



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

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ЭКОНОМИЧЕСКИЕ, СОЦИАЛЬНЫЕ И КУЛЬТУРНЫЕ ПРАВА

Право на питание

**Доклад Специального докладчика по вопросу о праве на питание
Жана Зиглера***

Добавление

МИССИЯ В ЭФИОПИЮ

* Настоящее резюме распространяется на всех языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на языке представления.

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Резюме

Специальный докладчик по вопросу о праве на питание посетил Эфиопию в период с 16 по 27 февраля 2004 года. Эта поездка была совершена в связи с продовольственным кризисом, который Эфиопия пережила в 2003 году, с целью уяснения причин продолжительного сохранения проблемы голода и плохого питания и недоедания в такой разнообразной и динамичной стране, как Эфиопия.

В данном докладе содержится обзорная информация о таких аспектах, как голод и отсутствие продовольственной безопасности, голод и недоедание в Эфиопии. В нем рассматриваются правовые основы, регламентирующие осуществление права на питание в Эфиопии, и анализируется вопрос о том, осуществляются ли государственная политика и программы с целью выполнения международных и конституционных обязательств Эфиопии в области права на питание. В докладе изложены основные соображения и проблемы, касающиеся реализации права на питание, а в его заключительной части содержатся основные выводы и рекомендации.

В докладе указывается, что вопрос о продовольственной безопасности стал основной приоритетной задачей, решаемой Эфиопией в рамках государственной политики, и что эта страна добилась значительного прогресса в области реализации права на питание путем снижения уровня смертности населения в результате голода и увеличения объема производства продовольствия. Новые инициативы, такие, как планируемое создание сети безопасности для поддержки населения, испытывающего хронический голод, и увеличение числа небольших ирригационных систем, позволили накопить важный опыт, который следует изучать во всех странах мира.

Однако Эфиопия по-прежнему является одной из беднейших стран мира, и под угрозой голода и в условиях отсутствия продовольственной безопасности находится половина населения Эфиопии. Регулярно отмечается острая нехватка продовольствия, и в течение последних десяти лет постоянно увеличивалось число лиц, которым требовалось оказывать продовольственную помощь. В 2003 голодном году более 13 млн. человек нуждались в продовольствии, и, согласно оценкам, ежегодно, по меньшей мере, 5-6 млн. человек нуждаются в оказании продовольственной помощи, независимо от климатических условий или объема собранного урожая. Нищета во все большей степени препятствует населению принимать соответствующие меры по борьбе с засухой, хотя засуха не обязательно приводит к таким катастрофическим событиям, как острая нехватка продовольствия или голод. В настоящее время голод в Эфиопии тесно связан с обездоленностью, крайней нищетой и широко распространенной проблемой недоедания.

В настоящее время наблюдающийся в Эфиопии голод вызван не только отсутствием дождей, но и связан с недостаточной степенью развития. Отсутствие дорог и возможностей для хранения и сбыта продовольствия препятствует доставке продовольственных культур из районов, производящих излишки продукции, в районы, в которых ощущается острая нехватка продовольствия. Сокращение сферы ответственности государства, отмеченное после либерализации торговли, пока еще не было подкреплено эффективной деятельностью частного сектора. Кроме того, на протяжении длительного времени помощь на цели развития, оказываемая международными донорами, исключительно ориентируется на предоставление чрезвычайной продовольственной помощи; лишь незначительный объем помощи направляется в интересах долгосрочного развития. Однако, как это начали признавать правительства и доноры, чрезвычайная продовольственная помощь не является ответом на стоящие вопросы. Продовольственная помощь позволяет спасти людей, но не дает средств к существованию. Продовольственная помощь не сокращает степени уязвимости эфиопского населения к голоду в последующие годы. Необходимо в срочном порядке инвестировать средства в интересах долгосрочного развития и расширения доступа голодающих лиц к производственным ресурсам, с тем чтобы предоставить им возможность самостоятельно обеспечивать себя. Это предусматривает направление более значительного объема инвестиций в долгосрочное развитие сельских и городских районов в интересах оказания поддержки мелким сельскохозяйственным предприятиям и создания рабочих мест вне фермерских хозяйств и в городских районах. Помощь на цели развития, поступающая от международных доноров, должна также сопровождаться мерами по наращиванию потенциала Эфиопии в области развития путем преодоления несправедливости в международной торговле и по сокращению бремени задолженности Эфиопии; в противном случае окажется так, что то, что развитые страны, давая одной рукой, забирают другой.

В таком в высшей степени сложном политическом и этническом контексте, характерном для Эфиопии, необходимо также, чтобы правительство обеспечило равенство между регионами и сократило возможности для нарушений права на питание, такие, как использование продовольственной помощи в интересах получения политической поддержки. С точки зрения правовой перспективы по-прежнему существует необходимость в повышении уровня участия, транспарентности, подотчетности и доступа к эффективным средствам правовой защиты в рамках существующей политики и программ, а также в полномасштабном обеспечении уважения, защиты и реализации права на питание в пределах имеющихся ресурсов. В заключительной части доклада содержится ряд рекомендаций по совершенствованию процесса реализации права на достаточное питание. Специальный докладчик представляет следующие рекомендации:

a) ориентация не на меры по оказанию чрезвычайной помощи, а на перспективы развития, как это уже отмечается в рамках организации "Новая коалиция по продовольственной безопасности", должна стать основной приоритетной задачей в деятельности по обеспечению продовольственной безопасности и реализации права на питание. В этом отношении правительству потребуется оказать поддержку путем увеличения объема донорского финансирования процесса долгосрочного развития как в сельском, так и в городском секторах в интересах обеспечения продовольственной безопасности;

b) программы организации "Новая коалиция", включая программы переселения, должны осуществляться таким образом, чтобы они не могли оказывать негативного воздействия на средства к существованию и право на питание. Во все эти программы должны быть включены механизмы подотчетности и эффективной компенсации. Программа создания сети безопасности должна быть нацелена на всех испытывающих нужду лиц, при этом правительство и доноры должны предоставлять адекватные ресурсы, с тем чтобы не допускать социального отчуждения;

c) эффективные программы по решению проблем роста населения, деградации земель и землеводства должны стать составным элементом деятельности по планированию продовольственной безопасности с учетом того, что небольшие личные сельскохозяйственные фермы не в состоянии производить объем продукции, позволяющий прокормить одну семью. Такие аспекты, как развитие городских районов и создание рабочих мест вне фермерских хозяйств, должны также стать важным составным элементом деятельности по планированию продовольственной безопасности;

d) следует гарантировать возможность владения землей для обеспечения того, чтобы население имело надежно защищенные права на свои земли. Сертификация земли обеспечивает важную альтернативу приватизации земли с точки зрения продовольственной безопасности и прав беднейших слоев населения. Однако механизм сертификации земли должен применяться оперативно и согласованно на всей территории страны в отношении всех фермеров, независимо от их пола или этнической принадлежности;

e) следует сократить степень зависимости от импорта продовольствия, поставляемого в рамках оказываемой помощи. Следует отдавать приоритет местным закупкам продовольствия в рамках оказываемой помощи с тем, чтобы предотвратить негативное воздействие на местное производство и потребительские цены, обеспечить механизм контроля за колебанием цен и содействовать направлению продовольственных культур из районов, производящих излишки продукции, в регионы, в которых отмечается дефицит продовольствия;

f) в интересах долгосрочного развития необходимо уделить приоритетное внимание вопросу развития местных рынков до создания экспортных рынков, ибо в противном случае по-прежнему будет существовать зависимость от импорта продовольствия, поставляемого в рамках оказываемой помощи, даже в том случае, если Эфиопия будет экспортировать продовольствие. Это предусматривает крупные инвестиции в дорожную инфраструктуру и предприятия по хранению и сбыту продовольствия;

g) следует уделять приоритетное внимание программам по освоению водных ресурсов с тем, чтобы сократить степень уязвимости к засухе, в особенности развивать системы мелких колодцев, водоотводов и установок для сбора дождевых осадков. Избираемые технологии должны соответствовать особенностям социальной и экологической среды. Все население должно иметь доступ к питьевой воде в пределах одного километра от дома;

h) структура всех правительственных программ и политики должна обеспечивать соответствующие уровни участия, отсутствия дискриминации, транспарентности и подотчетности;

i) в соответствии с Парижскими принципами Национальная комиссия по правам человека и институт Омбудсмана должны стать в полной мере операционными, независимыми от правительства и получать адекватные ресурсы, а также быть наделены мандатом, который включает в себя наблюдение за выполнением обязательств по уважению, защите и осуществлению права на питание;

j) следует упростить работу национальных и международных НПО. В частности, организации по правам человека, организации, отстаивающие свободу печати и академические свободы, и ассоциации фермеров должны рассматриваться в качестве важнейшего компонента демократического общества и иметь возможность в полной мере участвовать в политических процессах;

k) ресурсы, включая землю и продовольственную помощь, никогда не должны использоваться в качестве политического средства. Следует гласно расследовать все сообщения о нарушениях права на питание и обеспечить средства правовой защиты в случае обоснованных претензий. Следует усовершенствовать доступ к эффективным средствам правовой защиты в связи со всеми нарушениями прав человека;

l) следует предпринять серьезные усилия по решению проблемы дискриминации, в особенности в отношении женщин. Это потребует осуществления федерального закона, в особенности Семейного кодекса, на территории всех районов страны и расширения доступа к базовому образованию и информации;

m) крайне необходимо, чтобы государства данного региона, расположенные по реке Нил, укрепили свое сотрудничество в интересах справедливого совместного использования ресурсов реки Нил. Приоритетным направлением деятельности должно стать совместное использование водных ресурсов, необходимых для личного потребления и натурального сельского хозяйства;

n) и наконец, учреждения-доноры должны поддерживать процесс перехода от оказания чрезвычайной помощи к финансированию процесса долгосрочного развития. Доноры должны также обеспечить, чтобы политика, проводящаяся их странами (например, в таких областях, как погашение задолженности или тарифы на кофе), не ограничивала возможностей Эфиопии в области развития и обеспечения права на питание.

Annex

**REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD,
JEAN ZIEGLER, ON HIS MISSION TO ETHIOPIA
(16-27 FEBRUARY 2004)
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Introduction

1. The Special Rapporteur on the right to food conducted a mission to Ethiopia from 16 to 27 February 2004. The Special Rapporteur wishes to thank the Government of Ethiopia for extending its full cooperation. He would especially thank H.E. Ambassador Fisseha Yimer, Permanent Representative of Ethiopia to the United Nations Office at Geneva. He would also express gratitude to the United Nations Resident Coordinator in Ethiopia and his office for their support and advice in organizing a comprehensive programme for the mission. He also thanks all the United Nations agencies for their cooperation, including the United Nations Development Programme (UNDP), the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Health Organization (WHO), the World Bank, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Office for the Coordination of Humanitarian Affairs (OCHA). He would like particularly to thank Bjorn Ljungqvist, Country Representative of UNICEF, Georgia Shaver, Country Representative and Director of WFP, and Ibrahim Wani, Regional Representative of OHCHR. He also particularly appreciated the support and advice of the Ambassador of Switzerland to Ethiopia, His Excellency Mr. René Schaetti. Finally, he would also thank OHCHR for supporting the organization of his mission.

2. During his mission, the Special Rapporteur had the honour to be received by senior members of the Government, including Dr. Alemu, State Minister of Foreign Affairs, Commissioner Simon Mechale of the Disaster Prevention and Preparedness Commission, the Minister of Water Resources and the Minister of Agriculture and Rural Development. He was also received by a wide range of international and national non-governmental organizations (NGOs) working on food security, the right to food and human rights issues. The programme included field visits to the Southern Nations, Nationalities and Peoples Region (SNNPR) and to the Tigray region. The Special Rapporteur was not able to visit the regions of Somali or Gambella, for security reasons. The Special Rapporteur expresses his gratitude to WFP for organizing the visit to SNNPR and to the non-governmental Ethiopian organization REST (the Relief Association of Tigray, which developed out of the Tigray liberation movement) for organizing his visit to Tigray. These field visits provided the opportunity to understand the very complex and diverse realities of Ethiopia and enabled the mission to meet with regional government authorities and local representatives of civil society and non-governmental organizations. The objectives of the mission to Ethiopia were (a) to analyse the situation of famine, hunger and food insecurity, from the perspective of the right to food; (b) to learn from positive initiatives being taken in Ethiopia; and (c) to play a catalytic role in promoting the right to food in practice.

3. Ethiopia has very rich and ancient history. It possesses a unique culture and is one of the oldest Christian civilizations in the world, as well as one of the rare countries in Africa to have largely escaped European colonialism. It is a land of mountains, dominated by the vast highlands, the Great Rift Valley, and major rivers and lakes, including the Blue Nile, as well as the hot lowlands and dry desert regions. Altitudes reach from below sea level in the Danakil Depression (one of the hottest places on earth) to the cold mountainous summits reaching over 4,000 m. Rainfall varies from up to 2,000 mm in the high central plateau to less than 300 mm per year in the lowlands. Ecological diversity is mirrored by social diversity, with 83 languages and 200 dialects spoken by its 70 million people in a land of 1 million km². After the fall of Emperor Haile Salassie in 1974 and the end of the oppressive totalitarian dictatorship of the Derg regime of Colonel Mengistu Haile Mariam in 1991, Ethiopia embarked on broad political and economic reforms at the beginning of the 1990s.

4. Today, Ethiopia is moving towards a decentralized system of “ethnic federalism”, constituted by a federal system of nine regional states and two special city administrations. The ruling coalition party of the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) remains the dominant political power. The economy is moving towards a market economy, but has suffered severely as a result of the recent collapse in coffee prices and agriculture being inhibited by the lack of development of roads and marketing infrastructure. Over 85 per cent of the population remains dependent on small-scale agriculture or pastoralism for their livelihoods, but pervasive poverty, increasing destitution and chronic malnutrition leave many people highly vulnerable to drought. With the end of the Mengistu regime, the human rights environment has improved substantially, but the legacies of the past with regard to freedom of expression and access to information remain difficult to eradicate and processes of participation and accountability remain fragile in the decentralizing federal State. Nonetheless, the Government has committed to strengthening its democracy, establishing a national human rights commission and ombudsman to improve human rights accountability, and was very open to the visit of the Special Rapporteur. With the end of the war with Eritrea, government efforts and resources are again focused on eradicating hunger, yet are frustrated by the frequent recurrence of famine.

I. FAMINE AND FOOD INSECURITY IN ETHIOPIA

A. Recent famine in Ethiopia

5. In 2003, Ethiopia suffered from a severe food crisis with 13.2 million people (one fifth of the population) reduced to surviving on food aid. The 2003 food shortage is believed to be the most widespread and severe emergency in Ethiopia’s long history of famine, as it spread to the traditionally surplus food producing areas of SNNPR and several parts of Amhara.¹ The 2003 disaster precipitated an unprecedented national and international food aid response - the largest

ever in Ethiopia's history. This prevented widespread deaths, in contrast with the earlier great famines 1973/74 and 1984/85 which together killed well over a million people. At the time of the mission, the situation had significantly improved, but the Government and donors still expected to provide food aid to 7.2 million people in 2004.²

6. Although Ethiopia has long suffered from famine, the impact of recurrent food shortages on Ethiopia's people has become increasingly severe. Extreme poverty and lack of access to sufficient productive resources leaves most Ethiopians increasingly vulnerable: "Against a backdrop of overwhelming rural poverty in households and the community, the margin of safety from climatic shocks has diminished".³ Increasing levels of destitution mean that most people do not have enough reserves in terms of nourishment or physical assets that can protect them from disaster. In addition to extreme poverty, a background of pervasive malnutrition also leaves people highly vulnerable and climate-related disasters such as drought can quickly turn into the catastrophe of widespread famine. As an Ethiopian scholar notes, "Malnutrition is the nutritional landscape on which the footprint of recurrent famine is firmly etched."⁴ Destitution and malnutrition increase with each recurring disaster, and many people in drought-affected areas have not fully recovered since the terrible famine of 1984. This means that famine in Ethiopia today is as much about extreme poverty and chronic malnutrition as it is about the failure of the rains.

7. Disturbingly, the food shortage crisis in 2003 was caused not only by failure of the rains, but also by the constraints on development and the lack of sufficient rural infrastructure, roads, storage and markets.⁵ It has been argued that up to half of the food shortage was due to the collapse in food prices the year before.⁶ The food shortage may have actually begun well before the rains failed. In the 2003 season, farmers did not invest in agricultural inputs such as fertilizer and improved seed, partly because of rain conditions, but also because of the high financial losses they had experienced the year before, when farmers achieved excellent harvests but then could not sell their surplus crops because the crops could not be effectively transported to deficit areas; there was therefore a glut in surplus-producing areas. Grain prices collapsed by as much as 80 per cent in surplus areas, even as consumer prices escalated in deficit areas.⁷ Many farmers, left heavily indebted for seeds and fertilizer, were unable to plant much the next year, contributing to the food shortage the following year.⁸ Food shortages are therefore not only caused by droughts, but are exacerbated by many other factors linked to the lack of development.

8. With agricultural liberalization, agricultural trade is now private, rather than State run, but a strong private sector of traders capable of transporting food from surplus to deficit regions has not yet emerged, inhibited by the lack of adequate rural infrastructure, roads, storage and markets.⁹ Linked to this problem is the issue that few donor resources are directed towards long-term development, but continue to be concentrated on providing emergency food aid.

Ethiopia receives the highest amount of emergency aid in Africa (and in the world, after Bangladesh), yet it receives the lowest amount of development aid.¹⁰ While emergency food aid has saved millions of lives, it has not contributed to Ethiopia's development. Indeed, there continues to be a concern that food aid may itself be disrupting the development of food markets and depressing domestic food production, leaving Ethiopia increasingly unable to feed itself.¹¹

B. Overview of hunger and food insecurity in Ethiopia

9. Today, Ethiopia is one of the poorest and most food-insecure countries in the world. Nearly half of Ethiopians are undernourished, with 44 per cent living in extreme poverty, unable to guarantee enough food for themselves and their families every day.¹² Ethiopians have the lowest calorie intake in Africa, averaging approximately 1,750 calories per person per day.¹³ At least 58 per cent of deaths of children are directly caused by malnutrition and rates of child mortality increased between 1997 and 2000.¹⁴ Half of all children under the age of 5 are underweight and stunted.¹⁵

10. Micronutrient deficiencies are also endemic, particularly deficiencies in vitamin A, iodine and iron, which affects the physical and mental growth of Ethiopia's children, women and men.¹⁶ More than 76 per cent of rural Ethiopians and 69 per cent of all Ethiopians do not have sustainable access to safe and clean water. Women regularly travel as far as 15 km or more to fetch water for household purposes. The population is estimated to have doubled since 1980 to 70 million, and more than 2 million people are now HIV positive (the third highest absolute number after India and South Africa). The number of literate people has fallen from nearly 80 per cent of adults in 1990 to less than 25 per cent over the last decade. In the United Nations Development Programme Human Development Index, Ethiopia ranks as one of the poorest countries in the world, at 170 out of 175.¹⁷ Even in years of good harvests, when there is no drought, it is estimated that 5-6 million Ethiopians are chronically food insecure and have to rely on "emergency" food aid programmes to be able to feed themselves.

11. Chronic food insecurity persists in the country, which is predominantly agrarian. Poverty is significantly higher in rural areas than in urban areas. Over 85 per cent of Ethiopians live in rural areas and most are dependent on agriculture - on crop or livestock production, or on agriculture-related wage labour. Agriculture is still predominantly rain dependent and only 3 per cent of irrigable land is currently irrigated, contributing to high vulnerability to drought. Many of Ethiopia's farmers do not produce enough even for their own subsistence. Two thirds of households farm on less than .5 hectare, insufficient to support a family, and these holdings are becoming smaller and smaller given the fast rate of population growth. Farmers are concerned about the rapidly rising population, shrinking land plots, lack of small-scale irrigation, land degradation and soil erosion, pests and the high price of fertilizers, as well as poverty.¹⁸

Greater poverty and destitution and the running down of reserves and local food safety nets - such as household enset (false banana) supplies in SNNPR or teff in Tigray - have left many people increasingly vulnerable to disasters. The recent collapse in international coffee prices has also devastated small-scale Ethiopian farmers in some regions - in SNNPR the Special Rapporteur saw rows of coffee trees left unharvested because the value of the crop is so low. The poorest and most destitute are now dependent mainly on wage labour in other people's fields or homes.¹⁹ With few opportunities for wage-labour or opportunities for off-farm employment to earn income, many people simply do not get enough to eat.

12. Nomadic pastoralism is better adapted to the drier areas of the lowlands, and is practised by the Afar and Somali peoples. Yet pastoral livelihoods are also becoming increasingly vulnerable, with pastoralists affected by the lack of water, land degradation and conflict with agriculturalists in competition for land and water, and poverty has been exacerbated by the collapse of the export market for livestock to Arab nations following an outbreak of Rift Valley fever.

13. Despite the precariousness of Ethiopian agriculture, its potential is impressive. Ethiopian farmers grow a vast range of crops including wheat, barley, teff, finger millet, maize, sorghum, enset, cassava and potatoes, sugar cane, many different pulses and coffee (although with the collapse in international coffee prices, more farmers are now switching to growing the narcotic khat for income). Ethiopia also has the greatest number of livestock in Africa: more than 35 million cattle, 39 million sheep and goats and 1 million camels.²⁰ The harnessing of water resources in agricultural and pastoral regions would greatly add to this potential. In Tigray, the Special Rapporteur was impressed by the development projects of REST to reduce land degradation and to develop irrigation through water-harvesting (ponds and shallow wells) or low-cost river diversion and treadle-pumps, in order to produce crops, including vegetables and spices, to improve nutrition and incomes for families on small plots of land.

14. Nonetheless, poverty is highest in rural areas, where the majority of the population live. The poorest most food-insecure regions are Tigray, Amhara and SNNPR, although the pastoral regions, particularly Somali, are also increasingly vulnerable. Competition over resources is increasing. In some regions, particularly in the Somali region and more recently the Gambella region, armed conflict situations have also led to high food and water insecurity, particularly for those forced to flee from their homes who are often left without any kind of protection or assistance. Urban poverty is significantly lower than rural poverty, although there are a number of vulnerable groups, such as street children in the streets of Addis Abbaba and other urban centres.

15. Women are often the most vulnerable to hunger and poverty as a result of discrimination, especially in rural areas. In some regions of Ethiopia, traditional practices such as child marriage, inheritance practices and violence against women contribute to greater poverty and vulnerability of women and children.²¹ Some marriages occur through abduction, a traditional practice whereby a young girl is raped by a man and his friends and then claimed cheaply in marriage. The Government is now taking action to fight this practice. During his visit, the Special Rapporteur noted the extreme vulnerability and poverty of older single women, often working as servants in the homes of others. Women represent 50 per cent of the agricultural workforce, yet traditionally have no right to inherit the land they work on, and little access to credit, agricultural inputs or extension training.

II. LEGAL FRAMEWORK FOR THE RIGHT TO FOOD

16. This section examines the legal commitments and obligations of Ethiopia with regard to the right to food at the international, regional and national levels.

A. International obligations

17. Ethiopia has ratified the International Covenant on Economic, Social and Cultural Rights, which protects the right to food (art. 11). However, Ethiopia has not yet submitted its initial report to the Committee on Economic, Social and Cultural Rights, due in 1995.²² It has also ratified all other relevant major international treaties relevant to the right to food, including the International Covenant on Civil and Political Rights (art. 6), the Convention on the Rights of the Child (arts. 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women (arts. 12 and 14). Ethiopia is also bound by international humanitarian law, having ratified the Geneva Convention of 12 August 1999 and the Additional Protocols thereto of 1977. At the regional level, the Government is committed to the right to food through the African Charter on Human and Peoples' Rights (arts. 16 and 60).

18. The right to food is defined primarily as the right to be able to feed oneself through physical and economic access to food, as set out in general comment No. 12 of the Committee on Economic, Social and Cultural Rights. The right to food includes access to land and access to drinking water and irrigation water necessary for subsistence agricultural production. Participation, accountability and access to effective remedies should be ensured at all times and at all levels of the implementation of the right to food. Under the right to food, the Government of Ethiopia has the obligation to respect, protect and fulfil the right to food, without any discrimination.

19. The obligation to respect means that the State should not take actions that arbitrarily deprive people of their right to food, such as displacing them from their land. The obligation to protect means that the State should enforce appropriate laws to prevent third parties, including powerful people, from violating the right to food of others. Finally, the obligation to fulfil (facilitate and provide) means that the State should take positive actions to identify vulnerable groups and elaborate and implement appropriate policies and programmes to ensure their access to adequate food and water by facilitating their ability to feed themselves. As a last resort, the Government is also required to provide adequate food and water to those who cannot feed themselves, for reasons beyond their own control. To fulfil the right to food, the State must use the maximum of its available resources, including the resources available from international cooperation and assistance, and in every circumstance it has the obligation to ensure, at the very least, the satisfaction of the minimum essential level required to be free from hunger.

B. National constitutional norms

20. In 1994, after a three-year transition period following 17 years of the Mengistu dictatorship, Ethiopia adopted one of the most progressive constitutions in the world, which includes civil and political rights and economic, social and cultural rights. The Ethiopian Constitution “for a Nation of Nations”²³ recognizes human rights in 31 of its 106 articles (arts. 14-44). Although it does not explicitly recognize the right to food, it recognizes economic, social and cultural rights, including the right of farmers and pastoralists to receive a fair price for their products, the right to equal access to publicly funded social services, and the obligation of the State to allocate resources to provide social services (art. 41). It also recognizes the right to life (arts. 14, 15 and 36), equality before the law (art. 25), freedom of association (art. 31), the equal rights of women and men (art. 35) and the right of access to justice (art. 37).

21. The right to food enshrined in international law is also part of Ethiopian law, by adoption and interpretation. According to article 9 (4), “All international agreements ratified by Ethiopia are an integral part of the law of the land”. In line with jurisprudence in other countries,²⁴ international conventions can be considered as directly applicable. According to article 13 (2), human rights “shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights and international instruments adopted by Ethiopia”. As opined by the Human Rights Committee and well established in jurisprudence in other countries, the right to life could be broadly interpreted to include the right to food (art. 13 (2)).²⁵

22. To address a legacy of inequality and discrimination, women are formally entitled by the Constitution to affirmative action and equal rights (art. 35 (3)). These include equal rights over property and land, including inheritance, and rights to equality in employment (art. 35 (7 and 8)).

Federal legislation, including the 1997 Rural Land Administration Proclamation and the 2001 Family Code, as well as official policy outlines the de jure and de facto equality between men and women and the participation of women in the formulation and implementation of laws, policies, projects and programmes that concern and benefit them. However, these formal rights have not always been enforced in practice - **women have hardly had access to information, and** the application of regional and customary laws at local level often results in the continuation of de facto discriminatory practices. For Meaza Ashenafi, Executive Director of the Ethiopian Women Lawyers Association (EWLA), “almost in all regions, women do not have any access to land whatsoever. They don’t have the right to inherit, and the only option is to get married and have a husband. But when the husband dies, they are also kicked off their land”.²⁶

23. Under the Constitution, ownership of land, as well as natural resources (including water), is exclusively vested in the State and in the peoples. It is defined as common property not subject to sale or to other means of exchange (art. 40 (3)). However, usufruct rights are set out for individuals and communities, including peasants, who have the right to obtain land without payment and who are protected against eviction from their possession (art. 40 (4)), pastoralists, who have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands (art. 40 (5)), and by private investors (art. 40 (8)). All expropriation of private property for public purposes gives all persons displaced or affected the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance (arts. 40 (8) and 44 (2)).

24. Ethiopia has a federal system, which means that both the Federal Government and state members have competencies relevant to the right to food. The Federal Government has the power to formulate and implement national policies, strategies and plans in respect of overall economic, social and development matters (art. 51 (2)), and it may grant to states emergency, rehabilitation and development assistance and loans (art. 94 (2)). The state members have the power to administer land (art. 52 (2) (d)), to determine and collect fees for land usufruct rights and to levy and collect income tax from private farmers as well as from those forming cooperatives (art. 97 (2) and (3)). According to the Constitution, all Federal and state legislative, executive and judicial organs at all levels have the responsibility and duty to respect and enforce human rights (art. 13 (1)), and any law, customary practice or decision of an organ of State or a public official that contravenes these human rights “shall be of no effect” (art. 9 (1)). All organs of the State at all levels must respect, protect and fulfil the right to food, but the Federal Government retains the primary responsibility to ensure the right to food of every Ethiopian.

C. Other national laws and institutions

25. Under the Constitution, Ethiopia committed itself to establishing a National Human Rights Commission and an Ombudsman to mediate human rights issues. This has been formalized through legislation drawn up in 2000, which represents significant progress towards improving the human rights environment and accountability.²⁷ At the time of the visit of the Special Rapporteur, these institutions were still not operational, but appointments of the Chair of the Commission and the Ombudsman have since been made, which is an important step in the right direction.

26. Ethiopia has a complex pluralistic legal system that includes customary and religious law at the local level. The majority of citizens in rural areas resolve their disputes at the *kebele* (local government) level, before religious, customary or social courts, most of which have no human rights knowledge and are traditionally composed of men. Even at the regional and federal levels, constitutionally recognized human rights and international conventions are rarely cited in legal arguments or court decisions and international conventions have not been translated in the working language of Ethiopia. Despite the constitutional right of access to justice, Ethiopia's poor still have inadequate access to justice, given the high costs of going to court, long delays in court proceedings, lack of legal aid and the lack of human rights knowledge, resources and independence of the judiciary at the *woreda* (district) level. In May 2002, the federal Minister for Capacity-Building acknowledged that the justice system was incapable of enforcing constitutional guarantees.²⁸ There is little access to **information and to any** effective forms of accountability and monitoring to ensure the effective implementation of laws, policies and programmes.²⁹

27. In the continued absence of strong human rights institutions and judicial remedies, the importance of Ethiopia's non-governmental organizations working on the monitoring of human rights must be underlined. During his visit, the Special Rapporteur met the Ethiopian Human Rights Council (EHRCO) and EWLA. EHRCO mainly focuses on reporting violations of human rights in different parts of the country. EWLA is engaged in advocacy for law reform - including changes in the Family Code - and the provision of free legal aid to women. Other organizations, such as the Action Professionals' Association for the People (ASAP), are working with the religious, customary and social courts to raise awareness of human rights and gender issues at the *kebele* level. The University of Addis Ababa and the University of Mekelle are also establishing human rights resource centres. The Ministry of Justice is also in the process of establishing a similar centre to support the human rights training programme. Emphasis is also put on economic, social and cultural rights, which may contribute to the justiciability of the right to food.

28. The decentralization process in Ethiopia is important from the point of view of the right to food, as responsibilities are being devolved to the local levels. The administrative structure divides the nine regions, or federal states, into 66 Zones, further divided into 556 *woredas* which include about 10,000 *kebeles*. It is generally clear, however, that at this stage in the process, governance at the local levels remains weak, given limited capacity, as well as the lack of full fiscal and political decentralization.³⁰ Regions and *woredas* still cover only 25 per cent and 45 per cent of their expenditure, respectively. Financial subsidies are therefore transferred from the Federal Government, leaving a high degree of control by higher levels of Government.³¹ Although a formal decentralization has been carried out, the ruling EPRDF nonetheless retains political and economic control over the regions.

III. POLICY FRAMEWORK FOR THE RIGHT TO FOOD

29. This section examines how government policies and programmes contribute to realizing their constitutional and international obligations towards the right to food.

A. Government policies and programmes

30. Ethiopia has a range of policies in place to fight against famine and food shortage, as well as strategies to improve access to food and drinking water. Although food-security policies are not explicitly based on the right to food, food security is a central priority of government policy.

31. The Disaster Prevention and Preparedness Commission (DPPC) is responsible for guaranteeing that Ethiopians do not suffer from starvation during famines, by ensuring the timely provision of food aid and other assistance. The DPPC operates an early warning system, coordinates appeals for food aid, and has the primary responsibility for all direct food aid distribution as well as food-for-work programmes through which the majority of food aid is distributed. It also works with an Emergency Food Security Reserve, which maintains stocks at seven sites around the country - Nazareth, Shashemene, Wolayita Sodo, Shinile, Kombolcha, Mekelle and Wereta. The DPPC has recently been very successful in averting widespread loss of life and the flight of starving Ethiopians into famine camps. However, the unprecedented crisis in 2003 precipitated an acknowledgement that food aid is not the answer and that there is an urgent need to focus on addressing the underlying factors of the increasingly devastating food shortages in Ethiopia.

32. At the time of the mission of the Special Rapporteur, the Government had just launched a major new initiative: the New Coalition for Food Security.³² This provides a framework for strategies aimed at ensuring food security, and has been agreed to by the Government, donors, the United Nations and civil society. The Government suggests that this is a “paradigm shift” in

food-security policy in Ethiopia: the aim is to shift from a system dominated by the uncertainties of emergency aid towards a longer-term development perspective. This will distinguish between predictable (chronic food insecurity) and unpredictable (emergency) needs in order to establish a long-term “safety net” for the chronically food insecure, and take actions to enable people to build up their assets in order to reduce their vulnerability. This shift will require donor resources to be committed in a predictable way for multi-year programming. The new approach places greater emphasis on the local purchase of food aid in times of surplus, which should in turn operate as a mechanism for stabilizing grain price volatility and promote the distribution of crops in surplus areas to deficit areas.

33. The New Coalition addresses the weaknesses in the current emergency system. It introduces measures to improve health services (epidemics frequently kill more people than starvation during famines) and to establish a long-term safety net in order to reduce vulnerability to future famines. It also addresses longer-term development objectives to improve availability and access to food, promoting small-scale water harvesting and irrigation, crop diversification and livestock management, and better marketing. It includes the specific needs of pastoral regions - building up livestock assets and improving veterinary health facilities. It also outlines plans for the resettlement of people from drought-prone areas, as well as building up off-farm employment opportunities. However, little attention is given to population issues and to highly vulnerable groups such as HIV/AIDS victims (although this is changing as the Government has outlined resource requirements for HIV/AIDS victims in 2004). The lack of an effective and implemented policy on population issues is a serious gap, given the high population growth rate of 2.8 per cent, and there appears to be a need for developing greater understanding of the links between population policy and food insecurity. Some of the Government’s proposals have also proved controversial with foreign donors, including policies on land tenure reform, water harvesting, resettlement and agricultural modernization.

34. Land tenure reform is a key part of government strategy, but remains highly sensitive policy in the Ethiopian context. State ownership of land is enshrined in the Constitution, but there have been increasingly insistent calls for the privatization of land. State ownership of land has been criticized for reducing people’s willingness to invest in land, preventing the consolidation of landholdings, giving the Government too much control over the peasant population, and preventing migration to the cities. However, the Government has resisted calls for the privatization of land, with a convincing argument that privatization would result in millions of landless peasants. It is clear that if land were privatized, farmers would be forced to sell their plots as soon as the next famine arrived. Given that there are few alternative forms of employment, millions of Ethiopians would be left in a situation of even greater poverty, not even able to subsist from their own production. The Government has therefore proposed strengthening land tenure rights through its Land Certification Policy. This will give tenure

security through a lease that can be held for 99 years and can be inherited by family members, but cannot be sold. This Government argues that this will avoid the total destitution of rural farmers. At the time of the visit of the Special Rapporteur, this policy was beginning to be implemented, but only in three regions - Tigray, Amhara and SNNPR. Many still argue that the policy-making has not involved a nationwide referendum, which would ensure the adequate participation of the people. The important element is to ensure tenure security that will give people concrete rights over their land, even if they were to temporarily leave the land.

35. Water harvesting and small-scale irrigation development is a key part of the government strategy. Ethiopia has vast reserves of groundwater and surface water, but these have not yet been harnessed, even though this would significantly reduce Ethiopia's vulnerability to drought. The 15-year Water Sector Development Programme (2002-2016) outlines an ambitious plan to increase irrigated farmland from 200,000 to 470,000 hectares by 2016, and to increase access to drinking water from 74 per cent to 98 per cent of the urban population and from 23 per cent to 71 per cent of the rural population by 2016, through constructing wells, springs and other surface water works. Significant progress is already apparent in some regions. In Amhara and Tigray, for example, 70,000 ponds and tanks were constructed in 2002 alone. Nonetheless, the speed and scale of implementation has already given rise to certain problems. There are concerns that policy is being implemented in a top-down manner without adapting to local social and ecological situations. OCHA found that "due to their small capacity, ponds and tanks are only economically viable if no other water source is present and has potential".³³ In Gubalafto, Meket and North Wollo and in Tsebela *tabia* (village), Sastsadamba *woreda*, shallow wells or methods using river diversion may have been more appropriate and less expensive than open ponds, and would have avoided an increase in the incidence of malaria.³⁴ Little attention has so far been focused by the Government on methods of rainwater harvesting, despite successful results in NGO programmes as proposed by the Ethiopian Rainwater Harvesting Association - the Irish NGO, GOAL, uses rainwater harvesting in 165 school feeding centres throughout the country.

36. Resettlement is also part of the government strategy that aims to relocate 2.2 million people in three years. Farmers will voluntarily resettle from highly food-insecure *woredas* to more food-secure *woredas* (preferably in the same region). In return, the receiving *woredas* are offered improved basic services, such as storage facilities, health clinics and grain mills. However, resettlement remains a controversial policy, largely because of a history of forced resettlement schemes during the Derg era. Although the new resettlement programme is voluntary, participatory and allows for return, some suggest that these conditions are undermined by requirements to fill quotas for resettlement, although the Government confirmed that it is not imposing a quota system. Malaria has also turned into an issue, given that it is more prevalent in the low-lying areas targeted for resettlement. There are also concerns that resettlement will lead

to conflict over traditional rights to resources or ethnic conflict, particularly if resettlement occurs in an interregional rather than intra-regional context. Donors are concerned that resettlement may leave people worse off than they were before. In one case of resettlement from Hadiya zone to Dawro zone in SNNPR, for example, resettlement was postponed when households had already sold off livestock and household assets, leaving people with little option but to move to look for work in nearby towns. There are also some cases where resettlement has occurred to sites with no existing infrastructure, no clean water and no tools for planting. It is clear that there is a need to incorporate mechanisms for monitoring and accountability into these programmes to remedy these problems, as well as to change the policy if resettlement does not have a positive impact on people's lives.

37. Increasing the availability and accessibility of food rests largely with the Government's long-established Agricultural Development-Led Industrialization strategy (ADLI). This forms a key part of the overarching framework for poverty reduction articulated in Ethiopia's Sustainable Development Poverty Reduction Programme (SDPRP). ADLI focuses on modernizing agriculture, as the key driver of economic growth and industrialization, and promoting employment. There has been progress under ADLI, with agricultural production levels increasing, particularly in the recent surplus harvests in 2001/02. However, the simultaneous liberalization of agriculture, including eliminating subsidies for fertilizer and the lack of markets, has limited the impact of ADLI. Critics have said that agricultural extension agents have to meet quotas to accelerate the adoption of improved seed and fertilizer use (which come from privatized companies, sometimes linked to the ruling party), although the Government confirmed that no quota system is in place. Many also criticize the focus on increasing production in high-potential areas, as this benefits the better off, while chronically food-insecure areas (as well as the pastoral, agropastoral and urban poor) are left behind. Others suggest that rural poverty will never be resolved whilst multiple taxes on farmers remain high and the costs of agricultural inputs keep farmers indebted.

B. Policies and programmes of the United Nations system in Ethiopia

38. The United Nations has a long history in Ethiopia, with most of the agencies present since the great famine of 1974. Today, the Country Team in Ethiopia is one of the largest and most competent in Africa, with 25 agencies represented, including WFP, FAO, UNDP, UNICEF, the International Monetary Fund (IMF) and the World Bank.³⁵ The United Nations agencies work with the Government, within the framework of the New Coalition for Food Security, and the SDPRP, on projects that include food security, agriculture, industry and humanitarian and emergency relief. Development aid from multilateral and bilateral sources averaged US\$ 1 billion per year from 1997 to 2003, although most of the assistance was provided in the

form of humanitarian and relief assistance, predominantly food aid. A number of agencies, particularly UNICEF, are **focusing** their work around a rights-based approach to development.

39. During the mission, a number of agencies expressed concerns about the constraints on their work, given an historical bias towards emergency humanitarian assistance. The efforts of the agencies are often spent fighting famine, with little time and funds left to address the underlying problems of food insecurity, malnutrition and extreme poverty that lead to the repeat of crises from year to year. During the famine of 2003, the United States generously provided a record US\$ 553.1 million in assistance, but US\$ 471.7 million was provided as food. The Country Director of WFP recently called for the provision of greater cash assistance as part of humanitarian assistance.³⁶ Cash could be used to purchase grain locally and ensure support of the domestic agricultural development, in line with the new approach of the New Coalition for Food Security.

C. Non-governmental organizations

40. There are a large number of international and national NGOs in Ethiopia, mostly involved in emergency assistance and development projects. A number have begun to focus on a rights-based approach to development, although there are few working from the perspective of the right to food, with the notable exceptions of ActionAid and CARE.

41. NGOs expressed particular concerns about constraints on their activities related to the control by the Government of their activities through registration and coordination processes. These processes require them to report all activities to the Government and limit the activities and regions in which they may work. The environment is particularly difficult for human rights organizations, of which relatively few exist in Ethiopia. The Special Rapporteur met with the Ethiopian Human Rights Council and with EWLA, which have had particularly difficult relations with the Government as a result of their work, often being accused of bias and partiality, as have organizations working for press and academic freedom. Several people alleged that farmers' associations and opposition parties sometimes have difficulties in holding meetings without having their members threatened and arrested by the police or the local authorities.

V. MAIN FINDINGS AND CONCERNS

A. Progressive realization

42. The Special Rapporteur was encouraged to see that the fight for food security is the key priority of the Government of Ethiopia. Despite the legacies inherited from a history of feudalism, dictatorship and a difficult international trade environment, the Government has made important progress. Widespread deaths from famine have been averted, as evidenced by

the 2003 crisis. There are many programmes and policies in place that seek to increase the availability of and access to food, as well as water. Agricultural production has increased (aside from famines) by more than 70 per cent since the 1980s.³⁷ The Government has committed to increasing investment in agricultural development with 6.5 per cent of the budget allocated to support agriculture and food security programmes in 2002/03, to be doubled in 2003/04.³⁸ Official statistics show that overall poverty has fallen over the last decade, suggesting that some progress has been made towards reducing hunger and food insecurity.

43. However, the Special Rapporteur was concerned that the number of people in need of food aid has increased continuously over the last decade, which would suggest a regression in the progressive realization of the right to food. The food crisis in 2003 affected 13 million people - more than ever before. Food production is not keeping up with population growth. Rapid population growth has also increased vulnerability by diminishing landholdings and reducing access to land and other productive resources. In the face of extreme poverty and lack of resources, at least 5-6 million people depend on food aid every year, regardless of the rains or the harvest. Some studies have challenged the official statistics on the reduction of poverty, pointing to the increasing destitution.³⁹ The lack of access to productive resources of the poor therefore remains the key problem in Ethiopia.

44. The massive response to the 2003 crisis at the international and national levels was impressive and saved the lives of millions of people, preventing widespread famine. Nonetheless, food aid has not reduced the vulnerability of the Ethiopian people to future famines. As the Government and donors have come to recognize, food aid is not the answer. Saving lives is essential, but saving livelihoods and improving access to productive resources must be equally important for longer-term development. Continued dependence on food aid will only be a recipe for continued disaster, and will not contribute to the progressive realization of the right to adequate food, which is primarily the right to be able to feed oneself in dignity.

45. The Special Rapporteur was encouraged by the improvements in the general human rights environment, although he continued to be concerned about abuses of power with respect to the right to food in some areas. He was encouraged by moves to establish a National Human Rights Commission and an Ombudsman to mediate on human rights issues, although he was concerned that these institutions are still not fully operational. There is an urgent need for these institutions to monitor the progressive realization of the right to food in order to improve accountability of government policies and programmes and address possible violations of the right to food. The Government should also facilitate the important work of human rights organizations, which also provide a monitoring role as part of an effort to ensure the right to adequate food.

B. Violations of the right to food

46. In accordance with the mandate accorded him by the Commission on Human Rights, the Special Rapporteur is required to receive information concerning possible violations of the right to food and has an obligation to call attention to these violations, in order to precipitate positive government action to prevent or remedy potential violations. The Special Rapporteur received documents detailing a number of violations in different regions, and in accordance with his mandate reports on these allegations in paragraphs 48 and 49. The Special Rapporteur takes note of the view of the Government that the cases listed in these two paragraphs are without basis in fact and that the information provided is politically biased.

47. In the highly sensitive political and ethnic context of democratic Ethiopia, it is not always clear to what extent allegations of violations are politically biased or motivated by political interests. At the same time, as a democratic State, it is now essential that civil society, including opposition movements, should be heard. The Special Rapporteur notes that most of the allegations detailed below relate to actions taken by local-level officials, not the central Government, but calls on the central Government to investigate and take remedial action where necessary and prevent future violations from occurring.

48. The documents received by the Special Rapporteur detail allegations that include the use against opposition party members of threats to withhold food aid, credit or fertilizer, or even land scheduled for redistribution in the Southern Region. Local officials at the *kebele* level in Innemai *woreda* (East Gojjam Zone) and in the South Gondar Zone withheld rural credit from one man and confiscated land from another.⁴⁰ In September 2002, local officials allegedly threatened and then evicted eight farmers from their land when they did not stop participating in meetings of the opposition party United Ethiopia Democratic Party in Masha *woreda*, Southern Region. Officials reportedly told the farmers that opposition party members were not entitled to have land.⁴¹ On 1 February 2002, it is alleged that local officials threatened to withhold food assistance and remove people from their land at an All-Ethiopia Unity Organization (AEUO) meeting in Debre Tabor, Amhara Region.⁴²

49. There are also allegations of the destruction and setting on fire of homes, livestock and food stocks of members of opposition parties, which amount to violations of the right to food. For example, on 10 November 2002 local *kebele* officials and militia in the Kuchit and Batay Farmers Association in East Gojjam reportedly set on fire the home of one AEUO member, destroying his house, livestock and food. There are also some concerns about the manipulation of government programmes, including the resettlement programme. For example, although the resettlement programme is entirely voluntary, human rights NGOs and opposition parties have suggested that local authorities in some areas are targeting opposition supporters for relocation

by manipulating resettlement rosters.⁴³ There are also reports of farmers being evicted from their lands in order to provide the land to private investors, despite constitutional protections. In April 2001, in Abe Dongero *woreda* in East Wellega Zone of Oromiya, the *woreda* administrator allegedly ordered the forced eviction of approximately 250 Amhara persons from their land to make the land available to a business investor.⁴⁴

50. During the visit of the Special Rapporteur in 2004, violence erupted in the Gambella Region between the Anuaks and the Nuer people over power-sharing and resource distribution. As many as 20,000 people were reportedly forced to flee to Pochalla in neighbouring Sudan, and human rights organizations documented the killing of 1,000 members of the Anuak ethnic group as of 31 March 2004, allegedly by other ethnic groups and government military forces, as well as the burning and destruction of hundreds of homes and crops, leaving thousands of people without shelter and food.⁴⁵ However, according to government reports, the number of people killed in Gambella was significantly lower, with 56 killed, 74 injured and 410 houses burnt down. An investigating commission established by the Government confirmed that military forces were not involved, but had been deployed to detain 37 individuals considered to be responsible. The Special Rapporteur will seek further information on the current situation of these detainees.

51. Discrimination against women remains a particular problem, despite the progress in addressing the legal framework at the federal level. The failure to strictly enforce existing legislation that addresses inequalities amounts to a failure to protect women against violations of the right to food, particularly in relation to inheritance and control over resources, including land. It is not acceptable that de facto discriminatory practices persist throughout the country, particularly when the Constitution affirms equality.

C. Obstacles to the realization of the right to food

52. Ethiopia is faced by numerous internal and external obstacles that affect the capacity of the Government to fully ensure the realization of the right to food.

53. Ethiopia is severely affected by its climatic variability and unpredictability, including drought, floods and land degradation. However, drought need not automatically lead to famine. As the experience of many countries shows, it should be possible to survive drought without succumbing to famine, if drought is treated as a regular occurrence and adequate investment is made in development and in reducing vulnerability to drought.

54. Food aid, whilst essential for saving lives, can also be an obstacle to the longer-term realization of the right to food. While imported food aid is essential whilst relief needs cannot be

met through domestic production, it is essential to reduce dependence, purchasing food locally as far as possible to encourage local development over the long term. Government coordination of all food aid is essential, but the institutionalization of food aid within the Government and donor agencies may be an obstacle to the full realization of the right to food. Efforts should be focused on reducing food aid needs by addressing longer-term development needs as well as population policy. Greater investment in longer-term development, including in transport and marketing infrastructure, and building up an effective, independent private sector are essential to overcome local market failure. To ensure food security, transporting surplus crops to deficit areas should be made a priority, rather than developing export markets for surplus crops. Efforts should also be focused on the creation of employment in both rural and urban areas, increasing access to resources for the increasingly landless younger generations.

55. Although many cite the issue of State ownership of land as a key obstacle to achieving food security, the land question will not, on its own, reduce poverty and famine. Privatization would encourage the concentration of land and bigger farms, which might improve the availability of food but would clearly do little to increase access to food, as many Ethiopians are likely to lose their land, selling when faced with the next famine and, given the lack of alternative employment, many Ethiopians would become even poorer. Improving tenure security is essential to ensure that people can invest in their land, and to enable them to temporarily leave their land without it being redistributed. This would mean that they could search for alternatives, but would still retain their land as a key asset and as a safety net. Tenure security would also reduce arbitrary abuses of power. Accountability for such abuses should be strengthened to prevent violations, regardless of the system of land ownership or tenure.

56. The lack of participation in the design and implementation of policies and programmes is also an obstacle to the right to food, where this inhibits the adaptation of programmes to local social and ecological conditions. There is a need to incorporate the human rights principles of participation, transparency, accountability and non-discrimination in all programmes, including for women. Effective remedies and compensation should be provided where government policies may negatively affect people's right to food.

57. Ethiopia's debt burden remains a serious exogenous obstacle to the Government's capacity to ensure the right to food. Though it is one of the poorest countries in the world, debt service took up US\$ 149 million in 2002. Ethiopia pays around 12 per cent of its national revenue in debt service, double the 6 per cent it spends on food security and agriculture. Although Ethiopia has qualified for the Highly Indebted Poor Countries initiative, the benefits are not yet clear, and the debt burden is unsustainable and an obstacle to the realization of the right to food.⁴⁶

58. At the same time, it is difficult for Ethiopia to compete on the world economic stage, particularly when faced with inequities in the global liberalized economic system. For example, coffee originated in Ethiopia and has long been a part of the cultural heritage of Ethiopia, as well as its main export earner. More than 95 per cent of coffee in Ethiopia is produced by smallholder coffee farmers and has been a key source of income. Yet importing northern countries still retain high tariffs on processed coffee - which limits development that could occur through exporting the processed product. Recently, world coffee prices have also collapsed. Farm gate prices are now lower than the cost of production, destroying livelihoods.⁴⁷ The Ministry of Finance estimates that Ethiopia has lost US\$ 830 million in export revenue since the price crash.⁴⁸ Yet consumer prices for coffee sold by the large international brands have not fallen. Consumer prices are not translated into farm gate prices, suggesting monopolistic corporate practices. In some regions, coffee farmers have left their coffee unharvested, turning instead to the narcotic khat, and there is a risk that this may become Ethiopia's new key export earner.⁴⁹ It is essential that the developed countries allow and enable development opportunities in Ethiopia.

59. Finally, Ethiopia also faces inequities in the water sharing of the Nile river, under a 1959 agreement between Egypt and the Sudan. Ethiopia contributes 86 per cent of the Nile waters, but uses less than 1 per cent.⁵⁰ The total irrigated land in the Ethiopian portion of the Nile basin is only 8,000 hectares. The Special Rapporteur welcomes the Nile Basin Initiative and the new cooperation between riparian States, which could lead to a new agreement on water-sharing. This should prioritize water necessary to ensure the right to food and water in all riparian countries.

V. CONCLUSIONS AND RECOMMENDATIONS

60. **The Special Rapporteur believes that the Government of Ethiopia is making important progress in the realization of the right to food. There are many programmes and policies in place that seek to increase availability and access to food, as well as water. There are also a number of innovative programmes, including the shift towards a permanent safety net, that are experiences to be shared around the world. Nonetheless it is not acceptable that nearly half of the Ethiopian population still do not get enough to eat every day and that more than two thirds of Ethiopians still do not have access to safe and clean water.**

61. **The Special Rapporteur would recommend that:**

(a) **The shift from an emergency to a development perspective, as already begun with the New Coalition for Food Security, must be a key priority for food security and the right to food. Government will need to be supported in this effort by an increase in donor funding for long-term development in both rural and urban sectors to ensure food security;**

(b) New Coalition programmes, including resettlement, must be implemented in ways that avoid potential negative impact on livelihoods and the right to food. Mechanisms for accountability and effective compensatory mechanisms should be built into all programmes. The safety-net programme must reach all those in need, with adequate resources provided from Government and donors to ensure that people are not left excluded;

(c) Effective programmes to address population growth, land degradation and land tenure must form part of food security planning, given that the smaller size of landholdings are unable to feed a family. Urban development and the creation of off-farm employment should also form an important part of food security planning;

(d) Land tenure must be secured to ensure that people have secure rights over their own land. Land certification provides an important alternative to the privatization of the land, in terms of food security and the rights of the poorest. However, land certification should be applied rapidly and consistently across the country to all farmers regardless of their gender or ethnicity;

(e) Dependence on imported food aid should be reduced. Local purchase of food aid should be prioritized, avoiding negative impacts on local production and consumer prices, providing a mechanism to manage price volatility and encouraging the distribution of crops from surplus regions to deficit regions;

(f) For longer-term development, it is essential that priority be given to developing local markets before the development of export markets, otherwise dependence of imported food aid will remain even while Ethiopia exports food. This implies serious investment in roads, storage and marketing facilities;

(g) Programmes to harness water resources should be given priority in order to reduce long-term vulnerability to drought, especially shallow wells, river diversions and rainwater harvesting. The technologies chosen should be appropriate to the social and ecological environment. Everyone should have access to drinking water within 1 km from home;

(h) All government programme and policy designs should ensure appropriate levels of participation, non-discrimination, transparency and accountability;

(i) The National Human Rights Commission and Ombudsman institution should be made fully operational, independent from Government and accorded adequate resources, in accordance with the Paris Principles, and should be given a mandate that includes monitoring compliance with the obligations to respect, protect and fulfil the right to food;

(j) The work of national and international NGOs should be facilitated. In particular, human rights organizations, organizations working for press and academic freedom, and farmers associations should be seen as an essential component of a democratic society and should be able to participate fully in policy processes;

(k) Resources, including land and food aid, should never be used as a political tool. All reported violations of the right to food should be investigated in a transparent process and remedies should be made available for substantiated claims. Access to effective remedies for all violations of human rights should be improved;

(l) Serious efforts should be made to address discrimination, particularly against women. This will require the implementation of federal law, especially the Family Code, throughout all regions of the country, and increasing access to basic education and information;

(m) Within the region, it is imperative that the Nile riparian States strengthen their cooperation for the fair sharing of the Nile river. Sharing water necessary for human consumption and for subsistence agriculture should be a priority;

(n) Finally, donor agencies should support the shift from emergency to long-term development funding. Donors should also ensure that their own countries' policies (such as on debt repayment or coffee tariffs) do not limit Ethiopia's opportunities for development and for ensuring the right to food.

Notes

¹ Sue Lautze, Yacob Aklilu, Angela Raven-Roberts, Helen Young, Girma Kebede and Jennifer Leaning, *Risk and Vulnerability in Ethiopia: Learning from the Past, Responding to the Present, Preparing for the Future*, United States Agency for International Development, Addis Ababa, 2003.

² *2004 Humanitarian Appeal for Ethiopia: A Joint Government and Humanitarian Partners' Appeal*, 10 December 2003.

³ Ibid.

⁴ Lautze et al., op. cit. at note 1, p. 10.

⁵ This refers to liberalization carried out under World Bank programmes - Ethiopia is not yet a member of the World Trade Organization (WTO).

⁶ World Bank, Country Assistance Strategy for Ethiopia, 2003.

⁷ Food and Agriculture Organization/World Food Programme, Crops and Food Supply Assessment: Mission to Ethiopia, 12 January 2004.

⁸ International Food Policy Research Institute (IFPRI), Ending the Cycle of Famine in Ethiopia, 2003.

⁹ Ibid.

¹⁰ Discussions with WFP in Ethiopia.

¹¹ T.S. Jayne and D. Molla, "Toward a research agenda to promote household access to food in Ethiopia", Working Paper 2, Food Security Research Project, Ministry of Economic Development and Cooperation, Addis Ababa.

¹² UNDP *Human Development Report*, 2003.

¹³ United Nations, common country assessment (CCA) for Ethiopia, 1999, <http://www.et.undp.org/rcs/UNDAF.html>

¹⁴ FAO/WFP, op. cit. at note 7.

¹⁵ UNDP, op. cit., at note 12.

¹⁶ Lautze et al., op. cit., at note 1.

¹⁷ UNDP *Human Development Report* 2004.

¹⁸ D. Rahmeto and A. Kidanu, *Consultations with the Poor: A Study to Inform the World Development Report (2000/01) on Poverty and Development* (National Report, Ethiopia, Addis Ababa, 1999).

¹⁹ Christian Aid, "Nothing to fall back on: why Ethiopians are still short of food and cash", 2003.

²⁰ Ayele Solomon, Assegid Workalemahu, M.A. Jabbar, M.M. Ahmed and Belachew Hurissa, Livestock marketing in Ethiopia: A review of structure, performance and development initiatives, Socio-economics and Policy Research Working Paper 52, International Livestock Research Institute (ILRI), Nairobi, 2003.

- ²¹ UNICEF and the Federal Democratic Republic of Ethiopia. *The Situation of Ethiopian Children and Women: A Rights-Based Analysis*, 2002.
- ²² The Government has said that this report is now being prepared with the civil society.
- ²³ Fasil Nahum, *Constitution for a Nation of Nations. The Ethiopian Prospect*, Red Sea Press, 1997.
- ²⁴ See Federal Appeals Court of Argentina, *Viceconte v. Ministry of Health and Social Welfare*, 1998.
- ²⁵ See Orders in the Supreme Court of India Civil Original Jurisdiction Writ Petition No. 196, 2001.
- ²⁶ Meeting with the Special Rapporteur.
- ²⁷ Proclamations No. 210/2000 and No. 211/2000.
- ²⁸ Human Rights Watch, *World Report 2003*.
- ²⁹ EHRC, *The Human Rights Situation in Ethiopia. 19th Regular Report*, 2003. See also Human Rights Watch, *World Report 2003*, and the United States Department of State, *Ethiopia. Country Report on Human Rights Practices 2003*.
- ³⁰ UNDP and United Nations Capital Development Fund, *Lessons from Experience in Decentralizing Infrastructure and Service Delivery in Rural Areas. Country Case Study: Ethiopia*, 2003.
- ³¹ United Nations Economic Commission for Africa, *Fiscal Decentralization in Africa: A Review of Ethiopia's Experience*, 2003.
- ³² Ministry of Finance of Ethiopia, 2003 Annual Progress Report on Ethiopia: Sustainable Development and Poverty Reduction Programme.
- ³³ OCHA, *Ponds filled with challenges. Water harvesting - experiences in Amhara and Tigray*, 2003.
- ³⁴ Ibid.
- ³⁵ <http://www.et.undp.org/rcs/Composition.htm>.
- ³⁶ Irin News, 15 March 2004, <http://www.irinnews.org/print.asp?ReportID=40039>.
- ³⁷ <http://www.ifpri.org/media/ethiopia/ethiopiaib.pdf>.

- ³⁸ Ministry of Finance 2003.
- ³⁹ S. Devereux and K. Sharp, “Is poverty really falling in rural Ethiopia?” Institute for Development Studies, University of Sussex, 2003.
- ⁴⁰ Ethiopian Human Rights Council, *The Human Rights Situation in Ethiopia, 19th Regular Report*, May 2003.
- ⁴¹ United States Department of State Country Reports on Human Rights Practices - 2003: Ethiopia, Bureau of Democracy, Human Rights and Labour, 25 February 2004.
- ⁴² Ibid.
- ⁴³ Ibid.
- ⁴⁴ United States Department of State Country Reports on Human Rights Practices - 2002: Ethiopia, *ibid.*, 31 March 2003.
- ⁴⁵ OMCT, press release Geneva, 2004.
- ⁴⁶ J. Stiglitz, “FMI, la preuve par l’Ethiopie”, *Le Monde Diplomatique*, April 2002.
- ⁴⁷ Ministry of Finance, 2003.
- ⁴⁸ Ibid.
- ⁴⁹ Oxfam, “Time for coffee or chat?”, [http://www.oxfam.org.uk/what we do/where we work/ethiopia/coffeeorchat.htm](http://www.oxfam.org.uk/what_we_do/where_we_work/ethiopia/coffeeorchat.htm).
- ⁵⁰ T. Tafesse, *The Nile Question: Hydropolitics, Legal Wrangling, Modus Vivendi and Perspectives* (Münster, LIT Verlag, 2001).
