Assessment on the Right to Food in the ECOWAS region
Assessment on the Right to Food in the ECOWAS region

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Food and Agriculture Organization of the United Nations
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# Table of Contents

Acknowledgements v  
List of Abbreviations and Acronyms vii  
Executive Summary xii  

1. **Introduction** 1  
2. **Methodology** 4  

3. **The food and nutrition security situation in the ECOWAS Region** 7  
   3.1 Determinants of food insecurity and malnutrition in West Africa 7  
      3.1.1 Population growth and urbanization 7  
      3.1.2 Climate change and deterioration of environmental conditions 10  
      3.1.3 Market dynamics and food supply 13  
      3.1.4 Natural disasters, civil conflicts and food crises 15  
      3.1.5 Gender inequalities 16  
      3.1.6 Poverty and inequality 18  
   3.2 The situation of FNS in West Africa: four pillars 19  
      3.2.1 Food availability 19  
      3.2.2 Access to food 24  
      3.2.3 Stability 27  
      3.2.4 Nutrition 28  
Main findings on FNS in the ECOWAS region 36
4. The legal environment for the right to food

4.1 The complexity of legal systems in West Africa

4.2 The International legal environment for the right to food in ECOWAS

4.2.1 International legal instruments

4.2.2 Regional legal Instruments

4.2.3 Regional legal mechanisms

4.3 National legal environment for implementation of the right to food within ECOWAS

4.3.1 Right-to-food provisions in ECOWAS country constitutions

4.3.2 Adoption of right-to-food framework laws and inclusion of the right to food in sectoral laws

4.3.3 Practical implementation and justiciability of the right to food

Main findings on the legal environment for the right to food in ECOWAS

5. The policy environment for the right to food

5.1 Analysis of policies and programmes and the right to food

Main findings on the policy environment

6. The institutional environment for the right to food

6.1 Intergovernmental Organizations

6.2 Civil Society Organizations

6.3 Other Relevant Institutions

6.4 Human Rights Institutions

6.5 National Food and Nutrition Security Commissions

Main Findings – Institutional Environment

References
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# List of Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>3N</td>
<td>Nigeriens Nourish Nigeriens (Programme)</td>
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<tr>
<td>ACHPR</td>
<td>African Commission on Human and People's Rights</td>
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<tr>
<td>ACERWC</td>
<td>African Committee of Experts on the Rights and Welfare of the Child</td>
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<tr>
<td>ACRWC</td>
<td>African Charter on the Rights and Welfare of the Child</td>
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<tr>
<td>AECID</td>
<td>Spanish Agency of International Development Cooperation</td>
</tr>
<tr>
<td>AFD</td>
<td>French Agency of Development</td>
</tr>
<tr>
<td>AGIR</td>
<td>Global Alliance for Resilience Initiative – Sahel and West Africa</td>
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<tr>
<td>ANR</td>
<td>Agriculture and Natural Resources</td>
</tr>
<tr>
<td>APESS</td>
<td>Association pour la Promotion de l’Elevage au Sahel et en Savane (Association for the Promotion of Livestock in the Sahel and the Savannah)</td>
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<tr>
<td>APHLIS</td>
<td>African Post-harvest Losses Information System</td>
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<td>ARGA</td>
<td>Alliance for Rebuilding Governance in Africa</td>
</tr>
<tr>
<td>BCEAO</td>
<td>Banque Centrale des Etats de l’Afrique de l’Ouest (West Africa Central Bank)</td>
</tr>
<tr>
<td>BOAD</td>
<td>Banque ouest-africaine de développement (West African Development Bank)</td>
</tr>
<tr>
<td>CAADP</td>
<td>Comprehensive Africa Agriculture Development Programme</td>
</tr>
<tr>
<td>CCAA</td>
<td>Advisory Committee for Agriculture and Food</td>
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<tr>
<td>CCVI</td>
<td>Climate Change Vulnerability Index</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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CET  Common External Tariff
CFS  Committee on World Food Security
CFSVA Comprehensive Food Security and Vulnerability Analysis, WFP
CIDAA Inter-departmental Committee for Food and Agriculture
CILSS  *Comité permanent Inter-États de Lutte contre la Sècheresse dans le Sahel* (Permanent Interstates Committee for Drought Control in the Sahel)
CORAF/WECARD West and Central African Council for Agricultural Research and Development
CRC  Convention on the Rights of the Child
CSO  Civil Society Organization
DAEWR Department of Agriculture, Environment and Water Resources, ECOWAS
DNPGCA National “Dispositif” for Prevention and Management of Food Crises
EBID  ECOWAS Bank for Investment and Development
ECOAGRIS ECOWAS Agricultural Information System
ECOWADF ECOWAS Regional Fund for Agriculture and Food
ECOWAP ECOWAS Agricultural Policy
ECOWAS Economic Community of West African States
ESC  Economic, Social and Cultural
EU  European Union
FAO  Food and Agriculture Organization of the United Nations
FNS  Food and Nutrition Security
FRDA  Regional Agriculture Development Fund
GDP  Gross Domestic Product
GHI  Global Hunger Index
GII  Gender Inequality Indices
GNI  Gross National Income
ICC  International Coordinating Committee
ICCPR  International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social and Cultural Rights
IEH Institute of Hunger Studies
IFPRI International Food Policy Research Institute
IGO Intergovernmental Organization
ILO International Labour Organization
IPCC Intergovernmental Panel on Climate Change
LOA Agricultural Policy Act
MDG Millennium Development Goal
M&E Monitoring and Evaluation
NAHM National Alliances against Hunger and Malnutrition
NAIP National Agricultural Investment Programme or Plan
NANHRI Network of African National Human Rights Institutions
NAPA National Adaptation Programme of Action
NEPAD New Partnership for Africa’s Development
NGO Non-governmental Organization
NNHRI Network of National Human Rights Institutions
NNPC Nigerian National Petroleum Company
NRP National Resilience Priorities
OECD Organisation for Economic Co-operation and Development
OSIWA Open Society Initiative for West Africa
PAU WAEMU Agricultural Policy
PO Producer Organization
POSCAO Plateforme des organisations de la société civile de l’Afrique de l’Ouest sur l’Accord de Cotonou (Platform of West African Civil Society Organizations based on the Cotonou Agreement)
PRSP Poverty Reduction Strategy Paper
<table>
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<th>Acronym</th>
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<tr>
<td><strong>R&amp;D</strong></td>
<td>Research and Development</td>
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<tr>
<td><strong>RAAF</strong></td>
<td>Regional Agency for Agriculture and Food</td>
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<tr>
<td><strong>RAIP</strong></td>
<td>Regional Agricultural Investment Plan</td>
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<tr>
<td><strong>RAPDA</strong></td>
<td>Réseau Africain pour le Droit a l’Alimentation (African Network for the Right to Food)</td>
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<tr>
<td><strong>RBM</strong></td>
<td>Réseau des Organisations d’Eleveurs Pasteurs du Sahel “Billital Maroobé” (Regional Network of Breeder’s Organizations of Sahel “Billital Maroobé”)</td>
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<tr>
<td><strong>ReSAKSS</strong></td>
<td>Regional Strategic Analysis and Knowledge Support System</td>
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<tr>
<td><strong>ROPRA</strong></td>
<td>Le Réseau des organisations paysannnes et de producteurs de l’Afrique de l’Ouest (Network of Farmers’ and Agricultural Producers’ Organizations of West Africa)</td>
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<tr>
<td><strong>RPCA</strong></td>
<td>Réseau de Prévention et Gestion des crises alimentaires (Food Crisis Prevention Network)</td>
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<tr>
<td><strong>SERAC</strong></td>
<td>Social and Economic Rights Action Centre</td>
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<td><strong>SERAP</strong></td>
<td>Socio-Economic Rights and Accountability Project</td>
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<tr>
<td><strong>SPDC</strong></td>
<td>Shell Petroleum Development Corporation</td>
</tr>
<tr>
<td><strong>STC-AEWR</strong></td>
<td>Specialized Technical Committee on Agriculture Environment and Water Resources</td>
</tr>
<tr>
<td><strong>SUN</strong></td>
<td>Scaling-Up Nutrition</td>
</tr>
<tr>
<td><strong>SWAC</strong></td>
<td>Sahel and West Africa Club</td>
</tr>
<tr>
<td><strong>UDHR</strong></td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td><strong>UNICEF</strong></td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td><strong>UNOWA</strong></td>
<td>United Nations Office for West Africa</td>
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<tr>
<td><strong>WAAPP</strong></td>
<td>West Africa Agricultural Productivity Program</td>
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<tr>
<td><strong>WACSI</strong></td>
<td>West Africa Civil Society Institute</td>
</tr>
<tr>
<td><strong>WACSF</strong></td>
<td>West African Civil Society Forum</td>
</tr>
<tr>
<td><strong>WAEMU</strong></td>
<td>West African Economic and Monetary Union</td>
</tr>
<tr>
<td><strong>WAHO</strong></td>
<td>West African Health Organisation</td>
</tr>
<tr>
<td><strong>WAHRD</strong></td>
<td>West African Human Rights and Democratisation</td>
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<tr>
<td><strong>WASRO</strong></td>
<td>West Africa Sub-Regional Office (of WiLDAF)</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>WAWA</td>
<td>West African Women's Association</td>
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<tr>
<td>WECARD</td>
<td>West and Central Africa Council for Agricultural Research and Development</td>
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<tr>
<td>WFP</td>
<td>World Food Programme</td>
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<tr>
<td>WHO</td>
<td>World Health Organization</td>
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<tr>
<td>WiLDAF</td>
<td>Women in Law and Development in Africa</td>
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<td>WTO</td>
<td>World Trade Organization</td>
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Executive Summary

Why an assessment of the right to food in West Africa?

West Africa has shown the fastest economic growth among the regions of the African continent, and has also made great progress in the reduction of hunger and malnutrition, with six countries already having achieved the MDG of halving by 2015 the proportion of people suffering from hunger. However, the levels of poverty and inequality remain among the highest in the world, and serious inequities in access to resources (land, water, technology, etc.) push most vulnerable households into a severe food insecurity situation. In fact, the region still has 36 million undernourished people.

West African leaders endorsed in 2013 a radical approach to end hunger in Africa by 2025. In this regard they are increasingly prioritizing food and nutrition security (FNS) issues in their political agendas and launching initiatives to address hunger-related problems.

West African States have ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), and have therefore committed to realize the fundamental right to be free from hunger, and to move as expeditiously as possible towards the full realization of the right to adequate food. This means they have to consider food as a right and focus their actions on the root causes underlying the lack of access to adequate food, as well as the negative repercussions of the current situation for the most vulnerable populations.

To this end, the West Africa Zero Hunger Initiative was formally launched in February 2014, aiming at reducing hunger and malnutrition and at advancing the realization of the right to food.

A right to adequate food assessment is the first step in the process of developing a right to adequate food strategy and in implementing specific measures that respond to the State’s obligations to respect, protect and fulfil this human right.
Executive Summary

How has the right-to-food assessment been carried out?

The assessment applied, to the extent possible, a participative approach in which knowledge was drawn from regional and local experience, with collaboration through contact with key people and institutions involved in FNS in the region.

The assessment used several tools and methods, including: stakeholder consultation through semi-structured interviews; desk studies to gather all relevant background information; field visits; and a survey on the right to food through FAO Country Offices in the region.

The starting point was the analysis of the food and nutrition situation, focusing on the main barriers to eradicating hunger in the region. An analysis of the legal framework was made, based on a review of regional and national legal instruments and mechanisms. The analysis of relevant policies and programmes was carried out focusing on elements and principles inherent to the right to food. The assessment ends with a brief description of the most relevant institutions in the field of FNS and human rights.

How can the right-to-food assessment be useful for decision-makers?

The right-to-food assessment provides:

- valuable information to enable regional and national decision-makers to formulate policies and programmes oriented towards the full realization of the right to adequate food;
- inputs to identify capacity development needs related to the right to food at both regional and national levels;
- baseline information to monitor programmes that have just started or will start their implementation in the near future: Zero Hunger Initiative in West Africa; the Alliance for Resilience Initiative (AGIR); Regional Social Safety Net Support Program; Regional Food Security Reserve; among others; and
- baseline information for monitoring right-to-food progress in the region.

National and regional decision-makers will be able to use the information provided in this assessment to take the necessary steps to integrate the right to food in their national and regional FNS policies and programmes, which will be an important contribution to realization of the right to food for the West African population.
The Food and Nutrition Security situation in West Africa

The six main determinants of food insecurity and malnutrition in West Africa

The ECOWAS region has been facing cyclical food and nutritional crises since the beginning of the 1930s. Over the last decade, these crises have been recurrent despite the implementation of new agricultural and food policies and strategies. Recent crises have highlighted six main determinants that have a significant impact on the FNS situation of ECOWAS populations. These factors are closely interlinked:

Population growth and urbanization
Rapid population growth (from 70 million in 1950 to 301 million in 2010) and urbanization processes (urban population grew from 7 million in 1950 to 128 million in 2010) have considerable impact on the food and nutrition situation of the ECOWAS population. Present and future food production and market policies would need to be able to respond to the population growth and changing dietary habits. Population and urbanization trends will affect agricultural and livestock production, market dynamics, income distribution, dietary and employment patterns, and will also increase the demand for natural resources and social services.

Climate change and deterioration of environmental conditions
West Africa is among the regions most vulnerable to future climate change. Since the 1990s, rains have become more erratic in terms of quantity, timing, and geographical distribution, making droughts and poor harvests more frequent. These changes are having an enormous impact on the region’s farmers and pastoralists, given their dependence on rainfall for their livelihoods, accentuating their vulnerability and affecting their resilience capabilities, as there is not sufficient time to recover before the next crisis hits.

Market dynamics and food supply
The ECOWAS countries have been very open to international markets, relying on cheap food imports for their staple food supply. This political and economic strategy temporarily improved the vulnerable population’s food security situation; however, it hampered the development of the agricultural sector and long-term FNS. The 2007–2008 global food crises represented a real shock to the region, revealing the major role that the international market was playing in the FNS. Since then, the region has shown a strong political will to implement policies to balance the supply and demand of staple foods, focusing on increasing cereal productivity and strengthening intra-regional trade to reduce dependence on imports.
Executive Summary

Natural disasters, civil conflicts and food crises

The ECOWAS region has increasingly been affected by emergency situations sparked by natural disasters (mostly droughts and floods) or man-made causes (mainly civil conflicts, economic crisis and more recently health crisis [ebola]). These shocks have a severe impact on the food and nutrition situation of the ECOWAS population. However, they are not the roots of the crises: they simply trigger a shift, from an existing chronic food and nutrition insecurity situation, to an acute phase.

Gender inequalities

Women play key roles in achieving FNS. However, they face numerous obstacles in access to production assets and services. These obstacles increase their vulnerability and that of their families to food insecurity, and also considerably reduce their contribution to overall agricultural production. Gender inequality is very high in the region. The Gender Inequality Indices (GII) are among the highest in the world.

Poverty and inequality

Despite the economic growth in recent decades, 60 percent of people live on less than US$ 1 per day. Serious inequalities in the access to resources, extreme poverty, lack of access to basic social services, and low purchasing power push many households into a vicious cycle of poverty. This leads to progressive decapitalization through the sale of productive assets and the deterioration of these households’ food and nutrition situation.

The FNS situation in West Africa: The four pillars

Food availability

Agriculture is the largest source of livelihood and income for the majority of the population. Since the 1980s, the growth of the agricultural sector has been the fastest in the world. Animal production experienced a lower growth rate than agriculture due to extreme weather events and overgrazing. As a consequence of the growth in food production, the region has made considerable advances in their food energy intake. Despite this impressive growth, crop and livestock production have not reached their full potential for meeting the food needs of the growing population. Since the 1980s, the region has been importing around 20 percent of total food consumed to meet food demands. There is a growing consensus concerning the importance of improving the intra-regional markets in terms of removing formal and informal barriers, in order to increase the availability of food products at affordable prices. In addition, several ECOWAS countries continue to receive food aid, although the overall amount has declined over the last 20 years.
Access to food

The root cause of food insecurity is people's inability to gain access to food. Access to food is primarily determined by incomes and food prices, since markets have become the primary food supply source. Agricultural households face enormous constraints (limited access to land, agricultural inputs and services; the absence of secure land property rights; and poverty and inequality) on producing enough food for household consumption and on marketing the surpluses. In some countries, households spend up to three-quarters of their income on basic food commodities. High and volatile food prices have eroded the purchasing power of net food consumers and forced vulnerable households to sell productive assets, reduce their number of meals, and eat cheaper and less nutritive food, exacerbating the nutrition situation of the poor population. Vulnerable people need to allocate an increasing portion of their income to acquiring basic foodstuffs, thus weakening their livelihoods and creating a spiral of poverty and malnutrition.

Stability

FNS is frequently transitory or seasonal. As agriculture in West Africa is mainly rainfed, it has been severely affected by the impact of climate change. The resulting low agricultural productivity and limited agricultural production has caused earlier and longer lean periods. Recurrent food crises affecting the region over the last decade have led ECOWAS and its member states to prioritize the development of food reserves and the establishment of safety nets for vulnerable populations in their regional and national food security plans. Some countries have established national food reserves, especially important in the Sahel region, and a regional food reserve will be operational in 2014. At a household level, post-harvest losses represent an additional constraint that exacerbates the food insecurity of poor agricultural households.

Nutrition

Most ECOWAS countries have made major progress in reducing undernourishment rates; however, there are still 36 million undernourished people in the region. The proportion of stunting and wasting in children under 5 years old decreased slightly. While the prevalence of stunting in West Africa was a bit lower than in Africa as a whole, the prevalence of wasting was significantly higher (equal to or above 10 percent, considered the alert threshold used by WHO). Overweight and obesity are emerging problems, especially in some urban populations. Micronutrient (vitamin A and iron) deficiencies represent a serious public health problem, affecting mainly children under 5 and women, and contributing to some of the highest rates of child mortality in the world. Nutritional problems are mainly due to the poor dietary quality (cereals, roots and tubers contribute up to 80 percent of total dietary energy).
The legal environment for the right to food in ECOWAS

The ECOWAS region shows a promising international and regional legal environment for the fulfilment of the right to food:

- All ECOWAS countries have ratified the main international treaties relevant for the right to food, including the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); and the International Covenant on Civil and Political Rights (ICCPR). Cabo Verde is the only country that has ratified (as of June 2014) the Optional Protocol to the ICESCR, which means that individuals or groups can lodge a complaint with the Committee on Economic, Social and Cultural Rights alleging a violation of any ESC right, including the right to food.

- Most ECOWAS countries have approved the main regional legal instruments that directly or indirectly refer to the right to food: The African Charter on Human and People’s Rights (1981); the African Charter on the Rights and Welfare of the Child (ACRWC) (1999); and the Protocol to the African Charter on the Rights of Women in Africa (2003). At the West African level, the Charter for Food Crisis Prevention and Management in the Sahel and West Africa (2012) is a comprehensive document that provides a clear set of responsibilities and recommendations across sectors, making some references to the right to food in its considerations, principles and tools.

- Regional mechanisms such as the African Commission have been consolidated as quasi-judicial mechanisms to address right-to-food cases (for example through the SERAC case), and the African Court of Justice has great potential to make legally binding judgments on violations of the right to food. However, a review by the African Court occurs only if a state has voluntarily accepted the court’s jurisdiction (by ratifying the Protocol), and at the moment, only nine ECOWAS countries have ratified it, and only four West African states have accepted the competence of the Court to receive cases from individuals and NGOs.

- In the sub-region, the ECOWAS Court of Justice is a mechanism with broader authority than other human rights tribunals and plays a key role in the judgment of right-to-food violation cases based on direct access for private litigants, the unbounded human rights jurisdiction, and the absence of a requirement to first exhaust domestic remedies. Although the ECOWAS Court is still a young institution, it has already made significant decisions on matters related to the right to food (for example in the case presented by the Socio-Economic Rights and Accountability Project [SERAP] in Nigeria) with important advances in the procedures and resolutions. However, judges agree that enforcement is very limited at national levels and West Africa’s
human rights institutions state that ECOWAS members should establish a mechanism to enforce compliance with the decisions of the Court of Justice.

The ratification of the Optional Protocol to the ICESCR, the Protocol of the African Court and the lack of enforcement of ECOWAS Court rulings on a national level remain pending and need to be addressed without delay. Civil society and human rights organizations will play a key role in actively advocating for these issues.

ECOWAS countries still have a lot of effort to make in order to meet some of the conditions required for the **realization of the right to food at a national level**:

- Although inclusion of human rights in the constitution is a powerful way to legally ensure rights, right to food is not widely included in ECOWAS constitutions as a fundamental right. In seven ECOWAS countries right to food is mentioned as a guiding principle, and only in one case (Niger) it is explicitly considered as a fundamental constitutional right.

- No ECOWAS state has yet adopted framework laws clarifying the scope of this right, providing a robust legal basis for further legislation and policy-making, establishing the obligations of government authorities and providing individuals with a legal entitlement for claims. However, although sectoral, Senegal's 2004 agro-forestry-pastoral law, Mali's 2006 agricultural framework law or the Agriculture Policy Act in Niger could contribute to the fulfilment of the right to food.

- Anchoring FNS policies and programmes in legislation would provide a legal framework for implementation defining institutional arrangements in which legislative, executive and judicial powers have specific roles, and there are resources earmarked in national budgets to ensure the actions’ long-term sustainability.

- A revision of the most relevant sectoral laws is also necessary (land codes, social protection, food marketing, consumer acts, nutrition laws, etc.) to include right-to-food provisions.

- One of the most important obstacles for the application of the right to food in the ECOWAS countries is the partial implementation and slow execution of the laws. States need to facilitate legal, institutional, programmatic and financial means for implementation, because laws need to be implemented through effective decrees, norms, policies and programmes with sustained financial commitments.

- Most disadvantaged and marginalized people in West Africa still face significant obstacles in accessing justice. Time and resources are still needed to raise awareness, to facilitate physical and financial access and to empower the most at risk (through participation, mobilization, political negotiation, conflict resolution, etc.).
Justice systems would also need important reforms to have a greater presence in rural areas, to be more independent and impartial, and to have more capacity to effectively protect human rights.

The West African legal environment is complex and based on a plurality of rights (traditional or customary; those based on colonial heritage; Islamic law). Social groups and communities refer to and seek remedy in the laws that they recognize as their own, often not recognizing the rule of laws (constitutions) that are inaccessible (different language) and are not suited to their context.

- Most West African national judicial systems have not taken this pluralism into account. Traditional and religious laws easily compete with and enter into conflict with national legislation.
- Customary laws and mechanisms are an alternative to formal laws for efficiently solving local conflicts, but they can also constitute a threat to the protection of the right to food, for example in the case of women’s rights.

It is important to understand the dimensions of customary and traditional legal systems and their influence on the right to food: (i) acknowledging the existing law based on traditions in different contexts; (ii) understanding the potential impact (positive and negative) of customary and Islamic law on the right to food; and (iii) ensuring a harmonious co-existence between formal and traditional systems, as far as they are not against human rights.

The policy environment for the right to food in ECOWAS

The analysis of the policy environment for right to food focused on the regional policies and programmes more directly involved in FNS and the National Agriculture Investment Programmes (NAIPs) (see Table I). It looked at the ways in which some elements relevant to the right to food are reflected in their formulation and implementation (when information was available): references to the right to food in policy and programme documents, identification of disadvantaged and marginalized groups, references to gender issues and good governance, establishment of policy coordination structures and M&E mechanisms, and the integration of a multisectoral approach.

Regional policies and programmes were classified (Table I) into four tiers according to their programme approach and their integration of the right to food.

Regional policies and programmes reviewed are diverse in their approach and the extent to which they integrate these elements. However there is a common rule: regional initiatives with a broad multisectoral approach to FNS are more likely to consider the multiple aspects of the right to food, especially if the programme has been recently formulated.
There are some exceptions to this rule: some NAIPs integrate elements relevant to the right to food despite their almost monosectoral bias; and the recently-formulated Safety Nets Programme has a multidimensional approach that just makes brief reference to these elements. Other recently-designed programmes, such as the Regional Programme to Support the Regulation of West African Markets, and the Regional Programme to Support Agricultural Intensification and Pastoral West Africa, do not target fulfilment of the right to food.

The analysis also draws conclusions on some advances and constraints in policies and programmes for improving FNS in the region and the promotion of the right to food.

TABLE I. Programmes analysed and commonalities with respect to right to food criteria

<table>
<thead>
<tr>
<th>Multisectoral programme approach</th>
<th>Extent of incorporation of the right to food</th>
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<tr>
<td><strong>1st tier. Multidimensional programmes</strong>, with objectives and actions covering food availability, food access and nutrition.</td>
<td>+</td>
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<tr>
<td>• Zero Hunger in West Africa</td>
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<tr>
<td>• Regional Food Security Reserve</td>
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<td>• AGiR</td>
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<tr>
<td>• Regional Social Safety Net Support Programme in West Africa (right to food not integrated)</td>
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<tr>
<td>• SUN initiative</td>
<td></td>
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<tr>
<td><strong>2nd tier.</strong> More focused programmes, mainly <strong>agriculture oriented</strong>, but with a quite broad approach in which there are clear links with other sectors.</td>
<td></td>
</tr>
<tr>
<td>• ECOWAP</td>
<td></td>
</tr>
<tr>
<td>• NAIPs (with varying levels of integration with right to food)</td>
<td></td>
</tr>
<tr>
<td>• RAIP</td>
<td></td>
</tr>
<tr>
<td>• ECOAGRIS</td>
<td></td>
</tr>
<tr>
<td><strong>3rd tier.</strong> Programmes focusing on just <strong>one specific sector</strong>, mainly <strong>agricultural</strong> or trade.</td>
<td></td>
</tr>
<tr>
<td>• Regional Programme to Support Agricultural Intensification and Pastoral West Africa</td>
<td></td>
</tr>
<tr>
<td>• West Africa Agricultural Productivity Program</td>
<td></td>
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<tr>
<td>• Regional Programme to Support the Regulation of West African Markets</td>
<td></td>
</tr>
<tr>
<td>• Foreign trade policies</td>
<td>-</td>
</tr>
<tr>
<td><strong>4th tier.</strong> Programmes focusing on a single sector or <strong>specific products.</strong></td>
<td></td>
</tr>
<tr>
<td>• Regional Offensive for Sustainable Rice Production in West Africa</td>
<td></td>
</tr>
</tbody>
</table>

Sectoral programme approach
• Although it is difficult to ensure that programmes and policies reach the most disadvantaged and marginalized groups, ECOWAS’ recent mobilizing programmes (the Zero Hunger initiative, the Regional Food Reserve, and AGIR) aim at improving access to food for vulnerable populations.

• There have been relevant advances in information systems in West Africa, but varying among countries. The region lacks complete, regular, transparent and reliable information mechanisms and methodologies. If the right to food is to be a guiding principle in the event of food crisis, identification of vulnerable groups or the mere evaluation of advances made towards the effective exercise of this right requires further evolution.

• Regional and national policies and programmes need to further develop monitoring and evaluation (M&E) systems, adopting a results-based approach and social accountability principles. The effective M&E of policies and programmes using human rights frameworks could shed light on the existing constraints and could help decision-makers to address limitations in a more coordinated way.

• Regional policy consistency on priorities is frequently eroded by the prevalence of national over regional interests and because regional policies and programmes lack effective power to compel the states to adopt regional priorities. The challenge is to build regional actions capable of conjoining national interests and overcoming differences, providing an added value to national actions. Adopting hunger as a political issue and the right to food as guidance principle at regional and national levels, effectively respecting and protecting the right to food, would help in policy consistency and coherence.

• The ECOWAS region faces important challenges in the financial commitments effectively oriented and employed in FNS policies and programmes:
  ▶ Programmes mostly rely on international aid and are thus dependent on the ups and downs of development partners. Budget delivery is still low, and an important percentage is dedicated to operating expenses.
  ▶ Although international partners are increasingly aligning their initiatives with regional policies and programmes, responding to ECOWAS interests and needs, still requires organizations and governments to run parallel to regional and national processes, with a diversity of investments responding to external interests.
  ▶ Food crisis shocks cause budget challenges for governments that need to prioritize resources for addressing crises, thus limiting the budget allocation for long-term programmes where the right to food could be integrated.
ECOWAS states might follow the example of successful initiatives elsewhere by providing longer-term financial commitments, defining FNS/Hunger Free as state policy and prioritizing prevention and building resilience (AGIR) to be prepared for recurrent food crises.

Some of the commitments approved in 2013 by the ECOWAS Agricultural Commission may definitely contribute to the right to food. This is the case of the development of a draft land tenure directive based on the guiding principles for responsible governance of land tenure; development of more effective M&E systems, with sustainable funding; mechanisms to allow small family farms to access funding; adoption of a directive for gender mainstreaming in national and regional initiatives, priorities to strengthen the capacity of non-state actors to support ECOWAP/CAADP processes; and commitment for a Common External Tariff (CET) that protects local production.

Despite these efforts, there is still a long way to go until effective alignment and coordination can be achieved, sufficient funds effectively allocated and implementation capacities built.

At national level, the analysis of the NAIPs identified some interesting insights on integration of the right to food.

References to the right to food and rights to land in some NAIPs are the starting point for understanding and prioritizing policy frameworks based on human rights in ECOWAS countries.

Vulnerable groups are a priority in some NAIPs, where activities to enhance productivity and growth are accompanied by actions aiming at achieving equality in access to resources and opportunities.

The NAIPs have definitely improved coordination among technical ministries involved in rural development. However, multisectorality could be improved with the participation of social branches of the state involved in rural development, such as ministries of health, education and social affairs.

Participation and inclusiveness are good governance indicators addressed in most NAIPs through the promotion of spaces for multi-stakeholder dialogue. The challenge now is to provide a more comprehensive definition of the roles and responsibilities of the actors involved in implementation of the NAIPs, a wider dissemination of the operational tools and procedures to civil society and peasant organizations, and further development of accountability systems.
Some NAIPs address the question of transparency, responsiveness and accountability of the public sector and other actors involved in the implementation of the NAIPs. They can be a reference towards good governance.

The NAIPs have contributed to improving planning, budgeting and M&E processes in some countries. Nevertheless, further efforts are needed to increase the capacities of the public sector and civil society for monitoring of NAIP implementation, ensuring that non-state actors have the information available for better monitoring of NAIP implementation and providing right-based analysis.

Other important challenges are:
- the definition of concrete actions to fully mainstream gender in the NAIPs; and
- integrating nutrition in the agricultural sector as an essential objective of the NAIPs.

Concerning this last challenge, it is necessary to integrate nutrition into agricultural plans to achieve the realization of the right to food. At regional level, some actions have been initiated in this regard: SUN, REACH, the Nutrition Working Group for West Africa, and Food Fortification initiatives. Since 2011, regional institutions such as ECOWAS, WAHO and CILSS are promoting the integration of nutrition in the NAIPs. The present assessment provides some inputs about this process, which is not equally addressed in all the NAIPs. Some of them consider nutrition as an objective or sub-programme, while in others it is only marginally included. West African countries are now committed to undertake follow-up actions to mainstream nutrition in the NAIPs so that the investments provided could result in increased FNS in the countries, and also in a wider understanding of the right to food in practice.

The institutional environment for the right to food

This section describes the role or potential role of relevant institutions with regard to the right to food. Regional institutions were classified in four different categories: intergovernmental organizations (IGO), civil society organizations (CSO), other relevant institutions (networks, research centres, etc.) and human rights organizations. At national level, the assessment also described the existing national FNS commissions (see Table II).
TABLE II. Institutions described in the assessment

<table>
<thead>
<tr>
<th>Government institutions</th>
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<th>Networks, research</th>
<th>Human Rights organizations</th>
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<td>RPCA</td>
<td>NANHRI</td>
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<td>WiLDAF-WASRO</td>
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<td>POSCAO</td>
<td>WACSI</td>
<td>WAHRD</td>
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<td>WACSO/FOSCAO</td>
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<td>WAHO</td>
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</table>

The analysis provided some insights on advances made by and limitations of the existing institutional structures for the realization of the right to food in the region. ECOWAS, WAEMU, CILSS and WAHO are the main institutions in the ECOWAS region with responsibility for achieving FNS, and therefore play a crucial role in the realization of the right to food.

These institutions were established with different mandates and objectives, reflected in different approaches to FNS issues. However, there is a growing degree of convergence among them in terms of priorities because they are jointly involved in regional programmes with forums for the coordination and definition of common actions. Some of the challenges identified in the integration of the right to food are:

- Regional institutions have increasingly developed policies and programmes with a broader outlook on FNS (a change from traditional productivity approaches), but, unfortunately, right to food is not explicitly considered as a priority, although it is included as a reference framework in some of the most recent initiatives they have promoted.

- There have been important advances in terms of transparency and accountability, but there is still a lack of information about the impacts and results achieved by most institutions.
• The sheer number of regional policies and programmes within these IGOs may result in the multiplication of responsibilities, potentially conflicting commitments, and a waste of already scarce resources. High-level decision-makers may not have enough time to deal with this wide range of initiatives or, in particular, with their effective implementation.

In this coordination effort the main IGOs could set the basis for joint efforts in the form of a detailed agenda focused on the promotion of the right to food, based on the existing initiatives. A coherent results framework with a clear allocation of responsibilities and strong accountability mechanisms would provide the basis for more effectiveness.

Institutions such as the Court of Justice and the Regional Parliament have also an important role to play in the realization of the right to food:

• The Court has already made rulings on right to food matters, but needs to overcome some limitations to fully play its role. These include: (i) appointing judges knowledgeable on questions of human rights; (ii) providing legal aid support to indigent litigants; (iii) improving the enforceability of decisions on a national level; and (iv) allowing the ECOWAS Court to act as some type of ‘appellate jurisdiction’ on national court decisions.

• Legislative powers play a very important role in keeping executive powers accountable for the way in which they utilize public resources. Although having a consultative role, the Parliament has a clear mandate for the promotion and defence of human rights, and could issue opinions on the right to food to the ECOWAS Commission, participate in the approval of regional policies and programmes and make the ECOWAS Commission accountable for the allocation of resources and the implementation of FNS programmes and policies.

• ECOWAS Parliamentarians are members of national parliaments, so they are able to promote national initiatives at regional levels and also to facilitate the implementation of regional laws and agreements at the national parliament level and provide support to national parliaments to incorporate the right to food in national legislation.

At a national level, there are a diversity of FNS coordination mechanisms with different focuses on FNS (emergency vs development; sectoral vs intersectoral; policy-based vs technical) that need to be strengthened as an instrument to support awareness and the promotion of the right to food in ECOWAS countries.

CSOs play a fundamental role in making regional institutions accountable for their commitments, their actions (or lack thereof) and for the impacts achieved with regard to their objectives and anticipated results. Their participation in the institutional governing bodies would ensure greater transparency and accountability among the institutions
involved in FNS at regional and national levels, and provide active advocacy for the incorporation of the right to food into policies and laws.

West Africa has dynamic CSOs and NGOs that actively participate at a regional level. However, the assessment concludes that there are still important challenges that CSOs need to address:

- Few CSOs are widely representative or able to articulate at regional level the interests and needs of the grassroots levels. A reduced set of relevant CSOs are invited to participate in the main regional initiatives, and ECOWAS public institutions face the challenge of obtaining extended, active and inclusive participation of grassroots organizations, using transparent selection criteria.
- CSO participation in political and decision-making processes at regional level is still weak and needs to be better structured through the formation of advisory groups that are part of the political framework and involved in the entire policy implementation process.
- At national levels, CSOs are even weaker in terms of capacities, legitimacy and resources, and their forums for participation and consultation are very limited. The activities performed by regional and national CSOs, and the impacts achieved, may be hindered by their lack of resources and their high dependence on international aid.
- Only a few NGOs and CSOs have the right to food as a priority, but most of those reviewed in this section directly or indirectly could have a role in the realization of the right to food.

Most human rights institutions at a regional level do not prioritize the right to food, and national human rights institutions are weak. Expanding communication between FNS and right to food CSOs and NGOs and human rights organizations could enrich their outlooks and their contribution to the fulfilment of the right to food.

The most generalized weakness among all the institutions described at regional and national level is that right to food is not fully understood; governments and civil society have difficulties grasping the true meaning of the right to food (and its differences from FNS) and do not know how to put it into practice. Regional and national institutions (governments, parliaments, courts, CSOs, producer organizations, media) need to become aware of the benefits of using a right to food approach and have a clear understanding of its main concepts and practical implementation, as well as its differences from other development approaches (with regard to responsibilities, focus and accountability). The use of practical and concrete examples of actions contributing to the realization of the right to food is highly recommended.
Governments and other stakeholders need a clear roadmap that shows how existing measures should be intertwined and prioritized, and what new measures need to be taken to apply the right to food. The necessary steps should be adapted to each country’s specific situation, and regional institutions could provide the required support in terms of orientation and resources, demonstrating the benefits of adherence to human rights principles. In this regard, it is important to provide support for building the capacities of regional and national institutions in the practical implementation of the right to food.

In summary and as a result of the assessment, the following actions are suggested as a first step for effective implementation of the right to food in ECOWAS:

- raising awareness for a better understanding on how to put the right to food in practice;
- improving information flow (focusing on disadvantaged and marginalized groups), right-based M&E, and accountability systems;
- promoting inclusive and multisectoral approaches (with special attention to nutrition and gender);
- ensuring real participation of CSOs in the implementation and accountability of policies and programmes, and building the capacities for it; and
- prioritizing FNS and zero hunger policies and programmes in the political agenda for the effective respect for and protection of the right to food, providing long-term effective and high quality investments.
1. Introduction

The Economic Community of West African States (ECOWAS) is a regional group of fifteen West African countries (Bénin, Burkina Faso, Cabo Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo), founded in 1975. Its aim is to promote economic integration in all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial matters, and social and cultural questions.

West Africa\(^1\) has become the fastest-growing region of the African continent, with economic growth rate of 6.7 percent in 2013 and 7.4 percent forecast for 2014 (African Economic Outlook, 2013). Growth in the region is not only driven by the oil and mineral sectors but also by the agricultural sector, which has been the fastest-growing in the world since the 1980s. Agriculture is still the major source of food, income and livelihood for 70–80 percent of the ECOWAS population. However, the agricultural sector is not currently able to meet the growing food needs of the population. Rapid population growth and increasing urbanization has increased food needs and changed the consumption patterns of the ECOWAS population. Thus, the region needs to import 20 percent of the food consumed (OECD/SWAC, 2013) to meet the growing demand for more diverse grains, fruit, vegetables, meat and dairy products.

In this region the prevalence of undernourishment has halved from the 1990–1992 benchmark set by the Millennium Development Goals (MDGs). Despite this improvement the food situation remains critical in absolute terms, with more than 36 million undernourished people in the West African region. Over the last ten years, the sharp rise in global food prices together with the effects of climate change (droughts

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\(^1\) “West Africa” will be used to represent the 15 ECOWAS countries in the present document.
and floods), civil conflicts and more recently health crisis (ebola) have resulted in recurrent food crises that have led to regional food insecurity. The current situation is posing a great challenge to national and regional institutions that have to promote local food production, reduce the volatility of food prices, guarantee equitable and sustainable growth, and protect the population, in particular the most vulnerable, from the negative consequences of undernourishment, food insecurity and vulnerability.

In the face of these challenges, in July 2013 ECOWAS country heads of state and governments adopted a Declaration to end hunger in Africa by 2025, prioritizing food and nutrition security (FNS) issues in their political agendas and launching initiatives to address hunger-related problems. However, it is important they consider food as a right, and focus their actions on the root causes underlying the lack of access to adequate food, as well as the negative repercussions of the current situation on the most vulnerable populations. Treating food as a human right and putting it at the heart of regional and national legislation, policies and programmes means involving the highest level of state institutions (legislative, judicial and executive bodies) and placing FNS at the top of the political agenda. It also implies adopting multisectoral approaches, promoting civil society participation and empowerment, involving the private sector, developing multi-year programmes, creating appropriate institutions to monitor progress, and ensuring sufficient financial investment to eradicate hunger.

The recently approved Global Strategic Framework for Food Security and Nutrition (CFS, 2012) states that overcoming the structural causes of hunger and malnutrition will require promoting the alignment of all relative national, regional and international policies with the right to food. The Global Strategic Framework as well as the Right to Food Guidelines recommend undertaking an assessment of existing policies, legislation, institutions and current programmes as one of the starting points for the practical implementation of the right to food.

This assessment is, therefore, one of the first steps for the realization of the right to food in the ECOWAS region. It aims at providing regional and national institutions with valuable information that will enable them to formulate right-to-adequate-food policies, programmes and strategies, implement specific measures to remedy any weaknesses detected, identify capacity development needs related to the right to food at both regional and national levels, and monitor right to food fulfilment progress in the region. In particular, the present assessment will provide baseline information for some programmes that have just started or will start their implementation in the near future: the Zero Hunger Initiative in West Africa; the Alliance for Resilience Initiative (AGIR); the Regional Programme to Support the Regulation of West African Markets; the Regional Social Safety Net Support Program in West Africa; the Regional Food
Security Reserve; among others. It will also provide the basis for approaching the right to food at a national level.

The assessment is based on four main pillars:

- an analysis of the status and trends of the current FNS situation in the region, with a focus on identifying the main obstacles;
- an analysis of the legal environment of the right to food at regional and national levels, focusing on legislative provisions that have relevance for the protection and realization of the right to food;
- an analysis of regional policies and programmes that contribute to the realization of the right to food; and
- the identification of regional institutions and CSOs whose mandates and activities relate to the right to food.
2. **Methodology**

The methodology for the elaboration of the assessment report applied a participative approach in which knowledge was drawn from regional and local experience and collaboration, through contact with key people and institutions involved in FNS in the region. The assessment was carried out between October 2013 and June 2014 in stages:

1. **Desk review** of existing documentation and main data sources based on documents and information provided by FAO and key informants from ECOWAS regional organizations and other institutions working at the regional level (CSOs, donors, universities and research institutions). An inventory of existing documentation was produced.

2. **Technical missions to the ECOWAS region.** In November 2013, missions to Accra (Ghana) and Abidjan (Côte d’Ivoire) were carried out with the aim of collecting additional information and interviewing key stakeholders in the region. Both missions coincided with regional events, which made it possible to discuss issues related to food security and the right to food with a large number of government and civil society representatives. The workshops in Accra (“Alliance Against Hunger and Malnutrition” and “FSN Forum in West Africa”), organized by FAO, were attended by civil society representatives who provided interesting input for the assessment. In Abidjan, the Institute of Hunger Studies (IEH) staff was invited to participate in the 29th Annual Meeting of the Food Crisis Prevention Network, where they obtained up-to-date information on the developments and constraints of the main regional programmes related to FNS and the right to food, and also had the opportunity to interview key actors from the most relevant regional institutions (ECOWAS, WAEMU and CILSS Commissaries, ministers, donors, and regional CSO representatives).
3. **Analysis of information.** The starting point was the analysis of the food and nutrition situation, focusing on the main barriers to eradicating hunger in the region. Then, an analysis of the legal framework was made, based on a review of regional and national legal instruments and mechanisms. The analysis of relevant policies and programmes was done applying certain criteria: references to the right to food in policy and programme documents, identification of vulnerable groups, references to gender issues and good governance, establishment of policy coordination structures and M&E mechanisms, and the integration of a multisectoral approach (these criteria are fully explained in the policy and programmes section of this document).

4. **The identification of relevant regional public institutions,** civil society organizations and coordinating bodies related to FNS and human rights was the last step of the analysis. The recommendations from the interviews held during the field mission were very useful in identifying key institutions in the realization of the right to food. The analyses were based on statistical data and documentation obtained either through web searches or from different regional actors.

5. **Survey of the right to food.** In order to get a more complete view of the right-to-food situation in the region, it was considered important to have the input of FAO Country Offices. To this end, a survey with the three following guiding questions was prepared and submitted to the country offices:

   - Is the right to food present in the political discourse of the government and/or of the government’s partners (technical and financial institutions and CSOs)? What is your assessment of the political environment in the country with respect to working on human rights issues?
   - What would you say are three main obstacles in the country to reducing vulnerability to food and nutrition insecurity and to effectively addressing structural inequalities that contribute to food and nutrition insecurity? Are there any policies and/or programmes that tackle these obstacles?
   - Are there any platforms, commissions, institutions and/or organizations that advocate for human rights in general and/or the right to food in particular? If so, can you briefly describe them?

6. **Presentation of results of the preliminary assessment** in the ECOWAS-FAO Zero Hunger Inception workshop in February 2014 (section on policies) and consultations with key informants through personal interviews and a survey on the institutional environment section.

7. **Consultation on the final version** of the assessment with the main regional actors via email, and incorporation of comments and recommendations in May and June 2014.
Preparation of the assessment of the right to food has faced some constraints, mainly because it has been difficult to get cooperation and key information from some significant stakeholders.

The present document must be considered a dynamic report that should benefit from ongoing analysis and feedback from other stakeholders to complement and update the information provided and verify the most relevant achievements, constraints and level of realization of the right to food in the region.
3. The food and nutrition security situation in the ECOWAS Region

3.1 Determinants of food insecurity and malnutrition in West Africa

The ECOWAS region has been facing cyclical food and nutritional crises since the beginning of the 1930s. Over the last decade, these crises have been recurrent despite the implementation of new agricultural and food policies and strategies. Recent crises have highlighted six main determinants that have a significant impact on the FNS situation of ECOWAS populations; these factors are closely interlinked.

3.1.1 Population growth and urbanization

In 2013, the ECOWAS population was around 327 million persons, an increase of more than 40 percent compared with 2000. Between 1950 and 2010, the population in the ECOWAS region more than quadrupled (from 70 million to 301 million people).

The UN Population Division projects a continued population expansion of over 2.4 percent annually through the 2050s, which means a 50 percent increase in the current population within the next 30 years (UN ESA, 2013). Despite anticipated growth rate deceleration, the regional population is expected to reach 806 million by 2050 (see Table 1).

2 These data come from the medium fertility projections for the ECOWAS region (UN ESA, 2013). High and low 2050 fertility projections for the region are 894 and 723 million people, respectively.
This population growth has not taken place evenly. In large urban coastal areas and large Sahelian cities the population has increased between 50 percent and 100 percent, and small cities in the savannah belt have doubled or tripled their population. Rural population growth has been higher in coastal regions than in the Sahel. The most rapid population increases in recent years have occurred in Niger and Liberia, closely followed by Burkina Faso, Sierra Leone and Benin.

The high population growth goes hand in hand with geographical mobility and urbanization. There has been a massive rural exodus in most of the ECOWAS countries: it is estimated that rural migrants make up about two-thirds of urban populations. There is also significant intra-regional migration, mostly between neighbouring countries. Côte d’Ivoire and Nigeria have often taken in rural migrants from the Sahel in search of job opportunities.
In 1950, only 6.8 million people lived in cities in the ECOWAS region. The amount and rate of urbanization increased slowly through the 1990s. However, the regional urbanization rate overtook the continental average before 2000, and began to accelerate. The urban population rose to 85.2 million in 2000, and 127.8 million (a 50 percent increase) in 2010. This accelerating trend of urbanization rates is expected to peak between 2020 and 2030, after which the trend should decelerate. The ECOWAS region will become predominantly urban before 2030, with an estimated 272.3 million city residents. By 2050, that number could reach 513 million, or 63.6 percent of the total population (see Table 2).

<table>
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</tbody>
</table>

*Source: UN ESA, 2013.*
Assessment of the Right to Food in the ECOWAS region

Settlement areas are linked to current climate conditions. According to ECOWAS, 75 percent of the population lives in the humid and sub-humid zones, 20 percent in the semi-arid zone (the Sahel), and 5 percent in the arid zone (ECOWAS, SWAC/OECD, 2007). There is a general pattern of high population densities in and around urban areas in all the countries, and there is also generally a higher population density along the coast.

The rapid urbanization in the region is posing a great challenge for national governments. This process must be properly managed in order to avoid a sharp upturn in poverty, exclusion, environmental degradation and social unrest.

Rapid population growth and urbanization processes have considerable impact on the food and nutrition situation of the ECOWAS population. Present and future food production and market policies would need to be able to respond to the population growth and changing dietary habits. Population and urbanization trends will affect agricultural and livestock production, market dynamics, income distribution, dietary and employment patterns, and will also increase the demand for natural resources (water, land, food, etc.) and social services (health, education, etc.).

3.1.2 Climate change and deterioration of environmental conditions

According to the Intergovernmental Panel on Climate Change (IPCC), West Africa is among the regions most vulnerable to future climate fluctuations. The sixth annual Climate Change Vulnerability Index (CCVI),\(^3\) released by Maplecroft very recently (2013), also identifies West Africa as the main climate change risk hotspot. Risks arise from a projected warming of more than 2°C across the region together with substantial changes in rainfall and humidity, which will have a significant impact on the regional agro-economy. The Index identifies seven “extreme risk” countries in the ECOWAS region: Guinea-Bissau (2nd of ten), Sierra Leone (3rd) and Nigeria (6th), followed by Senegal, Guinea, Burkina Faso and Gambia (see Figure 1).

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\(^3\) CCVI is a central part of Maplecroft's 6th annual Climate Change and Environmental Risk Atlas. CCVI evaluates three factors: exposure to extreme climate-related events, including sea level rise and future changes in temperature, precipitation and specific humidity; the sensitivity of populations, in terms of health, education, agricultural dependence and available infrastructure; and the adaptive capacity of countries to combat the impacts of climate change, which encompasses R&D, economic factors, resource security and government effectiveness. The Index was developed to identify climate-related risks to populations, governments and economic growth over the next 30 years.
Changes and variability in the climate, combined with rapid population growth, lead to a severe and ongoing degradation of natural resources, threatening agriculture and livestock production and thus increasing poverty and food and nutrition insecurity.

Agriculture and livestock are the major sources of livelihood for the majority of the ECOWAS population. Many farmers and pastoralists in the region are poor, producing at close to subsistence levels and facing numerous challenges, including droughts, soil degradation, deforestation, overgrazing and depletion of surface water sources. Climate change and variability pose a great threat to these already poor families, who often find themselves with no other option but to leave their villages in search of other livelihoods in urban centres.
Historically, the region has experienced decades of severe drought together with periods of above-average rainfall. However, global climate change effects became tangible beginning in the 1990s, in the form of acute dry and wet year alternation combined with extreme weather events such as floods, droughts, extreme heat and heavy rains, which have worsened the already difficult situation.

During the last few decades, rains have become more erratic almost everywhere within the ECOWAS region in terms of quantity, timing, and geographical scope, making droughts and poor harvests more frequent. These changes in the climate have had an enormous impact on the region’s farmers and pastoralists, given their dependence on rainfall for their livelihoods. At the same time, flooding has also become more acute. For instance, in 2012, poor rains in the Sahel combined with high food prices resulted in a food crisis (the third in seven years), which left 18 million people without sufficient food.

4 The Sahel rainy season is centered on June through October, and the means (cm/month in axis Y) are taken for those months.
Climate change effects are highlighting the vulnerability of small producers, affecting their resilience capabilities, as there is not sufficient time to recover before the next crisis hits. In bad years they are forced to adopt coping mechanisms, including the sale of productive and family assets (land, cattle, equipment, and bicycles, motorcycles, jewellery, etc.), taking on debt or eating less, leaving them even more vulnerable and less able to cope with future crises.

There is broad consensus that, in West Africa, one of climate change’s major impacts will be through rainfall becoming more variable and unpredictable. This will cause late rainfall onset and early cessation, with a reduction in growing season length, particularly in semi-arid areas where yields from rainfed agriculture could be reduced by up to 20–50 percent by 2050. This change in the rainfall pattern will be accompanied by temperature increases of 2° to 4°C over the same period (Sarr, 2012).

Climate change will significantly affect future FNS. It therefore requires immediate adaptive actions to reduce and overcome some of the negative effects on agriculture and livestock. There is increasing awareness of these threats among national governments and the ECOWAS community, where adequate adaptation to changing climate patterns has become a clear priority. CILSS, as the technical support institution of ECOWAS in matters related to desertification and appropriate land use in the Sahel, is coordinating regional initiatives regarding climate change adaptation and the mitigation of adverse climate change effects. Additionally, several ECOWAS countries have identified emergency priority measures for the adaptation of agriculture, food security, and water resources management in their National Adaptation Programmes of Action (NAPAs).

### 3.1.3 Market dynamics and food supply

Markets have become the primary source of food supply for West African households. In a recent study on food consumption in West Africa, Michigan State University estimated that the market share in food supply represented between 66 and 90 percent in the ECOWAS region: almost 100 percent in urban centres and more than 50 percent in rural areas. The increase in the proportion of market food reflects the increased pace of urbanization. As the rural population migrates to urban centres, there is a need to increase the yields of staple crops to meet the needs of urban consumers, in addition to the needs created by the rapid population growth. As gains in cereal productivity have been very poor, the gap is being met by increasing imports. Urbanization is also a major force in changing food consumption habits, with a shift towards a higher consumption of imported cereals (wheat and rice) at the expense of traditional grains (maize, sorghum, etc.).
millet) and tubers; a rise in the consumption of meat, dairy products and vegetable oils; and increased demand for more processed and pre-prepared food.

Total food production in the region is less than consumption needs. This gap could be explained by several factors: small-scale farmer constraints on increasing staple crop yields (land, capital, technology, expertise, etc.); a lack of coherence in agricultural sector policies; and the effects of price volatility and regional market weakness. For a long time, the ECOWAS countries were highly open to international markets, relying on cheap food imports for a substantial part of their staple food supply. Low international prices enabled the region to make up for production deficits. In the short term, imports made it possible to control food price inflation and helped ensure access to food for vulnerable populations, especially as countries were practicing very low levels of border protection. WAEMU countries adopted a Common External Tariff (CET)\(^5\) of 20 percent, allowing these countries to import low-cost food and sell it cheaply on the local market, due to the absence of customs duties or their low rates. This political and economic strategy temporarily improved the vulnerable population's food security situation; however, it hampered the development of the agricultural sector and long-term FNS.

The 2007–2008 global food crisis was a real shock for the ECOWAS region, revealing the major role that the international market was playing in the FNS of rural and urban households. High and volatile food prices affected coastal and interior countries alike. Coastal countries, including Gambia, Guinea, Guinea-Bissau, Liberia, Senegal and Sierra Leone, depend more on imported rice and other commodities to meet basic food needs and are highly vulnerable to rising food prices. Landlocked countries, including Burkina Faso, Mali and Niger, rely more on regional trade and consume a greater proportion of local grains like millet, maize and sorghum.

Since the 2008–2009 crisis ECOWAS countries have shown a strong political will to implement policies and strategies to balance the supply and demand of staple foods, focusing on increasing cereal productivity and strengthening intra-regional trade to reduce dependence on imports. The ECOWAS countries agree on the key role that trade can play in achieving FNS. However, there are some conflicting positions among the ECOWAS countries: while some make national and regional self-sufficiency in basic food commodities their priority, others support a more open trading policy, where continued reliance on trade forms part of their strategy for attaining FNS.

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\(^5\) The creation of the West African Economic and Monetary Union (WAEMU) customs union was an important step toward greater regional integration in West Africa. The WAEMU customs union entails free movement of goods between member countries and application of a Common External Tariff (CET) on imports from other countries.
3.1.4 Natural disasters, civil conflicts and food crises

The ECOWAS region has increasingly been affected by emergency situations sparked by natural disasters (primarily droughts and floods) or by man-made causes (mainly civil conflicts, economic crisis and more recently health crisis [Ebola]). These shocks have had severe impacts on the food and nutrition situation of the ECOWAS population.

Since the 1980s, West Africa has been one of the regions with the largest number of emergencies requiring external assistance. Hardest hit have been Sierra Leone and Liberia, which have experienced protracted emergencies in 7 out of 10 years (mostly as a result of man-made conflicts); Niger and Burkina Faso in 3–4 years out of 10 (natural causes); and Guinea and Côte d’Ivoire, also in 3–4 years out of 10 as a result of man-made causes (Konandreas, 2011). To the extent that these countries are affected by a chronic lack of adequate food supplies even in normal years, a much larger proportion of the population, already at risk, faces a serious food insecurity problem when an emergency strikes.

Natural disasters are increasing in number and frequency, and affect most ECOWAS countries. Droughts and floods have become recurrent and more acute over recent years, with severe impacts on food and water security in West Africa (see Figure 3).

![FIGURE 3. Number of people affected by drought in West Africa (1965-2011)](chart)

Source: Gubbels, P., 2013.

Thunderstorms and rising sea levels are also regional threats: Abidjan, Conakry, Dakar, Monrovia and Lagos are the cities most at risk from these climatic phenomena. Many studies indicate that the increased occurrence of these extreme climate events is mainly the result of global climate change, combined with damaging human interventions.

Conflicts have been very frequent in ECOWAS countries since they gained independence: civil wars (Sierra Leone, Liberia, Guinea-Bissau, Côte d’Ivoire), coups d’état (Gambia,
Niger, Guinea, Mali), as well as ethnic and religious clashes (Benin, Nigeria, Mali). These conflicts have occasioned numerous population displacements, aggravating food and nutrition insecurity, and have frequently provoked violent abuses. The recent armed conflict in Mali, for example, caused the displacement of around 500 000 people, mostly women and children, within Mali’s borders (OCHA, 2013) and beyond. Displacement often exacerbates the precarious food situation that people were already facing before the conflict. Moreover, displaced people abandon their lands and farms, and often are not able to engage in production activities in the host community, increasing their food vulnerability.

Additionally, conflicts in neighbouring countries and regions also have an impact on the FNS situation of West African populations. For instance, the conflict in Libya had serious consequences for some of the ECOWAS countries, in particular for Niger and Mali, as there was a massive flow into these countries of immigrants who needed assistance, and there was also a sharp reduction in remittances from Nigerians and Malians working in Libya.

Natural disasters and civil conflicts are not, however, the roots of the recurrent food crises in the ECOWAS region. They trigger a shift from an existing chronic food and nutrition insecurity situation into an acute phase. The structural causes of the food crises include all the factors that have been mentioned above: high population growth rates that have significantly reduced average farm size in many rural areas, along with per capita food production, urbanization, climate change, ecological degradation of soils and pastures, compounded by dependence on international markets. These factors come in addition to high levels of poverty and vulnerability, inadequate support for small-scale agriculture, low levels of education, lack of access to basic health services, poor governance and inequitable economic growth. For example, the food crises of the past seven years (2005, 2010 and 2012) were triggered by drought, but were exacerbated by the high and rising food prices that put even basic food staples beyond the reach of many poor families; the lack of government investment in policies to support the poorest and most vulnerable populations; and the conflicts in the region. As a result, millions of people faced increased hunger and poverty.

### 3.1.5 Gender inequalities

Women play key roles in achieving FNS: they produce, process and provide food for their families, preserve traditional knowledge and biodiversity, manage food supply stability in times of economic crisis, collect fuelwood and water, generate income, and care for their families.

Based on the latest available data, women represent an average of 43 percent of the agricultural labour force and two-thirds of livestock keepers in developing countries,
with wide variations among countries (FAO, 2011). However, some researchers believe that women’s participation in agriculture is underestimated due to problems in data collection and lack of reliable sex-disaggregated data. In West Africa, the percentage of women in the agricultural labour force ranges from 36 percent in Côte d’Ivoire and Niger, to over 60 percent in Sierra Leone, and can reach up to 80 percent in remote areas (FAO, 2011). Women in the ECOWAS region are increasingly being involved in agriculture (food and cash crops) as more and more men migrate (seasonally or permanently) from the Sahel to coastal countries, the Middle East or Europe.

However, there are numerous obstacles hindering women’s access to production assets such as land, water, credit, knowledge and labour, or to services such as agricultural extension, education and health. These obstacles not only increase their vulnerability and that of their families to food insecurity, but also considerably reduce their contribution to overall agricultural production.

High inequality between men and women is common to all ECOWAS countries. Their Gender Inequality Indices (GII), reflecting women’s disadvantages in reproductive health, empowerment and the labour market, are among the highest in the world, ranging from 0.550 in Senegal to 0.707 in Niger (the world’s highest GII).\(^6\)

In West Africa, land is predominantly owned by men and transferred inter-generationally to males. This means that women must gain land access and user rights indirectly, through male family members. Tenure insecurity discourages women from investing time and resources in sustainable farming practices. It should be noted that there are important differences depending on ethnicity. Certain women in Ghana, Côte d’Ivoire and Nigeria are able to inherit, lease, share-crop and obtain access to land from their husbands in ways very different from women elsewhere in West Africa, which may be the result of the relatively lower influence of Islam in some areas (IIED, 1999).

In Burkina Faso, men have greater access to fertilizer and to both household and non-household labour for their farm plots. A research on gender differences in agricultural productivity concludes that re-allocating these resources to women could increase household agricultural output by 10 to 20 percent (Quisumbing, 2003).

In addition, decisions regarding crop choices, land allocation for food and cash crops and the amount of product kept for family consumption are often made by men, which may lead to limited food availability within households. Income from cash crop production is usually not controlled by women and it is often the men who decide what to spend it on, which may affect the quality of food purchased for household consumption.

\(^6\) GII ranges from 0, which indicates that women and men fare equally, to 1, which indicates that women fare as poorly as possible in all measured dimensions.
Disparities in education persist in West Africa. According to a recent African Development Bank report (AfDB, 2013), 60 percent of women in the ECOWAS region are illiterate, compared with 40 percent of men (data from 2005–2010). Moreover, boys attend to school 1 or 2 years more than girls. This gap has serious implications for agricultural productivity, income generation and nutrition. Better-educated women have more access to extension services and new agricultural technologies. They have better employment opportunities and provide richer, more diverse diets to their families, improving their nutritional status.

Improving women’s situation in all fields (education, health, agriculture, nutrition, etc.) has a great impact on reducing poverty and food insecurity. A cross-country study (Smith and Haddad, 2000) of developing countries covering the period 1970–95 found that 43 percent of hunger reduction was attributable to advances in women’s education, almost as much as the sum of increased food availability (26 percent) and improvements to the health environment (19 percent). An additional 12 percent of hunger reduction was due to women’s increased life expectancy. In total, 55 percent of the gains against hunger during those 25 years is owed to women’s improved situation within their societies.

### 3.1.6 Poverty and inequality

Poverty and inequality are widespread in West Africa. In both rural and urban areas, poverty and inequality are clearly the driving factors in the lack of sufficient income to acquire adequate food. According to World Bank statistics from 2012, the ECOWAS region comprises 10 low-income countries and 5 middle-income countries (Ghana, Nigeria, Senegal Côte d’Ivoire and Cabo Verde), where Gross National Income (GNI) per capita ranges from US$ 3,838 in Cabo Verde to US$ 383 in Niger.

Despite remarkable economic growth in recent decades in the ECOWAS region, the levels of poverty and inequality remain among the highest in the world, with 60 percent of people living on less than US$ 1 per day. According to UNDP’s 2013 Human Development Report, 13 ECOWAS countries (all but Cabo Verde and Ghana) are among the 46 countries with the lowest Human Development Index in the world. The Gini index, which measures income inequality, indicates the existence of considerable income inequality in some ECOWAS countries. In general, countries with higher GNI per capita are the ones with higher GINI index scores (for example, the Gini index scores for Cabo Verde, Nigeria and Ghana are 0.505, 0.488 and 0.427, respectively).

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7 The Human Development Index (HDI) is a composite statistic of life expectancy, education, and income indices used to classify countries into four tiers (very high, high, medium and low) of human development.

8 A Gini index equal to 0 means perfect equality; 1 means perfect inequality.
Serious inequalities in access to resources (land, water, technology, etc.); extreme poverty resulting mainly from unfavourable social, economic and political conditions; lack of access to basic social services (health, education, water and sanitation, etc.); and low purchasing power pushes many households into a vicious cycle of poverty. This leads to progressive decapitalization through the sale of productive assets (such as land, capital and livestock) and the deterioration of these households’ food and nutrition situation.

In the survey carried out with FAO Country Offices in the ECOWAS countries, the same issues (particularly poverty, inequality, lack of access to basic services, climate change and deterioration of environmental conditions) were identified as the main constraints on reducing vulnerability to food and nutrition insecurity and to effectively addressing structural inequalities that contribute to food and nutrition insecurity.

3.2 The situation of FNS in West Africa: four pillars

3.2.1 Food availability

Agricultural production

Agriculture is the largest single source of livelihood and income for the majority of ECOWAS populations. The agricultural sector accounts for about 35 percent of the regional GDP, providing a major share of export earnings and government revenues. Agriculture’s share in the GDP varies considerably across countries in the region, from 10 percent in Cabo Verde to almost 60 percent in Sierra Leone and Liberia (World Bank data, no date). The agricultural sector employs more than 60 percent of the working population in the region.

According to the Regional Strategic Analysis and Knowledge Support System (ReSAKSS), agricultural public spending in the ECOWAS region as a whole has declined since 1990. From 1990 to 1996, it was above 10 percent of total public spending, meeting the CAADP 10 percent expenditure target (Maputo Declaration). However, from 1996 to 2010 agricultural expenditure dropped to an average of 8 percent of total spending (see Figure 4). Significant differences and trends can be found between countries. For instance, five countries largely met the CAADP target from 2003–2010, with Burkina Faso investing the highest average portion of its annual public expenditure in agriculture, at 19.2 percent, followed by Niger, Guinea, Senegal and Mali. The remaining ten countries did not achieve the CAADP target in the same period. Guinea-Bissau was the country with the lowest average annual share of spending on agriculture out of total public expenditure (1.4 percent), followed by Côte d’Ivoire, Sierra Leone and Nigeria (see Figure 5).
FIGURE 4. Public agricultural expenditure in total public expenditure, 1990–2010

Source: ReSAKSS, based on national sources; IFPRI, 2011; FMI, 2012; CUA, 2008.

FIGURE 5. Public agriculture expenditure share in total public expenditure

Source: ReSAKSS, based on national sources; IFPRI, 2011; FMI, 2012; CUA, 2008.

Note: Data for Cape Verde and for the 1995–2003 period for the Gambia, Guinea, Guinea-Bissau, and Liberia are not available.
Since the 1980s, the growth of the agricultural sector in West Africa has been the fastest in the world. The sector’s high performance has been due to various causes: lack of investment in agriculture in previous decades; the liberalization of agricultural markets; improvements in infrastructure; and increased dynamism of local and regional markets. Agricultural production tripled between 1980 and 2010, increasing by an average rate of 3.7 percent per year, compared with a global average of 2.2 percent. However, agricultural performance has been uneven between countries. There has generally been higher performance in the coastal countries (focused on cash crops, roots and tubers, oilseeds, and fruits and vegetables) in comparison with the Sahel (cereals, oilseeds, pulses, cotton, meat and dairy). According to FAO (2012) statistics, Burkina Faso, Ghana and Benin were among the world top 10 in agricultural performance between 1980 and 2010. The worst performers were the countries affected by conflict and political instability.

Cereals constitute the main staple food in the ECOWAS region (50 percent of calories consumed) followed by roots and tubers (which account for 14 percent of calories consumed). Growth rates of these commodities increased remarkably between 1980 and 2010: 3.8 percent in cereal production and 2.3 percent in the production of roots and tubers. Cereal production rose from 16 million tonnes in 1980 to almost 60 million tonnes in 2012 (FAO, 2013a). The growth of root and tuber production was even sharper, increasing almost fivefold between 1980 (27 million tonnes) and 2011 (130 million tonnes). Nigeria is the largest producer of cereals in the ECOWAS region, accounting for 53 percent of the overall regional production. At a global level, Nigeria has also played an important role with regard to agricultural performance: it ranks 21st in terms of cereal production, 5th in pulses and 2nd in roots and tubers. Mali, Guinea, Sierra Leone and Côte d’Ivoire are major producers of rice; Burkina Faso, Mali and Niger of sorghum and millet; and Ghana, Benin and Burkina Faso of maize (Konandreas, 2011).

Cash crops also showed an upward trend. West Africa produced two-thirds of the world’s cocoa crop in 2009, with Côte d’Ivoire leading world production (30 percent of global production). The same favourable trend applies to cotton, and fruits and vegetables for export.

Despite this remarkable rise in overall agricultural production, the increase has been due to the expansion of land under cultivation rather than gains in yields. The poor gains in productivity are the result of the limited use of yield-enhancing inputs (improved seeds, fertilizers, irrigation schemes, etc.).

Animal production experienced a lower growth rate than that of cereals and roots and tubers over the same period, with a regional average annual growth estimated at 2.73 percent (SWAC, 2012). Livestock performance was not higher mainly due to extreme
weather events (mostly droughts) and overgrazing (as a result of the replacement of cattle by sheep and goats).

As a consequence of the impressive growth in food production, the ECOWAS countries have made considerable advances in their food energy intake.

**Global and intra-regional trade**

FNS in the region has improved significantly over the last 30 years; however, crop and livestock production have not reached their full potential for meeting the food needs of the growing West Africa population. Since the 1980s, to meet the population’s food demands, the ECOWAS region has been importing around 20 percent of total food consumed. Because of the rise in agricultural production, dependence on food imports has not increased despite rapid population growth (see Figure 6).

![FIGURE 6. Share of imports in total food availability](image)

Cereals accounted for the largest share of total food imports in 2009, at 42 percent. The region imports large quantities of wheat and rice, and exports maize, millet and sorghum in much smaller amounts. The European Union is the main partner for regional imports and exports.

A market development study (Kondreas, 2011) estimated that wheat represented half of annual gross cereal imports in recent years, and the other half being rice. On a global level,
the ECOWAS region is a small wheat importer (4.3 percent of total world exports) but a major importer of rice (20 percent of total world exports). With regard to maize, millet and sorghum, the region has experienced a positive trade balance over the last 10 years.

On a country level, significant variations can be found. Landlocked countries have the smallest share of food imports compared with coastal countries. Four countries account for over 75 percent of total regional cereal imports: Nigeria (44 percent), Côte d’Ivoire and Senegal (11 percent each), and Ghana (7 percent). Cereal exports are distributed more equally across the region, especially in the case of maize. However, three of the main importer countries (Nigeria, Côte d’Ivoire and Ghana) account for three-quarters of overall regional food exports, mainly in the form of cotton, coffee, cacao, bananas, pineapples and fishery products. There are also major differences concerning their dependence on import supplies: Cabo Verde imports almost 90 percent of its food supplies, while Mali is almost self-sufficient.

Most food surpluses produced in the region are traded regionally. Intra-regional trade is influenced by various elements, including the quality and availability of natural resources, climatic conditions, demographic trends, dietary preferences, income levels and the rules and regulations governing trade in the region’s countries. Most regional food trade in the ECOWAS region involves small amounts being informally traded, based on personal or tribal ties (informal trade in West Africa is very active, constituting 20 percent to 90 percent of national economies). As a result, large quantities of food traded regionally are not recorded in regional/national statistics, making it difficult to estimate the real volume of regional food trade in the ECOWAS region. Many studies show that the real value of intra-regional agricultural trade is underestimated by 300–400 percent (OECD/SWAC, 2013). Informal cross-border trade has many benefits for the population. It creates employment, especially for women; enlarges the commercial network, establishing points of sale in remote areas; and promotes an effective trade network due to the simplicity of its modes of operation.

In contrast, formal intra-regional food trade is constrained by many factors. These include: high transaction costs (high transport costs and complicated cross-border regulations), lack of accurate information on quality control and standardization to traders, lack of coordinated and standardized rules and regulations among ECOWAS countries, poor financial services, insufficient storage capacity, and undeveloped value chains for basic foodstuffs, among others.

There is a growing consensus among regional actors concerning the importance of improving the intra-regional markets in terms of removing formal and informal barriers in order to increase the availability of food products at affordable prices, as a necessary measure towards the realization of the right to food.
Food aid

Several ECOWAS countries continue to receive food aid, although the overall amount has declined over the last 20 years. In the early 1990s, food aid accounted for 15–20 percent of total cereal imports, decreasing to 2–3 percent in recent years. In general, food aid in the ECOWAS region has gone to countries experiencing conflicts or natural disasters, and to countries with chronic undernutrition problems.

Food aid is generally classified as emergency, programme or project food aid. According to a recent study on food aid in West Africa (Kiawu and Jones, 2013), the highest recipients of emergency food aid in a single year were former conflict countries such as Liberia (in 1997) and Sierra Leone (in 2002). Due to the recent food crises, deriving from prolonged drought and the rise in food prices, Niger received considerable volumes of emergency food aid in 2010. In relation to programme food aid, Cabo Verde (in 1997) received the highest one-time annual programme food aid, followed by Côte d’Ivoire (in 1990) and Ghana (1991). Programme food aid has significantly declined, as it generally acts as a disincentive to domestic production and its provision is commonly linked to donor availabilities rather than to recipient needs. The same three countries also received the highest programme food aid, on average, between 1988 and 2010. Burkina Faso, Ghana and Niger were the highest recipients of project food aid, aimed at alleviating poverty, between 1988 and 2010.

The FAO Crop Prospects and Food Situation report (FAO, 2013a) estimated that 8 ECOWAS countries (Burkina Faso, Gambia, Guinea, Liberia, Mali, Niger, Senegal and Sierra Leone) still needed external food assistance. Reasons include the pressure on food markets caused by refugees from Mali and Côte d’Ivoire in host countries, the lingering effects of the previous year’s drought-induced food crisis and persistent high food prices, slow recovery from war-related damage in the case of Liberia and Côte d’Ivoire, population displacement in the case of Mali, and the return of migrant workers from Libya and Mali.

3.2.2 Access to food

In the ECOWAS countries, as in many developing countries, the root cause of food insecurity is people’s inability to gain access to food.

Access to food is primarily determined by incomes and food prices, since markets have become the primary food supply source for West African households (Michigan State

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9 Emergency food aid is a humanitarian response to food crises caused by natural disaster or conflicts. Programme food aid constitutes an intergovernmental transfer aiming at increasing the recipient’s budget or balance of payments (food is received as a grant or loan and is sold in the market). Project food aid (food or money) is transferred to vulnerable populations to alleviate poverty.
Even agricultural households (especially pastoralist and agro-pastoralists) are net food buyers, as their production only covers 40 percent of their food needs.

Agricultural households face enormous obstacles (such as low use of modern inputs, lack of credit, poor rural infrastructure and extension services, high market and trade transaction costs, and weak producer and market institutions) to producing enough food for household consumption and marketing any surpluses. Access to land, agricultural inputs and services are very limited for small-scale farmers, especially for women-headed households. Women face discrimination in access to land, agricultural extension, credit, etc., and this has negative impacts on the food and nutrition situation of their families and for society as a whole.

An additional negative factor is the absence of secure land property rights, as 80 percent of land in the ECOWAS region is untitled, and most of the land is held by customary landowners, families, clans and traditional authorities. Rising food prices and global population growth have led to the increasing acquisition of land by foreign governments and private investors. While governments see these land leases as an opportunity to open up land that poor farmers cannot use for agriculture due to a lack of resources, there is concern that small-scale farmers lack the capacity to negotiate with these investors. The case of Mali is illustrated in Box 1.

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**BOX 1. Large land deals in Mali**

Mali has the River Niger’s entire inland delta, an area with great potential for agro-industrial farming. In 2008, Mali and Libya created Malibya, a joint-venture company that was allotted 100 000 ha of land for industrial agriculture for a period of 30 years. Large land deals in the region have been increasing since then. It is estimated that at least 544 567 ha of fertile land had been leased as of the end of 2010. The largest investments are foreign controlled, and increased by two-thirds in just one year, between 2009 and 2010.

A study by The Oakland Institute (2011) examines four cases of foreign investment in Mali’s Office du Niger, *inter alia* reaching the following conclusions:

- Land rights of local communities have been ignored by recent land deals in Mali, which led to the violations of basic human rights for the people affected.
- A lack of transparency and disclosure of land deals exists to the degree that local communities cannot make informed decisions regarding lease negotiations.

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10 Michigan State University research estimates that markets provided between 62 percent and 87 percent of household food supply in the 5 countries under study (Burkina Faso, Mali, Niger, Senegal and Côte d’Ivoire) in the period 2002–2006
Assessment of the Right to Food in the ECOWAS region

BOX 1. Large land deals in Mali

- The ambiguities entertained in regulatory frameworks regarding investor obligations and small-scale farmer rights pose great risks to local populations living in the allocated leases.
- The confusion surrounding the “availability” of land and the suggestion by the Malian Investment Promotion Agency (API) that more than 2.5 million ha of Mali’s arable land is available to investors is problematic in a country plagued by hunger and threatened by increasing desertification.
- A large share of land deals will be for agrofuel production, diverting land and water from food production.
- Lack of legal obligations to conduct environmental or social impact assessments before the start of investment operations poses great risks to the traditional agrodiversity of the Niger delta and the survival of populations dependent on the water flows of the Niger River, both in Mali as well as in the rest of West Africa.

For more information see:
www.oaklandinstitute.org/land-deal-brief-malibya-mali

Source: Oakland Institute.

Poverty and inequality, as already discussed, are clearly the driving factors when there is a lack of sufficient income to acquire adequate food. In some ECOWAS countries, households spend up to three-quarters of their income on basic food commodities (Demeke, Pangrazio and Maetz, 2011). High and volatile food prices have eroded the purchasing power of net food consumers, and forced vulnerable households to sell productive assets, reduce their number of meals, and eat cheaper and less nutritive food, exacerbating the nutrition situation of the poor population. Lack of income also affects poor people’s ability to access basic social services (drinking water, health, education, adequate sanitation, etc.), which are also in some cases insufficient and unable to meet the needs of the population. This situation is largely responsible for the prevalence of diseases among children and inadequate early childcare practices, leading to high morbidity, malnutrition and child mortality rates.

The ECOWAS population’s low income in rural and urban areas is largely due to high levels of unemployment and underemployment. This particularly affects youth, who are four times more likely to be jobless than older workers. According to the ILO, most youths still live in rural areas, where they are hired for low productivity activities in the agriculture and informal sectors, with no prospects for increasing their income. Although collecting accurate statistics on youth employment in West Africa is difficult because the informal economy is not taken into account, according to the ILO youth unemployment in the region is among the world’s highest, at over 25 percent. Studies done by the United
Nations Office for West Africa (UNOWA, 2005) show that without access to decent jobs and means to fulfil their aspirations, youths risk fuelling conflict and crime, especially within border communities.

Recent high food prices, together with the effects of climate change and recurrent conflicts in the region, have aggravated already-inadequate access to food for large segments of the population. Vulnerable people need to allocate an increasing portion of their income to acquiring basic foodstuffs, weakening their livelihoods and creating a spiral of poverty and malnutrition.

### 3.2.3 Stability

The ability to obtain food consistently is a major challenge in the ECOWAS region. FNS is frequently transitory or seasonal, as food may not be available during certain periods due to various factors. Agriculture in West Africa is mainly rainfed; it is reliant on 3 months of summer rainfall, which has been severely affected by the impact of climate change over the last decade. The resulting low agricultural productivity and limited agricultural production has caused earlier and longer lean periods.

As has already been mentioned in this report, around 20 percent of the total food consumed in the region is imported. Dependency on imported food, especially for the main importer countries, increases their vulnerability to high and volatile global food prices. This could limit the ability of ECOWAS countries to quickly secure a supply of sufficient food to respond to the needs of their populations, as they have little resilience to external shocks. Recurrent natural disasters, civil conflicts and pest infestations frequently exacerbate the challenges associated with high, volatile global prices, increasing the need to import food and creating gaps in food product pipelines. Even relatively short periods of insufficient food can have long-lasting or permanent impacts on poor people, as well as social, economic and livelihood costs for the country.

At a national level, seven ECOWAS countries (Burkina Faso, Cabo Verde, Côte d’Ivoire, Ghana, Mali, Niger and Nigeria) have established national food reserves, which play an important role in ensuring access to sufficient food by vulnerable households. These reserves are particularly important in the Sahel region, where they can be used to respond to shortfalls following natural disasters and other shocks.

Recurrent food crises affecting the region over the last 10 years have led ECOWAS and its member states to prioritize the development of food reserves and the establishment of safety nets for vulnerable populations in their regional and national food security plans. The design of a regional food reserve is being finalized and it should be operational in 2014. Information on the Regional Food Security Reserve is provided in the section on the policy environment.
At a household level, post-harvest losses (especially of grains) represent an additional constraint that exacerbates the food insecurity of poor agricultural households. Post-harvest losses include losses of cereal volumes due to shrinkage, deterioration, contamination, or when they cannot be sold in the market, mainly due to poor grain quality or lack of adequate infrastructure. Lack of adequate storage facilities discourages small-scale farmers from increasing their production, as they cannot store the products under good conditions until the market prices rise. Overall, food losses contribute to rising food prices by removing part of the food supply from the market.

According to estimates provided by the African Post-harvest Losses Information System (APHLIS),\textsuperscript{11} losses prior to processing can range from 10 percent to 20 percent in Africa. APHLIS estimates that post-harvest losses in Eastern and Southern Africa amount to 13.5 percent of total grain production (valued at US$ 1.6 billion/year). There are no similar regional weight loss estimates available for grain in West Africa, but it can be assumed they are of a similar magnitude.

### 3.2.4 Nutrition

According to FAO (2013a) data, most ECOWAS countries have made major progress over the last decade, with Benin, Ghana, Guinea-Bissau, Mali, Niger and Nigeria managing to reduce undernourishment rates by more than 50 percent over the last ten years. The nutritional situation only worsened in two countries over the same period (Burkina Faso and Côte d’Ivoire). However, and despite this general progress, there are still 36 million undernourished people in the region\textsuperscript{12} (Table 3).

<table>
<thead>
<tr>
<th>TABLE 3. Undernourishment (prevalence and numbers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undernourishment (%)</td>
</tr>
<tr>
<td>Benin</td>
</tr>
<tr>
<td>Burkina Faso</td>
</tr>
<tr>
<td>Cabo Verde</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
</tr>
</tbody>
</table>

\textsuperscript{11} APHLIS was created within the framework of the project “Postharvest Losses Database for Food Balance Sheet Operations” financed by the European Commission. National experts provide information through the APHLIS network.

\textsuperscript{12} Not including the number of undernourished people in Cabo Verde, Gambia and Guinea-Bissau.
TABLE 3. Undernourishment (prevalence and numbers)

<table>
<thead>
<tr>
<th>Country</th>
<th>Undernourishment (%)</th>
<th>Undernourishedpeople (millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gambia</td>
<td>19.5</td>
<td>14.4</td>
</tr>
<tr>
<td>Ghana</td>
<td>40.5</td>
<td>&lt;5</td>
</tr>
<tr>
<td>Guinea</td>
<td>18.4</td>
<td>17.3</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>22.0</td>
<td>8.7</td>
</tr>
<tr>
<td>Liberia</td>
<td>32.9</td>
<td>31.4</td>
</tr>
<tr>
<td>Mali</td>
<td>25.3</td>
<td>7.9</td>
</tr>
<tr>
<td>Niger</td>
<td>36.9</td>
<td>12.6</td>
</tr>
<tr>
<td>Nigeria</td>
<td>19.3</td>
<td>8.5</td>
</tr>
<tr>
<td>Senegal</td>
<td>21.7</td>
<td>20.5</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>41.9</td>
<td>28.8</td>
</tr>
<tr>
<td>Togo</td>
<td>32.8</td>
<td>16.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

Source: FAO, 2013b, for national figures. Total figures calculated based on population figures from UN ESA, 2013.

Nevertheless, many authors consider that FAO statistics are heavily based on the availability of food at a country level, underestimating the real level of food insecurity. These authors agree that the nutritional situation has improved in the region; however, food insecurity is still very severe in some countries (Burkina Faso, Guinea, Liberia, Niger and Togo). World Food Programme (WFP) consumption surveys provide evidence supporting this concern (Figure 7).
FIGURE 7. Undernourished and food insecure people

Source: FAOSTAT database, various dates; WFP CFSVA reports from various years.

The positive trend in undernourishment is confirmed by the IFPRI Global Hunger Index (GHI) (IFPRI, 2013a). GHI was designed to reflect the multidimensional nature of hunger, as it combines 3 indicators (undernourishment, underweight children and child mortality) in one index number. According to the 2013 GHI, the majority of the ECOWAS countries have serious hunger levels (GHI between 10.0 and 19.9), while Niger, Burkina Faso and Sierra Leone report a situation considered alarming (GHI scores of between 20.0 and 29.9). Ghana achieved absolute progress in improving its GHI score, currently showing a moderate level of hunger (GHI of 8.2 in 2013) (see Figure 8).

---

13 GHI scores: 0 is the best (no hunger) while 100 is the worst. Cabo Verde is not included.
3. The food and nutrition security situation in the ECOWAS Region

FIGURE 8. Country progress in reducing GHI scores (Percentage change in 2013 GHI compared to 1990 GHI)

The nutritional status of children before the age of 5 is an important indicator of a community’s health and can be used to estimate social and economic impacts on a society. A recent study in four African countries (AUC, 2013) shows that undernourished children under 5 are more likely to: experience health problems (anaemia, acute diarrhoeal syndrome, acute respiratory infection, and fever); die; and have reduced cognitive capacity and underperform in school (repeating grades or dropping out of school), with subsequent economic cost for the country.

In West Africa, the proportion of stunting in children under 5 decreased slightly from 39.1 percent in 1990 to 36.4 percent in 2011 (Table 4).

<table>
<thead>
<tr>
<th>TABLE 4. Stunting in children under 5: prevalence and number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated prevalence and number of children under 5 affected by stunting (moderate or severe)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Africa</td>
</tr>
<tr>
<td>West Africa</td>
</tr>
</tbody>
</table>


The same trend was found in the prevalence of wasting in children under 5, which dropped from 11.6 percent to 10.4 percent in the same period (Table 5).

<table>
<thead>
<tr>
<th>Estimated prevalence and number of children under 5 affected by wasting (moderate or severe)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated prevalence (%)</td>
</tr>
<tr>
<td>1990</td>
</tr>
<tr>
<td>Africa</td>
</tr>
<tr>
<td>West Africa</td>
</tr>
</tbody>
</table>


While the prevalence of stunting in West Africa was a bit lower than in Africa as a whole, the prevalence of wasting was significantly higher in West Africa (see Figure 9).

In several countries in West Africa, the prevalence of wasting (a serious form of malnutrition) is equal to, or exceeds, 10 percent, which WHO considers the alert threshold. Approximately 5.4 million children in the region suffer from acute malnutrition.
Overweight and obesity are emerging problems, especially in some urban populations, with negative implications for the population’s health status. National survey data in the last 10 years reveal a growing prevalence of overweight (including obesity) in children under 5, up from 1.9 percent in 1990 to 6.6 percent in 2011 (Table 6). This increase has been more significant in the coastal countries with rapid urbanization (Côte d’Ivoire, Nigeria and Senegal), while levels have remained more static in the countries of the Sahel (Mali, Niger). This problem is starting to appear in rural areas (Mali and Côte d’Ivoire) (Lopriore and Muehlhoff, 2003).

<table>
<thead>
<tr>
<th>TABLE 6. Overweight in children under 5: prevalence and number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Estimated prevalence and number of children under 5 affected by overweight (including obesity)</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Africa</td>
</tr>
<tr>
<td>West Africa</td>
</tr>
</tbody>
</table>


Micronutrient deficiencies are a serious public health problem in the region, affecting mainly children under 5 and women, and contributing to some of the highest rates of child mortality in the world. It is estimated that 38 percent of children under 5 in the ECOWAS countries are at risk of vitamin A deficiency, causing over 228 000 deaths among this population each year (Aguayo and Baker, 2005). The prevalence of anaemia (iron deficiency) is very high, with many countries reporting prevalence over 75 percent in children under 5, and over 50 percent in women (data from FAO Nutrition Country Profiles). The lack of recent nutritional surveys in most countries should be noted.

The causes of nutritional problems are complex and include all the factors already mentioned in this section (rising food prices, climate change effects, rapid population growth, civil conflicts, etc.). Some of these factors (urbanization, rising incomes, migration to coastal zones, etc.) have also resulted in shifts in food consumption patterns.

In general, dietary energy supply per capita has increased. According to a cereal market study (Konandreas, 2011), the average supply of calories has increased by some 90 kcal/person/day in West Africa in every decade since the 1960s, while Africa as a whole averaged an increase of about 75 kcal/person/day over the same period. Food consumption increased from 1661 kcal/person/day in 1980 to 2397 kcal in 2007 (SWAC, 2012). A recent Michigan State University (2011) study on the trends in per
capita food energy availability in West Africa 1980–2009 confirms this trend for most
countries, in particular for those experiencing rapid economic growth (Cabo Verde,
Ghana and Nigeria). Countries that have been through civil conflicts (Côte d’Ivoire, Liberia,
etc.) report a disruption in this trend. The study also reveals an increase in the supply of
daily protein per capita (mainly cereal protein) in most countries over the last ten years.
Ghana and Cabo Verde also show a positive trend in the supply of animal protein.

Despite this positive trend, dietary quality and diversity have not significantly improved.
Starchy staples (cereals, roots and tubers) contribute about 80 percent of total dietary
energy (Lopriore and Muehlhoff, 2003: 9). Traditionally, diets were based on cereal crops
(sorghum, millet, maize, etc.) in Sahelian countries, and on roots and tubers (cassava,
yam, taro, even sweet potato and potato) in coastal countries. However, there is no
longer a strict separation, due to north-south population movements and increasing
urbanization generating new consumption patterns. Urbanization has brought about
more diverse, processed and prepared diets as a result of increased food choice in markets
and the change in lifestyles associated with higher incomes, time constraints and a taste
for new foods.

Over the last two decades there has been a shift towards a higher consumption of
imported cereals (mainly wheat and rice), which has contributed to increasing the energy
supply in the ECOWAS region. New consumption patterns promote diversification of
products consumed, particularly food products based on imported wheat (bread, pasta,
etc.). Furthermore, rice is consumed across the region, even in rural areas that do not
produce it. Consumption of fruits and vegetables—primary sources of vitamin A and
other micronutrients—is regular in coastal countries but insignificant in the Sahelian
region, where availability is highly seasonal.

Insufficient and inadequate access to water and sanitation services has enormous
consequences for the population’s health and nutrition status. The situation in the
ECOWAS countries is a major concern. According to the WHO/UNICEF (2013) update on
the progress of sanitation and drinking water, more than three-quarters of the ECOWAS
population still did not use an improved sanitation facility by the end of 2011. The number
of people practising open-air defecation represented a third of the total population.
The same report reveals that one-third of the population did not have access to improved
drinking-water sources, including 7.6 percent of the total population who used surface
water (Table 7).
**TABLE 7. Sanitation facilities and drinking water sources**

<table>
<thead>
<tr>
<th></th>
<th>Population (%) using unimproved sanitation facilities *</th>
<th>Population (%) using unimproved drinking water sources **</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1990</td>
<td>2011</td>
</tr>
<tr>
<td>Benin</td>
<td>95</td>
<td>86</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>92</td>
<td>82</td>
</tr>
<tr>
<td>Cabo Verde</td>
<td>-</td>
<td>37</td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>80</td>
<td>76</td>
</tr>
<tr>
<td>Gambia</td>
<td>-</td>
<td>32</td>
</tr>
<tr>
<td>Ghana</td>
<td>94</td>
<td>87</td>
</tr>
<tr>
<td>Guinea</td>
<td>90</td>
<td>82</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>-</td>
<td>81</td>
</tr>
<tr>
<td>Liberia</td>
<td>-</td>
<td>82</td>
</tr>
<tr>
<td>Mali</td>
<td>85</td>
<td>78</td>
</tr>
<tr>
<td>Niger</td>
<td>96</td>
<td>90</td>
</tr>
<tr>
<td>Nigeria</td>
<td>62</td>
<td>59</td>
</tr>
<tr>
<td>Senegal</td>
<td>64</td>
<td>49</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>89</td>
<td>87</td>
</tr>
<tr>
<td>Togo</td>
<td>87</td>
<td>89</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>84.90</strong></td>
<td><strong>78.63</strong></td>
</tr>
</tbody>
</table>

* Includes open-air defecation as well as shared and unimproved sanitation.

** Includes surface water and unimproved water sources.

Main findings on FNS in the ECOWAS region

The main determinants of food insecurity and malnutrition in West Africa

The ECOWAS region continues to face recurrent food crises despite the implementation of new agricultural and food policies and strategies. Food and nutrition insecurity is the consequence of several factors:

- **Rapid population growth and massive urbanization.** These current trends affect agricultural and livestock production, market dynamics, income distribution, dietary and employment patterns, and also increase the demand for natural resources and social services.

- **The enormous impacts of climate change and deterioration of environmental conditions.** Farmers and pastoralists are particularly affected, given their dependence on rainfall for their livelihoods. More variable and unpredictable rains are accentuating the vulnerability of small producers, affecting their resilience capabilities and their ability to cope with future crises.

- **The major role of international food markets.** Rural and urban households largely rely on imported food commodities to meet basic FNS of needs, and therefore are highly vulnerable to soaring and volatile food prices.

- **Disaster.** An increase in emergency situations caused by natural disasters (mostly droughts and floods), civil conflicts and more recently health crisis (ebola) are shocks that can trigger a shift from an existing chronic food and nutrition insecurity situation into an acute phase.

- **Huge gender inequalities.** The numerous obstacles hindering women’s access to production assets and services increase their vulnerability and that of their families to food insecurity, and considerably constrain their potential to contribute to overall agricultural production.

- **Increasing poverty.** There is more extreme poverty in the lowest-income ECOWAS countries, and increasing income inequality in the highest-income countries, as a result of unfavourable social, economic and political conditions. Non-redistributive policies and the lack of access to basic social services push many households into the vicious cycle of poverty.

The situation of FNS in West Africa: The four pillars

**Food availability**

Agriculture is the largest source of livelihood and income for the majority of the population. Since the 1980s, the growth of the agricultural sector has been the
fastest in the world. Animal production showed a lower growth rate than crop production due to extreme weather events and overgrazing. Despite this impressive growth, crops and livestock have not reached their full potential for meeting the food needs of the growing population. To meet the food demand, the region has to import 20 percent of total food consumed. Improving intra-regional markets in terms of removing formal and informal barriers is essential to increase the availability of food products at affordable prices.

Access to food
The root cause of food insecurity is people's inability to gain access to food. Access to food is primarily determined by income and food prices, as markets have become the primary food supply source. Agricultural households face enormous hurdles (limited access to land, agricultural inputs and services; the absence of secure land usage rights; and poverty and inequality) to producing enough food for household consumption and marketing any surpluses. In some countries, households spend up to three-quarters of their income on basic food commodities. High and volatile food prices have eroded the purchasing power of net food consumers and forced vulnerable households to use coping strategies that weaken their livelihoods and create a spiral of poverty and malnutrition.

Stability
Agriculture in West Africa is mainly rainfed and reliant on few months of summer rainfall. FNS is therefore transitory or seasonal, and ensuring permanent access to food is a great challenge in the region. In their regional and national food security plans, ECOWAS and its member states have prioritized the development of food reserves and the establishment of safety nets for vulnerable populations. Large post-harvest losses are an additional problem that exacerbates the food insecurity of poor agricultural households.

Nutrition
Most ECOWAS countries have made major progress in reducing undernourishment rates. However, there are still 36 million undernourished people in the region and 5.4 million children under 5 suffer from acute malnutrition. Overweight and obesity are emerging problems, especially in some urban populations. Micronutrient (vitamin A and iron) deficiencies represent a serious public health problem, affecting mainly children under 5 and women, and contributing to some of the highest rates of child mortality in the world. Nutritional problems are mainly due to the poor diet quality, as cereals, roots and tubers contribute up to 80 percent of total caloric intake.
4. The legal environment for the right to food

4.1 The complexity of legal systems in West Africa

The legal environment in the West African countries is based on a plurality of legal regimes (traditional/customary; those based on colonial heritage; Islamic law). Traditional/customary rights are founded on oral law based on pre-Islamic cultures and traditions; they differ among regions and ethnicities and are based on memory and hierarchy of the oldest group members. Islamic rights are based on both oral and written law, and reflect a mixture of traditional law and interpretations of the Koran (Grasset, 2013). Elements of colonial heritage appear in modern written law, which may be common law in English-speaking countries and civil law in French-speaking countries. This legal plurality of rights influences the ways in which the right to food is incorporated in domestic law at national and community levels (Hugon, 2005).

However, most West African national judicial systems have not taken this pluralism into account. The influence of colonial heritage has led to judicial systems that tend to unify norms and sources of law (constitutions) inspired by either Anglo-Saxon or Latin systems. Each of them has its own characteristics: common law is based on precedent judgments and case law developed by judges through court decisions, while civil law is founded on a set of systematic compilations of legislation that attempt to cover the various legal domains.

14 ECOWAS common-law countries follow a dualist approach in which the domestic effect of international and regional treaties and charters needs to be incorporated into national legislation to be recognized at a state level. Therefore, in these countries there must be an ‘act of transformation’, meaning a government action by that state, incorporating the treaty norm into its domestic law (FAO, 2013c). In the case of the right to food, even if international and regional human rights treaties or charters have been recognized in these countries, they are not applied at the national level until they have been enacted as domestic legislation.
Most ECOWAS countries based on the French legal system include some references to Economic, Social and Cultural (ESC) rights in their constitutions, while the countries that follow the common law system focus their constitutions on the recognition of civil and political rights (with a very limited recognition of social rights). In their constitutions, the common-law countries protect the right to life, freedom from torture and human dignity, non-discrimination and protection of property rights; however, some of these provisions might be interpreted as being relevant to the right to food (Morlachetti, 2013).

4.2 The International legal environment for the right to food in ECOWAS

4.2.1 International legal instruments

The right to food has been accepted as a legally binding obligation by all West African states that are parties to and have ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). Regarding the Optional Protocol to the ICESCR, even though the African group played an important role during the 2009 UN plenary session decision to submit the instrument for ratification, to date only half of the ECOWAS states have signed it and only one (Cabo Verde) has ratified it (see Table 8).

Although ECOWAS states have a legally binding obligation, because the Optional Protocol has not been ratified, it is not possible for individuals or groups to lodge a complaint with the Committee on Economic, Social and Cultural Rights alleging a violation of any ESC right, including the right to food (except in the case of Cabo Verde).

In May 2012, the African Commission on Human and Peoples’ Rights (ACHPR) adopted a resolution urging ratification of the Optional Protocol, and sent a note verbale to all the states emphasizing the importance of this Protocol and the need to ratify it (ACHPR, 2012a; Khalfallah, 2012).15

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15 The ratification will, firstly, improve the understanding and the protection of the right to food and other ESCR in the medium and long term through development of jurisprudence from the CESCR; and, secondly, have a significant impact on domestic remedies that will have to be exhausted and thus available and effective for those states that ratify or want to ratify.
### TABLE 8. State of ratification of the ICESCR and the Optional Protocol by ECOWAS countries

<table>
<thead>
<tr>
<th>Country</th>
<th>ICESCR (date of ratification) *</th>
<th>Optional Protocol to the ICESCR (signature) **</th>
<th>Optional Protocol to the ICESCR (ratification) **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>12 March 1992</td>
<td>24 September 2013</td>
<td>–</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>4 January 1999</td>
<td>24 September 2012</td>
<td>–</td>
</tr>
<tr>
<td>Cabo Verde</td>
<td>6 August 1993</td>
<td>26 September 2011</td>
<td>23 June 2014</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td>26 March 1992</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Gambia</td>
<td>29 December 1978</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Ghana</td>
<td>7 September 2000</td>
<td>24 September 2009</td>
<td>–</td>
</tr>
<tr>
<td>Guinea</td>
<td>24 January 1978</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>2 July 1992</td>
<td>25 September 2009</td>
<td>–</td>
</tr>
<tr>
<td>Liberia</td>
<td>22 September 2004</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Mali</td>
<td>16 July 1974</td>
<td>24 September 2009</td>
<td>–</td>
</tr>
<tr>
<td>Niger</td>
<td>7 March 1986</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Nigeria</td>
<td>29 July 1993</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Senegal</td>
<td>13 February 1978</td>
<td>24 September 2009</td>
<td>–</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>23 August 1996</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Togo</td>
<td>24 May 1984</td>
<td>25 September 2009</td>
<td>–</td>
</tr>
</tbody>
</table>

* ICESCR, 1966.


All ECOWAS states have ratified other human rights instruments relevant to the RtF, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR).

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16 CEDAW, 1979: Art. 12 recognises the right of pregnant and lactating women to special protection with regard to nutrition and art. 14 recognises the right of rural women’s access to land, water and services.

17 CRC, 1989: Art. 25 recognises the right to health, including nutrition, and art. 27 the right to an adequate standard of living, including nutrition.

18 ICCPR, 1966: Art. 6 recognises the right to life and art. 7 the right to be free from inhumane and degrading treatment.
The reports from the committees that monitor these international conventions play an important role as international instruments for the realization of the right to food, making recommendations to ECOWAS countries to contribute to this right. For example, in 2012 the CEDAW Committee issued recommendations to the government of Togo in order to elaborate a strategy to allow women access to social security and health services, and access to land and agriculture programmes (De Schutter, 2013a: 8, 10). The Committee urged the state to ensure that land contracts with foreign companies “do not result in forced eviction and internal displacement or the increased food insecurity of local populations, including women and girls, and that the company concerned and/or the State Party provide the affected communities with adequate compensation and alternative land” (CEDAW, 2012: 10).

4.2.2 Regional legal Instruments

There are three main legal instruments on the African continent that directly or indirectly refer to the right to food (CEDAW, 2012: 4):

• The African Charter on Human and People’s Rights (the African Charter), adopted in 1981 (revised in 1982),19 is considered the first international human rights treaty to protect the three ‘generations’ of human rights in a single instrument (civil and political rights; ESC rights; and group and peoples’ rights) without distinction between the justiciable nature or implementation of the three generations of rights (Ssenyonjo, 2011). However, the African Charter only explicitly recognizes certain individual ESC rights, which do not specifically include the right to food. Nonetheless, it recognizes the rights to life and dignity (Art. 5), to health (Art. 16) and to development (Art. 22 and Art. 24), which are implicitly related to the right to food.

• The African Charter on the Rights and Welfare of the Child (ACRWC), that entered into force in 1999, specifies that States Parties shall take measures “to ensure the provision of adequate nutrition and safe drinking water” (OAU, 1990, Art. 14.2 c) and shall “in accordance with their means and national conditions […] assist parents and other persons responsible for the child, and in case of need provide material assistance and support programmes, particularly with regard to nutrition, health, education, clothing and housing”.

• The Protocol to the African Charter on the Rights of Women in Africa, adopted in 2003, explicitly recognizes the right of all women to FNS in its Art. 15: “States Parties shall ensure that women have the right to nutritious and adequate food. In this regard, they shall take appropriate measures to: a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of

19 Ratified by 53 Member States of the African Union (OAU, 1982).
producing nutritious food; [and] b) establish adequate systems of supply and storage to ensure food security” (OAU, 2003, Art. 15).

Table 9 shows that all of the 15 countries in ECOWAS have ratified these three regional legal instruments, except in the case of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, which at the time of writing had been ratified by neither Niger nor Sierra Leone.

### Table 9. Countries that have signed the regional instruments related to right to food

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<tr>
<td>Benin</td>
<td>20 January 1986</td>
<td>17 April 1997</td>
<td>30 September 2005</td>
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<tr>
<td>Cabo Verde</td>
<td>2 June 1987</td>
<td>20 July 1993</td>
<td>21 June 2005</td>
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<tr>
<td>Côte d’Ivoire</td>
<td>6 January 1992</td>
<td>1 March 2002</td>
<td>5 October 2011</td>
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<tr>
<td>Gambia</td>
<td>8 June 1983</td>
<td>14 December 2000</td>
<td>25 May 2005</td>
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<tr>
<td>Guinea</td>
<td>16 February 1982</td>
<td>27 May 1999</td>
<td>16 April 2012</td>
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<tr>
<td>Liberia</td>
<td>4 August 1982</td>
<td>1 August 2007</td>
<td>14 December 2007</td>
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<tr>
<td>Mali</td>
<td>21 December 1981</td>
<td>3 June 1998</td>
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<td>Niger</td>
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<td>Nigeria</td>
<td>22 June 1983</td>
<td>23 July 2001</td>
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<td>Senegal</td>
<td>13 August 1982</td>
<td>29 September 1998</td>
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<td>Sierra Leone</td>
<td>21 September 1983</td>
<td>13 May 2002</td>
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<tr>
<td>Togo</td>
<td>5 November 1982</td>
<td>5 May 1998</td>
<td>12 October 2005</td>
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*Source: African Union, based on (*) OAU, 1982; (**) OAU, 1990; and (***) OAU, 2003.*

At the West African level, a Charter for Food Crisis Prevention and Management in the Sahel and West Africa was approved by all the ECOWAS heads of state and government in February 2012. This Charter was the result of an inclusive and participatory revision of the Food Aid Charter approved in 1990, which was intended to minimize the adverse effects of food aid and to ultimately phase out the need for it.
This Charter is a comprehensive document that provides a clear set of responsibilities and recommendations across key sectors (Ford, 2012), making some references to the right to food in its considerations, principles and tools:

- The right to food comes first in the considerations of the approved document, providing a framework for all of the Charter’s principles and actions.
- Among the principles approved, the Charter includes the protection of the right to be free from hunger, recognizing the duty of states “to intervene […] when a crisis poses significant risks for people’s basic human rights, including the right to live.” (SWAC/OECD and CILSS, 2012, General Principles, para. 8).
- The strategic framework recognizes the priority for national food policies in which “governments and IGOs undertake to: (i) look for sustainable solutions to the structural causes of food/nutritional insecurity; […] and (ii) ensure the right to food in accordance with national priorities, particularly through new laws and action plans as well as financing.” (SWAC/OECD and CILSS, 2012, Consensual Analysis, para. 2).

A recent assessment by CSOs on the implementation of this Charter concluded that “one of the first and most fundamental challenges for the application of the Charter is the very limited awareness of its existence and of the commitments it contains” (Ford, 2012). It also contends that governments are often prevented from playing this role by a lack of consistent financial support, insufficient technical capacity, and, crucially, a lack of political leadership from government actors themselves. The assessment states that national civil society actors have often been marginalized from food crisis prevention and management, identifying a “number of factors that limit civil society’s capacity to engage on food security issues, including the exclusion of civil society groups from key discussions, limited resources and technical capacity. Also stating the potential role civil society could and should play in holding signatories to account for the application of the Charter.”

### 4.2.3 Regional legal mechanisms

At a regional level there are three main mechanisms that have already been put in place to ensure the right to food in ECOWAS countries: the African Commission on Human and Peoples’ Rights; the African Court on Human and Peoples’ Rights; and the ECOWAS Community Court of Justice.

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20 Since May 2012, CSOs in Burkina, Chad, Mali, Mauritania, Niger and Senegal have come together to assess the response to the latest crisis and see to what extent it lives up to the Charter’s principles.
The African Commission on Human and Peoples’ Rights—the “African Commission”

The African Commission on Human and Peoples’ Rights (the African Commission) was established by the African Charter in order to promote and protect human rights in Africa, including ESC rights. This Commission is a quasi-judicial regional body set up to interpret the African Charter. As some ESC rights are not explicitly recognized in the African Charter, the Commission has played an important role in providing a legal pathway for addressing ESC rights violations and right-to-food abuses in particular (De Schutter, 2013a).

The African Commission monitors the compliance of States Parties with the African Charter and the Protocol on the Rights of Women in Africa. It reviews six-monthly state reports and information submitted by non-state actors (individuals, associations and NGOs) and issues recommendations to the States Parties (FAO, 2009b: 38). In theory another committee, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), also has a monitoring task, although in practice it is not widely used.

The African Commission has been involved in claims regarding the violation of the right to food, interpreting the African Charter and producing some useful jurisprudence in this regard.

In 1999, the Commission declared that the Nigerian military government had violated Article 5 of the African Charter by depriving detained persons of access to food (among other basic needs): “the privation of light, food in sufficient quantity […] is a flagrant violation of Article 5” (ACHPR, 1999). The Commission’s recommendation to the Nigerian Government was to provide the prisoners with the judicial means to be tried by a civil tribunal and to improve their conditions.

In 2002, in the SERAC case (Box 2), the African Commission once again interpreted the right to food as implicitly related to the right to life, to health and to economic, social and cultural development, protected by the African Charter (Grasset, 2013). This case shows that a state can be held accountable for both its actions and its passivity in the fulfilment of the right to food. According to the Commission, respect for the right to food is an essential condition of respect for human dignity and the States must ensure access to adequate food for the whole population (ACHPR, 2001).

\[21\] Since 2002, only two communications have been sent to the Committee (available at http://acerwc.org/communications). This Committee has received reports on ACRWC implementation from four ECOWAS countries (Mali, Senegal, Burkina Faso and Togo) with some references to malnutrition among children, and it has made recommendations focused on improving health systems based on these reports (http://acerwc.org/state-reports/#country_sn).
The SERAC case started in 1996, when the NGOs Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights charged the Nigerian government with negligence for its contribution to the illegal activities of foreign oil companies through public powers (the judicial and executive branches). The complainants alleged that the government did this by: (i) directly participating in the contamination of air, water and soil, and thereby harming the health of the Ogoni population; (ii) failing to protect the Ogoni population from the harm caused by the Nigerian National Petroleum Company (NNPC) in a consortium with Shell Petroleum Development Corporation (SPDC), instead using its security forces to facilitate the damage; and (iii) failing to provide or permit studies of potential or actual environmental and health risks caused by the oil operations.

The African Commission examined whether the Nigerian government had violated the Ogoni community’s human rights (through its action or compliance). The Commission declared in 2001 that the Nigerian state was responsible for its own passivity, as it had not taken the necessary actions to protect the environment and health of the Ogoni communities from the harm caused by a third party (the NNPC) (ACHPR, 2001, para. 50; FAO, 2006). The Nigerian state was accountable for not preventing the NNPC company from polluting the river used by the Ogonis (ACHPR, 2001, para. 50).

The African Commission considered that the destruction of people’s source of food and their arbitrary expulsion from their home by a company whose actions had been authorized by the government was a violation of the State’s obligation to respect the existing physical and economic access of people to food. The Commission urged the government to pay compensation to the Ogoni people and clean up polluted areas (ACHPR, 2001, para. 50).

The African Commission approach of pre-supposing (“implying”) the right to food and other ESC rights unspecified in the African Charter was supported in the Pretoria Statement on Social, Economic and Cultural Rights in Africa, adopted on 17 September 2004 (ACHPR, 2004a). Here, the Commission stated “[ESC] rights explicitly provided for under the African Charter, read together with other rights in the Charter such as the right to life and respect for inherent human dignity, imply the recognition of other economic and social rights, including the right to shelter, the right to basic nutrition and the right to social security”.

The Pretoria Statement was approved at the 36th Ordinary Session of the African Commission held in Dakar, Senegal, which adopted Resolution 73 focused on Economic, Social and Cultural Rights in Africa (ACHPR, 2004b). Resolution 73 provided for the establishment of an ESC Rights Working Group composed of members of the African
Commission and NGOs, with a mandate to develop draft principles and guidelines on ESC rights and submit them to the African Commission.

In November 2010, the Commission adopted two documents based on the deliberations of this Working Group: (i) The Draft Principles and Guidelines on Economic, Social and Cultural Rights (known as the *Nairobi Guidelines*); and (ii) a compilation of Reporting Guidelines on Economic, Social and Cultural Rights in Africa (known as the *Tunis Reporting Guidelines*). These guidelines consolidate the jurisprudence of the African Commission on right to food and other ESC rights and guide states in complying with their reporting obligations on these rights as defined under the African Charter (ACHPR, undated).

The *Nairobi Guidelines* (ACHPR, 2010a) contain the general interpretation of ESC rights, a description of the obligation of the States Parties of the Charter (respect, protect, promote and fulfil, progressive realization and non-discrimination) and a detailed explanation of each of the ESC rights. In the case of the right to food, a reference is made to the SERAC case in which the right to food was considered inherent in the Charter’s protection of the rights to life, health and the right to economic, social and cultural development. In the Nairobi Guidelines the right to food is broadly described, based on the FAO voluntary guidelines to support the progressive realization of the right to food which were approved in 2004.

Through the Nairobi Guidelines the African Commission urges governments to make these principles generally known to everyone in Africa and “to incorporate them into domestic legislation by State Parties to the Charter” (ACHPR, 2012b). For the right to food to be fulfilled, ECOWAS countries should ensure that these Principles and Guidelines are given full legal effect through the adoption of domestic legislation, that the right to food is made justiciable, and that effective remedies are accessible (reparation, restitution, compensation, guarantees of non-repetition, and public apologies) for victims of violations at the domestic level (Ssenyonjo, 2011).

At the same time, the Reporting Guidelines assist States Parties to the African Charter in reporting on the implementation of their obligations to apply ESC rights (Box 3).

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23 The Guidelines are the result of a dialogue between NGOs and the African Commission. Successful collaboration and joint work with civil society is demonstrated with initiatives as a series of handbooks on economic, social and cultural rights (called ‘Haki Zetu’) that were launched during the NGO Forum (available at www.cihrs.org/?p=2804&lang=en).
BOX 3. Reporting Guidelines on right to food approved by the African Commission

i) Indicate what steps have been taken to ensure the right of everyone to be free from hunger and to mitigate and alleviate hunger, including in times of natural or other disasters.

ii) Indicate what legislative and other steps have been taken to ensure that the state refrains from and protects against destruction and/or contamination of food sources.

iii) Indicate what steps have been taken to ensure that access to food is not used as a political tool to reward supporters, punish opponents or recruit militias.

iv) Indicate what steps have been taken to meet the obligations set out in paras. 86 (iv) to (xxiii) of the Principles and Guidelines, particularly regarding the obligations to:

   a) take measures to develop or reform existing agrarian systems, in order to achieve the most sustainable and efficient development and utilization of natural resources;

   b) take measures to ensure that surplus food production is safely stored to guard against famine, drought and other hardships;

   c) adopt and implement adequate strategies regarding nutrition; and

   d) ensure that food aid does not adversely affect local producers and local markets, is targeted towards those who need it and is complemented by programmes.

Source: ACHPR, 2010b.

With the approval of the Pretoria Statement and the Draft ESC Rights Principles and Guidelines, the Commission’s jurisprudence “has led to reading ‘new’ ESC rights into the Charter, in particular the right to adequate food” (Ssenyonjo, 2011). The Guidelines approved in 2010 also stress the relevance of civil society participation and are important advocacy tools for organizations working towards the realization of the right to food (Waterlex, 2011).

Recent reports from the ESC Rights Working Group stress the importance of investing resources in the dissemination of the Tunis Guidelines and the Nairobi Principles “published in English, French, Portuguese, Arabic and Spanish and translated into African local languages” (Khalfallah, 2012, para. 25) to raise awareness about ESC rights and therefore about the right to food.

On the recommendations that the African Commission provides to States Parties found in violation of the right to food, a reporting process on the implementation of these recommendations within a defined period of time would be a “significant
step forward towards a more effective mechanism for the adjudication of ESC rights violations” (Ssenyonjo, 2011). Civil society can also play a relevant role in monitoring the implementation of these recommendations.

**The African Court on Human and Peoples’ Rights—the “African Court”**

In the African human rights system, complainants must first submit their claims to the African Commission, which screens allegations and issues non-binding recommendations if admissible.

The African Court on Human and Peoples’ Rights, established in 1998 through adoption of the Protocol to the African Charter, is the only institution at the all-Africa level with the power to issue a legally binding judgment. It has the competence and authority to hear accusations of States Parties’ violations of any right enshrined in African Instruments or international treaties, brought by individuals, groups or NGOs. It also has the authority to consider cases of violation of the right to food, on which it may issue a binding decision and determine the appropriate compensation (FAO, 2009b: 39).

However, a review by the African Court occurs only if a state has voluntarily accepted the court’s jurisdiction (by ratifying the Protocol) and if the African Commission or the states refer the case for a judicial resolution. CSOs, NGOs and other private litigants have direct access to the African Court, but only when the respondent State has agreed to a separate optional declaration allowing private litigants to submit such complaints.

At the time of writing the report, nine ECOWAS countries had ratified the Protocol on the establishment of an African Court on Human and Peoples’ Rights, but only four West African states—Burkina Faso, Côte d’Ivoire, Ghana and Mali—had accepted the competence of the Court to receive cases from individuals and NGOs (ACHPR, 2013). See Table 10.

| TABLE 10. Progress on the ratification of the Protocol on the establishment of an African Court on Human and Peoples’ Rights |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| Countries that have signed the Protocol | Countries that have ratified the Protocol | Countries that accept the Court’s competence for private allegations |
| Benin | ✔ | – | – |
| Burkina Faso | ✔ | ✔ | ✔ |
| Cabo Verde | – | – | – |
In contrast, in the African Human Rights System, private institutions and NGOs must always first seek a solution in local and national courts, because the African Commission “can only deal with a matter submitted to it after ensuring that all local avenues, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of exhausting these avenues would be unduly prolonged.” (OAU, 1982, Art. 50).

This procedural structure full of requisites (Protocol approval, optional declaration for CSOs, exhausting the national remedies, admission by the African Commission, etc.) provides multiple layers of protection for the African states (Alter, Helfer and McAllister, 2013). So, although these legal remedies can potentially be solicited in cases of right-to-food violation, they are not easily implemented and access to them requires significant resources and legal support.

The African Court entered into force in 2004 and the rules of the Court began to be defined in 2008, so this is still an emerging mechanism that will need time to be fully consolidated.
The mechanism of the ECOWAS Community Court of Justice—the “ECOWAS Court”

The ECOWAS Community Court of Justice is the only court in the ECOWAS legal system and its decisions are final and immediately enforceable (Art. 19(2) of the 1991 Protocol of the Court). It is considered the judicial organ of the regional economic community, with a primary duty to interpret and apply the Community Treaty aimed at facilitating regional integration. However, it is also commonly accepted by everyone that human rights protection forms a significant part of the Court’s mandate (Ebobrah, 2008: 16).

The ECOWAS Court provides a more flexible mechanism for adjudicating human rights violations. This court issues decisions quickly and makes legally binding judgments, and claimants have direct access to the Court without exhausting domestic remedies (Alter, Helfer and McAllister, 2013). A jurisdictional change introduced by a Supplementary Protocol in 2005 provided the ECOWAS Court with these powers and the jurisdiction over cases of “violation of human rights that occur in any member state” (Art. 3.4) (ECOWAS Court, 2005), authorizing the Court to hear complaints from “individuals on application for relief for violation of their human rights” (Art. 4) (Art. 3 and Art. 4, Supplementary Protocol, 2005).

These provisions give the ECOWAS Court much broader authority than other human rights tribunals, with a key role in the examination of right-to-food violation cases based on:

- **Direct access for private litigants.** CSOs can make their allegations (if not anonymous and not made while the same matter is pending before another international court).

- **Unbounded human rights jurisdiction.** No ECOWAS legal instrument prescribes which rights its judges can adjudicate. In several judgments the Court has emphasized the predominance of the African Charter (also referenced in the 1993 revised ECOWAS Treaty); however, judges also regularly apply the UDHR and UN human rights conventions that member states have ratified, including the ICCPR and the ICESCR, and therefore the right to food.

- **No requirement to first exhaust domestic remedies.** The ECOWAS Court’s ability to hear human rights cases is aided by the absence of a requirement for previous exhaustion of domestic remedies. However, the lack of such a rule may generate conflicts where national governments have not incorporated ESC rights (and particularly the right to food) into constitutional law or national laws and it is therefore not applicable in domestic judicial proceedings. With regard to
the promotion and facilitation of the right to food, the question may always be whether a regional court, without the possibility of domestic courts to first examine the case, has the mandate and technical competencies to interfere with national elected officials’ allocation of resources (Ebobrah, 2008). If the right is incorporated at a national level, the ECOWAS Court is as competent as any other court to rule on allegations of the right to food, determining the responsibilities of ECOWAS member states that interfere negatively with the protection of and respect for the right to food.

Although the ECOWAS Court is still a young institution, its role is already relevant in human rights rulings, and it has already made significant decisions on matters related to the right to food. One of the most recent examples of the action of the ECOWAS Court on the realization of the right to food is the case presented by the civil society group Socio-Economic Rights and Accountability Project (SERAP) (ECOWAS Court, 2009) against six oil companies and the federal government on human rights violations in the Niger Delta. In this case, SERAP alleged “violations of the right to an adequate standard of living, including the right to food, work, health, water, life and human dignity, to a clean and healthy environment, and to economic and social development” (SERAP, 2011).

In December 2012, the ECOWAS Court unanimously declared that the Nigerian Government was responsible for the violation of the people’s right to food (among other rights) in the Niger Delta committed by the oil companies. According to the ECOWAS Court, the right to a generally satisfactory environment favourable to development was violated through the deterioration of living conditions in the Niger Delta that occurred because of the government’s failure to regulate the companies that had despoiled the area (De Schutter, 2013b). The ECOWAS Court ordered the Federal Republic of Nigeria to take all effective measures to ensure restoration of the Niger Delta environment; to prevent the occurrence of damage to the environment; and to hold the perpetrators of the environmental damage accountable. The Court concluded that the Federal Republic of Nigeria shall bear the costs of these measures, but dismissed any monetary compensation (a demand of US$ 1 billion in damages) on the grounds that applicants had not identified particular victims and that awarding mass damages meant “a serious problem could arise in terms of justice, morality and equity” (ECOWAS Court, 2009; Amnesty International, 2012).

Although there have been important advances in the procedures and resolutions of the ECOWAS Court, judges agree that enforcement is very limited. In this regard, the Court President stated in 2013 that “not many decisions of the Court have been enforced” (Anene-Maidoh, 2013) and judges are aware of the compliance challenges. For example, ECOWAS member states were supposed to appoint a national authority responsible for
enforcements of rulings, and in 2012 the Court President lamented that “only three member states [had] appointed the appropriate national authority, namely Nigeria, Republic of Guinea and the Republic of Niger.” The News Agency of Nigeria reported “…over 60 per cent of the judgments of this court are not enforced.”

In addition, other concerns with regard to the Court’s structure and functions need to be addressed in order for it to be considered an effective mechanism for the realization of human rights, and particularly the right to food:25

- lack of provision for legal assistance to indigent litigants;
- lack of a specific human rights qualification required for appointment of judges;26
- lack of relationship with the courts of Member States. The ECOWAS Court is not seen as a court of appeal over decisions of national courts, which affects the implementation of the regional Court’s human rights jurisdiction; and
- lack of coordination with other international judicial and quasi-judicial bodies, such as the African Court and the African Commission.

For civil society groups, the ECOWAS Court provides a way to avoid obstruction and delays in judicial processes, and they recognize that “enforcement of the court’s decisions remains the most important criterion for measuring its effectiveness in the promotion and protection of human rights”. In this regard, in 2012, some CSOs signed the Abuja Declaration (WACSOF, 2012), in which they propose some mechanisms to ensure enforcement of ECOWAS Court decisions, asking ECOWAS institutions to implement the following concrete actions:

- set up a decision compliance monitoring committee, comprising representatives from the Court, the Commission, the Council of Ministers and civil society organizations;
- treat non-compliance with ECOWAS Court decisions as a failure by ECOWAS states to fulfil their obligations under the treaty and penalize them accordingly;
- compile and publicize, including on the Court Web site, all cases that have been litigated since the Court’s creation and the implementation status of rulings made;
- initiate domestic processes to ensure that ECOWAS law is incorporated into the domestic laws of its member states where necessary to ensure greater compliance; and

25 Some aspects regarding operational procedure and implementation of judgments have already been mentioned in this section.

26 The qualification for appointment as a judge of the ECOWAS Court is that candidates need to be “of recognized competence in international law, particularly in areas of Community Law or Regional Integration” (Art. 3 of the 1991 Protocol amended by the 2006 Supplementary Protocol A/PS.2/06/06; Ebrorah, 2008: 19).
• encourage litigants to make use of new technologies for submission of complaints and other court documents, so as to reduce costs of litigation and increase access to the court.

In 2013, West Africa’s human rights institutions also proposed that ECOWAS members should establish a mechanism to enforce compliance with the decisions of the Court of Justice. The Network of National Human Rights Institutions in West Africa (NANHRI) requested the ECOWAS Commission to ensure that country reports of all human rights institutions be presented to the ECOWAS Parliament and Court of Justice, disseminated and shared among Member States (Premium Times, 2013b).

In summary, the ECOWAS region shows a promising international and regional legal environment for the fulfilment of the right to food. Most ECOWAS countries have ratified the main international treaties (although not yet the ICESCR Optional Protocol) and regional legal instruments. Regional mechanisms such as the African Commission are being consolidated as quasi-judicial mechanisms to address right-to-food cases, and the African Court of Justice has great potential to make legally binding judgments on violations of the right to food. In the sub-region, the ECOWAS Court of Justice provides an accessible judicial mechanism with broad jurisdiction over human rights, with political support from other ECOWAS institutions. The ratification of the Protocol of the African Court and the lack of enforcement of ECOWAS Court rulings on a national level remain pending and need to be addressed without delay. Civil society and human rights organizations will play a key role in actively advocating for these issues.

4.3 National legal environment for implementation of the right to food within ECOWAS

Incorporating the right to food in national legal systems is one of the main points that West African states need to address to ensure effective protection and fulfilment of this right. According to the FAO Guide on Legislating for the Right to Food (FAO, 2009a: 4), there are three complementary levels of legislative action at the national level: (i) incorporation of this right into the national constitution; (ii) adoption of a framework law relating to the right to food; and (iii) a comprehensive adoption of the right to food in relevant sectoral laws involved in the realization of this right.

4.3.1 Right-to-food provisions in ECOWAS country constitutions

Inclusion of human rights in the constitution is the most powerful way to legally ensure rights “because it is the supreme law and the source of all political power within a nation” (Knuth and Vidar, 2011: 27, 31). Constitutions supersede all other laws in a country and
their provisions are legally binding, with executive power. If the right to food is included in the constitution, any action or inaction by governments infringing this right can be invalidated by the national courts of justice.

There are different ways in which the right to food can be included or referred to in a constitution. A review of the constitutions in the 15 ECOWAS countries shows four main approaches that are not necessarily exclusive (one country can follow different approaches at the same time).

- **Constitutional recognition** gives immediate and priority application of international laws over national regulations. This recognition (mainly in the civil law of French- and Portuguese-speaking countries) implies that national laws have to agree with international charters and therefore no specific domestic law would be needed to address the right to food.\(^{27}\) The monistic approach is the case for nine ECOWAS countries: Benin (Art. 147), Burkina Faso (Art. 151), Cabo Verde (Art. 12.4) (see Box 4), Côte d’Ivoire (Art. 87), Guinea (Art. 79), Mali (Art. 116), Niger (Art. 132), Senegal (Art. 98) and Togo (Art. 140) (Knuth and Vidar, 2011). Based on international laws and the ratification of the ICESCR, CEDAW and CRC, the policies, strategies, courts and institutions of these countries can promulgate and promote the right to food with no national law needed. Although in reality it is very unlikely to find a judge in these countries to directly apply the ICESCR. In practice national laws are always needed to protect, respect and fulfil the right to food.

**BOX 4. Example of international law directly applicable in ECOWAS countries. The right to food can be applied directly if countries have ratified international charters**

Cabo Verde’s Constitution. Art. 12.4:

“The rules and principles of general or common international law and of conventional international law, validly approved or ratified, shall prevail, after their entry into force in the international and domestic legal orders, over all legislative and domestic normative acts of an infra-constititutional value”.

- **The establishment of fundamental interdependent rights in the constitution**—such as the right to human dignity—implicitly related to the right to food. This is the case of the references to the right to social security (Burkina Faso, Art. 18; 27 This implies a monistic approach in which international law is directly applicable in the national legal order. This is not the case for English-speaking countries in ECOWAS, which follow the United Kingdom example of a dualist approach.
Cabo Verde, Art. 70; Côte d’Ivoire, Art. 6; Mali, Art. 17); the right to health (Burkina Faso, Art. 26; Benin, Art. 8 (see Box 5); Guinea, Art. 15) (Knuth and Vidar, 2011: 22, 35); the right to welfare (Guinea, Art. 15) (Knuth and Vidar, 2011: 22, 35); the right to a minimum wage or to the means for human dignity (Nigeria, Art. 16d; Ghana, Art. 36) (Knuth and Vidar, 2011: 22, 35); the right to life (Benin, Art. 15); and the right to development (Benin, Art. 9) (De Schutter, 2009).

**BOX 5. Example of the right to food implicitly included in an interrelated right in ECOWAS countries**

Benin’s Constitution. Art. 9:

“Every human being has a right to the development and full growth of his person in his material, temporal and intellectual dimensions, provided that he does not violate the rights of others or infringe upon constitutional order and good manners”.

- The **right to food as a directive principle** in the constitution, guiding governmental action for state policy, particularly in the socio-economic field. At this level, the right to food is not considered as providing for individual or justiciable rights. This is the case of Cabo Verde (Art. 7), Gambia (Art. 216.4), Guinea-Bissau (Art. 11), Niger (Art. 146), Nigeria (Art. 16.2d) (see Box 6) and Sierra Leone (Art. 8.3a).

**BOX 6. Example of the right to food as a directive principle in the Constitution of ECOWAS countries**

Niger’s Constitution. Art. 12:

“The State shall assure, within the context of the ideals and objectives for which provisions are made in this constitution, [...] that suitable and adequate shelter, suitable and adequate food, reasonable living wages, are provided for all citizens.”

- The **explicit consideration of the right to food as a fundamental constitutional right**. Only in the case of Niger (see Box 7) is the right to food recognized as an independent right applicable to everyone. This recognition is supported by directive principles to ensure food supply sovereignty and by investments in priorities such as crop and livestock production, education and health (Moussa Tchangari and Boukar, 2012: 9).

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28 FAO’s right to food link on the right to food in national constitutions: www.fao.org/docrep/W9990E/w9990e12.htm
Box 7. Example of the right to food explicitly included in the constitution as a fundamental right

Niger’s Constitution. Art. 12:

“Every person has the right to life, to health, to physical and moral integrity, to a healthy and sufficient food supply, to potable water, to education and instruction under the conditions specified by the law. The State ensures the satisfaction of essential needs and services to every individual, as well as full development.”

Recent modifications of the constitutions in Ghana (2011) and Burkina Faso (2012) have not included any new provision regarding the right to food (De Schutter, 2013a). The current revision of the Nigerian and Sierra Leone constitutions could be a good opportunity to incorporate the right to food, following Niger’s precedent.

Table 11 summarizes the constitutional provisions of the 15 ECOWAS countries.

<table>
<thead>
<tr>
<th>Country</th>
<th>Immediate recognition of international law</th>
<th>Right to food implicit in an interrelated human right</th>
<th>Access to food as principle or objective</th>
<th>Right to food as constitutional right</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>Art. 147</td>
<td>Right to health (Art. 8), right to life (Art. 15), right to development (Art. 9).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>Art. 151</td>
<td>Social security right (Art. 18), right to health (Art. 26).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabo Verde</td>
<td>Art 12.4</td>
<td>Social Security right (Art. 70) and national minimum wage (Art. 61).</td>
<td>A fundamental task of the State is to promote the well-being and quality of life, particularly of the neediest (Art. 7).</td>
<td></td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td>Art. 87</td>
<td>Right to life and development (Art. 2).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 11. Right-to-food provisions in national constitutions in ECOWAS countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Immediate recognition of international law *</th>
<th>Right to food implicit in an interrelated human right</th>
<th>Access to food as principle or objective</th>
<th>Right to food as constitutional right</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gambia (2001)</td>
<td></td>
<td>Protection from deprivation of property (Art. 22).</td>
<td>The state shall endeavour to facilitate [...] sufficient food [...] to all persons (Art. 216.4).</td>
<td></td>
</tr>
<tr>
<td>Ghana (1996)</td>
<td></td>
<td>The State shall provide adequate means of livelihood [...] and public assistance to the needy (Art. 36a).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liberia (1983)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Nigeria (1999)</td>
<td></td>
<td></td>
<td>State shall [ensure] that suitable and adequate food, [...] minimum living wage, [...] are provided for all citizens (Art. 16.2d).</td>
<td>Constitutional review in progress.**</td>
</tr>
</tbody>
</table>
TABLE 11. Right-to-food provisions in national constitutions in ECOWAS countries

<table>
<thead>
<tr>
<th></th>
<th>Immediate recognition of international law *</th>
<th>Right to food implicit in an interrelated human right</th>
<th>Access to food as principle or objective</th>
<th>Right to food as constitutional right</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sierra Leone</td>
<td></td>
<td></td>
<td></td>
<td>Constitutional Review Committee in process.***</td>
</tr>
<tr>
<td>(1991)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Togo (1992)</td>
<td>Art. 140</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Knuth and Vidar, 2011: 27.
** Premium Times, 2013a.
*** This is Sierra Leone, 2013; Sierra Express Media, 2013.

Source: National Constitutions of the 15 ECOWAS countries.

4.3.2 Adoption of right-to-food framework laws and inclusion of the right to food in sectoral laws

The Committee on Economic, Social and Cultural Rights and the Voluntary Guidelines for the realization of the right to food recommend the adoption of framework laws to facilitate the implementation of national strategies for the right to food (CESCR, 1999, para. 29). A framework law is a legal instrument used to address cross-sectoral issues, containing basic general principles and obligations to be implemented by further regulations (FAO, 2009a: 4). The approval of a framework law on the right to food can help to clarify the scope of this right, define the institutional mechanisms needed and provide a robust legal basis for further legislation, establish the obligations of government authorities and provide individuals with a legal entitlement that they can claim before the competent administrative and judicial authorities (Morrachetti, 2013).

However, in the ECOWAS countries, no government has yet adopted framework laws explicitly recognizing the right to food (De Schutter, 2013a). There are some examples of wide-scope sectoral laws, such as Senegal’s 2004 agro-forestry-pastoral law and Mali’s 2006 agricultural framework law, which can definitely contribute to the fulfilment of the right to food. These laws: (i) announce the reforms needed for equitable access to land and natural resources by rural people, in particular marginalized groups; (ii) include provisions relating to equity, positive discrimination for women and youth that can be invoked before the courts in the event of infringement; and (iii) provide instruments for

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29 A framework law about the right to food should tackle a diversity of elements (not only agriculture), like income, nutrition, food safety, cultural acceptability, education, etc.
citizens and farmer organizations to lobby and influence government decisions through participatory structures and coordination frameworks. Box 8 summarizes the case of the Mali agricultural framework law (Djiré, 2008).


In September 2006, Mali adopted an Agricultural Policy Act (Loi d’orientation agricole, LOA) (Assemblée Nationale de la République du Mali, 2006) which explicitly refers to the objectives of food sovereignty (Art. 3) and the right to food security (Art. 8) to be achieved with a group of “measures contributing to the availability and accessibility of a wide range of food products across the whole territory” (Art. 53 and Title III).

The LOA includes specific measures for the agricultural development of vulnerable groups, stressing in Art. 24 that the State favours youth, women and vulnerable groups establishing themselves as farmers, by facilitating their access to production factors and by providing specific mechanisms of technical and financial support. The LOA describes the modalities of participation of farmers and CSOs in the implementation of agricultural policies and the competences of the institutions involved (Art. 53 and 54). It also provides channels to facilitate local farmers’ access to agricultural land through the simplification of procedures for land tenure titles, land concessions and long leases (Diabaté, 2013). This entails the introduction of modalities for dispute settlement that are likely to promote security of land tenure by giving greater force to local bodies.

The LOA is a framework law, but was adopted as an ordinary law. Nevertheless, the LOA provisions are superior to those of other ordinary laws, because it can abrogate contradictory provisions in previous laws that need to be aligned with the new policy orientations defined within it (Art. 199). Also, the provisions of the LOA are enforceable against all actions likely to run counter to it. So, when the government or any other administrative authority adopts a regulatory measure that runs counter to the LOA, CSOs, farmer organizations or anybody concerned can turn to the courts to annul that measure (administrative tribunal or Supreme Court). If, for example, a government decision on land distribution fails to grant specific rights to women, any person or institution could request the annulment of this administrative decision.

Farmer organizations can also call upon the LOA provisions in the formulation of policies, the creation of institutions and the implementation of programmes (Djiré, 2008: 46).

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30 Art. 9: «La politique de développement agricole repose sur la responsabilisation de l’État, des collectivités territoriales, de la profession agricole, des exploitants agricoles et de la société civile.» (Assemblée Nationale de la République du Mali, 2006).
In the case of Niger, where the right to food is incorporated in the constitution, CSOs consider that the absence of domestic legislation regarding the right to food is a great obstacle for the practical application of this right (Moussa-Tchangari and Boukar, 2012: 15). In this regard, an Agriculture Policy Act is being elaborated to provide the 3N initiative (Nigeriens Nourish Nigeriens, see pag. 111) with a legal basis, defining the role of CSOs and farmer organizations in the implementation of the 3N (De Schutter, 2013a: 16).

From the experiences in Senegal and Mali, and the future law in Niger, it can be seen that through these laws it becomes easier to invoke right-to-food provisions before the courts or certain non-judicial bodies. In this regard, framework laws facilitate the realization of the right to food, because “the more clearly a right is expressed in a law, the more easily it is justiciable and can be invoked” (Djiré, 2008: 47).

Other ECOWAS countries, such as Benin, Burkina Faso, Gambia and Sierra Leone that adopt laws for agriculture could further elaborate these laws, in order to provide a legal basis for ensuring the right to food (De Schutter, 2013a). In the case of Burkina Faso, for example, the African Network on the Right to Food (RAPDA) is advocating for the adoption of an agricultural framework law where the right to food will be recognized (RAPDA, 2010: 33).

Anchoring FNS policies and programmes in legislation provides a legal framework for implementation. There are defined institutional arrangements in which legislative, executive and judicial powers have specific roles, and there are resources earmarked in national budgets to ensure the actions’ long-term sustainability.

Right-to-food provisions also need to be included in sectoral, more restricted or specific laws. Provisions in sectoral laws (land codes, social protection, food marketing, consumer acts, nutrition laws, etc.) may and often do represent an obstacle to full enjoyment of the right to food. Therefore, even in a country where the right to food is legally implemented through constitutional provisions or a framework law (or both), a revision of the most relevant sectoral laws is usually necessary.

### 4.3.3 Practical implementation and justiciability of the right to food

While legislation is indispensable for the realization of the right to food at a national level, legal action is not sufficient to ensure its practical implementation. Laws need to be implemented through effective decrees, norms, policies and programmes with sustained financial commitments (Morlachetti, 2013: 50).

In this regard, one of the most important obstacles for application of the right to food in the ECOWAS countries is the partial implementation and slow execution of the laws.
The example of the Senegal laws shows that legislation has been almost unaccompanied by application decrees, and even when the decrees have been approved, execution has not been carried out. In the case of Mali, six years after the adoption of the LOA in 2006, the access of local farmers to agricultural land remained an unresolved issue (Diabaté, 2013), and the land law was still in a situation of impasse (De Schutter, 2013a).

The justiciability of the right to food depends not only on the respect of the rule of law and its fundamental principles but also on the implementation of normative and administrative standards and provisions that ensure its practical implementation; it also depends on the degree of accessibility of justice and of effectiveness of remedies for the people affected by the violations of this right.

One of the most important challenges in the ECOWAS countries for attaining the right to food is the obstacles in accessing justice. Suarez Franco (2011) identifies six major limitations that are applicable in the case of the ECOWAS countries and that restrain individuals from accessing justice:

- rights-holders’ lack of awareness of the right to food or lack of perception of an unfair situation;
- resignation to the injustice of the status quo;
- fear of reprisals against human rights defenders;
- mistrust of the institutions in charge of appeal mechanisms;
- inability to claim rights while fighting for survival because of the physical consequences of hunger; and
- economic and physical accessibility to competent authorities. Frequently, judicial proceedings are long and expensive, so litigation before courts may not always be the most appropriate way of strengthening the right to food.

Improving the access of rights holders to justice will still require time and resources to raise awareness, to change cultural habits and to facilitate physical and financial access. Judiciary systems would also need important reforms to have a greater presence in rural areas, to be more independent and impartial, and to have more competent right-protectors and defenders (Grasset, 2013).

Although justiciability of the right to food is definitely a way forward in the right to food, most vulnerable people in West Africa still face significant obstacles in accessing justice. Therefore, other strategies also need to be considered as a starting point to empower the most vulnerable, such as civil society participation in the implementation of policies and programmes, mobilization, political negotiation, conflict resolution, etc. (Courtis, 2007).
In summary, ECOWAS countries still have a lot of effort to make in order to meet some of the conditions required for the realization of the right to food at a national level. Specifically: (i) including it in their constitutions as a fundamental right; (ii) approving framework laws that explain the right to food and accelerate its inclusion in sectoral laws; (iii) providing the legal, institutional, programmatic and financial means for its implementation; and (iv) improving the access of rights holders to justice. There are examples at a country level that can serve as a reference to other countries, and regional institutions can provide a suitable forum for discussion and exchange on successful national initiatives for the realization of the right to food.

A reality based on judicial pluralism: the role of customary law

In West Africa, judicial pluralism is a reality that must be taken into account. Social groups and communities refer to and seek remedies in the laws that they recognize as their own, often ignoring or not recognizing the formal laws (including constitutions) that are inaccessible (different language) or are not suited to their context. Communities have their own systems for producing norms (based on tradition, religion or custom). Traditional chiefs manage conflicts under “l’arbre à palabre” (“the speaking tree”) while religious leaders base their judgment on Koranic verses.

Traditional and religious laws easily compete with and enter into conflict with formal laws produced by judicial systems. At a community level there is a perception that local traditional leaders provide a more accurate and independent judgment than judges in the official judicial system: “with some money, anyone that is wrong in the chief’s home can be right in the courthouse” (Atchadam, 2009).

The result is a lack of efficiency and legitimacy of the state’s judicial systems, which are frequently “viewed as an ‘outside’ type of law that often competes or conflicts with internal norms truly produced by social groups” (Mbaye, 2007), and that will have to change with the growing involvement of other actors, such as foreign investors.

A recent survey by Oxfam in the north of Mali provides quantitative figures as an example of the importance of traditional systems for preventing and solving conflicts. More than 97 percent of the discussion groups affirmed that, in cases of conflict, the population first refers them to the traditional leader, and in 30 percent of the groups the religious leader was also mentioned (only 6 percent of the discussion groups referred their conflicts to judicial institutions) (Allegrozzi and Ford, 2013).
BOX 9. A case study on the role of the religious, customary and formal judicial systems:
The process of conflict resolution in the Circle of Bla, Segou, Mali31

The Circle of Bla is situated in the Segou region, a place with different ethnic groups (Bambaras, Peuls, Maninkas, etc.) and where the dominant religion is Islam, together with Christianity and Animism.

The Islamic religious leader, the marabout, has an important role in social conflict resolution at the community level because he is considered a person endowed with wisdom and insight. His activity consists of consulting and resolving social problems through religion, and his intervention is normally successful because the people in conflict respect the religion and because the marabout’s word is incontestable. Once the marabout has intervened, the community leader will be in charge of the case and will ensure that the imposed compensation is settled.

If the parties in conflict refuse the intervention of the marabout, the community leader will be in charge. The community chief consults with the community counsellors and pronounces a verdict. If the accused refuses the verdict, the community chief asks the inhabitants to distance themselves from any of the activities of the accused. If the verdict goes unrecognized for some time, the community chief passes the case on to the judicial authorities. The judicial authorities collaborate with the local authorities, taking the decisions adopted by traditional authorities into account.

This case study shows that traditional judicial mechanisms can be competent and efficient. The difficulty resides in the fact that the basis of the resolution reached by the marabout is founded on Islamic law, which may or may not be included in the judicial system.

Access to formal justice, as stated before, is very limited in rural areas and disputes are mainly solved based on customary and Islamic law. Traditional mechanisms are an alternative to formal laws for efficiently solving local conflicts. Although traditional chiefs and imams have no formal powers (in contrast to magistrates or judges), their powers are understood as judgment decisions. Traditional authorities usually play a beneficial role by maintaining peace among communities, but they can also constitute a threat to the protection of the right to food, for example in the case of women’s rights (Grasset, 2013).

Thus, it is important to understand the dimensions of customary and traditional legal systems and their influence on the right to food: (i) acknowledging the existing law based

31 This case summarizes an interview by Dakouo of M. Mama Traore, Marabout, in Boulkassoumbougou, Bamako, in January 2009 (Dakouo, 2009).
on traditions in different contexts; (ii) understanding the potential impact (both positive and negative) of customary and Islamic law on the right to food; and (iii) ensuring a harmonious co-existence between modern legislative and traditional systems (ARGA, no date).

In order for the right to food to be fulfilled, legislation needs to take into account the plurality of legal regimes and the potential tensions between them. To be implemented with efficiency, legislation needs to reflect the societies that produce it and every effort should be made to integrate traditional rights and practices and the different social contexts, insofar as they are not against human rights and international legal commitments ratified by the country.

<table>
<thead>
<tr>
<th>Main findings on the legal environment for the right to food in ECOWAS</th>
</tr>
</thead>
</table>

The West African legal environment is complex and based on a plurality of legal regimes (traditional/customary, those based on colonial heritage, or Islamic law). Social groups and communities refer to and seek remedies in the laws that they recognize as their own, often ignoring or not recognizing formal laws (including constitutions) that are inaccessible (different language) and are not suited to their context.

- Most West African national judicial systems have not taken this pluralism into account. Traditional and religious laws easily compete with and enter into conflict with formal laws produced by judicial systems.
- Customary laws and mechanisms are an alternative to formal laws for efficiently solving local conflicts, but they can also constitute a threat to the protection of the right to food, for example in the case of women’s rights.

It is important to understand the dimensions of customary and traditional legal systems and their influence on the right to food: (i) acknowledging the existing law based on traditions in different contexts; (ii) understanding the potential impact (positive and negative) of customary and Islamic law on the right to food; and (iii) ensuring harmonious co-existence between formal and traditional systems insofar as they are not against human rights.

The ECOWAS region shows a promising international and regional legal environment for the fulfilment of the right to food. In recent years, significant progress has been made:
most ECOWAS countries have approved the main regional legal instruments that directly or indirectly refer to the right to food (African Charter on Human and People’s Rights; African Charter on the Rights and Welfare of the Child; and the Protocol to the African Charter on the Rights of Women in Africa);

regional mechanisms such as the African Commission have been consolidated as quasi-judicial mechanisms to address right-to-food cases, and the African Court of Justice has great potential to make legally binding judgments on violations of the right to food; and

in the sub-region, the ECOWAS Court of Justice provides an accessible judicial mechanism with broad jurisdiction over human rights and a key role in the judgment of right-to-food violation cases based on its direct access for private litigants, unbounded human rights jurisdiction, and no requirement to first exhaust domestic resources.

The ratification of the ICESCR Optional Protocol, the Protocol of the African Court and the lack of enforcement of ECOWAS Court rulings at national level remain pending and need to be addressed without delay. Civil society and human rights organizations should play a key role in actively advocating for these issues.

ECOWAS countries need to strive to meet some of the conditions required for the realization of the right to food at a national level:

- Although inclusion of human rights in the constitution is a powerful way to legally ensure rights, the right to food is not widely included in ECOWAS constitutions as a fundamental right. In seven ECOWAS countries right to food is mentioned as a guiding principle, and only in one case (Niger) it is explicitly considered as a fundamental constitutional right.

- No ECOWAS state has yet adopted framework laws clarifying the scope of this right, providing a robust legal basis for further legislation, establishing the obligations of government authorities and providing individuals with a legal entitlement for claims.

- Anchoring FNS policies and programmes in legislation would provide a legal framework for implementation, defining institutional arrangements in which legislative, executive and judicial powers have specific roles, and ensuring there are resources earmarked in national budgets to permit the actions’ long-term sustainability.
• A revision of the most relevant sectoral laws is also necessary (land codes, social protection, food marketing, consumer acts, nutrition laws, etc.) to include right-to-food provisions.

• One of the most important obstacles for application of the right to food in the ECOWAS countries is the partial implementation and slow execution of the laws. States need to facilitate legal, institutional, programmatic and financial means for implementation, because laws need to be implemented through effective decrees, norms, policies and programmes with sustained financial commitments.

• Most vulnerable people in West Africa still face significant obstacles in accessing justice. Time and resources are still needed to raise awareness, to facilitate physical and financial access and to empower the most vulnerable (through participation, mobilization, political negotiation, conflict resolution, etc.). Judiciary systems would also need important reforms to have a greater presence in rural areas, to be more independent and impartial, and to have more capacity to effectively protect rights.
5. The policy environment for the right to food

The number of policies and programmes related to FNS in the ECOWAS region is enormous. This section will review the policies and programmes most directly aimed at improving the food and nutrition situation of the ECOWAS people and meeting their right to food. There are other sectoral policies, such as ECOWAS and WAEMU environmental policies, ECOWAS Forestry Policy, ECOWAS Gender Policy, or ECOWAS/WAHO Health Policy, all of which have an indirect impact on FNS, especially because they include resilience-strengthening measures, but they will not be reviewed in this document (see ECOWAS, CILSS, WAEMU, 2013a:9; van Seters, Afun-Ogidan and Rampa, 2012: 12–17). There are also a number of programmes, such as the West Africa Seed Program or the West Africa Fertilizer Program, that will not be reviewed because of their specificity.

The policies and programmes analysed in this section are those of:

- ECOWAP
- RAIP
- NAIPs
- WAEMU’s Agricultural Policy
- West Africa Agricultural Productivity Program (WAAPP)
- ECOAGRIS
- Regional Offensive for Sustainable Rice Production in West Africa
- Regional Food Security Reserve
- Zero Hunger in West Africa
- AGIR – Global Alliance for Resilience Initiative – Sahel and West Africa
- Regional Program to Support Agricultural Intensification and Pastoral West Africa
• Foreign trade policies (ECOWAS and WAEMU TECs) and the Regional Programme to Support the Regulation of West African Markets
• Regional Social Safety Net Support Program in West Africa
• ECOWAS Humanitarian Policy
• National and regional nutrition initiatives

These policies and programmes are analysed to understand the ways in which the right to food is explicitly or implicitly incorporated into their formulation and implementation (if information is available), using the following elements relevant to the right to food:

1. Does the policy or programme make any reference to the right to food consideration, and where (in the Introduction, Vision or Objectives, or in other sections of the document)?

2. Does it focus on disadvantaged and marginalized groups? Are food-insecure and vulnerable groups clearly identified and described? Are the inequities that need to be addressed identified?

3. Does it make any reference to gender issues?

4. Does it make any reference to good governance practices for the implementation of FNS policies (participation, inclusion, empowerment, accountability, etc.)?

5. Are there policy coordination structures with multisectoral representation and spaces or voices that represent the most vulnerable?

6. Is the M&E mechanism participatory? Does it promote transparency (information provided and accessible) and accountability (participation of CSOs)?

7. Does it adopt a multisectoral approach, with references to the links between agricultural investment, food access, food consumption and nutrition? How does the policy or programme interact with other social programmes (social protection, school meals, food and nutrition education, etc.)?
5.1 Analysis of policies and programmes and the right to food

ECOWAS Agricultural Policy (ECOWAP)

The ECOWAS regional agricultural policy (ECOWAP) (ECOWAS, 2005) was adopted in 2005 as an offshoot of the Comprehensive Africa Agriculture Development Programme (CAADP), which in turn was established as part of NEPAD in 2003. ECOWAP's general objective is to contribute in a sustainable manner to satisfying the food needs of the population, to economic and social development, and to poverty reduction in Member States, as well as addressing inequalities among territories, areas and countries. According to its specific objectives, some of this policy’s main concerns are the achievement of food security and sovereignty and improvement of rural populations’ living conditions through the creation of paid employment.

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>Not mentioned. The Vision includes ensuring food security. The reduction of poverty and inter-territorial inequalities is included in the General Objective.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>Provides percentages of poor and food-insecure population, focusing on rural areas. The most vulnerable groups are women, children and the elderly.</td>
</tr>
<tr>
<td>Gender</td>
<td>Women receive special attention in different parts of the document. Their key role in the production, processing and marketing of agricultural products is stressed, as is their lack of involvement in decision-making processes.</td>
</tr>
<tr>
<td>Good governance</td>
<td>Principle of partnership and consultation (permanent involvement of stakeholders in the implementation, M&amp;E, and eventual policy reform)</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>Participative formulation (national governments, Producer Organizations (POs), CSOs, etc.). Proposes a consultative committee for implementation, with stakeholders at a regional level (POs, research organizations, IGOs, etc.).</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>Responsibility of ECOWAS Executive Secretariat in collaboration with the consultative stakeholder committee.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>The policy contributes to the reduction of regional insecurity and instability (natural disasters, civil conflict, etc.). Main concern: food availability and food access in terms of income. Contribution to the development of services in the rural sector, including health services.</td>
</tr>
</tbody>
</table>

Source: ECOWAS, 2005, and the authors.
ECOWAP does not include the right to food among its principles, but it is a pioneer in many aspects:

a. It is the first regional initiative born of the CAADP.

b. It is innovative in understanding that food security cannot be efficiently addressed at a national level, and requires a regional approach. The ECOWAS Commission therefore supports the NAIPs (National Agricultural Investment Programmes or Plans), financing at least 15 percent of their total costs over the five years of their implementation.32

c. ECOWAP encourages participative processes not only on a regional level, but also in the NAIPs. Through these processes, a wide range of public and private stakeholders have been able to share their views of the region’s main obstacles, strategies and priorities.

d. The Regional Compact of 2009 (ECOWAS, 2009) explicitly declares ECOWAP’s adhesion to the principles of the Paris Declaration on aid effectiveness and the Action Agenda adopted in Accra. In this Compact the regional actors, including technical and financial partners, made ECOWAP the reference framework for their interventions in the region. Nevertheless, today it is still difficult to get some donors aligned with this regional policy.

e. ECOWAP recognizes the importance of value chains for increasing rural incomes and adapting production to consumer needs, which improves the FNS situation in the region.

Nevertheless, ECOWAP has some weaknesses for realization of the right to food, although some measures are being taken to overcome them. The main limitations are:

a. Despite ECOWAP’s promotion of regional actor participation, the role of civil society has been limited. This is mainly due to a lack of political will, but the institutional weaknesses of some CSOs are also a factor.

b. ECOWAP mainly focuses on increasing food production as the most important dimension of FNS. This bias towards food availability, with scarce attention to other dimensions of food security (some references to land tenure rights or increasing rural incomes), and especially to nutrition, can also be found in other regional programmes and the majority of the national programmes that will be reviewed later.

32 This commitment was not included at ECOWAP’s formulation, but was introduced in the Regional Partnership Compact for the Implementation of ECOWAP/CAADP of 2009.
c. ECOWAP is institutionally linked to the Ministries of Agriculture, and therefore inter-institutional coordination has not been sufficiently taken into account. Nevertheless, recent initiatives following the 2008 food crisis are trying to overcome this flaw. For example, the protection of the most vulnerable households through safety nets, the creation of a regional food reserve or the adoption of the human rights-based approach in some programmes.

d. A regional policy approach uses the same instruments to deal with different categories of producers, agro-ecological zones or farm sizes. As a result, the most marginalized groups are left out, as their needs may not have been taken into account in the programme formulation and implementation. To address this limitation, new agricultural programmes under the umbrella of ECOWAP and its RAIP (Regional Agricultural Investment Plan) and NAIPs have been formulated.

Regional Agricultural Investment Plan (RAIP)

The implementation of ECOWAP relies on two categories of programmes (ECOWAS Commission, 2010), the Regional Agricultural Investment Plan (RAIP), formulated in 2010, and the National Agricultural Investment Programmes or Plans (NAIPs).

The RAIP is built around three specific objectives: (i) promotion of strategic products conducive to food sovereignty; (ii) promotion of a global environment conducive to regional agricultural development; and (iii) reduction in vulnerability, and promotion of the population’s sustainable access to food.

The right to food is briefly mentioned in the document, but not as a major issue. RAIP does not suggest any action for promoting the right to food among ECOWAS countries.

The approach to FNS is mainly based on a four-pronged intervention scheme: (1) promoting agricultural intensification; (2) increasing rural incomes; (3) promoting regional trade of food products; and (4) dealing directly with FNS crises through food stocks and safety nets. These four axes are complemented by increased concern about information systems and M&E procedures. The RAIP undervalues a main issue concerning FNS, which is the role of agricultural investments in the provision of nutritious and safe food at affordable prices. This reflects the fact that ECOWAS does not have a specific nutrition strategy.

Nevertheless, RAIP displays some characteristics of a multi-dimensional approach to FNS. It promotes inter-sectoral coordination and participation of public and private stakeholders, including CSOs. At the same time, securing land tenure is not considered as a means to improve food access, but rather as a pre-requisite for agricultural intensification.
### TABLE 13. Summary assessment of RAIP

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reference to right to food</strong></td>
<td>The right to food is only mentioned as a comment on one of the specific objectives in relation to international commitments for promoting sustainable and stable access to food. The RAIP has no action directed at promoting the right to food.</td>
</tr>
<tr>
<td><strong>Vulnerable groups</strong></td>
<td>The FNS of vulnerable populations is one of the intervention areas. Women and youth are prioritized. Geographical and social layers of population at risk of food and nutrition insecurity are identified and quantified. The causes of vulnerability are analysed.</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>Equitable share of resources in certain fields is explicitly channelled towards women's organizations. The monitoring-assessment mechanism proposes to include gender-specific indicators. The RAIP highlights the role of the education of girls as a major factor in the emancipation of women.</td>
</tr>
<tr>
<td><strong>Good governance</strong></td>
<td>Principle of subsidiarity, founded on permanent dialogue with the operators in the agricultural sector, in particular the POs. Some actions proposed: strengthening the institutional capacities of stakeholders in the region as well as national and regional FNS mechanisms for dialogue and coordination of crisis responses.</td>
</tr>
<tr>
<td><strong>Policy coordination</strong></td>
<td>The RAIP is the result of a comprehensive process of dialogue and negotiation with stakeholders in the agriculture and FNS sectors. The implementing bodies are also participative.</td>
</tr>
<tr>
<td><strong>M&amp;E</strong></td>
<td>RAIP supports national information systems in order to monitor the food and nutrition situation and recommends the creation of a regional system (AGRIS). The M&amp;E system has four functions: (i) keep the Commission accountable to stakeholders; (ii) ensure optimal management of resources; (iii) inform decision-making; and (iv) share knowledge, mobilize and reinforce the multi-stakeholder partnerships involved. RAIP proposes the consolidation of nutritional monitoring mechanisms.</td>
</tr>
<tr>
<td><strong>Multisectoral approach</strong></td>
<td>RAIP states the need for coordination among the different departments within the ECOWAS Commission (agriculture, environment and water resources; macroeconomics; trade and customers; infrastructure; humanitarian affairs; etc.). Although the approach to FNS focuses mainly on availability (agriculture) and rural income, the multi-dimensional causes of malnutrition are identified. Social safety nets and regional support instruments for crisis prevention and management also receive special attention.</td>
</tr>
</tbody>
</table>

*In May 2012, an ECOWAS Regional Workshop was held that aimed to achieve a better understanding of the contribution of women to the strategic food chain as identified in the RAIP, and ensuring better integration of gender concerns into the Programme.*

**Source:** ECOWAS Commission, 2010, and the authors.
National Agricultural Investment Programmes or Plans (NAIPs)

Since the adoption of ECOWAP, the ECOWAS Commission has encouraged and supported Member States to elaborate and adopt an action plan for joint implementation of the regional agricultural policy and CAADP. To this end, the ECOWAS Commission provided a single, unified framework for planning intervention in the agricultural sector at a national level. In accordance with this framework, 15 states formulated their respective National Agricultural Investment Programme or Plan (NAIP).

The NAIPs have been formulated to respond to the commitments made by African leaders to dedicate 10 percent of their state budgets to the agricultural sector and achieve an annual growth of 6 percent in the agricultural sector between 2010 and 2015.

Although the NAIPs have a common framework and objectives, member countries have identified their own priorities and have integrated different components and programmes according to their contexts, needs and interests. NAIPs have also integrated the elements defined for the right-to-food analysis in different ways.

Reference to right to food

All 15 ECOWAS countries have formulated their agricultural investment plans, but only four (Cabo Verde, Gambia, Guinea and Togo) include the right to food among their principles, programmes or components. In Cabo Verde there is a specific sub-programme (nº 5) on the promotion of the right to food. It focuses on right-to-food integration into national legislation, public and private sector awareness of the right to food and the regulations regarding the right to food in Cabo Verde.

Gambia’s NAIP expresses the government’s commitment to FNS for all “as a universal right within the shortest possible period of time” and programme 4 “aligns fully with principles of the right to food.” This is highlighted in central national policies and strategies: Vision 2020 (2006), MDGs and the PRSP II (2007–2011) and the Agriculture and Natural Resources (ANR) Policy (2006–2015).

In the case of Guinea, the NAIP Programme of food security diversification includes a specific sub-programme on management of food crises and promotion of the right to food.

33 Concerning the availability of financial resources, some countries are not fulfilling their commitment, and in general there are problems in the delivery of the amounts due. In most cases the operating expenses of the Ministries of Agriculture absorb more than half of the allocated budget (Schutter, 2013a: 23–27). These financial constraints have a negative impact on the implementation of the NAIPs.

34 Information based on the NAIPs of the 15 ECOWAS countries.
Togo’s NAIP incorporates the right to food in a more comprehensive way. Component 3 is specifically focused on the promotion of the right to food and good governance, including non-discrimination in food availability and access to it, rationality and adequacy in food utilization, and nutrition education. The NAIP defines an estimated budget for this (CFA 13 billion). However, the component’s main specific action regarding the right to food is the implementation of a consensual framework (cadre de concertation) for food governance, to: (i) assess institutional capacities and resources; (ii) review the institutional, legal and policy framework for food security; (iii) create coordination structures at national and local levels; and (iv) strengthen communication and information systems on the food situation. However, this NAIP does not include the incorporation of the right to food in Togo’s legal framework.

There are also few countries that do not explicitly mention the right to food, but they make reference to human rights. Such is the case of Burkina Faso, which refers to human rights conventions, and Senegal, which stresses the need to consider human rights principles, such as the protection of rights of rural communities, in the section on land reform.

However, all NAIPs have a food security approach to some degree, and some countries also incorporate nutrition issues (see Table 14). FNS is a priority in some countries, identified as the main goal or one of the main programmes (Benin, Burkina Faso, Cabo Verde, Gambia, Ghana Liberia and Nigeria). In other cases, the NAIP integrates different aspects of FNS. Thus Niger prioritizes quality of nutrition and access to drinking water and sanitation; Côte d’Ivoire focuses on the promotion of strategic products to achieve food security and food sovereignty; while Guinea and Senegal stress the need for increasing productivity and diversification.

**Vulnerable groups**

The NAIPs are focused on agriculture to achieve a growth rate of at least 6 percent per year, which is considered essential to halve poverty and hunger. Therefore, their target population does not necessarily include the disadvantaged and marginalized groups. However, some NAIPs clearly identify these groups as beneficiaries of a number of programmes, which normally include women, youth, landless farmers, unemployed persons, people affected by food crisis, etc.

This is the case of Togo’s NAIP, which prioritizes targeting vulnerable groups. Targeting is carried out based on community dialogue and consensus on the focus and characteristics of the investments. The process starts with the identification of the needs of different groups (by sex, age and social category) and understanding their livelihoods and specific priorities.
Food insecure households and malnourished populations are also the beneficiaries of one of the six strategic programmes in Gambia, which includes a surveillance survey to locate these groups. Ghana also incorporates the identification of vulnerable households in disaster-prone areas as one of the expected outputs of the FNS component, and protecting vulnerable populations is a clearly identified challenge in Liberia. Niger identifies vulnerable areas and populations to focus the programme support on prevention and management of food crises, and specifies that the beneficiaries must include a 30 percent quota of vulnerable groups, mainly identified as unemployed youths and women. Also, Mali promotes technical and financial support to women and youth, providing them with 5 percent of the land and increasing their access to agricultural inputs (seeds, fertilizers, etc.).

In some NAIPs, vulnerable groups are not identified per se, but there are strategies or actions aiming to benefit these groups. Such is the case for Côte d’Ivoire, which makes some references to improving the access to land for youth and women, and developing financial mechanisms for young producers, or Guinea, where the most vulnerable are identified as those most at risk from climate change.

**Gender**

Despite women’s share in the agricultural sector being almost 50 percent, agricultural policies and strategies do not take into consideration the constraints women face in access to productive resources and their specific needs. Mainstreaming gender in national agricultural plans would most certainly contribute to improving the sector’s performance.

Almost all NAIPs recognize the role of women in agriculture but few define concrete actions to fully integrate them into the agricultural sector. There are some good examples but, in general, there is still a long way to go.

One of the principles of Mali’s NAIP is the integration of a gender approach. Women’s needs and constraints are assessed and taken into consideration in the decision-making processes when planning agricultural interventions. All programmes recognize and prioritize gender integration by establishing favourable conditions for accessing land, irrigation systems and inputs.

In Togo, the NAIP is conceptually based on the national policy for gender equity and equality which provides equitable access to programme resources, activities and benefits. Gender communication and education is emphasized in all capacity building actions.

In Liberia, the NAIP recognizes women’s role in FNS and the burdens they face. It therefore seeks to address key gender issues in relation to FNS and agriculture.
In Ghana, gender equity is emphasized and all actions in the NAIP explicitly target both men and women. However, it does not include positive actions to address specific women’s needs and concerns.

In Côte d’Ivoire, gender integration in the NAIP is reflected in the National Pact for CAADP/ECOWAP, which aims to guarantee the reduction of inequalities between men and women. Some programmes show this approach (water management; forests; and access to land). However, gender is still not fully mainstreamed in the NAIP.

**Good governance**

Good governance is unevenly referenced in the NAIPs. While some countries include good governance as a directive principle (Burkina Faso), clearly identify guiding principles to promote it (Ghana) or define good governance mechanisms in each of the clusters prioritized (Benin), others do not address this concept in a comprehensive manner.

Participation and inclusiveness are two of the recurrent governance issues addressed in most of the NAIPs, included throughout the document in Benin, Burkina Faso, Côte d’Ivoire, Gambia, Ghana, Liberia, Mali, Niger, Senegal and Togo.

Some of these countries address good governance through specific programmes and actions. This is the case for Niger, with a specific programme that addresses the question of transparency and is devoted to improving access to information. It is also the case for Togo, Burkina Faso and Mali, which emphasize the responsiveness and accountability of the public sector and the actors involved in the implementation of the NAIPs.

In general, additional actions could be taken for more effective inclusion of good governance in the NAIPs, such as a clearer definition of arrangements for good governance, identifying the roles and responsibilities of the different actors involved in the NAIPs, and further development of accountability systems. A NAIP commitment to the Voluntary Guidelines for the Responsible Governance of Tenure of Land, and the Principles for Responsible Agricultural Investment, would provide a good governance framework for the implementation.

**Policy dialogue and coordination**

The NAIP is the result of a participative dialogue framework, which in most cases has involved civil society and producer organizations in the formulation process. Some of the coordination structures created in the NAIP inception process have been maintained, with representation of most of the actors involved in agriculture and food security, and most of the countries have participatory coordination mechanisms. However, CAADP reviews of the NAIPs in several countries have stated the importance of
ensuring effective representation of CSOs and producer organizations throughout the implementation of the NAIPs.

In some countries, CSOs and producer organizations are represented in the NAIP National Steering Committees, involved in the coordination and supervision of NAIP implementation, and participating in the political and strategic decisions. This is the case of Benin, Burkina Faso, Cabo Verde, Senegal and Togo. In the case of Benin, non-state actors are even the majority in the National Council for guiding and monitoring the NAIP (13 of 25 members are non-state actors). In the case of Senegal, a political dialogue consultation group coordinated by a CSO is contemplated in the NAIP.

In Burkina Faso, Mali, Niger and Togo, CSOs and producer organizations participate in the National Technical Committee (or Executive Committee in Mali). In other countries, the CSO participation on a technical level is defined in thematic groups (Senegal), commodity groups (Sierra Leone) or in the steering committees at sub-programme levels (Niger).

The majority of the NAIPs include coordination improvement as one of the sub-programmes with budget allocations.

Priorities in most of the countries focus on decentralization and the promotion of coordination structures for decision-making at local levels, providing forums for the participation of villages, communities and regions (Benin, Burkina Faso, Gambia, Guinea-Bissau, Mali, Nigeria, Senegal and Togo).

Some general constraints have been found regarding the participation of CSOs and producers in coordination mechanisms. First, in some cases the NAIP does not define their role in the Committees or does not provide detailed information on the characteristics of the dialogue framework. Participation in implementation is also sometimes restricted because the sub-programme approaches and tools are still not well known by farmer organizations and CSOs. Capacities in some of these organizations are also too weak to permit active participation in NAIP coordination and implementation.

**Monitoring and evaluation – M&E**

Most of the NAIPs include the characteristics of their M&E systems in the formulation document. In some cases, the NAIPs develop a complete Results-Oriented Monitoring framework (Gambia, Nigeria, Mali), while in other cases it is not reflected in much detail (Côte d’Ivoire, Sierra Leone).

There are countries where the NAIP M&E system is more focused on an agricultural sector approach (Benin, Sierra Leone), while other countries use a more holistic approach (Ghana, Togo). In the case of Togo, the M&E even monitors the population’s living conditions.
In some NAIPS there is a clear and explicit reference to a participatory approach in M&E (Burkina Faso, Gambia, Mali, Nigeria Senegal and Togo), such as participative M&E exercises in Senegal or starting the monitoring exercise from the community level in Nigeria. A participative assessment of results achieved on an annual basis is included in Burkina Faso, and joint sectoral reviews with the participation of professional organizations are included in Mali.

Some NAIPS include transparency in implementation (Côte d’Ivoire) and improvement in access to information for rural actors and in public action (Niger) in their M&E systems. Others go farther, considering M&E systems a tool for monitoring the responsibilities of different actors (Burkina Faso, Mali) and for making them accountable for programme performance (Togo). In Togo, the M&E system is not only focused on measuring progress and responsibilities, but also the population’s degree of satisfaction.

Nevertheless, there are still some constraints on further development of the M&E systems. Efforts are needed to build and strengthen institutional skills and CSO capacities for monitoring the NAIPs in order to analyse programme results and improve implementation, ensuring that non-state actors have the information available for better monitoring of NAIP implementation.

The analysis of the results should consider not only economic growth, poverty and productivity, but also nutrition, social change, inequality and rights. Box 10 provides some examples of key questions to be addressed when M&E systems are focused on rights.

**Box 10. Focusing M&E on rights**

An example: Questions that need to be formulated in M&E processes that integrate the right to food in a school feeding programme:

- Does the programme reach the neediest children?
- Does it discriminate against population groups?
- Is it implemented with the participation or voice of parents and the community?
- Are school officials and local authorities held accountable in the event of poor performance or misuse of public resources?

**Multisectoral approach**

One indicator that can be used to measure multisectorality is the integration of different sectors in the NAIP’s formulation and the final configuration of the National Steering Committee for its implementation. In most NAIPs the main ministries involved have been
agriculture, livestock, fisheries and other technical ministries involved in rural development, as well as the ministry of finances. This is mostly the case for Cabo Verde, Côte d’Ivoire, Guinea-Bissau, Mali, Niger, Nigeria, Senegal and Sierra Leone. The links between these sectors have been reinforced in the formulation and coordination of their NAIPs.

Four of the NAIPs (Benin, Gambia, Liberia and Togo) have also integrated ministries that address the social side of rural development, such as health, nutrition, social protection and education, as is the case in Benin. Togo integrates the Ministry of Social Action and Women’s Promotion. In the case of Gambia, almost all ministries are part of the Steering Committee, including health and social welfare, basic and secondary education, trade, industry and employment, as well as the Women’s Bureau. Liberia promotes cross-sectoral collaboration by involving key agencies, such as the Ministry of Education for education and training; Ministry of Health for health and nutrition; and Ministry of Gender and Development and Ministry of Youth and Sports for gender and youth mainstreaming, respectively, among others.

In Ghana, inter-ministerial coordination is a component, and strengthening of an inter-ministerial platform established in 2012 is one of the main outputs.

Multisectorality can also be assessed by the links between the NAIP and FNS policies and institutional structures. For example, in the case of Benin, the NAIP is focused on strengthening the FNS political framework. In Guinea, the NAIP states that the National Steering Committee will work closely with the National Food Security Council. In the case of Togo, a consultative mechanism has been created for intersectoral dialogue.

The different sectors addressed by NAIP sub-programmes can also be a measure of multisectorality. In addition to programmes focused on agricultural, forestal and fisheries productivity, food markets and cluster development, some NAIPs integrate sub-programmes on safety nets and nutrition, for example. This is the case in Burkina Faso, Ghana and Togo. However, the inclusion of these sub-programmes does not necessarily mean that the NAIPs promote real integration between sectors. Other NAIPs, such as that of Mali, include cross-cutting actions to ensure nutrition is integrated throughout the sub-programmes.

**Summary of the NAIP elements**

To date, the main advances in the integration of the right to food into the NAIPs, according to the elements relevant to the right to food selected in this study, are as follows:

- References to the right to food and rights to land and natural resources in some NAIPs are the starting point for understanding and prioritizing policy frameworks based on human rights in ECOWAS countries.
• Vulnerable groups are a priority in some NAIPs, where activities to enhance productivity and growth are accompanied by actions aiming at achieving equality in the access to resources and opportunities.

• Participation and inclusiveness are good governance indicators addressed in most NAIPs through the promotion of dialogue spaces for multi-stakeholder involvement.

• Some NAIPs address the question of the transparency, responsiveness and accountability of the public sector and other actors involved in the implementation of the NAIPs. They can be a benchmark for good governance.

• The NAIPs have contributed to improving planning, budgeting and M&E processes, in a context of a substantial increase of budgetary resources allocated by the states for funding agricultural activities (ECOWAS Commission, 2013b).

• The NAIPs have definitely improved coordination among technical ministries involved in rural development.

Challenges remain, namely:

• The definition of concrete actions to fully mainstream gender in the NAIPs.

• Promoting multisectorality in the NAIPs by increasing the participation of social branches of the state involved in rural development, such as ministries of health, education and social affairs.

• Integrating nutrition into the agricultural sector as an essential objective of the NAIPs.

• Elaborating a clear definition of the role of CSOs and producers in the NAIP coordination mechanisms, and the dissemination of the implementation tools and procedures to civil society and grassroots organizations.

• Agreeing a more comprehensive definition of the roles and responsibilities of the actors involved in NAIP implementation, with further development of accountability systems contributing to good governance.

• Financial resources need to be mobilized for full implementation of the NAIPs (ECOWAS Commission, 2013b).

• Strengthening and improving the M&E systems in some countries and increasing the public sector and civil society capacities for monitoring NAIP implementation, ensuring that non-state actors have the information available for better monitoring of NAIP implementation and providing a right-based analysis.

• Referring in the NAIPs to commitments such as the Voluntary Guidelines for the Responsible Governance of Tenure of Land, and The Principles for Responsible Agricultural Investment, would help in the implementation of policies focused on the rights of the people and the right to food.
Integrating nutrition into NAIPs initiatives

It is not possible to integrate the right to food without giving special attention to nutrition. If agricultural policies and investments are now considered a priority for the development of the West African region, they need to be accompanied by nutrition. However, as stated in the previous chapter, linking nutrition and agriculture is still a challenge.

Nutrition is not given equal weight in all the NAIPs. Analysing programme documents and investment plans, there are countries where nutrition is among the main objectives or sub-programmes, or both. This is the case for Benin, Burkina Faso, Liberia, Mali, Niger and Togo. In other countries, nutrition is included in some specific actions, as in the case of Côte d’Ivoire, Gambia and Ghana.

However, there are countries where nutrition has been only marginally considered, where improvements in nutrition are considered to be a consequence of the results of the investments in improving productivity and production diversification, and no nutrition-specific actions are planned in the NAIP. This is the case in Cabo Verde, Guinea, Guinea-Bissau, Nigeria, Senegal and Sierra Leone.

Table 14 includes a summary of the analysis from a nutritional point of view of the NAIP documents.

<table>
<thead>
<tr>
<th>Country</th>
<th>NAIP</th>
<th>Nutrition in the NAIPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin (PSRSA)</td>
<td></td>
<td>PSRSA components are focused on ensuring FNS. Specific actions on nutrition are included in the risk prevention component: nutritional education and monitoring, support and caring for severe malnutrition.</td>
</tr>
<tr>
<td>Burkina Faso (PNSR)</td>
<td></td>
<td>The PNSR includes FNS in the general objectives and there is a specific objective on reduction of malnutrition. Activities are included in the prevention of food and nutritional crises and in the promotion of nutritional education.</td>
</tr>
<tr>
<td>Cabo Verde (NAIP)</td>
<td></td>
<td>One component of the NAIP is prevention and management of food crises, which includes the assessment of FNS needs.</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td></td>
<td>The NAIP is committed to integrating nutrition into agriculture programmes to promote Food Security in the most vulnerable groups. Preventive actions and real local ownership of nutrition activities are both foreseen.</td>
</tr>
<tr>
<td>Gambia (GNAIP)</td>
<td></td>
<td>A sub-component includes social protection for vulnerable groups, with actions to improve the nutritional status of vulnerable populations (training on dietary diversity, supplementary feeding, school and household vegetable gardens, etc.).</td>
</tr>
</tbody>
</table>
TABLE 14. Analysis of nutrition in the NAIPs

<table>
<thead>
<tr>
<th>Country</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ghana</strong> (METASIP)</td>
<td>Support for improved nutrition is a component of the FNS programme that targets reducing stunting, underweight and micronutrient deficiencies by 50 percent by 2015 through promotion of production and consumption of high quality products, fortification and nutrition education. However, links between nutrition, social protection and agricultural production are practically non-existent.</td>
</tr>
<tr>
<td><strong>Guinea</strong></td>
<td>Nutrition is not included in the NAIP, only references to diversification to achieve Food Security. CAADP assessment suggests the integration of a component on improving the population’s nutritional status through changes in food intake habits.</td>
</tr>
<tr>
<td><strong>Guinea-Bissau</strong></td>
<td>No actions related to nutrition included.</td>
</tr>
<tr>
<td><strong>Liberia</strong> (LASIP)</td>
<td>Improved nutrition is an inter-sectoral sub-programme (within the FNS priority programme) targeting children under five and pregnant and lactating women. Programme includes safety nets for the very poor.</td>
</tr>
<tr>
<td><strong>Mali</strong> (PNIASA)</td>
<td>One of the 4 specific objectives is the improvement of nutrition through information, education and communication. Some aspects need to be reinforced according to the CAADP review: the development of programmes to tackle micronutrient deficiencies (iodine, iron, vitamin A and others), promote food fortification and build nutritional capacities in households and schools.</td>
</tr>
<tr>
<td><strong>Niger</strong> (PNIA/SDR)</td>
<td>One of the specific objectives is the improvement of food diversification, nutritional quality and safety. It is important to develop complementarities with the health and education departments to promote nutritional education and food diversification and reinforce sentinel sites for vigilance of malnutrition.</td>
</tr>
<tr>
<td><strong>Nigeria</strong></td>
<td>NAIP expects that nutrition will improved as a result of increased agricultural productivity. No specific nutrition interventions foreseen.</td>
</tr>
<tr>
<td><strong>Senegal</strong></td>
<td>NAIP expects that malnutrition will be reduced through increased food availability. There is no reference to micronutrient deficiencies or malnutrition among children and pregnant women.</td>
</tr>
<tr>
<td><strong>Sierra Leone</strong> (NSADP)</td>
<td>Nutrition issues are addressed from the aspect of food diversification (production of crops other than rice) and food processing and preservation.</td>
</tr>
<tr>
<td><strong>Togo</strong> (PNIASA)</td>
<td>PNIASA expected results also include the area of nutrition. One of the general targets is the prevalence of child malnutrition. Nutritional activities are also contemplated in the logic frame, such as in school feeding, the fight against micronutrient deficiencies and the implementation of nutritional programmes for the most vulnerable. Even the reinforcement of health agent capacities and structures to provide advice on nutrition are included.</td>
</tr>
</tbody>
</table>

Recognizing the critical need to integrate nutrition into the national agricultural plans and development agendas of African countries, NEPAD in 2011 hosted the West Africa Regional CAADP Nutrition Programme Development Workshop, in collaboration with ECOWAS, WAHO, CILSS and development partners.
In this workshop, the major constraints identified for the promotion of nutrition-sensitive agricultural food-based approaches included: low political commitment, lack of understanding of the role agriculture plays in nutrition within the agriculture sector, and too few food security programmes including nutrition improvement as an explicit objective and component.

Recommendations included: strengthening the capacities of institutional structures dealing with agriculture issues; promoting advocacy activities among decision-makers to ensure better visibility of nutritional aspects in programmes under implementation; ensuring adequate financial resources for food and nutrition activities; further consideration of nutrition in a cross-sectoral manner; and use of all opportunities and potentialities to mainstream nutrition in the development agenda.

West African countries are now committed to undertaking follow-up actions to mainstream nutrition in their NAIPs in such a way that investments provided result in increased FNS in the countries and in the region as a whole.

**WAEMU’S agricultural policy**

WAEMU’s Agricultural Policy, PAU (“Politique Agricole de l’UEMOA”) was adopted in December 2001, after a participatory process involving national and regional stakeholders (Ministries of Agriculture, Regional Integration, Economy and Finance; POs; NGOs; other IGOs; West Africa Central Bank (BCEAO); and the West African Development Bank (BOAD)). Its aim is achieving food security, increasing agricultural production and productivity in a sustainable manner, and improving farmer living conditions (WAEMU Commision, 2002; BOAD, BCEAO and WAEMU, 2012).

In 2012 a proposal for new actions within the framework of PAU included 9 additional axes for re-activating the agricultural sector in order to achieve sustainable FNS (BOAD, BCEAO and WAEMU, 2012) (see Table 15).
### TABLE 15. Summary assessment of PAU

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
<th>Proposal (2012)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reference to right to food</strong></td>
<td>Not mentioned. The overall objective is to fight against poverty and to satisfy the region’s food needs, and one of the general objectives is food security.</td>
<td>The right to food is mentioned at the beginning of the document, but it does not include any measure aimed at promoting it.</td>
</tr>
<tr>
<td><strong>Vulnerable groups</strong></td>
<td>It describes the main characteristics of small family farms and their diversity, so the PAU should adapt its measures to a wide range of farms.</td>
<td>More emphasis on vulnerable populations than on farmers. Quantification of insecure population by geographical areas in countries. Most vulnerable groups are women and children (in introduction).</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>The gender approach is not relevant. There are just examples of potential priorities of the plan on the improvement of the situation of women; one of the measures emphasises the professional training of women farmers, due to their central role in the productive system.</td>
<td>Alignment with the MDG, especially to promote gender equality, empower women and improve maternal health.</td>
</tr>
<tr>
<td><strong>Good governance</strong></td>
<td>One of the principles is that an agricultural policy is built with all the stakeholders.</td>
<td>The document proposes to investigate potential synergies between all the stakeholders.</td>
</tr>
<tr>
<td><strong>Policy coordination</strong></td>
<td>The institutional framework for implementation involves a mechanism for consultation and negotiation, where all the groups of stakeholders, including CSOs, will participate.</td>
<td>There is a short proposal for strengthening the institutions and organizations in charge of the agricultural policies in the region.</td>
</tr>
<tr>
<td><strong>M&amp;E</strong></td>
<td>A participative mechanism is proposed.</td>
<td>A brief mention of the need for an M&amp;E mechanism to guarantee the success of the measures proposed.</td>
</tr>
<tr>
<td><strong>Multisectoral approach</strong></td>
<td>The PAU adopts a mono-sectoral approach, but makes reference to the need for removing disparities and coordinating with social sectors.</td>
<td>The proposal adopts a broad approach to FNS.</td>
</tr>
</tbody>
</table>

*Source: WAEMU Commission, 2002; BOAD, BCEAO and WAEMU, 2012; and the authors.*
The implementation of the PAU is participative. A guiding principle of this policy is to seek close and ongoing agreement with professional organizations at all levels of its formulation, management and implementation, including the responsibilities to be assumed by these organizations in the implementation. Non-discrimination is also highlighted through the participation of all producers (mainly family farms), and it provides a place for the participation of women and youth.

The PAU’s approach to FNS is mainly focused on availability (agricultural intensification) and access (increasing rural incomes and securing land tenure, although the latter aspect does not expressly appear in the document as a way to improve FNS, but rather as a means to encourage private investments in the region). However, it also states the need to coordinate with other areas, such as transport, industry, customs and imports, and social sectors. The role of other social sectors aside from agriculture is included in the principle of solidarity, envisioned in this policy as a way to ensure social and political cohesion through support (especially financial) for the most disadvantaged populations and areas, in order to progressively remove disparities.

The renewed 2012 PAU proposal (BOAD, BCEAO and WAEMU, 2012) represents a broader approach to FNS, mainly in the measures for new axes 3, 4 and 5:

- **Axis 3 “Access to sub-regional and international markets”** through support for national and regional FNS information systems and measures for adaptation to price volatility (risk management systems, targeted social protection mechanisms and emergency food reserves).
- **Axis 4 “Development of regional instruments to manage food security and increase the resilience of populations”** through coordinated mechanisms of food security stocks, creation of a regional food reserve and development of social safety nets.
- **Axis 5 “Improvement of nutritional status”** with the development of a communal programme for undernourished children and the improvement of access to health-nutrition services.

Unfortunately, this proposal does not include the promotion of the right to food, despite the fact that the right to food is expressly recognized in the diagnostic of the food insecurity situation: “the right to enough, healthy food and drinking water is part of fundamental human rights”.
Assessment of the Right to Food in the ECOWAS region

West Africa Agricultural Productivity Program (WAAPP)

The programme started in 2007 with a projected lifespan of 12–15 years, with funding from the World Bank (World Bank, 2007, 2010). The main objective is “improving agricultural productivity while promoting regional integration as instruments for promoting shared growth and poverty reduction in West Africa”. The first phase of the programme was implemented in Ghana, Mali and Senegal (2007), and the second in Burkina Faso, Côte d’Ivoire and Nigeria (2010).

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>Not mentioned. Food security only appears in the sector background diagnosis and in the review of existing regional initiatives.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>Rural poor people in the participant countries. Specific groups are not identified or quantified. Direct beneficiaries are producers, agribusinesses and users of improved technology. The Research Grant System is designed to identify target farm populations.</td>
</tr>
<tr>
<td>Gender</td>
<td>In the 2010 phase, a lesson learnt from 2007 operations was that the development of improved technologies tends to be male-oriented and does not sufficiently address women’s concerns. The programme will support a strategy to mainstream gender considerations in R&amp;D programmes.</td>
</tr>
<tr>
<td>Good governance</td>
<td>A participatory approach is assumed. The Research Grant System incorporates an independent and competent governance body in its design, clear priorities with stakeholder involvement in their establishment, rigorous and transparent procedures, and effective results-based M&amp;E.</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>CORAF/WECARD (West and Central African Council for Agricultural Research and Development) will assume overall coordination of the programme, working region-wide with stakeholders (national agricultural research systems, POs, the private sector, and NGOs).</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>Based on the CORAF and World Bank systems. Results-based M&amp;E of grant system.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>Classical intensification approach.</td>
</tr>
</tbody>
</table>


The approach is based on the integration and harmonization of national agricultural policies and on the establishment of close links between research, extension, producers and private operators.
Main beneficiaries are farmers, agribusinesses, research institutions and consumers (in this case, according to CORAF, they “will have value for money on agriculture products”). In this programme, agricultural growth is considered a means to reach an annual GDP increase that will ultimately have an impact on poverty. Therefore, FNS does not appear as a direct goal or guiding principle in the programme documents reviewed, although the programme aims at increasing agricultural productivity in ECOWAS.

ECOAGRIS

ECOAGRIS\(^{35}\) is the information system\(^{36}\) for the ECOWAS agricultural sector, created with the aim of providing decision-makers with reliable, updated information for improving the management of food security in the region (IFADAFRICA, 2012; ECOAGRIS, 2012; ECOWAS, CILSS and WAEMU, 2013b). It was designed in 2007, but started to function in 2011 when a food security component was added to the original design.

Until 2012 it was working with information from only seven countries: Benin, Burkina Faso, Côte d’Ivoire, Ghana, Mali, Niger and Senegal. It is expected that it will be extended to the remaining eight member states with funds from the European Union (ECOAGRIS, 2012).

ECOAGRIS has four axes of action: (i) macro-economic statistics; (ii) information system about agricultural production; (iii) information system about markets; and (iv) early warning systems. However, interviews with key informants confirm that ECOAGRIS is mainly providing information on agricultural production.

The scarce information available about ECOAGRIS makes it difficult to ascertain whether the system deals with the implementation of the right to food in the countries involved, as the sources consulted make no reference to it.

36 Given that ECOAGRIS is mainly an information system, it is not amenable to review using the set of criteria used for the rest of initiatives.
Regional Offensive for Sustainable Rice Production in West Africa

This recently launched programme (ECOWAS Commission, 2012f) has been created “to support all regional initiatives and strategies for the development of the rice sector, to modernize production systems, improve rural incomes, reduce food dependency of ECOWAS Member States and thus contribute significantly to the achievement of regional food sovereignty”. It is therefore mainly focused on increasing rice production as a way to promote food sovereignty in the region. In February 2013, the Heads of State and Government asked the ECOWAS Commission to expedite action on the implementation of the ‘Rice Offensive’ (ECOWAS Commission, 2013).

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>Not mentioned.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>Small producers and artisanal rice processors are among the target groups, but these are not explicitly identified in the document.</td>
</tr>
<tr>
<td>Gender</td>
<td>The only mention is that steaming is performed by women.</td>
</tr>
<tr>
<td>Good governance</td>
<td>One of the lines of action seeks to facilitate the emergence of a multi-stakeholder consultation framework.</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>The implementation will follow a participatory and inclusive approach.</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>Not mentioned. The implementation is based on the ECOWAP approach and process, so M&amp;E is likely to follow the same principles.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>Classical agricultural intensification programme, aimed at increasing food availability and improving rural incomes.</td>
</tr>
</tbody>
</table>

Source: ECOWAS Commission, 2012f, and the authors.

The Rice Offensive proposes three areas of intervention: intensifying production, enhancing the value of production and promoting an empowering environment for rice production in the region. It seems that the approach suggested is mainly focused on facilitating small-scale access to inputs and other production factors. In this regard, De Schutter (2013a) suggests that these measures focused on intensification ultimately reach only a minority of producers: those who are able to use the incentives proposed because they have productive capital and financial resources and are located in more favourable regions.
The special attention paid by the Rice Offensive to small-scale producers and artisanal processors in the rice value chain could have an impact on the right to food if the most disadvantaged and marginalized groups are identified and receive special attention. However, the Offensive does not necessarily guarantee this special attention to vulnerable groups despite its participatory outlook, instead providing a voice to states, regional players (IGOs, agencies, POs) and technical and financial partners.

**Regional Food Security Reserve** 37

The regional food reserve was launched by ECOWAS in September 2013 with the financial support of the EU, AECID, AFD and CILSS. Its objective is “to effectively respond to food crises […] whilst contributing to the implementation of ECOWAP/CAADP with a regional food security and sovereignty perspective.” 38

The principles underpinning the design and operation of this reserve refer to the principles contained in the Charter for Food Crisis Prevention and Management, and especially to the application of the right to food and respect for human dignity, among others.

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>The right to food is adopted as one of the guiding principles of the reserve.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>The groups of vulnerable people that need the support of the reserve should be identified in case of food crisis.</td>
</tr>
<tr>
<td>Gender</td>
<td>Gender issues are not mentioned in the document.</td>
</tr>
<tr>
<td>Good governance</td>
<td>A sustainable, viable and transparent mechanism should be implemented, and this intent appears in the guidelines and in one of the specific objectives. Accountability is adopted as one of the guiding principles. The decision to mobilize the reserve should rest on objective and recognized criteria, informed by reliable and publicly-available data.</td>
</tr>
</tbody>
</table>

37 Analysis based on a feasibility study comprising the main elements of the programme. More information: www.inter-reseaux.org/IMG/pdf/Faisabilite_Reserve_Regionale_EN.pdf

38 The 42nd Ordinary Session of the ECOWAS Authority of Heads of State and Government, held in February 2013 in Yamoussoukro, directed the President of the Commission to take all necessary measures to ensure the effective takeoff of the regional food reserve (ECOWAS Commission, 2013a).
TABLE 18. Summary assessment of the Regional Food Security Reserve

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy coordination</td>
<td>The initiative was formulated by representatives of different public and private organizations. The management of the reserve will also be participative. Although end beneficiary organizations are not included, the organization of local stocks by the community is part of the system.</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>This study suggests that M&amp;E should be integrated into the ECOWAP mechanism and into the overall ECOWAS Commission mechanism.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>The reserve focuses on supplying food assistance, but understands the synergies with other interventions, especially prevention measures and vulnerability reduction strategies such as social safety nets. The reserve takes into account the need to preserve livelihoods, to adapt to local diets, and to include nutritional products adapted to the needs of young children.</td>
</tr>
</tbody>
</table>

Source: ECOWAS, WAEMU, RESOGEST and CILSS, 2012, and the authors.

This initiative adopts a participatory approach through the partnership between regional and national institutions and organizations, and the dialogue with civil society and international agencies, recognizing that a high degree of consensus between the key actors is required. Nevertheless, the only representatives of civil society invited to this participatory process are POs and NGOs, so the direct beneficiaries are not included, perhaps because of their very low level of association in the region.

Zero Hunger in West Africa

At a meeting of the Specialized Technical Committee on Agriculture, Environment and Water Resources in September 2012 in Abidjan (ECOWAS Commission, 2012d), the “Zero Hunger” initiative was launched to speed up the impact of ECOWAP and eliminate hunger in West Africa by 2020. The approach is not to generate a new programme, but to rely on existing policies and programmes in order to increase the engagement of regional and international stakeholders, improving governance and increasing public participation.

39 FAO provides assistance for this initiative in a three-year project with funding from the Government of Germany and ECOWAS.
TABLE 19. **Summary assessment of the ”Zero Hunger” Initiative**

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reference to right to food</strong></td>
<td>The initiative seeks to design an incentive and binding legal basis by gradually and systematically incorporating the principle of the right to food in all national constitutions and to revise the ECOWAS Treaty to introduce it (ECOWAS Commission, 2012d: 12).</td>
</tr>
<tr>
<td><strong>Vulnerable groups</strong></td>
<td>Poor households are the main concern of the initiative. Women and marginalized groups are at the centre of this strategy. Measures should be adapted to local characteristics based on the analysis of household food economies.</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>Women are one of the main target groups. It is necessary to systematically support gender equity at all levels.</td>
</tr>
<tr>
<td><strong>Good governance</strong></td>
<td>Focus on institutions and actors. Need to rethink food security governance. Role of local communities in the design and management of strategies such as safety nets. At a regional level, need to involve a broad range of institutions, to clarify their mandates and responsibilities, and to promote responsible governance.</td>
</tr>
<tr>
<td><strong>Policy coordination</strong></td>
<td>A high-level committee comprising the heads of main regional institutions needs to be set up. More consistent interventions will require a regional operational architecture in which institutions reinforce their implementing role under the orientation of the Food and Agriculture Advisory Committee (ECOWAS Commission, 2012d:15).</td>
</tr>
<tr>
<td><strong>M&amp;E</strong></td>
<td>The highest authorities of the region should establish a body specifically dedicated to piloting the initiative. M&amp;E is likely to be participative, due to the general approach of this initiative.</td>
</tr>
<tr>
<td><strong>Multisectoral approach</strong></td>
<td>The approach emphasizes that the various dimensions of FNS should be connected, linking the food, health and education sectors.</td>
</tr>
</tbody>
</table>

*Source: ECOWAS Commission, 2012d, and the authors.*

This project assumes that the prevailing approaches at a national and regional level, as they are expressed in ECOWAP, RAIP and NAIPIs, ignore the most marginalized groups, who need specific instruments to improve their situation. The focus of the existing regional agricultural policy is too broad, and most vulnerable groups are not able to take advantage of the programmes and projects implemented under ECOWAP. An agricultural policy cannot solve the problems related to food access in urban areas or malnutrition alone, so other political and social agencies and dialogue mechanisms are also needed to address these problems.
The initiative recognizes that “the challenge of food for all cannot be met without strong mobilization and the unwavering commitment of the populations, their organizations and local communities”. At a territorial level, it proposes “to rely on the local stakeholders’ potential to define appropriate strategies (or local plans) to fight against hunger and malnutrition that take local specificities into account” (ECOWAS Commission, 2012d: 12).

At a national and regional level the approach suggests (i) the design of a motivating and binding legal basis, explicitly quoting the need to incorporate the right to food in all national constitutions as well as in the ECOWAS Treaty; (ii) the consideration of women and marginalized groups not only as beneficiaries of the initiative, but also as agents of change; (iii) the support of existing strategies, policies and programmes that contribute to the “Zero Hunger” objective with human and financial resources; and (iv) ensuring the consistency of major programmes.

This initiative states the need to evaluate and even to re-formulate the main strategies and policies that have a direct impact on hunger and malnutrition, such as the NAIPs or RAIP, giving special attention not only to their impacts, but also to their governance mechanisms. From that standpoint, “Zero Hunger” is an ambitious proposal that is intended to overcome the main flaws and deficiencies of the major regional strategies and policies.

**Global Alliance for Resilience Initiative – Sahel and West Africa (AGIR)**

This alliance was launched during the 28th meeting of the Food Crisis Prevention Network (RPCA) in 2012 (ECOWAS, CILSS, WAEMU, 2013a). From an institutional point of view, the Alliance is linked to the RPCA, with CILSS as the technical agency for its implementation, under the political leadership of ECOWAS and WAEMU. Stakeholders of the Alliance adopted a regional roadmap that included the principal objectives and priorities, and M&E indicators. The implementation of the regional roadmap at a national level has been translated into “National Resilience Priorities” (NRP), through “Country Inclusive Dialogue” processes.
The policy environment for the right to food

TABLE 20. Summary assessment of the AGIR Initiative

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reference to right to food</strong></td>
<td>The promotion of the right to food appears as one of the results of the fourth pillar of the initiative “Strengthened policy, institutional and legal frameworks for the promotion of the right to food” (ECOWAS, CILSS, WAEMU, 2013a:15)</td>
</tr>
<tr>
<td><strong>Vulnerable groups</strong></td>
<td>Measures primarily target the vulnerable populations most exposed to recurrent shocks, especially poor and marginalized agricultural households, agro-pastoralists and pastoralists in ecologically fragile areas, artisan fishermen and poor urban and rural households in the informal economy.</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>Gender inequalities are analysed in the diagnosis of the current situation. Governance in the area of gender and FNS is one of the prioritized measures. Gender is considered a crosscutting issue at all levels of intervention.</td>
</tr>
<tr>
<td><strong>Good governance</strong></td>
<td>Inclusive dialogues are the main tool for the formulation of national priorities and the fostering of synergies between stakeholders. One of the strategic objectives is to strengthen governance in FNS. The Alliance aligns itself with the existing regional initiatives, in line with the Paris Declaration on Aid Effectiveness.</td>
</tr>
<tr>
<td><strong>Policy coordination</strong></td>
<td>The ECOWAS Specialized Technical Ministerial Committee on Agriculture, Environment and Water Resources and the WAEMU High-Level Committee on Food Security are the Alliance’s main regional decision-making bodies. The Sahel and West Africa Club (SWAC) platform will, via the RPCA, provide the common space for dialogue, debate, lobbying and advocacy for the Alliance on the international stage.</td>
</tr>
<tr>
<td><strong>M&amp;E</strong></td>
<td>Based on regional and national mechanisms. M&amp;E at the highest level is the responsibility of RPCA (joint leadership of ECOWAS and WAEMU).</td>
</tr>
<tr>
<td><strong>Multisectoral approach</strong></td>
<td>This initiative adopts a multidimensional and multisectoral approach to FNS.</td>
</tr>
</tbody>
</table>

Source: ECOWAS, CILSS and WAEMU, 2013a, and the authors

According to the roadmap, the overall objective of the Alliance is to “Structurally reduce, in a sustainable manner, food and nutrition vulnerability by supporting the implementation of Sahelian and West African policies”. In the short term, this strategy aims at increasing the resilience of the most vulnerable communities and households in the region. The Alliance’s long-term goal is to eradicate hunger and malnutrition.

Specific objectives incorporate the right to food, addressing the access to food, social protection and nutrition of the most vulnerable, and governance in FNS (strengthening policy, institutional and legal frameworks for the promotion of the right to food).
As to the implementation of AGIR, advances are being made in the national inclusive dialogues and multi-stakeholder and multi-sector frameworks, and in the consultations for the formulation of the “National Resilience Priorities (NRP – AGIR)” (RPCA, 2013). However, more commitment is needed in order to accelerate the implementation process.

**Regional Program to Support Agricultural Intensification and Pastoral West Africa**

The programme objective is to “contribute to the promotion of strategic products for food sovereignty and security” (ECOWAS Commission, 2012c). The underlying assumption is that poor populations will directly or indirectly benefit from support for these products, and that their poverty and FNS situation can be thus alleviated.

The approach followed by this programme is support for farmers’ access to inputs (axis 1) and the promotion of innovative and sustainable production systems (axis 2).

The programme will only support a reduced range of products, those selected by the Strategic Objective 1 of RAIP (rice, maize, cassava, large livestock and small ruminants). So, if they do not work with these products, the needs of end beneficiaries will not always be met.

The success of this programme relies on several conditions, such as prior improvement of the regional trade environment in agricultural products, the securing of land tenure (most likely seen as a prerequisite for productive intensification and not as a means for improving access to food) or the establishment of measures to manage the surplus production resulting from the intensification.

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### TABLE 21. Summary assessment of the Regional Program to Support Agricultural Intensification and Pastoral West Africa

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>Not mentioned. Food security appears among the general and specific objectives.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>The programme includes mechanisms to identify the most vulnerable producers. Gender and youth are criteria to identify target groups.</td>
</tr>
<tr>
<td>Gender</td>
<td>Gender issues are considered throughout the document. Certain activities should be mainly focused on women. The participation of the West African women’s network is encouraged.</td>
</tr>
</tbody>
</table>
TABLE 21. Summary assessment of the Regional Program to Support Agricultural Intensification and Pastoral West Africa

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good governance</td>
<td>A participatory approach is encouraged. For example, the eligibility criteria for beneficiaries should be defined using a participatory approach. Stakeholders quoted in the document are ECOWAS, the States, the POs, the financial sector, the private sector and NGOs.</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>RAAF will be the implementing agency. Each group of stakeholders (ECOWAS, states, POs, private sector, NGOs, etc.) is responsible for different levels of activities in the programme’s implementation.</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>The programme’s M&amp;E procedure is not expressly mentioned, but the M&amp;E system should be participative.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>Classical intensification approach, although the programme recognizes the need to coordinate with other multisectoral measures, such as safety nets.</td>
</tr>
</tbody>
</table>

Source: ECOWAS Commission, 2012e, and the authors.

Foreign Trade Policies and the Regional Programme to Support the Regulation of West African Markets

As has been stated in previous sections, ECOWAS is a food-deficit region, with significant dependence on international markets. The 2007–2008 food crisis revealed the major role that international markets play in food security and the priority of policies that balance the food supply and demand. However, ECOWAS does not have a Common Trade Policy as such, but rather trade directives, and the main instruments that regulate the regional trade policy are the Common External Tariffs (CETs) and other remedial trade measures (safeguards) (ECOWAS Commission, 2012f).

Two CETs co-exist in the region: the WAEMU-CET, established in 2000, which is divided into four bands, from 0 percent for essential social goods to 20 percent for final consumption goods; and the ECOWAS-CET. ECOWAS made the decision to base its CET on WAEMU’s four-band tariff in January 2006, in order to avoid two separate CETs, but it has not been implemented yet due to disagreements among countries. As a result of the discussions, a fifth tariff band of 35 percent for “specific goods for economic development” was included in the ECOWAS-CET structure, to protect the region’s agriculture against competition from imports.

Disparities among the countries are rooted in existing sharp differences (some of them are net importers of food, some are self-sufficient, etc.) that may hinder the adoption of an effective CET. A compromise has to be made between protecting domestic
production (by putting a high tariff on competitive imports) and reducing food prices (with a low tariff on imported staples). For example, some countries (Burkina Faso, for instance) have tried to develop their domestic rice sector with large investments; however, due to low import duties, rice prices in the markets are very low, so local producers have to face tough competition from foreign rice. The same phenomenon can be observed with milk or wheat, both of them EU-subsidized products that compete under advantageous conditions with domestic staples like maize, millet or sorghum. The decision is not an easy one, as is shown by the fact that the ECOWAS-CET has not been implemented yet.

There has been some progress in reducing tariffs, but there are many other non-tariff barriers. The main measures negotiated in the WTO were a Degressive Protection Tax, a Safeguard Tax on Imports and the ECOWAS Compensatory Levy. The trigger levels, duration and other characteristics of these safeguard policies are also a subject of discussion among the countries’ representatives and stakeholders (Konandreas, 2011). In any case, these measures should not be substitutes for an adequate CET, as they are only applicable in special situations.

For intra-regional trade, there are many obstacles to commerce, such as different documentation and procedures, non-standardized practices, etc. According to van Seters and co-workers (2012), border crossing posts are understaffed and lack the technical capacity to adequately manage regional trade. Also, sanitary and phyto-sanitary issues are hindering, de facto, the implementation of a regional free trade area. For these reasons, it is important to strengthen trade policies at national and, most importantly, regional levels. If a Common Trade Policy is approved, “It is hoped that [it] may encourage member states to apply at the national level what they have agreed on in the area of trade at the regional level” (van Seters et al., 2012).

The Regional Programme to Support the Regulation of West African Markets was formulated in accordance with RAIP’s objective to “modernize agriculture to support food sovereignty in view of regional integration”. The objective of this programme is to “contribute to achieving food sovereignty by improving the intra-regional trade flows and market regulation of agro-food products”. It has two specific objectives: to better manage the impacts of international price volatility on regional markets, and to facilitate the fluidity of the interior regional market.
5. The policy environment for the right to food

TABLE 22. Summary assessment of Regional Programme to Support the Regulation of West African Markets

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>Not mentioned. Food security is an primary concern of the programme.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>The ability to access food by poor populations is an object of concern, but the programme deals with markets, not with vulnerable populations, although they are supposed to indirectly benefit from it.</td>
</tr>
<tr>
<td>Gender</td>
<td>Not mentioned</td>
</tr>
<tr>
<td>Good governance</td>
<td>The programme adopts a participatory approach for its implementation, including stakeholders from POs, the private sector, NGOs and public institutions.</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>The Department of Agriculture, Environment and Water Resources of ECOWAS (DAEWR) and RAAF will be the main actors in the programme’s coordination.</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>The need to monitor and evaluate different measures is seen throughout, although the document does not give specific information about the means to develop this activity. The monitoring and decision-making support function will be housed within DAERE, relying on the ECOAGRIS system.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>Classical approach: food security is improved through better market regulation and functioning. FNS conditions will be monitored.</td>
</tr>
</tbody>
</table>

Source: ECOWAS Commission, 2012f, and the authors.

This programme could have a positive impact on the regional market, and, consequently, may improve FNS and food sovereignty. It could, for example, reduce the negative effects of price volatility crises. But many as-yet-resolved issues in regional markets may hinder its real effectiveness. Principal among them is perhaps the prevalence of national above regional interests, not only in the event of a food crisis, but also the chronic habit of national governments trying to gain political support from domestic stakeholders, such as POs.

The informal obstacles to internal markets are another relevant constraint that needs to be addressed, and market regulations may not always be the solution. Open markets in the ECOWAS region can definitely contribute to the right to food, reducing price margins and providing access to food at more affordable prices. The focus on actions to address formal and informal obstacles to free intra-regional food markets, especially in the event of food crises, will definitely help the realization of the right to food in the ECOWAS region.
Regional Social Safety Net Support Programme in West Africa

This programme (ECOWAS Commission, 2013c) pursues RAIP’s objective 3, “to contribute to ensuring that the food needs of the vulnerable populations are covered and to reducing the structural vulnerability of the populations in both rural and urban areas”. Its objective is to test, adapt and roll out national social safety nets on a large scale for several states in the region in order to strengthen household and community resilience and, more specifically, to lessen early childhood malnutrition.

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>The programme considers that the right to food can be an accompanying mechanism in some countries, but this is insufficient, because its application is not guaranteed. Instead, some kind of “social contract” between funders and recipients is regarded as a better approach. FNS is a general concern of the programme, and appears in the general objective.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>The programme emphasizes the need to use appropriate schemes to target specific needs of vulnerable populations. Safety nets need to be flexible and should be adapted to local situations and needs. Target groups are: marginalized small-scale farmers; herders whose livestock is at risk and have no other income sources; poor workers (rural and urban); children under 5 years old and especially those under 2 years; pregnant women; and nursing mothers.</td>
</tr>
<tr>
<td>Gender</td>
<td>The programme makes explicit reference to the need to involve women in decision-making processes.</td>
</tr>
<tr>
<td>Good governance</td>
<td>The need to establish institutional systems that efficiently foster inter-sector dialogue and consultation is stressed. Effective programme implementation requires transparent audit mechanisms. Territorial communities participate as facilitators in the implementation of the programmes. POs, NGOs and UN agencies support the implementation, through the formulation of new, innovative programmes.</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>ECOWAS will lead the whole programme at a regional level, and each state will formulate, coordinate and implement its own national programmes.</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>Territorial communities, POs, NGOs and UN agencies participate in the evaluation of the programmes. The Regional Agency for Agriculture and Food is responsible for the M&amp;E.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>Broad approach, taking food and nutrition insecurity into account. A prevention approach aimed at increasing households’ resilience.</td>
</tr>
</tbody>
</table>

Source: ECOWAS Commission, 2013c, and the authors.
The programme follows a complementary approach, supporting existing national safety nets and encouraging the creation of innovative new ones. Also, one of the activities included is capacity-building for national public actors for better social safety net conception, steering, coordination and implementation in their respective countries. Also, the inclusion of prevention and resilience as a comprehensive approach represents a profound change with regard to the previous safety net programmes implemented in the region before the 2008 crisis that, according to De Schutter (2013a), focused mainly on the attenuation of food crisis impacts.

The programme adopts a multisectoral vision of FNS, recognizing that agriculture administrations alone cannot address the main problems of food and nutrition insecurity, so other sectoral departments must be engaged. The participative approach followed by the programme involves the stakeholders concerned: at a regional level, different departments and institutions of ECOWAS such as DAEWR, WAHO, ECOWADFE/EBID and RAAF (responsible for the direction, monitoring and evaluation of the programme), WAEMU, CILSS and some other institutions linked to FNS and resilience. At a national level, participants are NGOs, the United Nations system, POs, local government, etc.

**ECOWAS Humanitarian Policy**

The overall strategic objective of this policy is “the forecasting, prevention and overall management of disasters and conflicts, aiming to limit or eliminate their effects, thereby preventing death, human suffering and development losses; and enhancing the protection and social situation of all West African citizens and residents as basic conditions for regional integration, peace, security and development” (ECOWAS Commission, 2012a, b).

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>Not mentioned, but the whole policy is based on a human rights-based framework.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>Affected populations in the event of humanitarian crises, but the policy also aims at increasing the resilience of vulnerable populations. The policy emphasizes the need to adapt the measures to the specific situations of the affected people: rights and needs-based, context-specific and people-centred.</td>
</tr>
<tr>
<td>Gender</td>
<td>The whole policy is based on a gender approach.</td>
</tr>
</tbody>
</table>
TABLE 24. Summary assessment of the ECOWAS Humanitarian Policy

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Good governance</strong></td>
<td>Good governance principles can be found in the formulation of this policy, especially accountability, which involves all stakeholders.</td>
</tr>
<tr>
<td><strong>Policy coordination</strong></td>
<td>The ECOWAS Humanitarian Coordination System includes humanitarian partners and CSOs.</td>
</tr>
<tr>
<td><strong>M&amp;E</strong></td>
<td>The Humanitarian Coordination System will be responsible for the M&amp;E.</td>
</tr>
<tr>
<td><strong>Multisectoral approach</strong></td>
<td>A multisectoral approach is present, though not specifically dealing with FNS issues.</td>
</tr>
</tbody>
</table>

*Source: ECOWAS Commission, 2012a, and the authors.*

ECOWAS Humanitarian Policy adopts a human rights-based approach. For example: “There is a need for Member States to have a holistic legal framework predicated on human rights and International Humanitarian Law which clearly defines the parameters for the provision of assistance and protection of people during humanitarian crises”.

Food and nutrition insecurity is considered a consequence of natural and human-made disasters, and thus is an object of this policy. It aims not only at attenuating the effects of disasters, but also at preventing them and increasing the resilience of the most vulnerable populations: “The priority axis for humanitarian action in West Africa should focus on responding to acute vulnerabilities and strengthening populations’ resilience in the face of risks”. For all these reasons, although the right to food is not specifically quoted in the policy document, it can be deduced that ECOWAS Humanitarian Policy’s principles are coherent with the right to food.

**National and regional nutrition initiatives**

**The Scaling-up Nutrition (“SUN”) initiative**

Although SUN is not a regional initiative, 14 of the ECOWAS countries have joined it (the only exception is Cabo Verde) and it is directly linked to FNS (SUN Movement, 2010 [reprinted 2011], 2012, 2013b).
### TABLE 25. Summary assessment of the “SUN” initiative

<table>
<thead>
<tr>
<th>Right-to-food element</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference to right to food</td>
<td>The movement was founded on the right to food as a principle, but it does not appear expressly among the principles of engagement for stakeholders. A human rights-based approach is pervasive.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>The main target groups are children under two years and breastfeeding mothers. These vulnerable groups are quantified.</td>
</tr>
<tr>
<td>Gender</td>
<td>Gender is a crosscutting issue in this movement. It receives special attention given its important role. For example, improving gender equality and girls’ education is understood as one of the main determinants to reducing undernutrition.</td>
</tr>
<tr>
<td>Good governance</td>
<td>Good governance principles are present, such as the alignment with the Paris-Accra Principles, or the fostering of key stakeholder participation in an inclusive approach. Accountability at all levels plays an important role in the SUN movement strategy (there is an Accountability Framework).</td>
</tr>
<tr>
<td>Policy coordination</td>
<td>The SUN Movement is organized within five networks – countries, civil society, business, donors and international organizations – which work together at both the national and international level to assist in the achievement of nutrition goals and strategic objectives. Each network has its own systems of governance and accountability.</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>The design and implementation of the M&amp;E framework are participative.</td>
</tr>
<tr>
<td>Multisectoral approach</td>
<td>A multisectoral approach to fight against undernutrition is adopted.</td>
</tr>
</tbody>
</table>


SUN defines itself as a movement that “unites people—from governments, civil society, the United Nations, donors, businesses and researchers—in a collective effort to improve nutrition.” The movement was founded on the principle that all people have a right to food and good nutrition. But the right to food cannot be found among the principles of engagement that all stakeholders must respect (at least one of them is rights-based, i.e. to “Act in line with a commitment to uphold the equity and rights of all women, men and their children”). Also, the right to food does not appear in the Framework for Action or in the current Strategy.

Nevertheless, the promotion of the right to food could be implicitly stated as one of the objectives of the 2012–2015 Strategy: “Establish best practices for scaling up proven interventions, including the adoption of effective laws and policies”, or as one of the four processes that Governments in SUN countries and their partners commit themselves
to undertaking: “Establish (and seek legislative endorsement for) a coherent policy and legal framework”. For these reasons country compliance with the SUN initiative could be used as a proxy indicator of the incorporation of a rights-based approach in nutrition. Still, there has been some negative criticism of SUN for this apparent lack of will in not expressly aligning its initiatives with the right to food (Schuftan and Greiner, 2013).

The outcomes of the SUN Movement are measured against SUN’s four strategic objectives:

- “Bringing people together”: creation of an enabling political environment, with strong in-country leadership and a shared space (multi-stakeholder platforms) where stakeholders align their activities and take joint responsibility for scaling up nutrition.
- “Coherent policy and legal framework”: scaling up proven interventions, including the adoption of effective laws and policies.
- “Common Results Framework”: an agreed-upon results framework and mutual accountability.
- “Financial tracking and resource mobilization”: increased resources, directed towards coherent, aligned approaches.

The progress in each of the four outcomes is measured through a set of 20 indicators. A simple scoring system is used to assess the degree to which the four outcomes have been accomplished by each country. The results are shown in Table 15. The last row displays the average values for each outcome.

According to the average values, the second outcome, i.e. coherent policy and legal framework, is where the countries show the greatest progress. This fact reveals a growing interest in including nutrition in a country’s political and legal frameworks. In contrast, in outcome 4, financial tracking and resource mobilization, achievements are lower. In a sense, outcome 4 shows the real commitments to the measures that appear in outcome 2. These two results together show that the mere inclusion of nutrition issues in the political and legal framework does not guarantee that actual changes will take place. In general terms, countries are not allocating resources as much as they are formulating policies. An example of this is shown in Box 11.

---

40 For each indicator, a country receives one point if it is classified as “Starting”, two points for “Ongoing”, three for “Good progress” and four for “In place”. The average of the indicator scores is then calculated for each outcome.
TABLE 26. Indicator scoring for each outcome of SUN country achievements for ten of the countries

<table>
<thead>
<tr>
<th></th>
<th>People united</th>
<th>Legal framework</th>
<th>Common results</th>
<th>Financial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>2.2</td>
<td>4.0</td>
<td>2.3</td>
<td>2.0</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>1.8</td>
<td>3.0</td>
<td>2.0</td>
<td>1.4</td>
</tr>
<tr>
<td>Gambia</td>
<td>2.0</td>
<td>4.4</td>
<td>2.5</td>
<td>2.2</td>
</tr>
<tr>
<td>Ghana</td>
<td>1.6</td>
<td>3.2</td>
<td>1.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Guinea</td>
<td>1.4</td>
<td>2.2</td>
<td>0.8</td>
<td>0.8</td>
</tr>
<tr>
<td>Mali</td>
<td>1.4</td>
<td>3.0</td>
<td>1.5</td>
<td>1.4</td>
</tr>
<tr>
<td>Niger</td>
<td>1.8</td>
<td>2.8</td>
<td>2.5</td>
<td>1.6</td>
</tr>
<tr>
<td>Nigeria</td>
<td>1.4</td>
<td>2.6</td>
<td>1.0</td>
<td>1.4</td>
</tr>
<tr>
<td>Senegal</td>
<td>1.8</td>
<td>2.6</td>
<td>2.8</td>
<td>2.2</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>2.8</td>
<td>2.8</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>AVERAGE</td>
<td><strong>1.8</strong></td>
<td><strong>3.1</strong></td>
<td><strong>2.0</strong></td>
<td><strong>1.6</strong></td>
</tr>
</tbody>
</table>

Source: SUN Movement, 2013a, and the authors.

BOX 11. The right to food and nutrition in Mali

Mali is one of the countries that is making the most progress in terms of the second SUN outcome, *Coherent policy and legal framework*. According to SUN, “Various nutrition-specific policies and strategies are already in existence, including: the National Strategic Plan for Food and Nutrition (2006), the National Strategy for the Nutritional Care of people living with HIV (2006), and other provisions relating to the nutrition of infants and young children. In addition, national legislation covering agriculture, food, wheat flour fortification and the protection of maternity is in place. Numerous provisions for the implementation of the Code on the Marketing of Breast Milk Substitutes are currently in force”.

The National Nutrition Policy, adopted in January 2013, as well as a multi-sector Nutrition Action Plan, make reference to the right to nutrition: “The Vision of the National Nutrition Policy is to ensure the right of all Malians to adequate nutrition to […] guarantee sustainable development”, stating a priority orientation toward the most vulnerable groups “for an equitable share of resources, the policy and Action Plan will particularly focus on the priorities of the most vulnerable groups living in adverse environments”. 
Unfortunately, the country’s financial commitment does not keep pace with its legal framework. The SUN report states that “A specific budget for nutrition in the government’s overall budget does not yet exist; however, individual lines exist in sectoral budgets. While data on the financial resources need and availability from external partners are inadequate, it is clear that funding for nutrition is insufficient overall and the lack of funding is a major challenge for the country”. This explains why the country scores relatively low on the fourth outcome.

**REACH initiative**

REACH was established in 2008 by FAO, UNICEF, WFP and WHO to assist governments of countries with a high burden of child and maternal undernutrition to accelerate the scale-up of food and nutrition actions. Later IFAD joined REACH, extending an advisory role at the global level. REACH was originally meant to strengthen UN efforts towards ending poverty and hunger by 2015, the first of the eight UN Millennium Development Goals. Yet its action scope goes beyond 2015, as hunger remains a problem, and nutrition issues will be given an even stronger emphasis after 2015.

Countries become involved in REACH at their own request. Factors considered for initiating engagement include:

- country needs, as defined by high levels of undernutrition;
- government commitment and preparedness for scaling-up nutrition; and
- stakeholder interest and complementarity.

At present, REACH operates in four ECOWAS countries:

- **Ghana.** REACH started operation in 2011, aiming to improve nutrition, focusing on the three northern regions, where there are relatively higher rates of poverty, malnutrition and food insecurity.
- **Mali.** The implementation of the REACH process started in 2009. REACH advocates for a multisectoral and multi-stakeholder approach to fight malnutrition in order to improve the impact of nutritional interventions.
- **Niger.** REACH was launched in 2011, aiming to support the Government in the implementation of its multisectoral nutrition strategy (3N Initiative), taking key priorities into account.
- **Sierra Leone.** REACH initiated operations in 2010 to address the underlying causes of mother and child undernutrition. These included a lack of harmonization among health-based and agriculture-based nutrition strategies, as well as a poor
understanding of how to address nutrition problems and a corresponding low level of political commitment.

**The Nutrition Working Group for West Africa (NWG)**

NWG was established in 2007 by several international NGOs and UN agencies to support countries scaling up their activity in nutrition and implements projects and activities in four areas:

- Coordination, advocacy and communication, including joint advocacy efforts in regional conferences and events, a Nutrition Champion who advocates at the highest levels for increased action and investment in nutrition by national government, and nutrition training workshops for media.

- Development of effective regional and national coalitions, including support for the REACH approach.

- Technical harmonization and regular situation analysis, with publications with in-depth research into the nutrition situation in West Africa (i.e. Children’s right to adequate nutrition in the Sahel).

- Capacity building.

**Food Fortification Initiatives**

Since 2007, two regional food fortification initiatives have been launched.

1. **Tache d’Huile initiative** is a partnership between public and private stakeholders in eight French-speaking countries in West Africa (WAEMU countries). It focuses on fortifying cooking oil with vitamin A. It is estimated that more than 42 percent of preschool-age children in West Africa are vitamin A deficient (Aguayo and Baker, 2005), increasing the risk of morbidity and mortality in these children. Cooking oil was chosen because it is a daily staple in the West African diet that is purchased and consumed in small quantities even among the poorest families. The objectives of the initiative were to: establish harmonized regional standards and regulation on vitamin A fortification of cooking oil, build the capacity of public–private sector institutional partners, develop and disseminate public-sector social marketing of vitamin A-fortified cooking oil, and reach at least 70 percent of the WAEMU population with at least 30 percent of the Recommended Daily Allowance (RDA) of vitamin A through fortified cooking oil.

   International and the WAEMU Commission signed an agreement that outlined the steps needed to achieve mandatory vitamin A fortification of cooking oil in the
participating countries. The role of Helen Keller International, the Global Alliance for Improved Nutrition (GAIN), and the Micronutrient Initiative (MI) was essential in advocating with the public and private sectors to collaborate on fortifying cooking oil with vitamin A. These stakeholders organized regional dialogues and created multisectoral national alliances at the national level while supporting industrial evaluations to assess the technical capacity reinforcement required by cooking oil industries to engage sustainably in fortification. The partnership was broadened nationally and regionally with the vision of ensuring public sector ownership of the regional initiative by the WAEMU Commission.

2. Also in 2007, the Fortify West Africa initiative was launched to expand beyond vitamin A fortification of cooking oil to include fortification of wheat flour with micronutrients. The fortification of wheat flour—another staple food with high market penetration—with folic acid and iron helps combat birth defects and iron deficiency. In November 2007, health ministers of 15 countries in ECOWAS passed a resolution for the fortification of wheat flour. Activities are now underway to adopt norms for micronutrient fortification of cereal flours in the WAEMU region, with plans to enlarge the scope of fortification work to cover all ECOWAS countries.
Regional policies and programmes reviewed in this chapter are diverse in their approach and the extent to which they integrate the elements relevant to the right to food. Regional initiatives with a broad multisectoral approach to FNS are more likely to consider the multiple aspects of the right to food, especially if the programme has been recently formulated. There are some exceptions to this: some NAIPs integrate elements relevant to the right to food despite their almost mono-sectoral bias, and the recently-formulated Safety Nets Programme that has a multidimensional approach just makes a very brief reference to these elements. Other recently-designed programmes, such as the Regional Programme to Support the Regulation of West African Markets and the Regional Programme to Support Agricultural Intensification and Pastoral West Africa do not target fulfilment of the right to food.

Considering these links, regional policies and programmes have been classified into four tiers according to their programme approach and their integration of the right to food (Figure 10).

On the first tier are the multidimensional programmes with objectives and actions covering food availability, food access and nutrition. The second level corresponds to more focused programmes, mainly agriculture-oriented, but with a quite broad approach in which there are clear links with other sectors. Some NAIPs are more multidimensional than others, but they have all been put in this group for the sake of simplicity. Programmes focusing on just one specific sector, mainly agriculture or trade, have been included in the third level. The fourth tier corresponds not only to a single sector but also to very specific products, and also programmes dealing with specific inputs, such as the West Africa Seed Programme and USAID West Africa Fertilizers Programme, would be included in this group.
### FIGURE 10. Programmes analysed and commonalities with respect to right to food criteria

#### Multisectoral programme approach

| 1st tier. Multidimensional programmes | Zero Hunger in West Africa  
Regional Food Security Reserve  
AGIR  
Regional Social Safety Net Support Programme in West Africa (right to food not integrated)  
SUN initiative |
|-------------------------------------|---------------------------------------------------------------|
| 2nd tier. More focused programmes, mainly agriculture oriented | ECOWAP  
NAIPs (with varying levels of integration with right to food)  
RAIP  
ECOAGRIS |
| 3rd tier. Programmes focusing on just one specific sector, mainly agricultural or trade | Regional Programme to Support Agricultural Intensification and Pastoral West Africa  
West Africa Agricultural Productivity Program  
Regional Programme to Support the Regulation of West African Markets  
Foreign trade policies |
| 4th tier. Programmes focusing on a single sector or specific products | Regional Offensive for Sustainable Rice Production in West Africa |

#### Sectoral programme approach

Source: The authors.

As has been already mentioned, West African agricultural productivity needs to be improved, and programmes aiming at this goal can have a positive impact on food availability and, consequently, on FNS. Nevertheless, environmental, social and economic issues should be taken into account if the most vulnerable households are to benefit from this improvement. Therefore, we suggest that productivity enhancement programmes be coordinated with other multidimensional and multisectoral measures in order to boost inclusive growth for the region without leaving the poorest populations behind.

Although it is difficult to ensure that programmes and policies reach the most disadvantaged and marginalized groups, the most recent programmes (the Zero Hunger Initiative, the Regional Food Reserve and AGIR) reviewed in this document include measures to address this problem, giving a place to CSOs and NGOs.
The identification of disadvantaged and marginalized groups, or even the evaluation of advances made towards the effective exercise of the right to food, requires the evolution of information systems. There have been important advances in information systems in West Africa, especially in terms of early warning systems, but the situation is not equal across all countries, and the region lacks complete, regular, transparent and reliable information mechanisms and methodologies. Although the 15 countries have adopted the Harmonized Framework, at least five of them have yet to implement it. Some countries lack effective systems for data collection, and where these systems exist, they face many difficulties in functioning properly.

Regional and national policies and programmes need to further develop M&E systems, adopting results-based approaches and social accountability principles using human rights frameworks. The effective M&E of policies and programmes implemented in West Africa could shed light on the limitations depicted in this section and could help decision-makers to address these issues in a more coordinated way.

Regional political consistency is frequently eroded by the pre-eminence of national over regional interests, and because regional policies and programmes lack effective power to compel the states to adopt regional priorities. This is the case for food sovereignty, an important goal of ECOWAS. Within the region there are net food exporter countries and net food importer countries, so there is a conflict of interests. Disagreements can arise when defining and implementing the corresponding measures. The challenge, therefore, is to build regional strategies and actions capable of conjoining national interests and overcoming differences, providing an added value to national actions. Policies and programmes need to be re-oriented and prioritized to provide a significant contribution toward achieving the “hunger free” goal under a right-to-food approach steered at the highest level, effectively respecting and protecting the right to food.

The ECOWAS region faces important challenges with regard to effectively orienting and employing financial commitments in FNS policies and programmes. On the one hand, food crisis shocks impose budget challenges to governments that need to prioritize resources for addressing crises, limiting the budget allocation for long-term programmes. On the other, the lack of application of available funds on a regional level and the lack of resources mobilized at a national level are also important obstacles to the implementation of regional and national policies and programmes. Also, most of the programmes analysed in this document rely to some extent on development funds, making them dependent on the ups and downs of
international aid. Investing in prevention and resilience and supporting predictable
and secure long-term financial mechanisms would contribute to a more effective
rights-based policy.

International partners are increasingly aligning their initiatives with regional policies
and programmes, responding to ECOWAS interests and needs, although there are
still institutions, organizations and governments that run parallel to regional and
national processes, responding to external interests. Thus De Schutter (2013b) states
that the G8’s “New Alliance”, signed by Benin, Burkina Faso, Côte d’Ivoire, Ghana
and Nigeria and where no reference to the right to food is made, has introduced new
objectives into the system (such as freeing land markets for large-scale investments),
and was formulated without consulting local farmers.

Some measures passed by the ECOWAS Agricultural Commission in 2013 make
definitive contributions to the right to food. Principal among them, the development
of a draft land tenure directive based on the guiding principles for responsible
governance of land tenure; the adoption of mechanisms to allow small family farms
to access funding; and the adoption of a directive for gender mainstreaming in
national and regional initiatives. Also, it prioritizes strengthening the capacity of
non-state actors to support the ECOWAP/CAADP process and the commitment to a
Common External Tariff (CET) that protects local production. Another key issue for
the realization of the right to food at a regional level is the integration of nutrition
into agriculture, strengthening the capacity of ECOWAS (CILSS, RAAF and WAHO)
to enhance agriculture and nutrition links and facilitating inter-country knowledge
exchanges on FNS.

Progress in the integration of the right to food into national programmes and policies
varies considerably among ECOWAS countries. Some countries have made enormous
efforts in formulating and implementing programmes aimed at achieving FNS for the
most vulnerable populations. However, even the most advanced programmes still
face some constraints that need to be overcome. The 3N Initiative is a good example
to illustrate the strengths and weaknesses of a well-designed national programme
(see Box 12).
The Nigeriens Nourish Nigeriens (3N) Initiative for food security and agricultural development is regarded as an example of strategy that adopts a broad approach towards FNS. This strategy was born in 2011, when Niger’s government decided to address the main challenges the country was facing: feeding an increasingly large population, guaranteeing income to producers, and building a national agriculture system open to regional and international markets.

Its overall objective is to free the Nigerien people from hunger and guarantee the conditions for their full participation in national production and the improvement of their incomes. The 3N Initiative pays special attention to the right to food as it states: “The rights to enough and healthy food and drinking water are part of the fundamental human rights enshrined in Niger’s Constitution. The right to food involves three state obligations: (i) to respect existing food access; (ii) to protect the right to food of the people through regulation of the activities of non-state actors; and (iii) to effectively guarantee better access to food”.

Beyond the traditional concern for agricultural intensification, the 3N Initiative adopts a broad approach to FNS, stressing the need to address the nutritional situation, improve the resilience of vulnerable groups, diversify the sources of income, and ensure the Initiative’s appropriate governance, coordination, monitoring and evaluation.

Although it is still quite early to evaluate the 3N Initiative, a recent civil society assessment pointed out its main strengths, including: (i) the improvement in the coordination of actors through the National Dispositif for the prevention and management of food crises (DNPGCA); and (ii) the integration of new interventions into the government’s response plan. With regard to weaknesses, this assessment suggests further reforms to strengthen government leadership and the participation of civil society in the Dispositif; greater progress on resilience-building measures; greater allocation of funds dedicated to the prevention of food crises; and an increase in the donor’s share of funding allocated directly to state budgets.

Recent research on Niger’s rights approach warns of three constraints based on the experience of previous programmes: (i) the implementation deficit (gap between theoretical strategy and practical execution); (ii) the cost of the 3N and the challenges that food crises can impose on governmental budgets (prioritizing resources for addressing recurrent food crisis limits the budget allocation for long-term programmes); and (iii) the challenge of properly targeting vulnerable groups and their needs and the difficulties of controlling how the programmes reach the vulnerable groups (avoiding corrupt practices).

Source: Oxfam, 2013; Grasset, 2013; and the authors.
Other countries are increasingly incorporating the right to food into their national policies and programmes. The integration of the right to food in the NAIPs of Cabo Verde, Gambia, Guinea and Togo is a clear example of how right to food is contemplated in national policies in the region.

Further analysis of the NAIPs provided some interesting outcomes on the integration of the right to food:

- Vulnerable groups are a priority in some NAIPs, where activities to enhance productivity and growth are accompanied by actions aiming at achieving equality in the access to resources and opportunities.

- The NAIPs have definitely improved coordination among technical ministries involved in rural development. However, multisectorality could be improved through the participation of social branches of the state involved in rural development, such as ministries of health, education and social affairs.

- Participation and inclusiveness are good governance indicators addressed in most NAIPs through the promotion of forums for multi-stakeholder dialogue. The challenge now is to provide a more comprehensive definition of the roles and responsibilities of the actors involved in NAIP implementation, wider dissemination of the operational tools and procedures to civil society and peasant organizations, and further development of accountability systems.

- Some NAIPs address the question of transparency, responsiveness and accountability of the public sector and other actors involved in the implementation of the NAIPs. They can be used as a benchmark of good governance.

- The NAIPs have contributed to improving planning and budgeting, and M&E processes in some countries. Nevertheless, further efforts need to be made to increase the capacity of the public sector and civil society to monitor NAIP implementation, ensuring that non-state actors have all the information available as a basis for better monitoring of NAIP implementation and providing right-based analysis.

- Other important challenges are:
  - the definition of concrete actions to fully mainstream gender in the NAIPs;
  - and integrating nutrition into the agricultural sector as an essential objective of the NAIPs.
6. The institutional environment for the right to food

This chapter gives a brief description of the most relevant institutions in the field of FNS and human rights. They are grouped into four categories of regional organizations: Intergovernmental Organizations (IGOs); CSOs; other relevant institutions (networks, research centres, etc.); and human rights organizations. There is also one group of national FNS commissions. At the beginning of each sub-section there is a table showing the main features of the institutions to be described.

6.1 Intergovernmental Organizations

ECOWAS, WAEMU and CILSS are the main institutions in the ECOWAS region with responsibility for achieving FNS, and those that can therefore play a key role in the realization of the right to food. However, these institutions were established with different mandates and objectives; they have different approaches to FNS issues, and include different countries. While ECOWAS and WAEMU focus primarily on economic integration, CILSS is a technical institution in the area of food security and desertification control.

In 2004, ECOWAS and WAEMU signed a general cooperation agreement to enhance the coordination and harmonization of their programmes. A Joint Technical Secretariat was established for ensuring better coordination of the various programmes run by the two institutions and strengthening bilateral cooperation in order to enhance the regional integration process underway in West Africa.
TABLE 27. **Main characteristics of Intergovernmental Organizations**

<table>
<thead>
<tr>
<th>Intergovernmental Organizations</th>
<th>Main focus</th>
<th>Role with regard to right to food</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ECOWAS</strong></td>
<td>Regional economic integration.</td>
<td>ECOWAS’ agricultural policy is via ECOWAP.</td>
</tr>
<tr>
<td><strong>ECOWAS DAEWR</strong></td>
<td>Agricultural development / Environmental issues / FNS.</td>
<td>Responsible for ECOWAP coordination, governance and M&amp;E.</td>
</tr>
<tr>
<td><strong>ECOWAS STC-AEWR</strong></td>
<td>Agricultural development / Environmental issues / FNS.</td>
<td>Comprises ECOWAS Ministers of Agriculture, representatives of international institutions and development partners, POs, CSOs.</td>
</tr>
<tr>
<td><strong>RAAF</strong></td>
<td>Agricultural development / FNS.</td>
<td>Responsible for RAIP implementation.</td>
</tr>
<tr>
<td><strong>ECOWADF</strong></td>
<td>Agricultural development / FNS.</td>
<td>Provides funds for RAIP implementation.</td>
</tr>
<tr>
<td><strong>CCAA</strong></td>
<td>Agricultural development / FNS.</td>
<td>Coordination platform shared by a wide range of stakeholders. Provides consistency between national and regional initiatives.</td>
</tr>
<tr>
<td><strong>CIDAA</strong></td>
<td>Agricultural development / FNS.</td>
<td>Ensures consistency of initiatives taken by different departments.</td>
</tr>
<tr>
<td><strong>Community Court of Justice</strong></td>
<td>Regional integration / Defence of human rights.</td>
<td>Jurisdiction over cases of ‘violation of human rights that occur in any member state’.</td>
</tr>
<tr>
<td><strong>EBID</strong></td>
<td>Financing of projects and programmes in the fields of transport, energy, telecommunications, industry, poverty alleviation, the environment and natural resources.</td>
<td>Financial arm of ECOWAS.</td>
</tr>
<tr>
<td><strong>WAEMU</strong></td>
<td>Regional economic integration</td>
<td>PAU is WAEMU’s agricultural policy.</td>
</tr>
<tr>
<td><strong>CILSS</strong></td>
<td>Food security / fight against the effects of droughts and desertification.</td>
<td>Gives technical support to ECOWAS and WAEMU.</td>
</tr>
<tr>
<td><strong>WAHO</strong></td>
<td>Health and nutrition issues.</td>
<td>ECOWAS agency specializing in the health and nutrition sectors.</td>
</tr>
</tbody>
</table>

*Source: The authors.*
ECOWAS

The Economic Community of West African States (ECOWAS) is a regional group of fifteen countries, founded in 1975 with the main aim of promoting regional economic integration. In 2011, the ECOWAS vision was reformulated, promoting a transition from an “ECOWAS of States” to an “ECOWAS of people”.

ECOWAS comprises the following institutions:

- The Commission.
- The Community Parliament.
- The Community Court of Justice.
- ECOWAS Bank for Investment and Development (EBID), often called The Fund.

The ECOWAS Commission and EBID are the two institutions designed to implement policies, pursue a number of programmes and carry out development projects in Member States.

ECOWAS Commission

In the ECOWAS Commission, the Department of Agriculture, Water and Natural Resources (DAEWR) (one of the six Commission departments) is responsible for designing strategies and tools to promote regional agricultural development and to ensure the sustainability of production’s environmental foundation. This department supports the efforts toward increased agricultural production for food security and the mitigation of food crises arising from natural disasters, pests, adverse economic developments and other shocks.

Until the establishment of the Regional Agency for Agriculture and Food (RAAF), this department was also responsible for facilitating the implementation of the RAIP. At present, it primarily performs a coordination, governance, and M&E role, while RAAF is responsible for technical and operational matters.

Other Commission departments also play important roles in achieving FNS in the region; for instance, the Human Development and Gender Department addresses inequality and gender issues, promotes inclusive development and employment, enhances poverty alleviation and supports the development of social services; the Departments of Trade and of Infrastructure facilitate growth of intra-regional trade and promote the development of a viable regional infrastructure.
The Commission established a Specialized Technical Committee on Agriculture Environment and Water Resources (STC-AEWR),\textsuperscript{42} comprising the Ministers of Agriculture of ECOWAS Member States and representatives of technical cooperation agencies, international institutions and development partners, agricultural producer organizations and civil society, with the mandate of validating and adopting all regional policies and programmes related to agriculture, water resources and environment.

In 2011, the ECOWAS Council of Ministers established an institutional mechanism for the implementation of the ECOWAP/RAIP, to ensure the connection between different departments and special agencies within the Commission. The following institutions were created:

- **The Regional Agency for Agriculture and Food (RAAF).** Its main goal is contributing toward achievement of the MDGs on food security. RAAF’s main task is to ensure the technical implementation of regional programmes and investment plans—particularly the RAIP—within the framework of ECOWAP, with the support of relevant regional technical agencies. RAAF will primarily focus on the coordination of activities implemented by these technical institutions in the fields of agriculture, livestock, forestry and fisheries, and strengthening the capacities of the ECOWAS Commission and regional actors. At present, it receives financial support from USAID and the AECID through an FAO project that aims at building RAAF and Member State capacity to formulate “bankable” projects. The Zero Hunger in West Africa Initiative (funded by ECOWAS and the German cooperation agency), the European Union and the French Development Agency (AFD) will also support this institution.

- **The Regional Fund for Agriculture and Food (ECOWADF),** hosted at the ECOWAS Bank for Investment and Development (EBID), aims at ensuring funding for the RAIP, coordinating ECOWAP financial aid, and complementing national financial mechanisms for NAIPs. It supports projects and programmes in the fields of regional agricultural integration, food security, innovation and capacity building as well as the institutional and political framework. ECOWAPF instruments are grants, subsidized interest rates, loan guarantees, and loans. ECOWADF was established with US$ 38 million of the ECOWAS Commission’s own resources. To date, ECOWAS has allocated US$ 150 million to ECOWADF as seed money to finance ECOWAP activities and food security programmes of RAIP, RAAF and other relevant institutions.

- **The Advisory Committee for Agriculture and Food (CCAA, from its French acronym)** is an advisory body that brings together representatives of West African

\textsuperscript{42} The Council comprises the Minister in charge of ECOWAS Affairs and any other Minister of each Member State. ECOWAS Treaty, art. 10
The institutional environment for the right to food

regional institutions and Member States as well as representatives of the ECOWAS Parliament, the private sector, NGOs, development agencies and donors. CCAA provides advice to the ECOWAS Commission on all issues related to regional food and agricultural policy, in particular ECOWAP strategic orientation, the RAIP annual operation plans prepared by RAAF, and the financial execution of regional funds for food and agriculture. CCAA also constitutes a coordination platform for a wide range of stakeholders where they can share and coordinate their food and agricultural initiatives. It meets on a monthly basis, or more frequently when necessary. Some actors are of the opinion that the CCAA could play a key role in strengthening consistency and synergies between national and regional initiatives (van Seters, Afun-Ogidan and Rampa, 2012).

- The **Inter-Departmental Committee for Food and Agriculture** (CIDAA, from its French acronym) brings together officials of several Commission Secretariat departments to discuss issues related to ECOWAP. CIDAA ensures consistency of the policies and measures approved by different departments concerning regional agricultural policy. It makes recommendations to the Council of Ministers on necessary arrangements and additional measures required to guarantee consistency. The general coordination of CIDAA with the ECOWAS Commission is handled through the Internal Coordination Mechanism, which is designed to ensure better strategic orientation for the mobilization and use of resources.

Although the ECOWAS Commission has expressed its commitment to ensure the right to food as a member of the Charter for Food Crisis Prevention and Management in the Sahel and West Africa, none of the institutions it comprises considers the right to food as a major priority in their policies, programmes or strategies.

**ECOWAS Parliament**

The Parliament issues opinions on all matters related to regional integration through promotion of democracy, human rights, solidarity, equity, peace, justice and good governance, and, as it has consultative status, it makes recommendations to ECOWAS institutions and the decision-making organs. The current Parliament Strategic Plan (2011–2015) includes “the promotion and defence of human rights, justice, gender, democracy, peace and security” as one of its main objectives. The Parliament has Standing Committees on agriculture, environment, water resources and rural development.

ECOWAS Parliamentarians are delegated by national parliaments. They are also members of national parliaments, so they are able to promote national initiatives at regional
levels and also to facilitate the implementation of regional laws and agreements by national parliaments.

Parliaments can play a decisive role in the promotion and adoption of the right to food at either a national or regional level.

At a regional level:

- in the consultation process for the approval of regional policies and programmes; and
- in the accountability of the ECOWAS Commission in the allocation of resources and the implementation of FNS programmes and policies.

At a national level:

- elaborating and amending national legislation to comply with international right-to-food commitments;
- lobbying national parliaments for integrating the right to food in the revision of national Constitutions;
- developing legal frameworks to support the right to food;
- formulating and approving framework and sectoral laws (agriculture, health, labour, etc.) based on food as a fundamental right;
- supporting legislation that takes social and cultural realities into account;
- anchoring FNS policies and programmes in legislation to guarantee the sustainability of institutional arrangements and the allocation of resources (national budgets) in the long term; and
- influencing informal politics that underlie political decisions.

At territorial and local levels:

- advocating at the grassroots level with their own constituencies to respect, protect and promote the right to food.

Legislative powers play a very important role in keeping executive powers accountable for the way in which they utilize public resources. Legislative chambers approve budgets, authorize governments to raise revenues, spend on government institutional architecture and service delivery (specific social programmes), and analyse audited accounts, verifying whether governments have delivered on budget promises. They play a key role in the approval of institutional reforms, ensuring and amending the allocation of funds for FNS programmes and holding government policies and strategies accountable.
The Community Court of Justice (described in the legal section)

ECOWAS Bank for Investment and Development (EBID)\(^4^4\)

EBID’s main objective is to contribute towards the economic development of West Africa through financing ECOWAS projects and programmes in the fields of transport, energy, telecommunications, industry, poverty alleviation, the environment and natural resources. EBID’s poverty reduction strategy consists partly of financing basic economic infrastructure and projects relating to the social sector, rural development and the environment, and partly of mobilizing the required financial resources from donors in the form of grants, subventions, lines of credit or special funds. EBID’s interventions in support of Member States are either through direct project funding or indirect funding through intermediaries such as non-governmental organizations (NGOs).

WAEMU\(^4^5\)

The West Africa Economic and Monetary Union (WAEMU) (Union Economique et Monétaire Ouest Africaine, UEMOA) was created in 1994 by the heads of state and government of seven countries that share a common currency, the CFA Franc: Benin, Burkina Faso, Côte d’Ivoire, Mali, Niger, Senegal and Togo. Guinea-Bissau joined the Union in 1997.

WAEMU has five objectives, including the creation of a common market based on the right of settlement and the free movement of persons, goods, services and capital, and the harmonization of national legislation.

WAEMU has initiated some regional structural and sectoral policies, one of which is the Agricultural Policy (PAU), adopted in 2001, which has already been assessed in the section on policies in this document. Although the PAU does not include the right to food as one of its goals, WAEMU has expressed its commitment to ensuring this right as a member of the Charter for Food Crisis Prevention and Management in the Sahel and West Africa.

In 2006 a Regional Agriculture Development Fund (FRDA) was created to provide the PAU with an operational financing system. It supports actions for improving agricultural production, strengthening the common market and integrating WAEMU agriculture into global markets (70 percent of this budget has been allocated to the irrigation of 8000 ha and the storage and preservation of crops). Other investments are related to capacity building of farmer organizations and distribution of inputs (seeds, fertilizers, etc.).

\(^4^4\) http://bidc-ebid.com/en
\(^4^5\) www.uemoa.int
Together with ECOWAS and CILSS, WAEMU is participating in important initiatives aimed at improving the food and nutrition situation of the region, such as AGIR or the Regional Food Security Reserve, and has been invited to take part in the Zero Hunger programme.

**CILSS**

The Permanent Interstate Committee for Drought Control in the Sahel (Comité permanent Inter-Etats de Lutte contre la Sécheresse dans le Sahel, CILSS) was founded in 1973 and includes 13 countries: Benin, Burkina Faso, Cabo Verde, Chad, Côte d’Ivoire, Gambia, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

The mandate or general objective of CILSS is to invest in research on food security and the fight against the effects of droughts and desertification, in order to achieve a new ecological balance in the Sahel.

CILSS gives support to different regional initiatives linked to FNS in cooperation with ECOWAS and WAEMU, assuming a technical role. Examples of these initiatives are the Food Crisis Prevention Network (RPCA); AGIR in the Sahel and West Africa; the Regional Offensive for Sustainable Rice Production in West Africa; the Regional Food Security Reserve; the Regional Agricultural Information System, ECOAGRIS; and others.

CILSS has two specialized institutions:

- AGRHYMET,
- Institute of the Sahel,

which coordinate and promote research activities for enhancing food security, fighting against desertification, and achieving a better ecological balance in the Sahel.

**WAHO**

The West African Health Organisation (WAHO) is a specialized ECOWAS agency created to harmonize policies aimed at providing a high standard of health to West African communities, within the framework of the Millennium Development Goals (MDGs).

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46 [www.cilss.bf](http://www.cilss.bf)
47 [www.agrhymet.ne](http://www.agrhymet.ne)
48 [www.insah.org](http://www.insah.org)
49 [www.wahooas.org](http://www.wahooas.org)
Nutrition is a priority area for WAHO. In this regard, one key activity is the coordination of multisectoral nutrition networks and related activities at a regional level and, therefore, it engages horizontally with ECOWAS, WAEMU and UN Agencies, and vertically with country Ministries of Health and programme committees. WAHO has partnership agreements with CILSS, UNICEF and Helen Keller International, and organizes annual statutory meetings while engaging in advocacy meetings. WAHO established the ECOWAS Nutrition Forum, which brings together nutrition stakeholders from 15 member states of ECOWAS, as well as stakeholders from the UN system, international organizations and an increasing number of NGOs, CSOs and local associations. The aim of the Nutrition Forum is to coordinate national nutritional initiatives. At the regional level, there is also the ECOWAS regional nutrition working group (NWG, described in the previous chapter), which meets regularly to discuss and plan joint initiatives and joint missions to institutions or countries.

There is also a WAHO nutrition action plan shared by CILSS and WAHO, and there are various resolutions, including the 2006 resolution for mandatory fortification of selected food staples and the harmonization of regional regulatory frameworks or standards on food fortification. For better coordination at the regional level, WAHO needs to work on raising awareness at all levels, clarify plans with defined roles, leadership, knowledge generation, documentation and sharing, and create platforms with major actors, while building human resource capacity, including for M&E.

### 6.2 Civil Society Organizations

<table>
<thead>
<tr>
<th>Civil Society Organizations</th>
<th>Main focus</th>
<th>Role with regard to right to food</th>
</tr>
</thead>
<tbody>
<tr>
<td>RBM</td>
<td>Livestock farming</td>
<td>Strengthening the capacities of pastoral organizations for defending their interests.</td>
</tr>
<tr>
<td>APESS</td>
<td>Livestock farming</td>
<td>Food security is a major area of concern.</td>
</tr>
<tr>
<td>ROPPA</td>
<td>Food sovereignty</td>
<td>Represents small-scale producers. Important interlocutor at a regional level. Active position to promote the right to food.</td>
</tr>
</tbody>
</table>
### TABLE 28. Main characteristics of civil society organizations

<table>
<thead>
<tr>
<th>Institution</th>
<th>Main focus</th>
<th>Role with regard to right to food</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSCAO</td>
<td>Trade policies and negotiations.</td>
<td>Represents civil society. Important interlocutor at a regional level. Active position to promote the right to food.</td>
</tr>
<tr>
<td>WACSI</td>
<td>Governance and democratic values. Promotion of human rights among CSOs.</td>
<td>FNS and the right to food are not specifically areas of concern.</td>
</tr>
<tr>
<td>WACSOF</td>
<td>Relations between civil society and ECOWAS. Human security, development and regional integration.</td>
<td>There are different working groups in the organization indirectly related to the right to food.</td>
</tr>
<tr>
<td>WAWA</td>
<td>Women’s rights.</td>
<td>Actively involved in FNS issues.</td>
</tr>
<tr>
<td>National Alliance Against Hunger and Malnutrition</td>
<td>FNS.</td>
<td>Platform for sharing experiences and information among CSOs.</td>
</tr>
</tbody>
</table>

*Source: The authors.*

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**RBM - Billital Maroobé Network**

The Regional Network of Breeders Organizations of the Sahel “Billital Maroobé” (*Réseau des Organisations d’Eleveurs Pasteurs du Sahel “Billital Maroobé”* – RBM) comprises herder and breeder associations from seven West African countries. Its main objectives are: to integrate breeders into the elaboration of national and regional livestock policies; to promote the socio-economic position of women breeders in the Sahel; and to strengthen the capacities of pastoral organizations for defending the interests of Sahelian herdsmen.

One of its main roles is to monitor the situation of herdsmen, especially in drought-prone areas. In 2010, the network conducted a study, the results of which highlighted the failures of public policies and partners to provide appropriate responses with specific strategies for pastoralist communities. In October 2011, RBM alerted governments and development partners of an imminent food and pastoral crisis in the Sahel.

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50 [www.maroobe.org](http://www.maroobe.org)
APESS

The Association for the Promotion of Livestock in the Sahel and the Savannah has national coordination cells in Benin, Burkina Faso, Cameroon, Central African Republic, Gambia, Guinea-Bissau, Mali, Niger, Nigeria, Senegal and Chad. APESS’ main objective is the renovation of traditional livestock farming and better involvement of farmers in the economic, political and social development of African countries. Food security appears as a major area of concern in APESS’ Strategic Plan (APESS, 2011).

APESS is regarded as an important partner for the implementation of regional policies and programmes. Thus the RAIP includes this association in the regional conflict prevention framework, and it is a pillar of the AGIR regional information systems.

ROPPA

The Network of Farmer and Agricultural Producer Organizations of West Africa comprises organizations and “dialogue boards” representing about 45 million small-scale producers, cattle farmers and fishers from 10 West African countries (Benin, Burkina Faso, Côte d’Ivoire, Gambia, Guinea, Guinea-Bissau, Mali, Niger, Senegal and Togo). It maintains regular coordination with some of the largest national organizations from the other three ECOWAS countries (Nigeria, Ghana and Sierra Leone).

ROPPA has a political approach in its defence of sustainable agriculture values. It informs and trains the members of farming organizations and agricultural producer associations and facilitates their participation in the formulation and implementation of development policies and programmes in agricultural and rural sectors. ROPPA is actively involved in the promotion of food sovereignty and the right to food, highlighting the need to reinforce a food production and agriculture model based on small farms. Creative new agrarian reform policies, claims ROPPA, could balance the needs, demands and rights of diverse rural peoples, such as women, men, youth, forest dwellers, fisherfolk, etc.

ECOWAS, WAEMU and CILSS regard ROPPA as one of the most legitimate and reliable interlocutors when dealing with issues related to agriculture. ROPPA played an important role in the elaboration, adoption and implementation of ECOWAP, and leads the elaboration of the institutional strengthening component of the RAIP. As such, ROPPA is trying to monitor whether countries are allocating enough resources to agriculture.

51 www.inter-reseaux.org/IMG/pdf/DOS_APESS_pre_final_1_.pdf
52 www.roppa.info
in their national budgets in accordance with the Maputo Commitment and claims for more transparency and accessibility of data to be able to monitor the compromises.

ROPPA has created the *College des Femmes* as a specific space where women can exchange experiences and formulate proposals for ROPPA’s executive committee.

**POSCAO**

*Plateforme des organisations de la société civile de l’Afrique de l’Ouest sur l’Accord de Cotonou* (POSCAO) (Platform of West African Civil Society Organizations based on the Cotonou Agreement) is a network of CSOs specializing in intra-regional trade in West Africa. POSCAO also monitors the consistency of regional development policies, development cooperation and aid effectiveness.

POSCAO represents CSOs in the formulation and implementation of different regional initiatives such as ECOWAP and the Regional Food Reserve, monitoring civil society’s level of participation in these policies and programmes. It also represents civil society in the Regional Negotiating Committee of the Economic Partnership Agreement (EPA) between West Africa and the EU, taking a stance critical of excessive opening of West African markets to European products.

POSCAO has an active position regarding FNS and the right to food, which is an important area of concern for this organization. For example, POSCAO is a member of the Grow Campaign in West Africa, together with ROPPA, RBM, Oxfam, etc.

**WACSI**

The West Africa Civil Society Institute (WACSI), is a not-for-profit organization established by the Open Society Initiative for West Africa (OSIWA) to strengthen the institutional and operational capacities of CSOs through capacity-building programmes for increased and effective policy engagement, and the promotion of development, good governance and democratic values in West Africa. FNS and the right to food do not appear as main areas of concern for WACSI, but their approach towards the promotion of human rights

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54 [www.wacsi.org](www.wacsi.org)

55 The Open Society Initiative for West Africa was created in 2000, supported by George Soros “to promote inclusive democratic governance, transparent and accountable institutions and active citizenship in West Africa”. It envisions a region where inequalities and inequities are minimized in the future. Its geographical focus is in Benin, Côte d’Ivoire, Ghana, Guinea, Liberia, Niger, Nigeria, Senegal and Sierra Leone.
among CSOs is consistent with the work of incorporating the right to food into national legal frameworks.

WACSOF\textsuperscript{56}

The West African Civil Society Forum (WACSOF) (\textit{Forum de la Société Civile de l’Afrique de l’Ouest – FOSCAO}) is a network of CSOs from the fifteen ECOWAS member states, designed to promote dialogue between CSOs and ECOWAS institutions. WACSOF has established some working groups that have a direct link with the right to food: Agriculture and Food Security; Democracy and Governance; Human and Peoples’ Rights; Humanitarian and Social Affairs; Women and Gender; and Youth and Employment.

WAWA\textsuperscript{57}

The West African Women’s Association (WAWA) (\textit{Association des Femmes de L’Afrique de l’Ouest – AFAO}) is a West African women’s CSO that organizes women to participate in regional decision-making processes.

WAWA is actively involved in FNS and women’s rights issues. A recent example occurred in Nigeria, where the WAWA Nigerian Charter held a press conference to present its objection to the alteration of a section of the Constitution relating to child marriage. The Senate proposed to change the stipulation that “a woman shall not be qualified for marriage until she attains 18 years of age” for an ambiguous interpretation: “any woman who shall be of full age”. WAWA declared that this alteration violated the Child’s Rights Act of Nigeria, as well as the African Charter on the Rights and Welfare of the Child and the Africa Charter on Human and People’s Rights.

National Alliances Against Hunger and Malnutrition (NAAHM)

National Alliances Against Hunger and Malnutrition is a network of civil society organizations and institutions that work within a specific country to combat hunger and malnutrition. The goal is to share experiences and information, build political strength and draw up strategies and concrete initiatives aimed at improving FNS.

\textsuperscript{56} www.wacsof.net

\textsuperscript{57} www.afaowawa.org/index.php/fr
6.3 Other Relevant Institutions

### TABLE 29. Main characteristics of other relevant institutions

<table>
<thead>
<tr>
<th>Other Relevant Institutions</th>
<th>Cibles principales</th>
<th>Rôle par rapport au DA</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPCA</td>
<td>Food crisis prevention.</td>
<td>Coordination platform shared by a wide range of stakeholders. Provides consistency to interventions through the Charter for Food Crisis Prevention and Management.</td>
</tr>
<tr>
<td>THE RURAL HUB</td>
<td>Agricultural policies, land policies, climate change, bioenergies and rural development funding.</td>
<td>Technical support to ECOWAS, WAEMU and CILSS initiatives.</td>
</tr>
<tr>
<td>CORAF/WECARD</td>
<td>Poverty reduction and food security.</td>
<td>Agricultural research network, regarded by ECOWAS Ministers of Agriculture as their technical instrument for research policy. Important regional partner.</td>
</tr>
<tr>
<td>ReSAKSS</td>
<td>Agriculture and rural development.</td>
<td>Knowledge centre supporting the implementation of CAADP.</td>
</tr>
</tbody>
</table>

*Source:* les auteurs.

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**RPCA**

The Food Crisis Prevention Network (RPCA) (*Réseau de Prévention et Gestion des crises alimentaires*) is a consultation and coordination platform drawing on the political leadership of the ECOWAS and WAEMU Commissions. Its technical management is coordinated by CILSS. Its main task is to reinforce intervention consistency and effectiveness through the implementation of the Charter for Food Crisis Prevention and Management in the Sahel and West Africa, in which the right to food is one action within the strategic framework for food crisis prevention. More information can be found in the legal section of this document, where the Charter is thoroughly explained.

RPCA members include ECOWAS, WAEMU, CILSS, regional and international information systems, cooperation agencies, humanitarian organizations and NGOs, professional agricultural associations, the private sector and civil society.

[58](www.oecd.org/site/rpca/aboutus)
The Rural Hub

The Rural Hub defines itself as “a small non-partisan unit” financed by several donors. It was founded with the main purpose of promoting consistency in rural development programmes in the West African region.

The Hub provides information on rural development and food security issues, and promotes dialogue between rural sector actors, mainly around five themes: agricultural policies, land policies, climate change, bioenergies, and rural development funding.

The Rural Hub is providing technical support to ECOWAS institutions in the main current regional initiatives, such as the Zero Hunger in West Africa programme, the Regional Food Security Reserve, the Security Nets programme and the Regional Offensive for Sustainable Rice Production in West Africa.

CORAF/WECARD

Since 1996, CORAF/WECARD has been the technical instrument for research policy in West and Central Africa. WECARD seeks to contribute to the sustainable reduction of poverty and food insecurity through agriculture-led economic growth and an improved agricultural research system. Small-scale producers and the agribusiness sector are the focus of this institution’s research activity, which targets improvement of their efficiency and effectiveness.

CORAF/WECARD is considered an important partner in terms of agricultural research for the implementation of various regional policies and programmes, such as the RAIP or PAU. In the case of the West Africa Agricultural Productivity Programme and the West Africa Seed Program, CORAF/WECARD is the main implementing agency.

ReSAKSS

The Regional Strategic Analysis and Knowledge Support System is an Africa-wide network supporting the implementation of the CAADP. ReSAKSS is organized into four geographical nodes: All Africa; Eastern and Central Africa; South Africa; and West Africa. The Steering Committee of the West African node is made up of ECOWAS, WAEMU, CILSS, CORAF/WECARD, ROPPA and other relevant institutions.
ReSAKSS activities are organized around three components: (i) strategic analysis for accelerating agricultural growth and reducing poverty and hunger; (ii) knowledge management and communications to allow for more evidence-based decision-making; and (iii) capacity strengthening that contributes to informing policy and decision-making processes in Africa.

### 6.4 Human Rights Institutions

<table>
<thead>
<tr>
<th>Human Rights Institutions</th>
<th>Main focus</th>
<th>Role with regard to right to food</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa Commission of Human and Peoples’ Rights</td>
<td>Human rights.</td>
<td>Prepares cases on human rights violations for submission to the African Court.</td>
</tr>
<tr>
<td>RAPDA</td>
<td>Promotion of the right to food.</td>
<td>Only institution in West Africa that specifically addresses the right to food. Available information suggests that it has not participated in the main ECOWAS programmes and policies.</td>
</tr>
<tr>
<td>WiLDAF-WASRO</td>
<td>Women’s rights.</td>
<td>WASRO is WiLDAF’s West Africa Sub-Regional Office.</td>
</tr>
<tr>
<td>WAHRD</td>
<td>Prevention of conflicts, promotion of good governance, and human rights monitoring.</td>
<td>Does not specifically promote the right to food.</td>
</tr>
</tbody>
</table>

Source: les auteurs.

### African Commission of Human and Peoples’ Rights

The African Commission was established in 1986 by the African Charter on Human and Peoples’ Rights, with responsibility for promoting and protecting human and peoples’ rights, and interpreting the African Charter on Human and Peoples’ Rights.

The Commission is mandated to compile documents and undertake studies and research on African problems in the areas of human and peoples’ rights; organize seminars,
symposia and conferences; disseminate information; encourage national and local institutions concerned with human and peoples’ rights; and, should the case arise, to give its views or make recommendations to governments. With the creation of the African Court, the Commission acquired the additional task of preparing cases for submission to the Court’s jurisdiction.

More information on the African Commission has been provided in the legal section of this document.

**NANHRI** and NHRIs

The Network of African National Human Rights Institutions (NANHRI), created in 2007, is one of the four regional networks within the worldwide network of the International Coordinating Committee of National Human Rights Institutions (ICC).

NANHRI encourages the establishment of National Human Rights Institutions (NHRIs), facilitating the coordination, strengthening and effectiveness of those already existing and cooperation among them. To this end, the ICC reviews and accredits these institutions in compliance with the Paris Principles, which require NHRIs to protect human rights and promote these rights through training and capacity building, as well as advising and assisting the Government.

Table 31 shows the status of West African National Human Rights Institutions in relation to the three levels of accreditation: Status A is a voting member, complying fully with the Paris Principles; Status B is an observer member that does not fully comply with the Paris Principles or has not yet submitted sufficient documentation to make that determination; and Status C is a non-member that does not comply with the Paris Principles.

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63 www.nanhri.org

64 The Paris Principles were adopted by the UN General Assembly in its Resolution 48/134 of 1993 and relate to the status and functioning of national institutions for the protection and promotion of human rights.
### TABLE 31. West African National Human Rights Institutions

<table>
<thead>
<tr>
<th>Country</th>
<th>National Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Status A: In compliance with the Paris Principles</strong></td>
<td></td>
</tr>
<tr>
<td>Nigeria</td>
<td>National Human Rights Commission of Nigeria.</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Human Rights Commission.</td>
</tr>
<tr>
<td><strong>Status B: Not fully in compliance with the Paris Principles</strong></td>
<td></td>
</tr>
<tr>
<td>Senegal</td>
<td>Comité Sénégalais des Droits de l’Homme.</td>
</tr>
<tr>
<td><strong>Status C: Non-compliance with the Paris Principles.</strong></td>
<td></td>
</tr>
<tr>
<td>Benin</td>
<td>Commission Beninoise des Droits de l’Homme.</td>
</tr>
<tr>
<td><strong>Suspended institutions</strong></td>
<td></td>
</tr>
<tr>
<td>Niger</td>
<td>Niger Commission Nationale des Droits de l'Homme et des Libertés Fondamentales (CNDHLF).*</td>
</tr>
<tr>
<td><strong>Institutions whose accreditation has lapsed</strong></td>
<td></td>
</tr>
</tbody>
</table>

* CNDHLF was removed upon its dissolution in February 2010.
** Accreditation lapsed due to non-submission of documentation.

Source: ICC Chart of National Institution Status (January 2014) and the authors.

There are also national human rights institutions in several countries, which have not been assessed by the ICC (Table 32).
TABLE 32. National human rights institutions not assessed by the ICCC

<table>
<thead>
<tr>
<th>Country</th>
<th>National Human Rights Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabo Verde</td>
<td>Comissao Nacional para os Direitos e a Cidadania.</td>
</tr>
<tr>
<td>Guinea</td>
<td>Observatoire National de la Démocratie et des Droits de l’Homme.</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>Comissao Nacional para os Direitos Humanos.</td>
</tr>
</tbody>
</table>

Source: www.nanhri.org and the authors.

It should be noted that only four of the fifteen ECOWAS countries have national human rights institutions that comply with the Paris Principles, despite fourteen of the fifteen ECOWAS countries having operational national human rights institutions. Gambia is the only country that has still not set up a national institution, but it is on the right track. Recently (August 2013), Gambia validated a document for the establishment of a national human rights commission. The document was awaiting Parliamentary endorsement.

It is essential to strengthen the capacities of these institutions for protecting and promoting human rights in general and the right to food in particular.

**RAPDA**

The African Network on the Right to Food (Réseau Africain pour le Droit a l’Alimentation) is the only institution in West Africa that specifically addresses the right to food. It is a network of NGOs created in 2008, with the purpose of promoting the right to food in the African countries that have adhered to the Right to Food Guidelines. RAPDA is made up of national coalitions from 20 African countries, but only those in Benin, Burkina Faso, Côte d’Ivoire, Gambia, Mali, Niger, Sierra Leone and Togo are operational in West Africa.

RAPDA performs a wide range of activities, including: dissemination of information on the right to food; awareness raising among policy-makers and stakeholders to make this right effective; and monitoring the current status of relevant laws.

RAPDA is member of the Right to Food and Nutrition Watch Consortium 2013, and as such it has issued various reports on the status of this right in Africa. However,

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65 www.rtfn-watch.org/fr/home/consortium/reseau-africain-pour-le-droit-a-lalimentation-rapda
available data suggests that this organization has not participated in the formulation and implementation of the main ECOWAS programmes and policies.

**WiLDAF-WASRO**

Women in Law and Development in Africa (WiLDAF) is a network of over 350 African NGOs, including national networks in Benin, Burkina Faso, Côte d’Ivoire, Ghana, Guinea, Mali, Nigeria, Senegal and Togo.

WiLDAF’s main objective is to empower women by promoting their rights and increasing their participation and influence at the community, national, and international levels through formulating, promoting and strengthening strategies that link law and development.

**WAHRD**

West African Human Rights and Democratization (WAHRD) is a programme financed by DANIDA and IBIS (a Danish NGO) aimed at the prevention of conflicts, promotion of good governance and human rights monitoring (www.ibiswestafrica.com). On a regional level, it supports CSOs to promote peace, democracy, good governance and human security. On a national level, this programme supports citizens demanding their rights to information, peace and development, and the participation of women in peace-building and governance. This programme does not specifically aim at promoting the right to food or improving the region’s FNS.

### 6.5 National Food and Nutrition Security Commissions

The majority of ECOWAS countries have established inter-sectoral and multi-actor commissions or committees for monitoring FNS situations and coordinating their interventions (see Table 33).
### TABLE 33. Commissions for monitoring food and nutrition security

<table>
<thead>
<tr>
<th>Country *</th>
<th>Institution</th>
<th>Initiative Year **</th>
<th>Participants</th>
<th>Leadership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>National Council for Food and Nutrition (Conseil National de l’Alimentation et de la Nutrition - CAN)</td>
<td>2009</td>
<td>Relevant ministries, Association of Municipalities, Food industry, Training institutions, CSOs and consumers, POs.</td>
<td>SUN Movement focal point, under the Office of the President.</td>
</tr>
<tr>
<td></td>
<td>National Food Security Council (Conseil National de Sécurité Alimentaire - CNSA)</td>
<td>2006</td>
<td>Relevant ministries, Technical and financial partners, CSOs.</td>
<td>Prime Minister.</td>
</tr>
<tr>
<td>Cabo Verde</td>
<td>No data.</td>
<td>No data.</td>
<td>No data.</td>
<td>No data.</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td>National Nutrition Council</td>
<td>In progress</td>
<td>10 ministries and a technical committee. Under construction, with the participation of the public sector, development partners, private sector, CSOs and academia.</td>
<td>Prime Minister.</td>
</tr>
<tr>
<td>Gambia</td>
<td>Prime Minister</td>
<td>2010</td>
<td>Concerned ministries.</td>
<td>Vice-President and Minister of Women’s Affairs.</td>
</tr>
<tr>
<td>Ghana</td>
<td>Cross-Sectoral Planning Group (CSPG) ***</td>
<td>No data.</td>
<td>Relevant ministries, Regional Coordinating Councils, District Assemblies, NGOs, Private sector, Technical and research institutions, CSOs.</td>
<td>Vice Chairperson of the National Development Planning Commission.</td>
</tr>
</tbody>
</table>
## TABLE 33. Commissions for monitoring food and nutrition security

<table>
<thead>
<tr>
<th>Country *</th>
<th>Institution</th>
<th>Initiative Year **</th>
<th>Participants</th>
<th>Leadership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guinea</td>
<td>Nutrition Coordinating Committee (Comité de Coordination de la Nutrition – CCN)</td>
<td>2005</td>
<td>Implementing Stakeholders: sectoral ministries, national projects and programmes, national institutions, CSOs, private sector, NGOs, bilateral and multilateral agencies.</td>
<td>Ministry of Public Health.</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>No data.</td>
<td>No data.</td>
<td>No data.</td>
<td>No data.</td>
</tr>
<tr>
<td></td>
<td>Food Security and Nutrition Technical Committee (FSNTC)</td>
<td>2008</td>
<td>Key ministries, a representative of bilateral agencies and another of multilateral agencies.</td>
<td>Minister of Agriculture.</td>
</tr>
<tr>
<td>Mali</td>
<td>Orientation and Coordination Committee of the Food Security System (Comité d’Orientation et de Coordination du Système de Sécurité Alimentaire – COCSSA)</td>
<td>1999</td>
<td>Relevant ministries, development partners</td>
<td>Minister of Economy and Finance.</td>
</tr>
<tr>
<td>Niger</td>
<td>National Council of Dialogue and Coordination among Stakeholders (Conseil National de dialogue et de concertation des acteurs – CND)</td>
<td>2011</td>
<td>Relevant ministries, development partners, President and Prime Minister’s Advisors, research institutions, POs, Municipalities, CSOs.</td>
<td>High Commissioner of the 3N Initiative.</td>
</tr>
<tr>
<td></td>
<td>Multisectorial Steering Committee of the 3N Axis 4 Strategic Programme (CMPS)</td>
<td>2013</td>
<td>Ministries concerned, development partners, CSO representatives, private sector, research and academic institutions.</td>
<td>Chaired by the Public Health Minister.</td>
</tr>
</tbody>
</table>
### TABLE 33. Commissions for monitoring food and nutrition security

<table>
<thead>
<tr>
<th>Country *</th>
<th>Institution</th>
<th>Initiative Year **</th>
<th>Participants</th>
<th>Leadership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nigeria</td>
<td>National Committee on Food and Nutrition (NCFN) ****</td>
<td>2001</td>
<td>Relevant ministries, University representatives.</td>
<td>Department of Agriculture in the National Planning Commission (NPC) chaired by the Vice-President.</td>
</tr>
<tr>
<td>Senegal</td>
<td>Fight Against Malnutrition Committee (CLM)</td>
<td>2001</td>
<td>Ministries (health, agriculture, education, etc.), NGOs, CSOs, community organizations and UN agencies.</td>
<td>National Executive Office under the Prime Ministry.</td>
</tr>
<tr>
<td></td>
<td>Conseil National de Sécurité Alimentaire (CNSA)</td>
<td>1998</td>
<td>It is formed by Committees under Ministries. Each Committee can integrate private sector, development partners and NGOs. To improve integration between food security and nutrition, CNSA has created a Technical Committee with the participation of the CLM and the Health Ministry.</td>
<td>Executive secretary (CNSA) under the Prime Minister.</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Nutrition Technical Committee</td>
<td>2012</td>
<td>Ministry of Health and Sanitation, UN agencies, NGOs.</td>
<td>Ministry of Health and Sanitation.</td>
</tr>
<tr>
<td></td>
<td>National FNS Steering Committee</td>
<td>2012</td>
<td>Relevant ministries, National Commission for Social Action, UN agencies, Donor agencies.</td>
<td>Vice President.</td>
</tr>
<tr>
<td>Togo</td>
<td>No data.</td>
<td>No data.</td>
<td>No data.</td>
<td>No data.</td>
</tr>
</tbody>
</table>

* In the cases of Cabo Verde, Guinea-Bissau and Togo, no evidence of the existence of a multisectoral committee has been found.

** This is the year the commission was proposed; in most cases, no information about the commission’s effective functioning is available online.

*** In addition to the CSPG, there is a separate entity coordinated by the Nutrition Department of the Health Service (SUN Initiative, http://scalingupnutrition.org/sun-countries/ghana/progress-impact/bringing-people-together/government).

**** The creation of National Nutrition Council under the Presidency was proposed in 2007 to include membership of external stakeholders, but it has not been inaugurated yet (SUN Initiative, http://scalingupnutrition.org/sun-countries/nigeria/progress-impact/bringing-people-together/government).

Source: The authors.
There are also national platforms and associations, such as ASCFM (Alliance against hunger and malnutrition) in Senegal, that promote and advocate for the right to food.

### Main Findings – Institutional Environment

ECOWAS, WAEMU, CILSS and WAHO are the main institutions in the region with responsibility for achieving FNS, and those that can therefore play a key role in the realization of the right to food.

These institutions were established with different mandates and objectives, and also different approaches to FNS issues. However, there is a growing degree of convergence among them in terms of priorities because they are jointly involved in regional programmes with forums for the coordination and definition of common actions. Some of the challenges identified in the integration of the right to food are:

- Regional institutions have increasingly developed policies and programmes with a broader outlook on FNS (a change from traditional productivity approaches). However, the right to food is still not explicitly considered as a priority, although it is included as a reference framework in some of the most recent initiatives they have promoted.
- There have been important advances in terms of transparency and accountability, but information about the impacts and results achieved by most institutions remains limited.
- The sheer number of regional policies and programmes within these institutions may result in the multiplication of responsibilities, potentially conflicting commitments, and a waste of already scarce resources. High level decision-makers may not have enough time to deal with this wide range of initiatives or, in particular, with their effective implementation.

Coordination mechanisms for agriculture and FNS are in place in West Africa, but the synergies and alignment between these mechanisms are insufficient (different focus and leadership), making it difficult to harmonize efforts. Greater effective coordination and cooperation among these institutions could create an enabling environment for taking the necessary steps to integrate the right to food into regional programmes. A coherent results framework with a clear allocation of responsibilities and strong accountability mechanisms would provide the basis for more effective coordination.

Institutions such as the Court of Justice and the regional Parliament have also an important role to play in the realization of the right to food.
The Court has already made rulings on right to food allegations, but to fully play its role it needs to overcome some limitations, such as the appointment of judges knowledgeable on questions of human rights, or improving the enforceability of decisions on a national level.

Legislative powers play a very important role in keeping executive powers accountable for the way in which they utilize public resources. Although having a consultative role, the Parliament has a clear mandate on the promotion and defence of human rights, and could issue opinions on the right to food to the ECOWAS Commission, participate in the approval of regional policies and programmes and make the ECOWAS Commission accountable for the allocation of resources and the implementation of FNS programmes and policies.

ECOWAS parliamentarians are members of national parliaments, so they are able to promote national initiatives at a regional level and also to facilitate the implementation of regional laws and agreements by their national parliaments and provide support to national parliaments for incorporation of the right to food in national legislation.

At national level there are a diversity of FNS-related coordination mechanisms with different focuses on FNS (emergency/development; sectoral/intersectoral; policy-based/technical) that need to be strengthened as an instrument to support awareness and the promotion of the right to food in the ECOWAS countries.

There are strong, dynamic CSOs and NGOs at a regional level that actively participate in political and decision-making processes. CSOs play a key role in making regional institutions accountable for their commitments, their actions (or lack thereof) and for the impacts achieved with regard to their objectives and anticipated results. Their participation in the institutional governing bodies would ensure greater transparency and accountability among the institutions involved in FNS at regional and national levels, and provide active advocacy for the incorporation of the right to food into policies and laws.

Despite their active participation at the regional level, there are still important challenges in enhancing their role:

- Few CSOs are widely representative or able to articulate the interests and needs of the grassroots levels at the regional level. A reduced set of relevant CSOs are invited to participate in the main regional initiatives, and ECOWAS public institutions face the challenge of obtaining extended, active and inclusive participation of grassroots organizations, using transparent selection criteria.
• CSO participation in political and decision-making processes at a regional level is still weak and needs to be better structured through the creation of advisory groups within the political framework and the inclusive involvement in the entire policy implementation process.

• At a national level, CSOs are even weaker (capacities, legitimacy, resources) and their forums for participation and consultation are very limited. The activities performed by regional and national CSOs, and the impacts achieved, may be hindered by their lack of resources and their high dependence on international aid.

• Only few NGOs and CSOs have the right to food as a priority, but most of those reviewed could directly or indirectly have a role in the realization of the right to food.

One of the main findings of the assessment related to the institutional framework is that regional and national institutions do not fully understand the right to food: governments and civil society have difficulties grasping the true meaning of the right to food (and its differences from FNS) and do not know how to put it into practice. Regional and national institutions (governments, parliaments, courts, CSOs, POs, the media) need to become aware of the benefits of using a right-to-food approach and have a clear understanding of its main concepts and practical implementation, as well as its differences from other development approaches (with regard to responsibilities, focus and accountability).

A clear roadmap showing how existing measures should be intertwined and prioritized and what new measures need to be taken to apply the right to food, is highly recommended. The necessary steps should be adapted to each country’s specific situation, and regional institutions could provide the required support in terms of orientation and resources, demonstrating the benefits of adherence to human rights principles. In this regard, it is important to provide support for building the capacities of regional and national institutions in the practical implementation of the right to food.
References


Ministry of Agriculture, Livestock and Fisheries of the Togolese Republic. 2010. 


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