FIAN Working Papers

Aid Effectiveness and the Human Right to Adequate Food

A contribution to the Third High Level Forum on Aid Effectiveness, Accra, Ghana, September 2008

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The authors

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Introduction

This document has been elaborated by FIAN International and FIAN Ghana as an input to the discussions which will take place around the third High Level Forum on Aid Effectiveness in Accra, Ghana from September 1 to 4, 2008. It is also meant as an input for the debates which will be carried out during the parallel civil society forum.

Talking about the effectiveness of aid has undoubtedly a fundamental relevance for the realization of human rights in general and for economic, social and cultural rights in particular. One of the main objectives of aid has been repeatedly claimed to be the struggle against poverty. Extreme forms of poverty result in hunger and severe malnutrition.

The current situation, which is qualified as a "world food crisis" by the international community, makes the debate on the ability of international policies to alleviate the old phenomenon of chronic hunger and malnutrition suffered by 860 million people over the world a very crucial and timely one. For most civil society actors, it is clear that the crisis is not a new phenomenon but an exacerbation of an old one with structural causes. Among those, the lack of political will and the corresponding failure of states to comply with their obligations deriving from the international human rights treaties that they have ratified play a predominant role. Yet, the response of the international community (and this has appeared quite clearly at the last summit of the G8) fails to take due account of this analysis of the situation and threats to prescribe the patient a little more of the same adverse medicine. It is high time to tackle the structural causes of hunger and malnutrition, in a human rights perspective.

FIAN International has been working for more than twenty years for the defence and the promotion of the human right to adequate food, which we interpret to be the right to feed oneself in dignity. In doing so FIAN has been networking, collaborating and interacting with many civil society actors as well as UN institutions and governments. In particular, the last years have witnessed growing linkages with the development sphere. The so-called "rights-based approach to development" has become the same kind of "mantra" as the interdependence of all human rights: often repeated, rarely implemented.

The interface between human rights and development (and thus aid) is based on two key acknowledgments. On the one hand, aid and official development assistance shall be beneficial to the realization of human rights. In that perspective, a rights-based approach should rely on universal human rights standards and norms as providing both a framework and a guide for the designing and monitoring of development strategies. On the other hand, human rights organisations and institutions are confronted with a growing number of violations of universally recognised human rights occurring because of gaps in policies (national and international) which are often conducted on behalf of development and international aid. Generally speaking, measures and policies carried out by states lack coherence. This led the former Special Rapporteur of the United Nations on the right to food to talk about "schizophrenia" of states, which relates to the decisions taken by states in different multilateral spheres, such as human

rights, trade and development. A sadly typical example is rural development and agriculture. With the current crisis, this issue has come back on the international political agenda, especially in terms of international aid. However, the discussions and decisions focus on questionable priorities such as the provision of chemical fertilizers and distribution of seeds while they continue to ignore some of the major structural causes of the problem of rural hunger to which the issue of access to land and the destruction of local markets belong. The latter were already widely ignored during the second European Forum on Sustainable Rural Development which took place in Berlin, Germany in June 2007.

Obviously, human rights can replace neither humanitarian nor development policies with their technical support to achieve more well-being for the populations of the recipient countries. However, human rights can be useful in various perspectives. First, human rights can provide a framework for policy coherence. Second, they offer tools for monitoring and accountability. Finally, they can guide states (recipients and donors) to improve measures and programmes, and therefore concretely contribute to increase aid effectiveness.

This is all the more relevant as far as the right to adequate food is concerned. The latter has already witnessed important efforts towards its integration and use within operational and technical fields, especially within the FAO. As outcome of this development, the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security were adopted by the 187 FAO members in November 2004. After almost five years of existence, the Guidelines have proved to be a useful instrument to concretize a right-based approach to food security and for policy coherence. However, this can only happen in "willing" states. In turn, a motivated state must be supported by the international community which should make sure that the environment is favourable for the state to comply with its obligations under the human right to food and which should refrain from engaging into activities which directly violate this right in the country.

This sounds evident, especially in a context where the Paris Declaration and optimization of aid will be further discussed, reiterating the principles of the Declaration of ownership, mutual accountability, alignment and harmonization. However, aid still supports in many instances projects and policies which are at the origin of massive and recurrent violations of economic, social and cultural rights. With the third High Level Forum on Aid Effectiveness taking place in Accra, Ghana appears as a natural and exemplary case to illustrate where violations of human rights occur in the name of development and aid. The new harmonization of donors´ efforts which Ghana has been one of the first to experience is undoubtedly an interesting initiative. The country has witnessed progresses in several fields while the most vulnerable have often been affected by policy choices and the advances could prove very fragile in terms of sustainability. This is what FIAN Ghana highlights in the present report.

As a human rights organisation, FIAN does not pretend to have the expertise and experience to prescribe concrete solutions. We can, however, remind the international actors gathered in Accra and the international community in general that universal human rights standards exist and can, with a little help from a firm

political will, play a much more concrete role than the declaratory one which has been granted to them so far in the sphere of aid and development. Last but not least, FIAN has been documented cases of violations of the right to adequate food as recognised in international law for more than two decades now. The empirical knowledge of which policies are conducive to the enjoyment of the right to food in the population, and of which are most likely to be at the origin of systematic violations will hopefully be taken into account and will draw the attention of the "practitioners" on solutions for better aid.

Part I – Human Rights and Aid: hand in hand or out of hand?

Human rights have been codified after World War II as universal standards which should be guaranteed by states to every human being in order to ensure an enabling environment for each and everyone towards the enjoyment of the maximum possible of well-being and freedom. Today, what could have become a kind of world constitution is being widely ignored or even questioned in the name of security, economic development and geopolitical interests. The world food crisis has redrawn the attention on structural problems, which in turn made the need clear to stop "business as usual". In finding sustainable solutions and new ways to tackle the problem at its roots, human rights can play a major role in reshaping development policies which really mean a progress for the most vulnerable to which the 860 million hungry over the world belong.

Adequate food: a matter of human rights not of charity

The right to food is recognized as a human right in international law, especially in article 11 of the International Covenant on Economic, Social and Cultural Rights which has been ratified to date by 159 states and has been in force since 1976.
Article 11 stipulates that *"The States 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 to the continuous improvement of living conditions."* Furthermore, in paragraph 2 of article 11: *"the fundamental right of everyone to be free from hunger"* is recognized.

The right to food is also clearly defined in the General Comment No. 12 from 1999 by the UN Committee on Economic, Social and Cultural Rights, the international body in charge of supervising the implementation of the Covenant.
According to the Committee, "*The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement*."
This definition which is the most authoritative interpretation within the UN system - warns that the right to adequate food shall not be interpreted in a restrictive or narrow sense which equates it with a minimum package of calories, proteins and other specific nutrients. It is a complex right with diverse attributes that generate different obligations for States and is governed by specific principles, as explained later.

When people demand the realisation of the their right to food they are not asking the State to carry out an act of charity, but the fulfilment of a series of obligations that are legally enforceable.

Indeed, concerning the right to adequate food, states have general obligations to use the maximum of the available resources, including those which emanate from international cooperation and assistance in order to move as quickly as possible towards the full realization of the right, always giving the priority to the most vulnerable groups. Article 2 of the ICESCR spells out these general obligations of all states which have ratified the Covenant: "Each state party to the present Covenant undertakes to take steps, individually and through international

assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." In addition to these general obligations, the right to adequate food, like any other human right, imposes three types or levels of specific obligations on States parties: the obligations to respect, to protect and to fulfil. In turn the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires the States parties to protect individuals' access to adequate food from the actions of third parties, for instance by creating and implementing relevant domestic legislation. The obligation to fulfil (facilitate) means that the States must pro-actively engage in activities intended to strengthen people's access to, and utilisation of resources and means to ensure their livelihood, including food security. This is usually done by administrative measures and the creation of a legal framework, such as the drafting and implementation of laws on land ownership and agrarian reform, employment guarantee measures and social safety nets. This also implies that the state facilitate access of beneficiaries to programmes and information on these programmes. Furthermore, States are obligated to fulfil (provide) this right directly whenever an individual or group is unable for reasons beyond their control to enjoy the right to adequate food by the means at their disposal. This obligation also applies to persons who are victims of natural or other disasters.

In terms of aid effectiveness, this therefore concretely means that donor states should make sure that recipients states are able to respect, protect and fulfil the right to food. Article 2 of the ICESCR also implies that donors shall themselves refrain from violating or contributing to violations of the right to adequate food.

The right to food: an old and repeated commitment of states under international law

A great number of international law instruments refer to the right to food as a human right. In addition to the main source which the International Covenant on Economic, Social and Cultural Rights represents, the right to food has been guaranteed in several other international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women or the Convention on the Rights of the Child. It has also been the subject of further recognition and developments in numerous declaratory instruments such as in the Universal Declaration of Human Rights (Article 25); the Universal Declaration on the Eradication of Hunger and Malnutrition in 1974; the Declaration on the Right to Development in 1986; the Declaration of Principles and Programme of Action of the World Conference on Agrarian Reform and Rural Development in 1979; the Declaration and Plan of Action of the World Food Summit (WFS) in 1996, as well as its follow-up meeting in 2002.
As direct outcome of the latter, the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, are the most recent instrument adopted by states and dedicated to

the human right to adequate food. They were adopted by all member States of the FAO in November 2004.
The Guidelines can be used as a point of reference for public policy at national level and present a series of measures that the legislative, executive and judicial branches of government can implement, with regard to the progressive realisation of the right to food, providing them with a human rights perspective.
The Guidelines are divided into three parts: a) part one reiterates the States international obligations deriving from the right to food, b) part two which proposes good practice examples in relation to 19 different issues which, on the whole, intend to create a reference framework of a national integral comprehensive strategy for the realisation of the right to adequate food covering areas such as economic development, market systems, agriculture, nutrition, social policy, education and emergency measures during food crisis c) the third part deals with international steps or measures, actions and agreements. In brief, the Guidelines guide domestic states on how they can best implement policies which are conducive to the realization of the right to food, and accordingly the international community, in particular donor states, on what kind of efforts they can support.

Last but not least, three other documents shall be taken into due consideration, especially since they have been welcomed by states. All documents have been submitted by UN Special Rapporteurs to the UN human rights system. The first documents are the report of the former Special Rapporteur, Jean Ziegler, adopted by the UN Commission on Human Rights in 2005 under the reference E/CN.4/2005/47 and the report adopted by the UN General Assembly in the same year under the reference A/60/350. Jean Ziegler developed in these two documents an interpretation of states´ obligations while acting beyond their borders or within the framework of intergovernmental organisations. In particular, the Special Rapporteur called upon states to better define and recognise their "extraterritorial obligations" to respect, protect and support the fulfilment of the right to adequate food as enshrined in the ICESCR while acting abroad. As the Special Rapporteur stated in the paragraph 41 of the said report, "Coherence would be possible by putting human rights at the centre of all government policy and to refrain from policies and programmes that may negatively affect the right to food of people in other countries."
The third and last document which shall receive attention by the stakeholders in the debate on aid effectiveness is the report adopted by the UN Human Rights Council under reference A/HRC/4/18 and elaborated by the former Special Rapporteur on the right to housing, Miloon Kothari. The report entails the "Basic principles and guidelines on development-based evictions and displacement". Those provide a very valuable basis to tackle the alarming trends which see millions of people, especially from the groups who are the most vulnerable to poverty, forcibly evicted from their lands and settlements. Regretfully enough, a growing number of these evictions are carried out in the name of development, often with the support of development assistance and cooperation, be it from individual donors or be it through the World Bank group. This is what makes the systematic integration of human rights principles and standards in aid strategies and policies so crucial if we want to achieve the necessary change of paradigm.

A human rights-based approach to development assistance in the field of food security

The Paris Declaration on aid effectiveness tries to answer some strong demands by civil society and recipients states for a change of paradigm. In particular, it introduced key principles to regulate the relationship between donors and recipients and try to make this relationship more equitable. In that perspective, it has brought some welcome progresses into the aid debate… at least at the rhetorical level. Yet, a systematic integration and use of human rights, of their standards and of the tools they offer (especially in terms of monitoring) is still to take place.

In fact, the so called "rights-based approach to development" has been discussed in an uncountable number of documents and forums. Development discourse and development cooperation places human rights more and more at the centre of domestic development efforts it aims at supporting. However, what is really behind the phrase "rights-based approach" is not always clear and very often, despite the rhetoric, business as usual prevails. It is time to give the phrase more substance. Discussions in different forums provided practical elements in regard to the content of a rights-based approach to development policies and strategies. By getting involved in these discussions, FIAN has naturally focused on the right to food but many of the arguments and proposals are also valid for other economic, social and cultural rights as well as for human rights in general.

The basic idea underlying the rights-based approach to development assistance would be that, in the context of international cooperation, efforts done in the name of development shall be conducive to the realization of human rights. This means on the one hand that development cooperation shall not impede the enjoyment of human rights, while, on the other hand, it should also contribute to improve the enjoyment of those rights for all. In no instances, aid should become a way to compensate damages caused by economic policies and investments imposed by donors.

In this context, it is possible to identify various roles that can be played by development cooperation in order to support the implementation of the right to food.

Negative roles

- Development cooperation creates options but may also limit choices of governments. Donors should therefore ensure that their development policies do not impede recipient states´ ability to implement the right to food (either in bilateral or multilateral cooperation);
- Development cooperation should monitor donors´ own policies in fields relevant to the enjoyment of the right to food such as trade or finance, and make sure that those policies do not violate the right to food abroad.

Positive roles

- Development cooperation can support states which are not able to guarantee the right to food and freedom from hunger to their populations because of lack

of resources;
- Development cooperation can provide administrative, political and legal advice to states which are not complying with their obligations under the right to food for various reasons such as unwillingness or lack of knowledge.
- Development cooperation can promote the right to food and its full realization by supporting the relevant actors within governments and societies.

One of the most consensual aims of development cooperation, especially in the perspective of the MDGs, is to fight poverty. To combat poverty, one has to fight against hunger and vice-versa since hunger is both a cause and consequence of poverty. As such, the fight against hunger and the implementation of the right to food are in most cases prerequisite to overcome extreme poverty. The FAO itself has in the past promoted a twin-track approach aiming at building an enabling environment for self-reliance and direct assistance to those who need it, which takes into account this relation of hunger and poverty. A rights-based approach to development cooperation is one of the most holistic, coherent and sustainable strategies to fight poverty, as it also includes the "tracks" of obligations and accountability.

Human rights principles and tools to guide the debate on improving aid

At the centre of the implementation of human rights, fundamental principles aim at guiding and shaping processes. These principles can be crucial to help finding ways to promote an increased effectiveness of international aid. If they are seriously applied to aid policies, they serve as a useful framework for monitoring and improving these policies. In that perspective, the Paris Declaration has started to integrate them into the relationship between recipients and donors. However, they should be mainstreamed at all levels of implementation, be it at the local, national, regional levels or be it at the international level.

• Accountability

Accountability is at the core of human rights. A right that cannot be claimed is lost. Rights-holders shall be able to question and challenge policies which affect them. States shall be held accountable for their actions or omissions, be they recipients or be they donor states. Mutual accountability is part of the Paris Declaration. However, it is not related to human rights obligations which have been endorsed by almost all states at the international level. Human rights-based monitoring processes shall therefore be mainstreamed and existing tools for that sake systematically used. The FAO has developed such kind of tools which are called "Monitoring Methods for the Right to Food" and can be used by states to control their own performance vis-à-vis this right. FIAN International and the Welthungerhilfe have developed a monitoring tool for civil society based on the Voluntary Guidelines on the right to food in order to ensure alternative assessments of state action against hunger. The careful human rights-based monitoring is all the more crucial since trends in aid tend to render the control of state compliance with their obligations difficult. The most challenging trend is the increasing involvement of the private sector in aid through the Public Private Partnerships. Private actors themselves are not directly bound by human rights law

even if they have responsibilities and shall not commit any abuses against those rights. Experience shows that the involvement of private actors can make demands of the affected to redress violations very difficult. These actors cannot be held accountable as states can and they are frequently very powerful with important political supports and with a great influence on the food sector (at all levels of the chain: from agricultural inputs to consumption through production and distribution).

• Empowerment

This principle stipulates that individuals should be enabled to raise demands to their governments so that political decisions correspond to their specific needs. Legal and other remedies against violations should be made accessible to them financially, socially and physically. Education and awareness-raising are seen as a means by which victims can claim their rights, articulate demands and fully participate in political and social life.

• Participation

The importance of participatory processes has been repeatedly highlighted. Furthermore, freedom of opinion and expression, freedom of information and press, freedom of assembly and association should be guaranteed. Under the Paris Declaration ownership and alignment provide some room for the consultation of recipient states concerning policy choices which fall under international aid programmes. However, developmental paternalism is still vivid and whether recipient states have a real opportunity to chose and participate in decision making is questionable. At the individual level in terms of human rights, it means that aid and especially the measures that concern specific groups should be carried out only with prior and informed consent by those groups. Policies should thus be made in close consultation with those directly affected themselves. For instance, small-scale farmers and fishers should be involved in the development of agrarian reform and fisheries policies. States are also asked to consult civil society organizations.

The company Ghana Gold Limited had to resettle local communities in the Brong Ahafo region because it planned to carry out its Ahafo Gold mining project. The Resettlement Committee which had been set up by the company started its work in March 2004. Nevertheless, many members of the affected communities lost access to land and water. So the ability to feed themselves was immensely threatened. The participation of the affected farmers has not been facilitated due to a lack of transparency of the decisions of the company. Farmers did not adequately take part in the planning and design of the resettlement. Only the Resettlement Negotiation Committee decided upon the compensation rates to be payable for crops to the ones affected by the operations of the company. Even if farmers were present while their farm was surveyed, they were not informed about how the size and number of crops on the farm were determined.
The affected farmers complained about the process of resettlement, the level of compensation and the living conditions in the resettlement village. They found the compensation rates very low but they were not given the possibility to negotiate a higher and fairer compensation rate. Under the right to food, the

Ghanaian state has violated its obligation to protect the right to food of groups of its population. Indeed, the state should have ensured that people maintain their economic access to food through the access and control on productive resources and against the abuses by private actors.

• Transparency

The decision-making processes of governments should be transparent, especially those related to the use of public resources in the area of food security. This means that the strategies taken should be open and inclusive, so that civil society has the ability to participate in and monitor the process. Information shall be available concerning which kind of measures and policies has been decided (especially in the context of aid), who is in charge of implementing them and how to address problems related to their implementation.

• Non-discrimination

The principle of non-discrimination entails priority to the most vulnerable, especially when the vulnerability is attributed to race, sex, social origin, etc. Priority should be given to these groups especially through international aid. Efforts against discrimination of particular social or ethnic groups and of women should be integrated in states' poverty reduction strategies. Wage inequality has to be avoided, access to the labour market as well as the possibility to gain equal benefits from productive resources, such as land, water and credits and appropriate technologies should be ensured. Yet, reality shows that aid policies often generate a deepening of the gap between rich and poor with an inequitable sharing of the benefits of aid. More specifically, indigenous people and women are among the most affected both by general discrimination and by the inequity of benefit sharing in relation to aid. In this perspective, a consultation of Women organisations from West Africa took place on the 26th of June 2008 in Lomé, Togo which highlights concrete arguments and recommendations towards a rereading of the Paris Declaration in favour of more gender equality through aid.

Part II – Towards more aid effectiveness: learning from the Ghanaian experience

Bearing in mind the intimate but sometimes conflictive relationship between aid and human rights and in the context of discussions in favour of a "green revolution" for Africa, it is crucial to analyse which national and international policies directly impact on food security and the right to food. The situation experienced by Ghana is quite exemplary of the need to promote better aid instead of more of the same damaging actions in the name of aid. New large scale investments in agriculture and rural development should not go without adequately addressing violations of the right to adequate food and water of the concerned communities. At the origin of many of those violations, structural adjustment programs and their far reaching consequences, extractive industries and trade will have to be rethought if one wants to really achieve progress for the people. Last but not least, the production of agrofuels might add another challenge to the list of those faced by the realisation of the right to adequate food in Ghana.

Structural Adjustment: African states badly advised

In its oral statement under point 3 of the 7th session of the UN Human Rights Council, the Commission of the African Union itself has expressed its concerns regarding the increase of dependency, the flight of capital and competences out of the African countries and the erosion of state responsibilities in relation to the provision of basic social services, due to imposed economic reform.

In Ghana, like in many African countries, aid and human rights should be examined in the context of extensive economic liberalisation achieved through the process of structural adjustment, implemented from the early 1980's. Liberalization in the early 1980s marked the genesis of import surges in the economies of developing countries. Policies aimed at liberalization were forced on governments during this period by the Bretton Woods institutions (IMF and World Bank) as part of Structural Adjustment Programmes (SAP).

In Ghana, it was during the military reign of Jerry John Rawlings, when the economy was performing poorly –characterized with high inflation, huge budget deficits among others-, that the government turned to the Bretton Woods institutions for assistance. The assistance was not limited to financial packages but Bretton Woods led liberalization policies under the SAP.

Pressed for foreign exchange and obliged to reimburse large foreign debts, African governments including that of Ghana have been encouraged by multilateral financial institutions to open their countries to foreign investment by offering generous incentives.

A critical examination of countries like Ghana where structural adjustment measures have been implemented will also reveal that the role and functions of the state have been redefined to create an environment favourable to the

promotion of foreign private interests and the enjoyment of increasing legitimacy, freedom of action, influence over public policy and consequently power by multinational companies and the attendant violations of human rights.

It is a fact that ninety-five percent of the mining revenues for instance is repatriated out of the country, and only five percent stays as most of the wealth mining generates even goes right back to the foreign companies operating the mines. A 2005 UN report estimated that just five percent of the $894 million from mines in 2003 was captured in Ghana, a paltry $46 million in Ghana's $11 billion economy.

Recognizing that attracting foreign direct investment requires an enabling legal environment, the government of Ghana has passed laws that encourage foreign investment and replaced some that previously stifled it. Recent developments in the Ghanaian economy to attract foreign investment include:
- Bank deregulation
- The Ghanaian central bank introduced a floating exchange system which allows foreign investors to hold foreign exchange with which ever bank they want. This allows investors to more easily extract their profits from the country.
- The recent creation of the Ghana Investment Promotion Centre which strives to assure foreign investors that Ghana is an environment in which guarantees are given to investors that profit repatriation is ensured, that property will not be repatriated, and foreign exchange can be freely moved.

Indeed the Ghana Investment Advisory Council (GIAC), which consists of multinational and local companies and institutional observers (i.a. IMF, WB and UNDP) was established with the help of the World Bank to help shape government policy aimed at creating an enabling investment environment.

With the enactment of the Ghana Investment Centre law, the GIPC registers investments and provides assistance to enable investors to become established and take advantage of relevant incentives. In some cases a foreign investment can enjoy additional incentives if the project is deemed critical to the country's development.

The only pre-condition for foreign investment in Ghana is financial; the GIPC requires foreign investors to satisfy a minimum capital requirement. Once this is met and all necessary documents submitted, investments are supposed to be registered within five working days.

Although in the last ten years Ghana has substantially turned its economy around thanks to foreign aid, what remains to be turned around is the increasing violations of human rights associated with the massive inflow of aid particularly in the mining sector. The promotion of foreign trade and investment and economic liberalization has indeed led to the gradual state withdrawal and deregulation thus relegating to the background the urgent need for the respect and protection of economic, social and cultural rights, particularly the right to food and the right to water. Indeed, as the Vulnerability Analysis and Mapping conducted in 2004 by the University of Development Studies in Tamale on behalf of the World Food Program Ghana shows, the prevalence of chronic malnutrition can reach up to 50% in the

Northern region and micronutrient malnutrition is still widespread across the country. Agriculture is the most important economic sector in terms of GDP and with still half of the population formally or informally employed in this sector. Among rural households, women are the most vulnerable and faced a manifold discrimination (in access to land, credits, extension services, etc.). In spite of the vulnerability of rural and subsistence farmers´ communities and the fundamental character of the agricultural sector for Ghana, the said sector has been particularly devasted by several development strategies and policy choices over the last decades. Today, with the renewed interest for the development of the sector in Africa, there are opportunities. The sector should benefit from new investments by domestic states and the international community as per the different commitments under the Comprehensive Africa Agriculture Development Program (CAADP) of the New Partnership for Africa´s Development (NEPAD). However, whether the commitment to dedicate 10% of national budgets as proposed in the Maputo declaration will really have a positive effect on the right to adequate food of rural communities and of the most vulnerable in general is questionable. First, according to the Centre for Budget Advocacy of the ISODEC, Ghana has planned only 1.7% of discretionary resources for the Agriculture Ministry in the domestic budget 2008. Second, if one takes a look at the National Medium Term Investment Programme of Ghana related to the CAADP implementation, one can fear that efforts will rather benefit large private investment and agro-business than traditional farmers who are crucial to national food security.

Extractive industries vs rights of rural communities

Mining exploration in Ghana has expanded dramatically in the last decade with an incredible rise in the number of mining companies doing exploration and exploitation, thanks to foreign aid. In Ghana, the expansion of existing as well as the development of new mining concerns have resulted in conflicts between local communities and multinational mining companies over access to and control over productive resources such as land and water. This has been inter alia recently investigated by the Ghana Commission for Human Rights and Administrative Justice (CHRAJ). In its findings, the CHRAJ observes mounting evidence of widespread violations of human rights of individuals and communities in which mining companies operate.

The role of international finance institutions and foreign companies

In many cases, international banks and other financial institutions that invest in the mines in Ghana have come under sharp criticisms by civil society actors. The goal of those actors is to influence financial institutions to promote better protections for human rights and to prevent projects that would lead to human rights violations.

In this perspective, FIAN Ghana together with affected communities has been investigating complaints of human rights violations in the mining communities. The findings are then brought to the attention of investors and the public through fact finding mission reports, calls for urgent action among members and press statements.

There are also recent situations where FIAN Ghana and their partners have urged investors to postpone consideration of particular mining projects until specific concerns are resolved through an independent review of the due diligence for the project, and until necessary mitigation and independent monitoring measures are put in place.

One of these controversial mining projects is the Newmont Ahafo gold mine. Despite broad criticisms, the board of the International Finance Corporation, the World Bank's investment agency went ahead and approved the loan of $75 million to Newmont Mining, the world's largest gold producer, for a project in Ghana that the investment agency's managers say they hope will be a model for the developing world and a model for developing a poor African country´s natural resources.

In its summary of the Ghana project, IFC managers describe it as one "expected to become a demonstration for how to handle environmental, social and community development issues in Ghana". But so far the project has set in motion a host of problems.

Civil society groups including FIAN advocated that the bank shall delay its loan to Newmont. They argued that the project poses a serious threat to the livelihoods and long-term well-being of the people in the area. However, the IFC claimed that the gold project would improve conditions for local residents and generate substantial revenue, enabling the government of Ghana to spend more on health, education, roads and other public works that would reduce poverty.

The IFC also affirmed that the loan had been approved on the condition that the company meets stringent social and environmental standards. In fact, the more than 9,000 people, many of them subsistence farmers, whose homes or land were displaced by the project have been resettled in new villages or compensated for their losses. Yet, this has not been without problems.

A World Bank evaluation in 2003 of its own earlier investments in Ghana's mining industry raised questions about the benefits of large-scale mining by foreign companies. It noted that creation of jobs had been modest, local communities had seen little benefit and corporate tax payments had been low…

One other company that has come under strong criticism by host communities and local and international civil society groups in recent times is the Anglogold Ashanti Iduapriem mine as a result of the mounting human rights violations it metes out to communities in its operational area.

The mine company has been the beneficiary of considerable IFC support: an equity worth $2.5 million in 1990 to help finance the evaluation of the Anglogold Ashanti gold concession and a loan of $8.4 million in 1991, as well as subordinated loans of $8.5 million and a standby loan of $1.1 million to help finance the development of a gold mine and the construction of an ore-treatment plant, plus a shareholder loan of $2.6 million to assist in a capital investment program involving the replacement of mining equipment and an upgrade of ore processing facilities to

increase gold production in 1995, and a senior loan of $4.5 million to help finance the construction of a heap leach facility.

The Teberebie village and other communities fringing the company's operational area are addled with human rights violations and environmental problems as a result of the mining operations and this had set in motion increasing impoverishment and social decline which is making their communities uninhabitable.

Lands previously used for farming and those that could be so used have now been swallowed up by waste rock dumps with heights of between 50 to 100 meters. Farmers who have mostly practiced traditional and subsistence agriculture are displaced from their land, leading to loss of livelihoods. Consequently, food production has decreased considerably, creating the conditions for increased food prices.

According to community members, "by driving people off their land with no replacement land, Anglogold Ashanti has exacerbated (our) poverty". Securing replacement land is a major problem for the farmers and till date some of them remain without sustainable source of livelihood

"Some farmers from Teberebie now have to walk almost 9 kilometres to other towns and villages in the surroundings to beg for land for farming as the whole land at Teberebie has been turned into dumpsites for waste rock from the mine pits of Anglogold Ashanti mine.

Residents have accused the IFC, of looking the other way while the mine it financed imperilled their lives and wreaked havoc on their environment and livelihood. "Land replacement is critical to restoring the livelihoods of the displaced farmers, the situation poses immense and immediate threat to food security in the area. Nana Kodjo Minnah Chief of Teberebie is quick to point out that the immediate restoration of lands and livelihoods for displaced farmers and the provision of clean water for the communities affected by the Anglogold Ashanti should also be an immediate concern of the International Finance Corporation. "They are the ones financing Anglogold Ashanti and they need to be concerned. They have to put in place measures to protect and improve the sustainable access to safe water of the affected communities, this is urgent", he explained. Observers also question the arbitrary use of armed state security personnel by the mining company against communities within in the area where it operates.

The mounting problems foisted on the communities by the company swings to centre stage the International Finance Corporation approach to development which continues to put people and the environment at risk.

Over the years, the IFC, which claims to invest to help reduce poverty and help improve people's lives has argued that multinational mining companies would bring investment, as well as roads, schools and jobs to host countries.

Yet, the experience of the IFC-supported AngloGold Ashanti illustrates that the costs to local communities affected by mining often exceed the benefits they receive. The question on the lips of many is that as a development institution, should the IFC be profiting at the expense of communities and the environment?

The increasing concerns in the communities fringing the operational areas of IFC funded mine - particularly the increasing complaints over the nondisclosure of project monitoring reports to people whose lands and resources have been irreversibly altered, the inadequacy of fair consultations with affected communities and their exclusion from decision-making processes also challenge the IFC's written policy on "communicating openly with the community throughout the life of (our) projects with the aim of continuing to operate and develop our activities for the benefit of everyone."

The lack of adequate consultations with affected communities, particularly on the increasing waste dumps, the loss of access to land and water, the events that led to the shooting incident at Teberebie and the use of armed state security personnel are clear violations of a number of IFC and World Bank safeguards and norms, as well as of several human rights.
Given that over 95% of the affected communities within the operational area of Anglogold Ashanti depend on rotational crops and subsistence farming for their livelihoods, there is an urgent need to protect the right to food of affected people.

Last but not least, one should keep in mind that Ghana, as a state party to the International Covenant on Economic, Social and Cultural Rights, is expected to take into account its international obligations when engaging with international finance institutions like the IFC.

The plight of communities affected by mining activities in Ghana

Over the years, FIAN Ghana and its partners have embarked on programmes aimed at placing the right to food and water at the centre of the struggle against human rights violations by the extractive sector.

Whether planned or unforeseen, surface mining open-pit, cyanide-processing gold mines and their associated infrastructures in the country portend widespread economic and social changes and environmental transformations for communities in which they operate.

Indeed, mounting evidence indicate that the activities of the gold mining industry in the country pose some major threats to the variety of all life forms, food and water and the ecosystems of which they form a part. Traditional sources of income generation, local people's livelihoods, food productivity and access to water have continued to bear the brunt of the ravages of the mining industry.

This is largely due to the direct clearance of vegetation, excavation and waste disposal and the attendant faunal habitat modification and fragmentation and the pollution of soil and water. Almost all the transnational mining corporations operating in Ghana are currently heavily engaged in open-pit surface mining.

Mining and forest fringed communities

According to Ghana's Ministry of lands and forestry, the country had 1.8 million hectares of lush green forests draping parts of the country at the dawn of independence. Currently only 1.2 million hectares of forests is left. Latest statistics indicate that 65,000 hectares of the country's forests is lost annually.

The alarming rate at which Ghana's rainforest cover is being depleted by mining should therefore be a matter of concern in the wake of massive flow of foreign aid to the mining sector. Especially since tropical rainforests in general are of tremendous importance because of their uniqueness in biological diversity and the variety of indispensable goods and services they provide.
The escalating conflict between sustainable forest management and mining activities is more evident in the Wassa West District of Ghana's western region. There, the surrounding forests are a critical catchments area for important rivers which supply water for domestic, agricultural, industrial and other needs in downstream areas. They also mitigate the effects of soil mass movements, particularly landslides, soil erosion and consequently reduce downstream sediment transfers. Well-managed forests therefore have a direct impact on the quality of water yields from watersheds and on the regulation of flows.

These forests and rivers are so important to the surrounding communities that local customary laws prohibit the felling of certain trees, the slaughter of specific animal and the pollution of certain rivers and streams in the forests. Since time immemorial, forest fringed communities in Ghana have relied on these "supermarkets" and "hardware stores" for their food, water, medicines, dwellings and rituals.

"But these transnational mining companies come here and trample on our customs and traditions and they destroy our forests and rivers", Kwaku Pra a resident of Tarkwa in the Wassa West district lamented.

Snails, mushrooms, medicinal plants, red river hogs, roan antelopes, red colobus monkeys and black Colobus monkeys that once roamed the Wassa West district as a result of the dense forest cover are now fast becoming history.

Research indicates that sixty percent of rainforests in Ghana's Wassa West District have already been destroyed by mining operations. Deforestation as a result of surface mining operations in these vital water catchments areas in the Wassa west district have altered water quality and disrupted water-tables. This has resulted in local chemical changes and the release of heavy metals and the consequent pollution of soils and waterways in the area.

For the forest adjacent communities in the Wassa West District of Ghana, the destruction of the forests has therefore been truly painful. The end result has often been drought and low crop productivity and consequently a violation of the right to water and food. Furthermore, cash compensations if paid at all have never been able to restore local water supply and biodiversity in the surrounding forests, food and their livelihoods.

A new alarming trend: mining in forest reserves

Currently there is intense lobbying by some multinational mining companies for permits to enter ecologically sensitive areas of the country which are believed to be sitting on gold.

Decades of deforestation and forest degradation have already left less than two percent of Ghana's native tree cover intact. Tucked away in forest reserves, these remaining savannas and moist tropical forests are recognized as globally significant for their biological diversity, including over 700 types of tropical trees. The forests provide critical habitat for many endangered species including 34 endangered plant species, 13 mammals, 23 butterflies and 8 birds. Many forest animals need large contiguous areas of habitat to maintain a viable breeding population.

The affected forest reserves include the Subri River Forest Reserve, a globally significant biodiversity area, which is also the largest forest reserve in the country and a critical watershed between major rivers namely the Bonsa and Pra. Kubi forest reserves where Anglogold Ashanti has a concession and the Tano Suraw and Suraw Extension also in the Western region where Chiraano gold mines is currently operating.

Other forest reserves that the miners are eyeing include the Supuma Shelterbelt, the Opon Mansi in the Western region, Ajenjua Bepo in the Eastern region, Western region, and the Atewa Range forest reserve near Kibi in the Eastern region, which is also believed to be the most mineralized reserve in the country.

Rivers and streams crisscross nearly all the forest reserves and feed the country´s major rivers such as the Birim, Pra, Ankobra, Bonsa Offin, Densu, Tano, and others, which are sources of water supply to many communities including the cities of Ghana.

The Atewa forest reserve for instance which is the headwaters of the Birim, Densu and Ayensu rivers, has been declared by local and international conservation groups as a Special Biological Protection Area as well as a globally significant biodiversity area.

Experts say that the Atewa reserve contains many plants species such as two unusual kinds of tree ferns and six butterfly species which are found nowhere else on earth. But Alcoa, the US Aluminium giant plans to exploit bauxite in the area.

The transnational mining companies have always contended that they will only use just a portion of the forest reserves for their mining activities but experts have been quick to explain that it takes 40 years for these forests to regenerate and once you dig up any portion of the forest reserves you change the character of the place forever.

For many, operating a surface mine which requires heap leach facilities and the use of highly toxic chemicals such as cyanide in these forest reserves with all these water bodies is nothing but a nightmare.

The fear is that when the rains come, water laced with deadly cyanide will run off the tailings into these rivers which are sources of drinking water for thousands of communities.

Pulling down the forest reserves would also result in multiple ecological and social consequences such as soil erosion and the loss of valuable top soil due to the removal of tree cover. This will also lead to extensive flooding in rural areas and urban areas caused by excessive silting of river systems.

In a country like Ghana that is already experiencing one of the world's highest rates of deforestation, prioritizing commercial development over ecological concerns is indeed mind-boggling.

For proponents of mining in forest reserves however its business as usual "The Ghana government doesn't gain anything from these forest reserves but mining in the forest reserves will bring the country jobs and money and alleviate poverty". While the goal of alleviating poverty is commendable, projects which continue to whittle away at the nation's ecological capital assuredly will only worsen the increasing violations of the right to food and the right to water and culminate in the further impoverishment of the people.

The case of Lake Bosumtwi

Lake Bosumtwi, a prized resource located in the Ashanti region of Ghana, has also not been spared the treasure hunt. Located approximately 32 kilometres southeast of Kumasi, the capital of Ghana's Ashanti Region, Lake Bosumtwi covers an area of about 47 square kilometres and is 86 meters deep. The lake is believed to have been created by the impact of a meteor. The lake lies in a deep circular crater surrounded by steep hills up to 400 meters (1,300 feet) high covered by lush tropical rainforest.

For Ashantis, this large crater Lake is sacred. After death, the soul of an Ashanti is believed to go to Lake Bosumtwi to bid farewell to the god- Twi before entering the afterlife. It is forbidden to put metal of any form into the lake, and anyone who dares to do so, is believed to incur the wrathful curse of the gods. Dugout canoes used on water bodies in other parts of Ghana are considered taboo and forbidden on Lake Bosumtwi.

Furthermore, scientists believe that the lake holds clues to Africa's climate past and local and international limnologists and archaeologists continually visit the lake and its environs in hopes of unearthing some of its two-million-year-old secrets.

The lake is the habitat of many unique fish and plant species, including a variety of endemic cichlid fishes and Tilapia discolour, which scientists warn could follow the dinosaurs down the road to extinction.

The ecosystem also performs valuable services for the immediate communities such as moderating floods and droughts. Apart from providing an opportunity for

fishing for the 30 small villages dotting the perimeter of the lake, Bosumtwi is also a favourite tourist destination.

Yet, a number of mining companies including Canada's Norcan are requesting for permits to destroy "a little bit" of this prized resource. Norcan appears to have excellent connections in high places, and high powered lobbyists are pressuring regulatory agencies to give their blessing to the proposed mining project around the lake.

Experts warn that mining or any exploratory drilling for mineral deposits in this ecologically fragile area will alter the ecosystem and affect the local communities who depend directly on the lake's bounty for their livelihoods. Moreover, since mining moves enormous quantities of earth, the siltation of Lake Bosumtwi will be difficult to avoid.

In addition, the lake and surrounding area would be subject to huge environmental impacts as acid mine drainage, water, soil and crop contamination by heavy metals, and the possibility of cyanide contamination that go along with open pit mining.

An accidental spill of cyanide laced wastewater could damage the entire lake and its related waterways, jeopardizing the livelihood and sacred sites of lakeside communities, and causing a species imbalance in the ecosystem. Because the region is prone to floods, these risks are increased.

The threat posed to the realization of the right to food and water by mining activities in these ecologically sensitive parts of the country are indeed enormous.

Reality is that poor people tend to be most dependent upon the environment and the direct use of natural resources for their livelihood opportunities, and therefore are the most severely affected when the environment is degraded or their access to natural resources is limited or denied.

Biodiversity and ecosystem services are essential to the productivity of agriculture, food and water resources and livelihoods. The soil fertility, erosion control, and nutrient cycling provided by ecosystems enables people to derive food, water, fibres, fuel, and income and livelihoods from natural and managed landscapes.

When biodiversity and ecosystem services are degraded or destroyed, the burden falls disproportionately on women and girls, who are forced to travel farther and spend more time in the search for drinking water, fuel wood, and other forest products. This increased burden limits their opportunities for education, literacy, and income-generating activities including food production.

The particular threats to the right to access safe drinking water

Diversion and damming of rivers and streams

In Ghana communities in the vicinity of mining projects with massive aid inflow face major problems in accessing safe drinking water as they have to grapple with diversion of rivers and the building of dams on once swiftly flowing rivers that meandered through their communities.

Depletion of water supply for drinking and irrigation due to extraction of water for mining activities from surrounding rivers and streams as well as the diversion and damming of these water bodies also contributes immensely to violations of the right to food and water.
In Ghana's Brong Ahafo region, Newmont Ghana Gold limited has been pumping water from the Tano river for its use. A dam has also been placed on the Subri a tributary of river Tano.

In Ashanti Region, the river Jimi has also been dammed and diverted for the use of Anglogold Ashanti. A sign post placed by Anglogold Ashanti some few metres away from the river Jimi prohibits residents of Jimiso from drinking, fishing and swimming in the River Jimi. The same river whose bounty they have patronized since time immemorial. The few boreholes that have been provided by Anglogold Ashanti always run dry and the water that trickles out sometimes from these boreholes on a good day are never sufficient for the people of Jimiso.
In the wassa west district of the western region of Ghana the story is no different, streams and rivers in the area have been diverted and reservoirs and dams constructed on some of the water bodies by mining companies. Visits to the mining towns however reveal that the damming, diversion and pumping of water from rivers and streams by mining companies deprive downstream communities of water.

Women in particular bear the brunt of these abuses due to their unique and indispensable traditional roles and responsibilities. With rivers and streams in their communities dammed and diverted for mining activities, women in affected communities now have to walk for several kilometres everyday in search of water for their households.

The excuse from the mining companies has always been that "the rivers and streams are polluted with faecal matter from the communities; the water is not fit for human consumption anyway, so we will provide them with good drinking water, boreholes and water tanker services".

However, residents of almost all the mining communities who have "benefited" from these boreholes and water tanker services never hide their disdain for the "good water". They are quick to tell visitors that "the number of boreholes that the mining companies provide to the communities are simply not enough" considering the population in the community. And they will tell you that "when I cook cassava and plantains with the water from the borehole the cassava and plantain turn black".

The case of Adjoa Menkah, a twenty five year old mother of six, is sadly illustrative. She recalls how she used to walk to the river Tano to fetch water: ”With one hand holding a calabash and the other hand holding a gallon of water and a huge earthen ware pot filled with water sitting on my head, I only walk 30 minutes to my house. But now the mining company people say we should not go to the river again and I always have to walk 6 kilometres to fetch water from a stream in the forest because the borehole that the company provided us is always dry”.

Water pollution due to cyanide spills

Surface and groundwater contamination from cyanide as a result of tailings dam failures have also taken their toll on water bodies in mining communities in Ghana. In October 2001, at Abekoase, all life forms in the river Asuman were decimated when Goldfields Ghana Limited (GGL) spilled cyanide into the river which served as a source of drinking water for many communities.

A number of communities along the river Asuman were deprived of water and their source of income as the river water was not fit for drinking and fish and crabs in the river had also been killed by the cyanide.

Communities in the Adansi West District who are affected by activities of AngloGold Ashanti also spend a lot of time looking for water to drink, at the detriment of economic activities, children’s education, etc.

Hia, a village near Obuasi also had its share of the cyanide spills when in 1998 cyanide from AngloGold Ashanti’s tailings dam flowed through the river Supu and Fena, two main sources of water for the community.

Currently, the people of Dumasi and its surrounding villages have had to contend with yet another cyanide spill from the tailings dam of Bogosu Gold limited (BGL), a subsidiary of Golden Star Resources, a Canadian/US mining Company.

The cyanide spillage which occurred in June 2005 affected river Apepre which flows into the river Ankobra. Already in October 2004, BGL spilled cyanide into the same river Apepre killing all life forms.

The cyanide spill resulted in the death of fishes and crabs in river Apepre and over thirty residents of the affected communities who drunk the water and ate the fishes are complaining of dizziness, nausea, and headaches.

Wexford Ghana limited, a subsidiary of Golden Star Resources also spilled cyanide into river Kubekro in Akyempim also in the western region in January 2006.

Communities’ access to water is therefore grossly affected each time water bodies which are their sources of water are polluted by mining operations. Fertile lands are also reduced to marginal lands as a result of the dewatering effects of mining.

Acid mine drainage and water resources

The impacts of acid mine drainage from waste rock dumps, tailings storage facilities and open pits, and poor rehabilitation practices are already obvious in some of the mining towns in the country as a result of mining and mineral processing activities in these areas.

With the country's supplies of fresh water being unevenly distributed and increases in demand, mismanagement of scarce water resources by the mining industry and the threat that it poses to the right to water is a matter of concern for FIAN Ghana and its partners.

In its General Comment No 15 the UN Committee on Economic, Social and Cultural Rights defines the "failure to enact or enforce laws to prevent the contamination and inequitable extraction of water" as a violation of the obligation to protect the right to water.

Displacement, compensation and resettlement of communities

Equally a threat to the right to food and the right to water is the number of vulnerable communities who will have to be displaced to make way for surface mining operations. The impacts on the livelihood of the predominantly agricultural population in the mining communities have always been immense.

The inadequacy of compensation and the loss of access to land and water are major concerns for those economically displaced, while those also physically displaced raise a series of issues related to the process of resettlement as well as the level of compensation and the living conditions in the resettlement villages.

For instance, with regards to Newmont Ahafo mine, the construction of the mine and associated facilities has required a massive resettlement of local populations – more than 5,000 people in the predominantly agricultural zone in and around the project site.

After a massive public outcry, Newmont had to rebuild housing for resettled villagers after the original housing was found to be inadequate, and the conditions in which the resettled populations live raised concerns about sanitation.

The economic displacement of an additional 878 agriculturally-dependent households has left people without access to their primary source of income and no guaranteed alternative livelihood.

In most cases, farms have been destroyed without the consent of the affected farmers who are impoverished and unable to fend for themselves and their families. Compensation provided to farmers for their farms has been grossly inadequate; $9 to a farmer to buy out a cocoa tree worth at least $20 per year over the tree's economic life of 30-50 years is just not acceptable. Section 74 of the Minerals and Mining Act of 2006 which stipulates that farmers receive

adequate compensation and access to alternative land have remained mere paper work.

The lost access to land and inadequate compensation are a major threat to food security and the right to food in these communities affected by mining. On the longer run, it is a threat to food security as a whole. Indeed, mines affect subsistence agriculture and rural development. In doing so, it affects the first and most important sector of Ghana economy on which the country and its population, especially the vulnerable rural communities, still heavily depend.

Criminalization of resistance against mining

Mining is thus a major matter of concerns for the respect and fulfilment of human rights and the right to adequate food of many people in Ghana. Instead of recognising and accordingly addressing the problem, the authorities have played an active role in the criminalization of the legitimate resistance by the affected communities against the mining projects destroying their lives.

Concern is rising about the increasing deployment of military and police personnel in the country's mining districts. In a number of cases, security forces working around mine sites have used violent methods to displace community members from mining areas. So far there are no effective remedies for victims of state and corporate violence in mining communities, perpetrators acting on behalf of the state or private companies have not been prosecuted.

Mining related human rights abuses involving the police and the military have been reported from the Wassa West District and the Bibiani-Anhiawso-Bekwai District, both in Western Region; from Obuasi and the Amansie West District in Ashanti Region; from the Asutifi District in Brong Ahafo region as well as the Birim North District in the Eastern Region.

Reports from mining communities who are victims of human rights violations indicate a high degree of complicity of multinational mining companies in these human rights violations as the company's support the military and police with logistics, transport etc. It is for instance on record that the US-based gold mining company Newmont Ghana Gold Limited (NGGL) had provided funding for a new police station in Birim North District where NGGL intends to operate a mine, a move which community members describe as a warning to villagers who dare oppose the company's plans. In fact, two farmers who protested the move by NGGL to operate the mine in a forest reserve close to their community were gunned down by soldiers on November 2, 2005.

"We object to the proposed venture, because it will not only be of little benefit to the local economy, it will actually substantially undermine it. They have taken over our cocoa farms, and rivers and all that they will give us is this little compensation, how do they expect us to survive? No we don't want this here" Akosua Nuama also a farmer reacted to plans by Newmont to open a mine at Akyem in the Ajenjua Bepo forest reserve.

Within the past year, several demonstrations by affected communities have taken place in Obuasi in the Ashanti region where Anglogold has a concession as well as Tarkwa also in Anglogold Ashanti's operational area. Prestea in the western region is also known for its sporadic demonstrations against Bogosu Gold limited. Hweakwae a community at New Abirem where Newmonts Akyem mine will be located has also had a demonstration, the latest is Ntotoroso, Newmonts Ahafo concession.

Indeed, on June 6, 2006 three vehicles packed with soldiers arrived at Ntotroso and brutalized the youth of Ntotroso in the Asutifi District of Brong Ahafo Region after the youth had gone on a a peaceful demonstration against Newmont Ghana Gold Limited for reneging on its promises to employ them. About thirteen people who sustained serious injuries were taken to the Duayaw Nkwanta hospital.

Now we feel like aliens and slaves in our own country, we just have to suffer the effects of mining in silence otherwise they will bring the soldiers and police to beat us" an aggrieved farmer at Ntotoroso said in an interview.

The wild development of extractive industries in Ghana is a clear menace to food security. Trade just adds further challenges and threats for the right to adequate food in the country.

Trade liberalization shall benefit to everyone?

The arguments in favour of trade liberalization are that it will lead to economic development. This approach to development has guided the trade relationships between the European Union (EU) and the countries of Africa, the Caribbean and Pacific (ACP), as well as the policies of International Monetary Fund (IMF) and World Bank (WB) towards countries such as Ghana. Yet, the negative impact of this liberalization in African countries have been criticized and documented by different actors. While the agricultural sector is key to the development of these countries, it has been particularly affected by structural adjustment policies. The latter have promoted large-scale agricultural production for export, at the detriment of African small producers. Those producers have greatly suffered from the reduction of the support to the agricultural sector by the state of Ghana following structural adjustment programmes from the 1980´s, as well as from the lack of protective measures against increases in imports onto the Ghanaian market, the loss of market share, as well as against drops in income. The policy gaps have led to malnutrition among tomato and poultry farmers in Ashaiman and Koluedor and among many other farmers engaged in these sectors. These adverse effects are the subject of in depth analyses, which is reflected i.a. in the report of an investigative mission to Ghana conducted by FIAN and other organisations on which the present section is based.

Ghana and the World Trade Organisation

Ghana became a member of the World Trade Organization (WTO) in 1995 and is bound by the Agreement on Agriculture (AoA) which was negotiated in the 1986-1994 Uruguay Round. The Agreement on Agriculture makes the use of non-tariff

barriers illegal and obliged developing countries to reduce the average of bound tariffs for agricultural tariff lines by 24 percent from 1995 to 2004. The current bound tariff on agricultural products including poultry and tomato is 99 percent. However, since 1992 and until today the applied tariff on agricultural products such as tomato, poultry and rice is 20 percent. In the case of imported tomato paste for repackaging in Ghana, the tariff is even lower at 10 percent. With still a huge difference between the applied tariff and the ceiling of 99 percent, Ghana had and still has that opportunity under the WTO to increase tariff levels when necessary.

In 2003, when the negative impacts of tariff liberalization on the agricultural sector became obvious, particularly on the poultry and rice sectors, the government realized that it had to take measures to protect the livelihood of the millions of Ghanaians engaged in these sectors. The exporting countries took advantage of the lower applied tariff to dump their products on the Ghanaian market, rendering the locally produced rice and poultry products uncompetitive. Accordingly, in 2003, the government of Ghana indicated in the budget an increase in tariff on poultry and rice from 20 to 40 percent and 20 to 25 percent respectively. This was subsequently passed into law (Act 641) by the parliament of the Republic of Ghana. Under the WTO rules, this protective measure was possible since Ghana could increase the tariff to 99 percent.

However, this was a short lived initiative; it was suspended on May 12th 2003 – just four days after the start of its implementation. This decision raised serious questions among civil society and led to a series of protest by farmers organizations and NGOs. Inquiries revealed that the International Monetary Fund (IMF) prevailed on the government not to implement the law, as the report of the investigative mission to Ghana highlights. Moreover, the Ghanaian government announced a temporary import ban on the importation of tomato paste and concentrate into the country, which became effective on November 1st 2007. The motivation behind the temporary ban was said to be unfair trade practices, including under-invoicing.

The need to protect local producers against specific imports has thus been recognised by the government. In fact, in its Food and Agricultural Sector Development Policy (FASDEP 1) of 2002, the government of Ghana declared its intention to reduce imports of poultry by 30 percent by the year 2004. The application of higher tariffs was taken into consideration in the strategy as one possible policy instrument. As of August 2007, FASDEP 2 identified some key constraints faced by several sectors including poultry. However, it seems that highly relevant issues are not taken into account in the new document. It is the case with regard to the role of mining activities in regions which are crucial in terms of staple food production when it comes to address the effects of land degradation and sustainable management of resources. Furthermore, FASDEP 2 fully ignores the issue of massive forcible evictions of tradition tenants to the benefit of large private investors when it comes to access to land. Finally, despite the recognition of the impact of trade liberalisation on the difficulties faced by small-scale farmers in various sectors, the government sees an opportunity in the further the integration of the Ghanaian agriculture into international markets

thanks to bi-lateral agreements like the Economic Partnership Agreements (EPAs) with the European Union (EU).

Ghana and the Economic Partnership Agreements

And in fact, the EU has proposed the EPAs to replace the established trade agreements between the EU and former colonies, the ACP countries. The EPAs are currently under negotiations. However, there have been growing concerns among negotiators of the ACP regions, civil society organizations and farmer organizations about the potential threats of this new trade relationship to the livelihoods of millions engaged in the agricultural sector in particular. The way itself in which EPA´s negotiations have started affects sub-regional and regional integration. There is considerable evidence that international trade rules have contributed negatively to national food security in developing countries in many cases. As already mentioned, the structural adjustment programmes of the International Monetary Fund and of the World Bank led developing countries to reduce considerably the support and protective measures to their farmers. In addition, developing countries were made to believe that with a shift in focus towards promoting export crops, such countries would be able to import agricultural products to meet their food security needs. By this, developing countries formulated policies targeted at promoting export crops to the neglect of food crops, and similarly infrastructure provision was limited to the export crop sectors. Meanwhile the small-scale producers are the significant contributors to national food security. The conclusion of EPAs with countries like Ghana is likely to aggravate the situation of small-scale farmers and therefore further endanger national food security.

This had already been subject of strong criticisms and deep concerns by peasants´ movements and NGOs during the Second European Forum on Sustainable Rural Development in June 2007. There, consistent reminders from farmers' organisations were expressed concerning the impact of such agreements which often perpetuate, not solve rural poverty. By pushing for market liberalisation through EPAs and the WTO, the EU is threatening rural livelihoods in Africa that it pretends to promote.
All member states of the EU have ratified the ICESCR, therefore all EU states and the EU itself have to respect, protect and support the fulfilment of the right to food in other countries when negotiating trade agreements. A key aspect is that not only shall no trade agreement undermine the ability of people in other countries to feed themselves directly, states must also ensure that any such agreement does not undermine the ability of states to protect and fulfil the right to adequate food of its population. A state like Ghana must in turn not enter an agreement that limits its ability to protect and fulfil the right to food nationally. Entering such an agreement can be seen as an act in violation of obligations under the International Covenant on Economic, Social and Cultural Rights. International pressure towards the limitation of the state political space has not only undermined democratic processes, but has also substantially limited the ability of the state of Ghana to protect the right to adequate food of small-scale producers who belong to the most vulnerable groups to chronic malnutrition.

Agrofuels: an additional challenge to food security in Ghana?

Production of agrofuels and loss of arable land for food

Another alarming trend and sign of schizophrenia of donors concern the production of agrofuels. Many donors have committed themselves to invest to actively fight against the lack of affordable food and thus to start again investing and supporting subsistence agriculture. At the same time, their companies are granted large tracts of arable lands for the production of ethanol or agrofuels.

As controversy rages over the ethics of producing agrofuels at a time of soaring food prices and while studies already proved the impact of the production of agrofuels on this soaring, foreign companies are scrambling to grab lands in Ghana to produce agrofuels.
For instance, Northern Sugar Resources Ltd claims that it will start exporting ethanol to Sweden from Ghana soon. The company plans to grow sugar cane on 30,000 hectares of land and turn it into ethanol in a plant that will be built by Constran S/A of Brazil. At full capacity the plant will produce 150,000 cubic metres of ethanol per year.
Svensk Etanolkemi AB (Sekab), a Swedish green fuels company, has committed to buying the first 10 years of the plant's production. The project requires a total investment of 306 million dollars (197 million euros). Of that total 260 million dollars will come from a loan granted to Northern Sugar by the Brazilian government development bank BNDES. This is the first loan by the Brazilian government to Ghana in the history of bilateral relations.

The site where the sugar cane is to be cultivated and the plant built lies at the northern tip of the Volta Lake, about 100 kilometres (63 miles) south of Tamale. It is thus situated in the Northern region where subsistence agriculture still prevails and where major staple food crops are produced (rice, millet, etc.). As the Vulnerability Analysis and Mapping conducted in 2004 by the University of Development Studies in Tamale on behalf of the World Food Program Ghana, the rural communities in the region are also among the most affected by chronic malnutrition with prevalence around 50%. It is doubtful that the kind of project envisaged by the Sekab will help these communities in terms of food security and sustainable management of already marginalised and fragile lands.

The case of Sekab is not an isolated one. A Norwegian agrofuel company recently took advantage of Africa’s traditional system of communal land ownership to claim and deforest large tracts of land in Kusawgu, Northern Ghana with the intention of creating “the largest jatropha plantation in the world”. This investor clearly deceived the chief to sign away 38,000 hectares with his thumb print. When the community realized that they had been tricked, 2,600 hectares of land had already been deforested. Many have now lost their incomes from the forest and face an uncertain future.

Agrofuels attract new donors to Ghana

Currently Ghana is eagerly investing in agrofuels with the help of Brazil, the world's leading agrofuels producing country. Brazilians President Luiz Ignacio Lula da Silva argues that the sugar cane cultivated in Brazil for ethanol is not a food crop and it not grown on land that would otherwise be used for food crops. While in Ghana for the United Nations Conference on Trade and Development (UNCTAD XII) meeting in April, 2008, Brazilian President Luiz Inacio Lula da Silva signed an agreement with the Ghana government to grow sugarcane for bio-ethanol in Ghana. During the signing ceremony, da Silva said, "in Ghana we are developing a project that will result in growing 27,000 hectares (of sugarcane) for the production of 150 million litres of ethanol per year that are destined for the Swedish market." President da Silva who is encouraging farmers in his country to grow agrofuels including sugarcane, castor beans and corn, instead of traditional food crops, says that rising fuel prices and not agrofuels are responsible for the high cost of food.

Early in May this year, the new UN Special Rapporteur on the right to food, Olivier de Schutter made a scathing criticism against the investments that are being made in agrofuels by some countries. In an interview with the BBC, he described the investment in agrofuels as "irresponsible" and a "crime against humanity." He went ahead to call for an immediate freeze of the policy and asked for restrain on investors whose speculation he says is driving food prices higher.
Late last year, Ghana hosted an UNCTAD-led international workshop on the development of a agrofuel industry in West-Africa, which resulted in the establishment of a common fund, to which the Indian government contributed US$250 million (previous post). The initiative also saw the ECOWAS Bank for Investment and Development release US$35 million for biodiesel development in Ghana.

It is obvious that the increased foreign aid and land grabbing for the development of water guzzling sugar cane for agrofuels could threaten the availability of water, the food security and food sovereignty of the local populations, because farmers would stop producing food crops for the population and instead concentrate on producing "clean fuels" for Europe. In other words, the poor developing nations will be forced to feed the voracious appetites of rich countries for agrofuels at the expense of their own hungry masses and suffer the devastation of their natural forests and biodiversity.

Conspicuously missing in this entire public discussion is any reference to water. The fact is that there is now almost equal global concern over water as there is over energy.

Conclusion

The example of Ghana shows that coherence, harmonization, alignment and results orientation are good principles but very difficult to follow and implement on the ground. Aid is far from being only positive for the People of Ghana, especially for the most vulnerable and in a perspective of sustainability.

The reality demonstrates that foreign aid is even contributing to human rights violations, while the state of Ghana is currently faced with the challenge of respecting, protecting and fulfilling human rights in the affected communities of the country.

These are clearly complex issues involving several levels of responsibility and numerous actors and this raises the need for an overall integrated review of trade, investment and aid policies which would include among its objectives examining the implications of international trade and investments policies in terms of their consequences for human rights.

In the light of the litany of rights violations by foreign aid powered project in the country, the question that easily falls from the lips of many is how effective is aid at helping developing countries eradicate poverty.

This obviously means that attention to human rights must be integrated into all phases of project planning and implementation if foreign aid is to achieve its promise of social and economic development.

The tireless efforts by both intergovernmental and nongovernmental organizations to end human rights violations have resulted in the verbal commitment of some donor states to make human rights an aspect of the criteria used for foreign aid eligibility.

Many donors now claim that human rights play an important role in their foreign aid allocation but so far their rhetoric does not match the reality on the ground.

The number and intensity of human rights violations in the context of large-scale "development projects" in Ghana demands a fundamental change in aid paradigms. Donors need to make greater efforts to internalise human rights and to ensure that human rights influence mainstream international development thinking.

A rights-based approach to development should be people-centred and follow the norms and standards of international human rights law. Aid must contribute to the promotion of human rights and sustainable development and strengthen the livelihoods of poor people.

Indeed the only true measures of aid's effectiveness are its contribution to the sustained alleviation of poverty and its promotion of human rights and environmental sustainability.

The third High Level Forum on aid effectiveness in Accra certainly presents an opportunity to deepen the current aid effectiveness dialogue agenda by explicitly addressing its relevance to these broader development goals.

Recommendations

In the light of all the arguments and findings of the present working paper and of the publications and sources it is based on, FIAN urges states, receipients and donors, as well as intergovernmental organisations to:

- Reaffirm and respect the universal standards enshrined in international human rights law, without attempting to undermine and try to replace them by ad hoc standards and criteria to regulate new policies such as agrofuels;

- Accept and operationalise human rights as a framework for policy coherence;

- Systematically use and follow human rights principles at all levels of decision-making and design of development and aid strategies;

- Use human rights instruments, tools and human rights-based monitoring to improve public policies at local, national and international levels;

- Implement the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security;

- Recognise and protect human rights defenders, especially in the context of the resistance against the negative impact of specific development strategies and projects;

- Acknowledge the legitimate demands of civil society articulated around the promotion of food sovereignty;

- Acknowledge the need to better recognise and protect the rights of peasants and small-scale farmers;

- Strengthen international monitoring and recourse mechanisms against violations of economic, social and cultural rights, by i.a. proceed with the final adoption at the UN General Assembly of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

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