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y la
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**INTERGOVERNMENTAL WORKING GROUP FOR THE
ELABORATION OF A SET OF VOLUNTARY GUIDELINES TO
SUPPORT THE PROGRESSIVE REALIZATION OF THE RIGHT
TO ADEQUATE FOOD IN THE CONTEXT OF NATIONAL FOOD
SECURITY**

Rome

Right to Food Case Study: Uganda

**Study conducted for FAO in support of the Intergovernmental Working
Group on the Elaboration of a set of Voluntary Guidelines for the
Realization of the Right to Adequate Food in the context of National
Food Security**

This Annex is available (in English only) from the Food and Agriculture Organization of the UN (FAO), on request. It can also be obtained from the FAO website at www.fao.org/righttofood.

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February 2004

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ACRONYMS

ACP	Aids Control Programme
ARDC	Agricultural Research Development Center
CRC	Convention on the Rights of the Child
CSO	Civil society organization
DPMPF	Disaster Preparedness and Management Policy Framework
ESCR	Economic, social and cultural rights
FAO	Food and Agriculture Organization
FNP	Food and Nutrition Policy
FNSIP	Food and Nutrition Strategy and Investment Plan
GDP	Gross domestic product
GOU	Government of Uganda
HIV	Human immunodeficiency virus
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDA	Iron deficiency anaemia
IDD	Iodine deficiency disorders
IDP	Internally displaced person
IEC	Information, Education and Communication
IGWG-RTFG	Intergovernmental Working Group on the Elaboration of a set of Voluntary Guidelines for the Implementation of the Right to Adequate Food in the context of National Food Security
ILO	International Labour Organisation
IPRFD	International Project on the Right to Food in Development
MAAIF	Ministry of Agriculture, Animal Industry, and Fisheries
MDG	Millennium Development Goal
MFPEd	Ministry of Finance, Planning, and Economic Development
MOH	Ministry of Health
MTCT	Maternal-to-child transmission
MTEF	Medium-Term Expenditure Framework
MU	Makerere University
NAADS	National Agricultural Advisory Services
NARO	National Agricultural Research Organization
NFNC	National Food and Nutrition Council
NGO	Non-governmental organization
NODPSP	National Objectives and Directive Principles of State Policy
NPID	National Policy on Internal Displacement
NSCG	Non-Sectoral Conditional Grant
PEAP	Poverty Eradication Action Plan
PLWHA	Person living with HIV/AIDS
PMA	Plan for the Modernization of Agriculture

PRSP	Poverty Reduction Strategy Paper
SWAP	Sector Wide Approach
TASO	The AIDS Support Organization
UAC	Uganda AIDS Commission
UDHR	Universal Declaration of Human Rights
UDHS	Uganda Demographic and Health Survey
UHCR	Uganda Human Rights Commission
UN	United Nations
UNAIDS	United Nations Aids Commission
UBS	Uganda Bureau of Statistics
UNBS	Uganda National Bureau of Standards
UNDP	United Nations Development Program
UNHS	Uganda National Household Survey
UN OCHA	United Nations Office for the Coordination of Humanitarian Assistance
UN SCN	United Nations System Standing Committee on Nutrition
UPPAP	Uganda Participatory Poverty Assessment Project
UPE	Universal Primary Education
VAD	Vitamin A deficiency
WFP	World Food Program
WHO	World Health Organization

Executive Summary

Uganda's record of dealing with its widespread problems of food insecurity and poverty points to both remarkable achievements to-date and formidable challenges ahead. The prevalence of food insecurity declined significantly over the past two decades, but the absolute number of undernourished people increased in the 1990s, as population growth outstripped growth in food production and availability. Income poverty decreased sharply in the last decade, but over one-third of the population remain below the poverty line. And despite the Government's pro-poor economic growth and development efforts, income inequalities appear to be on the rise.

Against this background, growing attention is being given in Uganda to strengthening policy making and implementation through the application of human rights principles. And it is in this context that Uganda has made a promising beginning in articulating the concept of food as a human right in its fight against hunger and malnutrition. Its recently adopted Food and Nutrition Policy (FNP) is the first Ugandan socio-economic policy which – while not explicitly framed with a human rights dimension – does call for a rights-based approach to its implementation. This is to be assured by way of a strategic action and investment plan now under preparation. At the same time, a bill is being drafted for adoption by Parliament, which would provide the legal framework for the rights-based implementation of the FNP and its action and investment plan and related institutional arrangements.

Uganda's efforts to address food as a human right have been helped by a number of *enabling circumstances*; including:

- Its 1995 *Constitution*, which protects and promotes “fundamental and other human rights and freedoms”, even though it does not recognize adequate food as a justiciable right – an issue brought by the Uganda Human Rights Commission before the Government's Constitutional Review Commission, suggesting that the right to adequate food be given the status of a fundamental right.
- The emergence of an *enabling political, social and economic environment*, including measures to restore and promote constitutionalism, democracy, human rights, peace and stability, and efforts to advance decentralised, participatory governance.
- A *policy environment* broadly oriented towards pro-poor development objectives: Uganda's principal development policy framework, the Poverty Eradication Action Plan, seeks to balance economic growth with poverty reduction objectives, and two of its supporting policies, the Programme for Modernisation of Agriculture and the Food and Nutrition Policy, have food and nutrition security as a major objective.
- Growing awareness and acceptance among *key policy makers* in Government and Parliament of the centrality of human rights to development and the significance of a rights-based approach to food and nutrition security.
- A dynamic *independent Constitutional body*, the Uganda Human Rights Commission. The success of UHRC can be explained both by its constitutional mandate and its application by a proactive group of Commissioners and staff. Their advocacy has found positive resonance among key decision makers and is taking roots among a broader spectrum of stakeholders.
- An *international cooperation environment* supportive of human rights in development. Bilateral and multilateral donors and international NGOs have been active in supporting the conceptualisation and promotion of rights-based development.

An overriding challenge emerging from the Ugandan experience is the inadequate attention in pro-poor policies to the identification of those whose right to food is not realised. There is an urgent need, in Uganda and elsewhere, to start the design of strategies and action plans with a

more thorough food and nutrition-relevant *socio-economic assessment* in relation to different groups of people. A human rights approach, through its constant concern with whose right is not realised or violated and why, is a powerful tool to sharpen the focus on people in such assessment.

A second challenge relates to bringing in line economic growth and poverty-reduction objectives, by exploiting complementarities and balancing trade-offs between growth and redistribution to achieve 'pro-poor growth'. The experience with the Poverty Eradication Action Plan suggests that much remains to be done to greater equality in growth benefits. A rights-based approach would focus attention on inconsistencies in implementation results between economic growth and poverty reduction measures and, by way of identifying state obligations, set the frame for corrective action.

The Uganda experience also suggests the need to re-examine the scope for combining measures with long-term development effects and those meeting immediate food needs through some form of social (food) safety nets, thus combining the State's obligations to 'respect', 'protect' and 'facilitate' the right to food and other rights with its 'providing' obligation.

These difficulties notwithstanding, Uganda is moving towards the implementation of the right to adequate food broadly along the normative directions suggested by General Comment 12 as authoritative interpretation of the human right to adequate food by the ICESCR treaty body:

- A national strategy is evolving based on human rights principles to implement the food and nutrition policy, through completing a rights-based strategic implementation plan;
- Targets and benchmarks will be set in the said plan;
- The drafting of a framework law in the form of a Food and Nutrition Bill is being given priority;
- Monitoring and recourse mechanisms are being explored; and
- The possibility for Constitutional change will be explored to fully recognise adequate food as a fundamental, justiciable right.

These are the core elements of the immediate agenda. Critical for executing the agenda will be the putting into place of the necessary institutional arrangements – the Food and Nutrition Council and an effective secretariat endowed with leadership, to coordinate and join forces of duty bearers and rights holders. A beginning has been made, but much remains to be done.

About the Study

The Uganda right-to-food case study was conducted for FAO under the overall direction of the International Project on the Right to Food in Development (IPRFD)¹, in close consultation with the country's authorities and stakeholders. It benefited, in particular, from two major sets of inputs.

First and foremost, the study was able to build on the experience gained in the context of an important national stakeholder consultation, the first of its kind on the right to food in Uganda, organised independently from, and well ahead of the case study: the National Seminar on the Implementation of the Right to Adequate Food in Uganda, held in Jinja from 22-24 January 2003 under the co-sponsorship of the Uganda Human Rights Commission (UHRC), the Ministry of Agriculture (MAAIF), Makerere University (MU) and IPRFD. The study draws on both the seminar results and the analytical documentation prepared for the event as well as the insights gained from the seminar preparatory process.

Secondly, IPRFD sub-commissioned two specialised studies to a local human rights consultant group, Justice Resources, Kampala. One assessed the national socio-economic policy framework and the related legal framework from the specific aspects of Uganda's obligations under international law to respect, protect and fulfil the right to food. The second carried this assessment further by focussing on policies and legislation in relation to two selected vulnerable groups: internally displaced persons (IDPs) and HIV/AIDS affected households and persons.

In addition, the IPRFD lead consultant undertook broad-based consultations with different stakeholder representatives during visits to Kampala in August and November/ December 2003 and with members of the Uganda delegations to the second IGWG in October 2003 and the intersessional IGWG meeting in February 2004. Drafts at various stages were widely reviewed by IPRFD researchers and affiliates and benefited from ongoing IPRFD research in Uganda on HIV/AIDS, food security and human rights. However, the ultimate responsibility for the case study rests solely with the lead consultant.

¹ The overall objective of IPRFD, institutionally anchored at the University of Oslo and Akershus University College, Norway, is to contribute to the advancement of the right to food worldwide, through interdisciplinary research and studies; capacity development; and advocacy, outreach, and advisory services.

A INTRODUCTION

In support of the work of the Intergovernmental Working Group on Right to Food Guidelines (IGWG-RTFG), established by the FAO Council on recommendation by the 2002 World Food Summit: *five years later*, a number of case studies are being undertaken to illustrate how various countries have approached the progressive realisation of the human right to adequate food of their people. Specifically, the studies assess the extent to which economic and social policies and related legal and institutional frameworks impacting on the right to food are explicitly rights-based or in conformity with human rights principles, and seek to identify lessons to be learned for the formulation of the Voluntary Guidelines.

Uganda has a record of pro-poor oriented policy-making and of emphasising agriculture, food security and nutrition, together with education and health, and is increasingly devoting attention to the implementation of economic, social and cultural rights (ESCRs) in development. Its recent Food and Nutrition Policy (FNP), adopted by Cabinet in mid-2003, is the first Ugandan socio-economic policy which – while not explicitly framed with a human rights dimension – does call for a rights-based approach to its implementation. This is to be assured by way of a strategic action and investment plan now under preparation. At the same time, a bill is being drafted for adoption by Parliament, which would provide the legal framework for the rights-based implementation of the FNP and its action and investment plan and related institutional arrangements.

The human rights orientation of the FNP is a reflection of growing efforts in Uganda to strengthen policy making and implementation through the application of human rights principles. These efforts have been spearheaded by the Uganda Human Rights Commission (UHRC), established as an independent Constitutional body under Article 51 of the 1995 Constitution and by The Uganda Human Rights Commission Act No.4 of 1997. UHRC has increasingly emphasised the promotion of ESCRs and the conceptual advancement of rights-based approaches to development policy formulation and implementation.

The specific impetus for focusing on the right-to-food dimension came from the National Seminar on the Implementation of the Right to Adequate Food in Uganda, held in Jinja from 22-24 January 2003. The seminar was organized by UHRC, the Ministry of Agriculture (MAAIF), Makerere University (MU) and the Oslo-based International Project on the Right to Food in Development (IPRFD) and was attended by a representative cross-section of stakeholders. The seminar made specific recommendations for rights-based amendments to the draft FNP, prior to its submission for Cabinet approval. It also laid out a wider strategy and agenda for action to advance the implementation of the right to adequate food in Uganda.

In the light of these dynamic developments in pro-poor and right-to-food oriented policy making, the FAO secretariat proposed Uganda as one of the countries in which a case study could be undertaken under the FAO-Government Cooperative Project in Support of the IGWG-RTFG. It commissioned IPRFD to undertake the study in close consultation with the country's authorities and stakeholders.

B PROGRESS TOWARDS THE REALISATION OF THE RIGHT TO ADEQUATE FOOD IN UGANDA

The right to adequate food and to be free from hunger is firmly established in international law, including the 1948 Universal Declaration of Human Rights (Article 25,1), the 1966 International Covenant on Economic, Social and Cultural Rights (Article 11,1&2) and the 1989 Convention on the Rights of the Child (Article 24,1). By ratifying these legal instruments, Uganda has recognised the obligation to *progressively* realise the right to food and other rights contained in them, but has as yet to domesticate them in national law.

The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement, as defined in General Comment 12, the authoritative legal interpretation of this right² (UN 1999). This is the essence of the concept of food security, which the right to adequate food aims to guarantee for all. It implies: the *availability* of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and the *accessibility* of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights. The ultimate objective of the right to adequate food is to achieve nutritional well-being which, in turn, is dependent on parallel measures in such fields as education, health and care – factors that impact on the *utilisation* of food. The realisation of the right to food is, therefore, closely linked to realising related rights in these other fields. This case study examines how Uganda has addressed its obligation under international law to progressively ensure, at all times, access to adequate food and its utilisation for all its people.

1. Trends in food and nutrition insecurity and the non-realisation of the right to food

Uganda's record of dealing with its widespread problems of food insecurity and poverty points to both remarkable achievements to-date and formidable challenges ahead.

Over the past two decades, the share of undernourished people in the total population declined from 33 percent to 19 percent (Table 1). But the reduction in the proportion of undernourished people has been outweighed by continuing strong population growth (3.4 percent, one of the highest in the world): in absolute terms, the number of the undernourished was some four million in the early 1980s and early 1990s and then increased to 4.5 million by the turn of the century.

² General Comment 12 was issued by the UN Committee on Economic, Social and Cultural Rights, the treaty body of the ICESCR, in response to a recommendation by the 1996 World Food Summit to clarify the content of the right to food and ways of its implementation. It defines in detail the normative content of the right to adequate food, deals with State Party obligations and lays down general criteria for implementing this right

Table 1 - Prevalence of undernourishment, 1979/81-1999/2001

	Total population Millions	Number of people undernourished Millions	Proportion of undernourished in total population %
1979-81	12.5	4.1	33
1990-92	17.8	4.1	23
1999-2001	23.3	4.5	19

Source: FAO 2003, p.32; FAO 2002, p.32

A somewhat similar picture emerges for protein-energy malnutrition among children under four years of age over the past decade: the proportion of chronically malnourished stunted children declined from 45 percent in 1988/89 to 39 percent in 2000, while the proportion of underweight children has been around 23 percent in both 1988/89 and 2000, clearly signalling an increase in absolute numbers (Table 2). Acute protein-energy malnutrition (wasting) affected some four percent of young children in 2000, down from the six percent in 1995, but twice as high as in 1988/89.

Table 2 - Prevalence of protein-energy malnutrition of children under four years* 1988/89-2000 (in percent)

	Stunted			Wasted			Underweight		
	88/89	1995	2000	88/89	1995	2000	88/89	1995	2000
National	45	36	38.6	2	6	4.2	23	26	22.5
- rural	46	37.4	39.9	-	6.0	4.2	-	28.5	23.6
- urban	25	22.4	26.5	-	5.6	2.9	-	16.8	12.4
Central	34.6	33.0	34.6	2.8	3.8	3.6	20.5	22.6	19.9
Eastern	45.4	32.1	35.4	1.3	7.9	4.3	21.0	30.3	22.5
Northern	-	39.1	36.9	-	9.0	3.8	-	34.4	25.0
Western	46.5	39.2	47.8	0.7	3.9	4.3	22.2	24.4	23.7

* under five years in 2000

Source: UDHS 1988/89, 1995, 2000/2001

As would be expected, malnutrition is significantly more widespread in rural areas, which account for 86 percent of Uganda's total population, than in urban areas. While in 2000 40 percent of all rural children under five years were stunted, the proportion among their urban counterparts was 27 percent. Less expected are some of the regional discrepancies. Uganda's Western region, for example, has the highest prevalence of chronic malnutrition (stunting) - with 48 percent well above the national level - and this despite the fact that it also has the highest per capita production of traditional food crops and the second highest per capita income. The fact that this region also harbours some 120,000 food-insecure IDPs, is affected by civil strife and has some drought-prone

areas cannot fully outweigh the apparent contradiction between ample food supplies and relatively high incomes on the one hand and the highest child malnutrition rates, on the other.

This phenomenon is a reminder that the enjoyment of the right to food, with its emphasis on food *availability* and *accessibility*, is by itself no guarantee for adequate nutrition, which requires equal attention to the broader aspects of food *utilisation*. This point must not be lost in the IGWG guidelines formulation process, as pointed out by the United Nations System Standing Committee on Nutrition (SCN) at its 30th session in Chennai in March 2003 (UN SCN 2003)

Beyond undernourishment and child protein-energy malnutrition, there are widespread micro-nutrient deficiencies, which impede the healthy physical and mental development of the young, contribute to increased mortality, and reduce the productivity among adults, thus impinging on economic development. Sixty-five and 30 percent of under-5 children and women, respectively, suffer from iron-deficiency anaemia (IDA), 28 and 52 percent, respectively, from Vitamin-A deficiency (VAD) (UDHS 2001). Iodine deficiency disorders (IDD) are widespread and could result, over the next 10 years, in 65,000 babies born cretin and another 194,000 severely mentally retarded.

2. The cost of inaction

The principal message from the above overview is that, while the problem of food and nutrition insecurity has been improving in relative terms, it tends to get worse in terms of absolute numbers of people who are under- and malnourished and whose right to adequate food is clearly not realised. Not acting to redress these trends is above all a breach of human rights principles and the ethical values they represent. But failure to act also carries high economic costs, which can constitute a heavy drain on development. The order of magnitude of these costs has been illustrated for Uganda by way of the NUTRITION PROFILE simulation model, including only a selected number of manifestations of under- and malnutrition rather than the whole range of cases where the right to adequate food is denied (Table 3).

Table 3 – Economic costs arising from the non-realisation of the right to food in Uganda (selected examples)

Form of under-/malnutrition	Source of costs	Est. costs over the next 10 years (in million US \$, present value)
A. Stunting in young children	stunting at 2 years lowers IQ, likely to enrol in school later, more absenteeism, more likely to repeat classes, poorer cognitive ability → reduced productivity valued at:	654
B. Iron-deficiency anaemia in women	Productivity losses in female labour force	382
C. Iodine deficiency disorders	65.000 babies born cretin over next 10 yrs another 194.000 severely mentally retarded → productivity losses valued at	204

D. Vitamin –A deficiency among young children	VAD-associated diarrhoea + acute respiratory infections could lead to 299 million clinic attendances which could cost government over next 10 years: (plus 198.000 child deaths assoc. w.VAD)	2.500
	Total economic cost due to productivity losses (A+B+C)	1.240
	Cost to government (D)	2.500
	GRAND TOTAL	3.740

Source: Mwadime (2003)

The combined costs to the economy caused by stunting in young children, iron deficiency anaemia in the female labour force and iodine deficiency disorders in Uganda would amount, over the next 10 years, to US \$ 1.24 billion at present value. In addition, there would be costs to the government in the order of \$2.5 billion associated with the clinical treatment of young children for VAD-related diarrhoeal and acute respiratory infections. This would bring the total cost of this limited range of cases of non-realisation of the right to adequate food to \$ 3.74 billion. However impressive these estimates in economic terms may be, they must not divert attention from the main concern, i.e. that non-action would amount to a violation of the principle of human dignity and of the right to an adequate standard of living, including adequate food.

3. Food availability aspects

Uganda is fortunate to be endowed with a rich and varied natural resource base and a climate that provides reliable rainfall and two harvests a year over much of the country. Low agricultural productivity has not prevented the country from producing, at the aggregate level, enough food to feed its population. Agriculture remains the largest sector of the economy, although its contribution to GDP has declined from 72 percent in 1980 to 43 percent in 2000. Agricultural sector growth has lagged behind the rest of the economy, growing at an average annual rate of 3.7 percent during the past decade, as compared to an impressive 7.0 percent annual growth rate for the economy as a whole (Table 4).

Table 4 – Agriculture in the Ugandan economy

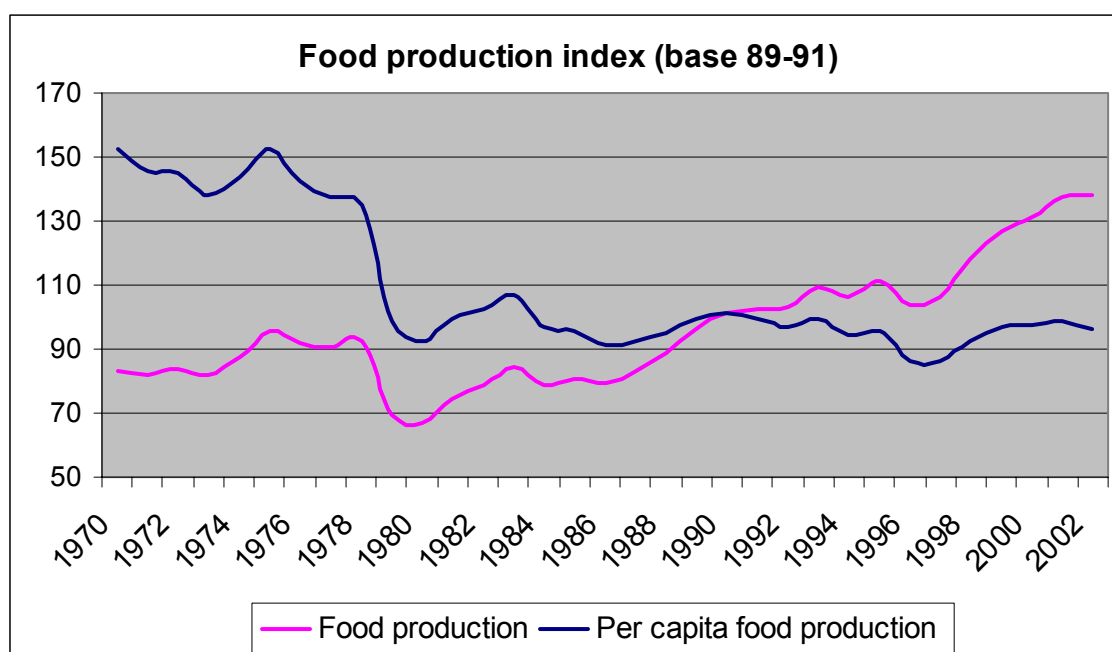
Structure of the economy	1980	1990	1999	2000
<i>(% of GDP)</i>				
Agriculture	72.0	56.6	44.4	42.5
Industry	4.5	11.1	17.8	19.1
Manufacturing	4.3	5.7	8.7	9.1
Services	23.5	32.4	37.8	38.4
Household consumption expenditure	..	91.9	85.4	86.8

General government consumption expenditure	..	7.5	9.9	10.6
Imports of goods and services	26.0	19.4	23.1	25.7
Average annual growth	1980-90	1990-00	1999	2000
Agriculture	2.1	3.7	6.9	4.1
Industry	5.0	12.3	9.3	6.5
Manufacturing	3.7	13.6	11.7	1.9
Services	2.8	7.9	7.2	5.3
GDP	2.9	7.0	7.5	3.5
GDP per capita	0.4	3.8	4.6	0.8
Exports of goods and services	1.8	15.4	31.3	-0.7

Source: 2002 World Development Indicators CD-ROM, World Bank

Food production has fairly steadily increased over the past three decades, but at a significantly slower rate than population growth. While the total food production index increased from a value of 84 in 1970 to 138 in 2002, per caput food production has persistently declined during the same period, from an index value of 152 to 96 (Chart1).

Chart 1- Food production 1970-2002

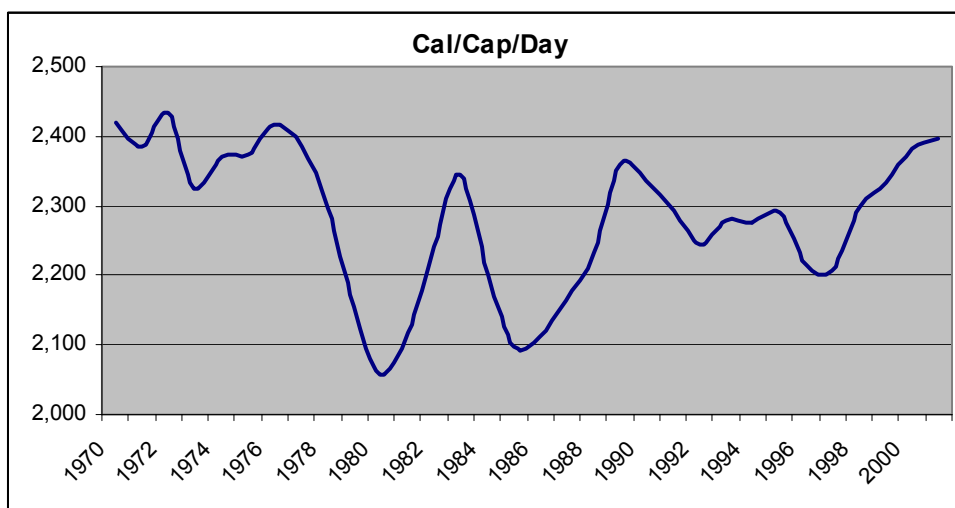


Source: FAO

Total food availability has, over much of the past three decades, tended to be sufficient to meet estimated average consumption requirements in the order of 2280 calories per capita per day – although there have been notable exceptions in some years, particularly during the 1980s which

experienced considerable fluctuations (Chart 2). But in general, at the aggregate national level, the cause of food insecurity is typically not food *availability*, but *access* to food and its *utilisation*.

Chart 2 – Average food availability (in kilocalories per person per day) 1970-2002



Source: FAO

4. The food accessibility dimension and the challenge of poverty

Access-related food insecurity is widespread among the country's people affected by insurgency and drought, among women and child headed households, orphans and families living with HIV/AIDS, and generally among the very poor. Over the past five years, the number of internally displaced persons (IDPs) has sharply risen from 470,000 to 1.2 million; they are joined by some 200,000 refugees – both groups being victims of internal and cross-border armed conflict (Table 5). A further 200,000 to 300,000 people have been affected by drought since the beginning of the new century, bringing the total of emergency-affected food insecure people to an estimated 1.6 million at the end of 2003.

Table 5 - People Affected by Insurgency and Drought

Category of Affected People	Period					
	Nov '98	Sep '99	May '00	Sep '00	Nov '00	Nov '03
Refugees	183,695	196,251	201,427	202,000	213,872	200,000
IDPs	469,525	529,215	736,004	639,760	610,240	1,200,000
Abducted Children	0	4,804	4,804	5,044	6,063	7,500
Drought Affected	0	0	300,200	190,000	190,000	200,000
Total	653,220	730,270	1,242,435	1,036,804	1,020,175	1,607,500

Source: Background to the Budget 2001/02 and FEWSNET, as cited from the Draft Food and Nutrition Strategy and Investment Plan, December 2003

At the broader poverty front, progress in reducing poverty has been remarkable, but the challenges ahead remain formidable. In 1992, more than half the population (56 percent) was

estimated to be poor; by 1999/2000, this share is estimated to have come down to 35 percent (Table 6). But this achievement cannot disguise the unacceptable fact that still over one-third of the Ugandan people continue to live below the poverty line.

Table 6 - Poverty trends, 1992-2000 (poor in percent of total population)

	1992	1995/96	1999/2000
National	56	49	35
- rural	60	54	39
- urban	28	20	10
Central	46	30	20
Western	53	46	28
Eastern	59	58	37
Northern	72	70	65

Source: Appleton 2001

Not all the poor are necessarily hungry or food-insecure, with their right to food unrealised or violated. But despite the considerable availability of information on poverty, much less is known about who is deprived of their right to adequate food and why – which is partially explained by the absence of a right-to-food approach in anti-poverty policies and programmes. Estimates based on household surveys suggest that with poverty affecting 35 percent of the total population, the poorest 20 percent would actually fall below the food poverty line (Appleton 2001). Out of a total population of close to 25 million, that would suggest some 5 million people whose right to adequate food and to be free from hunger is denied – a figure compatible with FAO's estimates of undernourished people in Table 1.

Not surprisingly, poverty is unevenly distributed throughout the country (Table 6). It is highest in rural areas (39%), compared to 10% in urban areas. In fact, with 86 percent of the population living in rural areas, poverty is almost entirely a rural phenomenon: 96 percent of all poor live in the countryside. Among Uganda's four regions, poverty is rampant in the civil-strife stricken North, where two-thirds of the population are poor. It is lowest in the Central region (20%), with its cash crop production and urban agglomerations.

Despite the government's declared emphasis on pro-poor economic growth and development policies, virtually the entire poverty reduction has been achieved by economic growth alone, without discernable redistribution in favour of the poor. On the contrary, the modest redistribution that did occur rather had a negative impact than helping to reduce poverty: somewhat higher Gini coefficients at national and urban levels in 2000 compared to 1992 suggest an increase in income inequalities (Table 7). These findings call for a re-examination of the effective poverty focus in design and implementation of current policies and programmes and of ways of how this focus can be sharpened through a rights-based approach.

Table 7 - Trends in income/consumption distribution: Gini coefficients 1992-2000

	1992	1995/96	1999/2000
National	0.364	0.366	0.383
- rural	0.326	0.325	0.320
- urban	0.394	0.373	0.402

Source: Appleton 2001, p.10

The vast majority of the poor live in households whose head makes his/her living in the food crop sector, largely made up of subsistence farmers; their share increased from 55 percent of all poor in 1992 to 60 percent in 2000 (Table 8). The next important poverty

Table 8 - Poverty by economic activity sector of household head, 1992-2000

Sector	1992			1995/96			1999/2000		
	Pop. Share %	% poor	Share in total poverty	Pop. Share %	% poor	Share in total poverty	Pop. Share %	% poor	Share in total poverty
All sectors	100	56.4	100	100	49.4	100	100	35.1	100
Food crop	47.6	65.3	55.1	44.1	63.4	55.7	45.9	45.7	59.8
Cash crop	19.2	62.7	21.3	21.9	46.2	20.5	21.3	29.7	18.0
Non-crop agr	2.9	54.4	2.8	2.1	41.2	1.7	3.3	39.6	3.7
Mining	0.1	43.4	0.1	0.2	74.5	0.2	0.5	42.6	0.6
Manufacture	3.9	44.8	3.1	0.4	34.0	2.8	2.9	26.9	2.2
Publ.utilities	0.1	28.3	0.1	0.2	11.0	0	0.2	0	0
Construction	1.5	37.4	1.0	1.1	35.0	0.8	1.5	23.9	1.0
Trade	7.3	26.9	3.5	7.7	20.6	.2	7.4	12.9	2.7
Hotels	0.5	26.0	0.2	0.9	19.0	0.4	1.1	13.3	0.4
Transport	1.6	34.6	1.0	2.3	20.1	0.9	2.1	12.2	0.7
Misc.services	2.0	31.0	1.1	2.3	31.3	1.4	3.3	18.2	1.7
Gov service	8.0	36.3	5.2	7.1	32.7	4.7	5.8	17.5	2.9
Not working	5.3	60.0	5.6	6.2	59.9	7.5	5.0	44.3	6.3

Source: Appleton 2001, p.12

group lives from cash crop production – many of them landless labourers, accounting for 18 percent of all poor in 2000, slightly down from 21 percent in 1992. Thus, nearly 80 percent of all poor have a crop-based livelihood, another 4 percent are engaged in other agricultural activities. The prevalence of poverty in 2000 was highest among food crop workers (46%), the unemployed (44%) and those working in the mining sector (43%), followed by those engaged in non-crop agricultural activities (40%).

In a further effort to understand who the poor are, participatory poverty assessments have led to the identification of various categories of “Vulnerable Groups in Uganda” – vulnerable in terms

of poverty and, by inference, *at risk* of food and nutrition insecurity, and in terms of needing special assistance. The three principal categories that emerged from these assessments have been classified as related to armed conflict situations, to demographic criteria, including HIV/AIDS-affected families, people with disabilities and ethnic minorities, and to specific poverty situations (Table 9). In the last category, it is worth noting that the rural poverty-related group does not include food crop farmers who figure as largest poverty group in Table 8, and that the group of fishermen is omitted.

Table 9 – Vulnerable Groups in Uganda

<i>Conflict-Related</i>	<i>Demographic Categories</i>	<i>Poverty-Related</i>
<ul style="list-style-type: none"> • <i>Refugees</i> • <i>IDPs</i> • <i>War orphans</i> • <i>Abductees</i> • <i>Traumatized civilians</i> • <i>Households living in or near conflict zones</i> 	<ul style="list-style-type: none"> • Asset-less widow and widowers • Orphans and abandoned children • Female-headed households • Child-headed households • People with disabilities (PWD) • Chronically sick • HIV/AIDS sufferers and carers • Victims of domestic abuse • Ethnic minority groups • Street children • Elderly 	<p><u>Urban</u></p> <ul style="list-style-type: none"> • Urban unemployed • Low-paid workers • Informal sector workers • Beggars • Squatters <p><u>Rural</u></p> <ul style="list-style-type: none"> • Rural landless • Cash crop farmers • Pastoralists • Plantation workers

Source: MFPED 2003, P.166

While these efforts to define vulnerable groups are an important step in the right direction, more precise information is needed to understand whose right to food is denied and what must be done to realise it. There appears to be scope for re-analysing existing survey data as to who and where the food-insecure are, but possibly less so for better defining the causes of the non-realisation of the right to food. In any event, the formulation of an implementation and investment plan for Uganda's recently adopted food and nutrition policy presents an opportunity to explore how the understanding of food-insecurity vulnerability in Uganda can be improved in operationally relevant terms. This opportunity should not be missed.

C IMPLEMENTATION OF THE RIGHT TO FOOD

1. The policy and legal framework for the realisation of the right to adequate food

Uganda has responded to the challenge of food insecurity, poverty and underdevelopment on a broad front: it adopted a new Constitution in 1995, based on fundamental human rights; it is seeking to create an overall enabling environment for development in accordance with the new Constitution; and it makes poverty eradication a central focus of its development efforts.

To what extent are Uganda's key policies and legal framework consistent –short of being explicitly rights-based- with the normative framework of the right to adequate food as laid out in General Comment 12? As noted earlier, this legal interpretation of the right to food by the UN Committee on Economic, Social and Cultural Rights defines the normative content of this right in considerable detail. It also deals with State obligations (and violations) at the three levels also applicable to other human rights, namely to *respect*, to *protect* and to *fulfil*, the latter of which incorporates both an obligation to *facilitate* and an obligation to *provide* (UN 1999, para. 15ff).

And it lays down broad criteria for translating obligations into appropriate ways and means for implementing the right to food.

Accordingly, every State has a margin of discretion in choosing the most appropriate implementation approach, but there are a number of generally valid criteria. They include:

- The need for a national strategy to ensure food and nutrition security for all, based on human rights principles such as accountability, transparency, people's participation, decentralisation, legislative capacity and independence of the judiciary
- The setting of verifiable benchmarks for subsequent national and international monitoring
- Adoption of a framework law as a major instrument in the implementation of the strategy concerning the right to food
- Monitoring and establishment of effective remedial mechanisms which are accessible to victims of violations of the right to food.

These are the general criteria against which the overview that follows will broadly assess the consistency of Uganda's policy and legal framework with the country's obligations under international law in relation to the right to adequate food. This broad assessment is supplemented by the results of a more detailed analysis by the national consultant group of the gaps in Uganda's policy, legal and institutional frameworks and their implementation in terms of compliance with the obligation to respect, protect and fulfil the right to food. These results are presented in the Annex. While tentative in nature, they serve to further illustrate key issues arising from the general overview that follows and provide additional suggestions for the future right-to-food agenda in Uganda.

1.1 The 1995 Constitution and the right to adequate food

Uganda's 1995 Constitution explicitly protects and promotes "fundamental and other human rights and freedoms". It recognises that "fundamental rights and freedoms of the individual are inherent and not granted by the State" and that the human rights and freedoms stipulated in the Constitution "shall be respected, upheld and promoted by all organs and agencies of Government and *by all persons*" (Article 20, emphasis added) (Government of Uganda 1995). Human rights and freedoms are thus recognised as the responsibility of society as a whole and not just the State alone.

Among the political, civil, economic, social and cultural rights specifically referred to in the Constitution are the right to life (Art. 22), the right to education (Art. 30), the right to a clean and healthy environment (Art. 39) and the right to work (Art. 40), which includes the right to work under satisfactory and healthy conditions and the right to equal pay for equal work.

The Constitution also deals with the issue of land ownership, which is critically related to the right to food. Article 237 (1) provides that land belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure system provided for in the Constitution. Article 237(3) provides that land may be owned in accordance with the following land tenure systems: Customary, Freehold, Mailo and Leasehold. These systems of land holding enable people to hold and acquire land on which they can produce food both for their own consumption and for sale.

The right to adequate food, however, is not explicitly referred to in the Constitution. But food security ranks prominently among the Constitution's "National Objectives and

Directive Principles of State Policy” (NODPSP), contained in its preambular part. These state, *inter alia*, that:

- “The State shall endeavour to fulfil fundamental rights of all Ugandans to social justice and economic development and shall in particular ensure that (a) all development efforts are directed at ensuring the maximum social and cultural well-being of the people; and (b) all Ugandans enjoy rights and opportunities and access to education and health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits” (Principle XIV, *emphasis added*).
- “The State shall (a) take appropriate steps to encourage people to grow and store adequate food; (b) establish national food reserves; and (c) encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State” (Principle XXII, *emphasis added*).
- “The State shall promote sustainable development and public awareness of the need to manage land, air, water resources in a balanced and sustainable manner for the present and future generations” (Principle XXVII).

The objectives and principles in the preambular part do not enjoy the enforceability and justiciability of the “fundamental and other human rights and freedoms” contained in the main body (Chapter Four) of the Constitution. But legal opinion suggests that the above constitutional objectives and principles, read together with Uganda’s international obligations under the Universal Declaration on Human Rights, the International Covenant on Economic Social and Cultural Rights, the African Charter on Human and Peoples’ Rights 1981, the Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on Rights of Children, *inter alia* constitute an elaborate and binding *corpus* of law applicable to the right to food in Uganda (Makubuya 2003, p.3).

The implementation of the 1995 Constitution has revealed the need for review since some sections of the society appear to raise concerns over certain articles, which they believe may require amendments. The government has, therefore, set up a Constitutional Review Commission to hear the views of the people and propose amendments for eventual debate and approval by Parliament (GOU 2002, p.3). Against this background, the aforementioned national seminar on the right to food recommended that the Commission consider the possibility of moving the right to adequate food into the main body of the Constitution (UHRC 2003, p.34). This recommendation has been formally submitted by UHRC to the Commission.

1.2 Creation of an overall enabling environment

In accordance with the Constitution, Uganda has taken steps to improve the political, social and economic environment over the past years. These measures include restoration of constitutionalism, democracy, human rights, peace and stability and promotion of transparency and accountability, among others (GOU 2002, p.3).

A predominant concern is *conflict prevention and resolution*. The government has endeavoured to restore peace in the country, through both negotiations with, and armed intervention against, armed groups in the Northern and Western regions of the country.

Steps to restore *democracy* have included presidential, parliamentary and local government elections through universal adult suffrage. *Decentralisation* is a cornerstone of government efforts

to improve governance through ensuring popular participation and empowering people in decision-making, identification of priorities and resource allocation. Service delivery in agricultural extension, education, health, water and sanitation and rural feeder roads has been decentralised. But building up the still limited capacity for planning, management and implementation of local governments remains a major challenge, which the government seeks to address as part of the ongoing restructuring of local governments. Efforts are being made to base central policy making, programme design, implementation and monitoring and evaluation on wide-ranging *stakeholder consultations*, including the private sector, civil society and development partners, among others.

On the economic front, the government has been striving to maintain a stable *macro-economic environment* with low inflation rates, stable exchange rates and low interest rates and has been reasonably successful at that. *Land reform* efforts under the 1995 Constitution and the 1997 Land Act, which vest all the land in the people, include the recognition of customary land tenure and giving more security to tenants on land.

In recognition of the crucial role of women in food security and poverty eradication, mainstreaming *gender* concerns in national development has been a major policy objective, as reflected in the 1997 gender policy and the National Action Plan for Women. Policies for *vulnerable and disadvantaged groups* –youth, the elderly, the disabled- have been drafted to guide sectoral plans. A Social Development Strategic Investment Plan has been formulated with the objective of promoting rights for all, with a focus on addressing inequalities, discrimination and violation of rights; community empowerment for all aspects of development; promotion of employment and productivity for all; social protection; and promotion of gender equity and equality.

1.3 Key policies to respect, protect and fulfil (facilitate, provide) the right to adequate food

Among the policies likely to impact most directly on the progressive realisation of the right to adequate food, three stand out in particular: the Poverty Eradication Action Plan (PEAP), the Plan for Modernisation of Agriculture (PMA) and the Food and Nutrition Policy (FNP). The Universal Primary Education (UPE) programme and the National Health Policy, notably with its National Minimum Health Care Package, are further cornerstones in the fight against poverty and food and nutrition insecurity.

The PEAP is Uganda's national development framework and medium-term planning tool, which pursues the combined objectives of economic growth, good governance, increased ability of the poor to raise their incomes and enhancement of the quality of life of the poor, with food security and nutrition as one of 15 'cross-cutting principles'. It also serves as the country's Poverty Reduction Strategy Paper (PRSP). Its principal goal is to reduce poverty to less than 10 percent of the population by 2017 – far more ambitious than the Millennium Development Goal (MDG) for halving poverty by 2015. Its principal philosophy is pro-poor economic growth as essential instrument for poverty eradication.

Within this overall development framework, the Plan for Modernisation of Agriculture (PMA) emphasises the creation of opportunities for poor farmers through the transformation and diversification of agricultural production, processing and marketing. Food security is one of its explicit priorities. The Food and Nutrition Policy (FNP) adopted in mid-2003 further defines specific food and nutrition objectives and identifies broad lines of corresponding implementation

strategies. As noted above, it is the first Ugandan policy explicitly stipulating a rights-based implementation approach.

1.3.1 Poverty Eradication Action Plan

The PEAP was first launched in 1997, after an 18-months long participatory process involving key stakeholders. This participatory process is a major feature of PEAP and is widely considered as a significant breakthrough in the relationship between civil society and government (United Nations 2004). It has since been instrumental in guiding

Government policy and preparation of sector-wide approaches to policy reform and investment programming and improving the focus of the three-year rolling Medium-Term Expenditure Framework (MTEF) in the fight against poverty. The PEAP was subsequently revised in 2000, taking into account, *inter alia*, the findings of the Uganda Participatory Poverty Assessment Project (UPPAP).

The PEAP is built on four pillars, which aim at attacking poverty on a broad macro- and micro-economic front, through creating an overall enabling environment (pillar 1- economic growth and structural transformation, and pillar 2 – good governance and security) and facilitating poverty reduction more directly through increasing the ability of the poor to raise their incomes (pillar 3) and enhancing their quality of life (pillar 4). The main goals within each pillar are summarised in Box 1.

Food security is not an explicit PEAP objective, but figures among 15 cross-cutting principles which are stated as the basis for planning under PEAP. Some of these are:

- reduction of geographical economic inequalities,
- assessment of environmental impact of all development programmes
- creation of employment
- *food security and nutrition*
- subsidies and services for the poor
- empowerment of the people by strengthening democracy
- attending to the needs of disadvantaged groups
- increased sensitivity to gender issues
- monitoring poverty trends and sector performances

Box 1- The four pillars of PEAP

Pillar 1: Rapid and sustainable economic growth and structural transformation

Pillar 2: Good governance and security

Poverty cannot decline unless the economy as a whole grows, and economic growth requires structural transformation. This involves the following intermediate objectives:

Security and good governance are dimensions of poverty eradication and each a condition of poverty eradication. The components of this objective include:

- improved technology in all sectors and in all sizes of enterprise, backed as necessary by scientific knowledge.
- better information about economic opportunities in all sectors
- macroeconomic stability, which is a necessary condition for economic growth
- macroeconomic incentives for competitive economic activity
- social, physical and human infrastructure for economic growth
- *promotion of human rights*
- regional and domestic conflict resolution
- reduction of criminality through administration of law and order
- strengthening the democratic process
- ensuring efficient public expenditure
- promoting *accountability*
- ensuring effective and honest service delivery
- democracy and empowerment, including the empowerment of both men and women, and the promotion and *protection of the rights of the disadvantaged and vulnerable.*
- disaster management.

Pillar 3: Increased ability of the poor to raise their incomes

Pillar 4: Enhanced quality of life of the poor

The maximisation of economic growth in Uganda requires the participation of the poor. Intermediate objectives here include:

- ensuring access to information, advisory services, and markets
- ensuring access to appropriate technology for the poor
- ensuring adequate infrastructure for transport, communication and energy
- *ensuring access to productive assets* (land, capital and savings)
- promoting access to formal jobs as well as self-employment inside and outside agriculture
- ensuring that the natural resource base can continue to support agricultural production
- enhancing the control of both men and women over

The quality of life is directly affected by the following activities

- promoting *education* and literacy
- promoting better *health* and the ability to choose family size
- in particular, ensuring that the further spread of the AIDS epidemic is halted and that people who have been infected by HIV get the medical care they need
- delivering effective psycho-social support to isolated, stigmatised or disoriented groups including people with AIDS and their families, internally displaced people, and people with disabilities or mental illness
- ensuring *access to safe and convenient water supply*
- promoting adequate sanitation
- increasing access to information

- | | |
|---|--|
| <p>productive resources</p> <ul style="list-style-type: none"> • ensuring that the poor are able to cope with temporary fluctuations in their income | <ul style="list-style-type: none"> • promoting <i>adequate nutrition</i> • ensuring the voices of the poor are heard in decisions which affect their lives • promoting the most positive aspects of Ugandan culture |
|---|--|

Source: Based on MFPED 2002

The ongoing PEAP performance review reveals both strengths and constraints as well as emerging challenges. Some of the strengths are (MFPED 2003):

- encouraging progress in economic growth
- high primary school enrolment rates
- gender parity in primary education
- continued reduction in HIV/AIDS prevalence
- increasing safe water coverage

On the constraint/challenges side are, among others:

- inequitable growth (no pro-poor redistribution), and growth rates slowing down in recent years
- limited structural transformation
- slow progress in attainment of social indicators
- insecurity in the North
- coordination, sequencing and prioritisation of reforms for growth and poverty reduction
- gender inequalities
- need to undertake long-term costing of PEAP
- review of PEAP targets and indicators in light of new local and international developments

One of the difficulties underlying the weaknesses encountered seems to be that the implementation of pillar 1, which apparently is moving forward successfully, is a hindrance to the implementation of pillar 3 and makes it difficult to implement pillar 4. It has been argued that while PEAP is meant to address poverty among the most disadvantaged groups e.g. the rural poor, the unemployed, women, elderly and children, the generality of the government's commitments in PEAP render it ineffective in achieving this objective. A rights-based approach would draw attention to this inconsistency and, by way of identifying state obligations, set the frame for corrective action.

In the context of the current PEAP review, the UHRC has therefore argued that PEAP must be rights based by including the following:

- i) Each sector rationalises its existence not only from the viewpoint of its contribution to poverty eradication but to its fulfilment of a human rights obligation.
- ii) To ensure tangible measurements or have evidence of the trends in quantity and quality of service delivery, PEAP must provide indicators that are in conformity with universal standards, customised to the realities in Uganda.

- iii) A matrix with e.g. rights, obligations, the target, indicators and benchmarks must be drawn up to foster easy monitoring of the policy and trends.
- iv) Clear definition on where government will intervene in cases where individuals or groups are unable to enjoy their rights for reasons beyond their control government must directly facilitate or provide for their rights, e.g. food.
- v) The vulnerable groups as beneficiaries of PEAP must be clearly identified and the priorities under PEAP must be based on addressing the rights of the most vulnerable even among the vulnerable.
- vi) PEAP needs to identify the duty bearers and rights holders as a measure to ensure that relevant services are delivered and accessed by the beneficiaries.
- vii) The principles of participation and accountability must be enshrined in PEAP as a crucial element of enhancing effective implementation and enforcement of PEAP.
- viii) In recognition of universality and interdependence of rights, the rights promoted through PEAP must be regarded in an integrated approach. Even with scarce resources, there must be prioritisation without disregard to other rights and the principle of progressive realisation ought to be embraced in PEAP (Justice Resources 2004, p.10).

The importance of a more explicit rights orientation of the PEAP was also underlined in an external review by an Independent Expert of the UN Commission on Human Rights³. Following a mission to Uganda in 2003, the Independent Expert recommended to the Government that “the PEAP should make explicit links to Uganda’s basic law, the Constitution, and to the country’s commitments to human rights and corresponding obligations under its domestic laws and international instruments it ratified”. Other recommendations include the need for: (i) further deepening the stakeholder participation and consultation process in the PEAP; and (ii) strengthening the PEAP monitoring mechanism, integrating human rights considerations, with particular attention to pillar 2, for which goals and targets have yet fully to be developed (United Nations 2004, p.3).

1.3.2 Plan for Modernisation of Agriculture

The overall objective of the PMA is to improve the livelihoods of agricultural-based households. The PMA is intended to operationalise the third pillar of the PEAP as well as bring about overall rural development. Unlike the PEAP that treats food and nutrition as a cross-cutting issue, the PMA has it as one of its four main objectives. It is important to understand that both emphasise market-based approaches to food and nutrition security, as can be seen from Box 2.

Box 2 – PMA’s Objectives, Strategies and Priority Interventions

Objectives

- (i) increase incomes and improve the quality of life of poor subsistence farmers through increased agricultural productivity and increased share of marketed production,
- (ii) **improve household food security** through the market rather than emphasizing self-sufficiency,
- (iii) provide gainful employment through the secondary benefits of PMA implementation such as agro-processing factories and services
- (iv) promote sustainable use and management of natural resources by developing a land use and management

³ The Independent Expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mr. Bernards Mudho, in his mission report on Uganda (United Nations 2004)

policy and promotion of environmentally friendly technologies

Strategies

- Making poverty eradication the overriding objective of agricultural development
- Deepening decentralisation to lower levels of local government
- Removing direct government in commercial aspects of agriculture and promoting the role of the private sector
- Supporting the dissemination and adoption of productivity-enhancing technologies
- Guaranteeing food security through the market and improved incomes, thereby allowing households to specialise, rather than through household self-sufficiency
- Ensuring that all interventions are gender-focused and gender-responsive
- Promoting a two-way (bottom up and top down) planning and budgeting process by empowering local governments and enabling them to influence public policy and allocate public resources to alleviate location-specific constraints in a non-sectoral manner
- Ensuring the coordination of the multisectoral interventions to remove any constraints to agricultural modernisation

Priority Interventions

- Research and Technology Development
- National Agricultural Advisory Service
- Agricultural Education
- Improving Access to Rural Finance
- Agro-processing and marketing
- Sustainable Natural Resource Utilisation
- Physical infrastructure

Source: MAAIF and MFPED, 2000

The PMA interventions cover many of the same areas of support that governments have traditionally applied to agriculture, although PMA's scope is broader and emphasises multisectoriality. The approach to implementation, it is argued, is different because it is more 'demand-driven'. Agricultural research is expected to shift more resources toward research that

addresses the needs of farmers, especially the poor ones. Agricultural Research Development Centers (ARDCs), sited to reflect the range of agro-ecological zones, have been created to serve the specific interests of farmers where they are located (Bahigwa 2003).

Similarly, agricultural extension in the PMA was renamed the agricultural advisory services, with the change of name intended to underline a two-way exchange between the farmer and the service provider. A perhaps more immediate effect is the simultaneous shift towards private service provision. The National Agricultural Advisory Services (NAADS) was created with its principal role being facilitation of farmer groups at the local level, and farmer fora at sub-county, district and national levels. The farmer groups are expected to articulate their needs, and demand and receive service from private service providers, but this will be paid for by the public sector through the decentralized (sub-county) government. The ability of farmers to make effective demands for advisory services, and implicitly therefore for government funds, will depend upon their ability to organize themselves into effective groups.

Perhaps the most innovative intervention in the PMA is the Non-Sectoral Conditional Grant (NSCG), sometimes called the PMA grant, aimed at empowering local communities in planning and decision-making. It is “non-sectoral” meaning that NSCG resources can be used on any sector seen as a priority unless those sectors are separately funded, as is the case with health and education. It is “conditional” in that it has to be used on poverty-reducing activities that benefit the *community as a whole*. Implementation of the NSCG started in June 2001 in 24 districts that met the minimum qualification criteria (Bahigwa 2003).

As in the case of PEAP, PMA is currently under review. A consultant report commissioned by the PMA secretariat concludes with the “overall impression that the implementation of PMA is on-course, and although effectively initiated only 30 months ago, there are already signs that turning PMA vision into reality is beginning to take off”(PMA 2003, p.2). But “although there is good progress, little of it is visible and this has led to frustration and countrywide criticism”. However, in the view of the authors this is the price to be paid for “fundamental reform – a framework for engineering change and intervention to support rural livelihoods and the poor – it is not about free distribution of inputs. This is the fundamental difference, which must be explained at all levels” (PMA 2003, p.3).

Still, the structural framework upon which PMA is to function raises many problems for the peasant farmer. Peasant farmers have been unable to access the services and shunned the agricultural staff because they have to pay heavily for services, which they cannot afford. More significantly, peasant farmers have not yet fully understood what PMA is all about. Until PMA is appropriately structured and understood, its implementation rate will remain low and its relevance to, and effectiveness in addressing the right to food will be threatened.

1.3.3 Food and Nutrition Policy

While PEAP and PMA approach the realisation of the right to adequate food via poverty reduction and agricultural modernisation, the FNP is meant to zero in directly on specific food and nutrition security objectives and strategies, with an explicit reference to a human rights framework.

The FNP starts out by recalling the right-to-food provisions in Article 25 (1) of the Universal Declaration of Human Rights (UDHR) and Article 11 (1), (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Uganda in 1987. It refers to the food security and nutrition objectives in Uganda's 1995 Constitution, as spelled out under its "National Objectives and Directive Principles of State Policy", and squarely states among the FNP's "Guiding Principles" that:

- Adequate food is a human right;
- Uganda meets its international obligations as set out in international conventions, treaties and resolutions on the right to food;
- In the planning, budgeting and implementation of the policy, a rights-based approach will be adopted to ensure accountability and participation of the rights holders and duty bearers.

The FNP emphasises that its goals, objectives and strategies have been formulated within the context of the overall national development policy objective, which is to eradicate poverty. Beyond drawing its linkages to the PEAP and PMA, it also emphasises its connections with other national policies, such as: the National Health Policy, Vision 2025, National Gender Policy, Population Policy, National Plan of Action for Children, Decentralization, Universal Primary Education (UPE) and Environment Policy. And it also explicitly places "the policy and strategies into the context of international treaties, conventions and resolutions to which Uganda is committed" (NFNC, 2003: p4).

The FNP's goals and objectives are summarised in Box 3.

Box 3 – FNP Goals and Objectives

Overall Policy Goal

The overall goal of the Food and Nutrition Policy is to ensure food security and adequate nutrition for all the people of Uganda, for their health as well as their social and economic well-being.

Policy Objective

The overall objective of the policy is to promote the nutritional status of the people of Uganda through multi-sectoral, co-ordinated and sustainable food security, nutrition and increased income interventions.

Specific Objectives

- *To ensure availability and accessibility of food in quantity and quality sufficient to satisfy the dietary needs of individuals*
- *To promote the good nutrition of all the population*
- *To incorporate food and nutrition issues in the national, district, sub-county and sectoral development plans;*
- *To ensure that nutrition education and training is incorporated in formal and informal training in order to improve the knowledge and attitudes for behavioural change of communities in food and nutrition-related matters;*
- *To ensure food and income security at household, sub-county, district and national levels for improving the nutrition as well as the socio-economic status of the population;*

- *To monitor the food and nutrition situation in the country;*
- *To create an effective mechanism for multi-sectoral co-ordination and advocacy for food and nutrition;*
- *To promote the formulation and/or review of appropriate policies, laws and standards for food security and nutrition;*
- *To ensure a healthy environment and good sanitation in the entire food chain system;*
- *To safeguard the health of personnel associated with agricultural chemicals, food processing inputs and products, consumers and any other third parties likely to be affected;*
- *To promote gender-sensitive technologies and programmes;*
- *To achieve maximum production with minimum effort; and*
- *To promote technologies that are user-friendly to people with disability*

Source: NFNC 2003

Within this framework of goals and objectives, the policy stipulates 12 focus areas, in which to concentrate implementation. They are summarised in Table 10.

Table 10 – Twelve Focus Areas of the FNP

	Main Focus Area	Goal
1	Food Supply and Accessibility	The goal of Government in the area of food supply and availability is to ensure an adequate supply of, and access to, quality food at all times for human consumption, income generation, agro-based industries, local, regional and international markets.
2	Food Processing and Preservation	The main goal of Government in the area of food processing and preservation is to promote adequate, safe, high quality and nutritious foods with a long shelf-life for local, regional and international markets.
3	Food Storage, Marketing and Distribution	The aim of Government in the area of food storage, marketing and distribution is to promote the availability of and accessibility to affordable, safe and nutritious foods.
4	External Food Trade	The goal of Government in external food trade is to diversify food exports in order to broaden the foreign exchange base, subject to the food security needs of the country as well as to control the quality and quantity of food imports.
5	Food Aid	The aim of Government in the area of food aid is to restrict aid to alleviating temporary food crises and to ensure its safety for human consumption.
6	Food Standards and Quality Control	The major goal of Government in food standards and quality control is to ensure that the food meant for the consumers is nutritious, safe for human consumption and conforms to acceptable food standards.
7	Nutrition	The goal of the Government is to improve and promote the nutritional status of the people to a level that is consistent with good health.
8	Health	Government's goal, within the context of health and nutrition policy, is to ensure that the population is healthy to be able to benefit from good nutrition.
9	Education, Information and Communication	The goal of Government in this area is to provide information and develop skills to promote proper food and nutrition practices in both rural and urban communities.
10	Gender, Food and Nutrition	The goal of Government in the area of gender, food and nutrition is to ensure that both men and women achieve optimal nutrition status through improved food security and nutrition, taking into account their reproductive and productive roles in the food chain and nutrition.
11	Food Nutrition and Surveillance	The Government's goal in the area of food and nutrition surveillance is to have a monitoring system in place that will provide timely information that will be used to stabilize the food and nutrition situation in the country.
12	Research	The goal of Government is to have effective research programmes that are geared to the improvement of food security and nutrition in the country.

Source: NFNC 2002

The FNP as adopted now is the result of many years of scientific effort and multi-sectoral negotiation and consensus building, which pre-dates Uganda's growing attention to rights-based approaches to development. The FNP was clearly not framed from the outset within a right-to-food dimension, which is evident even from the above summaries of goals, objectives and focus areas. This at least partially explains one striking feature that meets the eye immediately: the absence of quantified targets and benchmarks for the progressive realisation of the right to adequate food, analogous to the PEAP's 10 percent poverty target or to relevant MDGs.

The current FNP appears to be based on a far-too-general analysis of the country's food and nutrition problems, which makes it impossible to determine with any operational relevance certainty whose right to food is not realised or violated and why and what must be done by whom to correct the situation. There is thus a disconnect between the policy's broad lines of suggested action and the people whom the policy is to serve. It is a practice in Uganda, as elsewhere, to operationalise the general directions provided by a given policy through the formulation of corresponding strategic action and implementation plans. Thus, the FNP is to be operationalised through a Food and Nutrition Strategy and Investment Plan (FNSIP). The FNSIP would be the instrument for realising the FNP's principle that "in the planning, budgeting and implementation of the policy, a rights-based approach will be adopted".

Early elements of an FNSIP were drafted in late 2003. The exercise clearly showed the difficulties involved in moving from conventional towards rights-based planning among all those concerned with producing a preliminary plan. Key strategies for action and investment proposed in that first round included:

- Harmonisation and synchronisation of policy objectives and related information/data base system and management
- Capacity building and decentralisation of food and nutrition planning and implementation
- Increasing and diversifying food supply through agro-ecological zonal farming systems
- Increasing food processing and preservation capacity and improving food standards and quality control
- Development of physical infrastructure to improve food accessibility
- Improving domestic market access and external trade competitiveness through market integration and private sector participation
- Gender mainstreaming
- Strengthening disaster management, food reserve and food monitoring mechanisms
- Improved nutrition and preventive care practices
- Improved health care and sanitation
- Strengthening food and nutrition information, education and communication (IEC) strategies
- Research

The first FNSIP round must be credited with having produced an impressive array of action and investment proposals - all with significant potential to contribute to the solution of food insecurity and malnutrition in the long run. But it cannot be considered to have met the FNP's principle of a rights-based approach to implementation planning. And many of the proposals could be pursued within existing policy and programme structures under PEAP and PMA and would not need a separate new FNP. The principal flaw was the failure of starting the exercise with a thorough assessment and analysis who and where the people are whose right to food is not realised or violated and why. The starting point for the second FNSIP round expected to commence in early 2004 would therefore have to include:

- (i) a thoroughly improved assessment and analysis of who and where the food and nutrition insecure are and why they are vulnerable,

- (ii) an assessment of the consequences of this analysis for the mix and contents of the strategies proposed in the first round, and
- (iii) the application of the necessary corrections to the currently proposed strategies and investment programmes and projects in order to focus them more specifically on the most food insecure groups;
- (iv) an effort to shape the revised implementation plan along the standards indicated in General Comment 12 as the authoritative legal interpretation of the right to food by the ICESCR treaty body, including the establishment of clearly specified time-framed targets and benchmarks and of institutional responsibilities so as to establish accountability.

Concurrently with the second FNSIP round, high priority is given to the drafting of a framework law in the form of a Food and Nutrition Bill for adoption by Parliament, which would sign into law the FNP and its rights-based implementation plan with clearly defined targets, benchmarks, corresponding obligations and related institutional arrangements. The latter include constitution of a strengthened National Food and Nutrition Council to oversee and coordinate the implementation of the FNP and its investment plan. In order to be approved by Parliament, such a bill would have to include a costing of the proposed implementation.

1.4 Public resource allocation to major sectors

The costing of FNP implementation requirements will provide at least some indication of the adequacy of current public budget allocations for realising the right to adequate food of all Ugandans. A very superficial glance at the government's budgetary structure in recent years would suggest that food and agriculture receive less budgetary priority than they should: the astonishingly small share of agriculture in the total public budget, vacillating between 1.6 and 2.6 percent in the last three fiscal years begs questions as to its compatibility with the government's commitment to the realisation of the right to food (Table 11).

Table 11 - Sectoral allocation of the budget, FY 2000/01 – 2002/03 (in percent)

Sector	FY 2000/01	FY 2001/02	FY 2002/03	Growth over period
Security	13.9	12.0	12.9	24.7
Roads & works	9.2	8.9	7.4	9.0
Agriculture	1.6	2.6	2.3	93.9
Education	26.8	24.1	24.8	25.1
Health	7.6	8.9	9.6	71.6
Water	2.4	2.8	2.4	34.0
Law & order	6.3	6.8	7.0	50.5
Accountability	1.1	1.2	1.3	55.8
Economic functions & social services	6.3	7.4	7.4	56.9
Public administration	17.6	17.1	17.8	36.4
Interest payment	7.1	8.2	7.1	35.0
Total	100.0	100.0	100.0	34.2

Source: MFPED 2003, p. 34 [Poverty status Rep]

The single largest public budgetary item –one-fourth of the budget- goes to education. With another close to 10 percent allocated to health, roughly one-third is spent on these two combined sectors. While both are of great importance to the right to adequate food and nutrition, current allocations to food and agriculture would appear to be disproportionately low. A rule-of-thumb estimate of desirable budgetary allocations to the agricultural sector in African economies puts the sector's desirable share in the region of 10 percent – a figure adopted as target by the Heads of State and Government at the II Summit of the African Union in Maputo in July 2003. The issue public resource allocation clearly needs further attention as right-to-food efforts advance in Uganda.

1.5 Institutional framework for policy implementation and review

There are elaborate institutional arrangements for the implementation and periodic review of each of the above policies. The PEAP assigns to each of its four pillars varying combinations of key actor groups, composed of, as the case may be, actors from specific government departments, parliamentary commissions, UHRC, the private business sector and CSO/NGOs. PEAP goals and priorities are translated into plans for each sector and local governments. For sectors, this is done through Sector Wide Approaches (SWAPs), which bring together the activities of government, donors and other stakeholders into a single strategy. SWAPs are implemented through Sector Investment Programs, and policy, institutional and budgetary reform. Under SWAPs, NGO, private sector support and multi-donor sub-sector programmes support service delivery and capacity building. SWAPs are considered to be more efficient than investing in numerous single projects, to help foster stakeholder involvement and build local commitment and ownership of the strategy (GOU/MFPED 2002, p.31)

Similarly, the PMA identifies different lead agencies and collaborating institutions for each of some 20 intervention areas. Wide-ranging stakeholder consultations will be facilitated through the PMA Forum, while the PMA implementation proper will be guided by a Steering Committee; both are supported by a PMA Secretariat (GOU/MAAIF/MFPED 2000).

The implementation of the FNP will be coordinated by the “National Food and Nutrition Council” (NFNC), which shall be established, by Parliamentary Act, as a legal entity. Its members will include representatives from Ministry departments, Makerere University, the National Bureau of Standards, from civil society, farmers’ representation, the private sector and the PMA Secretariat Director.

1.6 The legislative framework to respect, protect and fulfil the right to food

Uganda’s legislative framework for food security consists both of international and domestic law. As a party to several international instruments it is bound to translate those obligations into domestic laws. Notable in this context are the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child. At the domestic front, a considerable body of legislation is relevant for the protection and promotion of the right to food. Some of the most salient ones are summarised in Box 4.

The body of existing national law summarised in Box 4 goes a long way in covering specific aspects of the right to adequate food. At the same time, there is a need to review the adequacy of existing law under changing conditions and to identify lacunae, as it is regularly done for the major socio-economic policies. But above all, addressing food and nutrition security as a human right would “require the country to adopt a comprehensive and consolidated law relating to the right to food as well as provide for the enforcement mechanisms. The said law should address all aspects of the food system including the production, processing, distribution, marketing and consumption” (Makubuya 2003, p.17). An important step in this direction is the aforementioned drafting of a bill to sign the Food and Nutrition Policy into law.

There are a number of critical areas, which merit highlighting; a more elaborate list is found in the Annex matrices:

(i) *Land rights*

The obligation to respect calls upon states to refrain from taking measures that may deprive people of the right to food. The laws in Uganda generally refrain from infringing on this obligation. There are, however, areas of concern. One of them regards *landownership*. Access, use and ownership of land *perpetuate gender inequality*. While women in Uganda provide 70% of agricultural labour and produce over 80% of the food, most sustain their households without the right or benefits of land control or ownership. There have been debates and consideration of granting women co-ownership of land with their spouses, but the Land Act, No. 16 of 1998 does not recognise this – although it does contain provisions for protecting the rights of those who may not be landowners but derive substance from land such as women, children and bona fide occupants (see Box 4). In the absence of security of tenure by wives over land, food production in many families has been affected by husbands selling off agricultural domestic plots of land without consultations with their families.

Box 4 – Selected national legislation impacting on the right to food

<i>Laws</i>	<i>Major provisions</i>
The Land Act No. 16 of 1998	Provides for ownership of land in accordance with the Constitution; protection of the rights of those who may not be landowners but derive substance from land such as women, children and bona fide occupants
The Land Acquisition Act	Permits government to acquire land; not yet approved
The Children’s Statute No.6 of 1996	Duty of parent/guardian to ensure child’s right to adequate diet
The Food and Drug Act, CAO 271	Broad range of food safety provisions
The Public Health Act, CAP 296	Contains broad range of food safety related regulations
The Penal Code Act, CAP 206	Provisions concerning criminal offences related to food adulteration
UNBS Act 1993	Uganda National Bureau of Standards provisions to prevent production and sale of hazardous food
The Local Government Act, No.1 of 1997	Includes provisions making local governments responsible for crop, animal and fisheries husbandry extension services & land administration
The Water Statute, No. 7 of 1997	Provision related to the right to access to the right to clean & safe water
The National Environment Statute, No. 4 of 1995	Sustainable management of natural resources

Consumer protection law

Proposed National Food Safety Bill

The Minimum Wage Act

Other relevant laws

The Adulteration of Produce Act, CAP 241	Control of Agricultural chemicals Statute No. 8 of 1989.
The Agricultural and Livestock Development Fund Decree, No.12/1976	Animal Diseases Act, CAP 218
Agricultural Weeds and Plant Statute No. 10 of 1994	Animals (straying) Act, CAP 221
Community Farm Settlement Decree No. 8 of 1975 as amended by Decree No.5 of 1997.	Fisheries and Crocodiles Act. CAP 228 as amended by Decree No. 21 of 1972.
Co-operative Societies Statute No. 8 of 1991	Forest Act, CAP 246
	Game (Preservation and Control Act)

Source: Makubuya 2003; Justice Resources 2004

The Land Acquisition Act, CAP is still on the Statute books; it permits government to acquire land from individuals in the public interest for which compensation would be granted after the acquisition. The Constitution on the other hand, requires that prompt payment of fair and adequate compensation be made prior to taking possession or acquisition of property. Current Cabinet Proposals to the Constitutional Review Commission, if adopted, can pose danger to security of land tenure for agricultural peasants. The proposal seeks to allow government to compulsorily acquire land for investment without prior prompt and adequate compensation and that any compensation would only be for any developments on the land. The proposal is motivated by the government's drive to promote foreign investment to stimulate economic growth, but poses the risk of depriving peasants of a key means of livelihood.

One such case is that of Uganda's Madudu people reported to the national seminar on the right to food. According to the Madudu people's report, the government –as part of its Foreign Direct Investment Policy in agriculture- evicted over 400 families with a population of over 2000 people to create a 9.6 square mile space for a foreign investor to establish a coffee plantation. The eviction was said to have been abrupt and without compensation. People were allegedly mistreated and forced to settle in forests surrounding the land demarcated for the investor. As a result, family livelihood systems are said to have been destroyed, without any alternative provided (UHRC 2003). Another example reported at the seminar is that of the Benet people who, to make room for a national park in 1983, were resettled on un-demarcated, disputed land, where they face constant harassment. Despite some government and parliamentary moves, the Benet are still landless (UHRC 2003).

The proposed Land Acquisition Act and the above examples highlight two important issues. One is the potential conflict between the drive for promoting economic growth and fostering pro-poor development – a conflict that already became apparent in the discussion of the different pillars of PEAP. There are trade-offs, in addition to complementarities, that need to be closely watched and could be mediated by a clear understanding of obligations in a rights-based approach. The other is the more general problem of impoverishment through lack of (collective or individual) tenure of land, which makes the proposed Act an especially dangerous threat.

(ii) Right to work

The right to work is closely related to the right to food because of its importance for the ability to access food. However, low cadre workers in Uganda are very poorly paid. In keeping with its international commitment under the ILO Conventions, Uganda enacted the Minimum Wages Act requiring government to periodically fix the minimum wage after consultation with stakeholders. The last time this was done was in 1984 and inflation over the past two decades has rendered the 1984 amount useless. The law on the minimum wage as it exists is ineffective since it does not prescribe a time frame for consultations and wage fixing. It has been asserted that government has little intention to fix a minimum wage, in the interest of attracting more investors to Uganda. It is imperative that this law be strengthened by making it compulsory for government to fix a minimum wage periodically.

(iii) Food safety and consumer protection

Uganda has an extensive legal framework intended to protect and ensure food quality and safety, which however needs careful review and consolidation together with the strengthening of enforcement mechanisms.

The Food and Drugs Act, CAP 271 prohibits and makes it an offence to sell food that is injurious to health or that does not meet the quality demanded by a purchaser or that is unfit for human consumption. It further prohibits display of food under false description or food that is misleading in quality, substance or nature. The Uganda National Bureau of Standards (UNBS) monitors this through quality assurance assessed against standards adopted by Uganda. However, UNBS is badly underfunded, which is affecting its effectiveness.

In the same vein the Penal Code Act (CAP 106) criminalizes the sale or offer for sale of adulterated and intoxicated food or drink that is noxious. The adulteration of produce is prohibited by the Adulteration of Produce Act, CAP 241 which creates offences for conduct and deliberate adulteration of produce such as coffee, tea, grains, oils, rice.

The legal framework also recognises the importance of food hygiene and safety. The Public Health Act (CAP 269) seeks to protect food hygiene by requiring that warehouses or buildings used for storage of foodstuffs for trade are free from pollution and protected against rats, varmints. The Act further provides for regulations for inspection and certification of diary stock and animals, milk, meat meant for consumption.

The Water Statute No. 7 of 1995 provides for the use, protection and management of water resources and supply. The Statute recognises the right to clean and safe water by empowering the responsible Minister to prescribe necessary control measures.

A comprehensive Consumer Protection Bill is being drafted. There are considerations for its eventual integration with the Food and Nutrition Bill.

1.7 Legal remedies and recourse mechanisms and the role of the Uganda Human Rights Commission

If people have rights, they must of necessity have a means to enjoy, vindicate or maintain it. The Constitution 1995 establishes the Judiciary and the Uganda Human Rights Commission to offer redress to victims of human rights violations. However, considering that Chapter Four does not provide for the right to food, courts and the Commission face limitations in redressing any such violation. While the right to food is found in the NODPSP and in policies, the courts and the Commission can at most apply the provisions persuasively. Nonetheless, the Commission takes on a monitoring and advocacy role intended to have adequate policies and laws formulated and enactment on the right to food.

Even if individuals petitioned the courts or the Commission over food insecurity, it would at most be petitioned using the integrated approach: Linking food insecurity to the right to life, a civil right is more easily justiciable and appropriate orders will be made for government to comply with. However, enforcement of the orders would raise practical challenges. The most appropriate way to address this would be to ensure that the right to food is enshrined in the Constitution and that a comprehensive Food and Nutrition Act is enacted. This forms the legislative basis upon which any person can claim their rights in court or at the Commission more easily.

The largest proportions of victims of food insecurity are the vulnerable and disadvantaged groups e.g. IDPs, the poor, women and children especially in the rural areas. Access to justice is a fundamental human right, which may be of little benefit unless people are able to make use of the system. The glaring obstacles are low literacy levels that breed ignorance and under utilisation of the legal system, expensive legal services and reluctance of lawyers to extend their services to the rural areas. To improve access to justice for disadvantaged groups, issues like affordability of legal services, availability of court services, physical accessibility of courts by the poor and making courts user-friendly need to be resolved.

1.7.1 About the Uganda Human Rights Commission

Established as an independent constitutional body under Article 51(1) of the 1995 Constitution and by the Uganda Human Rights Commission Act No.4 of 1997, UHRC is mandated (UHRC 2004):

- To investigate, at its own initiative or on a complaint made by any person or a group of persons against violation of any human right;
- To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;
- To establish a continuing programme of research, education and information to enhance respect of human rights;
- To recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families.
- To create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda;
- To educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation;

- To formulate, implement and oversee programme intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- To monitor the Government's compliance with international treaty and convention obligations on human rights;
- To review cases of persons who are restricted or detained under Emergency Laws; and
- To perform such other functions as may be provided by law

The UHRC has the power of a court to: summon or order any person to attend before it and produce any document or record relevant to any investigation by the Commission; question any person in respect of any subject matter under its investigation; direct any person to disclose any information within his or her knowledge relevant to any investigation by the Commission, and commit persons for contempt of its orders

The Commission, if satisfied that there has been a violation of human rights or freedom, may order: the release of a detained or restricted person, payment of compensation, or any other legal remedy or redress. However any person or authority dissatisfied with an order made by the Commission has the right to appeal to the High Court.

The Commission is barred from investigating any matter which is pending before a court or judicial tribunal, or a matter involving the relations or dealings between the Government of Uganda and the Government of any foreign State or international organisation, or a matter relating to the exercise of the prerogative of mercy.

Since its inception, UHRC has been increasingly active in conceptualising and promoting a rights-based approach to development. In this context, it has been searching for practical ways of how it could best monitor the right to adequate food. Following the recommendation by the Jinja seminar in January 2003 for the development of a “monitoring tool” for the right to food, UHRC held a stakeholder consultation on the subject in July 2003, which decided to set up a consultative process to develop such a tool. At the time of writing this report (February 2004) work is still in progress.

2. Focus on vulnerable groups: IDPs and HIV/AIDS affected households

Among the conclusions emerging from the above review is the urgent need of a clearer focus on vulnerable groups as far as the right to food and food security are concerned. General references to vulnerable groups, which are frequent in key policies and action plans, are ineffective without a clear identification and analysis of who and where the vulnerable are and of the specific causes of their vulnerability. This section looks at two important vulnerable groups in Uganda and assesses the adequacy of existing policies and programmes to realise their right to adequate food⁴.

2.1 IDPs

As noted earlier, long-running civil strife has now displaced an estimated 1.2 million people in northern Uganda (Table 5). Displacement as a result of civil war disrupts settlement patterns, and

⁴ For a more comprehensive overview see the national consultants’ paper prepared for IPRFD/FAO (Justice Resources 2004a); see also Annex matrix, Part II

where people have been forced to live in IDP camps, their access to land for production as well as other productive livelihood activities is severely curtailed. Insecurity limits work in distant fields, prevents access to land, limits commodity availability, and prohibits the sale of cash crops to external markets because of insecure roads, and the fear of theft and raids limits the storage of produce. Military activity often leads to the destruction of crops, thus denying IDPs of any harvest they might have secured. In the northern district of Gulu, for example, about 80% of the population is displaced (Save the Children-UK, 2003). The number of displaced camps is continually being increased. In Pader district where there was only one displaced camp before May 2002, the number had been increased to 12 official IDP camps by August 2003. More recently, the government has announced an increase in the number of displaced camps in the north. But many of the displaced in the war affected area, which now stretches into Eastern Uganda, are outside official camps, and they too face challenges of securing adequate food.

2.1.1 Policy and institutional framework in support of IDPs

In 2000, the government, under the Office of the Prime Minister and the Department for Disaster Preparedness and in collaboration with UN OCHA, initiated drafting "The National Policy on Internal Displacement - Policy and Institutional Framework (NPID)". NPID is still in draft form and has yet to be adopted.

Drawn from UN Guidelines on Internal Displacement, NPID sets up institutional mechanisms and underlines the IDPs' right to property and to food security. NPID provides in particular that the state shall, through the Office of the Prime Minister-Department of Disaster Preparedness, establish and maintain adequate grain stores for IDPs during displacement; and in the initial stages of return and resettlement process, for a period until they have settled adequately enough to cater for themselves. The policy further aims at providing adequate clean and safe water to IDPs with the help of NGOs and international humanitarian organizations.

With regard to food, the policy itself does not, in any detail, address the food, nutritional and dietary needs of IDPs. It fails, for example, to make mention of the food and nutritional requirements of nursing mothers, pregnant mothers or internally displaced persons with HIV/AIDS. However, provisions are made for the care of malnourished children.

The policy would establish an inter-Ministerial Policy Committee with members from the Ministries of Health; Finance; Planning and Economic Development; Agriculture; Animal Industry and Fisheries; Lands, Surveys and Environment, and the Ministry of Local Government to monitor and ensure the adequate protection and welfare of IDPs as well as helping to establish a national relief plan. In addition, the policy proposes an Inter-Agency Technical Committee on IDPs with participation from the Uganda Human Rights Commission and other human rights organisations.

More generally, the *Disaster Preparedness and Management Policy Framework (DPMPF)* refers to Internal Displacement arising out of conflict as a complex disaster but does not go into details encompassing specific rights including that of food. Developed in 1998, this policy is currently undergoing revision, which it is hoped will lead to an effective system of management of disasters, based on analysis of the vulnerability of the population within such areas. The principal agency in charge of DPMPF is the Office of the Prime Minister-Department of Disaster Preparedness.

2.1.2 Implementation aspects

Food aid constitutes the biggest single source of food for most IDPs, especially the poor households, providing between 36-60% of their minimum food needs. The apparent discrepancy here is that although the humanitarian food ration is calculated to provide 100% of the food needs, disruptions in the supply system mean that IDPs can go long periods without deliveries leading to the search for alternatives. In Gulu for example, there were no supplies at the end of last year and during June 2003 there was no delivery. This meant that most IDP families received 7 or 8 rations during the last 12 months (Save the Children-UK 2003, p 13). In Kalongo town, Pader District only two general rations have been distributed this year by the WFP, one in April and the other in August, not on account of need but due to insecurity in the area (Blackhurst/GOAL 2003, p.16).

The World Food Programme remains the primary provider of food aid with other humanitarian agencies heavily involved as well. Whilst the principal obligations fall upon the government, a range of other agencies, are involved in promoting food security. These include the Uganda Red Cross, which is a creation of statute. Under the Uganda Red Cross Act, the society is mandated to provide humanitarian assistance including food aid. In Uganda, it implements a feeding programme for malnourished children in IDP camps. Other non-government partners—with whom the government often enters into formal understandings—must also be seen as part of the government's broader strategy for addressing food insecurity. Indeed, the state has specific obligations under humanitarian law, to receive food aid in times of critical need, and to grant access to impartial humanitarian organisations, which are able to distribute food aid.

In Northern Uganda, the government has generally honoured its obligations in this regard, including by organizing armed escorts for food deliveries. In displaced camps, the government policy is to encourage own-crop production through provision of improved and local seeds, agricultural implements and provision of markets for some local produce. Agencies like World Vision International, Catholic Relief Service, Caritas and other agencies have been involved in such interventions. Local government bodies like the District Service Departments have also introduced agricultural extension services to support IDP farmers, although such efforts are often hampered by swings in the security situation.

Still, the right-to-food situation of IDPs in Uganda remains a matter of serious concern. The Jinja seminar on the right to food heard dramatic testimony from the Pader group of IDPs:

“The main cause of food insecurity in Pader district in northern Uganda is 17 year armed conflict in Acholi. 280,000 people are displaced in two camps. NGOs carrying out development work in the district have re-located or scaled down their activities due to insecurity that has claimed the lives of many of their staff, further endangering food security for the people. Ordinary people cannot access their fields for food, or information for development. The IDPs' right to food is denied because they are caught between two combative forces – the rebels and government soldiers. They are in an intolerable situation in both the villages where rebels attack them constantly, and in 'protected camps' created by the government in the district. In the camps there is extreme scarcity of food, services, and facilities. This forces IDPs to return to the villages periodically to search for food. While doing this, they are in danger from the rebels.

There are major problems of coordination between the district disaster management committee and central government agencies and this affects the distribution of relief. In addition, the soldiers are not fully provided for themselves, yet are expected to protect relief for IDPs. There are reported incidents where the soldiers escorting relief convoys have stolen the provisions.

The effect of the conflict is a traumatized population, breakdown of social fabric resulting in prostitution by girls and women, and sale of household assets, as coping mechanisms. There is need to strengthen security in the camps and villages, provide armed escorts to humanitarian relief agencies, and to adequately provide for soldiers basic needs (including food)” (UHRC 2003, p.8).

Peace is the ultimate solution to the Pader IDPs suffering and denial of human rights. In the meantime, more effective measures must be deployed under a combined application of human rights and international humanitarian law, including efforts to achieve higher levels of self-reliance among IDPs. And the single directly relevant policy, the NPID, still a draft, must finally be adopted and implemented.

2.2 HIV/AIDS affected households

An estimated 1,050,555 people were living with HIV/AIDS in 2001, down from 1,348,000 in 1999; the number of new AIDS cases dropped from 112,000 to some 99,000 during the same period. By the end of 2001 the National prevalence rate was estimated at an average of 6.5% of the total of Uganda population, and about 30% of children were born with HIV/AIDS. Over 940,000 Ugandans are estimated to have died of HIV/AIDS related illnesses since the onset of the disease in Uganda in the early 1980s. IDPs are at an increased risk of HIV infection, as people are traumatised, families and households are split up and prostitution increases as a result of economic or psychological marginalisation.

Although HIV/AIDS prevalence cuts right across all social groups, the poor are the most seriously affected. The relationship between the disease and poverty is also a causal one; as able-bodied productive adults ail, their capacity to provide for themselves and their families is diminished. With caregivers’ ability to provide adequate food and nutrition for the household eroded, affected households become food-insecure. The social consequences of the pandemic have been disastrous for Ugandans at the individual, community and sector levels, especially in a country with no formalized welfare system. The United Nations Aids Commission (UNAIDS) has estimated that over 880,000 children below 14 years orphaned by AIDS in the country, constituting about one-half of all orphans of that age. Because the disease also diverts resources into medical care from existing household resources, AIDS orphans are often left with no property with which to fend for themselves. Many families sell their land to meet the high cost of medical care during illness.

No area of Ugandan life is unaffected by the HIV/AIDS pandemic, and the element of food security is only one aspect of the overall impact of this fatal illness. The effect of lost productivity to the national economy is so great as to be incalculable, but those who suffer from HIV/AIDS are a clear vulnerable group which faces food insecurity. Unable, though willing, to fend for themselves they look firstly to their wider families and ultimately to the State to provide for them. The scale of the problem, however, means that ensuring adequate food for HIV/AIDS sufferers is a compounded challenge as multiple households and, in some instances, whole communities are affected. Translating the aspirations of the Constitution and other policy formulations into practical interventions is more problematic. Long-term solutions cannot be divorced from effective health care including the provision of affordable anti-retroviral drugs, which would, in turn, reduce household expenditure invested in treatment and at the same time ensure continued productivity. All this would entail significant resource implications. Nevertheless the State must move progressively towards amelioration of food insecurity.

2.2.1 The Policy and Institutional Framework

There is no specific legislative framework that refers to the food and nutrition rights of people living with HIV/AIDS or HIV/AIDS affected households. There are a number of policies relating to HIV/AIDS in Uganda, the two main being the National Policy and Strategy against HIV/AIDS and the National Strategic Framework for HIV/AIDS (2000-2006). Moreover, the National Health Policy gives broad guidelines on HIV prevention and infant feeding. More prescriptively, the Policy Guidelines on Feeding of Infants and Young Children address the needs of younger HIV/AIDS sufferers. In the process of being drafted are policy guidelines on home-based care for HIV/AIDS sufferers, which aim to update nursing care guidelines.

The National Policy and Strategy against HIV/AIDS is being implemented without formal parliamentary approval or a legislative framework, as a result, it could be said that it has not benefited from parliamentary scrutiny. Yet the policy deals with the care of orphans and of carers of individuals affected by HIV/AIDS, although it fails to make specific provision for other household members such as the spouse and the dependants of the affected person. For its part, the National Strategic Framework emphasises collaboration and coordination among the stakeholders working towards prevention and care. Taken together, these policies can clearly be used as a strategy for addressing the food, and nutritional requirements of persons living with HIV/AIDS, and their households in general.

Significantly, for those living with HIV/AIDS, the Food and Nutrition Policy specifically recognises that the condition has aggravated food insecurity and seeks in particular to incorporate nutrition management in the care of HIV/AIDS patients. As the policy reflects, food supplements play an important role in improving the quality of life for persons living with HIV/AIDS, and are an integral part of the palliative regime. It is for this reason, that the National Drug Authority and the nutrition unit of the Ministry of Health have assumed the responsibility for regulating the importation, sale manufacture and distribution of food supplements.

The primary institution overseeing HIV/AIDS control and prevention strategies is the Uganda Aids Commission, established by a Statute of Parliament (Statute no.2 of 1992) under the office of the President. The UAC is mandated by law to oversee, plan, coordinate and formulate policies for HIV/AIDS programmes and is the central reference point for all relevant HIV/AIDS activities throughout the country. The Commission spearheads the fight against HIV/AIDS with one of its priority actions being to advocate and mobilise for the care, support and the protection of the rights of at least 80% of the families most affected by HIV/AIDS. Given its statutory mandate the UAC is ideally placed to ensure that the food security for those affected by HIV/AIDS is attained and preserved.

As a general government policy, all ministries are now required to have an Aids Control Programme (ACP). Whilst the Ministry of Health has had one since 1986, only a few others have actively adopted such programmes and even so, those which have, do not seem to have a food and nutrition component. However, the Ministry of Agriculture, Animal Industry and Fisheries is currently drafting a handbook on the HIV/AIDS to be used by field agents during their work to help in the recommendation of nutritious foods or food combinations for affected and infected persons.

With increased demand for the replacement feeding to avert the risk of mother-to-child infection, there is a greater need to regulate Breast-Milk Substitute supplies. The Food and Drugs

(Marketing of Infant and Young Child Foods) Regulation 1997 already seeks to contribute to the safe provision of safe and adequate nutrition for infants by protecting and supporting breast feeding, and ensuring that the Breast-Milk Substitutes are not marketed or distributed in a way that may undermine breast feeding.

2.2.2 Challenges of meeting HIV/AIDS-related food needs

Despite the impressive progress in HIV/AIDS prevention in Uganda, there are still deficiencies in the policy and institutional framework for protecting food security. Although the policies discussed here might implicitly or expressly acknowledge that HIV/AIDS affected individuals and households have special food needs, the policies do not in general give specific content to the right to food of this vulnerable group. Malnutrition indicators continue to suggest that those affected by HIV/AIDS are not receiving the quantity and quality of food they require. The usual family and community safety-nets fail with regularity and this situation is compounded by the particular dietary needs of sufferers and, for infants with HIV positive mothers, by the risk of transmission. In these circumstances it becomes necessary for the state to assume its 'obligation to provide' food directly, along with other third parties. Whilst some non-government agencies, including The AIDS Service Organisation (TASO) are providing food supplements for those in acute need, the state has not shown itself to be able to fulfil the right to food of those affected by HIV/AIDS. An essential first step is to recognise the problem and to devise a strategy for meeting this obligation.

D LESSONS LEARNED AND CHALLENGES AHEAD – A BALANCE SHEET OF UGANDA'S EXPERIENCE

Uganda has made a promising beginning in articulating the concept of food as a human right in its fight against hunger and malnutrition, in the broader context of the promotion of rights-based approaches to development. Uganda's efforts to this effect have been helped by a number of *enabling circumstances*; they include:

- The *Constitution*: Uganda's 1995 Constitution protects and promotes "fundamental and other human rights and freedoms" and stipulates that these "shall be respected, upheld and promoted by all organs and agencies of Government and by all persons". It also stipulates that the "State shall endeavor to fulfill fundamental rights of all Ugandans to social justice and economic development" and specifically refers to food security, adequate food and proper nutrition that the State shall ensure access to. However, the Constitution does not recognize adequate food as a fundamental, justiciable right – an issue brought by the Uganda Human Rights Commission before the Government's Constitutional Review Commission, suggesting that the right to adequate food be moved into the section dealing with fundamental rights. The proposal is supported by the fact that Uganda has assumed international treaty obligations through ratification of, *inter alia*, the International Covenant on Economic Social and Cultural Rights and the Convention on the Rights of Children, recognizing the right to adequate food and nutrition.

- Fostered by the Constitution, the emergence of an *enabling political, social and economic environment*, including measures to restore and promote constitutionalism, democracy, human rights, peace and stability, and efforts to advance decentralised, participatory governance.
- A *policy environment* broadly oriented towards pro-poor development objectives: Uganda's principal development policy framework, the Poverty Eradication Action Plan, seeks to balance economic growth with poverty reduction objectives, and two of its supporting policies, the Programme for Modernisation of Agriculture and the Food and Nutrition Policy, have food and nutrition security as a major objective.
- Growing awareness and acceptance among *key policy makers* in Government and Parliament of the centrality of human rights to development and the significance of a rights-based approach to food and nutrition security.
- A dynamic *independent Constitutional body*, the Uganda Human Rights Commission. The success of UHRC can be explained both by its constitutional mandate and its application by a proactive group of Commissioners and staff. Their advocacy has found positive resonance among key decision makers and is taking roots among a broader spectrum of stakeholders.
- An *international cooperation environment* supportive of human rights in development. Bilateral and multilateral donors and international NGOs have been active in supporting the conceptualisation and promotion of rights-based development. In the case of the right to food, the IPRFD initiative of facilitating a national seminar served as an external trigger to set in motion a strategic process towards the promotion of the right to adequate food and its implementation.

An overriding difficulty, constraint and, for that matter, challenge emerging from the Ugandan experience is the inadequate attention to the identification of those whose right to food is not realised. No matter how much emphasis is given in the overall policy environment to the reduction of poverty and food and nutrition insecurity, implementation plans are generally vague in defining target groups or vulnerable groups, beyond generalised classifications, in sufficient analytical detail as to be operationally relevant. This is not so much a question of technical obstacles linked to data and analytical capacities than it is a question of a fundamental approach to development. A human rights approach, through its constant concern with whose right is not realised or violated and why, is a powerful tool to sharpen the focus on people.

There is an urgent need, in Uganda and elsewhere, to start the design of strategies and action plans with a more thorough *socio-economic assessment* in relation to different groups of people. Some useful assessment work on poverty has been initiated in Uganda with a wealth of data, as illustrated above (e.g. in Tables 8 and 9). This must now be carried further, be extended into food security and nutrition and incorporated in operations plans.

A second concern relates to bringing in line economic growth and poverty-reduction objectives, by exploiting complementarities and balancing trade-offs between growth and redistribution to achieve 'pro-poor growth'. The experience with PEAP suggests that much remains to be done, notably in balancing pillars 1 and 3, working towards greater equality in growth benefits. As noted above, a rights-based approach would focus attention on the inconsistency in implementation results between the two pillars and, by way of identifying state obligations, set the frame for corrective action.

A third result emerging from the assessment of Uganda's experience relates to the State's 'providing function': Much of its legal, policy and institutional framework is related to 'respecting', 'protecting' and 'facilitating' functions, and very little to the function of 'providing' directly, e.g. through social (food) safety nets. There is a need to re-examine, in Uganda, the

scope for adopting a ‘two-track’ approach to food security, combining measures with long-term development effects and those meeting immediate food needs.

These difficulties notwithstanding, Uganda is moving towards the implementation of the right to adequate food broadly along the lines suggested by General Comment 12:

- A national strategy is evolving based on human rights principles to implement the food and nutrition policy, through completing a rights-based strategic implementation plan;
- Targets and benchmarks will be set in the said plan;
- The drafting of a framework law in the form of a Food and Nutrition Bill is being given priority;
- Monitoring and recourse mechanisms are being explored; and
- The possibility for Constitutional change will be explored to fully recognise adequate food as a fundamental, justiciable right.

These are the core elements of the immediate agenda. They are joined by many detailed requirements for action, many of which are contained in the technical background papers to this report. Critical for executing the agenda will be the putting into place of the necessary institutional arrangements – the Food and Nutrition Council and an effective secretariat endowed with leadership, to coordinate and join forces of duty bearers and rights holders. A beginning has been made, but much remains to be done.

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ANNEX

Gaps in Uganda's Policy, Legal and Institutional Framework to Meet its Right-to-Food Obligations under International Law

Part I: Overall Gap Analysis

II.	Obligation	Existing framework for compliance	Gaps in the framework	Comments/Recommendations
	<p>Respect :</p> <p>Obligation to refrain from interfering directly or indirectly with the enjoyment of the right to food</p>	<ul style="list-style-type: none"> • Constitution guarantees statutory and customary land holdings. • Constitution provides for prompt and adequate compensation for land expropriation. • Land law protects peasant tenants/squatters from arbitrary evictions. 	<ul style="list-style-type: none"> • Cabinet proposes to amend constitution making it easy to expropriate land for investment. This is a threat to land holding for food production • Land Acquisition Act still allows expropriation without prior prompt and adequate compensation. • Poverty drives peasants to sell land denying a crucial means of livelihood. 	<ul style="list-style-type: none"> • Land Acquisition Act to be amended to require compensation before acquisition
	<p>Protect:</p> <p>Obligation to take measures that prevent third parties from interfering with the enjoyment of the right to food.</p>	<ul style="list-style-type: none"> • About 80% of the population depends on agriculture for food and as a means of livelihood. The Constitution and land laws guarantee land holdings including continuing holdings • Land law protects continuing tenants from arbitrary evictions by setting manageable rents. • Constitution in its National Objectives and Directive Principles of State Policy (NODPSP) spells out food security as a national goal for achievement. • Ugandan National Bureau of Standards sets standards including food safety standards. • Right to work and rights at work important for livelihood and the ability to access food – Labour laws on condition of work exists 	<ul style="list-style-type: none"> • Women provide over 70% of rural agriculture but few own land or control land use or disposition. Lack of security of tenure on land held for food production threatens means of livelihood and food security • The NODPSP of the Constitution is not a legally enforceable part of the constitution and therefore does not legally guarantee the right to food. • Food safety laws are outdated, weak and disparate and lack resources for enforcement. • The Ugandan National Bureau of Standards lacks sufficient legal 	<ul style="list-style-type: none"> • Co-ownership of land for spouses to ensure security of tenure for domestic land from which they derive sustenance • Consolidation of Food safety laws, ensuring its enforceability and a rights based approach adopted • Strengthen food safety enforcement authorities through resource allocation • Review National Bureau of Standards Act to give better legal powers to the Uganda National Bureau of Standards.

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- Minimum wages law exists.
 - Legislation on water rights and protection of sources exists.
 - Maternity leave allowed by law.
 - There is a regulation on marketing of infants and young children's foods.
 - There are policy guidelines on feeding of HIV/AIDS infants and young children to cater for their nutritional needs.
 - Uganda has ratified key human rights instruments- International Covenant of Economic Social and Cultural Rights; Convention of the Rights of the Child; Convention of the Elimination of Discrimination Against Women.
- powers to enforce standards countrywide.
 - Labour laws outdated and insufficiently protect workers rights.
 - Labour laws apply to persons working in the formal sector but this represents only a fraction of the population. The largest percentage of income earners are in the informal sector
 - Enabling environment to compete lacking for petty traders and very small scale businesses which is in fact a means of livelihood
 - Minimum wage law seriously outdated and inadequate.
 - Food safety laws are outdated, weak and disparate and lack resources for enforcement.
 - The Ugandan National Bureau of Standards lacks sufficient legal powers to enforce standards countrywide.
 - The NODPSP of the Constitution is not a legally enforceable part of the constitution and therefore does not legally guarantee the right to food.
 - Maternity leave laws have been difficult to enforce against private employers on account of shortage of jobs.
- Food rights should be incorporated into the Bill of Rights section of the constitution.
 - Review the labour laws, including the minimum wage law to protect lower cadre workers and persons in the informal sector
 - Effective labour laws not seen as a priority by the government which seeks to attract investment.
-

Fulfill (facilitate):**Obligation to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the realization of the right.**

- There are laws providing a framework for agricultural extension services.
- Several laws all together seek to support agricultural production e.g. in areas of research, seed quality.
- Poverty Eradication Action Plan (PEAP) is the overall framework for food security, it includes the Plan for Modernising Agriculture (PMA) and National Agricultural Advisory Services (NAADS) – all aimed at increasing agricultural input by peasants
- NAADS is a framework for agricultural extension services.
- National agricultural research institutions with regional centres conduct agricultural research and demonstrations.
- The co-operative society's law seeks to organise farmers in the production and marketing of farm inputs and produce
- National Food and Nutrition Policy (FNP) recognizes food as a human right and sets out principles to guide implementation.
- The FNP is based on ten focus areas for achieving food rights: - food supply and accessibility, food processing and preservation, food storage, marketing and distribution, external food trade, food and food standards and quality control, nutrition, health, education, information, nutrition surveillance and research.
- Constitutional Guarantee for land ownership.
- Maternity leave guaranteed by law.
- Policy guidelines on feeding of infants and young children with HIV/AIDS.
- Regulation on production and marketing of infant food substitutes.
- National Health Policy 1999 provides for a minimum health package, which includes strategies for promoting appropriate nutrition practices and food hygiene and healthy eating habits.
- PMA and its NAADS component required to be more tailored to the needs of peasant farmers, and made more accessible.
- Farmers have not really accessed agricultural research results.
- Farmers/ peasants have little access to improved seeds.
- Credit schemes under PEAP, NAADS and PMA but liberalization and privatization undermines loan/credit accessibility especially for the agricultural sector
- No enabling law for the Food and Nutrition Policy (FNP).
- FNP is not known among the population.
- No investment and implementation plan for the FNP.
- No national famine policy/ strategy backed with resources.
- No national food reserves
- No law requiring iodization of salt and fortification standards for processed food.
- Workers in private enterprises in practice are denied maternity leave.
- No law that ensures that employed mothers have time off to breast-feed.
- No policy system for identification of vulnerable groups in the context of food security.
- Domestication of human rights standards has not legally recognized food as a right.
- The disaster preparedness and management policy framework only seeks to deal with emergency disaster situations and does not cover the needs of vulnerable groups as a
- An enabling law for the FNP is being drafted. Expert advice required.
- Need to disseminate its policy among the population to empower the people to advocate for its implementation.
- Ministry of Agriculture is undertaking studies for an investment and implementation plan for the FNP.
- NAADS services are not free and farmers have not been able to access the services for financial reasons.
- Efforts underway to make agriculture results reach farmers.
- An employment policy and revised labour law under discussion.
- Government study on going on implementation of FNP and has one of its focus' the identification of vulnerable groups.
- It is expected that the proposed food and nutrition law will recognize food as a right.
- Introduce a rights based approach in PEAP and incorporate more specifically Vulnerable groups in the PEAP policy – funded policy to address the needs of vulnerable groups
- Government should be more committed to allocation of adequate resources in key areas.
- Need for collaboration between the health sector, the Agricultural sector and other

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| <ul style="list-style-type: none"> • Agriculture and nutrition part of school curriculum in primary and secondary schools. • There is a disaster preparedness and management policy framework to answer the needs of those affected by emergencies, conflict and disasters. • Country has ratified all the international human rights instruments, which spell out food rights. | <ul style="list-style-type: none"> • whole. • Projects, policies and statutes like the Children Statute not backed by sufficient financial resources | <p>relevant sectors to improve the food and nutritional security of the population</p> |
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Fulfill (Provide): -

Obligation to directly provide assistance or services for the realisation of the right.

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|---|---|--|
| <ul style="list-style-type: none"> • NODPSP of the constitution requires government to ensure people grow and store adequate food reserves and that it promotes better nutrition through mass awareness and other appropriate mean. • NODPSP requires that the country has an effective disaster management strategy. • Policy for distribution of food in emergency and distribution of food in emergency situations. Government has a memorandum of understanding with humanitarian agencies to distribute relief services • Prisons law requires prisoners are fed sufficient quality of plain wholesome food. • Ministry of health maintains nutritional units in district hospitals to treat and manage the severely malnourished children through treatment that includes feeding. | <ul style="list-style-type: none"> • NODPSP not legally binding and cannot be applied to force the government to provide food in case of vulnerability. Can only be used persuasively • No legal framework exists for meeting the food needs of vulnerable groups. • Inadequate surveillance system for monitoring food security. • No famine codes backed with resources. • No system for defining identifying and monitoring vulnerability. • No social safety nets including food safety nets for those unable to provide for themselves. • Government maintains no national food reserves- for distribution in the event of need. • No practical food relief distribution by government to persons in emergencies e.g. IDPs | <ul style="list-style-type: none"> • Proposed food and nutrition law should take care of gaps in food security monitoring vulnerability, identification and household food security policy. • Abolish prison laws that violate food rights • Nutritional units should be extended to health centres to serve the wider population. • Merge Local government and State prisons to adopt a more practical and focused policy to address prisoners' food needs. |
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- Denial of food as a form of punishment violates the food rights of prisoners
 - Institutional frameworks normally do not deliver policy and legal requirements as expected e.g. food shortage is rampant in Ugandan prisons
 - Health nutritional units restricts services to those who come for treatment in the hospitals thus not effectively targeting/reaching entire communities
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Source: Justice Resources 2004-03-12

Gaps in Uganda's Policy, Legal and Institutional Framework to Meet its Right-to-Food Obligations under International Law

Part II: Gap Analysis - Focus on IDPs and HIV/AIDS affected households

III.	Obligation	Existing framework for compliance	Gaps in the framework	Comments/Recommendations
IV.	Respect :	<ul style="list-style-type: none"> The NODPS sets out principles to ensure that the State anticipates and plans ahead for disasters and general displacements. NODPS recognizes the role the State plays in ensuring that it encourages and promotes proper nutrition through mass education, creating national food reserves, to encourage people to grow adequate food and to ensure that people have access to adequate food, clean and safe water. 	<ul style="list-style-type: none"> The NODPS is part of the unjusticeable part of the constitution and can only be argued persuasively – no explicit reference to food as a right in the legally binding section of the constitution - 	<ul style="list-style-type: none"> The Framework for the right to food should be clarified and strengthened by incorporating it into the main text of the constitution
V.	Obligation to refrain from interfering directly or indirectly with the enjoyment of the right to food			
VI.	Protect:	<ul style="list-style-type: none"> The Uganda Human Rights Commission plays a key role in the advocacy and monitoring of the food rights of internally displaced persons and persons with HIV/AIDS. The NODPS set out that it is for the State to fulfill the fundamental rights of all Ugandans to ensure the enjoyment of these rights and these include the right to access adequate food, clean and safe water. Therefore IDPS and people living with HIV/AIDS are catered for under this provision 	<ul style="list-style-type: none"> The NODPS constitutional provisions are of a very general nature and only of a persuasive nature 	<ul style="list-style-type: none"> This generality needs to be translated into more specific and financially supported policy objectives.
VII.	Obligation to take measures that prevent third parties from interfering with the enjoyment of the right to food.			
VIII.				
IX.				
X.				
XI.				

XII.	Fulfill (facilitate):	<ul style="list-style-type: none"> • PEAP prioritises the addressing of food insecurity and malnutrition as part of its planning principles. 		
XIII.	Obligation to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the realization of the right.	<ul style="list-style-type: none"> • Uganda Food and Nutrition Policy’s (FNP) objectives are to ensure the availability, accessibility and affordability of adequate food – in terms of quality, quantity, nutritious and safe - and nutrition throughout the country • FNP is explicitly based on the notion that food and nutrition is a human right. • The National Policy on Internal Displacement (NPID) underlines IDPs food rights. State’s responsibility through the Office of the Prime Minister- Department of Disaster Preparedness to establish and maintain grain stores during displacement and to provide assistance after resettlement until they can adequately cater for themselves. 	<ul style="list-style-type: none"> • PEAP makes no requisite emphasis to the needs of IDPs and Persons with HIV/AIDS • The FNP does not isolate for specific intervention groups considered to be vulnerable. It sets out to ensure food security in situations of disaster and for those who have no access to food in circumstances beyond their control • Although the NPID makes special provisions for children and women in IDP camps it doesn’t in requisite detail address the food and nutritional dietary needs of IDPs or specifically the nutritional and dietary requirements of pregnant and nursing mothers • Relief aid given to IDPs are basic food items, only necessary for survival. Food preferences, cultural preferences and nutritional value render some of the food supplied inadequate. 	<ul style="list-style-type: none"> • PEAP should adopt a rights based approach and incorporate vulnerable groups in it’s strategies to address food security • The State should prioritize and set up social safety nets in particular for the benefit of those unable to provide for themselves • The disparate policies and laws governing food production and provisions need to be brought under a more coherent structure, focusing on the needs of identifiable vulnerable groups, whose food needs are otherwise not adequately recognized by legislation or policy framework • Despite being signatory to international humanitarian instruments Uganda has yet to adopt a specifically rights based approach to food security – the FNP implementation and investment plan is an opportunity to move in that direction • Adopt a consolidated legislative and policy framework for food security that embraces the right to food
XIV.				
XV.		<ul style="list-style-type: none"> • NPID requires State in collaboration with Humanitarian organisations to provide adequate water for IDPs 		
XVI.		<ul style="list-style-type: none"> • NPID makes special provisions for children and women in IDP camps – interventions with regard to malnourished children and the resettlement of children permanently separated from their families 		
XVII.				
XVIII.		<ul style="list-style-type: none"> • NPID establishes an Inter-Ministerial Policy committee to monitor and ensure adequate protection and welfare of IDPs 		
XIX.		<ul style="list-style-type: none"> • Memorandum of understanding between government and humanitarian agencies to provide relief to internally displaced persons. 		
XX.		<ul style="list-style-type: none"> • Uganda is signatory to the main international rights and humanitarian instruments and embraces the standards and obligations enshrined therein. 		
XXI.				
XXII.		<ul style="list-style-type: none"> • The Uganda Aids Commission Statute establishes the Uganda Aids commission to oversee the fight against the disease and address the needs of People living with HIV/AIDS 	<ul style="list-style-type: none"> • The Commission does not specifically address food insecurity caused by HIV/AIDS 	
XXIII.		<ul style="list-style-type: none"> • Food and Nutrition Policy (FNP) recognizes that HIV/AIDS aggravates food insecurity and seeks to incorporate nutrition management in the care of HIV/AIDS patients 	<ul style="list-style-type: none"> • The National Policy and Strategy against HIV/AIDS fails to make specific provision for other household members like the spouse of a person living with HIV/AIDS or his/her dependants 	<ul style="list-style-type: none"> • Although policies on HIV/AIDS expressly acknowledge that People living with HIV/AIDS and their households have food needs the policies do not in general give specific content to their food rights. - Set up a minimum food requirement structure for those affected with HIV/AIDS and to establish an enabling policy and legislative framework for progressively achieving their food rights.
XXIV.				
XXV.		<ul style="list-style-type: none"> • The Uganda Food and Nutrition Council to be established under the FNP with the mandate to implement this policy. It is to be linked to various local government administrative committees dealing with food and nutritional needs at local levels 	<ul style="list-style-type: none"> • Not all related policies have been updated to reflect the risk of HIV transmission from mother to child through breastfeeding – FNP and the National Policy guideline for family Planning and Maternal health service Delivery still recommend exclusive breastfeeding for the first six months without any qualifications on grounds of 	
XXVI.				
XXVII.		<ul style="list-style-type: none"> • National Policies that address in broad terms HIV prevention and infant feeding and deals with the care of orphans and their carers – more specifically are the Policy Guidelines on Feeding of Infants and Young children that address the needs of young sufferers and feeding guidelines to prevent mother to child transmission. 		
XXVIII.				

XXIX.	<ul style="list-style-type: none"> The Policy Guidelines on feeding of Infants and Young Children recognizes and emphasizes breastfeeding as the best source of nutrition, but in case of an HIV infected mother encourage alternatives, although it takes into account that some mothers might be resistant or genuinely are unable to provide replacements. The policy encourages the teaching of mothers and carers of HIV infected children on appropriate feeding methods As a general government policy all ministries are required to have an Aids Control Programme and currently the Ministry of Agriculture Animal Industry and Fisheries is drafting a handbook on HIV/AIDS to be used by field agents in while drafting recommendations for nutritious foods or food combinations for affected and infected persons. 	<p>risk of infection. More conventionally the Policy Guidelines on feeding of Infants and Young Children recognizes and emphasizes breastfeeding as the best source of nutrition, but in case of an HIV infected mother encourage alternatives, although it takes into account that some mothers might be resistant or genuinely are unable to provide replacements.</p>	<ul style="list-style-type: none"> Strategies for the welfare of persons living with HIV/AIDS and should include provision for home care, antiretroviral and income generating activities because these would boost food accessibility and availability. Special policy attention should be given to the issues surrounding mother-to- child transmission and provision of viable alternatives to breastfeeding
XXX.			
XXXI.			
XXXII.			
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XXXV.			
XXXVI.			
XXXVII. Fulfill (Provide): -	<ul style="list-style-type: none"> The National Policy on Internal Displacement (NPID) underlines IDPs food rights. State's responsibility through the Office of the Prime Minister- Department of Disaster Preparedness to establish and maintain grain stores during displacement and to provide assistance after resettlement until they can adequately cater for themselves. NPID requires State in collaboration with Humanitarian organisations to provide adequate water for IDPs The Disaster Preparedness and Management Policy Framework (DPMPF) recognizes internal displacement as a complex disaster Government's policy to encourage own crop production through provision of improved and local seeds, agricultural implements and provision of markets for some local produce 	<ul style="list-style-type: none"> NODPSP not legally binding and cannot be applied to force the government to provide food in case of vulnerability. Can only be used persuasively The Disaster Preparedness and Management Policy Framework (DPMPF) refers to internal Displacement arising out of conflict as a complex disaster but does not go into the details encompassing specific rights including the right to food 	<ul style="list-style-type: none"> Scarcity of land in IDP camps and at times insecurity hampers the policy for self-reliance The usual family safety nets break down, and persons affected by HIV/AIDS can no longer cater for their food needs and livelihood. In such instances it is necessary for the State to take over, along with third parties, the role of provision of food. – Some non-state Actors have already taken up this role on a small scale, but government has not shown itself to be able to fulfil the food rights of persons affected with HIV/AIDS.
XXXVIII. Obligation to directly provide assistance or services for the realisation of the right.			
XXXIX.			
XL.			
XLI.			
XLII.			
XLIII.			
XLIV.			
XLV.			