commercial values to society²⁰³.

The extensive subsidisation of rich countries' agricultural export is unacceptable: unlike tariff barriers, subsidies are a form of support that only rich countries can use. The current system of subsidies depresses world agricultural prices, and results in dumping. Rich taxpayers thus finance a form of trade that excludes poor producers from both local and international markets. This undermines poor people's livelihoods and their right to food²⁰⁴.

The developed countries' markets for processed food must be opened for Eastern and Southern African countries and they should be able to protect their own growing market for processed food in order to benefit from this themselves.

Regional food trade

Informal cross border trade played a significant role in averting widespread food insecurity in Southern Africa. During the 2002/2003 droughts in Malawi, maize from Mozambique was sent by truck to the Milange-Mulza boarder and then across the border on bicycles. At one border post 100 cyclists

²⁰¹ Going local on a global scale, Food First 2005

²⁰² Trade liberalization in agriculture by Devinder Sharma, APRODEV 2005

²⁰³ What's the matter with trade? NCA Understanding the issue 01/2006

²⁰⁴ What's the matter with trade? NCA Understanding the issue 01/2006

carried 50 kg of maize every 30 min. On the Malawi side it was then put on trucks again and sold to traders and the state owned grain-marketing agency, ADMARC²⁰⁵. In June 2006 this trade was regulated, banning cyclists from crossing the border and requiring registration of traders. This leaves small traders out and the prices are likely to go down for producers, due to lack of competition. The prices are also likely to increase on the Malawi side due to higher transport costs. It is also unlikely that the two retailers who dominate the market today will be able to transport the same amount that has been crossing this border during previous years²⁰⁶.

The regional food trade in Eastern and Southern Africa is important for securing the right to food. A flexible system is required in order to balance the need to protect own producers during good times and open for more import when there is a deficit. Because of the limitations of infrastructure in many areas, regional food trade is important for local food security.

BOX:
MILK PRODUCTION IN KENYA

In Kenya during 1980-89 the volume of milk produced rose steadily from 179 000 tons to 392 000 tons, i.e. by more than 100 %. From 1992 onward, the volume processed fell dramatically, to as low as 126 000 tonnes of milk in 1998. This decline was mainly due to the deregulation of the Kenya Milk board. At the same time, the import of milk powder rose from 48 tonnes to 2500 tonnes (in fresh milk equivalent, 408 000 litres to 21 million litres). The influx of the imported milk powder, as well as other dairy products, depressed the demand of fresh local milk from milk processors. Small milk producers in particular bore the brunt of the impact. Also Kenya's ability to diversify into processing activities was undermined.

(The economics of failure, Christian Aid 2005)

TRADE LIBERALISATION OF OTHER GOODS

Manufacturing industries have not grown sufficiently to employ people who are no longer able to make a living from farming. On the contrary, closing down of manufacturing industries has increased poverty and food insecurity in Eastern and Southern Africa, as manufacturing has also been hit hard by trade liberalization opening up for free imports²⁰⁷. Manufacturing industries in Eastern and Southern Africa have been forced to close down as cheaper products are being imported from Asia. One example is the textile industry, which has been hit hard by clothing coming from Asia and second hand clothes coming as relief aid.

Trade liberalization has cost sub-Saharan Africa 272 billion USD over the past 20 years²⁰⁸. When trade is liberalized, imports climb steeply as new products flood in. Local producers are priced out of their markets by new, cheaper, better-marketed goods. Exports also tend to grow, but not by as much. Demand for the kind of things Sub-Saharan African countries tend to export – such as raw materials – doesn't change much, so there is not a lot of scope for increasing exports. This means that, overall, local producers are selling less than they were before trade was liberalized²⁰⁹. For instance liberalization of the cotton market opened up African markets for subsidized cotton from the US. Investments in large-scale industries and plantations have left out the small-scale farmers' ability to sell.

As the examples above indicate, it is often poor farmers who suffer most when trade is liberalized. The fall in domestic demand, which results from increased imports, hits them particularly hard. Poor people have little access to capital or technology to increase their productivity or improve the quality of what they sell in response to more competition²¹⁰.

²⁰⁵ Informal cross boarder food trade in Southern Africa, issue 1 WFP 2004

²⁰⁶ Informal cross boarder food trade in Southern Africa, issue 21, WFP 2006

²⁰⁷ The economics of failure, Christian Aid 2005

²⁰⁸ The economics of failure, Christian Aid 2005

²⁰⁹ The economics of failure, Christian Aid 2005

²¹⁰ The economics of failure, Christian Aid 2005

UNCTAD has found that, following trade liberalization, imports of food increased as a proportion of all imports, while imports of machinery declined, again as a proportion of all imports²¹¹.

Trade liberalization has been a part of the conditions attached to foreign aid, loans and debt relief. Though exports did increase in most cases following trade liberalization, most countries simply exported more of the same – they did not start to export more manufactured goods, for example, or higher-value agricultural exports. The UNCTAD study also found that many of the least-developed countries lost market shares following trade liberalization, as their exports failed to compete in international markets²¹².

Men and women are affected differently by market liberalization. More women take part in the informal sector that is not part of the formal liberalization process, but which is affected by liberalisation. Women's ability to obtain credit and their social and cultural standing also hampers their ability to get into the formal and international markets.

Asian companies coming in with cheap products and their own work force are currently out competing the African products and work force. Developments of cooperation with the Chinese are being made at a political level in closed processes. This leaves few opportunities for influencing the process in order to secure national jobs or issues of corporate social responsibility. There are for instance major investments being done in road building in Angola today, but 70% of the work force is Chinese. This is part of an agreement the Angolan government has with the Chinese related to selling oil resources to China.

There are today mechanisms in place to increase trade with the least developed countries (LDC). Norway, for example, places no tariffs on products from LDCs. However, only 0.2% of Norway's imports come from these countries. Countries not categorized, as LDCs do not benefit from this. But looking at a poor farmer in Tanzania and one in Kenya they are both in the same need to getting part of a market, but Kenya is not a LDC countries. Moving up from a LDC to a middle-income country is a challenge, as the benefits of non-tariffs then will be removed.

Rich countries must open their markets in such a way that the purchasing power of the rich serves to benefit poor producers rather than rich ones. At the same time, authorities in poor countries must be given the opportunity to protect vulnerable producers against unreasonable import competition, and in so doing defend their right to food²¹³.

An additional problem is the requirements placed on products that are being imported, the non-trade barriers. Failing to meet these requirements is one factor that hinders imports from Eastern and Southern Africa. Requirements should not be stricter for imported products than they are for own production or imported goods from the EU.

POSSIBLE APPROACHES

National governments

National governments should have strategies for developing alternative income opportunities for those who are no longer taking part in self-sustained food production. With growing populations, growing pressure on natural resources and growing urbanisation, more people need work that gives them cash income enabling them to buy food. National governments should invest in human capital through education, health services and different kinds of social safety nets.

National commercial interests should be protected against harmful international trade with reference to promoting the populations right to food. The Eastern and Southern African countries should not

²¹¹ The economics of failure, Christian Aid 2005

²¹² The economics of failure, Christian Aid 2005

²¹³ What's the matter with trade? NCA Understanding the issue 01/2006

commit to liberalization conditions that prevent national commercial development, and they should work towards changing international agreements in such a way that they are given more room to manoeuvre in order to develop their own commercial development and trade and thereby contribute to securing the right to food.

National governments should promote and work for more regional trade and development of regional markets, in addition to commercial development aimed at export for markets outside of Africa.

International community

International trade agreements should allow Eastern and Southern African states suffering from food insecurity to protect their local markets more, in order to promote national and regional commercial development and the right to food.

Forst liberalisations of Eastern and Southern Africa markets that have a negative effect on securing the right to food should be prevented and worked against. International actors should instead support commercial development and promote trade that contributes to promoting the right to food.



Malawi 2003: Casava, alternative crops.

NUTRITION

THE EVIL CYCLE OF HUNGER

Hunger limits the capacity to work and undernourished people have a hard time finding work. Children that are undernourished grow slower and are smaller and weaker than others. In situations of a surplus of labour, the undernourished tend to lose out because of a diminished ability to work. Hunger also makes people more prone to diseases²¹⁴.

Hunger takes away the focus from other activities and hampers development and the ability of children to learn. Hunger also has psychological effects and can reduce motivation and hope, making people apathetic and incapable of changing their own situation²¹⁵.

Inherited hungers

Absolute numbers of undernourished children in the developing world have declined from 1980. Asia and Latin America have made major improvements in reducing child malnutrition, while the number of hungry children in most parts of Sub-Saharan Africa is increasing rapidly²¹⁶.

In households facing continuing hunger, babies in mother's wombs, the newborn and young children do not receive adequate nutrition. This results in the inadequate development of physical and mental capacities of the new generation²¹⁷.

Babies with low birth weight begin life disadvantaged. The potential damage from being born undernourished is compounded when further undernourishment occurs during infancy and early childhood. The first taste of poverty for a newborn is the scarce milk that comes from a malnourished mother. An anaemic mother has neither the quality nor the quantity of breast milk needed to help a low-birth weight baby. Early weaning is the usual way out, but this puts the child at severe risk of infections and disease²⁴. Without breast milk, an infant's immune system does not develop properly. The infant becomes prone to such diseases as malaria, respiratory tract infections and pneumonia. A hungry mother means not just a hungry child, but also a sick and hungry child²¹⁸. With the escalating HIV and AIDS pandemic in Eastern and Southern Africa, additional strains are put on the fragile security breast milk provides a newborn baby. ICESCR 10 (2) state that *special protection should be accorded to mothers for a reasonable period before and after childbirth*.

CRC 24 describes the *right of the child to the enjoyment of the highest attainable standard of health. State parties shall take appropriate measures to combat diseases and malnutrition, ...through the provision of adequate nutritious food and clean drinking water*.

Often women's food requirements receive a lower priority relative to the food needs of more physically productive adults. Adults in poor households, who seek wage employment, cannot find work easily unless they have enough nutrition to perform satisfactorily for employers. Hence, unequal food distribution in the household becomes a necessary evil²¹⁹. A common norm in Eastern and Southern Africa is that the man gets served first with the most nutritious food, followed by the children and finally the mother. This leaves little and less nutritious food for the women. Women are responsible for food preparation in Africa. Their fitness therefore also affects the whole families consumption.

²¹⁴ The hunger trap, WFP 1998

²¹⁵ The hunger trap, WFP 1998

²¹⁶ New risks and opportunities for food security, scenario analyses for 2015 and 2050, IFPRI 2005

²¹⁷ The hunger trap, WFP 1998

²¹⁸ The hunger trap, WFP 1998

²¹⁹ The hunger trap, WFP 1998

Growing workloads for women caused by longer walking distances to fetch water, will for example affect their time available for food preparation and may affect the quality of this preparation. Emergencies and growing workloads affect girls more than boys as they have greater responsibility for food production, preparation and care, preventing them from getting an education. Limiting the education of girls and women affects the nutritional status of the whole family.

Changing food culture is not easy and traditions are hard to change. But providing information about the need for women and children to get proper nutrition and the long-term effects of harmful traditions is important, and according to ICESCR 11 (2b) *dissemination of knowledge of the principles of nutrition* should be prioritised.

Men and women have the equal right to the enjoyment of all economic, social and cultural rights, (ICESCR 3). According to CG 12 paragraph 13 adequate *food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill.* Focusing on women's right to food in development strategies is important because they are one of the groups in society that are most vulnerable to hunger and they are important actors in reaching out to other vulnerable groups that they care for, such as children, the disabled and diseased people.

When working for securing the right to food, it is important to also assess the household distribution traditions and be conscious of how these traditions might affect the output of activities. This will also make it easier to reach all as intended with activities and adapt activities to the context.

NUTRITIONAL KNOWLEDGE

Nutritional knowledge is a problem in rural areas. The staple food is prioritised, and is often maize, banana, teffe, cassava or similar high carbohydrate products with few vitamins or proteins. Customs and traditions in preparing these products can limit their nutritional potential, such as the preference for maize that is beaten or milled too much and is less nutritious than coarser grains. Maize has been promoted as a high yield product since the 1960s in Africa and has been adopted as the most important staple food in most of Eastern and Southern Africa. Introducing other kinds of staple foods that are more nutritious and less vulnerable to drought, such as cassava and sweet potato, is not easy because of the dominant role of maize and the food culture developed around it. Sorghum and millet that are indigenous African cereals are also regarded as the poor man's food compared to white maize or rice that provides higher status.

Micronutrient malnutrition is widespread and its consequences are significant, especially for women and children. Some examples of common micronutrient malnutrition are: deficit of iron causing reduced cognitive ability, child birth complications and reduced physical capacity and productivity; deficit of vitamin A causing increased child and maternal mortality and blindness; deficit of Zinc causing illness from infectious diseases, poor child growth, pregnancy and childbirth complications and reduced birth weight; and iodine deficit causing slower foetal brain growth, slower mental development of children and reduced cognitive ability in schoolchildren.²²⁰

Getting sufficient vitamins and proteins is a problem. Vegetables are grown, but for many poor rural farmers these are used as a cash crop and not intended for own consumption. Limited knowledge about nutrition limits the consumption of vegetables and fruits. Proteins are obtained through keeping livestock, hunting, fishing or purchase. When there are bad harvests, purchases of staple foods are prioritised. The need for cash also means that livestock is sold in order to buy staple foods and not consumed, especially during food crises.

Diseases, pests and epidemics are a threat to livestock production. Livestock is also affected by both droughts and floods and are more prone to diseases during crises, just as human beings.

²²⁰ New risks and opportunities for food security, scenario analyses from 2015 and 2050. IFPRI 2005

Education and information about the nutritional value of food both staple food and the need for vitamins and proteins are important in order to build food security. Education should be adapted to local needs, and agricultural information and training should be prioritised. State parties should secure the right to food *by disseminating knowledge of the principles of nutrition* (ICESCR 11 (2a)). Training and education has to be an interlinked part of securing the right to food, and the nutritional level affects the ability to learn. Schools' feeding programmes with special focus on keeping girls in school are long-term investments in securing the right to food.

Research has shown that increasing women education and skills and improving their nutritional levels lead to higher income and greater food security for their households²²¹. Women are responsible for food security, food production and nutritious security at the household level. Today hunger is preventing them from empowerment and the ability to improve their own and their family's nutritional status. Education for women is therefore an important part of securing the right to food.

There are areas where the culture of fishing is not developed and the consumption of fish and seafood is not part of the diet. Even though people live by the sea or the ocean, they are primarily farmers and not used to using the available resources. There is a potential for improving existing fishing methods with technical improvement and developing more fishing industry for local consumption. At the same time there are areas where people only live off fish and become malnourished since production or access to other types of food is limited.

Hunger emergencies also make people eat things they normally would not eat like wild plants that might be less nutritious or even poisonous. In urban areas street children and vulnerable poor people use alcohol, drugs and other toxic substances in order to manage hunger.

SAFE DRINKING WATER

One part of securing the right to food is having safe drinking water. Without safe drinking water you do not have food security. The right to food implies the provision of clean and affordable water for all²²². According to CRC 24 (2c) *state parties should take measures to combat diseases and malnutrition... through provision of... clean drinking water.*

About 314 million people in Sub-Saharan Africa do not have access to safe drinking water²²³. Currently around two-thirds of the rural population and one quarter of the urban population lack access to safe drinking water, and the number of people suffering from water stress or scarcity is rapidly increasing as a result of urbanization, increased economic development and population growth.

Water borne diseases increase during floods and drought as water gets polluted or scarce and forces people and animals to consume unsafe water. Drought, floods and pollution of water spread diseases and affect the food-producing population. First there is a drop in water level in reservoirs or rivers in rainfall areas. Secondly the quality of water goes down because sewage and industrial effluents become more concentrated, thereby exacerbating waterborne diseases and reducing the quality and quantity of fresh water available for domestic use²²⁴. Universal access to water will help reduce the financial burden on Africa's health systems by USD 610 million annually, or about 7 percent of the region's yearly health budget²²⁵.

The UNDP Human development report 2006 recommends that countries spend more money on improving access to water through standpipes, wells and boreholes, and developing and expanding a regulatory framework for managing water²²⁶.

²²¹ The hunger trap, WFP 1998

²²² Fresh water to eradicate poverty, Understanding the issue, NCA 2005

²²³ AFRICA: Region lacks capacity to meet water MDG, www.irinnews.org 10.11.2006

²²⁴ Africa – up in smoke? NEF 2005

²²⁵ AFRICA: Region lacks capacity to meet water MDG, www.irinnews.org 10.11.2006

²²⁶ Irin news 10.11.2006

Lack of clean water and firewood also affects food preparation. Basic knowledge about sanitation and food handling are in some areas limited because of limited education and access to clean water. Investment in education is therefore important.

In urban areas waterborne diseases are a growing problem because of overstretched and limited water and sanitation facilities to supply fast growing populations. The United Nations Water Development Report of March 2006 states that increased urbanisation, especially in developing countries, leads directly to poor health as the work necessary to develop infrastructure required to deliver clean water and sanitation proves insurmountable in many countries²²⁷.

As part of the liberalization process in Eastern and Southern Africa there is an ongoing process in some countries of privatising the supply of water. Critics of privatisation argue that access to freshwater supply should not be tendered to private corporations, because the poorest individuals and communities will suffer most in the process. Charity, which is discretionary, cannot guarantee that the poor will be served. In practice only those who can afford to pay will have access²²⁸.

The growing trade in services must not lead to the commercialisation of fundamental services like water in such a way that it infringes poor peoples' rights to these services²²⁹. Water as a human right should not be privatised. Investment in water management should however be prioritised and included in food security programmes.

A clear distinction should be made between commercialisation and privatisation for water services as local community-ownership initiatives and social infrastructure is essential for the efficient management of water supplies in rural communities²³⁰.

POSSIBLE APPROACHES

National governments

National governments should fully address cultural practices that are harmful to women and children's development and that are preventing their right to food.

National food security development plans have to fully acknowledge and address women's key role for household food security. Women's participation, empowerment and protection need to be integrated parts of national food security development.

National governments should prioritise education in general and women's educations and nutritional education in particular.

National governments are responsible for the population's access to water for consumption. Even when provision of water has been privatised, it is still the government's responsibility to ensure that water is accessible and available for all.

²²⁷ Running Dry: the humanitarian impact of the global water crisis, www.irinnews.org

²²⁸ Fresh water to eradicate poverty, Understanding the issue, NCA 2005

²²⁹ What's the matter with trade? NCA Understanding the issue 01/2006

²³⁰ Fresh water to eradicate poverty, Understanding the issue, NCA 2005

HEALTH

Hunger makes people more prone to diseases²³¹. Their immune systems are weakened and coping strategies such as eating unsafe food that is not properly prepared or even poisonous, or actions to acquire alternative income such as sexual favours, are some of the contributing factors to the link between hunger and diseases.

ICESCR 13 argues the right to enjoyment of the highest attainable standard of physical and mental health, obliges the states *to take necessary steps for the prevention, treatment and control of epidemic, endemic, occupational and other diseases and the creation of conditions which would assure to all medical services and medical action in the event of sickness*. Provision of health is an investment in human resources and therefore contributes to food security.

Disabled people are among the most vulnerable in communities and are often viewed as a burden or a punishment to their families or community. They are deliberately denied development and participation in the community and their ability to contribute is also neglected. Disabled children are denied education that is important for their own food security despite the fact that investments in their development can give them an opportunity to participate and contribute to development.

HIV AND AIDS

Sub-Saharan Africa has just over 10% of the world's population, but is home to more than 60% of all people living with HIV – 25.8 million. In 2005, an estimated 3.2 million people in the region became infected, while 2.4 million adults and children died of AIDS²³².

Southern Africa is the hardest hit region in the world with an adult prevalence of between 15 to 34%. HIV and AIDS mainly affect the adult part of the population. Because it affects the part of society that takes part in production, HIV and AIDS is a strong influence in the development of food crises. Maize production on communal farms in Zimbabwe fell by 54% between 1992 and 1997, largely because of AIDS-related illnesses and death.

Families lose their economically active members at the same time, as resources have to be used for medicines, medical consultations and funerals. Treatment and care of people suffering from AIDS and AIDS-related illnesses also prevents other members of a family from taking part in production. In Malawi women are not customarily allowed to work in the field if the husband is ill. In households affected by HIV and AIDS, food consumption has been shown to drop by 40%²³³.

The HIV and AIDS pandemic in Eastern and Southern Africa affect women the most. More women than men are currently being infected and the workload on women increases because of their responsibility as care providers and food producers in Africa. Their role as care providers leaves them less time to work in the field. It also forces children and the elderly to assume more responsibility for food production. This prevents children from going to school and leaves production to weaker hands. Fewer and weaker people have to produce food for those who are no longer able to contribute. The effect is that the capacity for food production gets weaker and production decreases.

In rural areas access to health facilities is limited and what little exists is overbooked by patients suffering from HIV and AIDS related diseases. Access to anti-retrovirus (ARV) medication is also limited; in Zambia only 60,000 out of 1.6 million HIV positives have access to ARV²³⁴.

²³¹ The hunger trap, WFP 1998

²³² UN AIDS : http://www.unaids.org/en/Regions_Countries/default.asp

²³³ New risks and opportunities for food security. Scenario analyses for 2015 to 2050, IFPRI 2005

²³⁴ www.irinnews.org 29.08.2006

ARV medication and treatment programs are developing in Eastern and Southern Africa, but treatment is dependent on stable nutrition for the patient and requires following up by qualified health personnel. In general, the health facilities in rural areas are of poor quality because of lack of funding and trained health personnel. Access to health facilities in rural areas is limited because:

- The health services are also affected by staff not capable of working or literally dying themselves because of AIDS
- Brain drain of health personnel to Europe, Australia and North America or to other African countries that pay better
- It is difficult to attract staff to rural areas because of poor living and working conditions. (Long working hours because of limited staff, bad housing, lack of water and sanitation facilities both at the health institution, in the communities and in staff housing etc.)
- Poor pay and limited development possibilities

Childcare in households affected by HIV and AIDS is often compromised, and when the production/income of the household diminishes, more nutritionally vulnerable babies and young children suffer²³⁵. There are an estimated 12 million AIDS orphans in Africa. Relatives and communities are taking care of more and more orphans to such an extent that the traditional social security nets in some parts of Southern Africa are exhausted, leaving children to take care of themselves. Children are losing out on school and education and thereby knowledge about HIV and AIDS, nutrition, food production and economic development.

Undernourishment make people become more vulnerable to all kinds of diseases and a HIV positive person is more prone to developing AIDS and provocative diseases related to AIDS when suffering from undernourishment. This means that more people develop AIDS and die faster when there is food shortage.

When seeking alternative income in a crisis situation some, both women and children, see selling sex as the only way out, putting themselves at risk of becoming HIV infected. Both men and women going to urban areas trying to find alternative incomes are statistically also at a greater risk of getting infected.

HIV and AIDS contribute to the development of hunger in Africa today. At the same time as food security is an important part of managing the HIV and AIDS pandemic, good nutrition is vital for keeping HIV positive people alive so that they can produce food for their families and raise their children.

HIV and AIDS need to be integrated parts of building food security in Eastern and Southern Africa. At the same time as food security and provision of health care are essential components in fighting HIV and AIDS. AIDS information work and information about the need for good nutrition should be interlinked.

Adapting approaches to the special needs of HIV and AIDS infected and affected people are important. Efforts like new agricultural techniques, help poor households adopt to labour constraints imposed by HIV and AIDS, raising productivity level, diversified production and enriched foods can improve the nutritional level of affected households. Food security policies have to be combined with targeted efforts for human capacity building of HIV and AIDS affected in the areas of labour, health, education, agriculture and nutrition policies.

Stigmatisation of the HIV and AIDS affected in a community is putting this group of people in a vulnerable position with regard to taking part in the development of the community, their own development and food security situation. In order to improve food security in Africa today there is a need for mainstream HIV and AIDS in all activities, and HIV positive people need to be able to take full part in community life and be included in food production and decision-making.

²³⁵ New Risks and opportunities for food security. Scenario analyses for 1025 to 2050, IFPRI 2005

MALARIA AND OTHER DISEASES

Lacking adequate health facilities also affects the spread of diseases and people's ability to recover, something that affects both food production and other income generating activities, including the efficiency of local businesses and their ability to compete in international markets.

Malaria also affects the productive part of the population and is a growing problem in Africa today, partly due to climate change. In Kenya the disease is one of the leading causes of morbidity and mortality, particularly among children, killing 34,000 annually. It accounts for 30 percent of hospital patients and 19 percent of all admissions, according to the ministry of health²³⁶.

Investment in health care and disease prevention, especially in rural areas, is a precondition to be able to build food security.

POSSIBLE APPROACHES

National governments

National governments need to invest in development of human resources as part of promoting the right to food. To be able to do this, investments in health services, especially in rural areas, must be prioritised.

National governments need to fully address the effects of HIV and AIDS on food security in Eastern and Southern Africa. National governments should address stigmatisation and contribute to development that is adapted to the special needs of the HIV and AIDS affected. The right to food for the HIV and AIDS affected has to be a priority for the national governments.



Malawi 2003: Hiv and aids information.

²³⁶ Fresh anti-malaria initiative launched, 26.09.2006 www.irinnews.org

PART 3: HOW TO SECURE THE RIGHT TO FOOD?

CONCLUDING SUMMARY OF POSSIBLE APPROACHES

The national governments are the main duty bearers in securing the right to food. The international community and private actors should respect and contribute to promote the right to food.

National governments in Eastern and Southern Africa should make some of the following main priorities.

SECURING THE RIGHT TO FOOD SHOULD BE A MAIN DEVELOPMENT GOAL

Securing the right to food should be a main development goal for all national governments in hunger prone countries in Eastern and Southern Africa. This means that securing the right to food should be a main goal in PRSP or similar development policies, and an integrated part of other development policies covering development areas that affect food security.

In order to achieve this, national governments should use the GC 12 and VGs to guide adoption of the right to food in development policies and in their work to secure the right to food. A special focus should be on:

Participation

National governments should prioritise a participatory approach in order to develop appropriate development strategies that aim at promoting the right to food directly or indirectly. Full participation of women, pastoralists, indigenous people, HIV and AIDS affected, disabled, self-sustained rural farmers and other vulnerable groups is important in order to use available knowledge about problems, coping strategies and possibilities, and to build understanding about different capabilities and needs. The participation of all affected groups/stakeholders at all levels of society in the development of strategies is essential for securing sustainable solutions to secure the right to food.

The participation of women is vital in securing the right to food in Eastern and Southern Africa. In order to archive full participation, special focus on women's rights, women's development and protection against gender-based violence needs to be fully addressed in national policies and by decision-makers.

To make full participation possible, good governance structures have to be ensured at all levels. Providing knowledge about decision-making processes, openness, providing information, combating corruption and discriminating cultures are some important elements.

Resource development

National governments should prioritise ensuring the right to food in the regulation, management and development of resources, i.e. land rights for women, pastoralists and indigenous peoples.

National governments are responsible for the sustainable use of natural resources and should secure laws and regulations that prevent environmental damage and further climate changes.

Management of natural resources has to be seen in relation to conflict prevention and peace building.

Investments in resource development have to be prioritised, e.g. irrigation, agricultural technical development and infrastructure.

Investments in human resources must be prioritised, e.g. education, social safety nets, women's empowerment, development of health services.

Focus on developing alternative sources of income for inhabitants that will provide them with the means to buy food and contribute to further development is important.

Securing the right to food should be prioritised in international relations. The national governments are responsible when entering into international agreements that these agreements do not have a negative affect on the populations right to food. National governments should not commit to, but work against, conditions from IFIs and other donors that affect their ability to ensure the populations right to food.

DISASTER PREPAREDNESS AND RELIEF

National governments should prioritise structures that contribute to preventing the development of food crises, such as keeping food stocks and regulating the food market.

National early warning and disaster preparedness plans need to be prioritised and developed in the local communities with the participation of vulnerable populations and adapted to the problems caused by climate changes.

In crisis situations the national government has to secure needed aid, but at the same time not permit actions that can harm long-term development. National governments must take on the responsibility to ensure that in-kind food support is implemented in such a way that it promotes the populations right to food in a long-term perspective.



Angola 2005: Is the drinking water safe?