EMPOWERING CIVIL SOCIETY TO MONITOR THE RIGHT TO FOOD

A Case Study Report on Uganda

March 2009

Contents

List of Figures

List of Table

List of Acronyms

ACHPR	African Charter on Humans and Peoples Rights
AIDS	Acquired Immunodeficiency Syndrome
AJEHR	African Journal on Ethics and Human Rights
CESCR	Committee on Economic Social and Cultural Rights
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organisations
DES	Dietary Energy Supply
ECOSOC	United Nations Economic and Social Council
ESCR	Economic, Social, and Cultural Rights
FAO	Food and Agriculture Organization of the United Nations
FDA	Food and Drug Act
FIAN	Foodfirst Information and Action Network
FIVIMS	Food Insecurity, Vulnerability, and Information Mapping Systems
FNB	Food and Nutrition Bill
GC 12	General Comments 12
HIPC	Highly Indebted Poor Countries
HSSP	Health Sector Strategic Plan
ICCPR	International Covenant on Civil and Political Rights
ICN	International Conference on Nutrition
IDA	Iron Deficiency Anaemia
IDD	Iodine Deficiency Disorders
IDPs'	Internally Displaced Persons
IGWG	Inter-Governmental Working Group
IMF	International Monetary Fund
IPRFD	International Project on the Right to Food in Development
MAAIF	Ministry of Agriculture, Animal Industry, and Fisheries
MDGs	Millennium Development Goals
MDPR	Ministry of Disaster Preparedness and Refugees
MFPED	Ministry of Finance, Planning and Economic Development
MGLSD	Ministry of Gender, Labour, and Social Development
MLG	Ministry of Local Government
MOES	Ministry of Education and Sports

MOH	Ministry of Health
MTTI	Ministry of Tourism, Trade, and Industry
NAADS	National Agricultural Advisory Services
NFNS	National Food and Nutrition Strategy
NIS	Nutrition Information Systems
NODPSP	National Objectives and Directive Principles of State Policy
OPM	Office of the Prime Minister
PEAP	Poverty Eradication Action Plan
PMA	Plan for Modernisation of Agriculture
PRSC	Poverty Reduction Support Credit
PRSP	Poverty Reduction Strategic Papers
SCN	United Nations System Standing Committee on Nutrition
UBOS	Uganda Bureau of Statistics
UDHR	Universal Declaration of Human Rights
UDHS	Uganda Demographic and Health Survey
UFNC	Uganda Food and Nutrition Council
UFNP	Uganda Food and Nutrition Policy
UGAN	Uganda Action for Nutrition
UHDR	Uganda Human Development Report
UHRC	Uganda Human Rights Commission
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNPAN	Uganda National Plan of Action for Nutrition
UOBDU	United Organization for Batwa Development in Uganda
VG	Voluntary Guidelines to support the realization of the right to food
WANAHR	World Alliance for Nutrition and Human Rights
WFC	World Food Conference
WFS	World Food Summit
WFS:*fyl*	World Food Summit: *five years later*
WHH	Welthungerhilfe
WSC	World Summit for Children

Abstract

Uganda ratified[1] the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1987 and thereby pledged to realise the right to adequate food for all under *Objectives XIV* and *XXII* of the 1995 Constitution of the Republic of Uganda. In the context of the overall national development policy on poverty eradication, a Food and Nutrition Policy (UFNP) was developed by a multisectoral but adhoc Uganda Food and Nutrition Council (UFNC) and adopted in July 2003. The UFNP and its draft implementation strategy – the National Food and Nutrition Strategy (NFNS) of November 2005, expressly recognise the right to adequate food. The Ministry of Agriculture, Animal Industry, and Fisheries (MAAIF), and the Ministry Health (MOH) are the line or lead implementers of the UFNP and NFNS within a multisectoral framework involving various sectors relevant to the realization of the right to food and freedom from hunger.

This report used the FIAN/WHH developed tool, "Screen State action against hunger" to examine the socio-economic and political environment supporting the right to food of Ugandans, using the Right to Food Guidelines of 2004 as a point of departure. Content analysis of existing institutional mechanisms and action plans supporting the right to adequate food provided a strong foundation and basis for the discussions in this report; which aims to empower civil society in Uganda to monitor State actions against hunger by drawing upon international human rights instruments relevant to the right to food, especially General Comment 12 of 1999 on the human right to adequate food, and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966.

Findings from the case study indicate that despite Constitutional and Policy recognition of the right to food in Uganda, there exists a gap between policy and practice: a policy developed after ten years of debate still lacks a strategic investment plan, and legislation to support its implementation. State actors are also not fully committed to provide the vulnerable and deprived poor groups with adequate food or resources to access food, let alone targeting them in national food and nutrition security programmes. This report underscores the need to strengthen State institutional capacity through empowerment of rights holders and civil society to demand accountability from responsible duty bearers.

[1]In this context, ratification implies that a country endorses or accepts an international legal instrument on human rights, and thus obliges to respect and uphold the principles and recommendations therein.

PART I: INTRODUCTION

1.1 Background

Human rights are legal entitlements of protection that people have against political and societal threats and represent behavioural norms and principles that define the relationship between two parties: *duty bearers* (State and authorities) and *rights holders* (the people within the country).[2] The right to adequate food is realized when every man, woman and child, alone or in the community with others, have physical and economic access at all times to adequate food or means for its procurement.[3]

The human right to adequate food is established in treaties and instruments of international human rights law, including: the Universal Declaration of Human Rights (UDHR) of 1948; the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; and the Convention on the Rights of the Child (CRC)[4] of 1989. This right has been further specified in the Right to Food Guidelines (VG), designed by an Inter-Governmental Working Group (IGWG) on the request of the World Food Summit: *five years later* in 2002, and adopted by the council of the Food and Agriculture Organisation of the United Nations (FAO) in November 2004, as *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*.[5]

In an effort to promote the utilisation of the VG as a tool to sustain freedom from hunger, the Foodfirst Information and Action Network (FIAN), and Welthungerhilfe (WHH), have with support of FAO, developed a right to food monitoring tool, *"Screen State action against hunger: How to use the Voluntary Guidelines on the Right to Food to monitor public policies."* This report has employed the FIAN/WHH monitoring tool to develop a case study report on Uganda's socio-economic and political frameworks supporting the right to food, so as to guide civil society to monitor State actions against hunger.

---

[2]Human rights are fundamental in protection of human freedoms and dignity; see Andreassen, BA 2006, *Development and the Human Rights Responsibilities of Non-State Actors,* Harvard University Press, Boston.
[3]The normative content of the right to food is defined in General Comment 12 (GC 12), developed in 1999 by the Committee on Economic, Social, and Cultural Rights (CESCR) of the United Nations, following a request by the 1996 World Food Summit (WFS) for a clarification on the right to food contained in Article 11 of the ICESCR. In accordance to GC 12, adequate food implies the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, acceptable within a given culture, and the accessibility of food in ways that are sustainable and do not interfere with the enjoyment of other human rights and freedoms.
[4]Drafted in 1989 and came into force after a record 9 months on 2nd September 1990. See, United Nations (1989) Convention on the Rights of the Child (CRC): http://www.ohchr.org/english/law/.
[5]Available at http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm)

1.2 The human right to adequate food and freedom from hunger

The proclamation of the 'four freedoms speech'[6] by United States President Franklin Delano Roosevelt in 1941, provided a foundation for the right to adequate food to be inscribed into Economic, Social and Cultural Rights.[7] His elaboration on how 'freedom from hunger' was a major component of 'freedom from want' in a proposal to the 1943 international conference in Hot Springs Virginia, led to an article on the human right to adequate food, presented by the Government of Panama to the 1945 San Francisco conference at which the United Nations was founded.[8]

By their very nature, rights must be claimable and those whose right to food is violated must access remedy. Although the human right to adequate food and freedom from hunger are firmly established in international human rights law, hundreds of millions of people in the world continue to suffer from hunger and malnutrition. Despite all the efforts to ensure freedom from hunger in the world, especially, the 1996 World Food Summit (WFS) target of halving 1990-1992 number of undernourished by 2015 as pledged by the 180 heads of State that attended the Rome WFS (including Uganda) and the subsequent Millennium Declaration of September 2000, that pledged to halve the hungry and poor population by 2015, fluctuations in food production and supply, and use of food as a agro-fuels are boosting a rise in food prices and threatening to increase the hungry population which is already estimated at over 900 million people worldwide.[9] Micronutrient deficiency is also taking its toll: 35 percent of the global population lack adequate Iodine, 40 percent suffer from Iron deficiency anaemia (IDA), whereas more than 40 percent of the world's children are Vitamin A deficient.[10]

The world is now faced by a global food crisis due to rising food prices, decline in food supply, undesirable environmental change, and a double burden of malnutrition characterized by a concurrent surge in both undernutrition and overnutrition related diseases and disorders: in essence, the challenge of inadequate food coupled with right to food deprivation, is threatening the existence of entire cultures, especially in Sub-Saharan

---

[6]The four freedoms being: Freedom from want, freedom from fear, freedom of speech and freedom of faith, as proclaimed by President Roosevelt, in 1941.
[7]Alston, P & Tomasevski, K (Eds) 1984, *The Right to Food,* MNijhoff, Boston.
[8]See, Alston, P 1990, *U.S Ratification of the Covenant on Economic, Social, and Cultural Rights,* The need for an Entirely New Strategy, AJIL 84, pp 365-393.
[9]See, FAO 2008, *State of Food Insecurity in the World. Ending World Hunger; High food prices and food security – threats and opportunities*, FAO, Rome.
[10]See, UNICEF & Micronutrient Initiative-MI 2004*, Vitamin, and Mineral Deficiency:* A Global Damage Assessment Report, http://www.unicef.org/media/files/davos_micronutrient.pdf.

Africa where poverty, hunger, disease, and political instabilities are a major development challenge.[11]

The Universal Declaration of Human Rights (UDHR), Article 25(1)

"Everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food…and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control."

The International Covenant on Economic, Social, and Cultural Rights (ICESCR), Article 11.1

"State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and the continuous improvement of living conditions."

Article 11.2

"*States shall take, individually and through international co-operation, the measures… which are needed:*

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

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

The Convention on the Rights of the Child (CRC)

Article 24.1

State Parties to take measures:

c) To combat disease and malnutrition…through the provision of *adequate nutritious foods* and clean drinking water...;

…….

e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation.

Article 27.3

"States Parties… shall in case of need provide material assistance and support programmes particularly with regard to *nutrition*, clothing, and housing."

In Uganda, despite commitment to end hunger and malnutrition through ratification of international legal instruments and expressly recognising the right to food in the national Constitution and policy frameworks, the percentage of undernourished is estimated at 19

[11]See, SCN (United Nations System Standing Committee on Nutrition) 2004, *5th Report on the World Nutrition Situation*: *Nutrition for Improved Development Outcomes,* SCN, Geneva, and, World Bank 2006, *Repositioning Nutrition as Central to Development; A Strategy for Large-Scale Action*, Washington DC.

percent, while Dietary Energy Supply (DES) is approximately 2380 kilocalories per person per day.[12] Among under-five year olds, mortality rate is estimated at 141 per 1000 live births of which more than one-third is malnutrition related.[13] Similarly, stunting; an indicator for chronic malnutrition, is estimated at over 38 percent amongst Uganda's children aged 6-59 months, while underweight and wasting, associated with acute and inadequate dietary intakes, are estimated at 16 and 6 percent respectively.[14] Iodine deficiency disorders (IDD), Vitamin A deficiency (VAD), and Iron deficiency Anaemia (IDA) in children aged 6-59 months, are also estimated at 9, 20, and 73 percent respectively.[15]

These aforementioned levels of malnutrition are a clear threat to humanity and development worldwide, but especially in poor developing countries like Uganda, and thus provide the source of motivation for civil society organisations to demand State actions in form of pro-poor democratic governance, participation, and monitoring of State programmes targeting to prevent hunger and starvation. The contribution of civil society may also hinge upon empowerment of communities to demand public action and accountability from duty bearers in case their right to food comes under threats from natural and human induced challenges: indeed this phenomena of hunger and starvation in world where food is unequally distributed in nations, reinforces the need to proclaim access to adequate food and or to resources to produce or procure adequate food, as a fundamental precondition to all development.

1.3 FIAN-WHH right to food capacity building and monitoring strategy

The Foodfirst Information and Action Network (FIAN) is an international human rights Non-Government Organisation (NGO) based in Germany and founded in 1986 to defend and promote the right to feed oneself. Its activities include supporting and empowering people, whose right to food is violated, with the necessary tools and capacity so they can improve their right to food situation within the available environment and means.[16]

---

[12]DES refers to the total food available for human consumption in a country, and is expressed in kilocalories per capita per day. See FAO statistical sheet on Uganda, http://www.fao.org/faostat/foodsecurity/MDG/EN/Uganda_e.pdf.

[13]See, MAAIF (Ministry of Agriculture, Animal Industry, and Fisheries) and Ministry of Health (MOH) 2004, *Assessment of Uganda's Food and Nutrition security Situation.* Kampala: MAAIF and MOH.

[14]See, UBOS 2006, *The Uganda Demographic and Health Survey 2006,* UBOS, Kampala.

[15]*Ibid.*

[16]FIAN website, http://fian.org.

As a response to the 1996 World Food Summit's call for clarification of the content of the right to food enshrined in Article 11 of the ICESCR, FIAN alongside two other organisations – the World Alliance on Nutrition and Human Rights (WANAHR) and Jacques Maritain Institute, developed a Draft Code of Conduct on the Right to Food in 1997. The text was discussed among experts and civil society actors and enabled to mobilise close to 1000 organisations all over the world. This mobilisation was crucial throughout the process which led to adoption of General Comment 12 on the right to food in 1999 by the Committee on Economic Social and Cultural Rights of the United Nations (CESCR), and the Right to Food Guidelines adopted by the FAO Council in November 2004, as *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*.[17]

In Uganda, FIAN activities are two fold: advocacy and public action support to evicted persons and groups – especially supporting legal redress initiatives;[18] and right to food capacity building initiatives, mainly through workshops. The First workshop involved training a group of Civil Society Organisations (CSOs) involved in food security and human rights issues and it was organised with the support of the FAO in January 2007. The second workshop was organised within the FIAN project framework in Uganda and took place in June 2007. It provided deeper insights on specific issues related to monitoring the implementation of the right to food, including validation of the FIAN/WHH monitoring tool 60e, based on the FAO Right to Food Guidelines, and this provided a platform for the elaboration of a strategic plan for participants for follow-up work on right to food monitoring in Uganda.

PART II: SCOPE AND CASE STUDY DESIGN

2.1 Case study description

This case study report is based on a descriptive situational analysis of the policy, legislative and institutional response strategies, and frameworks relevant to the progressive realisation of the human right to adequate food in Uganda. The report draws upon the FIAN/WHH developed monitoring tool g60e, "screening state action against hunger", designed in the context of nineteen (19) Right to Food Guidelines (VGs), which as interalia, were developed by an Inter-Governmental Working Group (IGWG) and

[17]An Inter-Governmental Working Group (IGWG) representing 187 States developed the Right to Food Guidelines. See Guidelines at, http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm.
[18]FIAN and Action Aid Uganda are actively supporting legal redress mechanisms for an evicted community of over 300 households from Madudu, Mubende district, who were forced off from their land and homes to provide space for a coffee plantation and factory owned by a German Investor, Neumann Kaffe Gruppe (NKG).

adopted by the FAO council in November 2004 as a guide for member States to progressively realise the right to adequate food in the context of national food security.

Cross-sectional fieldwork surveys were also undertaken in three Ugandan districts – Kapchorwa (in the east near Mount Elgon), Mubende (in the central region), and Kisoro district (in the south west). In these districts, provisions in the monitoring tool on vulnerability response were employed to establish the influence of State actions on the enjoyment of adequate food, and the corresponding interventions of civil society organizations to promote and sustain the right to food of the vulnerable poor.

2.2 Case study objectives

On a basis that FIAN and WHH conducted two successful workshops with Civil Society Organisations (CSOs) with the aim of building capacity to monitor and report the right to adequate food situation in Uganda,[19] the case study report was based on the following objectives:

1. To assess existing policy, legislative, and institutional initiatives supporting the right to adequate food in Uganda using the FIAN/WHH developed monitoring tool (60e) of 2007;
2. To report on the right to adequate food monitoring responses and capacity in Uganda; and,
3. To strengthen and harmonize civil society capacity to monitor state actions to end hunger and right to food violations, and deprivations of marginalised and vulnerable poor communities in Uganda.

2.3 Data collection and analysis

Data collection and analysis was generally guided by the FIAN/WHH monitoring tool 60e of 2007. It offered the direction and thus limited the scope of the study to existing State actions against hunger based on the 19 Guidelines adopted by Council of the Food and Agriculture Organisation of the United Nations (FAO). The study involved analysis of Uganda's duty bearers' response mechanisms and rights holders' opinions regarding the impact of the socio-political and economic policies, legislations, and institutional action plans relevant to the realisation of the right to adequate food of all in the country.

[19] In February and July 2007.

Content analysis of existing policies, legislations, ministerial statements, institutional documents, and research reports among others, provided a strong foundation and basis for the discussions in this report. Face-to-face interviews with purposefully selected duty bearers from right to food relevant sectors were also essential in a real-time analysis of the responses on the existing socio-political and economic environment relevant to the enjoyment of adequate food as a human right in Uganda. Three focus group discussions[20] were also held with vulnerable rights holders in the selected districts of Kapchorwa, Mubende, and Kisoro.[21] For ethical and validity reasons, voice records and photographic pictures were collected as a source of evidence for the information sited in this report.[22]

2.4 Reporting and validation of draft report

The draft report of the case study was validated during a one-day workshop held on 26th February 2009 at Hotel Africana, in Uganda's capital city of Kampala. The workshop approach provided a platform for collective participation of the civil society, as well as to receive comments for improvement from all relevant stakeholders for which this report is targeting to empower.

The workshop drew participants from a diversity of actors, especially from civil society organisations that are supportive and actively engaged in advocacy and promotion of the right to adequate food in Uganda. The validation workshop was also a means of follow up from the previous two workshops on the right to food organised by FIAN in Uganda and the report findings thus provided an opportunity to discuss advocacy strategies and concrete ideas on how civil society actions are needed to stimulate legislative and policy improvements for the right to food in Uganda.

Given the importance and urgency to form a civil society network to champion right to food advocacy, an interim steering committee was proposed at the end of the workshop constituted into the Uganda Right to Food Network (URFN) with a goal of positioning right to food advocacy into civil society core activities.

---

[20]Interactive group discussion to comprise 4-8 persons, including the researcher as the moderator.

[21]Kapchorwa was selected because of the Benet community which has been demanding for the State to respect their right to ownership of their land which has been gazetted into a national park. In Mubende the Madudu community was selected based on the State conspired eviction they suffered at the expense of establishment of the Kaweri Coffee Plantations Limited (KCPL) owned by a Germany investor Neumann Kaffe Gruppe (NKG). In Kisoro, follow-up was done on the Batwa community to examine the extent of integration into the neighbouring communities following their eviction from the Bwindi and Mgahinga national parks, which hitherto provided them with a source of food livelihood.

[22]This approach was a means to establish collective and transparent responses from the rights holders, whose opinions were vital in cross-validating document analysis and the responses from responsible duty bearers.

PART III: MONITORING THE RIGHT TO FOOD IN UGANDA

Guideline 1: Democracy, good governance, human rights and the rule of law

Having gained independence on 9th October 1962, Uganda was for many years later characterised by political and constitutional instability: by 1986, eight governments had been replaced by undemocratic means,[23] and by 1995, three Constitutions had been adopted – the Independence Constitution of 1962, the Pigeon Hall Constitution of 1967, and the 1995 Constitution of the Republic of Uganda.

The right of every Ugandan to adequate food and nutrition is recognized as one of the *social and economic statutory objectives* in the 1995 Constitution of the Republic of Uganda. Implementation obligations of social and economic rights including the right to adequate food, contained in the Constitution's section on National Objectives and Directive Principles of State Policy (NODPSP), are vested upon all organs and agencies of the State and are to be gradually realised through policy implementations.[24]

Objective XIV of the Constitution of the Republic of Uganda states that:

> *"The State Shall endeavour to fulfil the fundament 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 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**, pension and retirements."*

More specifically, Objective XXII of the 1995 Constitution emphasises that:

> *"The State shall, (a) take appropriate steps to encourage people to grow and store adequate food; (b) establish national food reserves; and (c) encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State."*

[23]Between 1962 and 1986, Uganda has had eight Presidents: Sir Edward Mutesa, Apollo Milton Obote, Idi Amin Dada, Yusuf Lule, Godfrey Lukongwa Binaisa, Paul Muwanga, Tito Okello Lutwa, and Yoweri Kaguta Museveni; the incumbent and so far the longest serving head of State, since 26th January, 1986.

[24]The 1995 Constitution of the Republic of Uganda was promulgated on 8th October 1995 by the Constituent Assembly, thereby replacing the 1967 Constitution (Republic of Uganda, 1995). The right to food is recognised in the non-legally binding section on *National Objectives and Directive Principles of State Policy (NODPSP)* of the 1995 Constitution.

Unlike the Constitution's Objectives XIV and XXII that recognise the right to food, Articles 34(1),[25] 34(3),[26] and 34(7),[27] on the rights of the child are inscribed in the Bill of Rights of the Ugandan Constitution (Chapter 4) and interpreted in the Child Statute of 1996 as being legally binding and enforceable. As such, the right to adequate food of all children[28] in Uganda is protected under the law and denying a child his/her right to food is punishable under the Penal Code Act (PCA) of Uganda – the legal instrument for interpreting Criminal law.[29] Section 157 in Chapter XV (offences related to marriage and domestic obligations) of the PCA of Uganda states that:

> *"…any one with authority to care for any child who refuses or neglects to provide* ***sufficient food****, clothing, bedding, and other necessaries for the child so as thereby to injure the child, commits a misdemeanour."*[30]

Similarly, the right to food of 'servants' is protected under Section 158 of the PCA:

> *"…any master or mistress whom by being legally obliged to* ***provide food,*** *clothing, or lodging to their servants or apprentices, wilfully and without lawful excuse refuses or neglects to do the same…commits a misdemeanour."*

A Constitutional Review Commission (CRC) that was followed by an amendment of the 1995 Constitution of the Republic of Uganda, transformed the political landscape in the country from a one party political system – the Movement, to a multiparty political system (pluralism), under which Presidential, Parliamentary, and Local council elections were held in 2006, and all elections are now held under multiparty dispensation. In this amendment, the two-term presidential term limits were also lifted to allow for unlimited terms for the presidency. This comes a long way after 1980, when the first multiparty elections flopped due to gross electoral malpractices. However, the challenge is that some positive initiatives, especially on accountability and human rights fronted by the minority

[25]"Subject to Laws enacted in their interests, children shall have a right to know and be cared for by their parents or those entitled by Law to bring them up."
[26]"No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs."
[27]"The law shall accord special protection to orphans and other vulnerable children."
[28]According to Article 34(5) of the Constitution, "Children shall be all persons under the age of 16 years."
[29]The commencement of the PCA was on 15th June 1950, a period when Uganda was a British Protectorate (prior to her independence on 9th October 1962). See the link to the Uganda's Penal Code Act (PCA): http://www.ugandaonlinelawlibrary.com/files/free/The_Penal_Code_Act.pdf.
[30]In Ugandan law, an offence is less serious than a felony. A misdemeanour is an offence punishable by a relatively insevere penalty, such as a fine or short term in prison or a term of community service, while a felony carries more severe penalties; a term of imprisonment of a year or more up to the death penalty.

or opposition in Parliament have often been trashed by the majority ruling party as a means of avoiding blackmail and implied failure in this 'court of public opinion.'

Although Uganda's governance structures are explicitly implied in various Right to Food Guidelines (especially Guideline 1 on Democracy, good governance, human rights and the rule of law, Guideline 7 on establishing legal frameworks to facilitate the progressive realization of the right to adequate food, as well as Guideline 18 on national human rights institutions), existing institutional mechanisms have not prioritised right to food specific obligations often due to budgetary and capacity constraints: the Uganda Human Rights Commission (UHRC) lacks capacity to prioritise the right to food, while the Parliament of Uganda has not demanded significant actions to domesticate right to food relevant recommendations from international human rights instruments for which Uganda is a State Party. For the right to food to be strengthened within the governance framework in Uganda will therefore require that civil society networks, within the framework of the Non-Government Organisation (NGO) forum, to generate political pressure through advocacy for good governance and accountability, so that institutional actors can create a stable and enabling environment that compels equitable resource distribution and access, as well as putting in place legislative, administrative, and quasi-judicial mechanisms to support this right in all parts and communities of the country.

Guideline 2: Economic development policies

Although the legal and policy debates that steered the right to food into international law date back to the late 1940's, it was until 1986 – after the coming into power of the National Resistance Movement, and the subsequent ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1987, that the right to food and related economic, social and cultural rights (ESCR) became pronounced in economic development policy: respect for human rights and equality in access to basic social services were initially emphasised in the NRM organisational philosophy – the Ten Point Programme, before the strategy was quickly abandoned and replaced by the Economic Recovery Programme (ERP) that was sponsored by the International Monetary Fund (IMF) and instituted with a incentives to encourage growth, investment, divesture of public enterprises, and liberalization of trade at all levels.[31] This shift in economic ideology undermined the initial emphasis of State led initiatives and paved way for

[31]See Tumushabe, GW 2007, *Food, Nutrition, and Sustenance Rights in Contemporary Uganda*: a case study of Teso Sub-Region, HURIPEC Working Paper No.9, Kampala.

gradual market led socio-economic transformation that lacked incentives for the vulnerable poor.

In the year 1997, Uganda like other Highly Indebted Poor Countries (HIPC) of the world fulfilled the World Bank and IMF (International Monitory Fund) conditions for debt relief and Poverty Reduction Support Credit (PRSC), by developing the first Poverty Reduction Strategic Paper (PRSP) that was subsequently adopted as the Poverty Eradication Action Plan for Uganda (PEAP). In effect, PEAP became the overall framework for all national development policies and provides the national planning framework that guides public action upon which all food and nutrition-relevant policies will be developed in Uganda.[32] The PEAP emphasizes that; 'poverty eradication through economic growth shall be the overall national development policy objective.' As an implication of the overarching PEAP, Uganda's Food and Nutrition Policy (UFNP) of 2003 was also formulated within the context of the overall national development policy objective of *'Poverty Eradication.'* The UFNP expressly recognises the right to adequate food and pledges to support its progressive realization.[33] In its foreword, the line ministers reiterate Government's commitment to address food and nutrition insecurity;

> *"…Government is committed to fulfilling the Constitutional obligation of ensuring food and nutrition security for all Ugandans. This Food and Nutrition Policy is therefore important as it provides the framework for addressing food and nutrition issues in the country…"*

As part of its background information, the policy acknowledges international human rights instruments that recognise the right to food; specifically mentioning Article 25(1) of the Universal Declaration of Human Rights (UDHS), Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and General Comment 12 (GC 12) on the right to adequate food developed in 1999 by the Committee on Economic, Social and Cultural Rights of the United Nations (CESCR). The UFNP further elaborates the genesis of the right to food debate in international conferences and summits, especially

[32]See MFPED (2004).

[33]A three-day national seminar was held at Nile Resort Hotel, Jinja district, from the 22nd – 24th January 2003 under the theme, *'Towards the Implementation of the Right to Adequate Food in Uganda'*. It drew stakeholders from Government institutions, international and national civil society organisations, the private sector, and farmers. It was jointly organised by the Uganda Human Rights Commission (UHRC), the Ministry of Agriculture (MAAIF), Makerere University, and the Oslo based International Project on the Right to Food in Development (IPRFD). The discussions from the Jinja seminar contributed significantly to the final text on the right to food in the UFNP.

the World Food Summits (WFS, 1996 and 2002) – where the right to food was a topical issue that resulted in recommendations to develop General Comment 12 and the Right to Food Guidelines, respectively.

Implementation of the UFNP at the district or Local Government (LG) level has not been effected through existing committees and hierarchical structures due to absence of a legally instituted Uganda Food and Nutrition Council (UFNC) and Secretariat: Local Councils (LCs) are obliged, in coordination with the UFNC, to coordinate the creation of food and nutrition committees at districts and lower levels, and effectively collect data on food and nutrition security for use in planning policies at the national level.

The national policy objective of Uganda's Food and Nutrition Policy (UFNP) is to improve the nutritional status of all through coordinated multi-sectoral interventions, focusing on food and nutrition security, and increased incomes, to achieve the overall goal of a healthy nation and sustainable social and economic wellbeing. 12 focal areas for policy intervention have been identified in the Policy:

1. Food supply and accessibility;
2. Food processing and preservation;
3. Food storage, marketing, and distribution;
4. External food trade;
5. Food aid;
6. Food standards and quality control;
7. Nutrition;
8. Health;
9. Information, education and communication;
10. Gender, food and nutrition;
11. Food, nutrition and surveillance; and
12. Research.

In addition to expressly recognising the right to adequate food in the background of the UFNP, it is also effectively emphasised as a guiding principle for the policy under section 2.3,*"The policy is based on the following guiding principles: that adequate food and nutrition is human right (2.3.1); that food is treated as a national strategic resource (2.3.2);…that the policy seeks to provide a legal basis for food and nutrition structures, sectoral policies and action plans (2.35); …that Uganda meets national and international obligations as set out in national laws and international treaties and resolutions on the right to food (2.3.8); that in the planning, budgeting, and implementation of the policy, a rights based approach will be adopted to promote and protect the right to adequate food and nutrition and ensure participation of rights' holders and accountability of duty bearers."*

Other policies supporting the right to adequate food in Uganda within the PEAP framework include: the National Health Policy (NHP) of 1999 implemented by the Ministry of Health; the National Orphans and other Vulnerable Children Policy (NOVCP) of 2004, implemented under the Ministry of Gender, Labour, and Social Development

(MGLSD); the National Policy on Internally Displaced Persons (NPIDP) of 2004, implemented by the Office of the Prime Minister (OPM); and the Uganda National Cultural Policy (UNCP)[34] of 2006, also implemented under the MGLSD, amongst others. A draft Land Use and Management Policy is at consultation level but has generated divisive debate and opposition from protective cultural institutions and some sections of the public in Uganda, who perceive the process as not being transparent but rather a means to 'grab' land from the vulnerable poor.

In spite of the limited interconnectedness between government economic development policies and achievement of fundamental human rights, especially the right to food, Uganda has experienced strong economic growth over the past decades with real economic growth at market prices averaged 6.5 percent per annum since 1991, while private sector investment more than tripled between 1990/91 and 2002/03 as a result of a conducive investment environment.[35] Real growth in agriculture output also recovered from 0.4 in 2005/06 to 1.9 percent in 2006/07,[36] While a Microfinance Institutions Regulatory Bill has been drafted to guide the implementation of rural microfinance scheme under the framework of the *"Prosperity for All"* programmes advanced as a major political agenda to eradicate poverty and hunger. However, it is urgent for civil society to stimulate economic policy reforms that will address the imbalance is development between the urban and rural areas. With Gini coefficient (income inequality) of 0.43,[37] it is eminent that the economic growth benefits are not equally distributed in the country and thus the need to emphasise rural development and empowerment of the vulnerable poor.

Guideline 3: Strategies

A National Food and Nutrition Strategy (NFNS)[38] for Uganda was developed by the multisectoral Uganda Food and Nutrition Council (UFNC) in November 2005. It currently still waits approval by Cabinet (Executive) before it can be tabled in the Parliament (Legislature) for debate and subsequent adoption as a national instrument and agenda for implementing the Food and Nutrition Policy (UFNP) of 2003. The design of the NFNS

[34]By recognising food and environment sustainability related aspects, the UNCP in effect realigns itself to the recommendations in the United Nations Millennium Development Goals (MDGs), especially MDG 1 (hunger and poverty) and MDG 7 (environmental sustainability).
[35]See MFPED (Ministry of Finance, Planning, and Economic Development) 2004, *Poverty Eradication Action Plan 2004/05-2007/08*, MFPED, Kampala.
[36]See Uganda Bureau of Statistics (UBOS) 2007, *Statistical Abstract*, UBOS, Kampala.
[37]*Ibid.*
[38]Link to the Food and Nutrition Policy and its draft Strategy (NFNS): http://www.pma.go.ug/nutrition.php

focuses on: advocacy for good governance; inter-sectoral coordination; empowerment of duty bearers and rights-holders; policy decentralisation; and gender equality – targeting to provide nutritional support to all women of child bearing age.

Once adopted, the NFNS will in effect provide the platform for the Government to commit political, financial, and administrative resources to fulfil legally binding international and national obligations on food and nutrition security, including realisation of the right to food and freedom from hunger in all communities and households in the country. The proposed NFNS recommends that the Uganda Food and Nutrition Council (UFNC) be the national cross-sectoral coordinator and lead advocate for implementing the UFNP of 2003, and the right to adequate food recognised therein. The strategy (NFNS) recommends the *Office of the Prime Minister* (OPM) to be the institutional home of the UFNC, thereby becoming an institution managed by the executive arm of the State. It further recommends the adoption of a 'human rights based approach to food and nutrition' in the implementation process of the UFNP, with particular emphasis on the monitoring role assigned to the Uganda Human Rights Commission (UHRC).

Having recognized the right to adequate food and re-affirmed Uganda's commitment to realizing this right, the proposed NFNS elaborates why and how food and nutrition insecurity are issues of policy concern: it discusses the causes and lifecycle consequences of childhood malnutrition and identifies the nutritionally vulnerable groups in Uganda based on three causal factors – vulnerability due to demographic or health status, vulnerability due to conflict, and vulnerability due to livelihood strategies.

The NFNS expressly recognises the right to food in its introductory sections. 1.2 emphasises that,

"The Constitution of the Republic of Uganda recognises that human beings have a right to food. Objective XXII on food security and nutrition requires the State to establish national food reserves, promote proper nutrition through mass education, and other means to build a health State. In pursuance of this Objective, the Government of Uganda adopted a development policy agenda which saw several action plans passed by Parliament to address the problem of poverty, hunger, and malnutrition. The most important of these are: PEAP; PMA; HSSP; the Local Governments Act 1997; The Children Statute No.6 of 1996; The Food and Drug Act of 1964; The Water Statute No.7 of 1997; and the Uganda National Bureau of Standards Act 1993."

Section 1.3 of the NFNS emphasises international human rights instruments recognising the right to food, and ratified by Uganda; specifically mentioning Article 25(1) of the Universal Declaration of Human Rights, and Articles 11.1 and 11.2 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

Although the proposed NFNS expressly recognises the right to food and advocates for a rights based approach to food and nutrition policy programming – in line with Right to Food Guideline 3 (Strategies), challenges still exist: it is still a draft awaiting approval, including a possibility of modifications by the Cabinet and Parliament. The draft NFNS has not identified the required process, outcome, and impact indicators, including the financial capacity and other relevant resources needed to effectively implement the UFNP and thereby realize the right to food. Additionally, an investment plan has not been reflected in the draft NFNS, while the Council to implement the strategy (UFNC) is still adhoc and unable to effectively perform its functions due to lack of the necessary tools and institutional resources to perform its right to food relevant mandates. It is therefore paramount for actors, especially the food and nutrition line ministries of Agriculture and Health, to consider with urgency, the need to fast-track approval of the NFNS, so as to provide the platform and agenda for realizing the right to adequate food of all Ugandans.[39]

Guideline 4: Market systems

In a bid to boost Uganda's market, export and investment capacity, the Poverty Eradication Action Plan (PEAP) – Uganda's overall planning framework, defines production based on three premises: agriculture; trade; and industry. As such, the three areas are considered by PEAP to be critical platforms for fighting poverty and improving household incomes using the market as a tool.

To address the above 'factors of production,' the Government of Uganda has adopted a Medium-Term Competitiveness Strategy (MTCS) and a Strategic Export Programme (SEP). The MTCS and the SEP address competitiveness in trade and industry, with emphasis on a private sector led growth required to achieve socio-economic transformation, increased incomes, and poverty eradication. As a measure to promote market competitiveness and export revenues, the Government of Uganda has finalized a National Trade Policy (NTP) and a National Export Strategy (NES) as an avenue of

[39]In spite of the ongoing efforts to adopt the adopt the NFNS, Uganda has not provided indicative measures for the State to fulfil its obligations to the 2003 African Union Summit *Maputo Declaration on Agriculture and Food Security,* which commits countries to provide not less than 10 percent of national budget allocations to Agriculture and Food Security: the Agriculture sector is among the least funded in Uganda, receiving less than 5% of the national budget allocations. See report on progress towards Maputo Declaration, http://www.fao.org/docrep/meeting/007/J1604e.htm.

increase export earnings and creation of a favourable balance of trade, given a rise in foreign direct investment.[40]

National food reserves provided for as national food security safety nets under *Objective XXII(b)* of the 1995 Constitution, had previously existed in form of food silos prior to economical liberalisation policies that were emphasised by PEAP in 1997. The silos were previously managed by the defunct Uganda Produce Marketing Board (PMB), established as a State-trading enterprise on 26th February 1968, by virtue of the Produce Marketing Board Act, 1968.[41] The main function of the board (PMB) was to provide and create efficient marketing facilities for all controlled food crops (minor cash crops) especially wheat, maize, beans, soybeans, sorghum, and millet among others.[42] Following economic liberalization policies that came along with the PEAP/PRSP, the PMB infrastructure was privatised, while the entire institution suffered deregulation: in the context of the PEAP, and as a condition of the IMF and the World Bank, deregulation mainly involved the adoption of privatisation and decentralization policies and or related mechanisms aimed at reducing State constraints on the free market.

In Uganda, the Silos infrastructure (now privately operated) exist at Masesse, east of Jinja district, Nalukolongo in Kampala city, Nyakatonzi in Kasese district, as well as in Tororo and Gulu municipalities, among other places. The Masesse silos in Jinja were constructed in 1990 with aid from DANIDA (Danish International Development Agency), as part of extensive enabling plans for the success of the PMB. These silos at Masesse are by far the largest in Uganda, with a total storage capacity of over 20,000 metric tonnes of assorted cereals and pulses, and built with advanced conveyor collection systems, drying and fumigation technology, moisture content maintenance equipment, standby generators and more importantly, a railway system connecting the silos to the main railway and transport networks. According to the supervisor at the site,

> *"... in those days not more than 7 percent post harvest losses was ever recorded…to date, the previously 20,000 metric tonnes capacity silos only handles an average of 3000 to 5000 tones of grains depending on the purchasing power*

[40]See, PMA (Plan for Modernisation of Agriculture) 2008, *Annual Report Financial Year 2006/2007*, Kampala.
[41]Uganda has had three Constitutions since independence: the 1992 Constitution (the Independence Constitution); the 1967 Constitution (the Pigeon Hall Constitution), and the current 1995 Constitution; which was promulgated on 8th October 1995 by the incumbent Government and President.
[42]See link, http://www.wto.org/gatt_docs/English/SULPDF/90810285.pdf.

and the market conditions – demand and supply… the PMB was our source of income and its privatization doomed us… most of our colleagues were retrenched and are now poor in the villages."

Although the current Ugandan President Yoweri Museveni commissioned the Masesse silos at Jinja in 1991, his government was later to adopt policies that would facilitate the privatisation within barely five (5) years after their operations. The PMB and indeed the silos lost their market value and functionality as a national food protection and safety net due to privatization that come along with the PEAP as a condition of multinational finance institutions – the World Bank and the International Monetary Fund (IMF).[43] As the PMB structures withered off the Ugandan scene, most farmers were left to identify and toil the market channels for themselves as similar events (privatisation) took effect on other pro-poor national sectors, institutions and safety nets including the transport sector, especially the Uganda Cooperative Transport Union (UCTU) and the Uganda Railways, which were critical national institutions that offered subsidized transport costs of people and goods, and linked most regions of the country.

At a civil society meeting held in Nairobi between 27th – 29th May 2003, precipitating CSO contributed to the General Agreement on Trade in Services (GATS) debate by developing a unified report titled, " Three years on: Global reactions to the GATS 2000 negotiations." The Nairobi Civil Society Declaration on GATS expressed the fact that Africa and developing countries were being forced through GATS to adopt policies that have negative impacts on people and communities. The CSOs underscored the fact that GATS present a powerful and totally unacceptable instrument that limits policy space and popular access to services which are essential to human development. Based on the need for a strong position against, the CSOs committed themselves to continue building global solidarity and networks in a common struggle against corporate driven and imposed policies from the developed countries. Uganda CSOs that were signatory to the declaration included Action Aid, Food Rights Alliance, and the Southern and Eastern African Trade Information and Negotiations Institute (SEATINI).

Despite the privatisation of national food reserves infrastructure, the Government of Uganda is developing alternative measures to increase household food resources and security:

[43]See MFPED (Ministry of Finance, Planning and Economic Development) 1997, *The Poverty Eradication Action Plan, Kampala.*

Household granaries have been advocated by the Plan for Modernisation of Agriculture (PMA) on the basis that it is not resource constraining on the State.[44] However, much as household granaries are important food and social safety nets at the household level, they may not provide adequate security at the level of a national safety net and thus may not provide leverage for vulnerable groups like Internally displaced persons (IDPs), and landless and homeless poor among others, who do not have land and the means to access and produce food;

The Warehouse Receipt System (WRS) Act of 2006 recommends the establishment of food warehouse systems on a private sector led basis,[45] with Government's role limited to undertaking necessary policy reforms.[46] Accordingly, farmers will be offered warehouse service receipts (at a cost) specifying the quality value and quantity of produce stored in a particular warehouse within the WRS. This in effect will act as a guarantee for accessing credit and or related services. Indeed this approach is good for the commercial farmers but it may also not guarantee market and incomes for the smaller scale or subsistence farmers who focus on production for local consumption and sells small surpluses;

A Prosperity for All (PFA) programme (locally and politically known as '*Bona bagaggawale'* in a local language, Luganda) advanced by Government aims to establish '*sub-county model food reserves'* alongside State provided micro-credit schemes.[47] Although this programme targets to improve food security and improved incomes at the community level, the programme has not yet been implemented and critics argue that the process has not been participatory and inclusive but has rather been politicised by the ruling party and may thus be used as a tool for gaining political capital and support.

In spite of the government's efforts to promote trade and market control systems in the country, the role of civil society in negotiating for fair trade and marketing at the international and national level has not been pronounced. However, there have been efforts by the Non-Governmental (NGO) Forum to influence the African Peer Review Mechanism (APRM) process within the wider framework of the New Partnership for

[44]See, PMA (Plan for Modernisation of Agriculture) (2005), *PMA Budget Framework Assessment Final Report 2005*, Development Consultants International limited (DCIL), Kampala, http://www.pma.go.ug/pmauploads/Main%20PMA%20evaluation%20final%20report.pdf.
[45]See this link for detail: http://www.nri.org/projects/wrs/whatsnew.htm#8.
[46]See PMA (2006a), *PMA Poverty (Gender and Equity Perspectives) Proposed Undertakings for the FY 2007/08*, PMA, Kampala.
[47]See, MFPED (Ministry of Finance, Planning and Economic Development) (2007), *Background to the Budget for the Financial Year 2007/2008*, MFPED, Kampala, http://www.finance.go.ug/docs/BTTB_07.pdf.

Africa's Development (NEPAD), which among others, attempts to promote fair trade between Africa and the rest of the world through value addition of products and easing of the trading regulations that are barriers to exports from Africa.

Guideline 5: Institutions

Uganda has adopted a multisectoral approach to food and nutrition programming. In 1987, a multisectoral institutional framework, the Uganda Food and Nutrition Council (UFNC), was constituted from food and nutrition security relevant sectors to advise the government on food and nutrition policy development, implementation, research, programming, and monitoring.[48] Being an adhoc council (without legally instituted structures and mandates), the UFNC is mostly supported by the Ministry of Agriculture, Animal, Industry and Fisheries (MAAIF) and the Ministry of Health (MOH) – the lead and line implementing ministries of food and nutrition policy programmes in Uganda.[49]

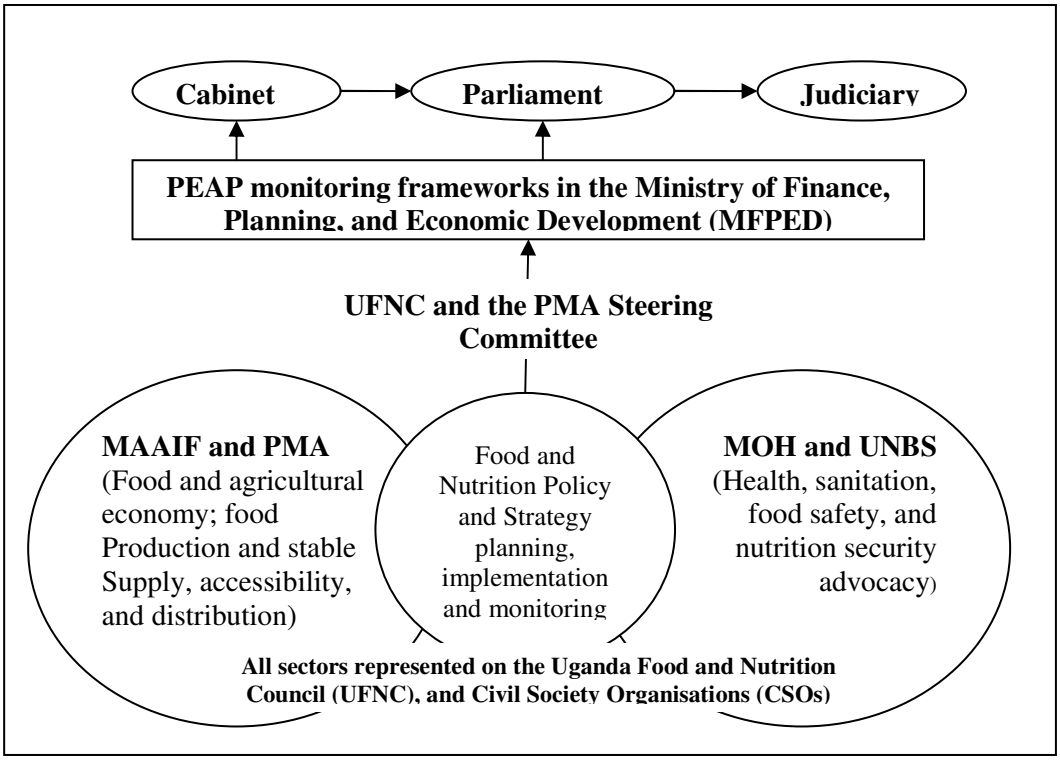


Figure 1: Model on the Institutional frameworks supporting the right to food in Uganda

As seen in figure 1 above, the UFNC provides the overall institutional framework supporting a holistic approach to the right to food due to its diverse multisectoral

[48]See, UFNC (Uganda Food and Nutrition Council) (1996), *Uganda National Plan of Action for Nutrition (UNPAN)*, MAAIF and MOH, Kampala.

[49]The Plan for Modernization of Agriculture (PMA) Secretariat and its Steering Committee (PMA SC) have also been a supportive host to the UFNC, within the PEAP framework. See, PMA (Plan for Modernisation of Agriculture) (2006b), *Fifth PMA Joint Annual Review – Aide Memoiré & Report*, Kampala.

representation: within the framework, notable institutions supporting the right to food include the Uganda National Bureau of Standards (UNBS) which supports the Ministry of Health (MOH) in ensuring food safety, adequate care, disease prevention and control, and ultimately improved nutrition security for all Ugandans, while the Ministry of Agriculture, Animal Industry, and Fisheries (MAAIF) is supported by the institutional structures of the Plan for Modernisation of Agriculture (PMA), especially the National Agricultural Advisory Services (NAADS), to provide advisory services to farmers as a means of empowerment and a stimulus to commercialised and value added agricultural production. Instituted in 2000, the PMA provides a holistic institutional framework and strategy for eradicating poverty and food insecurity using multi-sectoral interventions that would enable Ugandans improve their livelihoods through sustainable agriculture transformation. It targets to improve seven priority areas: Agriculture research; Agricultural advisory services; Agricultural education; Access to rural finance; Marketing and agro processing; Sustainable natural resource use and management; and improving of rural infrastructure.

Within the PMA framework, the Government aims to modernise agriculture, achieve economic value addition, improve marketing systems and channels, and to subsequently achieve food and nutrition security through the market – by increasing household incomes. Accordingly, the PMA objectives and goals are to be achieved progressively within a Public Private Partnership framework (PPP) framework that emphasises empowerment of the economically active poor in Uganda.[50] Implementation of the pillars involves a multisectoral framework coordinated by the PMA Secretariat and monitored by a multisectoral PMA Steering Committee chaired by the Permanent Secretary and Secretary to the Treasury (PS, ST) in the Ministry of Finance, Planning, and Economic Development (MFPED).

The strategic role of PMA in the aforementioned processes clearly implies that its functional position to operationalise right to food relevant activities may be stronger compared to the line ministries of Agriculture and Health.[51] However, despite PMA's supportive role in the context of increasing production and access to food supplies, it's

[50]Economically active poor are defined by the PMA as; subsistence and semi commercial farmers with access to productive assets, and with some skills and knowledge in agriculture.
[51]The Plan for Modernization of Agriculture (PMA) is a semi-autonomous institutional pillar for enhancing productivity, competitiveness, and incomes, within the Uganda's Poverty Eradication Action Plan (PEAP) framework. As interalia, PMA targets to address seven priority areas: Agriculture research; Agricultural advisory services; Agricultural education; Access to rural finance; Marketing and agro processing; Sustainable natural resource use and management; and rural infrastructure.

programmes do not target economically deprived and vulnerable poor, but rather aim to empower the 'economically active poor' who have land or other means of production so as to thereby achieve food security through the market – commercialisation.[52] In this PMA approach, there is inadequate consideration for social protection and safety nets targeting subsistence farmers and other vulnerable poor, who lack the means to produce for the market.

Despite the supportive multisectoral institutional framework that exists in Uganda, conceptual and ideological challenges are an impingement to the integration of human rights principles into food and nutrition security relevant programmes and action plans: in this country and in other developing countries, the right to food is fragrantly neglected, in part, due to lack of resources and in part due to insufficient comprehension of the real meaning of this right and the State obligations to ensure freedom from hunger.[53]

Guideline 6: Stakeholders

Uganda's political commitment to progressively realise the right to food can be traced to 1987 when it ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the establishment in the same year, of a multisectoral Uganda Food and Nutrition Council (UFNC). According to the Uganda Food and Nutrition Policy (UFNP) of 2003, the UFNC is to be established by legal entity and will be linked with the relevant multi-sectoral committees dealing with food and nutrition security at all levels. In the policy, it is proposed that the council will be comprised of fourteen (14) members: the chairperson of a distinguished personality and experience appointed by the Minister responsible for Agriculture; and thirteen (13) members representing concerned ministries, institutions, and sectors as follows:

1. Ministry of Agriculture, Animal Industry, and Fisheries;
2. Ministry of Health;
3. Ministry of Gender, Labour, and Social Development;
4. Ministry of Finance, Planning and Economic Development;
5. Ministry of Education and Sports;
6. Ministry of Trade, Tourism, and Industry;

[52]See PMA (Plan for Modernisation of Agriculture) 2004, *Annual Report,* Kampala; NAADS (National Agriculture Advisory Services) 2007, *Annual Report 2005/2006*, NAADS Secretariat, Kampala; PMA (2006b), *Fifth PMA Joint Annual Review – Aide Memoiré & Report*, PMA Secretariat, Kampala.

[53]See Rukooko, BA (Ed) 2006, *The Right to food and Development,* African Journal of Ethics and Human Rights (AJEHR), Volume One, Makerere University, Kampala; Omara, JA 2007, *Promoting a Rights Based Approach to Food and Nutrition Security in Uganda,* In Eide, WB & Kracht, U (eds) *Food and Human Rights in Development, Volume II; Evolving Issues and Emerging Application,* Intersentia, Antwerpen.

7. Ministry of Local Government;
8. Makerere University (to represent institutions of higher learning);
9. Uganda National Bureau of Standards;
10. Representative of Civil Society;
11. The Farmers' Representative;
12. Representative from the Private Sector; and
13. The Director, Plan for Modernisation of Agriculture (PMA).

However, the proposed National Food and Nutrition Strategy (NFNS) of 2005 and the draft Food and Nutrition Bill (FNB) of 2008 recommends that the law setting up the UFNC shall fix the profile of its members, structure and location within Government, and emphasizes that the Uganda Human Rights Commission (UHRC) be represented on the UFNC as the monitoring agency for national food and nutrition programmes and activities, in line with its constitutional mandate – to monitor the State's compliance to international human rights treaty obligations for which Uganda is Party. Inclusion of UHRC indeed provides opportunity for enhancing a human rights based approach to food and nutrition security policy implementation and monitoring at the national and local government (district) levels in Uganda.

Guideline 7: Legal framework

Despite the lack of a comprehensive and integrative law, or Constitutional provision that emphasises the right to adequate food in the context of State obligations of *respect, protect, and fulfil*, several isolated but yet supportive legislations exist in Uganda:[54]

- The *Food and Drug Act* (1964): essential in regulating food quality and safety. However the National Drugs Authority (NDA) transformed the *Drugs* component into the *Drugs Act* of 1993, and this left the food component hanging;[55]
- The *Public Health Act* (1964): safeguards and promotes public health safety and practices. It also provides for the safeguarding and promotion of sanitation and housing including the storage of foodstuffs;
- The *Uganda National Bureau of Standards Act* (1993): established the Uganda National Bureau of Standards (UNBS), an institution that monitors and regulates food quality and safety in Uganda, based on international *Codex Alimentarius* standards and guidelines;

[54]Link to the Uganda online law Library: http://www.ugandaonlinelawlibrary.com/lawlib/law_index.asp.
[55]Link for details on the Food and Drugs Act: ftp://ftp.fao.org/codex/ccafrica16/ca1606ae.pdf.

- The *Water Statute* (1995 and reviewed in 1997): aims to ensure clean, safe and sufficient supply of water for domestic purposes to all Ugandans;
- The *National Environment Statute (1995)*: provided for the establishment of the National Environment Management Authority (NEMA), to safeguard environmental health, and ensure environmental and ecologic sustainability in Uganda;
- The *Children Statute (1996)*: places obligations on the State and parents to ensure adequate care of children. It creates offences against parents (not the State) for neglecting their child care responsibilities;[56]
- *The Penal Code Act sections 157 and 158*: make it criminal (commits a misdemeanour) to deny or ignore right to food related responsibilities of parents and masters/mistresses;[57]
- The *Decentralization and Local Government Act (1997)*: devolves the function and powers, which were hitherto exercised by the Central government, to local decentralized units (districts). This act ensures that local governments are responsible for the delivery of essential services in accordance with national policies, guidelines and standards;
- The *Uganda Bureau of Statistics (UBOS) Act No 12, 1998*: provides for assessing, analysis and disseminating national statistics obtained in surveys;
- *Adulteration of Produce Act, 2000*: makes it criminal to adulterate food;
- *The Plant Protection Act, 2000*: ensures use of environmentally friendly farm chemicals (care for plants);
- *The Animal Breeding Act, 2001*: provides for by-laws to quarantine livestock in case of disease outbreaks (care for animals);
- *The Health Service Commission Act, 2001*: provided for the institutionalisation of the Uganda Health Service Commission (UHSC);
- *The National Agricultural Advisory Services (NAADS) Act, 2001*: provided for the institutionalisation of NAADS as a pillar for implementing the PEAP within PMA;

---

[56]The criminal case number CR 1376 of 2000: Uganda versus Kayongo Charles and Regina Nabakooza is one such example where a starved boy (Ssebanga Enock) was able to get remedy for abuses of his right to adequate food by his parents, who were subsequently jailed. Read more on this in section 5.5.4.

[57]Section 157 of PCA states that: *'…any one with authority to care for any child who refuses or neglects to provide sufficient food, clothing, bedding and other necessaries for the child, so as thereby to injure the child, commits a misdemeanour.'* Similarly section 158 ensures that: *'any master or mistress whom by being legally obliged to provide food, clothing or lodging to their servants or apprentices, wilfully and without lawful excuse refuses or neglects to provide the same…commits a misdemeanour'.*

- *The Land Act, 1998*: clarifies on the four types of land ownership systems: customary, communal, Mailo, and freehold systems. It also provides for compulsory land acquisition by the government for development purposes. However, the Land Amendment Bill of 2007 aims to amend the Land Act so as to enhance the security of *bona fide* occupants;[58]

- *The Warehouse Receipt System (WRS) Act, 2006*: established legislative platforms for the public private partnership and regulatory mechanisms for Warehouse Receipts Systems (WRS) to guarantee farmers' access to socio-economic security and credit;

- *Agriculture Chemicals Act, 2006*: provides for the regulation of use of agriculture chemicals so as to protect agricultural bio-diversity (care for plants); and,

- *The Education (Pre*-Primary, Primary and Post-Primary) Act, 2008: emphasises under section 5(2)(c), the role of parents and guardians to provide food to school going children;

- *Statutory Instrument 271-A*: *Regulation on the Marketing of Infant and Young Child's food.* A very essential instrument protecting the rights of breast milk (food) of infants and breastfeeding children – in accordance to the *Innocenti Declaration on the Protection, Promotion, and Support of Breastfeeding*,[59] and the *Code of Marketing of Breast Milk Substitutes* – adopted by the World Health Assembly in 1981.

To provide the legal mandate needed to implement the Food and Nutrition Policy (UFNP), the Plan for Modernisation of Agriculture Steering Committee (PMA SC) has in coordination with the relevant stakeholders, drafted a Food and Nutrition Bill (FNB) for an Act (Statutory law) on Food and Nutrition. This process being undertaken within a multisectoral framework of the Uganda Food and Nutrition Council (UFNC) and the PMA SC dates back to 2003, when the first draft Bill was developed to support the adoption and implementation the Policy – implying it has been long overdue.

Guideline 8: Access to resources and assets

Access and control of resources and assets is crucial in the progressive realisation of the right to adequate food. Within the context of this Guideline, States are advised to facilitate sustainable, non-discrimination and secure access and utilization of resources in consistence and compliance to national and international law. This Guideline also

[58]According to section 30(2)(a) of the Land Act, 1998, a *bona fide* occupant means a person who has occupied or utilised, or developed the land unchallenged by a registered owner or agent for twelve years or more.

[59]The Innocenti Declaration was born out of the WHO/UNICEF policy makers meeting at Spedale degli Innocenti, Florence, Italy, on 30 July - 1 August 1990. Link: http://www.unicef.org/programme/breastfeeding/innocenti.htm.

emphasises that States consider empowering the vulnerable and marginalised poor to access and utilise the available resources: Labour (8A); Land (8B); Water (8C); Genetic resources for food and agriculture (8D); Sustainability (8E); and Services (8F), so they can effectively access and enjoy adequate food as a fundamental human right. In line with the constituents of Guideline 8, *Objective XIII* of the 1995 Constitution of the Republic of Uganda expressly provides that,

> *"The State shall protect important natural resources including land, water, wetlands, minerals, oil, fauna, and flora on behalf of the people of Uganda."*

Access to resources and assets in Uganda

Guideline 8A; Labour

Under Uganda's economic liberalisation policy that emphasises private sector led growth, there have been significant efforts to increase investment and employment opportunities in the country. The Investment Code Act of 1991 was established to support favourable conditions for investment,[60] through among others, the establishment of the Uganda Investment Authority (UIA) as a corporate body to promote, facilitate, and supervise investment all over the country.

Despite the reported increase in employment opportunities fuelled by an increase in Foreign Direct Investment (FDI), the low paid or 'cheap labour' in Uganda has favoured investors at the expense of denying employees their right to dignified wages: although Uganda is endowed with natural resources such as arable land, forests, water bodies, and some minerals, there is widespread poverty (less than 1 US $ per day) affecting more than one-third of the population, while income inequality (Gini coefficient) is estimated at 0.43, indicating a big gap between the right and the poor in the country. Poverty and low incomes, especially among low income labourers, are exacerbated by absence of legislation on a minimum wage and as such, investors are finding it much easier to invest in Uganda due to guarantee of low paid labour. Despite the existence of a national labour union and five workers representatives in national Parliament, absence of a minimum wage is mostly attributed to lack of political commitment: a minimum wage bill has been in existence for more than 10 years but opponents, including Uganda's President Yoweri Museveni, argue that,

[60]See link, http://www.ugandainvest.com/uia2.php?uhpl=investiment_law&&uhpl1=Law.

"Such a law will scare away investors needed to sustain socio-economic transformation of the country." (HE Yoweri Kaguta Museveni, Labour Day, 1st May 2008)."

Guideline 8B; Land

By virtue of Article 237 of the 1995 Constitution of the Republic of Uganda, land in this country belongs to the citizens and shall vest in them in accordance to the four land tenure systems provided for under the constitution: customary; freehold; mailo; and leasehold systems. Despite the above land tenure systems, the rapid population growth coupled with a predominately freehold land tenancy has predisposed rural areas to land fragmentation, increased intensity of land use to maintain income levels, and subsequently lowered individual incomes due to reduced farm holdings.[61] In addition to the population pressure on land, use of land for commercial farming of perennial crops such as coffee, palm oils, and sugarcane among others, has further disrupted food production in affected communities and often resulted in food shortages and limited dietary diversity.

In August 2001, soldiers belonging to the national army – the Uganda People Defence Forces (UPDF) were deployed to evict a community of over 400 families comprising over 2000 people to create an estimated 10 square miles space for a German investor; Newmann Kaffe Groupe, locally registered as Kaweri Coffee Plantation limited. The eviction was done without compensation or alternative social protection mechanisms, as such, household access to adequate food was severely constrained, and so was access to education for the hundreds of children whose parents were forced out of their homes and economic sources of livelihoods. Although the affected community has petitioned court and made an international appeal for legal support from civil society networks, neither the State nor the investor have conceded on the need to provide compensation to the affected households.[62]

Although section 31 and 32 of the Land Act, 1998 (Cap. 227) provide that lawful[63] and *bona fide*[64] occupants enjoy the security of occupancy of the land, there have been wide

[61]MFPED (Ministry of Finance, Planning, and Economic Development) (2008), *National Population Policy for Social Transformation and Sustainable Development.* MFPED, Kampala.

[62]See FIAN petition on behalf of the Madudu people, http://www.fian.org/cases/cases2/mubende-uganda-coffee-plantation-by-neumann. See section 6.2 in Part IV of the report for details of the Madudu group.

[63]Section 30(1) of the Land Act provides for 3 definitions of lawful occupants of land in Uganda: (a) a person occupying land by virtue of the repealed Busuulu and Envujjo Law of 1928, Toro Landlord and Tenant Law of 1937, and the Ankole Landlord and Tenant Law of 1937; (b) a person who entered the land with the consent of the registered owner , and includes a purchaser; (c) a person who had occupied the land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the tine of acquiring the leasehold certificate of title.

[64]Section 30(2) of the Land Act provides two definitions for *Bona fide* occupant: (a) a person who before coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or (b) a person who before coming into force of the constitution had been settled on the land by Government or agent of the Government, which may include a local authority.

spread and increased reports of unlawful evictions of the above category of persons from their land. In response, the Government of Uganda has drafted the Land Amendment Bill, 2007 to amend the land Act and enhance the security of occupancy of the lawful and *bona fide* occupants on registered land. However, the amendments proposed under section 31 of the Land Act provides the Minister responsible for Lands, Housing, and Urban Development (MLHUD) with absolute powers to determine annual nominal ground rent for tenants who are not *bona fide* occupants of the land.

Although the Land amendment Bill, 2007 has been developed in accordance to Article 242 of the Uganda's Constitution, which provides that, *"Government may under the law made by Parliament and policies made from time to time, regulate the use of land,"* opponents, especially cultural and traditions institutions of central Uganda – Buganda Kingdom in particular, argue that this Bill, which proposes absolute powers to the minister in charge of lands, is a strategic mechanism by the State to take over ownership of land which traditionally belongs to the Kingdom and its people. The Bill also comes at a time when hundreds of tenants have been forceful evicted from their land and left homeless, especially in Kampala city and surrounding districts of Kayunga, Mukono, and Entebbe.[65]

Guideline 8C; Water

Considering the fact that access to water in sufficient quantity and quality for all is fundamental for life and health, the right of every Ugandan to a clean and healthy environment is recognised and protected under Article 39 of the 1995 Constitution, while *Objective XXI* of the same Constitution provides that, "the State shall take all practical measures to promote a good water management system at all levels. In line with the above constitutional mandates, supportive legislation – the *Water Statute* (1995 and reviewed in 1997) was enacted with an aim to ensure clean, safe, and sufficient supply of water for domestic purposes to all Ugandans, through establishment of the National Water and Sewerage Cooperation (NWSC) and the Directorate of Water in Development (DWD), in addition to providing a supportive environment for establishing public-private water supply projects which among others include, the Rural Water and Sanitation Project (RUWASA) targeting to improve rural water supplies in Uganda.

[65] According to 2008 report on Land rights by the Foundation for Human Rights Initiative (FHRI), the Government of Uganda has on many occasions ruthlessly evicted lawful occupants without compensation so as to acquire land for foreign investors.

Improving access to water supply in Uganda has two potential benefits: improved health; and savings in time collecting water. There is however increasing concern that despite improving access to safe water supplies, the quality of water finally consumed is frequently diminished as a result of poor hygiene practices in maintaining a safe water chain, while the women and girls in rural areas are the ones mostly affected by the time burden of water collection.[66]

In 2008, both the National Population Policy and the State of the Population Report for Uganda were released indicating a steady progress over the past decade in increasing people's access to safe drinking water: national water coverage increased from 20 percent in 1981 to 61 percent by 2002. However, the reports indicate that piped water and sewage services are available for only 8 percent of urban dwellers while the rest of the urban dwellers predominantly use pit latrines. Additionally, rapid population growth (above 3 % per annum) coupled with unplanned urbanization; continue to place considerable strain on the provision of safe water and adequate sanitation especially for urban dwellers.[67]

Guideline 8D; Genetic resources for food and agriculture

Protection of biodiversity and food genetic resources, especially freshly grown organic food-crop varieties, is increasing become a necessary remedy against undesirable trends in diets and lifestyles which have been responsible for the rise in industrial and inorganically produced food responsible for nutritionally related chronic diseases.[68]

In Uganda the Seeds and Plant Act, 2006 provides for the promotion, regulation, and control of plant breeding and variety release, multiplication, conditioning, marketing, importing, and quality assurance of seeds and other planting materials and for other related matters. In addition to the above legislation, the long awaited Uganda National Biotechnology and Bio-safety Policy (UNBBP) has been approved by the Ugandan cabinet with a goal of enhancing safe application of biotechnology and an instrument of poverty reduction, improvement of health care, food security, industrialization, and

[66]MFPED (Ministry of Finance, Planning, and Economic Development) 2004, *The Poverty Eradication Action Plan2004/05-2007/08,* MFPED, Kampala.
[67]POPSEC (Population Secretariat) 2008, *State of Uganda's Population Report 2007*, POPSEC, Kampala. Link, http://www.popsec.org/documents/State%20of%20Uganda%20Population%20Report%202007.pdf
[68]See, Caballero, B & Popkin, B (eds) 2002, *The Nutrition Transition: Diet and Disease in the Developing World,* Academic Press, London.

protection of the environment.[69] Adoption of the policy was imperative given that the country had already established an ultra modern National Agriculture Biotechnology Centre at Kawanda Agricultural Research Institute, where genetic modification of bananas and other crops for resistance of diseases and pests are being conducted. Despite these developments, legislation on biotechnology is lacking, while documentation of all food varieties has not been done; a process to develop a national food composition table of existing food varieties in Uganda has also stalled due to lack of resources.[70]

Guideline 8E; Sustainability

In line with the need for the State to establish national policies, legal instruments and supportive mechanisms for ecological sustainability, Uganda has recognised the need to promote sustainable use of the environment and its resources under two sections of the Constitution: *Objective XXVII*, and Article 245.

Objective XXVII of the 1995 Constitution of the Republic of Uganda expressly affirms the State's obligations on environmental protection:

(i) The State shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced and sustainable manner for the present and future generations;

(ii) The utilisation of all natural resources of Uganda shall be managed in such a way as to meet the development and environmental needs of present and future generations of Ugandans; and, in particular, the State shall take all possible measures to prevent or minimise damage and destruction to land, air and water resources resulting from pollution or other causes;

(iii) The State shall promote and implement energy policies that will ensure that people's basic needs and those of environmental preservation are met;

(iv) The State, including local governments shall – (a) create and develop parks, reserves, and recreation areas and ensure the conservation of natural resources (b) promote the rational use of natural resources so as to safeguard and protect the biodiversity of Uganda.

Unlike *Objective XXVII* of the Constitution, which generalises the roles of the State in promotion of ecological sustainability, Article 245 emphasises the role of Parliament,

> *"Parliament shall, by law, provide for measures intended: (a) to protect and preserve the environment from, abuse, pollution, and degradation; (b) to manage*

[69]See Bi Vision newsletter, Development through Biotechnology, Vol. 8, April 2008. www.biovisioneastafrica.com. Also see link to Uganda's agriculture research institutions in Uganda, http://www.naro.go.ug/About%20NARO/Research%20Institutes.htm.

[70]A food composition table is tabular information detailing the amount of nutrient contained in 100 grams of edible portion of existing food varieties in a country or regions: the amount of macro-nutrients; carbohydrates, fats, proteins, and micronutrients; vitamin and mineral composition, including the composition of ingredients of pre-prepared and processed foods, and established recipes.

the environment for sustainable development; and (c) to promote environmental awareness."

Although Uganda's economic and food security base heavily depends on its natural resources, especially land and lakes for food, other resources such as forest coverage have sunk due over the past century from 52 to 24 percent of the total area.[71] The increasing population and its attendant demand on natural resources, especially the expansion of agricultural land and demand for fuel-wood have led to a marked depletion of the wetland, marginal land, and forests.[72]

Despite the coming into force of the *National Environment Statute,* 1995*,* which provided for the establishment of the National Environment Management Authority (NEMA) to safeguard environmental health and ensure ecologic sustainability in Uganda, the capacity of NEMA to fulfil its obligations have been severely hampered by increased and unplanned investment in infrastructure in urban wetlands,[73] poor funding for environmental activities in the districts, and limited political support to control environmental degradation.[74] As such, unless the Government priorities sustainable use of the existing natural resources, the continued population growth will lead to further environmental degradation and pollution, and this will affect agricultural productivity and expose greater numbers of the population to poverty and thereby undermine the State's capacity to progressively realise the human rights to adequate food, and sustainable development in Uganda.

Guideline 8F; Services

Creating a supportive and enabling environmental for enjoyment of adequate food by all requires initiatives to promote technologies and pro-poor service provision. In Uganda, provision of agriculture extension services has been emphasised in the Poverty Eradication Action Plan (PEAP): The National Agricultural Advisory Services Act of 2001 provides for an organisation known as the National Agricultural Advisory Services (NAADS) for the promotion of market oriented agriculture within the framework of the Plan for Modernisation of Agriculture (PMA). During the financial year 2006/07, NAADS

[71]See MFPED (Ministry of Finance Planning and Economic Development) 2008, *National Population Policy for Social Transformation and Sustainable Development*, MFPED, Kampala.
[72]UBOS (Uganda Bureau of Statistics) 2002, *National Housing and Population Census*, UBOS, Kampala.
[73]See State of Environment reports, http://www.nemaug.org/index.php?option=com_docman&Itemid=61.
[74]PMA (Plan for Modernisation of Agriculture) Secretariat 2008, *PMA Annual Report FY 2006-2007*, PMA Secretariat, Kampala.

rolled out to 15 more districts and 187 new sub-counties bringing the NAADS coverage to more than 64 of 80 districts and over 36,600 farmer groups.[75]

Others national services supportive of the right to food in Uganda include the provision of Universal Primary Education (UPE) and Universal Secondary Education (USE): the previous has resulted in an increase in net primary enrolment to 93 percent, while transition rates from primary to secondary increased to 70 percent.[76] National access to water now stands at 60 percent, while the hospitality sector registered an increase in 2007 as a result of the Commonwealth Heads of Government Meeting (CHOGM), a summit that was hosted by Uganda in November 2007.

Despite the rise the service provision, primary school dropout rate is over 70 percent, especially among girls in the rural areas due to poverty, hunger, and inadequate motivation. Additionally, only an estimated 2.6 percent rural and 39 percent urban dwellers use electricity, while rural health services have not improved significantly due to absence of adequately trained healthcare personnel.[77]

Guideline 9: Food safety and consumer protection

The Legal framework in Uganda has for a long time emphasised food safety: the *Food and Drug Act* of 1964 was enacted to regulate food and drug safety,[78] while the *Public Health Act* of 1964 safeguards and promotes public health safety and practices, and also provides for the safeguarding and promotion of sanitation and housing including the storage of foodstuffs. With the increased need to strengthen food safety and quality control, the *Uganda National Bureau of Standards Act* (1993) established the Uganda National Bureau of Standards (UNBS) as an institution that monitors and regulates quality and safety of food and other products, based on international *Codex Alimentarius* standards and guidelines.[79]

Other legislations that indirectly safeguard consumer safety include: the *Adulteration of Produce Act* of 2000 which makes it criminal to adulterate food; the *Plant Protection Act* of 2000 that ensures use of environmentally friendly farm chemicals (care for plants); the *Animal Breeding Act* of 2001 which provides for by-laws to quarantine livestock in case

[75] *Ibid.*
[76] MOES (Ministry of Education and Sports) (2008), Ministerial Policy Statement for the Financial Year 2008/2009, MOES, Kampala.
[77] UBOS (Uganda Bureau of Statistics) 2008, *The State of the Population Report*, UBOS, Kampala.
[78] See this link for details on the Food and Drugs Act: ftp://ftp.fao.org/codex/ccafrica16/ca1606ae.pdf.
[79] See UNBS website, http://www.unbs.go.ug/.

of disease outbreaks (care for animals); and the *Agriculture Chemicals Act* of 2006 which provides for the regulation of importation and use of agriculture chemicals so as to protect agricultural bio-diversity (care for plants).

Given the above legislation and emphasis on food safety, it is criminal under section 172 of the Penal Code Act (PCA) to adulterate food or drink,

> *"Any person who adulterates any article of food or drink so as to make the article noxious as food or drink, intending to sell that article as food or drink, or knowing it to be likely that it will be sold as food or drink, commits a misdemeanour."*

Additionally, section 173 of the PCA also protects against sale of noxious food or drink,

> *"Any person who sells or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, commits a misdemeanour."*

Despite the existence of a Consumer Protection Association (CPA) in Uganda, and the unsuccessful efforts to integrate food safety and consumer protection in the draft Food and Nutrition Bill (FNB) of 2008 so as to provide a stronger premise for the right to adequate food, duty bearers from the line Ministry of Health (MOH) preferred to keep out the text on food safety in the FNB on the basis that a process to draft Food Safety Bill (FSB) was still underway: according to the Ministry of State for Health in charge of General Duties during the closure of the national seminar on the FNB at hotel Africana in Kampala,

> *"…we have agreed with the Ministry of Agriculture that they take the Food and Nutrition Bill and leave us with our Food Safety Bill…"*

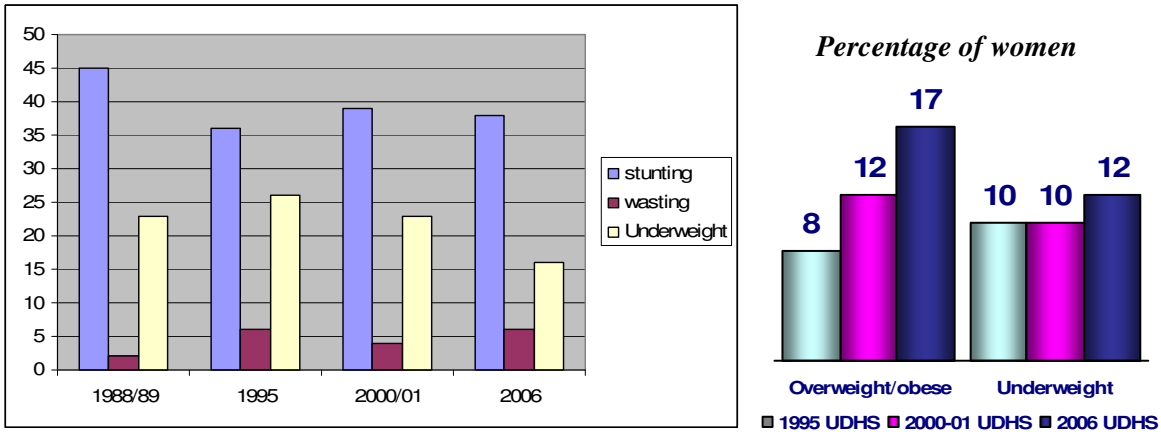
The above attitude and approach by one of the line ministers clearly implies a conceptual challenge in appreciating the holistic and multisectoral approach required to realise the right to adequate food in the context of national food and nutrition security. It is imperative that State actors, especially the food and nutrition line sectors of agriculture and health, to consider developing a comprehensive legislation on Food and Nutrition, which should in essence take stock of the normative content of the right to food, taking

into account adequacy, sustainability, safety, dietary needs, and cultural acceptability, among others, as emphasised under paragraph six of General Comment 12.[80]

Guideline 10: Nutrition

Over the past two decades, the percentage of undernourished Ugandans declined from 33 to 19 percent.[81] However, during the period 1990-92 to 2002-04, the number of undernourished population increased from 4.2 million to 4.8 million, while Dietary Energy Supply (DES) increased from 2270 to 2370 kilocalories per person per day,[82] an indication that food supply has increased over the recent years. Despite the availability of more food to the bigger population, the pace of reducing the undernourished population is being held back, as interalia by a high population growth rate (over 3 percent), and this may necessitate integration of reproductive health issues, especially family planning and advocacy for improved care practices, as measures to safeguard and sustain efforts aimed at reducing the undernourished population.

Figure 2: Reported malnutrition indicators in Uganda's children aged 6-59 months



Source: Uganda Demographic and Health Surveys (UDHS) 1989; 1995; 2001; 2006.

As seen in the figure above, the Uganda Demographic and Health Survey (UDHS) reports indicate that childhood and maternal malnutrition indicators have not improved significantly. Stunting (low height for age), an indicator of chronic undernutrition affects more than one third of all children and is apparently even among children less than 6

[80]CESCR (Committee on Economic, Social, and Cultural Rights) 1999, General Comment 12, The right to adequate food. UN Doc. E/C.12/1999/5 (avalable at, http://cesr.org/generalcomment12. Access more information on the right to food from the FAO Right to Food website, http://www.fao.org/righttofood/index_en.htm.

[81]See FAO statistical sheet on Uganda, http://www.fao.org/faostat/foodsecurity/MDG/EN/Uganda_e.pdf.

[82]DES refers to the total food available for human consumption in a country, and is expressed in kilocalories per capita per day.

months of age (17 percent) but later increases with the age of the child through the first three years of life before declining in the fourth and fifth year. Male children are more likely to be stunted than female children (41 percent compared with 36 percent), while more of the rural children are stunted (40 percent) than urban children (26 percent). Regional variation in nutritional status of children is substantial, with stunting being highest in Southwest region (50 percent) and lowest in Kampala (22 percent). The greatest chronic malnutrition problems appear to be in Karamoja, a region affected by cyclic patterns of food insecurity due to persistent droughts, and where over half of the children are stunted. Surveys data also indicates that stunting in Uganda reduces with increasing levels of maternal education and wealth quintile, although the pattern is not uniform.[83]

Wasting (low weight for height) varies greatly by age and peaks among children age 9-11 months in Uganda. Boys are slightly more likely than girls to experience wasting (7 percent compared with 5 percent), as are children who were reported to be very small or small at birth compared with those who were reported to be of average size or larger (10 percent and 6 percent compared with 3 percent). There is little difference in wasting between urban and rural children. Wasting is 9 percent or higher in East Central and Southwest regions as compared with 3 percent in Central 2 and Eastern regions.

Generally, the trends of childhood malnutrition indicators in Uganda portray a strong association with some of the indicators of poverty, lack of breastfeeding, and failure to complete immunization.[84] Programmes aimed at poverty alleviation, promotion of breastfeeding and immunization will go a long way in preventing malnutrition.

In addition to the challenge of childhood malnutrition, underweight in Uganda's women is reported at 12 percent. Central, South, and Western Uganda regions all have relatively low percentages of women who are "underweight" (5-10 percent), while the remaining regions (North and East) have higher percentage of underweight women (13-21 percent). The proportion of women with BMI of less than 18.5 (underweight) is inversely proportional to educational attainment and wealth quintile and as such, poverty, unemployment, and

[83]UBOS (Uganda Bureau of Statistics) 2006, Uganda Demographic and Health Surveys (UDHS), UBOS, Kampala. http://www.measuredhs.com/pubs/pdf/FR194/FR194.pdf.
[84]Also reported by: Owor, M, Tumwine, JK, and Kikafunda, JK, 2000, *Socio-economic risk factors for severe protein energy malnutrition among children in Mulago Hospital Kampala.* East African Medical Journal. 2000 Sep; 77(9):471-5.

Gender inequality are known to accelerate maternal malnutrition,[85] which indeed is a challenge that may expose to inter-generational malnutrition and reduced socio-economic development. Low pre-pregnancy Body Mass Index (BMI)[86] and short stature are also risk factors for poor birth outcomes and obstetric complications in many developing countries, including Uganda, where socio-cultural barriers to emancipation of women still remain a challenge to the progressive realisation of the human right to adequate food and freedom from hunger.

Guideline 11: Education and awareness raising

Investment in education contributes to the accumulation of human capital essential for high incomes and sustained economic growth. In Uganda, all persons have a right to education under Article 30 of the 1995 Constitution of the Republic of Uganda, while Article 34(2) emphasises that every child is entitled to basic education. To strengthen the above provisions, the Education (Pre-Primary, Primary, and Post-Primary) Act of 2008 elaborates the role of the various stakeholders: the ministry; school management agencies; and parents, among others, in ensuring education for all in Uganda.

The Uganda Human Rights Commission (UHRC) has played a pivotal role in advancing human rights awareness, and indeed the right to food has been one such right emphasised: with collaboration from the Oslo based, International Project on the Right to Food in Development (IPRFD), the UHRC alongside the secretariat of the Plan for Modernisation of Agriculture (PMA) and the Ministry of Agriculture, Animal Industry, and Fisheries (MAAIF), organised the first ever right to food seminar in Uganda, held in January 2003. The outcomes from this seminar contributed significantly to the recognition of the right to food in the Uganda Food and Nutrition Policy (UFNP).[87] Although the Uganda Human Rights Commission (UHRC) is mandated under Article 52(f) of the Constitution to educate people on their rights and freedoms protected under the law,[88] its capacity to transverse the entire country is constrained by inadequate resources,[89] while the Ministry

[85]See UBOS 2006; previously cited.
[86]The body mass index (BMI), or the Quetelet index, is used to measure underweight or obesity. BMI is defined as weight in kilograms divided by height squared in meters (kg/m^2). A cut-off point of 18.5 is used to define underweight or acute undernutrition and a BMI of 25.0 or above usually indicates overweight or obesity. In developing countries, maternal underweight is the leading risk factor for preventable death and diseases
[87]UHRC (Uganda Human Rights Commission) 2004, *Towards the Implementation of the Right to Adequate food in Uganda,* UHRC, Kampala.
[88]"To educate and encourage the public to defend the Constitution at all times…"
[89]UHRC 2008, *10th Annual Report to the Parliament of Uganda,* UHRC, Kampala.

of Education has not undertaken the necessary curriculum reforms to include civil education on Economic, Social, and Cultural Rights (ESCR), and the right to food in particular.

Despite the lack of adequate national structures to promote right to food education, the role of Civil Society Organisations (CSOs) has been vital in promoting human rights education and awareness raising. International agencies such as the Food and Agriculture Organization of the United Nations (FAO), FIAN, and local CSOs such the Foundation for Human Rights Initiative (FHRI), Human Rights Network (HURINET) Uganda, the Food Rights Alliance (FRA), Action Aid, the Hunger Project, and many others, have been active in promoting and advocating for the right to adequate food through publications, stakeholder seminars, workshop, and anti-hunger awareness campaigns.

Guideline 12: National financial resources

According Uganda's financial budget of 2008/2009, real Gross Domestic Product (GDP) growth was estimated at 8.9 percent, with the private sector contributing 21 percent – up from 13.7 percent in 2001/2002, and a 15 percent increase in Exports – from United States dollars ($) 1,998 million in 2006/2007 to $2,293 million in the first quarter of 2008.[90] In the last six years, the Uganda Investment Authority (UIA) has licensed projects worth $3 billion, with a growth from $185 million in 2002/2003 to $965 million in 2007/2008. Despite the above recommendations to streamline the operations of the Agriculture sector, especially the Ministry of Agriculture, Animal Industry, and Fisheries (MAAIF),[91] a human rights based approach to food and nutrition security programming has not been expressly recognised in MAAIF's development strategy: the proposed re-structuring process of the ministry has not been implemented due to inadequate financial allocations to the process.

Figure 3 below illustrates how MAAIF, indeed an under funded yet very relevant national sector, has continuously received a budget less than 5 percent of the national total, and analysts report that the figures are even lower if budget out-turn data (funds actually

[90]See, MFPED (Ministry of Finance, Planning, and Economic Development) 2008, *Background to the Budget for the Financial Year 2008/2009*, MFPED, Kampala.
[91]MAAIF (Ministry of Agriculture, Animal Industry, and Fisheries) 2006, *Development Strategy and Investment Plan 2005/06 – 2007/0*8. MAAIF, Entebbe – Uganda.

released by the Treasury during the financial year) are analysed.[92] The low and near constant budget allocation towards the Agriculture sector has been linked to the decline of Agriculture's share of the national economy in Uganda from 54 percent in 1988 to 32 percent in 2004.[93] Despite the impression that the right to adequate food of vulnerable poor and food insecure households has not been prioritised under the MAAIF institutional framework, an opportunity to promote this right through policy advocacy exists within the Agriculture Planning Department, and the Policy Analysis Unit,[94] where food and nutrition security assessment has been budgeted for within the medium term sector budget framework.[95]

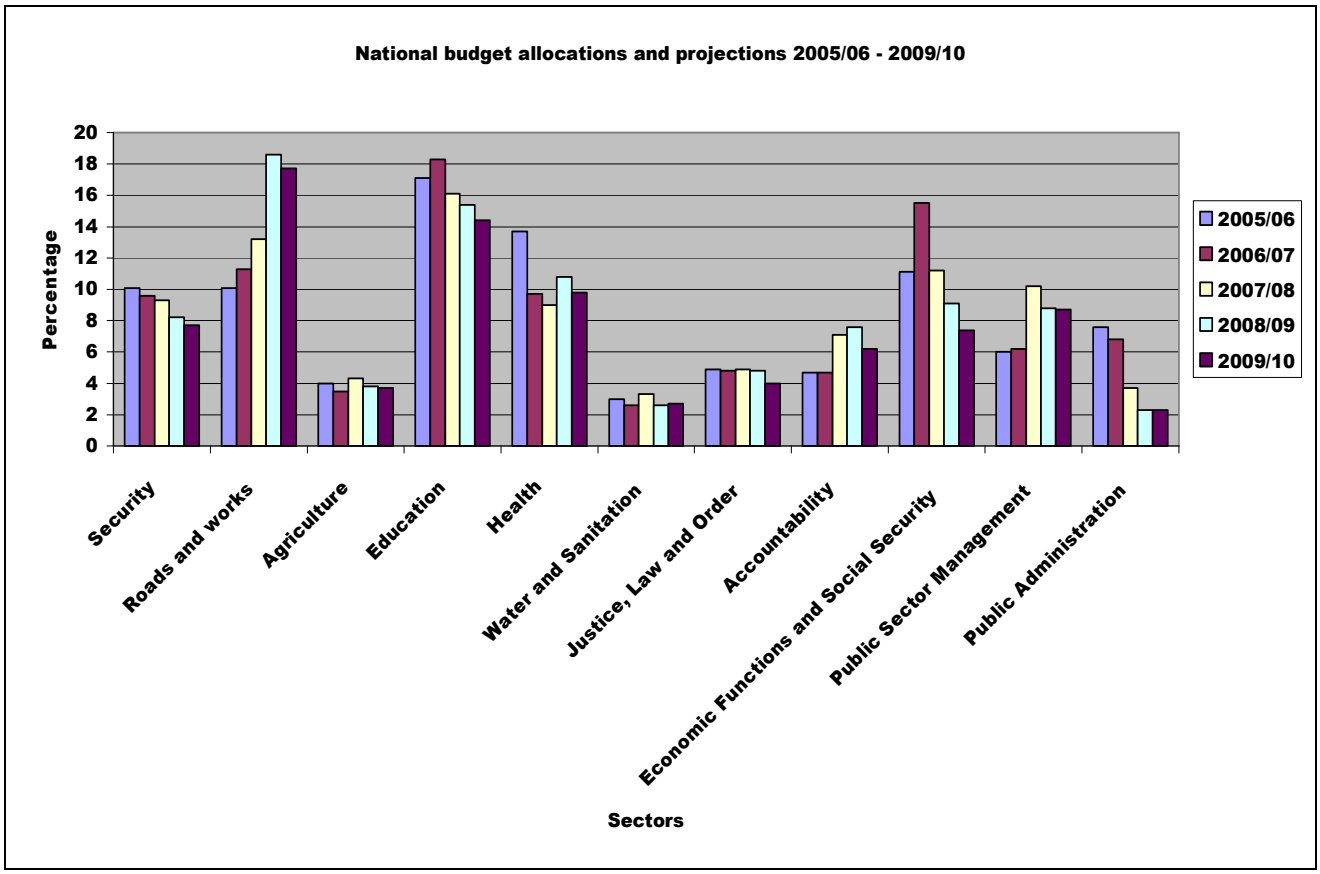


Figure 3: National budgets indicating trends in agriculture and health sector funding

Source: MFPED (Ministry of Finance, Planning, and Economic Development), 2003; 2006; 2007 and 2008, *Background to the budget reports*, Kampala.

[92]Fan, S, Zhang, X & Rao, N 2003, *Public expenditure, growth, and poverty reduction in rural Uganda*. International Food Policy Research Institute (IFPRI), Washington DC.
[93]See, MAAIF 2006; previously cited.
[94]MAAIF's new structure recommends formation of a Directorate of Planning and Policy (DAPP).
[95]MAAIF (2006, p.43) indicates how food and nutrition security assessment was annually allocated 77.8 million Uganda shillings over a medium term – 3 financial years (2005/06-2007/08), representing 4% of nearly 2 billion shillings allocated to Planning and Policy. This implies that perhaps little has been spent on identifying the hungry poor (Exchange rate United States Dollar: Uganda shillings, 1:1660 as at 20/07/08).

Using the 2003 African Union (AU) Maputo Declaration on Agriculture and Food Security as a benchmark, the persistent failure of the Government to commit at least 10 percent of the budget to the food and agriculture sector as illustrated in the figure above may imply lack of prioritisation and commitment to this sector, perhaps due to lack of political and financial commitment or failure to realise the compelling evidence that food is a national strategic resource that determines the course of all political and development success in a community and nation. Such omissions of treaty recommendations and pledges also constitute a breach of continental (African Union) commitment to collectively end hunger and malnutrition in Africa, where urgent actions are needed to free millions of people from hunger.

To ensure freedom from hunger within MAAIF's framework may require expenditure priorities with strategic incentives for vulnerable poor in form of improved traditional seeds and inputs, micro-credit schemes, market access facilitation to framers, creation of employment opportunities that provide social protection, building capacity of the vulnerable poor through increased access to education and learning, and provision of social security in form of wages, cultivatable land or food to those who cannot afford by all means available to them.

In addition to the significant roles of the Agriculture sector in ensuring availability and access to adequate food, its counterpart line ministry/sector of Health (MOH) is equally significant in ensuring adequate nutrition, care and safety of food consumers in Uganda, and disease prevention and control. The National Health Policy (NHP) of 1999 provided a strategic basis for the development and implementation of a Health Sector Strategic Plan (HSSP) using a Sector Wide Approach (SWAp) that emphasises Primary Health Care (PHC) and re-allocation of resources to lower levels of the health care system, through decentralization of health services delivery, with a goal of "reducing morbidity and mortality from the major causes of ill-health and premature death, and reducing disparities therein."[96]

[96]Two HSSPs have been adopted in Uganda: HSSP I (2000/01-2004/05) and HSSP II (2005/06-2009/10). Implementation of HSSP I registered significant gains in a rise in coverage of the Expanded Programme on Immunization (EPI) from 55 percent to 89 percent coverage, and an increase in Out-Patients attendance from 0.4 visits per person per year to 0.9 percent in the financial year 2004/05. This success is attributed to the abolishing of user-charger fees in all government hospitals (*ibid.*). HSSP II is still under implementation

The first HSSP (2000/01 – 2004/05) was implemented and evaluated, while the HSSP II (2004/05-2008/09) is still under implementation. Although both HSSPs have not expressly recognised the right to adequate food and right to health and related obligations, core interventions and benchmarks for childhood nutrition relevant to attaining both rights constitute the Minimum Health Care Package (MHCP) of the HSSP.[97] Specific child nutrition targets of the HSSP II include:

Increasing the prevalence of exclusive breastfeeding in Uganda from 70 to 80%

Reducing the prevalence of under weight among under fives from 23 to 17%

Increasing Vitamin A supplementation uptake for 6-59 months from 60 to 80%

Attaining 100% household salt iodization.

Similarly, the HSSP II (MOH, 2005) recommends the following core interventions for ensuring nutrition security:

Growth monitoring and promotion activities

Routine supplementation with Vitamin A, Iron, Zinc and de-worming

Food fortification with vitamins and minerals, and regular de-worming

Improve infant and young child feeding: breastfeeding promotion and code of conduct for marketing breastfeeding substitutes.

Increase micro-nutrient supplementation during bi-annual child day

Increase routine iron, folic acid and vitamin A supplementation to both anti-natal care (ANC) and post-natal care mothers.

Given the right to food relevant benchmarks and interventional areas emphasised in the HSSP II, Figure 4 below highlights the sources of funding to the MOH. As seen, Government funding progressively increased from 80 to 240 billion Uganda shillings between the period 1997/1998 to 2006/2007. This also comes at a time when more efforts to contain the HIV/AIDS pandemic – indeed a threat to household food security and the right to food, have seen unprecedented decline in HIV prevalence from over 18 percent in 1992 to 6 percent in 2005.[98]

[97] Access the electronic link to the HSSP: http://www.health.go.ug/hssp.htm.
[98] See MOH 2005, *HSSP II (2005/06 – 2009/10, Volume I*, MOH, Kampala, Link, http://www.health.go.ug/hssp.htm.

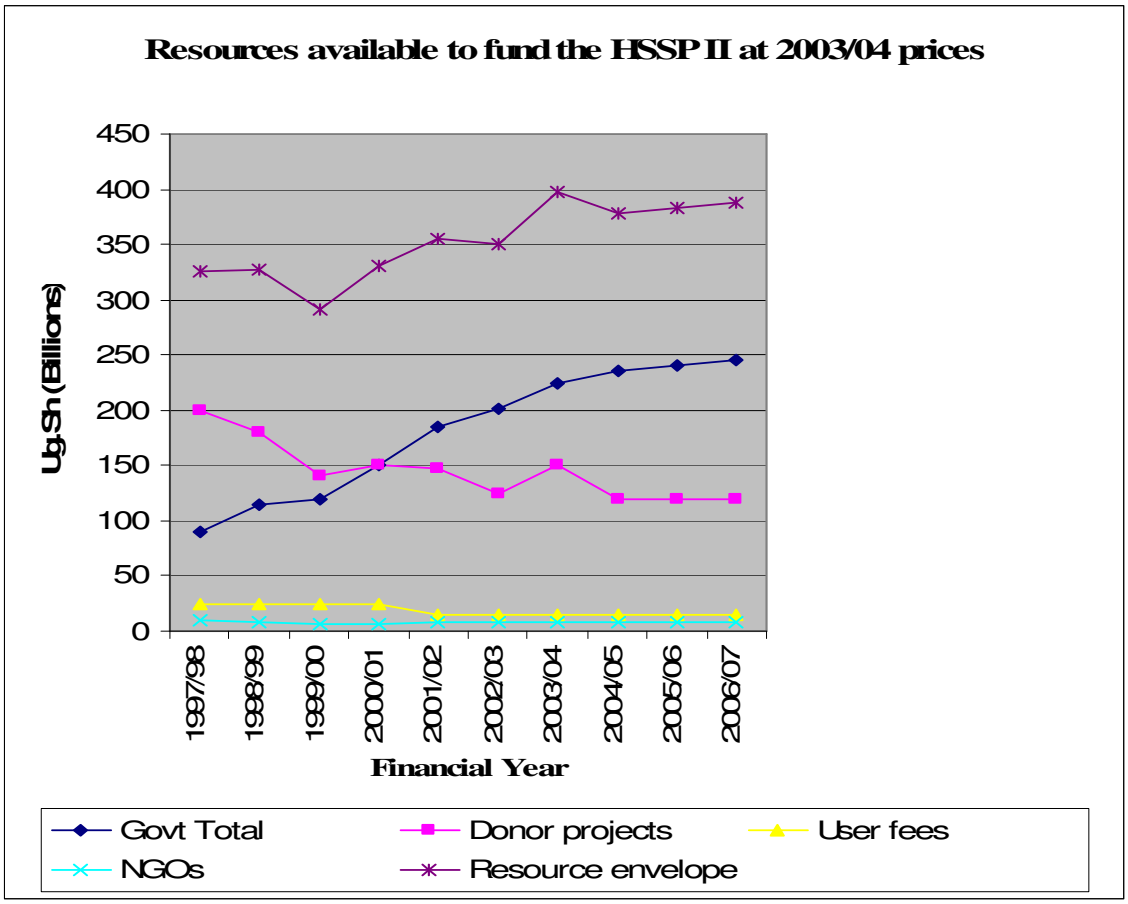


Figure 4: Finances for implementing the HSSP (Health Sector Strategic Plan)

Although this budget phenomenon positively illustrates that the Government is gaining the necessary capacity to sustain a healthy State – it is committing more resources, it is worth mentioning reports of under-funding, continuing inadequacies in the recruitment and deployment of trained personnel, frequent stock outs of essential medicines, and lack of equipment for operationalising new health centres, are indeed a real-time challenge to Uganda's health system.[99]

[99] *Ibid.*

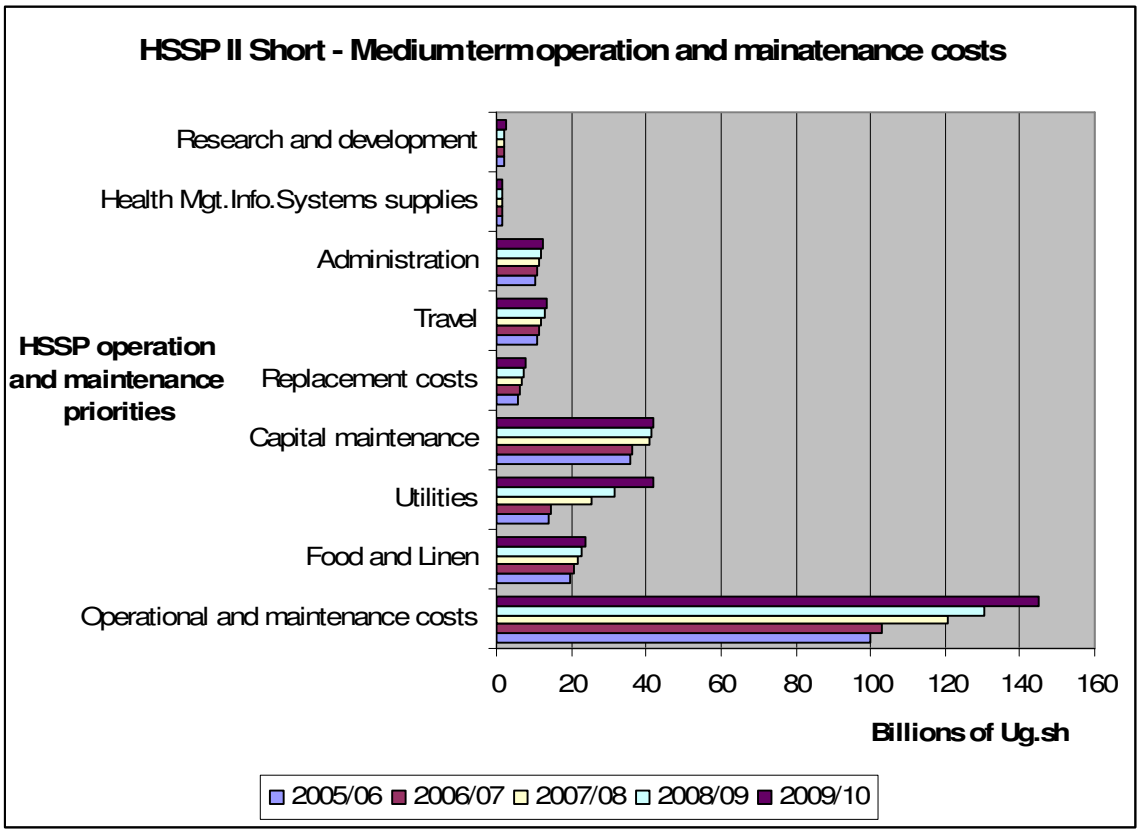


Figure 5: Food and linen investment costs in the HSSP II operation costs

In spite of the identified challenge of under-funding, it seems surprising that MOH has budgeted for food and linen expenditures in the operations and maintenance budgets of the Health Sector Strategic Plan (HSSP) as explicitly illustrated in Figure 5 above. However, an interview with the Kisoro District Director of Health Services (DDHS), on the implementation details of the food and linen budget informed that,

> *"…the food and linen budget includes hospital linens (clinical clothing and beddings), food for staff, and at least one meal per day for children, and the extreme poor who are admitted in some district hospitals…the budget for meals is inadequate for the sick and poor admitted in hospitals because it consists mainly of maize and beans and are grossly inadequate in micronutrients (vitamins and minerals) sources, especially fruits and vegetables…money is not enough and people who want food are many so we cannot provide to all…"*

Guideline 13: Support for vulnerable groups

Despite the identified vulnerable groups, disaggregated data on the number and distribution of other vulnerable groups (children, the elderly, the chronically sick, ethnic

minority groups, persons with disabilities, and others whose suffering due to failure to access food should make them a priority for State actions) is not available due to absence of a comprehensive national data system in Uganda. Similarly, data on over-nutrition related indicators; especially the impact of the nutrition transition[100] were neither reported in the UDHS, and nor accessible by this study.

At the aggregate national level, the cause of nutrition vulnerability and right to food deprivation is not merely food availability but mainly lack of access to and inadequate care and utilisation of food. Access-related food and nutrition insecurity is widespread among war-victims of internal and cross boarder armed conflict: over one million internally displaced (IDPs) in north and north-east, and over 200,000 refugees from neighbouring countries rely on humanitarian food aid.[101] In the north-east semi-arid region of Karamoja, periodic droughts have persisted in the past two years and are threatening to cause a famine: human and livestock mortality are reportedly increasing due to scarcity of food and water.[102] In addition to the droughts, proliferation of small fire arms (guns) and nomadic lifestyles that involve movement of livestock and homesteads from place to place, has over the years resulted in brutal inter-clan raids over grazing land, cattle rustling, and road ambushes, making it one of the most insecure and poor regions of the country: in essence, some households have been forcefully deprived of their own food resources, especially livestock and productive land, through rustling, armed robberies, and periodic tribal clashes for pasture to sustain nomadic livestock and livelihoods.[103]

Food Insecurity and Vulnerability Information and Mapping Systems (FIVIMS), recommended by the World Food Summit of 1996, are vital in establishing the factors that place people at risk of becoming food insecure or malnourished, including those factors that affect their ability to cope to right to food deprivation. Within the FIVIMS initiative,

[100]Shift from diets rich in whole grains, fresh foods and low animal products, to diets rich in refined carbohydrates, sugar, and animal-based fat due to technology and urbanisation (Danton-Hill *et al.,* 2004).
[101]Although over 90% of IDP camps in Lango sub-region of northern Uganda have been closed and IDPs returned to their ancestral communities, in neighbouring Acholi the pace of return is slow amidst inter-clan land resettlement disputes, as well as fear that the war will resume due to the stalled peace process.
[102]Despite government's efforts to deny press reports of death due to starvation, the press continued to cover this pathetic story. See links, http://irinnews.org/Report.aspx?ReportId=78352, http://www.monitor.co.ug/artman/publish/news/Karamoja_famine_kills_10_as_residents_appeal_for_food_aid.shtml, http://www.newvision.co.ug/D/8/13/629000.
[103]In 2005, over 500,000 people in Karamoja (more than half the population) received famine relief food, while over 50,000 primary school pupils benefited from the food for education programme of the United Nations World Food Programme.

countries in the world committed themselves to strengthen information and analysis for improved targeting of hunger reduction policies and programmes.

Addressing the question vulnerability has not been effectively anchored in a particular ministry in Uganda. Various ministries have in one way or another engaged in addressing vulnerability issues: the Ministry of Gender, Labour, and Social Development (MGLSD) is mandated to assess, monitor, and support vulnerability groups, especially children, women, youth, elderly, and persons with disabilities;[104] the Ministry of Finance, Planning, and Economic Development (MFPED) has reported vulnerability in the context of poverty in its poverty status reports prepared by poverty analysis unit of the ministry;[105] the Ministry of Agriculture, Animal Industry, and Fisheries (MAAIF) has also adopted the *Early Warning and Food Information Systems (EWFIS*) Unit; while the management and preparedness for disasters and refugees is a responsibility of the Office of the Prime Minister (OPM) of the republic of Uganda.

The Department of Disaster Preparedness and Refugees in the OPM is mandated to forecast, prepare, and manage disasters in country. However, this department has not undertaken the necessary measures to establish *who* and *how many* people are vulnerable to food and nutrition insecurity. Often the vulnerability information gap challenge has been due to lack of financial resources, inadequate inter-sectoral coordination, absence of a systematic national identity data base, and absence of supportive infrastructure. It may thus be necessary for Uganda to adopt a holistic approach to addressing the question of vulnerability: unlike the isolated approach to vulnerability by the various institutions, a multisectoral agency that can adopt a FIVIMS approach is necessary and must be supported by the State with adequate financial and political commitment if right to food vulnerability is to be addressed in this country, where more than one third of the population is living in poverty and can hardly afford food of more than one dollar (United States) per day.[106]

Guideline 14: Safety nets

National and community social safety nets play a vital role as shock absorbers in the events of food insecurity and vulnerability. In Uganda, social safety nets for retired civil

[104]See, MGLSD (Ministry of Gender, Labour and Social Development) 2004, *National Orphans and other Vulnerable Children's Policy (NOVCP)*, MGLSD, Kampala.
[105]See, MFPED 2005, *Uganda Poverty Status Report 2005*, MFPED, Kampala.
[106]See, World Bank 2008, *Uganda at a glance,* World Bank, Washington DC. http://devdata.worldbank.org/AAG/uga_aag.pdf.

servants exist through the national pension scheme. The National Social Security Fund (NSSF) also provides a scheme for all employees outside the public service: under the NSSF framework, 5 percent of an employee's monthly salary is retained while the employer contributes 10 percent to the employees' social security fund. The accumulated benefits are claimable by the employer based on five premises: in case of retirement at the age of 55 years; in case of invalidity especially when the employee is severely sick with debilitating disease such as HIV/AIDS; unemployment benefits to persons out of employment and above 50 years of age; immigration grants to employees who wish to migrate to other countries or return to their own countries in case they are migrant workers; as well as the survivors scheme where by the family members of a deceased employee can gain the savings of the deceased.

In terms of food insecurity, national food silos, which existed prior to privatisation policies in the late 1990's, provided reserve food storage facilities which enabled the State to stabilize food supplies and prices by purchasing surplus from the market, and selling back to the market in case of scarcity. As interalia, the food silos were previously managed by the defunct Uganda Produce Marketing Board (PMB), established as a State-trading enterprise by virtue of the Produce Marketing Board Act of 1968 with a function of providing and creating efficient marketing facilities for all controlled food crops (minor cash crops) especially wheat, maize, beans, soybeans, sorghum, and millet among others.[107]

Absence of national food safety nets in the form of food reserves creates a possibility of delayed responses to food insecurity emergencies and right to food deprivation. It may thus be paramount for the State of Uganda to reconsider its obligations under *Objective XXII(b)* of the Constitution by establishing national food reserve infrastructure and a consolidated fund to safeguard against food insecurity shocks in the country, as a means ensuring the enjoyment of adequate food as a human right.

Guideline 15: International food aid

Food aid from donor agencies and Non-Government Organisations (NGOs) are vital in supporting and complementing national efforts by recipient countries to achieve food security. In Uganda, food aid has been a lifeline for nearly two million war-affected

[107]See this web link for details on functions of the defunct PMB: http://www.wto.org/gatt_docs/English/SULPDF/90810285.pdf.

Internally Displaced Persons (IDPs), some of whom have lived in IDP camps for over 20 years.[108] The nomadic population of drought affected area of Karamoja in the north-east of Uganda have also continuously benefited from humanitarian food aid due to cyclic food insecurity as a result of periodic droughts coupled with crop failure, and limited food production due to nomadic lifestyles.

The United Nations World Food Programme (WFP) has played a leading role in provision of food aid, and their efforts have been complemented by other humanitarian agencies, such as the Norwegian Refugee Council (NRC), Save the Children, International Red Cross, and many others: through its Food for Education programme, WFP has in effect been able to retain over a half million primary school children in drought and disaster prone districts of Adjumani, Amuria, Bundibugyo, Gulu, Kaabong, Kaberamaido, Katakwi, Kitgum, Koboko, Kotido, Lira, Moroto, Moyo, Nakapiripirit, Pader, and Soroti districts.[109] However, the policy of WFP emphasizing domestic purchase of food has led to a sluggish response from State towards its obligation of providing adequate food as a last resort to all those persons who cannot afford this food by all means available to them.[110] This WFP approach of taking over national silos and subsequently purchasing food locally has in effect undermined Government preparedness and responsiveness to food and nutrition insecurity emergencies as an early warning strategy, since the would be infrastructure is operated by WFP leaving the State with no supportive infrastructure. It is thus imperative that Uganda's duty bearers recover or re-establish national food silos as supportive and strategic infrastructure for fulfilling its obligations of protecting and providing the right to food to those who cannot access it by all means available to them.

Guideline 16: Natural and human made disasters

Unforeseeable disasters and those caused by humans are a real phenomenon in Uganda: floods in the last quarter of every year are becoming a periodic challenge to populations in the east and north east of the country. The worst flood came in September 2007 and on 21st September 2007, the Republic of Uganda declared a State of Emergency following widespread displacement, and food insecurity shocks in the affected regions. The State of

[108]See, IDMC (International Displacement Monitoring Centre) 2008, *Uganda: Uncertain future for IDPs while peace remains elusive,* Norwegian Refugee Council, http://www.internal-displacement.org/countries/uganda.

[109]WFP (United Nations World Food Programme) 2005, *Feeding the hungry Poor in Uganda*, Kampala.

[110]WFP has taken over operations and management of national silos infrastructure at Kabusu, situated about 5 kilometres south of Kampala along the Kampala-Masaka highway. The silos are now are strategic fleet base for the agency in Uganda.

Emergency enabled international action, which was swift enough to prevent widespread starvation.[111]

Human made disaster have by far inflicted widespread hunger and suffering in Uganda: the over 20 years rebellion by the Lord's Resistance Army (LRA) in the north and north east of the country, and cattle rustling actions by armed warriors within Karamoja sub-region and in neighbouring districts in the Teso sub-region, have often disrupted social and economic activities of over 2 million Ugandans. Use of food as a weapon has also been reported in the LRA–UPDF (Uganda People's Defence Forces) conflict: the two fighting forces often cause destruction of the little food the people have grown; the LRA have often taken both cultivated food and food aid and threaten people to submit to their will, while it has been reported that the UPDF at times clear fields and uproot food crops from the fields for fear that the LRA might use them to survive.[112]

Guideline 17: Monitoring, indicators and benchmarks

Monitoring capacity of the right to food constitutes the ability of actors to undertake a role analysis and assessment of the various normative systems, institutional structures, social situations, and planned polices and programmes that have a bearing on the right to adequate food.[113] Rights-focused monitoring within a country consists of periodic collection, analysis and interpretation, and dissemination of relevant information needed to assess the progress in the realisation of the right to adequate food among all members of society, so as to thereby establish whether this is being achieved in ways compatible with human rights principles and approaches.[114]

The Uganda Human Rights Commission (UHRC) is mandated to monitor the status and compliances to human rights by the State in accordance with Article 52(h) of the 1995 Constitution of the Republic of Uganda,

> *"The Commission shall…monitor the Government's compliance with international treaty and convention obligations on human rights…"*

[111]See link to the State of Emergency that was declared following the devastating floods in Uganda: http://www.parliament.go.ug/index.php?option=com_content&task=category&sectionid=2&id=3&Itemid=59.

[112]See, Lajul, W 2000, *Conflicts, and the Right to Food in the IDP camps of Northern Uganda*, Rukooko, BA (ed), African Journal of Ethics and Human Rights (AJEHR), Volume One, Makerere University, Kampala.

[113]See, Oshaug, A 2007, *Monitoring the Human Right to Adequate Food at Country Level: Challenges and Needed Actions*, in Eide, WB, and Kracht, U (eds.) *Food and Human Rights in Development,* Volume II, Intersentia, Antwerpen – Oxford.

[114]See, FAO (Food and Agriculture Organisation of the United Nations) 2008, *Methods to monitor the human right to adequate food,* Volume I, FAO, Rome.

Table 1**: Summary of Government funding to the UHRC from 1997/98 to 2006/07**

Year	Commission's Budget (Ug. Shs)	Government of Uganda Releases (Ug. Shs)	Variance (Ug. Shs)	Budget shortfall (%)
1997/98	5,367,000,000	1,455,634,000	3,911,366,000	72.3%
1998/99	2,698,000,000	1,500,000,000	1,198,000,000	44.5%
1999/00	2,646,000,000	1,430,000,000	1,216,000,000	45.9%
2000/01	2,845,000,000	1,500,000,000	1,345,000,000	47.3%
2001/02	6,691,891,276	2,703,008,000	3,988,883,276	59.7%
2002/03	8,894,000,000	2,670,000,000	6,314,000,000	70.3%
2003/04	10,077,349,666	2,630,869,000	7,446,480,666	73.9%
2004/05	3,491,038,856	2,524,465,944	966,572,912	27.7%
2005/06	3,192,002,869	2,670,000,000	522,002,869	16.4%
2006/07	4,514,175,000	2,890,000,000	1,624,175,000	36.0%
Donor support to the UHRC FYs 2004/2005 and 2005/2006				
Donor	**Area of assistance**		**FY 2004/05 – Shs**	**2005/06 – Shs**
Basket Fund	Human Rights Democratization Project (HRDP)		1,295,410,000	2,268,263,749
UNDP	Capacity Building – Country Cooperation Framework		87,500,000	43,607, 649
UNDP	Promoting of a Rights Based Approach to Development (RBA)		43,398,809	-
Total			**1,436,308,809**	**2,311,971,398**

Source: UHRC reports to the Parliament of the Republic of Uganda, 2005 and 2007.

As expressed in the table above, the UHRC has experienced continuous budgetary shortfalls since it was established in 1995; in essence the Government has always partially fulfilled the UHRC budget requirements. It is indeed worth noting that the trends indicate that the Government has often (four times) allocated a budget shortfall of more than 50% to the UHRC in the last decade. Given the constitutional mandates and its limited resources as shown in table 1 above, the impression is eminent that the commission's (UHRC) may lack the needed capacity to monitor the right to adequate food in Uganda. The limited budgetary allocations to an already overstretched UHRC (with several human rights related mandates) further undermines institutional capacity of the commission to recruit adequate and competent staff and develop the necessary tools needed to monitor the right to adequate food situation and response mechanisms in Uganda.[115]

[115]See, Omara, JA 2007, *Promoting a Rights Based Approach to Food and Nutrition Security in Uganda,* In Eide, WB & Kracht, U (eds) *Food and Human Rights in Development, Volume II; Evolving Issues and Emerging Application,* Intersentia: Antwerpen – Oxford.

Additionally, capacity to monitor the right to adequate food and other Economic, Social, and Cultural Rights (ESCR) in Uganda is further undermined by the non-legally binding nature of most of these rights in the 1995 Constitution: as interalia, the right to food and other ESCR are represented in the section on National Objectives and Directive Principles of State Policy (NODPSP) in the 1995 Constitution of the Republic of Uganda.[116] As such, the activities of the UHRC mostly emphasise the protection and promotion of Civil and Rights (CPR), which have been strongly emphasised in the Bill of Rights Section– Protection and Promotion of Fundamental and Other Human Rights and Freedoms (Chapter four) of the Constitution. More so, the UHRC is not widely represented in the whole country; it has representative offices in not more than ten (10) districts in a country of over 80 districts. This indicates that indeed the UHRC lacks the needed capacity to effectively monitor all human rights, notwithstanding the right to adequate food. Despite the aforementioned challenges, the UHRC has been involved in the monitoring of Civil and Political Rights (CPR) and thus presents with an essential reservoir of experience that is relevant to apply when monitoring the human right to adequate food in the country.

Civil Society Organisations (CSOs) alongside the Uganda Human Rights commission (UHRC) have played a pivotal role in advancing capacity for right to food monitoring. Ugandan CSOs such as Action Aid, The Hunger Project, World Vision, the Foundation for Human Rights Initiative, and the Food Rights Alliance (FRA) among others, have participated in advocacy and awareness raising forums facilitated by FIAN and WHH,[117] with an aim of strengthening right to food capacity building platforms within the NGO forum in the country. The need to develop right to food monitoring indicators has also received attention from Government institutions, especially the Plan for Modernisation of Agriculture (PMA) and the UFNC institutional members: given its importance, monitoring the right to food was the basis for three seminal workshops in Uganda within a period of one year.[118]

In sum, Uganda's capacity to undertake monitoring of the human right to adequate food is limited due to financial and technical constraints. Indeed the human right to adequate food

[116] *Ibid*.
[117] See FIAN activity details in Uganda from: http://www.fian.org/live/index.php?option=com_content&task=view&id=260&Itemid=93.
[118] The first was a PMM (Practical Methods to Monitor the Right to adequate food) users validation workshop held at the Speke Resort hotel at Munyonyo, Kampala on 18th - 20th October 2006. Two other seminars on the right to food monitoring were organised by FIAN and held in Uganda (attended by the researcher) on 31st January and 27th July 2007.

has not gained the required priority and legislative effectiveness for monitoring to be prioritised. The fact that the supportive legislations and strategies are still drafts and pending approval by the executive and legislature gives an impression of inadequate political and financial will to take the human right to adequate food seriously.[119] Generating the required monitoring capacity will thus require adequate financial resources and investments to undertake training and capacity building on the human right to adequate food, as well as active involvement of other stakeholders, especially CSOs, in a participatory and transparent framework relevant for sustaining accountability mechanism and monitoring systems in all districts of Uganda.

Guideline 18: National human rights institutions

On the basis of the Paris Declaration of 1993, which was adopted by General Assembly resolution 48/134 of 20th December 1993,[120] States emphasised the need to create government supported national human rights institutions with a mandate to operate independently as a privileged partner serving as a 'bridge' or ombudsman to arbitrate between authorities and victims of human rights violations, and generally promoting and protecting human rights and freedoms through civic education, monitoring and reporting.

As a response to the Paris declaration, the Uganda Human Rights Commission (UHRC) was established by the UHRC Act 1997, in accordance to Article 51 and 52 of the 1995 Constitution of the Republic of Uganda, as an autonomous institution to monitor the State's compliance to international human rights instruments and treaties. In addition to the UHRC, other institutions promoting fundamental tenants on good governance and respect for human rights are progressively being established and strengthened in country: the Justice Law and Order Sector (JLOS) was established to ensure humane treatment and access to justice for all prisoners through coordination of the various institutions under the Judiciary arm of the State, while an autonomous Inspectorate of Government, managed by an Inspector General of Government (IGG) is well established with an autonomous mandate to fight corruption through investigation, prosecution, as well as naming and shaming of individuals and institutions found to be corrupt or otherwise engaged in corrupt activities.

[119]It is worth mentioning that discussions on how to develop a Food and Nutrition Bill (FNB) for an Act of Parliament have been resurrected following interventions by the FAO Right to Food Unit and the PMA. It is anticipated that this long awaited law will provide the legal mandate for the UFNC to be institutionalised so it can engage the UHRC to monitor the right to adequate food.

[120]See link to Paris principles, http://www2.ohchr.org/english/law/parisprinciples.htm.

In line with its commitment to reduce corruption and strengthen accountability and integrity in management and leadership, a fully fledged government Ministry of Ethics and Integrity (MEI) exist as an internal watchdog to check undesirable vices detrimental to development. Other sectors supportive of accountability and good governance in Uganda include the Office of the Auditor General (AG) to ensure effective resource management, the Public Accounts Committee (PAC) of Parliament, and the Public Procurement and Disposal of Public Assets Authority (PPDPAA), which ensures transparency in public procurement.

In spite of the existing institutions supportive of human rights, prioritising the right to food has not been given significant attention due to conceptual and ideological challenges.[121] Due to this challenge, finance and investment towards the right to food has not been prioritised, and this is further constrained by the absence of a credible and reliable statistical database due to inadequate collaborative policy environment which has favoured a slow and seemingly unconcerned bureaucracy within the State system, which often slows the process of implementing and monitoring right to food relevant programmes in Uganda.[122]

Guideline 19: International dimension

The State of Uganda has re-affirmed its commitment to international human rights instruments relevant to the human right to adequate food: it ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1987 and the Convention on the Rights of the Child (CRC) in 1991. Uganda also participated and endorsed outcomes from international meetings relevant to the nutrition and the right to food: the 1992 International Conference on Nutrition (ICN); the 1996 World Food Summit (WFS); the Millennium Summit (MS) of 2000; and the World Food Summit: *five years later* in 2002. Additionally, Uganda ratified the African Charter on Humans and People's Rights (ACHPR) and participated in the Inter-Governmental Working Group (IGWG) discussions that yielded the Right to Food Guidelines of November 2004.

Despite the aforementioned commitment to international meetings relevant to the right to food, Uganda has not submitted a report to the United Nations on the status of Economic,

[121]See, Rukooko, BA (Ed) 2006, *The Right to food and Development,* African Journal of Ethics and Human Rights (AJEHR), Volume One, Makerere University, Kampala.
[122]See the Right to Food Case study on Uganda that was presented to the Intergovernmental Working Group (IGWG) that developed the Guidelines, http://www.fao.org/righttofood/kc/downloads/vl/docs/AH258.pdf.

Social, and Cultural Rights (ESCR) as required under Article 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) – the fourth periodic report was due by 30 June 2005.[123]

As interalia, although Uganda is a party to the African Union Declaration on Agriculture and Food Security, where States Parties' pledged to commit not less than 10 percent of their national budget to agriculture and food security, it has not fulfilled this obligation and the agriculture sector remains to be the least funded, receiving less that 5 percent of the national budget. This chain of omissions implies implores and reinforces the need to strengthen advocacy and capacity building programmes, through utilisation of the Right to Food Guidelines as an empowerment tool for positive change of attitudes and approach to respecting, protecting, facilitating and providing the right to food in Uganda.

PART IV: SELECTED CASES ON VIOLATIONS OF THE RIGHT TO FOOD

4.1 Evictions of communities on slopes of mountain Elgon to promote tourism

The Benet also referred to as Ndorobo are an ethnic group of people who have lived on the Moor land[124] of Mount Elgon in Kapchorwa district for the past 200 years. They are closely related to the Sabiny speaking people of the Kalengin ethnicity. Most of the other Kalengin group of people are in Kenya and include among others the Pokot, Nandi, Kipsigis, Tugen, and Marakwet. Unlike the other ordinary Sabiny of Kapchorwa and Bukwo, they occupied the upper most part of the Mount Elgon ranges, 6000 feet above sea level. Being pastoralists, they moved from place to place in search of water and pasture for their livestock and their main source of livelihood was pastoralism, hunting of wild game, gathering of fruits and harvesting honey. They also made baskets out of the bamboo plants, which baskets they exchanged with their settled and established counterparts for maize and other foodstuffs.

In the 1930s, the then colonial government declared the Mount Elgon area a crown forest and this is when the marginalization and deprivation of the Benet community started. They were curved into the forest reserve so as to give way for the Mount Elgon Game Reserve that later turned into a National Park.[125] In 1972 the Benet Lobby Group (BLG)

[123]See details on Uganda's response to international human rights treaty obligations, http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/UGIndex.aspx.
[124] Moor land or moor is a type of habitat found in upland areas, characterised by low growing vegetation on acidic soils. It may also generally mean uncultivated hill land.
[125]The park covers an area of 1279 km² and is bisected by the border of Kenya and Uganda.

was formed to advocate for the rights of those who did not have access to land and resources to access adequate food. While the rest of the areas outside the reserve developed, the Benet population and their livestock also increased and in 1983, the Government decided to resettle this community in a smaller area curved out from the forest reserve. However not all the Benets were resettled in the de-gazetted zone; some households did not get land and continued to live on the fringes of the forest reserve.

After many years of lobbying Government to respect, protect, and fulfil their human right to land and food, the Benet community in 2003 filed a case in the High Court of Uganda in Mbale district against the Government, with support from BLG, KADLACC (Kapchorwa Land Care Chapter),[126] the Food Rights Alliance (FRA), and Action Aid Uganda among others. Following several court proceedings, it was rewardingly fortunate that in October 2005, the Ugandan High Court in Mbale ruled that,

> *"…the Benet community, including Yatui, Kwot and Kabsekek parishes, are historical and indigenous inhabitants of parts of Mount Elgon National Park…the Benet should be allowed to carry out agricultural activities in the areas to which they have historical claim …the Benet community thus has the right to live, conduct agricultural activities in the areas they are currently inhabiting…the Uganda Wildlife Authority and the Attorney General must collaborate with the Benet community and de-gazette the areas in which the Benet people reside…beginning FY2005/2006, the Attorney General must take immediate steps to redress the imbalance in social services in the Benet community."*

Despite the Court ruling in favour of the Benet, the Government of Uganda has never implemented the decisions by the court and this implies to a violation of human rights and the rule of law. In February 2008, following the uncertain murder of a of a Belgian tourist, Annick De Vester at Hunters cave in Mount Elgon National Park, the Uganda Wild Authority (UWA) and the Uganda People's Defence Forces (UPDF) evicted more than 4,000 people from the Benet and Ndorobo communities living in Mount Elgon National Park. According to the affected people,

[126]KADLACC has also been involved in facilitating dialogue with Uganda Wildlife Authority on co management of resources in the buffer zones. Some human activity has thus been allowed in the national park specifically bee keeping.

"…the process was violent and involved use of excessive force and brutality: people's houses and crops were destroyed, cattle were confiscated, and many people were left homeless and had to find shelter where they could in nearby caves and under trees, while some found shelter in a neighbouring primary school or moved in with their relatives …"

The Cheberen internal displaced people's camp

This camp has been in existence since February 2008 following eviction by the Uganda Wildlife Authority and the Uganda People's Defence Forces (UPDF). From a fieldwork trip to this area on October 23 2003, it was established that there were over 250 adults registered as inhabitants of the camp (children not included in the camp register), which is located in a remote area with poorly developed access roads: one has to use foot paths and walk down and up the hill slopes through bushy canopies so as to access it. The camp is near the "redline" – a land mark demarcation for the Mount Elgon National Park by the Government of Uganda in 1983. As of October 2008, the displaced people at Cheberen had received food aid only once, immediately after eviction, and it comprised one kilogramme (kg) of maize, one kg of beans (dry pulses), and tarpaulins from the International Red Cross.

Ever since they were evicted, the people in the Cheberen camp have neither been informed of any resettlement plans nor been assessed by the State for possible assistance. The land on which they are living belongs to two local persons[127] who came to their rescue, but this temporary occupancy is under conditions that they would not erect permanent structures, and that they would vacate the place "sooner rather than later" – a phenomenon which paints uncertainty. As such, hospitals/health centres, schools, toilets are non-existent, while agriculture and food production is also not allowed on this 'borrowed' space of land. As such, the right to food situation of the people in this camp is in a serious state of denial and deprivation; these people lack the means of accessing adequate food for a healthy and active life and often survive on herbs and wild food gathered from the neighbouring bushes, while others take pride in begging and or working for the neighbours so as to get a meal. Other unsustainable food sources in the area include selling firewood and producing charcoal for sell by burning wood illegally obtained from the national park at a risk of being shot at by the armed Park rangers.

[127]During the focus group discussion, the 'two good Samaritans' were referred to as Sebei and Mussunju.

Most children in the camp do not go to school because they are supposed to look after animals in the neighbouring areas and also participating in household and economic based activities. Access to government credit facilities and programmes such as NAADS (National Agricultural Advisory Services) is unheard of in this area, and it is even worse that the temporary shelters cannot withstand the cold and hash climate common to this area, especially the rains which were indeed a real-time challenge during the fieldwork of this case study.

According to the Cheberen camp leader,

> *"…it hard to believe that we are also Ugandans because we have been forgotten by the State…when visitors come to Kapchorwa district headquarters and want to see the Benet area, the district people deny them access to us because they know that nothing has ever been done in this camp…"*

In a related development, it was equally surprising to learn from the revelations from the evictees that their resettlement has never been implemented because they are very poor and have been unable to pay some money to the district and national wild life authorities; as though to imply that bribing the local authorities was a possible option to some affected households in theses communities.[128]

4.2 Eviction of communities in Mubende district to provide investment land

Madudu sub-county is located in Buwekula county, Mubende district. In this sub-county of 5 parishes is located the Kaweri Coffee Plantation Limited and factory mill owned by the German based investor, Neumann Kaffe Gruppe (NKG). It occupies more than 11 square miles of land acquired in August 2001 by the State using the army – Uganda's People Defence Forces (UPDF). This brutal and forceful acquisition led to a displacement of a population of more than 4000 people in this sub-county: during the eviction, the population were only informed that the land they occupied belonged to a Kampala-based businessman, a one Kayiwa. It is alleged that Kayiwa lawfully sold all his land to NKG on a willing buy willing seller basis as stipulated under the law.

In-spite of a court case that has been ongoing since 2002 and the claims by the Government and NKG that compensation was made to the indigenous inhabitants of the

[128]Respondents mentioned of the district secretary for production and the area in-charge officer affiliated to the Uganda Wild-life Authority (UWA) and showed some evidence of receipts which could not be authentically verified by researcher.

land, a field work trip to the area on Friday 7th November 2008 was quite revealing: the sizeable population of nearly 1000 people who occupy the area within and on the enclaves of the coffee plantation are finding it difficult to access and enjoy adequate food, let alone enjoying their freedom of movement which is limited by the presence of six police road-block checkpoints along the village paths, and routine operations by the local administrative police and the military. In effect, the roads are blocked after 7.00pm and members moving beyond this time are liable to arrest. This doesn't only constrain free movement of people but also goods and other economic activities.

According to the chairperson of Kyengenza Local council I,

> *"The common food here is posho and beans…our bigger land were awarded to Neumann and these small pieces of land you see cannot allow for commercial agriculture…even the workers of Neumann get only 2000 Uganda shillings per day and work for 8-10 hours a day, from 7.00 to 3.00pm or at times 4.00 pm without a single meal. This is absolute slavery…"*

In addition to the challenge of lack of agricultural land for food production, access to water is also an enormous challenge. In Kitemba village, Kyengenza trading centre, two water taps have been installed for the employees of the coffee plantation and a population of over 300 people. Despite this gesture, availability of water is not permanent but rather seasonal and dictated by the management of Kaweri plantation. According to a member of the community,

> *"…the taps are turned two times every month…this month we have not had water all…some times we have to bribe the factory managers to turn on the taps…"*

Access to education is also severely constrained for the communities living around the Kaweri coffee plantation. Before eviction in 2001, there existed two primary schools in the area: Kitemba Primary School and Kirawula Kawadish Primary Schools, however, after the plantation was established, only Kitemba Primary School was spared but transferred to a new location, far way from the area and this lead to massive drop-outs of the most children, whose parents had already been deprived of their sources of food and livelihoods.

Despite the deplorable conditions and deprivation of their right to food and source of livelihood, there has not been any State intervention to improve the living conditions of

the affected people in Madudu sub-county. According to the Local Council I (LC I) chairperson in Kitemba village,

> *"…relief food comprising maize and beans were provided in early 2000 by the Catholic Church and a local Non-Governmental Organisation (NGO) called KMD Kiyinda Mityana but it targeted the elderly, orphans, and the sick…not everyone received it…"*

Given the outstanding livelihood challenges faced by the people of Madudu, it remains to be seen how and when the Nakawa High Court will pronounce itself on the ongoing case between the people of Madudu and the Government of Uganda. With legal support facilitated by Action Aid Uganda, FIAN, and other Civil Society Organisations (CSOs), the case is dragging on for a long time and reports of State interference in evidence, prosecution, and Jury are beginning to emerge and thus remains to be a point of suspicion and worry for the complainants – the affected people of Madudu sub-county.

4.3 Evicting forest-people from the forests in Kisoro district

Kisoro district is located 520 kilometres to the South-west of Uganda's capital Kampala, and borders with Rwanda, and the Democratic Republic of Congo (DRC). It is predominantly occupied by the Bafumbira,[129] Bakiga, and migrants from neighbouring Rwanda and the Democratic Republic of Congo (DRC). The plight of a minority Bafumbira group, the Batwa (literally meaning pygmies) is quite revealing: like other indigenous minorities in the world, the Batwa people previously shun agriculture and mostly survived by hunting and gathering in the bamboo forested areas of Chuya, Bwindi and Mgahinga impenetrable forests (named as impenetrable due to their dense and thick vegetation), now gazetted as national parks for tourist attraction activities especially Gorilla tracking.[130]

According to the chairperson of the Batwa organisation, United Organization for Batwa Development in Uganda (UOBDU), [131] evictions of the Batwa from the forests was done repressively and in a discriminatory manner without compensation or alternative

[129]A community speaking the same language (Urufumbira) and comprising of 3 ethnic groups: the Hutu, Tutsi and the minority Batwa. The Batwa were previously hunters and gatherers and occupied surrounding forests before being evicted in the early 1990. The forest areas they occupied are a great tourism potential and are a habitat of the Gorilla and other members of the Ape family.
[130]Only parts of the World for which the Gorilla still survives despite the threat of extinction.
[131]UOBDU is an NGO supported by the Forest People Project (FPP) based in the United Kingdom.

remedies. As such, the Batwa hunting community that was previously unaccustomed to agriculture had no choice but to integrate and assimilate into the farming communities, whose attitudes towards them was discriminatory and unwelcoming. In a focus group discussion held with Batwa people around Kanyabukungu village, in Nyakabande Sub-county, Kisoro district, the Batwa discussed with bitterness and agony on how ethnic discrimination was pressing them towards extinction,

> *"…they beat our children at school so hard and so often because they don't want Batwa to study … we do not have land and food to eat today… the Government should really do something because the Members of Parliament (MPs) in this district also don't care about us…"*

Rather than deny allegations of ethnic discrimination, the contacted district authorities in Kisoro admitted that discrimination against Batwa was '*a historically and culturally entrenched problem*' that is not easy to do away with amongst the population.[132] This marginalisation of the Batwa on the basis of their minority and inferior status is inconsistent with human rights principles, and indeed violates the Universal call for respect of human dignity enshrined in Article 1 of the 1948 Universal Declaration of Human Rights,

> '*All human beings are born equal in dignity and rights…and should act towards one another in a spirit of brotherhood*.'

Despite this outrageous discrimination against the Batwa, the role of civil society in denouncing and advocating for respect of their dignity has not been pronounced. This report provides a platform for CSOs to consider the plight of this disadvantaged community, which is threatened with extreme poverty, hunger, destitution, and neglect.

CONCLUSION

Having ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1987, it took Uganda sixteen (16) years to adopt a Food and Nutrition Policy (UFNP) that expressly recognises the right to adequate food within the context of poverty eradication. The multisectoral institutional framework for implementing the Policy – the Uganda Food and Nutrition Council (UFNC), is however not yet legally instituted despite

[132]The leaders interviewed included the District Chairperson, the District Director of Health Services (DDHS) and the District Production Officer (DPO).

operating adhocly for the last 20 years; indeed a major institutional challenge slowing the progressively realisation of the right to adequate food.

In view of the fact that Uganda has pledged in its Constitution to ensure that all its people have access to adequate food or means for its procurement, international instruments on the right to food, especially General Comment 12 (GC 12) and the Right to Food Guidelines (VG), may guide duty bearers and civil society organisations to build capacity for monitoring the right to food. However, Uganda's continuous failure to submit a State Party report on Economic, Social, and Cultural Rights (ESCR) to the Committee on Economic, Social, and Culturally Rights (CESCR) is a breach of its obligations under Article 16 and 17 of the ICESCR and constitutes, under international human rights law, a violation by omission of all ESCR, including the right to food. Similarly, Uganda has not honoured obligations under the 2003 African Union Summit, *Maputo Declaration on Agriculture and Food Security,* which commit countries to allocate at least 10 percent of the national budgets to agriculture and food security; the agriculture sector remains among the least funded receiving less than 5 percent of the national budget.

With an environment challenged by high rates of poverty (of up to 35 percent) and vulnerability ranging from landlessness and the effects of HIV/AIDS, to discrimination and internal displacement due to armed conflicts, realizing the right to food in Uganda requires a distinctive focus on empowerment of the duty bearers, so they can fulfil their obligations, and vulnerable rights holders, so they can demand public action for their right to food and other rights. Unless the State priorities right to food relevant budgetary goals, Uganda may only be viewed as actively enforcing rhetoric at the expense of the actual realization of the human right to food, or its absolute minimum; freedom from hunger.

In sum, the crucial role of civil society in influencing and monitoring government policy and actions against hunger should not be underestimated: this sector needs to be strategically involved at all stages of institutional planning on the right to food so as to influence budget priorities and actions aimed at realizing the full enjoyment of adequate food as a fundamental human right and basis for achieving all forms of development. Essentially, right to food education and capacity building platforms need to be strengthened and streamlined into education curriculum and policy frameworks using a collaborative approach involving the Uganda Human Rights Commission (UHRC), relevant civil society organisations, and the Parliament of the Republic of Uganda.