

FOOD, NUTRITION AND SUSTENANCE RIGHTS IN CONTEMPORARY UGANDA:

A CASES STUDY OF TESO SUB-REGION

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ABBREVIATIONS

GDP	Gross Domestic Product
FAO	Food and Agriculture Organization
USAID	United States Agency for International Development
MDGs	Millennium Development Goals
AU	African Union
UDHR	Universal Declaration on Human Rights
ICESR	International Covenant on Civil and Political Rights
UN	United Nations
NRM	National Resistance Movement
ERP	Economic Recovery Programme
PMA	Plan for Modernization and Agriculture
PEAP	Poverty Eradication Action Plan
IMF	International Monetary Fund
GMOs	Genetically Modified Organisms
NGOs	Non-Government Organizations
GM	Genetically Modified
NEMA	National Environment Management Authority
UPE	Universal Primary Education
USE	Universal Secondary Education
NAADS	National Agricultural Advisory Services
PGRFA	Plant Genetic Resources for Food and Agriculture
IU	International Undertaking
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
UNCED	United Nations Conference on Environment and Development

SUMMARY OF REPORT AND MAIN RECOMMENDATIONS

The relative peace, stability and presumed “economic progress” that has been realized over the last two decades has created an opportunity to focus attention on the quality of life of the people of Uganda. Over this period, Uganda’s population has grown at an average 5% annually leading to renewed optimism about the future of the country. The adoption of a new constitution embedding a wide range of rules and norms to shape the future governance of the country underlined the emergence of a new order in which respect for human rights would be a priority agenda. This paper argues that in spite of the apparent commitment on the part of Government, the failure to make progress on ensuring the implementation of social, economic and cultural rights, and in particular the right to food, continue to undermine the quality of life of the people of Uganda.

Based on a comprehensive analysis of the current status of the implementation of the right to food in Uganda, the following conclusions are made:

First, the State of Uganda is highly dysfunctional and does not have capacity to promote and enforce the full attainment and realization of social, economic and cultural rights including the right to food. The dysfunctional nature of the state is evidenced by widespread corruption, the arbitrary application of rules and the general tendency to undermine the functionality of key state agencies. The Ugandan State exhibit both weak and strong tendencies but use its strength and weaknesses in a largely pervasive manner. As a result, the Ugandan State is largely fragmented and lack the kind of coherence needed to promulgate and implement policies that may be needed to promote the implementation of the right to food as well as associated social, economic and cultural rights.

Second, the study reveals the post-1995 policy discourse on the right to food has not helped in shaping and redefining the quality and content of the right to food. This is well evidenced by the continuing juxtaposition of the right to food and the concept of food security. This juxtaposition has gradually and progressively permeated into national policy and planning framework hence undermining the very legal basis upon which the right can be enforced.

Third, there apparent that in spite repeated policy commitments on the implementation of the right to food and other social, economic and cultural rights as highlighted in various policy statements on food security. However, it is also apparent that the current economic policies

being pursued by Government are incapable of creating the conditions necessary to promote the attainment of the right to food in Uganda. These economic policies rooted in the neo-liberal economic thought and legitimized through poverty reduction strategy papers are largely characterized by welfarism, tax relief and administrative engineering. Such policies, while mitigating the expenditure burdens of the rural poor also deepen their disenfranchisement and over dependence on the state.

Fourth, the realization of the right to food is directly dependent on the quality and integrity of key genetic resources. Genetic diversity has for generations been used to enhance the quality and diversity of critical germplasm around which the national food system is constructed and maintained. With the widespread destruction of key ecosystems, the granaries of this germplasm, Uganda is essentially eroding its historical advantage to ensure food security and food quality. These are essential preconditions for any national programmes to promote and guarantee the right to food.

Finally, the apparent policy confusion of decentralization is a major set back in the implementation of the right to food. Over the last two decades, the Government of the National Resistance Movement has pursued a policy of decentralization. The original idea which is deeply rooted in the Constitution was based on strong districts and sub-counties as legal and administrative units. Government pursued this policy with determination evidenced with the strengthening of district technical capacity and local representation through regular elections. However, it is doubtful if Government is committed to creating financially autonomous local government units. Instead, evidence suggests moves towards recentralization with the centre paying for both technical and political leaders of local governments. This will in effect shift the lines of accountability hence undermining the implementation of human rights within the local government governance framework.

Based on the above conclusions, the study recommends that moving the right to food debate requires a new public policy discourse on social, economic and cultural rights. In the specific context of the right to food, such discourse should focus on the following:

- Enhancing the policy and public understanding of the legal and human rights basis for selected economic policies and their implications for the progressive realization of the right to food;
- Undertaking action-based multi-disciplinary research on the right to food mainly seeking to further understand the legal basis

and status of control of the critical means of production such as land and technology.

- **Moving the discourse on the right to food beyond its constitutional articulation by convening high level policy dialogues targeting senior level policy and political leaders both in central and local governments.**
- **Promoting further legal clarification and enforcement of the right through public interest litigation and judicial training programmes to create conditions for rights activism on social, economic and cultural rights.**

I. INTRODUCTION

The right to food and nutrition security has not featured prominently in the post-independence human rights discourse in Uganda. Over the last two and a half decades, the discourse on human rights, whether at the international or national level, has been dominated by “traditional” human rights issues especially those considered to be in the realm of political and civil rights. In Uganda, the intellectual and political resurgence of the debate on the right to food largely surfaced in the late 1980s and early 1990s during the making of the 1995 Constitution. Since the promulgation of the 1995 Constitution, there haven’t been clearly visible attempts to translate the general statements on the right to food into substantive legal commitments or policy and programmatic actions at the national level.

In this paper, we argue that while there has been growing international consensus on the nature, scope and content of the right to food, its realization in Uganda and perhaps elsewhere is hampered by two major paradigms. The first is the continuing fragmentation and transformation of state sovereignty in response to economic globalization which has undermined state capacity to assert full control over policies that are central to their ability to fulfill their social and economic rights obligations. The second is a combination of the absence of accountable state institutions and the pursuance of “disempowering” economic policies dressed in the form of “welfarism.”

The analysis in this study is informed by the case of the Teso Sub-region in Eastern Uganda which has experienced the recurrence of famine over the last decade resulting in severe food insecurity, malnutrition and in some cases, death. The various interventions pursued to address the famine situation in the sub-region are analyzed with a view to interrogating whether the constitutional recognition of the right to food in the 1995 Constitution has shaped, informed or influenced such interventions in a more rights-based framework. To achieve these goals, this study is divided into six parts, the first of which is this Introduction. Part II gives a conceptual and analytical framework to the right under investigation. In part III, we examine the status of the right to food in international and municipal law. Part IV is a review of how the right has been articulated in Uganda over the last two decades with a follow up discussion on the practice presented through a case study in part V. Finally, Parts VI and VII contain the conclusions and recommendations of the study.

II. THE CONCEPTUAL AND ANALYTICAL FRAMEWORK OF THE RIGHT TO FOOD

2.1. The Concept of State Capacity and the Right to Food

The intellectual discourse on the state and state capacity has continued to dominate the social sciences for the last half century. During the 1950s and 1960s, the state was widely considered as having far-reaching responsibilities for their societies and for promoting societal development.¹ This perception changed during the 1970s as disappointment about the performance of the state as a development agent began to emerge.² By the early 1980s, the failure of the state to bring about economic and social transformation was apparent and in Africa, this was blamed on what was dubbed as the “colonial state.” Since that time, the neo-liberal school of thought has underpinned our understanding of the role of the state both elsewhere and in Africa. According to neo-liberal perceptions, a ‘minimal’ state is the ideal, while a state that is too activist is regarded as inhibiting personal freedom and economic growth.³

The basic framework for assessing the absence of state capacity and which is useful to our discussion on the right to food is to distinguish between two aspects. The first is to consider the state as a provider of solutions, namely the provision of public goods and services, and solving collective problems of society. The second perspective is to regard the state as a source of problems and the state itself as a problem (state failure, the costs and risks associated with state action). Put differently, the state can be said to be functional—providing a wide range of public goods and services such as domestic and international security, a system of law and order, public health and education, and in a more ‘maximalist’ state, providing various forms and levels of redistribution. Alternatively, the state can be said to be dysfunctional if there is evidence of such practices as corruption, the arbitrary application of rules, and complete undermining of state agencies.⁴

Within this framework, low levels of functionality and high levels of dysfunctionality are undesirable attributes of state capacity. This means that the current debate about state capacity should not be whether there is need for a ‘weak state’ or a ‘strong state’ but rather a “functional’ state, or what is referred to as the “developmental state” in current development policy discourse. In addition to its many other attributes, the defining important characteristics of a developmental state are the ‘autonomy’ of state institutions, which enables it to define and promote its strategic development goals, and its ‘embeddedness,’ which is the state forming alliances with key social groups in society that helps it to achieve its development goals.⁵

¹ SAPRIN, 2004.

² Id., chapter 9.

³ Nozick, 1975.

⁴ Fritz, 2004.

⁵ Evans, 1995.

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Based on this broader concept of the state, scholars have identified a number of institutional variables which are instrumental in explaining policy outcomes and which, in effect can contribute to a state's capacity in a particular policy field.⁶ Among these variables are the rules of electoral competition; the structure of the political systems; the organization of government and the relations among its various branches and levels; the governance of markets; and the structure and organization of economic actors such as companies, business organizations, farmers' organizations and trade unions. For the purposes of the argument being pursued in this paper, three critical variables need to be highlighted:

- First, the state's internal structure and its resources, e.g the horizontal and vertical division of power, and the norms, rules and habits guiding the behavior of politicians and public officials;
- Secondly, the internal organization of the relevant society sub-sectors; e.g the governance of markets, the vertical and horizontal structure of service delivery systems; and
- Thirdly, state-society relations, i.e the formal and informal relations between the state and the actors and organizations in the relevant society sub-sector.

Within this analytical perspective, "state capacity is the product of a complex configuration of public and private actor constellations with their respective interest, strategies and resources."⁷ In this context, the success of public policies such as food security largely depends on the state's ability to provide and allocate resources in a strategic manner. Without institutional capacities, appropriate instruments, and a degree of strategic coherence, governments would miss even the most favorable opportunities for intervention to engender policy action.

At the end of the day, the critical question that we are confronted with is whether the State in Uganda has the capacity to ensure the full implementation of the right to food. Alternatively, we can ask the question as to the kind of capacities required of a state if it is to promote the attainment of the right to food. What is evident in the context of our discussion is that the Ugandan state is both a weak and strong state. As a weak state, it is so fragmented and lacks the kind of coherence needed to articulate and implement policies that may be needed to promote the implementation of the right to food. As a strong state, it is not only characterized by widespread corruption but it is also capable of pursuing policies that result into excessive costs to the citizens. Furthermore, as a strong state it places an inordinate degree of emphasis on coercion and intimidation in order to maintain law and order. Consequently, any proposals to promote the attainment

⁶ See Hall, 1986; Steimo, et al 1992; Weiss, 1998.

⁷ Grande, 2000.

of the right to food ought to be considered within the context of reconstructing and constituting a development state.

2.2. A Note on the Analytical framework

The analytical framework adopted for understanding the evolution of the right to food is that developed by Piet Strydom in *The Civilization of the Gene*.⁸ Strydom argues that the development of human society has been shaped by a series of historical events in which society has responded differently. Tracing major developments beginning in the 16th century, he identifies three stages of society transformation which he calls the “discourse frame.” In this regard, the three discourses are the rights discourse (16th – 18th century), the justice discourse (late 18th – mid-20th century), and the responsibility discourse (late 20th century). Table 1 below summarizes this analytical framework by showing the defining historical events in each discourse as well as the key problem, issues and response options that society developed.

TABLE 1 THE ANALYTICAL FRAMEWORK			
Period	16 th -18th Century	Late 18th – mid 20th century	Late 20th century
Historical events	Dutch revolt English, American and French revolutions	Industrial Revolution World War I World War II	European revolution of 1989 Global food crisis
Discourse	Rights	Justice	Responsibility
Problem	Violence	Poverty	Risk
Question	Political/constitutional	Social	Nature
Identity	Liberalism	Socialism	Environmentalism
Collective actors	Monarchy; Aristocracy; Bourgeoisie	Capitalists; State factionaries; Labour Movements;	Industry; State factionaries; New social movements;
Institutional infrastructure	Constitutional state	Welfare state	Neo-corporatism
Means	Law	Money	Knowledge
Source: Strydom, Piet, 1999.			

These three discourses are critical to our understanding of the right to food and the nature of responses that are likely to be invoked when such rights are raised. While the right to food is articulated in both International and Constitutional

⁸ Strydom, 1999.

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Law, today's discourse on the right is framed largely as a responsibility question. In this discourse, guaranteeing food security which is the condition within which the right to food can be achieved is largely perceived as the responsibility of the international community. The state is only seen as one of the many actors that have to participate in creating this condition.

In our discourse, the institutional infrastructure needed to achieve food security shifts from the constitutional state that sees itself as a guarantor of human rights to welfare state and finally neo-corporatism where multi-national food companies are the dominant actors. What is instructive is that the means by which the different actors can respond to society demands change. During the Rights Discourse, law was the major response option. In the Justice Discourse, the major means of response is money because the welfare state is the sole guarantor of social welfare programmes including access to food. However, under the Responsibility Discourse in vogue today, knowledge is the dominant response. In the context of the right to food, the weak state that has no capacity for organizing and building the knowledge enterprise is highly incompetent in guaranteeing certain fundamental rights. As a result, networks of neo-corporate institutions characterized by international organizations and multinational food and seed companies assume the responsibility for "feeding the world."⁹

2.3 The Ugandan Context

Any discourse on food security in Uganda grounded in law, social science and the pure sciences must take into account the current and future direction of key social economic and political aspects of the country. It is only by carefully constructing and understanding this context that a discourse on the right to food and its realization at the national level can have proper meaning and utility.

Uganda has a total landmass of 241,000 square kilometers of which approximately 18% is covered by fresh water bodies. According to the 2006 State of the World Population Report,¹⁰ Uganda is estimated to have a total population of 29.9 million projected to reach 126.9 by 2050 at the current annual growth rate of 3.6%. Uganda's economy is largely an agrarian one with agriculture as the dominant contributor to GDP and employer of the bulk of the labor force. Nearly 90% of the population lives in rural areas and engages in some form of agricultural activity either for subsistence or business. Overall, agricultural output comes exclusively from about 4.5 million smallholder farmers, approximately 80% of whom own an average landholding of less than 2 hectares. The bulk of the population engaged in agricultural activities involves scattered small-scale subsistence farmers who engage in non-market-oriented production and predominantly use rudimentary technologies.

⁹ For a detailed discussion on this issue, see for example South Centre, 1997.

¹⁰ UNFPA 2006.

Two critical agricultural scenarios are of particular interest in terms of food security and the right to food and nutrition. First, it is important to recognize that the overall agriculture sector has experienced a slowdown in growth resulting into persistent declining trends in agricultural output and hence the overall contribution of the sector to GDP (see Table 2 below). The non-monetary food crop sub-sector has particularly posted extremely miserable growth figures for the period reviewed. And yet, the majority of Uganda's population especially in the rural areas is dependent on non-monetary agricultural food production

TABLE 2
NATIONAL GDP AND AGRICULTURE GROWTH RATES
(1992-2006)
Agriculture GDP [Expressed as percentage]

	Monetary			Non-Monetary		
	GDP	All	Cash Crops	Food Crops	All	Food Crops
1992/93	8.4	9.8	0.3	17.3	8.8	9.8
1993/94	5.4	4.6	10.5	5.3	-0.8	-1.5
1994/95	10.6	6.8	8.0	11.7	5.0	5.4
1995/96	7.8	8.4	22.6	4.4	0.1	-0.6
1996/97	4.5	3.8	13.9	-0.2	-1.9	3.2
1997/98	5.4	2.5	-2.8	3.0	1.2	0.7
1998/99	7.0	6.6	9.5	7.5	4.9	5.0
1999/00	6.2	5.2	7.0	5.9	6.0	6.3
2000/01	5.3	4.5	-4.9	8.2	5.0	5.0
2001/02	6.3	5.7	7.4	5.7	3.8	3.4
2002/03	4.9	3.9	4.6	3.7	0.1	-0.9
2003/04	5.6	1.6	0.3	1.7	1.6	1.4
2004/05		2.1				
2005/06						
Source:	Tumushabe, <i>et al</i> /2007					

Secondly, the share of the agricultural sector as a percentage of Gross Domestic Product (GDP) has been steadily declining over the last half decade. For example, Agriculture GDP declined from 40.8% in the financial year 2000/01 to 36.3% in the financial year 2004/05. These trends may be compared to the two other major sub-sectors: industry and services which have continued to register steady positive growth for the same period (see Table 3 below). In this regard, the issue is what kinds of impact these trends would have on the overall food security in the country and hence the right to food and nutrition security. Based on the agriculture sector growth trends highlighted above, it is tenable to argue that the declining share of agriculture's contribution to GDP is not accounted for in the increasing share of the services and industry sub-sectors, but rather reflects

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the overall slump in agricultural productivity in the country. This is why any discussions on the implementation of the right to food and nutrition security in Uganda ought to be firmly rooted in this context.

TABLE 3
AGRICULTURE SECTOR CONTRIBUTION TO GDP AS
COMPARED TO OTHER SECTORS
[2000-2005]

Share of 2000/01 GDP Contribution by Sector (%)	2000/01	2001/02	2002/03	2003/04	2004/05
Agriculture	40.8	39.9	39.0	37.6	36.3
Industry	18.6	18.9	19.3	19.7	20.4
Services	40.6	41.2	41.7	42.7	43.3

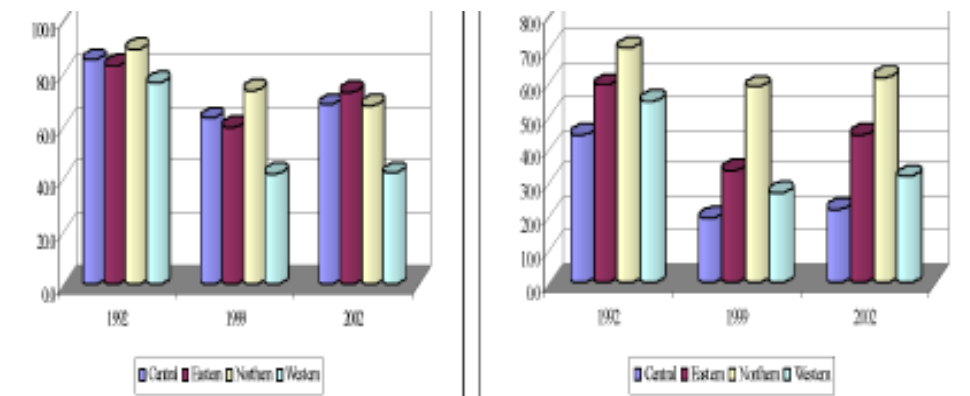
Source: MFPED, 2005. Background to the Budget, 2005/06

By and large, domestic food production has hitherto remained the main source of food supplies in the country for both household consumption and the domestic procurement of relief supplies. Sporadic food shortages are regularly mitigated by international food assistance and food imports. The Food and Agriculture Organization of the United Nations (FAO) for example estimates that food aid in form of cereals increased two-fold between 1990-1992 and 1995-1997; and three-fold for the period 2000-2002 with the bulk of the food aid going to the conflict ridden areas of Northern Uganda.

In terms of nutrition, the most recent data appears to be that published by the United States Agency for International Development (USAID) in a special study entitled *Understanding Food Insecurity in Uganda*.¹¹ The USAID report observed that the number of undernourished persons in the country increased from 4.2 to 4.6 million in 1990-1992 and 2000-2002, respectively. In 1992, the mean caloric intake per person per day was estimated at 1,494, with approximately 83.4 percent of Uganda's population falling below the recommended intake of an average of 2,200 calories per day. Although the impressive economic growth figures of the 1990s led to dramatic improvements in general nutritional indicators, the 2002 figures estimated at 63.5% showed signs of a deteriorating situation although generally consistent with overall poverty status figures, as is illustrated in the following chart.

¹¹ USAID, 2006.

Figure 1: Number and proportion of undernourished persons, 1992-2002



Source: USAID, *Understanding Food Insecurity in Uganda*, 2006

Generally, aggregate indicators and aggregated analysis may give the impression of a range of possibilities to food security or meeting national obligations created by the right to food. However a more disaggregated examination of the food security situation in Uganda and the socio-economic, cultural and political dynamics point to overwhelming impossibilities to the actual realization of the right to food. This point is best illustrated by considering the situation that has obtained in the Teso Sub-region of Eastern Uganda over the last one and a half decades. However, before considering the situation in this region in more detail, it is necessary to look at the International legal and policy context, as well as to the constitutional and legal situation in Uganda.

III. THE RIGHT TO FOOD IN INTERNATIONAL AND MUNICIPAL LAW

3.1 International Law and the Right to Food and Nutrition Security

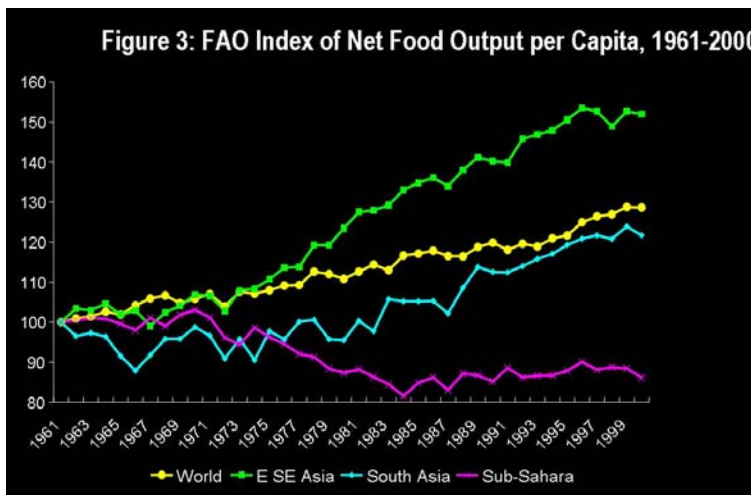
The foregoing section provided the general and specific analytical context within which a socio-legal analysis of the right to food in Uganda ought to be pursued. That context may be considered incomplete until a thorough understanding of the international legal context is provided. In the case of Uganda, and perhaps for many other countries in Sub-Saharan Africa, the food security situation is alarming and there are serious doubts as to whether many of these countries can achieve the Millennium Development Goals (MDGs) including halving the number of hungry people by 2015.¹²

¹² For details on MDGs and the progress, see United Nations, 2006.

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For example, current estimates show that by 2015, 600 million people will suffer from hunger; 900 million people will live in absolute poverty; and 128 million pre-school Children will be malnourished. In any case, it is currently estimated that almost sixty percent of annual deaths worldwide, representing roughly 36 million people, are a direct or indirect result of hunger and nutritional deficiencies.¹³ For its part, the African Union (AU) estimates that 27 per cent of Africans are undernourished, representing a 2 per cent decline since 1995.¹⁴ Nevertheless, since Africa's total population has increased from 589 million to 764 million over the same period, the estimated absolute number of people has in effect risen from 176 million to 210 million. As shown in Figure 3 below, the net food output per capita has been worsening for Sub-Saharan Africa compared to other regions of the world. Thus, in light of these developments, the critical question is what does International Law mean for these kinds of scenarios?

Figure 2: FAO Index of Net Food Output per capita 1961-2000



Source: FAO 2006

Much of the literature on the right to food on the international plane has focused on the historical evolution of the right, its definition as well as the scope and hence the nature of the obligations incurred by states and other entities.¹⁵ Additional emphasis has focused on defining the nature of obligations imposed on states as primary actors on the international plane to ensure the fulfillment of the right to food. A number of scholars and international organizations such as the FAO have quite extensively provided what may be called a consensus definition of the right to food.¹⁶ It may therefore not be useful to reproduce that extensive

¹³ FAO, 2006.

¹⁴ ECA, 2006.

¹⁵ See for example FAO 1998; Vidar 2006.

¹⁶ Twinomugisha, 2005.

body of literature here, but rather to draw some general conclusions from the literature and enhance our understanding of what this means at the national level.

There is overwhelming consensus that the right to food or the right to be free from hunger has its origins in the Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly in 1948 as “..... a common standard of achievements of all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.”¹⁷ Alston has also quoted President Roosevelt in his 1944 State of Union address as advocating for the adoption of an *Economic Bill of Rights*, saying that:

*We have come to the clear realization of the fact that true individual freedom cannot exist without economic security and independence. 'necessitous men are not free men.' People who are hungry and out of jobs are the stuff of which dictatorships are made.*¹⁸

At the conclusion of the negotiations for the UDHR, States agreed under Article 25(1) that “everyone has the right to a standard of living adequate for health and well being of himself and of his family, including food, clothing, housing...”

Progressive development of the right to food continued within the context of the United Nations work on human rights including a more elaborate articulation of the right in the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁹ By the time of the World Food Summit in 1996, there was already an emerging consensus that the various international legal instruments created legally binding obligations upon States to make measurable progress towards achieving the right to food at both the international and national level. Prior to the actual convening of the World Food Summit, the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities (hereinafter the UN Sub-Commission) issued an appeal to the upcoming World Food Summit to propose “ways in which the right to food could be further clarified and implemented.”²⁰

For its part and besides adopting a comprehensive global plan of action on food security, the World Food Summit reaffirmed *the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the*

¹⁷ See Eide, Oshuag & Eide, 1991.

¹⁸ Alston, 1990.

¹⁹ Article 11.

²⁰ See Resolution 1996/25 of 29 August 1996.

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*fundamental right of everyone to be free from hunger.*²¹ The Summit invited the United Nations High Commissioner for Human Rights in consultation with relevant United Nations and intergovernmental mechanisms to:

*... clarify the content of the right to food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of the right as a means of achieving food security for all.*²²

Amidst the growing body of literature, it is now generally accepted that the authoritative definition of the right is that contained in General Comment No.12 of the Committee on Economic, Social and Cultural Rights which states that “The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.” This definition has been reaffirmed by the Special Rapporteur of the UN Sub-Commission who has defined the right to food in the following terms:

*The right to food isthe right to have regular, permanent and free access, either directly or by means of financial purchase, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.*²³

To date, international literature also seems to be consistent on the various levels of state obligations to respect, protect, fulfill and implement the right to food. In effect, obligations to **respect** stipulate the limits on the exercise of state power, rather than positive action. In this regard, the state should generally not interfere with the livelihood of its citizens and their ability and means to provide for themselves. Any national legislation or administrative actions that undermine this notion should be progressively removed as a demonstration of the commitment of that state to respect its international obligation to respect the right to food. Obligations to **protect** impose an obligation on the state to regulate the conduct of non-state actors including the establishment of an enabling regulatory environment in critical areas such as food safety, nutritional content,

²¹ FAO, 1996.

²² See Resolution 1997/8 of 3 April 1997.

²³ Eide, 1998.

protection of the environment, land tenure, etc.

On the other hand, obligations to **facilitate and fulfill** impose a positive obligation on the state to undertake actions targeted at vulnerable groups and designing, implementing and monitoring policies which would facilitate access to food producing resources and incomes for such vulnerable groups. This set of obligations also connotes the responsibility of states to provide direct assistance to individuals and communities that are unable to access adequate food for various reasons. In other words, the state is obligated to pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihoods, including food security.

To conclude this part of the discussion, a number of important observations need to be made as to the legal character of the right to food in international law. First of all, a number of scholars now believe that the right to food has assumed the legal status of customary international law by virtue of its inclusion in the Universal Declaration of Human Rights. Donald Buckingham, for example, argues that the UDHR is an authoritative interpretation of articles 1(3), 55 and 56 of the Charter of the United Nations representing evidence of state practice and *opinio juris*, the two essential requirements for evidence of existence of a norm of customary international law.²⁴ Indeed, the almost virtual adherence to the United Nations Charter and its human rights provisions combined with the near universal acceptance of the UDHR or at least its continued reiteration by the majority of states as embodying minimum human rights standards and principles renders tenable the argument that the right to food is indeed a norm of customary international law.

3.2 The Question of State Practice

There is overwhelming consistence in the articulation of the right to food in the majority of human rights instruments, a series of United Nations Resolutions, international declarations and the growing body of municipal law jurisprudence. In any case, the right to food has been consistently and progressively enshrined in many national constitutions around the world including several in Sub-Saharan Africa, as is demonstrated in Table 4 below. All this points to clear evidence of sufficient state practice and *opinio juris* supporting the existence of the right to food as a norm of customary international law.²⁵

²⁴ Buckingham, 1994.

²⁵ Narula, 2006.

**TABLE 4:
PROVISIONS ON THE RIGHT TO FOOD FROM THE CONSTITUTIONS OF
SELECTED AFRICAN COUNTRIES**

<p>UGANDA Principle 14 (General social and economic objectives)</p>	<p>“The state shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that.... All Ugandans enjoy rights and economic opportunities and access to education, health services, clean and safe water, decent shelter, adequate clothing, food, security and pension and retirements benefits.”</p>
<p>MALAWI Article 13</p>	<p>“The state shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals: Nutrition: To achieve adequate nutrition for in order to promote good health and self sustenancy”</p>
<p>SOUTH AFRICA Section 27 (Health care, food, water and social security)</p>	<p>“1) Every one has the right to access to: a) health care services, including reproductive health care; b) sufficient food and water; c) social security, including, if they are un able to support themselves and their dependents, appropriate social assistance.</p>
<p>Article 28 (Children)</p>	<p>2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights....” 1) Every child has the right to:a) a) name and a nationality from birth; b) family care or parental care, or to appropriate alternative care when removed from the family environment ; c) basic nutrition, shelter, basic health care services and social services...”</p>
<p>CONGO Article 34 (Health, Aged, Handicapped)</p>	<p>“The State is the guarantor of public health. Every citizen shall have the right to a level of life sufficient to assure his health,his well-being and that of his family , notably food, clothing, shelter, medical care as well as necessary social services.”</p>
<p>NIGERIA Article 16</p>	<p>“The State shall assure, within the context of the ideals and objectives for which provisions are made in this constitution,....that is suitable and adequate shelter, suitable and adequate food, reasonable living wages, are provided for all citizens.”</p>
<p>ETHIOPIA Article 90 (Social objectives)</p>	<p>“To the extent the country’s resources permit, policies shall aim to provide all Ethiopians with access to public health and education, clean water, housing, food and social security”</p>

The second important deduction relevant to the right to food at the national level in general and to the case of Uganda in particular is the implication of accepting and recognizing the right to food in its normative character. Does it make a difference if a state clearly pursues a human rights approach to food compared to other alternative policy options? This issue was addressed at some length at the first consultation on the right to food organized by the Commission for Human Rights in 1997. The general thrust of the outcomes of the consultations point to the fact that by addressing political, social and economic issues from a human rights perspective, the following implications arise for states:

- Such an approach builds on a normative, legal basis, even if that is not ideally drafted or spelt out with the desirable detail;
- Human rights are obligatory for states, not optional, in contrast to recommendations such as those contained in international declarations or plans of action;
- If human rights is used as an entry point for development or fulfilling an international obligation, the entire human rights framework is brought into play because of the indivisibility of human rights. Consequently, a particular right such as the right to food ought to be viewed within the context of other rights including political, civil and other economic, social and cultural rights;
- International human rights obligations must be matched with corresponding legal and administrative measures within individual states;
- Human rights require active and effective remedies accessible to the majority of the population including vulnerable groups, and
- Finally, a human rights approach implies accountability both at the domestic and international level through a system of effective reporting and remedial actions where appropriate.

The third important conclusion from the discourse on the legal quality of the right to food is the relationship between the right to food and nutrition and the concept of food security. This distinction is particularly important in the progressive realization of the right to food especially given the fact that states tend to focus more on issues of food security and almost ignore in totality issues regarding the right to food. It is important to point out that food security (or the wider concept of nutritional security which is now considered to encompass food security)²⁶ is not in itself the right to food but rather, a state in which, if attained,

²⁶ SLE, 2002.

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the individual or community may enjoy the right to food. In a strict legal sense, it is tenable to argue that development goals grounded in the need to achieve food security *per se* obscure the obligatory nature of the right to food as clearly articulated in International Law and the growing body of jurisprudence in municipal legislation.

In essence, while programmes to achieve food security may lead to the attainment of the right to food, adopting a rights-based approach implies that such programmes are designed taking into account the need for social justice and the adoption of appropriate economic, environmental and social policies oriented to the eradication of poverty and the satisfaction of the basic needs of society. Consequently, having examined the legal character of the right to food in international law and the implications of adopting a human rights approach to food, the next task of this paper is to critically analyze Uganda's juridical and programmatic framework and assess the extent to which it is consistent with its international obligations and the concept of the "progressive realization of the right to food."

IV. THE RIGHT TO FOOD IN UGANDA FROM 1986 TO DATE

Although the international policy and legal discourse of the right to food dates back to the late 1940s, the analysis in this paper covers the period between 1986 to date. This baseline period is selected for two important reasons. First, in the pre- and the immediate post-independence period, no major discussions took place regarding the right to food. In fact, there is no documented evidence of Uganda's contribution or participation to the various international policy processes that have provided the normative context within which the right to food has been articulated. In any case, up until 1986 and in spite of the near complete breakdown of the economic infrastructure during the Amin regime (1971-1979), Uganda remained food secure with no reported incidences of famine or a lack of access to food.

The second reason for the selection of 1986 as the baseline year for our analysis is associated with the coming into power of the National Resistance Movement (NRM), and the consequent ratification a year later of the International Covenant on Economic, Social & Cultural Rights (ICESCR). More than any other political entity before it, the National Resistance Movement emphasized the importance of the rule of law and respect for human rights in its organizational philosophy. In its Ten Point Programme adopted in 1984, the NRM placed a particular emphasis on the need to restore critical basic social services such as clean water, health and housing. The Ten Point Programme also emphasized the strategy of a mixed economy and respect for human rights and the rule of law. These and other core principles articulated in the Ten Point Programme became the cornerstone of the NRM Government upon assuming political power in 1986

until sometime in 1987. It is therefore against the agenda contained in the Ten Point Programme that any socio-legal analysis of the right to food in Uganda should be grounded.

4.1. From the Economic Recovery Programme to the Adoption of the 1995 Constitution

Although the National Resistance Movement articulated the ideology of a mixed economy in its Ten Point Programme, this strategy was quickly abandoned by 1987 when the Government adopted the Economic Recovery Programme (ERP) sponsored by the International Monetary Fund (IMF). The overall objectives pursued by the ERP entailed instituting a package of incentives to encourage growth, investment, employment and exports; the promotion and diversification of trade with a particular emphasis on export promotion, the removal of bureaucratic constraints, the divestiture of public enterprises and the liberalization of trade at all levels. In the later part of this paper, the implication of this shift in economic policy strategy for the attainment of the right to food is analyzed in more detail to clearly show the tensions between the government's economic policies and its record on social, economic and cultural rights including the right to food.

Generally, a review of the existing national policy documents and policy relevant political statements reveals the lack of a coherent policy direction on the appropriate approach to food security in Uganda. For example, by the end of the 1980s, the Government seems to have articulated a national food security strategy based on production self-sufficiency. In the 1989/90 background to the budget, Government stated as follows:

Government's policy for agricultural development continues to focus on the increase of food production for self-sufficiency and diversification of the agricultural exports in order to broaden the basis of exportsThe Government gives top priority to the agriculture sector and its main aim is to ensure national food security and to produce surplus for export.²⁷

It is important to note that this articulation of the food security strategy reflects the outcomes of a "Workshop on Food Production and Availability" convened by the National Resistance Movement Government in February 1987 under the theme: "access to food for everyone: a human right." The final report of the workshop emphasized the need for strategic food reserves at national, regional and household levels.

²⁷ Republic of Uganda, 1989.

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According to the records of the proceedings of the Constitution making process which took place between 1987 and 1995, the issue of the right to food consistently featured on the agenda of the Constitutional Commission.²⁸ Based on the memoranda and views submitted, the Commission recommended a number of relevant principles to be included in the National Objectives and Directive Principles of State Policy. These principles cover the following issues: recognition of the right to development; positive role of the state in development; balanced and equitable development; sovereignty over natural resources; ensuring food security and nutrition; protection of the environment; promotion of environmental awareness; and generally the protection of the rights of disadvantaged or vulnerable groups such as women, children, people with disabilities and the aged. The Commission also recommended a range of mechanisms to address issues of monitoring and implementation of these rights.²⁹

The right to food is addressed in more substantive terms within the context of other rights in Chapter 7 of the Report of the Uganda Constitutional Commission that deals with fundamental human rights and freedoms. With respect to basic necessities, the Commission *inter alia* observed thus:

*Human rights to a minimum standard of living have not been addressed seriously. The rights to food, health, clean water, human shelter, sufficient power and energy, easy transport and communication have been enjoyed only by some. **Without these basic necessities of life, other human rights become virtually meaningless.** Post-independence governments have squandered the country's wealth without doing justice to either the rural farmers or the urban and rural poor and without developing or implementing policies for fighting backwardness and abject poverty.*³⁰

The Commission's report recommended that the constitution should guarantee that "Every child should have a right to food, shelter and clothing. If parents cannot provide them, it should be the responsibility of the State and society to do so."³¹ The Commission, however, provided a caveat that may have significant implications on the progressive realization and enforcement of social, economic and cultural rights to which the right to food belongs. It states thus:

....many of the rights discussed so far are classified as civil and political rights,..... we have recommended provision for a number of social and economic rights, intended to provide protection and promote the welfare of broader sections of

²⁸ Republic of Uganda, 1993 at 157-184.

²⁹ *Id.*, at 99.

³⁰ *Id.*, at 147. Also see chapter 23, para 23.87 at 651 (emphasis ours).

³¹ *Id.*, at 176.

*society, and in particular disadvantaged or marginalized sections of our society. While these latter rights are not intended to be specifically enforceable, they should nevertheless be regarded as part and parcel of a complete set of rights provided for under our constitution....*³²

This stipulation in the Commission's Report seems to be rather contradictory especially given the extensive analysis devoted to international legal instruments in the Report.³³ Indeed, given the fact that Uganda is signatory to the range of instruments guaranteeing the right to food discussed in this paper and elsewhere, emphasis on this apparent contradiction can only be of scholarly interest. What is important therefore is to recognize that the right to food and indeed other social, economic and cultural rights were eventually and for the first time incorporated into Uganda's constitutional framework through the 1995 Constitution, albeit in varying degrees and forms.

In general terms, the Constitution in its National Objectives and Directive Principles of State Policy provides for a number of applicable principles that, if followed could accelerate the progressive realization of the right to food. These principles include those covering the right to development, the role of the people in development, the role of the State in development, balanced and equitable development, and protection of natural resources.³⁴

Paragraphs XIV-XXIII covers general objectives entitled social and cultural objectives. The general social and economic objectives under paragraph XIV enjoins the State to:

.....endeavor to fulfill the 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, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.

In paragraph XXII of the National Objectives and Directive Principles of State Policy specifically dealing with food security and nutrition, the state is enjoined to:

³² Id., at 184e.

³³ Id., at 138-142.

³⁴ See paras IX, X, XI, XII & XIII of the 1995 Constitution of Uganda.

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- (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.

Indeed, it may be argued that even those provisions regarding natural disasters under para XXIII contain elements of the right to food since major violations or lack of respect for the right to food has often occurred in certain emergency situations. In addition, the Constitution contains extensive and elaborate provisions regarding the preservation of the environment and natural resources which are the cornerstone for agriculture in the country. In this regard, para XXVII enjoins the State to exercise greater responsibility in the management of the environment and to protect and/or hold in trust all such ecologically sensitive areas such as forests, game parks, biodiversity and other natural resources.³⁵

4.2. The Implications of the Right to Food Narratives

It is instructive to observe that the right to food is neither mentioned in article 40 which covers economic rights nor elsewhere in the substantive provisions of the Constitution. The muted references to the right to food in the National Objectives and Directive Principles of State Policy as discussed above have led some scholars to question the constitutional recognition of this right in Uganda.³⁶ Indeed and as observed elsewhere in this paper, there is clear evidence to suggest that the framers of the 1995 Constitution had great difficulty in explicitly suggesting that a legally binding obligation was imposed on the State to guarantee certain economic, social and cultural rights. Scholars who hold this position may be vindicated on the basis of two factors: the first being the Uganda Constitutional Commission's own observation that economic, social and cultural rights were, after all, not intended to be enforced.

Secondly, there is apparent conceptual distortion arising from the interchanging usage of the concept of the right to food and the concept of food security. In fact, what clearly is the Commission's recognition of the importance of the right to food during its work is progressively lost in the final drafting of the Constitution. In the final analysis, what finds its way into the 1995 Constitution is the concept of food security and nutrition—the situation or conditions precedent to the realization of the right to food—and not the right to food as earlier conceived in the Commission's work.

³⁵ See Articles 237(3) and (6), 1995 Constitution of Uganda.

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Nevertheless, it is argued that the above legal opinions can only have validity if explicit recognition of a particular right in the Constitution was an essential precondition to the existence of such a right. It is our contention that the existence of the right to food in Uganda or elsewhere may not necessarily have to derive from the provisions of the Constitution. The right to food is in fact founded in customary international law as evidenced from consistent state practice and overwhelming *opinion juris*, evidenced in the widespread adoption of key international legal instruments that Uganda has signed and/or ratified. Indeed, Article 45 of the 1995 Constitution also clearly states that “The rights, duties, declarations and guarantees relating to the fundamental and other human rights and freedoms specifically mentioned in [Chapter Four] shall not be regarded as excluding others not specifically mentioned.”

4.3. The Right to Food in the National Policy Framework Post-1995

Since 1995, Uganda has developed and adopted a series of national policies and programmes. These policies and programmes provide us the lens through which we can ascertain the Government’s intentions and perhaps its understanding of the right to food and nutrition and how such a right can be better respected, protected and facilitated or fulfilled as obligated under international law. Indeed, these programmes and policies have also provided the kinds of opportunities to address regional specific situations such as the one in the Teso sub-region described in this paper. While these policies and programmes range from sector-specific to generally broad development frameworks, the discussion in this section of the paper focuses on the latter, although direct references may be made to some of the sector specific ones. For the purposes of this paper, three major macro-level policy or planning frameworks are analyzed: the Plan for Modernization of Agriculture (PMA); the Poverty Eradication Action Plan (PEAP); and the National Policy on Food and Nutrition. The objective of this analysis is to ascertain if at all national planning and policy implementation in Uganda has been informed by a clear recognition of the right to food and nutrition.

4.3.1 The Plan for Modernization of Agriculture

The Plan for Modernization of Agriculture (PMA) was formulated over a five year period beginning sometime around 1995. Indeed, as early as 1996, President Youweri Museveni made specific references and commitments to modernize agriculture in his campaign manifesto for the 1996 Presidential Elections.³⁷ The PMA was eventually launched in the year 2000 outlining a package of measures that needed to be elaborated and implemented to achieve agricultural transformation and modernization in the country.³⁸

³⁶ Twinomugisha, 2005.

³⁷ Museveni, 1996.

³⁸ Republic of Uganda, 2000.

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In its final form, the PMA outlined seven priority areas where action was necessary to lead to a fundamental shift in rural agriculture by transforming the hitherto subsistence farming into commercially oriented agricultural production. These priority areas include: research and technology development; national agricultural advisory services; agricultural education; improving access to rural finance; agro-processing and marketing; sustainable natural resources utilization and management; and development of physical infrastructure. To date, some of these priority areas have been further developed or implemented through specific strategy documents outlining the necessary strategic actions required to transform the agriculture sector.

At a general level, it is important to note that although the original conceptualization of the PMA predates the Poverty Eradication Action Plan process, its eventual formulation and adoption is pitched as a poverty eradication strategy grounded within the pillars of the PEAP and more specifically in Pillar 2, with the objective of increasing the incomes of the poor. To that extent, the continuous implementation of the PMA and its monitoring process largely conducted through annual Joint Government-Donor Reviews has been shaped by the desire to have agriculture as the cornerstone for eradicating rural poverty in Uganda.

The PMA is clearly grounded in the neo-liberal economic thought and almost a continuation of the IMF-sponsored Economic Recovery Programme discussed earlier. Its vision, mission and broad strategies emphasize the market as the major economic mechanism for achieving the objectives of agricultural transformation. The vision of the PMA is “poverty eradication through a profitable, competitive, sustainable and dynamic agricultural and agro-industrial sector.”³⁹ In relevant parts, the Government is to pursue such market based strategies including: removing direct Government involvement in commercial aspects of agriculture and promoting the role of the private sector; guaranteeing food security through the market and improved incomes, thereby allowing households to specialize, rather than through household self-sufficiency.⁴⁰

Pre-dating the Plan for Modernization of Agriculture was a process to formulate a national policy on food security and nutrition which is believed to have commenced sometime in 1994.⁴¹ This process was conducted on and off during the period leading up to the adoption of the PMA in 2000. Although the development of a Food Security and Nutrition Policy and the establishment of a relevant institutional framework were slated to be implemented in the first twelve months from the time of adoption of the PMA⁴² the process remained “frozen”

³⁹ Id., at 30.

⁴⁰ Id., chapter 7.

⁴¹ Author’s interview with Dinah Kasangaki of the National Food and Nutrition Council.

⁴² Republic of Uganda, 2000 at 126.

until around 2002 when major policy oriented civil society organizations intervened.⁴³ The Uganda Food and Nutrition Policy was eventually published in 2003.⁴⁴ The specific references to the right to food while missing in the earlier drafts were included in the final policy document⁴⁵ upon intensive lobbying and advocacy by various civil society actors.

The PMA and the Food and Nutrition Policy generally provide an important policy framework that is consistent with the holistic approach to the implementation and realization of human rights. Beyond references to the right to food and food security, these policy frameworks recognize the centrality of good governance, participatory planning and empowerment of the people as fundamental principles for the attainment of the stipulated policy objectives. Again, the question remains as to whether these are serious policy commitments or mere policy rhetoric since the extent of their translation in practice is still questionable.

Since its adoption, the 'balance sheet' of the PMA has been mixed. While politically, the agriculture modernization framework has been hailed as a success story, other key players especially within civil society, local government and to a large extent Parliament have been less enthusiastic about its achievements. Two specific issues stand out with regard to the subject of this paper. First, the muted references to the right to food are not at all reflected in the PMA, whether in terms of strategies or even in the narratives of the document. In essence, the Government has continued to pursue an economic strategy that can at best be described as "market fundamentalism" where market forces are considered to be the fundamental determining factors for the allocation of factors of production. This market-based approach to planning, policy and programme implementation has effectively squeezed the space within which the rights-based approach could have been pursued to address situations such as that existing in the Teso Sub-region.

Secondly, the conceptual distortion between the right to food and food security that is apparent in the final outcome of the constitution-making process as expressed in the 1995 Constitution is still apparent in both the PMA and in the Food and Nutrition Policy. In fact, there is no attempt in the policy to cure the policy defects that are articulated in the PMA. For example, it is not clear how the market-based strategies as stipulated in the PMA could deliver on such strategies as the establishment of household food reserves. Both the PMA and the national food and nutrition policy also do not clearly show how market-based strategies can be implemented consistently with the rights-based approach mentioned as one of the guiding principles for the food and nutrition policy. According to the policy, one of the guiding principles is "that in the planning, budgeting and implementation of policy, a Rights-Based Approach, will be adopted

⁴³ ACODE/VEDCO/EA 2001.

⁴⁴ See, Republic of Uganda, 2003.

⁴⁵ Id., at Para 2.3.1.

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to promote and protect the right to adequate food and nutrition and ensure participation of the rights' holders and accountability of duty bearers."⁴⁶

Based on the above analysis, it is tenable to argue that there are overwhelming contradictions between the right to food obligations imposed on the state and key national policies on agriculture as expressed in the PMA. Unless this apparent tension is removed through necessary reforms and policy harmonization, it is unlikely that measurable progress on attaining the right to food will be achieved in Uganda in the near future.

4.3.2. The National Food and Nutrition Policy

As already alluded to above, the process of formulating a national food and nutrition policy started way back at the beginning of the 1990s. In 1996, the National Food and Nutrition Committee completed the drafting of a national plan of action for nutrition⁴⁷ and the first draft of a national food and nutrition policy. Among other things, the National Plan of Action for Nutrition addressed issues of monitoring the nutritional situation in the country, strategies and principles for incorporating nutrition objectives into development policies and programmes, improving household food security and consumer protection.

The process of drafting a national food and nutritional policy was going on at the same time but stalled until it was activated through NGO activism following the adoption of the Plan for Modernization of Agriculture in 1996.⁴⁸ In 2002, a new draft of the policy was published by the National Food and Nutrition Council.⁴⁹ While the overarching principles and objectives of the policy reflected the desire to ensure food security conditions within which the right to food could be pursued, the overall thrust of the strategies articulated re-echoed the neo-liberal thinking that is apparent in the PMA document.

The 2002 draft of the policy was intensively contested by leading national NGOs including the Advocates Coalition for Development and Environment (ACODE) and the Food Rights Alliance (FRA)—a coalition of NGOs engaged in advocacy around food security issues. As a result, the final policy document adopted in 2003 enshrined the right to food and nutrition as a human right in its guiding principles.⁵⁰ The incorporation of narratives on household food reserves and the protection of access rights of the vulnerable were largely a result of the proactive strategies of advocacy pursued by these civil society organizations.

⁴⁶ Republic of Uganda, 2003, para 2.3.9 at 5.

⁴⁷ Republic of Uganda, 1996.

⁴⁸ ACODE/EA, VEDCO, 2003.

⁴⁹ National Food and Nutrition Council, 2002 (Draft).

⁵⁰ Republic of Uganda, 2003, at 5.

The other controversial debate during the formulation of the National Food and Nutrition Policy centered around the issue of Genetically Modified Organisms (GMOs). During the policy formulation process, NGOs advocated for an unequivocal imposition of a moratorium on the importation of GMOs.⁵¹ However, the controversy over GMOs and the lack of clarity at all levels of governmental policy making is clearly reflected in the muted narratives on GMOs. For example, the Policy states in the narrative on international food trade that “genetically modified (GM) food, seeds or livestock, which are still controversial, should be discouraged because of their unknown effects on agriculture, health and the environment.”⁵² Thus, the position of government on this issue is equivocal, moreover, there is no indication that there has been an active attempt to discourage the importation of these kinds of items.

4.3.3 The Poverty Eradication Action Plan

The Poverty Eradication Action Plan (PEAP) is currently the overarching national planning framework for Uganda. The first version of the PEAP was adopted in 1997 and has subsequently been revised in the year 2000⁵³ with the most recent revision in 2004.⁵⁴ As the overall policy and planning framework, the PEAP provides the macro-policy context within which a series of actions aimed at achieving poverty eradication are to be pursued. This is why it is important to analyze whether the PEAP either implicitly or explicitly gives the right to food any particular attention both in terms of policy articulation as well as specific programmatic actions.

Generally, the narratives in the three volumes of the PEAP that relate either directly or indirectly to the right to food may be grouped into three: income enhancing policies; social justice and empowerment programmes; and social protection programmes. For the purposes of the current discussion, it is important to observe that the latter two are largely impacted upon by the former. It is therefore important to understand whether the economic package pursued within the context of the PEAP provides the necessary conditions for achieving the right to food in that context.

The PEAP devotes considerable attention to economic programmes that will be pursued to increase the incomes of poor people as a means of promoting growth and increasing the ability of Ugandan citizens to achieve a reasonable standard of living. The interventions related to agriculture and food security in PEAP 1997, for example, alluded to a wide range of actions covering advisory or extension services, promoting adoption of modern technologies, provision of credit and market information, rehabilitation of basic agriculture related infrastructure, and

⁵¹ ACODE/EA/VEDCO (Undated)

⁵² Republic of Uganda, *op. cit.*, at 11.

⁵³ Republic of Uganda, 2001.

⁵⁴ Republic of Uganda, 2004.

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the removal of fiscal measures that constrain agricultural production and trade.⁵⁵ Pillar II of PEAP 2001 was devoted to actions required to increase the ability of poor people to raise their incomes. Particular emphasis is placed on issues such as access to land, rural transport infrastructure, access to markets, better natural resources management, etc. The PEAP views these resources as core assets that need to be secured for the poor as a means of enhancing their income opportunities.

PEAP 2004 pursues an almost similar policy agenda to the 2001 version by focusing its Pillar II on enhancing production, competitiveness and incomes. Priority action areas include *inter alia*: agricultural research and technology development; agricultural advisory services; livestock development; promoting strategic exports; transport infrastructure, and water for production; etc. Like the PMA, the Poverty Eradication Action Plan is underpinned by the neo-liberal economic policies adopted by the National Resistance Movement Government under the Economic Recovery Programme of 1987.⁵⁶ Market mechanisms are seen as the fundamental policy instrument to achieve economic growth and transformation. Governance and social protection programmes are largely articulated and implemented as “politically correct programmes” or as “common ground” between Government and donors rather than as international obligations or constitutional commitments to respect and promote human rights.

The above tensions in the policy formulation process go a long way to clearly demonstrate the incapacity of the state to articulate and implement clear and unequivocal policies to promote the right to food. On the one hand, it is apparent from the muted nature of the policy commitments that the relevant agencies of the state are not certain about the necessary institutional and financial resources required to implement such policies. Indeed, it is tenable to argue that the tragedy of the right to food as a human right in Uganda lies in the absence of organized and coherent state structures and institutions with proper lines of responsibility and accountability. Against the above analysis, which effaces the core content of the policy framework within which the right to food has evolved in Uganda over the last two decades, it is now possible to examine the concrete situation in a particular part of the country, i.e. the Teso sub-region.

V. THE SOCIO-ECONOMIC CONTEXT OF THE RIGHT FOOD IN THE TESO SUB-REGION

5.1 The Right to Food in Days Gone By

At independence in 1962, the districts of Soroti, Kumi, Katakwi and Kaberamido constituted what may be referred to as the Teso sub-region. In the recent past, the four districts have continued to be “chopped” up into smaller districts and

⁵⁵ Republic of Uganda, 1997 at 5.

⁵⁶ See, Museveni, 2001.

other forms of administrative units all in the name of “bringing services nearer to the people.” However, this balkanization of the country into numerous districts and smaller administrative units fits within the Museveni’s Government strategy of political survival which has been partly characterized by different forms of what may be termed as “administrative engineering.” Consequently, the Teso Sub-region mirrors the political, socio-economic and other characteristics that are reflected at the national level.

Comprehensive physical, economic, population and cultural data about many of the sub-regions of Uganda may be obtained from the Uganda District Information handbook or the District State of the Environment Reports prepared under the auspices of the National Environment Management Authority (NEMA).⁵⁷ In the context of food security and the right to food, it is important to observe that the Teso sub-region engages in a wide range of agricultural related activities such as crop cultivation, animal rearing and fishing. Major food crops include finger millet, potatoes, soya beans, simsim, and sunflower. Cotton is the dominant cash crop in the sub-region. The people of the sub-region also rear a wide range of domestic animals including cattle, pigs, sheep, goat and chicken.

However, the economy of the sub-region has been battered by the recurrence of prolonged droughts for the last one and a half decades leading to widespread hunger, malnutrition and death. Consequently, the sub-region has gone through a period of significant food stress compared to many parts of the country, with the exception of, perhaps, the Karamoja sub-region. Although there appears to be no coherent documentation of the nature, extent and impacts of the famine situation in the sub-region, it is apparent from the scanty literature available that the famine situation dates back to the early 1990s. As early as 1991, widespread famine was reported in most areas of the sub-region.

5.2 Contemporary Teso

In its 1997 district state of the environment report for Soroti, the NEMA noted that Teso region used to be the food basket of the whole of Uganda. However, at the time of compiling this report, food surpluses in the region had reduced and food production in Soroti was particularly declining. The Report attributed this scenario to a number of factors including: the 1986-87 insurgency; the collapse of the Teso farming system; unreliable weather conditions and unpredictable rain patterns; the lack of basic farm inputs; a lack of proper storage facilities and seasonal crop failures. A similar situation was reported for Kapchorwa where persistent food shortages were reported for the period 1994-1997.⁵⁸

Although aggregate regional data is hard to come by, general conclusions can be drawn from analyzing trends in district-by-district data. For example, while widespread food insecurity was reported in the neighbouring Pallisa District in

⁵⁷ Laws of Uganda, Cap 153.

⁵⁸ See NEMA, 2005.

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the 1997 District State of the Environment Report, in 2005, it was reported that the district had plenty of food at that time.⁵⁹ It is however important to note that malnutrition was reported as ranking among the top killers in the district accounting for approximately 2% of the death of under 5 years of age.

TABLE 5 COMPARATIVE FOOD STATISTICS AND RELATED INFORMATION FOR DIFFERENT SUB-REGIONS OF UGANDA			
National, Regional and District Summary of Food Status and Related Issues			
Level/Scale	Particulars	Food Status	Main Issues/causes
National	Uganda	Surplus in all food commodities except beans and livestock products	<ul style="list-style-type: none"> ■ Distribution; ■ Storage; ■ Productivity;
Region			
	Eastern	Surplus in all food commodities except livestock products;	<ul style="list-style-type: none"> ■ Crop losses; ■ Storage; ■ Income; ■ Means of cultivation; ■ Economic and social infrastructure
	Northern	Surplus in all food commodities except livestock products;	<ul style="list-style-type: none"> ■ Income; ■ Crop losses; ■ Insecurity; ■ Storage; ■ Economic & social infrastructure;
	Western	Surplus in finger millet, maize, cassava, potatoes, g.nuts, banana, livestock products. Deficit in beans, sorghum, other oil products;	<ul style="list-style-type: none"> ■ Land shortage; ■ Soil exhaustion; ■ Heavy reliance on banana; ■ Too much focus on cash crops with high returns; ■ Crop losses & storage; ■ Nutrition
	Central	Deficits in all food commodities except banana and livestock products.	<ul style="list-style-type: none"> ■ Soil exhaustion; ■ Concentration on cash crops; ■ Labour shortage; ■ Reliance on banana; ■ Nutrition; ■ Storage.
Source: EPAU Food Security Framework 1995 and EPAU Food Security Survey 1995			

⁵⁹ NEMA, 2005.

The EPAU food security survey identified and grouped districts depending on whether they were chronically food insecure, or in a transitory state, or experiencing surpluses. Although Table 5 above shows that at the national level, Uganda generally has a positive food balance, a more disaggregated analysis shows some problems at the lower levels. For example, although at the regional level, the Eastern region shows a positive food balance, the districts of Soroti, Kumi, Pallisa and Tororo were considered exceptions that were experiencing food deficits. Even at the district level, the districts of Soroti and Kumi among others were considered to fall in the category of transitory food deficit districts.

By the late 1990s, official reports consistently reported a drastic decline in food production in most of the Teso Sub-region.⁶⁰ The decline was attributed to numerous factors, *inter alia*;

- The 1986-87 insurgency that led to the loss of cattle, some of which used to be used as oxen. The drastic shift in the technology originally used to open up land to a more rudimentary technology involving the predominant use of the hand hoe affected the level of agricultural productivity in the sub-region;
- Increasing unpredictability and reliability of the rainy seasons has continued to disrupt traditional farming practices especially in the absence of irrigation technologies;
- A general breakdown of rural agricultural extension services largely accounting for the persistent application of low yielding technologies including low yielding varieties of crops and animals, and
- The lack of proper post-harvest handling technologies leading to widespread crop losses; etc.

5.3. Important variables or food security determinants

The progressive realization of the right to food is largely dependent on the status of food security which is inversely affected by certain key variables. In general, such variables that may affect the food security situation include: the quality and fertility of soils; the extent of land degradation and soil erosion; gender relations, land tenure and property rights, access to a wide range of technologies and technological applications, etc. In this section of the study, we examine two of these variables because of their centrality in influencing the extent to which food security conditions precedent to the full attainment of the right to food may be created.

⁶⁰ See for example *The New Vision*, Wednesday May 8, 1991 at 16; *The New Vision*, Monday May 13, 1991; *The New Vision*, Thursday June 4, 1992.

a) Property Rights or Land Tenure Policies

Property rights and especially the land tenure and access rights are an important variable in policies to promote food security and hence the right to food in Uganda. Generally, the 1995 Constitution recognizes four land tenure systems through which citizens in Uganda can acquire and hold land. These are: freehold, leasehold, mailo and customary tenure. These tenure systems are further recognized and given substantive meaning in the Land Act, 2000. In many parts of Eastern Uganda like elsewhere in the country, the majority of smallholder farmers fall under customary land tenure, while others rent the land they use for agriculture.

But in the case of the Teso sub-region, land tenure and access rights have been radically modified and shaped by incursions by Karimajong pastoralists and by an insurgency that has gone on over the last two decades. Until today, the sub-region is characterised among other things by a series of Internally Displaced People's (IDPs) camps dating back to 1978/80 when the first major Karimajong raids took place. Since then, successive raids have continued to push people into camps from where they access their gardens for farming and harvesting.⁶¹ These displacements were further aggravated by the Teso rebellion that started in 1985 aimed at the Government of the National Resistance Movement. The rebellion which was followed by the Kony rebellion around 1990 led to substantial escalation in violence, and also to a significant displacement of the population.

Consequently, food productivity and major economic activities have been significantly disrupted as a result of the lack of access to land caused by widespread insecurity. Future conditions regarding food security will therefore depend in large measure on the establishment and maintenance of peace and stability and a condition sine qua non to guaranteed access to land.

b) Technology and Research

Historically, the Teso sub-region is known to have been one of the most technologically advanced regions of Uganda. In particular, ox-plough technology was widely used by farming households. A combination of fertile land and appropriate technological applications ensured that there was a significant production of food and cash crops. However, over the course of the last several years, this technological advantage has been disrupted by instability and limited government stewardship. To date, there is no sufficient data on critical agricultural technology variables such as soil fertility, local germ plasm improvement, post harvest handling, pests and disease control, etc.

A combination of these factors and several others such as the lack of crop credit, the collapse of the cooperative movement, crop destruction by vermin, and the total absence of direct government advice to farmers is at the centre of the food and nutrition insecurity not only in the Teso sub-region but also in many other

⁶¹ OCHA, Uganda, 2006.

parts of Uganda. This is in spite of the fact that Uganda has signed or ratified major international instruments guaranteeing the right to food, and/or incorporated specific provisions on the right to food in the national constitution as well as major national policy and programme documents. However, it is only by understanding the nature of the articulation of these rights in Uganda's national juridical framework that it should become apparent as to why the realization of the right to food remains more of political rhetoric than a substantive legal or policy commitment.

VI. CAN THE RIGHT TO FOOD BE REALIZED IN UGANDA?

In this paper, we have argued and clearly demonstrated that the right to food in Uganda has its foundation in International Law and the national constitutional framework. In spite of the inconsistencies in the narratives on the right to food and its apparent juxtaposition with food security, its legal existence can no longer be questioned. To that extent, the conspicuous absence of clear narratives and specific programmatic actions within the framework of the Poverty Eradication Action Plan (PEAP) can only be explained as consistent with Uganda's practice of putting more emphasis on civil and political rights in comparison to social, economic and cultural rights. Consequently, the progressive realization of the right to food and nutrition security can no longer be pursued as an issue of legislation, but rather through a combination of effective and rights-based macro-economic policy programmes and activism.

Indeed, the progressive realization of the right to food in particular and other social and economic rights, whether at the national, sub-regional or household level, will require the Government to address selected critical areas ranging from the character of the Ugandan state to national policy, including the rural development strategy, food self-sufficiency, and the conservation of genetic resources. I examine each of these in the sections which follow.

6.1. Shifting Government Rural Development Strategy

Since the late 1990s, the Government of Uganda has been pursuing a socio-economic policy package underpinned by three inter-related approaches: ***welfarism, tax relief and administrative engineering***. On the one hand, Government has been promoting welfare programmes such as Universal Primary Education (UPE), universal access to health care, and most recently Universal Secondary Education (USE) as a means of ameliorating critical hardships faced by the population as a result of poverty. At another level, the additional economic policy package is to relieve the population from paying taxes such as graduated tax, market dues and other forms of local taxes. Most of the major government interventions that have been pursued over the last decade ranging from the *Entandikwa* scheme or the publicly funded-private sector delivered agricultural extension services (NAADS) are perceived as "gestures of good will" from the Government rather than as a rights-driven intervention to eradicate poverty.

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These two approaches are re-enforced by what may be referred to as administrative engineering—a process whereby new and small administrative units are created to buy political support no matter what the reasons advanced for such action may be. As a political strategy, administrative engineering leads to the creation of districts and other administrative units even if they don't make economic sense.

In effect, neither of these policy interventions has the effect of boosting rural incomes or empowering communities and households as a means of pursuing activities nor programmes that guarantee the attainment of the right to food in a sustainable manner. The current “political sloganeering” christened *Bonna Bagaggawale* clearly fits within this political framework and is unlikely to change future interventions to rights-based programming and programme implementation.⁶²

6.2. Food Self-sufficiency versus Food Self-reliance?

As already discussed above, Uganda has consistently pursued a policy of trade liberalization over the last two decades. Within the context of food security and the right to food, trade liberalization implies a change in the relative prices of traded and non-traded goods and factors in a previously protected sector or economy as a whole. Trade liberalization presupposes that the change in relative prices will induce change in the allocation of resources to different activities and hence changes in both sub-sectoral and aggregate levels of production.⁶³

At a strategic level, Governments around the world define their strategic policy choices either in terms of food self-sufficiency or food self-reliance when considering policy actions to ensure national food security. Food self-sufficiency implies a strategy for the provision of a level of food supplies from national resources above that implied by free trade. Policy actions based on this strategy focus on ensuring sufficient national food production or even adequate food production and food reserves at the household level. On the contrary, a strategy of food self-reliance reflects a set of policies where the sources of food are determined by international trade patterns and the benefits and risks associated with it. Proponents of this strategy tend to suggest that improved food security, as well as efficiency gains, may be achieved more satisfactorily, even in countries where agriculture remains a major contributor to GDP, by shifting resources into the production of non-food export crops and importing stable food requirements.

Part of the problem regarding the realization of the right to food in Uganda is that the State is no longer “certain” of the policy actions that need to be taken at the different levels. Indeed, as discussed in the preceding sections, it is difficult to

⁶² See National Resistance Movement, 2006.

⁶³ FAO, 2003.

ascertain what the policy direction of the State is on the right to food in particular and social, economic and cultural rights in general. The constant juxtaposition of the right to food with food security, gives the impression of a total lack of commitment to a human rights-based approach to achieving food security. For example, while farmer organizations and cooperative societies were dissolved in the context of liberalization, there is now evidence of the resurgence of more client-based farmer organizations based on clearly defined political clientalism.⁶⁴ Presumed production enhancement programmes such as *Entandikwa*, *Bonna Bagaggawale*, etc., are all delivered or at least perceived as universal political goods.

6.3. Conservation Genetic Resources and the Legal Status of PGRFA

The current discourse on the right to food at the national and local level ought to be considered in the light of the legal developments on Plant Genetic Resources for Food and Agriculture (PGRFA) at the international level.⁶⁵ PGRFA, are the essential means of production required to guarantee food security globally and at the community level including through continuous scientific research and innovations. In the case of the Teso sub-region for example, the literature shows that the sub-region was unable to produce adequate food partly due to the lack of improved seed varieties or generally better seed technologies. Consequently, the sustainable management of PGRFA and their legal status in International Law is an essential ingredient in the policy package for ensuring food security and attaining the right to food at all levels.

Much of the debate on PGRFA has taken place within the framework of the Food and Agriculture Organization of the United Nations (FAO). In that regard, the relevance of PGRFA to food security is clearly reflected in the International Undertaking (IU) on Plant Genetic Resources for Food and Agriculture⁶⁶ and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)⁶⁷ both of which reflect the evolution of International Law governing this area. Indeed, Philippe Cullet has asserted that the international discourse on PGRFA reflects the global efforts to secure the availability of PGRFA for food, securing PGRFA as a means of production and the desire to support innovation in this area.⁶⁸

⁶⁴ Groups such as “Nyekundire,” “Citizens Concerned,” veterans associations, war widows associations and to some extent the reemergence of farmer organizations under the National Agricultural Advisory Services are all challenging the economic logic as to why the NRM Government in its initial stages either facilitated, accelerated or at least abated the dismantling of cooperative societies.

⁶⁵ See for example, FAO, 2006.

⁶⁶ See FAO Resolution 8/83.

⁶⁷ FAO, 2001.

⁶⁸ Cullet, 2004.

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Historically, PGRFA were freely exchanged, largely based on the understanding that PGRFA constituted a common heritage of humankind and could therefore not be appropriated by private entities. As early as 1983, this understanding was codified in the International Undertaking on Plant Genetic Resources⁶⁹ extending the common heritage principle beyond traditional cultivars and wild species to include plant varieties developed by scientists.

However, from the adoption of the IU through the United Nations Conference on the Environment and Development (UNCED)⁷⁰ process, major disagreements on the interpretation of the IU continued to surface.⁷¹ Consequently, the conclusion and adoption of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) may be considered a major international breakthrough in securing the international availability of major crop germ plasm essential for sustaining global and local agricultural production, and guaranteeing the conditions within which the right to food can be realized. Yet, this international legal arrangement can only have policy relevance to local communities such as those in the Teso sub-region if effectively translated into national actions and programmes for the sustainable management of plant genetic resources. Unfortunately, the virtual under-funding of PGRFA programmes and the continuing erosion of plant genetic resources seriously undermine any potential programmes to guarantee the realization of the right to food in Uganda.

6.4. Reconstructing the State

The nature and character of the state should ordinarily determine the options available to address implementation issues surrounding national policies and human rights including the right to food. However, the state in Uganda is in a state of confusion, and its existence is beginning to become a source of widespread contestation. The characteristics exhibited by the Ugandan state clearly demonstrate the existence of a state that is both weak and strong as discussed earlier in this paper. The Ugandan state is a highly fragmented entity, characterized by widespread institutional incoherence and a malfunctioning decentralization framework that enables both the centre and the local to avoid responsibility for promoting the attainment of the right to food. Consequently, three options of state organization need to be explored to understand the best alternative for formulating and implementing effective and sustainable policies

⁶⁹ The IU is a non-legally binding instrument that was adopted as a resolution of the FAO Conference. See International Undertaking for Plant Genetic Resources, Resolution 8/83, *Report of the Conference of FAO*, 22nd Session, Rome, 5-23 November 1983, Doc.C83/REP. For further reading regarding the interpretation of the IU, see for example Resolution 4/89, Agreed Interpretation of the International Undertaking, *Report of the Conference of FAO*, 25th Session, Rome, 11-29 November 1989 (Doc. C89/REP); Resolution 5/89, Farmers' Rights, *Report of the Conference of FAO*, 25th Session, Rome, 11-29 November 1989 (Doc. C89/REP).

⁷⁰ WCED, 1987.

⁷¹ Naluwairo and Tabaro, 2006.

on the right to food. These are: concentration and centralization; decentralization and emergent strategies.

Concentration and Centralization: The use of “hierarchy” as an organizing principle to cope with complexity is relatively well known in organizational theory.⁷² In fact, this was the strategy pursued in Uganda from the time of independence to around the early 1980s when structural adjustment programmes were first introduced in the country. The fundamental characteristic of this strategy is that within the national government, competencies are concentrated within a single institution, say ministry or statutory agency. Food security programmes such as growing of selected food crops or maintenance of grain reserves are designed by a designated central authority and enforced through an elaborate hierarchy.

Decentralization: the second option to promote the realization of the right to food is to design and implement the right to food programmes within the overall framework of decentralization. This approach presupposes that the institutional framework for achieving the right to food is less complex at the local government level and actions to promote the right to food are likely to have more impact because of the local government proximity with the people. However, this option cannot work in Uganda in the light of the weak decentralization structures to date. The district and sub-county local governments which are the recognized legal structures at the local level are weak and heavily dependent on the centre for planning and financing. To this extent, these local governments are unlikely to pursue relevant programmes to guarantee the right to food since such programmes may be inconsistent with national policies and hence not compliant with national budget priorities.

Emergent strategies: the alternative to the deliberate strategies designed and implemented within the two options stated above is what can be referred to as ‘emergent strategies.’ Hugh Mintzberg and Alexandra McHugh allude to such an option by making a distinction between ‘plans intentionally designed and implemented’ and ‘unintended order’ emerging from the uncoordinated activities of individual actors or organizations that nevertheless can be both rational and socially acceptable.⁷³ “Strategy” in the latter case is not defined with respect to intentions, but with respect to realization.⁷⁴ Whereas deliberate strategies emphasize process and results, emergent strategies are the product of a process. In the course of this process, the individual or collective aims and interests of the participants in a widespread debate are generated, formulated and transformed.⁷⁵

⁷² See Simon, 1962.

⁷³ Mintzberg and McHugh, 1985.

⁷⁴ Grande, 2000.

⁷⁵ See Fach & Grande, 1992 at 17.

The major similarity between the first two aforementioned options is that they are dependent on “deliberate strategies,” i.e. official plans intentionally designed and implemented with clear lines of responsibility and accountability. Thus, it is tenable to argue that deliberate strategies are best suited to clearly defined and functioning hierarchical state structures and governmental systems whereas emergent strategies are better suited to organizations or systems with distributed power or ‘ad hococracies.’ Achieving the right to food in state systems that portray neither clear hierarchies nor strong decentralized systems and yet they are not organized to allow the process of emergent strategies to take place can be a huge challenge. Unfortunately, this is the situation where countries, such as Uganda, that are still undergoing a process of state formation find themselves.

VII. CREATING A NEW DISCOURSE ON THE RIGHT TO FOOD IN UGANDA: CONCLUSION AND RECOMMENDATIONS

The above analysis of the macro-policy and planning framework clearly shows that there is generally very limited interconnectedness between Government of Uganda economic policies and the achievement of fundamental human rights and freedoms in general, and the right to food in particular. Indeed, the tendency is to situate government economic and social policy programming within the frame of attaining economic growth and transformation, in which the right to food may be achieved as a consequence rather than as a fundamental legal obligation incurred under International Law and articulated in the Constitution.

Indeed, the conceptual misconception and inevitable juxtaposition of the right to food and food security inherent in the 1995 Constitution seems to permeate throughout the national policy and planning framework. In the final analysis, the right to food (as is the case with most of the other social, economic and cultural rights) lacks the juridical framework within which it can be pursued, implemented and enforced. It is neither framed as a rights issue, a justice issue, nor a responsibility issue. Instead, it is lost in the overall rubric of food security only to be emphasized in the context of “political correctness” and policy convenience. The absence of a national level debate has essentially undermined the possibilities of learning from the wide range of legal instruments and international literature on the subject. It is therefore necessary to reconfigure and reconstruct the debate on the right to food in Uganda focusing on at least four broad issues:

First of all, Government of Uganda macro and micro-economic policies continue to provide the economic policy framework within which the discourse on the progressive realizing of the right to food ought to be articulated. The pursuance of classical neo-liberal economic policies in the absence of a rights-based approach to policy formulation and policy implementation can only aggravate the food rights situation in the country. Future research should therefore seek to

understand the legal and human rights basis for selected economic policies and their implications for the progressive realization of the right to food in Uganda.

Secondly, at the household and community levels, progressive realization of the right to food is closely intertwined with individual access to productive assets and other means of production. In the case of the Teso sub-region for example, it is evident that the loss of livestock during the insurgency in the late 1980s and the lack of access to appropriate technology in the form of better breeds seriously undermined the food security situation in the sub-region. As we have argued elsewhere in this paper, food security, while not meaning the right to food, is the condition within which a discourse on the right to food becomes meaningful. What is needed therefore is more action-based multi-disciplinary research on the right to food focusing mainly on seeking to understand the legal basis and the status of control of the critical means of production.

It has also been observed that the absence of a well structured debate on the right to food in Uganda has constrained the opportunities for learning and developing a better understanding of the scope and nature of the right to food in International Law. There is consequently a need to convene high level policy dialogues on the right to food and nutrition security targeting selected audiences such as senior level policy makers, legislators, local government leaders and civil society organizations. This process would help move the discourse on the right to food from the Constitutional and other policy frameworks to the realm of planning and implementation.

Finally, we have argued that the right to food has evolved into an acceptable legal norm both in international and municipal law. This is in spite of the inconsistencies that are apparent in Uganda's constitutional and statute law. Consequently, there is a tremendous opportunity to pursue the enforcement of the right to food through judicial activism. This will require deliberate training and advocacy not only on the right to food but also on other social, economic and cultural rights. Both judges and lawyers will need to be targeted to equip them with the necessary skills and arguments to enable them extend the interpretation of existing constitutional and international law legal norms through judicial activism.

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