

Center for Human Rights

College of Law and Governance Studies

Addis Ababa University

The Human Right to Food and the Post-1991 Ethiopian State's Obligation: A Case Study on Simada Woreda and Gulele Sub-city

By

Yeshewas Ebabu Worku

November 2019

Addis Ababa, Ethiopia

The Human Right to Food and the Post-1991 Ethiopian State's Obligation: A Case Study on Simada Woreda and Gulele Sub-city

By

Yeshewas Ebabu Worku

A Dissertation Submitted in Partial Fulfilment of the Requirements for the Degree of Philosophiae Doctor (PhD) in Human Rights, Written Under the Direction and Supervision of Mogobe Bernard Ramose (Professor) and Solomon Mebrie Gofie (PhD, Associate Professor)

Approval Sheet by the Board of Examiners

Approved by Board of Examiners

_____	_____	_____
External Examiner	**Signature**	**Date**
_____	_____	_____
Internal Examiner	**Signature**	**Date**
_____	_____	_____
Internal Examiner	**Signature**	**Date**

Declaration

I, Yeshewas Ebabu Worku, hereby declare that this dissertation entitled, '*The Human Right to Food and the Post-1991 Ethiopian State's Obligation: A Case Study on Simada Woreda and Gulele Sub-city'* is my work, and that it has not been submitted either in part or in full for an award of any degree or diploma in this or any other University. All the sources I have used, referred to, or quoted have been indicated and duly acknowledged by complete references. I also declare that this dissertation is less than 150,000 words exclusive of references and appendices. This is a true copy of my PhD dissertation, including final revisions and is being submitted for evaluation for the first time.

Signed: ……

Dated: November 2019

Supervisors' Approval

This thesis has been submitted for examination with my approval as a supervisor.

Name: Professor Mogobe Bernard Ramose

Signature: _____ Date: _____

Name: Dr Solomon Mebrie Gofie

Signature: _____ Date: _____

Chair of the Center, or PhD Program Coordinator

Signature: _____ Date: _____

© Yeshewas Ebabu Worku, 2019

ALL RIGHTS RESERVED

Acknowledgements

First and foremost, I want to thank the almighty God for the very gift of life, good health, faith, hope and humility, gifts without which this doctoral dissertation would have remained a distant pipe dream.

Secondly, I would like to acknowledge and appreciate the people who have guided me throughout the life of this dissertation, especially my supervisors, Professor Mogobe Bernard Ramose of the University of South Africa, and Dr Solomon Mebrie Gofie, Addis Ababa University, for their efforts, insights, inspirations, and patience in supervising this research. Without their prompt and critical comments to the draft chapters and the many phases of the full dissertation, this research would not have been in its present form. Hence, I am most grateful for their support. Many thanks, in this regard, is also due to Dr Tadesse Kassa Woldetsadik, the former PhD program coordinator of the Center for Human Rights (CHRs) and Dr. Belay Tizazu the incumbent coordinator of the program for their encouragements and follow-ups. I want to thank the Community of the Center for Human Rights (CHRs), in general, for providing me with the requisite facilities to enable me to undertake this research. I want to thank specifically Dr Wondmagegn Tadesse, director of the Center for Human Rights (CHRs) and Dr Yitayew Alemayehu, former director of the Center for Human Rights (CHRs).

Third, I would like to thank the Addis Ababa University for offering me the opportunity to pursue my doctoral education and providing the financial support to undertake this research work. I am very grateful to my home institution, the University of Gondar for sponsoring my study, giving me the necessary study leave to join Addis Ababa University and for generously providing financial support during the entire course of my study. I also thank Addis Ababa University, Center for Human Rights and Lund University, Raoul Wallenberg Human Rights and Humanitarian Law Institute for granting me a research visit at Raoul Wallenberg Institute, Lund University, Sweden. At RWI, with the warm hospitality of staff members of the Institute, I had the opportunity to review extensive and up to date literature related to my research. I would also like to take this opportunity to thank Dr Maria Green, who not only was my tutor during my research stay, but was also kind enough to share me her ideas and additional materials which had been vital input to this research work.

Fourthly, I am greatly indebted to the members of the communities of Simada Woreda and Gulele Sub-city for their patience and consent to allow me to undertake the study in the

respective communities. I am grateful to the local administrative offices in Simada Woreda and Gulele Sub-city for all the necessary information that they had provided me with. I also wish to express my gratitude for my informants and interviewees for the valuable information that they provided me with.

I deeply appreciate the concern and encouragement from my MOTHER, Meazash Dessie, my sisters Meseret, Worknesh, Fetlework, Tizezew, Simegn and brother Dagnachew for their support.

Last but not least, I owe a special debt of gratitude to Dr Derb Abiew, Mr Thomas Adino, Mr Agenagnew Assefaw and Mr Setegn Getaneh who have been with me, patiently taking care of me and providing a delightful distraction from this research. I am also grateful to you for our many stimulating conversations, and for the true affection and the dedication, you have always shown towards me. I am deeply grateful to two of my best friends, Fasil and Shegaye for your continued support and love, to all the years we have been together and for encouraging me to finish my PhD thesis during my most difficult moments. Finally, I wish to thank all of those who have supported me, in one way another, in the undertaking of this study. However, all errors and omissions of the study rest solely on me!

Yeshewas Ebabu Worku
Addis Ababa University, 2019

Dedication

This work is dedicated to my FATHER, Ebabu Worku, my MOTHER, Meazash Dessie and my PRECIOUS DAUGHTER, Meklit Yeshewas and to the struggle for the realization of the human right to food around the world.

Operational Definitions

Claimants or right holders: refers to human beings who are entitled to be free from hunger and to have access to adequate food. They are also referred to as right holders or [right] claim holders. Therefore, in this study, the term 'claimant' is interchangeably used with 'right holder.'

Duty bearer: refers to the state who bear the obligation to uphold the rights. The state (the government) has the responsibility, authority, and resources to realize the rights to right holders. The state is the principal duty bear for the human right to food pursuant to the national and international human rights standards.

Entitlement: refers to sets of income, assets, commodities and human capacities and skills, which right holders establish control over and serve as the means for the realization of the human right to food.

Food insecurity: refers to a situation under which the right holders have limited access to productive and inadequate assets to ensure their food requirements at all times. Food insecurity in the study also refers to the inability to work and have means of income at all.

Food sovereignty: refers the right of states and their respective people to decide their mode of food production, to have direct control over means of food production and the use of food for local consumption.

Household: refers to an economic and social unit composed of members, who may or may not be related, but pool their resources for their sustenance and usually share meals together.

Human right: refers to the freedoms and positive right claims of right holders, which are required to ensure healthy and active life and the respect of human dignity.

Hunger: refers to a condition where an individual or household is not able to have three meals in a day over a long time with inadequate intakes to meet daily requirements of energy and protein. It primarily denotes a recurrent and involuntary lack of access to food.

Justiciability or right to food: refers to procedures or mechanisms put in place to ensure justice is upheld in the realization of the right to adequate food in case of violations, abuse, or denial that the right holder sustained, which can be presented to the court of law.

Malnutrition: refers to a condition which results from either excessive or insufficient nutrient intake resulting in impaired growth and body function. That condition due to excessive intake is referred to as over-nutrition and that due to inadequate intake is referred to as under-nutrition.

Obligations: refers to the duties that the state has with respect to the right to food. These are categorized into four parameters; "to recognize", "to respect", "to protect", and "to fulfil (facilitate and provide)".

Recognize- this obligation demands the state to affirm the very *existence- the* content and form of the human right to food and the effective means for its enforcement.

Respect- this obligation requires the state and/ or duty bearers to refrain from interfering directly or indirectly with the enjoyment of the right. This includes freedom from all forms of discrimination, right to access to basic services, right to be free and enjoy without state interference, right to equity of treatment, especially the allocation of resources and access to finance and credit, right to actively participate in politics and right to mobilize descent and to organization. In this study, the term respect refers to the right to be free and to enjoy basic services, discrimination, and equal treatment without interference to ensure the realization of the right to food.

Protect- this obligation requires the state and or duty bearers to take measures that prevent third parties from interfering with the enjoyment of the right. This includes prevention of violation of the Convention of Economic, Social, and Cultural Rights (CESCR) by the State or third party and access to legal remedies without partiality in cases of violation of the right by other duty bearers. In the study, this obligation will refer to the prevention of third-party interference with enjoyment of the right through social, cultural or gender, bias, or discrimination.

Fulfil- (facilitate) - this obligation requires the state or duty bearers to adopt appropriate legislative, administrative, budgetary, judiciary, promotional and other measures towards the realization of the right to food. This includes equitable distribution of resources, provision of public services and ensuring its access. In the study, it will refer to the availability of public services and their accessibility to all and equitable resource allocation.

Fulfil (provide) - this obligation requires the state or the duty bearers to directly provide assistance or services for the realization of the right at a time of emergency. This will include relief aid during emergency and rehabilitation support.

Right to food: Refers to the right to have regular, permanent, and free access either directly or by means of financial purchases of qualitatively and quantitatively adequate and sufficient food with respect to the cultural traditions of the people to which consumers belong and it is also

required to ensure physical and mental individual and collective fulfilling and dignified life free of fear.

State: refers to the government and its ministers, legislative and judicial bodies, state institutions (responsible for the implementation of policies and programs).

Violation or Deprivation of Rights: refers to the state's inability to uphold rights to claimants. In this study, violation of rights refers to duty bearer's inability to uphold rights and is used synonymously with denial or abuse of rights. Therefore, violations of human right are breaches of States' obligations recognized under international law.

Acronyms and Abbreviations

ACHPR: African Charter on Human and Peoples' Rights

ANDM: Amhara National Democratic Movement (since the last quarter of 2018, Amhara Democratic Party (ADP))

ADLI: Agricultural Development Led Industrialization

ACRWC: African Charter on the Rights and Welfare of the Child

CATOCIDTP: Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CESCR: Committee on Economic and Cultural Rights (United Nations)

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of Persons with Disabilities

ECOSOC: Economic and Social Council (United Nations)

EDT: Entitlement Decline Theory

EPLF: Eritrean People Liberation Front

EPRDF: Ethiopian Peoples' Revolutionary Democratic Front

FAD: Food Availability Decline Theory

FAO: Food and Agriculture Organization (United Nations)

FDRE: Federal Democratic Republic of Ethiopia

FFW: Food for Work

FHI-E: Food for the Hungry International-Ethiopia

FIAN: Food First Information and Action Network

GC: General Comment

GDP: Gross Domestic Product

FGD: Focus Group Discussion

GTP: Growth and Transformation Plan

HoF: House of Federation

HoPR: House of Peoples Representatives

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social, and Cultural Rights

ILO: International Labor Organization (United Nations)

IMF: International Monetary Fund

MOARD: Ministry of Agriculture and Rural Development

MOFED: Ministry of Finance and Economic Development

NGO: Non-Governmental Organization

OPDO: Oromo Peoples Democratic Organization (Since the last quarter of 2018, Oromo Democratic Party (ODP))

PACHPRRWA: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

SNNP: Southern Nations, Nationalities, and Peoples

PSNP: Productive Safety Net Program

RDWFS: The Rome Declaration on World Food Security

SSA: Sub-Saharan Africa

TPLF: Tigray Peoples Liberation Front

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNDP: United Nations Development Program

UNHRC: United Nations Human Rights Council

UNICEF: United Nations Children's Fund

USA: United States of America

WB: World Bank for Development and Reconstruction

WFP: World Food Program (United Nations)

WHO: World Health Organization

WTO: World Trade Organization

Abstract

This dissertation examines the state of the human right to food and the post-1991 [Ethiopian] state's compliance with its human right to food obligations as envisaged by the relevant international human rights instruments, i.e. the Universal Declaration of Human Rights (UDHR) and the International Convention on Economic, Social, and Cultural Rights (ICESCR). The study was undertaken in varying socio-economic contexts of Ethiopia, among the communities living in the rural Simada Woreda in the Amhara National Regional State and urban Gulele Sub-city of the Addis Ababa City. Deriving from the right to existence, the human right to food guarantees every human being the entitlement to be free from hunger and to have unrestricted access to food that is adequate in both quantity and quality that in turn would enable the right holder to live a healthy and active life. In this respect, in its very essence, the human right to food entitles right holders to have access to the means to feed themselves in dignity. Despite the affirmation of the right by the UDHR and the ICESCR since the second quarter of the 20th century, the right to food remains to be one of the most violated human rights around the world. As per the recent estimates of the FAO (2017), about 1 billion people around the world and about 40 million people in Ethiopia have been victims of hunger and undernutrition. The central aim of this study is, therefore, to investigate the state of the realization of the human right to food in varying socioeconomic contexts of Ethiopia, in the rural Simada woreda of the Amhara National Regional State and Gulele Sub-city of Addis Ababa City Administration. For this purpose, the study has adopted a qualitative multidisciplinary case study approach. Accordingly, information was gathered through document analysis, interviews, and focus group discussion. The state of the realization of the human right to food has been analyzed based on the human right to food constituting elements; availability, accessibility, and adequacy and correspondingly, the compliance of the state to the right to food obligations has been investigated on the basis of state obligation normative standards; recognition, respect, protection and fulfilment of the right, respectively. The finding of the study reveals that the human right to food is currently a mass violated right in the case study areas. The existing national legislation and policies of the state are not adequately addressing the demands of the realization of the human right to food. Often, as discussed in chapter four and following chapters, the national legislation and policies of the state and their implementation rather than providing the required respect and protection, they themselves contravene with the right. Though the Constitution of Ethiopia has paid tribute to the ICESCR by giving it access to the local legal system (Article 9(4) and Article 13(2)) and the human right to food can also be presumed as a guaranteed right within the purview of right to life, Article 15, an overt and express provision protecting the human right to food is lacking. At the level of practice, apart from foreign-funded food aid and the Productive Safety Net Program (PSNP) of the government which is currently under implementation only in selected rural Woredas, there has been no alternative or available social security scheme to the most and the chronically food-insecure people in Ethiopia. Particularly, to the dismay of the urban poor, PSNP and other safety net program are not yet functionally available. On top of this, the government is not opting to put the right to food among its policy priority list, in both rural and urban contexts. This thesis, therefore, argues, there is a compelling need to recognize the human right to food expressly and unequivocally under the human rights chapter of the FDRE constitution. For such a recognition would be a major milestone, though not a panacea, to address the problem. It would facilitate the realization of the right to food, and help the state and its agencies to comply with their constitutional obligations to the right and to hold them accountable accordingly. Apart from this, a human right to food legal framework would support the effort to better realize the right by providing the details on the right and its means of enforcement. Moreover, it is argued here that there is a need for a paradigmatic shift in policy approach from 'food security' to 'food sovereignty'. For food security is a technical term, not a legal one, and does not put a duty on the state for the realization of the same. On the other hand, food sovereignty, both as a policy alternative and a grass-root social movement, underscores food as a fundamental human right. Therefore, as discussed in chapter seven, it would be instrumental to the realization of the right. Finally, yet importantly, this study has suggested that through more democratic governance that ensures participation, accountability, non-discrimination, transparency, human dignity, empowerment, and rule of law the human right to food can be better realized.

***Key Terms**: Freedom, Hunger, Malnutrition, Poverty, Right to Food, State Obligation*

Table of Contents

Contents Pages

Declaration I

Acknowledgements III

Operational Definitions VI

Acronyms and Abbreviations IX

Abstract XI

Table of Contents XII

List of Tables XVII

List of Figures XVIII

CHAPTER ONE 1

1. General Outline of the Study 1

Introduction 1

1.1. Background for the Study 5

1.2. Motivation for the Study 10

1.3. Problem Statement 12

1.4. Research Objectives 15

1.5. Research Questions 16

1.6. Significance of the Study 16

1.7. Research Methodology 17

1.7.1. Rationale for Qualitative Research Approach 17

1.7.2. Research Design 18

1.7.3. Why a Case Study Strategy? 20

1.7.4. Selection of Case Study Sites 24

1.7.5. Study Location 25

1.7.5.1. Simada Woreda 25

1.7.5.2. Gulele Sub-city 28

1.8. Sources of Evidence 30

1.8.1. Literature Survey 30

1.8.2. Focus Group Discussion 31

1.8.3. Key Informant Interview 32
1.8.4. Field Observation and Personal Experience (*Verstehen*) 34
1.9. Data Analysis 34
1.10. Ethical Consideration 35
1.11. Issues of Authenticity and Trustworthiness 37
1.12. Challenges and Limitations of the Study 40
1.13. Scope of the Study 41
1.14. Structure of the Dissertation 42
Reiteration 44
CHAPTER TWO 46
2. Conceptualization of the Human Right to Food and State Obligation 46
Introduction 46
2.1. The Problem of Defining the Human Right to Food and State Obligation 49
2.1.1. Defining the Human Right to Food 51
2.1.1.1. Discourses on the Depriving Factors of the Human Right to Food 58
2.1.1.2. Right to Food, Food Security or Food Sovereignty 62
2.2. Defining State's Obligation to the Human Right to Food 64
2.2.1. Progressive Realization vis a vis the Human Right to Food 71
2.3. Theoretical Discourse on the Human Right to Food and State Obligation 73
2.4. The Relationship between the Human Right to Food and Other Human Rights 83
2.5. The Human Right to Food vis a vis the Behaviour of the State 87
Reiteration 90
CHAPTER THREE 92
3. The Human Right to Food under International Human Rights Systems: An Overview 92
Introduction 92
3.1. The Human Right to Food under the United Nations Human Rights System 93
3.1.1. The Human Right to Food under the African Human Rights System 103
Reiteration 106
CHAPTER FOUR 108
4. The Human Right to Food Regime in the Post-1991 Ethiopia: Theory and Praxis 108
Introduction 108

4.1. The [Genealogy of] the Quest for the Human Right to Food in Ethiopia 109
4.2. The Human Right to Food under the FDRE Constitution (Legal Regime) 113
4.3. The FDRE Policy Regime and the Human Right to Food 119
4.3.1. Food System Governance – the Free Enterprise System 119
4.3.2. The Land Tenure Regime 133
4.3.3. Population Policy 140
4.4. National Development Policies and Initiatives 145
4.5. Institutional Framework 149
4.6. Politics is Half the Battle: the Ethiopia Rising Narrative 152
4.7. The Ethiopia Rising Narrative 154
4.8. The Counter Ethiopia Rising Narrative 156
4.9. A different Ethiopia 161
Reiteration 163
CHAPTER FIVE 165
5. Case Study I: Simada Woreda 165
Introduction 165
5.1. Context 167
5.2. Food Availability, Accessibility, and Adequacy 171
5.2.1. Food Availability 171
5.2.2. Food Accessibility 175
5.2.3. Adequacy 177
5.3. Challenges and Responses 179
5.3.1. Accessibility of Land 179
5.3.2. Accessibility of Agricultural Inputs 186
5.3.3. Access to Finance and Credit Services 188
5.3.4. Irrigation, Rural Public Infrastructure and Ecosystem Base Development 193
5.3.5. Nutrition Awareness and Education 196
5.3.6. Access to Off-farm Employment 198
5.3.7. Access to Social Security 200
5.3.8. Relocation and Resettlement 207
5.3.9. Access to Remedy for the Violation of the Human Right to Food 211
5.4. Analysis 214
Reiteration 220

CHAPTER SIX 222
6. Case Study II: Gulele Sub-city 222
Introduction 222
6.1. Context 223
6.2. The Food Security Situation 225
6.2.1. Availability of Food 226
6.2.2. Accessibility of Food 229
6.2.2.1. Income 231
6.2.2.2. Food Marketing and Food Price 233
6.2.2.3. The Cost of Other Basic Needs 237
6.2.3. Adequacy of Food 239
6.3. Challenges and Responses 242
6.3.1. Food System Governance 243
6.3.2. Employment Creation and Business Financing 246
6.3.3. Awareness on the Human Right to Food and Nutrition Literacy 248
6.3.4. Access to Social Security 249
6.3.5. Alternative Coping Strategies Adopted by Right Holders 253
6.4. Access to Remedy 255
6.5. Analysis 256
Reiteration 259
CHAPTER SEVEN 261
7. The Way Forward for the Better Realisation of the Human Right to Food in Ethiopia 261
Introduction 261
7.1. Theoretical Legal and Policy Framework Issues: Recognition for the Existence and Primacy of the Human Right to Food 262
7.1.1. Legislation 262
7.1.1.1. Constitutionalising the Human Right to Food 262
7.1.1.2. Framework Law 267
7.1.2. Shift in Policy Paradigm: From Food Security to Food Sovereignty 269
7.2. Practical Issues: Beyond Recognition, the Need for Practical Implementation 285
7.2.1. Governance 285
Reiteration 289

CHAPTER EIGHT 291
8. Conclusion and Recommendations 291
8.1. Conclusion 291
8.2. Recommendations 298
References
Appendixes

List of Tables

Tables Pages

Table 4. 1 Land allocated for agribusiness investment in various regions 125
Table 4. 2 Land prepared for biofuel production in various regions of Ethiopia 129
Table 4.3 The population growth rates in Ethiopia 141
Table 6. 1: Food price change in main food items computed annually 234
Table 7. 1. Existing food security versus food sovereignty models 283

List of Figures

Figures Pages

Figure 1. 1: Map of Simada Woreda *27*
Figure 1. 2: Maps of Gulele Sub-city..... *29*
Figure 3. 1. The pillars of the UN human rights system that contribute to the development of the human right to food..... *102*
Figure 4. 1:Ethiopian food trade balance *122*
Figure 6. 1 Urban food system in Gulele Sub-city..... *228*
Figure 6. 2: Food price change in main food items computed annually..... *235*

CHAPTER ONE

1. General Outline of the Study

Introduction

Food for human beings is much more than a commodity. It is a necessity of life and is a fundamental human right.[1] If, as it is conventionally asserted, human rights denote the 'right claims' of human beings that are required for dignified [human] existence and for the full enjoyment of life, so is the right claim for freedom from hunger and access to adequate food. In the order of priority of needs for survival, food is placed at the forefront. It is the need of the hour. Despite its fundamental nature and immediacy, the human right to food has been forgotten, at least oftentimes, on the platform of human rights discourse and practice. It remains to be one of the most violated human rights. According to the FAO, nearly one billion people around the world are hungry.[2] The FAO in its 2019 report indicates "the decades-long decline (from mid-1990s to mid-2000s) in the prevalence of undernourishment in the world had ended and that hunger has been slowly increasing for several years in a row."[3] It is worthwhile, in this regard, to note that among the hungry people, three fourth is living in the non-western developing countries.[4] Particularly, the state of hunger in Sub-Saharan Africa (SSA) is worse, as about 60 percent of the total population of the region is either severely or moderately undernourished.[5] The more intriguing part of this phenomenon is that the share of undernourished people in SSA has been on the rise, from 17 percent in 1990–92 to 27 percent

[1] Schieck Valente et. al, "Human Rights and the Struggle against Hunger: Laws, Institutions, and Instruments in the Fight to Realize the Right to Adequate Food." *Yale Human Rights and Development Journal*, Vol. 13, No. 2 (2010), p. 436

[2] Food and Agriculture Organization of the United Nations (FAO-UN), The State of Food Insecurity in the World - 2012, Available at: http://www.fao.org/docrep/017/i3028e/i3028e.pdf [Accessed on 8 December, 2016]. According to the Food and Agriculture Organization of the United Nations (FAO-UN), by the year 2000 people around the world who are victims of forced hunger were estimated to be about 840 million. However, by the end of 2010 they were estimated to be more than a Billion.

[3] Food and Agriculture Organization of the United Nations (FAO-UN), *The State of Food Security and Nutrition in the World 2019. Safeguarding against economic slowdowns and downturns*. Rome, FAO (2019), p. 87

[4] Ibid

[5] Food and Agriculture Organization of the United Nations (FAO-UN), Food Security and Agricultural Development in Sub-Saharan Africa: Building a Case for more Public Support. FAO: Rome. 2006, p. 10

in 2010–12[6] and particularly in the East Africa SSA from 30 percent in 2016 to 31 percent in 2018.[7] Therefore, these figures are indicative of the gruesome fact that food insecurity and the deprivation of the human right to food remain to be a serious and growing challenge that the peoples of the World in general and those in the SSA region in particular experience on a daily basis.

In Ethiopia, the level of poverty and food insecurity is high and thoroughly deep.[8] In this regard, a study conducted by the Oxford University (2014) indicates that 29.6 percent of the total population is below the national poverty line[9] and 87.3 percent is multidimensional poor.[10] Furthermore, according to the United Nation's Development Program (UNDP) (2013) report, about 60 percent of the population is undernourished.[11] Since 2005, every year, close to 8 million households in selected Woredas of rural Ethiopia have been assisted during lean months by the donor-funded Rural Productive Safety Net Program (RPSNP) while another 5 to 6 million people face chronic food insecurity relying entirely on foreign food aid, regardless of weather conditions.[12] Furthermore, starting from early 2018 the government has been doing preparatory works to implement the Urban Productive Safety Net Program (UPSNP) as part of

[6] Food and Agriculture Organization of the United Nations (FAO-UN), 'The State of Food Insecurity in the World – 2012' (n 2). This has been attributed, inter alia, to climate change, rapid population growth, and unfair global food trade that inherently favors food importing rich countries and emerging economies at the cost of food producer and exporter poor countries in Africa, Latin America, and Asia.

[7] Food and Agriculture Organization of the United Nations (FAO-UN), *The State of Food Security and Nutrition in the World- 2019*. *Safeguarding against Economic Slowdowns and Downturns*. Rome: FAO (2019), p. 5

[8] United Nations Development Program (UNDP), Human Development Index Report for 2015, Available at: http://www.hdr.undp.org/sites/default/files/2015_human_development_report.pdf [Accessed on 8 December, 2016]. According to the United Nations Development Program (UNDP) 2015 Development Index Report, Ethiopia ranked 174th out of 187 countries of the world.

[9] In the context of Ethiopia, and Sub-Saharan Africa in general, per head 1.5 Dollars daily net income has been set as a standard poverty line. Accordingly, individuals who earn a net daily income of less than 1.5 dollar are regarded as living in a state of extreme poverty.

[10] Oxford University Global Multidimensional Poverty Index, 2014, available at: http://www.ophi.org.uk [Accessed on 12 December, 2016]

[11] See United Nations Development Program (UNDP), Human Development Report 2013, The Rise of the South: Human Progress in a Diverse World Empowered lives. UNDP, 2013, p. 2

[12] The Food and Agriculture Organization of the United Nations (FAO-UN), Nutrition Country Profile of the Federal Democratic Republic of Ethiopia (FDRE) Summary, 2010. Available at: http://www.fao.org/ag/AGN/nutrition/ETH_en.stm [accessed August 06, 2015]

the effort to enable 4.7 million people across 972 cities and towns in Ethiopia to have better access to food.[13]

On the basis of the above discussion one is justified to claim that poverty induced food insecurity and deprivation of the human right to food is the everyday reality for millions of Ethiopians, in both rural and urban settings.[14]

Poverty is not something natural, rather an artificial creation, which is systemic, systematic, and structural.[15] Concurring with this claim, Jenny Edkins argues that "[forced] starvation [the effect of poverty] is no more 'natural' than suffocation; the former is no more a shortage of food than the latter is a shortage of air."[16] With a little further explanation, Josue de Castro, the former President of the Food and Agriculture Organization of the United Nations (FAO-UN), has also stated;

> Hunger is exclusion, from the land, income, jobs, wages, life, and citizenship. When a person gets to the point of not having anything to eat, it is because all the rest has been denied. This is a modern form of exile. It is death in life.[17]

Therefore, forced starvation or hunger is a denial of the basic right of citizens, i.e. to exist as a human [being] in dignity and to have unrestricted access to adequate food.[18]

Food as a human right has three components[19] The first is that food must be *available*. Food can be made available for human use either through production or market exchange. The effective realization or exercise of availability leads to the second aspect of the right to food,

---

[13] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 5

[14] Alexander Vadala, "Understanding Famine in Ethiopia: Poverty, Politics, and Human Rights: In Proceedings of the 16th International Conference of Ethiopian Studies." Trondheim, 1990, pp. 1071-72

[15] Amartya Sen, *Poverty and Famines an Essay on Entitlement and Deprivation*. New York: Oxford University Press ,1981, pp. 1-3

[16] Jenny Edkins, The Criminalization of Mass Starvations: From Natural Disaster to Crimes against Humanity. In *The New Famines.* Stephen Devereux, (Ed). London: Routledge. 2007, p. 52. She opts to stress the necessity of food for survival and consequently advocates food to be treated as a human right rather than mere commodity for trade.

[17] As quoted in the Food and Agriculture Organization of the United Nations (FAO-UN), Right to Food Case Study: Brazil, at 9, U.N. DOC. IGWG RTFG/INF 4/APP1 (June 2004), also available at: http://www.fao.org/righttofood/kc/downloads/vl/docs/AH193.pdf. [accessed August 06, 2015]. Josue De Castro, was the President of the Executive Committee of the Food and Agriculture Organization of the United Nations Executive Committee from 1952 to 1956.

[18] George Kent, "The Human Right to Food and Dignity: The Global Hunger for Food and Justice." *Human Rights*, Vol. 37, No. 1. (2010), p. 3

[19] See below, chapter two, section 2.1.1.

namely, *access*. This means that human beings must have the physical and economic means to access adequate food.[20] The third aspect is *adequacy* of food. By adequate food is meant daily nourishment that is necessary for the body to enable the human being to live a healthy and active life. These three aspects or elements of the human right to food are complementary one to the other and all together constitute the human right to food (this will be discussed further in chapter two).

As already stated above, most Ethiopians do not have access to adequate food in this sense, which constitutes the denial of their human right to food. The denial of the human right to food experienced by many Ethiopians, therefore, is a denial of their *dignity* and *existence*. Such a denial is ethically unjustified[21] and politically unsustainable.[22] It, therefore, requires rectification measures consistent with the state's human right to food obligations. The state, as it is stipulated under relevant international human rights treaties is the principal duty bearer for the realization of human rights, including the human right to food.[23] This is premised on the modern and contractarian assertion of the state, not as an end itself, but a means to an end that is enriching human beings, particularly, citizens' lives.[24] For this and other reasons that will be discussed further (under section 2.2.2.), the Ethiopian state duty bound to for the realization of the human right to food of, at least, its citizens. One may wonder, however, that why the Ethiopian state with the very limited available resource is obliged to 'realize' the human right to food of all its citizens? Obligation to the right to food does not necessarily imply the duty to provide food. Rather, reserving the detailed discussion on state obligation (under chapter two, section 2.2.2.) the state has a quartet of obligations to the right i.e. to recognize, to respect, to protect, and to fulfil.[25]

---

[20] Olivier De Schutter and Kaitlyn Cordes "Accounting for Hunger: An Introduction to the Issues" In *Accounting for Hunger: The Right to Food in the Era of Globalization*. Oliver De Schutter and Kaitlyn Cordes (Eds). Portland: Hart Publishing. p. 1

[21] George Kent, *Freedom from Want: The Human Right to Adequate Food*, Georgetown University Press: Washington, D.C. 2005, p. 1. See also Philip Alston and Katarina Tomasevski (eds.), The Right to Food, International Studies in Human Rights, Utrecht, 1984, p. 9

[22] See the United Nations, Office of the High Commissioner for Human Rights (UNOHCHR) (1993), Vienna Declaration, and Program of Action. Geneva: United Nations. Available at: http://www.unhchr.ch/huridocda/huridoca.nsf [accessed on 27 August, 2014]

[23] See the International Convention on Economic, Social and Cultural Rights (ICESCR), 1966: Article 2, available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx[accessed on 27 August, 2014]

[24] This is further discussed under chapter two, Section, 2.2.2.

[25] This applies to any sovereign and viable state. For a detailed discussion on this subject, See Asbjørn Eide, The Right to Adequate Food and to be Free from Hunger. An Updated Study on the

The *obligation to recognize,* demands the state to affirm the very *existence -the* content and form of the right and its means of enforcement. The *obligation to respect* ultimately calls for the state not to, without due observance of the law, interfere with the free exercise of the right by an individual and community of human beings. The *obligation to protect* requires the state to have the means at its disposal to effectively control and regulate the actions of third parties from depriving the exercise of the right by the right holders. Finally, the *obligation to fulfil* conjugates the obligation to *facilitate* and *provide*. The obligation to *facilitate* entails the state's duty boundedness to pro-actively engage in activities intended to strengthen people's access to and utilization of food. Finally, yet importantly, the obligation to *provide* requires the state, to *provide* food directly to the right holder, if and when the right holder for reasons beyond his/her control is unable to realize the right by himself/herself.[26] This is the core problem to be investigated in this study, in a varying socioeconomic contexts of Ethiopia.

1.1. Background for the Study

The recognition of the unique and ascribed value of human- humanness– has been the starting point for the affirmation of human rights.[27] This recognition underscores both the respect and protection of the fact of being a-living-human being. In this sense, the right to life is a fundamental human right. In its material aspect as well as existential mode, the right to life involves the freedom or liberty of the individual human being to strive constantly towards the defense and protection of his/her life, self-preservation. The activity of human freedom in this strife means, to borrow George Lukacs's expression "labor as a teleological positing" that is, a purposive human activity oriented towards the preservation of individual life in the first place.[28] This later must be understood as autopoiesis in the broad sense, and, more specifically, as the human right to work.[29] Accordingly, by the right to life, we understand a fundamental indivisible integral quartet of rights, namely, the human rights to life, freedom, work, and

Right to Food, Submitted by Asbjørn Eide in accordance with Sub-Commission decision 198/106. ECOSOC E/CN.4/Sub.2/1999/12. Geneva: United Nations. 1999c, Paragraphs, 52a-52d

[26] Ibid, Paragraphs 52a-52d, Paragraph, 15

[27] Bertrand Ramcharan "The Right to Life." *The Netherlands International Law Review*, Vol. 30, 1983, pp. 297-329.

[28] George Lukacs, *The Ontology of Social Being*, David Fernbach (trans.), London: The Merlin Press Ltd. 1980, pp. 22-23

[29] Ibid

property.[30] Because of their indivisible character, these rights constitute wholeness. Therefore, the human right to life as defined above presupposes and is linked with the right to food. The human right to food is a basic requirement to remain alive and can be understood as the anchor of the human right to life itself. Thus, it is a fundamental human right and all other fundamental rights or basic liberties revolve around and derive their proper significance from the right to food. The quartet of human rights, mentioned above, form the basis of the ontological structure of being a-living-human-being. Therefore, seen from this ontological standpoint, these rights complement one another and they are contemporaneous in any concept of the human right to food.

This be as it may, in a wider and international context the human right to food has emerged first in the UDHR (1948), which itself is the first international human rights instrument. Article 25 (1) of the UDHR declares that: "[...] [e]veryone has the right to a standard of living adequate for the health and well-being of himself and his family, including *food,* clothing, and housing [...]".[31] This specific provision of the UDHR has recognized food as a basic requirement and an entitlement of a human being to live a healthy and active life. Later, the International Convention on Economic, Social, and Cultural Rights (ICESCR) (1966) under Article 11 (1) stipulates that "[t]he State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including *adequate food,* clothing and housing, and to the continuous improvement of living conditions.[32] Apart from this, Article 11 (2) of the ICESCR stipulates further on the most basic aspect and the threshold of the of the human right to food, *the right to be free from hunger*, and urges state parties to take steps to prevent and address hunger, stating, inter alia:

> The state parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programs, which are needed [...] to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge […].[33]

This provision of the ICESCR not only recognizes freedom from hunger as a human right but the preservation of it is also a duty of the state. Furthermore, the human right to food has been

[30] Ibid

[31] See the Universal Declaration of Human Rights (UDHR), Article 25 (1)

[32] The International Convention on Economic, Social and Cultural Rights (ICESCR), 1966 (n 22) Article 11(1).

[33] Ibid, Article 11 (2)

recognized by other human rights instruments of the United Nations that protect specific groups, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), the Convention on the Rights of the Child (CRC) (1989) and the Convention on the Rights of Persons with Disabilities (CRPD) (2006).

The CEDAW has a specific provision guaranteeing women the right to equal access to land and equal and fair treatment in agrarian reform as well as in resettlement schemes. For example, Article 14 of the CEDAW stipulates on the rights of women to own, use or otherwise control housing, land and property on equal basis with men, and obliges states to ensure that women have access to or *control over means of food production*, and to discourage customary practices which forces women to eat less nutritious food or to eat after men are fully feed.[34] Accordingly, Article 12 (2) of the CEDAW has also guaranteed the right to access to *adequate nutrition* for women during pregnancy and lactation.[35]

The Convention on the Rights of the Child, Article 27 recognizes children's right to a standard of living that is *good enough to meet their physical and mental needs.*[36] It also obliges member states to provide support to families and guardians who cannot afford to provide their children *food*, clothing, and housing.[37]

The Convention on the Rights of Persons with Disabilities under Article 28 recognizes the rights of people with disabilities to an adequate standard of living, including *food*, water, clothing and housing, and to effective social protection, including poverty reduction and public housing programs.[38] In this and above mentioned international human rights instruments that address rights of special groups, the right to an adequate standard of living is intrinsically linked and intertwined with the human right to food and vice versa.[39]

---

[34] See The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979: Article 14, available at: http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm.[accessed on 27 August, 2014]

[35] Ibid, Article 12 (2)

[36] See The Convention on the Rights of the Child (CRC), 1989: Article 27, available at: http://www.ohchr.org/documents/ProfessionalInterest/crc.pdf.[accessed on 27 August, 2014]

[37] Ibid

[38] The Convention on the Rights of Persons with Disabilities (CRPD), 2006: Article 28, available at: http://www.un.org/disabilities/convention/conventionfull.shtml.[accessed on 27 August, 2014]

[39] See also the discussion under chapter two.

Apart from the above stated human rights instruments of the United Nations, the human right to food has also been recognized under regional human rights regimes. For instance, the African Commission on Human and Peoples' Rights, has interpreted the human right to food as an implicitly protected right under the African Charter on Human and Peoples' Rights (1981) through the right to life, the right to health, and the right to economic, social and cultural development.[40] (This will be discussed further under chapter three)

At state level, the FDRE constitution under Articles 9 (4) and 13 (2) has made relevant international human right treaties ratified and adopted by Ethiopia (including those discussed above) an integral part of the law of the land. Under chapter ten,[41] Article 90, the constitution obliges the Ethiopian state to provide food to the needy as part of its national social objective, to the extent its available resources permit it to do so.

In addition to these, there are also constitutional provisions on broader human rights, i.e. right life, right to improved living standards, expressly recognized under the FDRE constitution that with the discretional power of the concerned state authorities can be interpreted '*generously'* to 'embody' the human right to food. For instance, Article 15 of the constitution recognizes the *right to life.* The term 'life' here means more than mere 'animal existence.' The right to life can be interpreted to embody the right to live a life in dignity and all those that go along with it, namely the right to food, clothing, and shelter at a minimum.[42] Article 16 and 17 recognize the right to security of person (protection against bodily harm) and the right to liberty respectively. A broad and generous interpretation of the term "security of person" may include protection from any bodily harm caused by systematic starvation that may result in stunted and abnormal body growth. Right to liberty can be interpreted to include the freedom of movement, and seek

[40] See Fons Coomans, The Ogoni Case before the African Commission on Human and Peoples' Rights. The International and Comparative Law Quarterly, (Jul., 2003), Vol. 52, No. 3, pp. 749-760

[41] This is a chapter of the FDRE constitution that sets out the policy objectives of the state, in our case, the obligations of the state to some socio-economic rights.

[42] The Indian Supreme Court interpreted 'the right to life' as inherently implying the right to food. See the case between the People's Union of Civil Liberties (PUCL), and the Indian government. Yash Pal Chhibbar, "The People's Union of Civil Liberties (PUCL) Petitions Supreme Court on Starvation Deaths", PUCL Bulletin, July 2001. http://www.pucl.org/reports/Rajasthan/2001/starvation_death.htm [accessed on 27 August, 2014]

one's livelihood or the right to work[43] and more importantly freedom from want.[44] Article 25 stipulates on the right to equality. The right to equality in the eyes of the law signifies freedom from discriminatory treatment, which is evidently concomitant with the right to food.[45] For instance, equal and fair access to state-owned productive resources, i.e. land and equal opportunity in government employment are keen to the human right to food. In Ethiopia where the state is the sole owner of the land and the major source of employment the right to equal treatment by the state has a decisive impact on citizens' realization of their human right to food.[46] Article 40 of the FDRE constitution again recognizes the right to property. Property refers possession- tangible and intangible, including productive resources that may be used to produce food or required to get the means to procure food. Property, as its philosophical underpinning denotes, is the outcome of labor which is fundamentally a manifestation of the self and teleological in nature.[47] In this sense, food and food-related items are among the basic and universal forms of property.

Article 41 of the FDRE constitution recognizes Economic, Social, and Cultural Rights. It guarantees a citizen the right to choose his/her means of livelihood, occupation, and profession; and the right to have equal access to publicly funded services. In addition, it requires the state, as part of its obligation to these rights, to allocate ever-increasing resources to provide social services and funds for the rehabilitation of persons with disabilities, the aged and children without parents or guardian,[48] and to pursue policies aimed at expanding job opportunities for the poor through undertaking programs and public work projects. Article 42, guarantees labor rights. These rights include the right to equal pay for equal work; paid leaves; reasonable limits

[43] See the Federal Democratic Republic of Ethiopia, (1995) The Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa. The FDRE Constitution under Article 32 stipulates on the right to liberty of movement and Article 31 on freedom of association and the right to join labour union of one's choice. This is an indicative of the constitution's implicit recognition of the interdependence, inter-relatedness, and indivisibility of all human rights by incorporating them on equal footing without any difference in consequence.

[44] Freedom from want refers, at a minimum; the satisfaction of basic needs i.e. food, housing, and clothing.

[45] United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant), 12 May 1999 Paragraph, 6. available at: http://www.refworld.org/docid/4538838c11.html [accessed on 27 August, 2014]

[46] Interview with Hilal Elver, the United Nations Special Rapporteur for the Human Right to Food on the 3rd of October 2018, Lund, Sweden.

[47] George Lukacs, *The Ontology of Social Being* (n 27), pp. 22-23.

[48] Note that in this case ever increasing resources does not necessarily mean maximum available resources.

to working hours; and a healthy and safe work environment. Article 43 (1) also provides that "the peoples of Ethiopia as a whole, and each Nation, Nationality, and people in Ethiopia have the right to improved living standards and to sustainable development."[49] A cursory reading of Article 43 (1) along Article 13 (2) of the constitution may lead one to justifiably arrive at the conclusion that the human *right to food* that constitutes a significant part of the right to an adequate standard of living, stipulated under the UDHR Article 25 (1) and ICESCR Article 11 (1) is protected by the FDRE Constitution as well.

Despite all these, every year tens millions of Ethiopians are living below poverty line and without their human right to food realized.[50] As Jean Ziegler, the former UN's special rapporteur on the human right to food noted in his *"Country Mission Report on Ethiopia (2005)"* the human right to food has remained to be, arguably, the most violated right in Ethiopia and has never been, at the same time, a policy priority for the state.[51] Rather, *food security* has been the preferred and more frequently used term. Against this background, the motivation and the problem of the study are stated below.

1.2. Motivation for the Study

Ethiopia is often mentioned as a country of great contrasts[52]- while having "significant agricultural potential because of its water resources, its fertile land areas, and its large labor pool," tens millions of people in it are living in a state of abject poverty, and are literally deprived of their human right to food. Particularly, for half a century, famine and under-nutrition have been the markers of Ethiopia. Ethiopia's first major famine occurred in 1973, during the imperial regime of Haile Selassie I (1931- 1994), leaving over three million people hungry.[53] The international community only became aware of the magnitude of the famine

[49] The Federal Democratic Republic of Ethiopia, (1995) The Constitution of the Federal Democratic Republic of Ethiopia (n. 41)

[50] Food and Agriculture Organization of the United Nations (FAO-UN), *Nutrition Country Profile of the Federal Democratic Republic of Ethiopia (n 11)*

[51] Jean Ziegler, *"Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum – Mission to Ethiopia,"* presented on the Sixty-first session of the Commission of Human Rights, UN Economic and Social Council, Item 10 of the provisional agenda, 8 February 2005, E/CN.4/2005/47/Add.1.

[52] British Broadcasting Corporation (BBC) Documentary - Land of Extremes, Ethiopia: available at: https://www. bbc-documentary-land-of-extremes-ethiopia-documentary-video_eb89bb2eb.html

[53] At the time the population of the state was about 30 million.

when Jonathan Dimbleby of the British Broadcasting Corporation (BBC) filmed and broadcasted a footage showing children standing on their skeleton. That very broadcast of the BBC had sent the world into shock.[54] In 1984, during reign of the military government (Dergue- which in Amharic means committee) (1974- 1991), another wide-scale famine had resulted. For example, in October 1984 the news reporter of the British Broadcasting Corporation (BBC), Michael Buerk through a televised program described the Ethiopian famine as "Biblical Famine in the 20th century" and portrayed the country as the "place nearer to hell than anywhere else on earth".[55] This was, factually, a major famine by far in the 20th century Ethiopia, as about seven million out of the total 40 million people were directly affected by the famine and around one million people died of starvation and related disease and in addition to this, about 3-4 million people left their home in search of food and new resettlement zones.[56]

Since 1991, after the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) took power from the former military regime, the Dergue through a military upheaval, food insecurity and the deprivation of the human right to food have remained to be existential challenges for the tens millions of Ethiopians. Apart from poverty induced food insecurity and deprivation of the human right to food drought induced mass hunger and famine has been periodic and frequent. For example, due to drought induced famine in 2003 alone, fifteen million people were in need of food assistance.[57] In 2010, 5.2 million people needed food aid.[58] Recently, in 2015/16 up to 15 million people were critically food insecure.[59] And often it was foreign donors who came to the rescue. Apart from periodic famines, from 2002 onwards, every year food for close to 8 million people has been augmented by the donor-funded Safety

[54] United States Agency for International Development (USAID), *Final Disaster Report: Ethiopia Drought/ Famine Fiscal Years 1985 and 1986* (Addis Ababa: USAID Office, 1987) at iii–iv, available online at: http//www pdf.usaid.gov/pdf [Accessed on 27 November, 2014]

[55] British Broadcasting Corporation (BBC) *News; 10/23/84* Michael Buerk, available at: http://www.m.youtube.com/Watch?v=xyoj-60YuJc [Accessed on 6 December, 2014]

[56] Derseh Endale, "The Ethiopian Famines, Entitlements and Governance." The United Nations University, World Institute for Development Economics Research. Working Paper No.102. (1993), p.1. See also Alexander Vadala, "Understanding Famine in Ethiopia: Poverty, Politics, and Human Rights." (n 12) pp.1071-72.

[57] British Broadcasting Corporation (BBC) Radio 3 - Andy Kershaw, *Ethiopia - Comic Relief 2003*, available at: http://www.bbc.co.uk/programmes/p005y064 [Accessed on 6 December, 2014]

[58] World Food Program (WFP), *Ethiopia Overview*, 2010 available at: https://www.wfp.org/countries/ethiopia/overview[accessed August 06, 2015]

[59] British Broadcasting Corporation (BBC) *News; 15 Million People in Ethiopia will Need Food Aid by 2016*. available at: http://www.bbc.co.uk[accessed January 23, 2016]

Net Program (PSNP) of the government[60] while another 4 to 5 million people face chronic food insecurity relying entirely on foreign food aid, regardless of weather conditions.[61] Consequently, according to the Food and Agricultural Organization of the United Nations (FAO-UN) (2010) report, in aggregated term, about 40 million Ethiopians were characterized using the standards of the FAO and the UNICEF as either severely or moderately undernourished.[62] This very fact, can give one a safe space to presume and to safely draw the hypothesis that in Ethiopia a significant part (more than half) of the total population of the country is victim of the violation of the human right to food on a daily basis.[63] Based on this hypothesis one may pose the following questions. Do food insecurity and as a result, forced starvation experienced by millions of Ethiopians have causal connection with state accountability, state policies and sufficiency of its laws and the state's non-compliance to its human right to food obligations recognized by major international human rights instruments? What really constitutes the problem? What should be done to address the problem? The central aim of this research is, therefore, to search answers to these and related questions. This has been the main motivating factor to undertake this research.

1.3. Problem Statement

According to the Food and Agriculture Organization of the United Nations (FAO-UN) (2010), about 60 percent of Ethiopians were undernourished and among them, about 40 percent were exposed to chronic hunger.[64] This would be an indicative of the fact that food in the required

[60] Federal Democratic Republic of Ethiopia, Human Rights Commission, *National Human Rights Action Plan for 2013-2015* (unpublished document), p.86

[61] The Food and Agriculture Organization (FAO) has praised Ethiopia for making 'great strides in combating undernourishment.' However, it has also expressed its concern on the persistent food insecurity and the significant sized of the victims of hunger and malnutrition. See Food and Agriculture Organization (FAO), "*Nutrition Country Profile of the Federal Democratic Republic of Ethiopia (FDRE) Summary."* (n 11).

[62] Ibid

[63] See Mesfin Woldemariam, *Suffering under God's Environment: A Vertical Study on the Predicament of Peasants in North-Central Ethiopia*. Kansas: Walworth Publishing Company. 1991, pp.4-5; See also Schieck Valente, et al (2010) "Human Rights and the Struggle Against Hunger: Laws, Institutions, and Instruments in the Fight to Realize the Right to Adequate Food," *Yale Human Rights and Development Journal,* Vol. 13: No. 2, p. 455

[64] Food and Agriculture Organization (FAO), *Nutrition Country Profile Federal Democratic Republic of Ethiopia Summary, (n 11)*.

[64] Ibid

quality and quantity has not been accessible to most of the people in Ethiopia. The modality that people access food can be either directly- through own production, or indirectly, through the mediation of money/ purchase, or both.[65] In this regard, Ethiopia is a diverse and complex country. About, 80 percent of the population live in the rural area and have livelihood base directly related with agriculture and food production. While the remaining 20 percent dwell in urban centers and predominantly access food from the market.[66] This variation by itself has strong implication on the right holders' degree of vulnerability to food crisis on the one hand and on the means and mechanisms that the state can take to address the problem as part of its human right to food obligations on the other.[67] In view of this situation, two major distinct case study sites for this research are identified: rural Simada Woreda in the Amhara National Regional State and urban Gulele Sub-city in the cosmopolitan Addis Ababa City, the capital of Ethiopia.

Simada Woreda, as a case of rural Ethiopia of the Amhara National Regional State, has predominantly agrarian and semi-pastoralist community. As a result, people in this study area have physical or direct access to food.[68] However, Simada is one of the most food insecure Woredas of the region and of the country in general. Food insecurity, a principal cause for the human right to food deprivation, in the *Woreda* is primarily linked to fragile livelihood base and crop production failures.[69]

Gulele Sub-city, as a case of urban Ethiopia, is characterized by cosmopolitan and a non-agrarian way of life. Most of the residents of the Sub-city engaged in low income generating economic activities like casual wage labor, firewood collection, local brewing, petty trade, and small businesses. The Sub-city is also a home to low wage people who are government and

[65] Furgasa Derara and Degefa Tolossa (2016) Household Food Security Situation in Central Oromia, Ethiopia: A Case Study from Becho Woreda in Southwest Shewa Zone. Global Journal of Human-Social Science Vol.16, No. 2, pp. 1-2.

[66] See Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'Statistical Report of the 2007 Population and Housing Census' (Central Statistical Authority 2007) Available at: http://www.csa.gov.et [Accessed on March 1, 2017]

[67] Jean Ziegler, *"Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum – Mission to Ethiopia,"* (n 48).

[68] Amhara Livelihood Zone Reports 2007. *The Amhara Regional State Livelihood Zone Reports: Simada Woreda, South Gondar Administrative Zone*, available at: "http://www.sgzcivilservice.gov.et/semada. [Accessed on August 18, 2015]

[69] Ibid

private employees, unemployed and homeless.[70] Moreover, the residents access food predominantly through purchase. More people in the Sub-city lead a very poor way of life and are characterized, in relative terms with other Sub-cities of Addis Ababa city, by high deprivation of access to social facilities and basic public services.[71]

Therefore, the researcher has chosen these two research cites as case study areas for this study based on the presumption that such varying socio-economic conditions of communities vis a vis the human right to food and the corresponding obligations of the state require a deeper investigation. As such an endeavor would help to show the state of the realization of the human right to food and the compliance of the post 1991 Ethiopia to its human right to food obligations as envisaged by major international human rights instruments.[72]

At this juncture, to this very day no empirical research of this kind has been done to examine the state of the human right to food and the corresponding obligations of the state in Ethiopia in varying socioeconomic contexts. Recent studies done on the subject were either purely legal[73] or investigate rather specific intervention mechanisms taken by the government or Non-Governmental Organizations (NGOs) to realize the human rights to food of specific groups in a particular context[74] (i.e. school feeding), or investigate the hunger and malnutrition profile of the country from the perspective of food (in)security, and not from a human right to food perspective per se.[75] Therefore, the intricacies of the realization of the human right to food and

---

[70] See Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'Statistical Report of the 2007 Population and Housing Census' (n. 63)

[71] Selamawit Sirgiw, *Gender Differentials in the Coping Strategies of the Urban Poor in Addis Ababa: The Case of Households in Woreda 4, Gulele Sub-city*. MA Thesis: Addis Ababa University, 2011, p. 20

[72] Ibid

[73] See Kiya Tsgaye, *Food as a Human Right: Some Reflections (date not available)*; Tesfa Tolla, *Food Quality Regulation in Ethiopia*, 2010; Girmay Teklu, *The Right to Food and Access to Rural Land Under the FDRE Constitution: A Survey on the Contemporary Challenges and Practices in the Regional State of Tigray*, 2012.

[74] See Helen Getachew, *The Right to Food and School Feeding Program in Addis Ababa: Experiences from Tsehai Chora and Dagmawi Minelik Kindergarten and Primary School*. MA Thesis: Addis Ababa University. 2014; Asmamaw Guta, *The Impact of School Feeding Program on Students Academic Performance: The Case of Selected Elementary Schools in Debre Libanos Wereda, Oromia Region*. MA Thesis: Addis Ababa University, 2014; Ermias Assefa, *The Impact of School Feeding Program on Students Academic Performance: The Case of Selected Elementary Schools in Debre Libanos Woreda, Oromia Region*, MA Thesis: Addis Ababa University 2015.

[75] *See the studies conducted in Ethiopia by the following authors. However, their studies focus particularly on food security. For example, Carly Bishop and Dorothea Hilhorst,*

the compliance of the [Ethiopian] state to its obligations to the same were under-researched. This existing knowledge gap with regard to understanding the state of the human right to food vis a vis the Ethiopia state's compliance to its obligations to the human right to food of its citizens in a differing socio-economic context should be offset through a qualitative interdisciplinary case study research. Therefore, this research is intended to fill this gap by way of exploring and analyzing the problem at hand, by drawing Simada Woreda of the Amhara National Regional State and Gulele Sub-city of the Addis Ababa City Administration as case study sites.

1.4. Research Objectives

The main objective of this research is to scrutinize the state of the human right to food in different existential contexts, in rural and urban Ethiopia and analyze the Ethiopian state's compliance with its human right to food obligations. More specifically, the research aims to:

1. Conceptualize and analyze both the human right to food and the corresponding [Ethiopian] state's obligations to the same right [the human right to food].
2. Identify and analyze the institutional, legislative and policy regimes established by FDRE so as to fulfil its obligation to the human right to food.
3. Explore and analyze the state of the realization of the human right to food in varying socio-economic contexts of Ethiopia, rural Simada Woreda of the Amhara Regional State, and urban Gulele Sub-city of Addis Ababa City, and
4. Forward alternative intervention mechanisms for the state, thereby, to better recognize, respect, protect and fulfil the human right to food in Ethiopia, in reference to the case study areas.

From Food Aid to Food Security: The Case of the Safety Net Policy in Ethiopia. Journal of Modern African Studies, Vol. 48, No. 2 (2010), pp. 181–202 2010; Aschale Dagnachew, The Importance of Labor for Food Security: Household Experiences in Ebinat Woreda, Amhara Region, 2013a; Hoddinott et al., Implementing Large Scale Food Security Programs in Rural Ethiopia: Insights from the Productive Safety Net Program (PSNP), 2013; Tafesse Kassa, The Impact of the Productive Safety Net Program (PSNP) on Food Security in Selected Kebeles of Enebse Sar Midir District, East Gojjam, Amhara National Regional State 2013; Temesgen Tilahun, Food Security Situation in Ethiopia: The Case of Amhara Regional State. 2010.

1.5. Research Questions

In order to achieve the aforementioned objectives, the following research questions are formulated.

1. What does the human right to food really constitute and what are the obligations of the [Ethiopian] state toward the human right to food?
2. Are the institutional, legal and policy regimes that are in place in Ethiopia compatible and sufficient for the realization of the human right to food?
3. What the state of the realization of the human right to food look like in the rural Simada Woreda of the Amhara National Regional State and urban Gulele Sub-city of Addis Ababa City Administration?
4. What should be done by the state of Ethiopia for the better realization of the human right to food in Ethiopia, particularly in varying socio-economic contexts of the study areas?

1.6. Significance of the Study

Taking the human right to food as a case and by blending an actor-oriented perspective, by taking the Ethiopian state as a prime duty bearer for the realization of the human right to food, this study aims at offering better insights on the moral and legal origin of the human right to food, its nature, scope and the corresponding obligations of the [Ethiopian] state for the realization of the same.

Drawing upon a multidisciplinary bi-case study research approach, this study would, therefore, contribute to knowledge about the human right to food as a matter of state priority and for better practice in Ethiopia in the socio-economic contexts of the food insecure communities of Simada Woreda and Gulele Sub-city, respectively. In so doing, the findings of this research are expected to provide vital information to the state/government to better recognize, respect, protect and fulfil the human right to food.

The findings of the study can also be used by Non-Governmental Organizations (NGOs) to integrate the human right to adequate food in their intervention programs and to mobilize lobby groups toward the domestication of the human right to adequate food into the legal and policy regimes of the state. It would also contribute to knowledge and stimulate public debate in the

academic circle. Besides the findings of the study would encourage further research on the subject.

1.7. Research Methodology

The research is principally a case study, and it is a multi-disciplinary one. A qualitative research approach, with the use of the synergy of diverse secondary and primary data collection methods, has been used. This has helped significantly to enrich the study and to achieve the objective of triangulation, accordingly.

In this section of the study, an overview of the research methodology and methods as applied to this study is provided. This section aims to provide the particulars of the way the research was planned, structured, and executed to comply with the scientific research standards. The first part of this section provides the reason for opting for qualitative research approach. The next section deals with the research design and provides insight into the data collection methods, and analysis strategies employed in this study. Finally, the last section deals with ethical considerations, issues of authenticity and trustworthiness, and the challenges and limitations of the study.

1.7.1. Rationale for Qualitative Research Approach

The research method chosen to carry out this study is a qualitative case study. As Bruce Berg (2001) explained, in contrast to quantitative study, which relies heavily on the numerical measurement of the "quantity, amount, intensity, and/or frequency" of phenomena, qualitative research emphasizes "the quality of entities, on processes and means that are not experimentally examined or measured."[76]

Qualitative research as a method or as an approach in research is often pertinent and most effective when the goal of the study is to identify social problems and when the researcher aims to arrive at value judgment whose numerical role may not be readily apparent.[77] In

[76] Bruce Berg, *Qualitative Research Methods for the Social Sciences* (4th Edn). Boston: Allyn and Bacon. 2001, pp.2-3

[77] Norman Denzin, and Yvonna Lincoln. *Strategies of Qualitative Inquiry*. Los Angeles: SAGE Publications. 2013, p.8

qualitative research (the emic), the personal experience of the research participants and (etic) that of the researcher's intuition and judgement work alongside each other that in effect would help the researcher to refine the research problem. Thus, qualitative research relies primarily on human perception and understanding.[78]

Therefore, to undertake this study, a qualitative research approach was chosen because of its compelling appropriateness to address the objectives of the research, which aims at uncovering and appraising the reality of living in pursuit of the realization of the human right to food in the rural and urban contexts of post-1991 Ethiopia.

1.7.2. Research Design

According to John Creswell (2009), the design of the study is the outcome of a rigorous thoughtful and prudent planning made by the researcher concerning how the study will be conducted-spanning from broad assumptions to detailed methods of data collection to analysis.[79] In the same line Robert Yin (2003) defines research design as the "logical sequence that connects the empirical data to the study's initial research questions and, ultimately to its conclusions".[80]

In this regard, the research design employed in this research is a qualitative bi-case study, a combination of exploratory and analytical (interpretive) approaches. Particularly, in the fifth and sixth chapters of the study, which present case study results, special focus is placed on the exploratory research approach. Robert Yin (2003) indicates that an exploratory research is most appropriate when the study topic is a new one, or when relatively little research has been done about it.[81] Due to the fact that as no empirical research had been done on the state of the realization of the human right to food in light of varying socio-economic contexts in Ethiopia and the Ethiopian state's compliance to the same, it was necessary to conduct an exploratory research to lay the ground for the analytical component of this study which unfolds particularly in the fifth, sixth and seventh chapters of this study.

---

[78] Robert Stake, *Qualitative Research: Studying How Things Work*. New York: The Guilford Press. 2010, pp. 2-3

[79] John Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (3rd Edn). Los Angeles: SAGE Publications. 2009, p. 3

[80] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 22

[81] Ibid, pp. 22-23

The exploratory part of the study primarily aims to put the research topic in perspective by way of reviewing relevant literature and in order to have the responses of the respondents (through focus group discussions and interviews) with the aim to direct the study towards analytical design. However, the main purpose of the study remains analytical in nature and this can be witnessed particularly in the last three chapters of the study.

The study sought to determine the causal relationship between citizen's actual experience of living in pursuit of the fulfillment of their human right to food and the compliance of the Ethiopian state to its human right to food obligations. Having the problematics of causality in mind- cause and effect relationship may be among the hardest things to identify.[82] A simplistic identification of causes is dangerous, as there may be many conditions often apparently coexist with and possibly contribute to the eventuality of the event (phenomenon). In this line of assertion, to indicate the problem of causality Leo Tolstoy in 'War and Peace' has posed the following question:

> Why does an apple fall when it is ripe? Is it brought down by the force of gravity? Is it because its stalk withers? Because it is dried by the sun, because it grows too heavy, or the wind shakes it, or because the boy standing under the tree wants to eat it?[83]

Why it falls down? More than one, many conditions may coexist that cohabit and contribute to the apple's fall. The force of gravity, the condition of the stem, the strength and direction of the wind, the weather, the boy himself share causality with other unstated conditions in the fall of the apple.[84] This may also be particularly true to the topic of this research, the functional relationship between the realization of the human right to food of the people in Ethiopia and the Ethiopian state's compliance with its human right to food obligations. Thus, the causal relationship between the un/realization of the human right to food vis a vis the Ethiopian state's compliance to its human rights, particularly the human right to food, obligations as envisaged under international and national human rights instruments requires extremely detailed, comprehensive, contextual, and comparative analysis.

[82] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 22
[83] Leo Tolstoy, *War and Peace*. Rosemary Edmonds (Trans.). London: Penguin Books. 1978, p. 719
[84] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 22

1.7.3. Why a Case Study Strategy?

A qualitative case study strategy was chosen as the most appropriate and suitable methodology for this study. This is because, as Robert Yin (2003) indicated, qualitative case study method is a more compelling research approach when the researcher deliberately opts to address contemporary complex contextual conditions believing that they might be highly pertinent to his/her study, as a case study approach provides a mode of inquiry for an in-depth examination of such a phenomenon.[85]

John Creswell (2007) contends that a case study "involves the study of an issue or a number of issues within a bounded system (i.e. a setting a context)".[86] In the same line of assertion, Bill Gillham (2000) further explained that case study in social science research is a highly flexible method that is compatible with a variety of data collection instruments and analysis methods, which virtually has made it a very common and popular approach to qualitative research.[87]

Usually, in the qualitative research literature, three types of case studies are identified. These are: causal (explanatory), descriptive and exploratory case studies.[88] The causal (explanatory) case study aims at identifying cause-and-effect relationships and searches for explanatory theories of the phenomena.[89] Whereas descriptive case study aims to obtain information on the particular feature/s of an issue or set of issues. It requires an established theory to guide the collection of data, this theory needs to be stated in advance, and it serves as a backdrop for the descriptive case study as a whole.[90] The more thoughtful the theory, the better the descriptive case study will be.[91] As already discussed above, an exploratory case study is taken up as the

---

[85] Robert Yin, *Case Study Research: Design and Methods* (3rd Edn) Applied Social Research Methods Series Vol. 5. Thousand Oaks, CA: SAGE Publications. 2003, pp. 1-2

[86] John Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches (n 74),* p. 73

[87] Bill Gillham, *Real World Research: Case Study Research Methods.* London: Continuum. 2000, pp. 1-2

[88] Robert Yin, "The Case Study as a Serious Research Strategy." *Knowledge Creation, Diffusion, and Utilization,* Vol. 3 No.1 September.1981, pp. 97-98

[89] Ibid, See also Bruce Berg, *Qualitative Research Methods for the Social Sciences* (n 71), p. 230

[90] Robert Yin, *The Case Study as a Serious Research Strategy*. Knowledge Creation, Diffusion, and Utilization, Vol. 3 No.1 Sept. Thousand Oaks, CA: SAGE Publications.1981 pp.97-98; see also Bruce Berg, *Qualitative Research Methods for the Social Sciences (n 71),* p. 230

[91] Robert Yin, "The Case Study as a Serious Research Strategy." *Knowledge Creation, Diffusion, and Utilization,* (n 83), pp.97-98; see also Bruce Berg, *Qualitative Research Methods for the Social Sciences (n 71),* p. 230

best option when little or no research is done on the phenomenon being researched. The first stage in this type of case study is to define the issue or set of issues and explore more through various data collection tools, interview, focus group discussion, site observation and literature survey, which finally culminates in an analysis of the evidence gathered through the above-mentioned tools and reporting.[92] Some research designs may have a mix of these case study approaches.

Again, case studies are distinguished and put into categories on the basis of their size, as single versus multi-case study and on the basis of their expected payoff or purpose. For instance, Robert Yin (2003) distinguishes two types of case studies: single and multiple case studies. A single case study contains a solitary case, whereas multi-case study may contain more than one case and the conclusion in the former case is drawn from one case and from a group of cases in the latter one.[93] Yin again affirms that single and multiple case studies can be embedded as well as holistic. An embedded case study is one in which there is more than one sub-unit, whilst in a holistic case study, a global program of organization is contemplated.[94]

In contrast, Robert Stake (2000) has yet another approach to characterize case studies. He, on the basis of the purpose case studies, aim at, distinguishes three types of case studies: intrinsic, instrumental and collective.[95] First, an intrinsic case study is done when the case is unique and is therefore not representative of others. The purpose of conducting this type of case study is not mainly to build a theory, but for the sake of knowing the 'thing' for its intrinsic interest. Second, an instrumental case study is used to examine a case "mainly to provide insight into an issue", to develop an existing theory, or "to redraw a generalization" from it.[96] The case is often looked at in depth, its contexts scrutinized, its ordinary activities detailed because it helps to pursue something instrumentally valuable.[97] Third, and finally, the collective case study extends to more than one instance and is instrumental in its orientation.[98] Stake also points out that since researchers often have multiple interests, there is no hard and fast line drawn between

[92] Bruce Berg, *Qualitative Research Methods for the Social Sciences (n 71),* p. 231
[93] Robert Yin, *Case Study Research: Design and Methods* (n 80), p. 39
[94] Ibid
[95] Robert Stake, "Case Studies." In *Handbook of Qualitative Research.* Norman Denzin, and Yvonna Lincoln (Eds.) (2nd Ed.), Thousand Oaks, CA: SAGE Publications. 2000 p. 436
[96] Ibid p.445 and Bruce Berg, *Qualitative Research Methods for the Social Sciences (n 71),* p. 229
[97] Robert Stake, "Case Studies." *(n 102)*, p.445; see also Bruce Berg, *Qualitative Research Methods for the Social Sciences (n 71),* p. 229
[98] Robert Stake, "Case Studies." *(n 90)*, p. 445

intrinsic and instrumental case studies. In fact, one can uncover a kind of "zone of combined purpose" among them.[99] In this sense, this study is supposed to embody the virtues of the collective-instrumental case study. This is for the reason that collective case study allows a better understanding of varying contexts or perhaps enhances the ability to theorize about a broader context.

However, qualitative case study research has been subject to criticism for several reasons. The first criticism against qualitative case studies is that they provide little basis for "scientific generalization" in a statistical sense.[100] "How can you generalize from a single case or two cases to a population of many?" Robert Yin (2000) defends case studies from such allegation by arguing that, "qualitative case studies, like experimental study, are generalizable to theoretical propositions and not to populations or 'universes'."[101] In this sense, qualitative case study, like the experimental study, does not represent a "sample," and the investigator's goal is to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization).[102] Therefore, qualitative case studies are useful in developing and refining generalizable concepts and that multiple qualitative case studies can lead to generalizations in terms of propositions.[103] The trustworthiness and the quality of qualitative case studies should not necessarily depend on their generalizability in a statistical sense rather on the "plausibility and cogency of the logical reasoning applied in describing and presenting the results from the cases and in drawing conclusions from them.''[104]

The second and more frequent complaint about qualitative case studies is that case study researchers have access to massive amount of data, as a result, the data presentation and analysis would be difficult and tedious for researchers to manage and for readers to comprehend. However, Robert Yin (2000) affirms that in case studies 'lengthy narrative' can be avoided altogether and case studies can be as concise and precise as any good research can be.[105] In addition, the case study approach allows for 'thick descriptions' of the phenomena under study. Such 'thick descriptions' give the researcher access to the subtleties of changing

[99] Ibid
[100] Robert Yin, *Case Study Research: "Design and Methods"* (n 80), p. 10
[101] Ibid
[102] Ibid
[103] Ibid, pp. 30-32
[104] Geoff Walsham, "Interpretive case studies in Information Science Research." *Nature and method. European Journal of Information Systems*, Vol. 4. 1995 p. 79
[105] Robert Yin, *Case Study Research: "Design and Methods"* (n 80), p. 11

and multiple interpretations, which would have been lost in quantitative or experimental strategies.[106]

The third criticism has been that qualitative case studies lack rigor and can be manipulated by the researcher by way of deliberately twisting equivocal evidence or allowing biased views to influence the direction of the findings and conclusions.[107] Moreover, the richness and complexity of the data collected means that the data is often open to different interpretations, and potential 'researcher subjectivity or bias'. It should also be noted that despite the lack of a detailed step-by-step analysis of case study data, qualitative case study allows a huge room for researcher bias.[108] However, Yin argues "in research, any such step would be strictly forbidden" and every case study investigator must work hard to report all evidence "fairly". He further argues that what is often forgotten is that bias does and can enter into the conduct of experiments and in other research strategies, such as in questionnaires for surveys or in collecting and interpreting archival sources in historical research. Bias as a problem in research is not unique to qualitative case study research, but as the "researcher in qualitative case study research may have access to much and complex data the temptation may be high."[109] For a novel, trustworthy and high-quality qualitative case study to be done what matters most is the researcher's high commitment to truth and ethics.[110] This is for the main reason that a case study is often done with multiple data collection tools such as interviews, document reviews, archival records, and direct and participant observations. This enhances the quality and trustworthiness of the research as there is the virtue of triangulation and analyzing data gathered from different sources in a comparative manner (this will be discussed under section 1.9).[111]

Given the interpretive (analytical) stance adopted in this research and the nature of the research questions, which is in need of uncovering and understanding the human right to food in Ethiopia and how the Ethiopian state responds to the demand for the realization of the human right to food contextually, it is held that qualitative case study approach is the most appropriate research strategy for this topic. The same research questions could have been approached using

---

[106] Ibid

[107] Robert Yin, *Case Study Research: "Design and Methods"* (n 80), p. 10

[108] Ibid

[109] Ibid

[110] Robert Yin, "Discovering the Future of the Case Study. Method in Evaluation Research." *Evaluation Practice*, Vol. 15 No.3, 1994 p. 285

[111] Ibid

surveys designed to examine changing patterns in enhancing the realization of the human right to food and state's compliance with its obligations emanating from the nature of the right to food as recognized under national and international human rights instruments. However, a case study may better reveal in a more detailed manner the unique experiences of the members of communities living in different socioeconomic contexts. Thus, case study method was chosen because of its advantages in creating novel and profound insights and its focus on examining context specific realization of the right and the state's engagement in discharging its obligations.

1.7.4. Selection of Case Study Sites

As stated above, the purpose of this dissertation is to create a better understanding on the interplay between the realization of the human right to food and the [Ethiopian] state's compliance to this obligation (to the same) in the context of rural Ethiopia (Simada Woreda) and urban Ethiopia (Gulele Sub-city). These two sites for the case study are purposely selected based on the theoretical and practical need to address the central problem of the study. Accessibility of food is one of the basic factors that determine the actual realization of the right to food. Predominantly, food is accessed either naturally-by cultivating crops, rearing animals, fishing and gathering or through the means of purchase and exchange.[112] In line with this point, Simada Woreda is chosen for the reason that 'under normal condition' the majority (about 95 percent) of the people living there, in the case study area, access food naturally, by cultivating crops and rearing animals. The Woreda is also one of the most food insecure Woredas in Ethiopia.[113] Furthermore, no research has been done on the subject so far, how people live there in pursuit of realizing their right to food. As a result, this problem invites study. Moreover, it is easily accessible to the researcher. He is more familiar with the Woreda and his home-university; the University of Gondar is located adjacent to it. It is only about 206 Kilometers away.

[112] Olivier De Schutter, *International Human Rights Law: Cases, Materials, commentary*. Cambridge: Cambridge University Press. 2010 pp. 254-55

[113] Japan International Cooperation Agency, "The Development Study on the Improvement of Livelihood through Integrated Watershed Management in Amhara Region" (Final Report), 2011, p.1 Available at: http://www.csa.jicareport.jica.jp>pdf

In contrast, Gulele which is a Sub-city of Addis Ababa city is chosen for the reason that 'under normal condition' the residents of Sub-city access food through purchase. The impact of the power of money and food price volatility is high on most of the people residing in this case study area. As about 50 percent of the population in Gulele Sub-city engage in the informal sector of the economy and the income that people there generated from the sector is often low and unsustainable. In effect forcing them to live in poverty and to go hungry, at least some times. Moreover, the researcher is more familiar with the area, as he lived there for more than a decade.

Therefore, the choice for both Gulele Sub-city and Simada Woreda as case study areas for this study is based on the need to gain an in-depth and contextual understanding on the realization of the human right to food and the Ethiopian state's compliance to its obligation to the same right accordingly.

1.7.5. Study Location

As stated above, the study is carried out in Ethiopia where food insecurity and hunger are serious regular and present existential predicaments. Amhara regional state where one of the study sites, Simada Woreda, is in one of the regions in Ethiopia where poverty and food security are serious problems.[114] Addis Ababa, where the other study site, Gulele Sub-city is located is a cosmopolitan. It has a mix of the richest people in the country and the poorest ones as well.

1.7.5.1. Simada Woreda

Simada Woreda is one of the 11 *Woredas* in South Gondar Administrative Zone of the Amhara National Regional State. It is located about 205 kilometres southeast of the regional capital city, Bahir Dar. It is bordered by South Wollo Zone in the Southwest, by Abay (Nile) river, which separates it from East Gojjam Zone, in the West, and by East Este, Lay Gayint and Tach

[114] Japan International Cooperation Agency, "The Development Study on the Improvement of Livelihood through Integrated Watershed Management in Amhara Region" (n 110), p. 1

Gayint (*Woredas* within the same Administrative Zone) in the West, North, and Northeast respectively.[115]

Simada is characterized by rugged topography with an elevation ranging from 1196 meters to 3525 meters above sea level.[116] Based on the 2007 National Census, the projected population of the Woreda for the year 2014/2015 was 238646.[117]

Agro-ecologically, Simada Woreda is divided into three zones: *Dega* (highland/cool temperate), *Woina Dega* (mid-highland/moderate temperate) and *Kolla* (lowland/warm temperate).[118] The land is degraded and the soil is very poor in Simada Woreda. The Woreda has predominantly agrarian and semi-pastoralist population. As a result, the rural people in Simada Woreda exercise a direct and physical access to food. Simada Woreda is one of the food insecure Woredas of the region and the country in general.[119] The rural community there experiences food insecurity despite being within the high ecological zone that is suitable for agricultural productivity.[120]

The Agriculture and Rural Development Office of the Woreda has reported that the yield level of food crops which are heavily dependent on scarce and often erratic rainfall, though there is variation between ecological-zones,[121] has been miserably low due to recurrent drought and growing loss of the fertility of agricultural lands.[122] The production of permanent food crops (principally limited to Banana and Orange) has been phenomenal to few Kebeles in the Kola ecological zone of the Woreda. Rather, temporary food crops which are the dominant sources

[115] See below, Figure, 3.1.

[116] Bamlak Yideg. "Assessment of Indigenous Conflict Resolution Systems and Practices: Implications for Socio-economic Development: A Survey of Simada Woreda, Amhara Region, Ethiopia." Master Thesis, Department of Management, Mekelle University, Ethiopia. 2013, p. 32

[117] See Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'Statistical Report of the 2007 Population and Housing Census' (n 65).

[118] Amhara Livelihood Zone Report, 2007: Simada Woreda, South Gondar Administrative Zone. Available at "http://www.sgzcivilservice.gov.et/semada.html [Accessed on March 1, 2017]

[119] Ibid

[120] Ibid

[121] Relatively the Kola part of the Woreda often experience food production failure due to loss of soil fertility and drought and consequently the residents there often years are recipients of food aid and ''beneficiaries of the Rural Productive Safety Net Program (RPSNP).

[122] The post-harvest reports of the Agriculture and Rural Development Office of the Woreda for the years 2004 to 2016 indicates that drought, loss of soil fertility caused by land degradation are serious problems faced by farmers causing low crop yield.

of food and income for the local community has been produced in all ecological zones of the Woreda.[123]

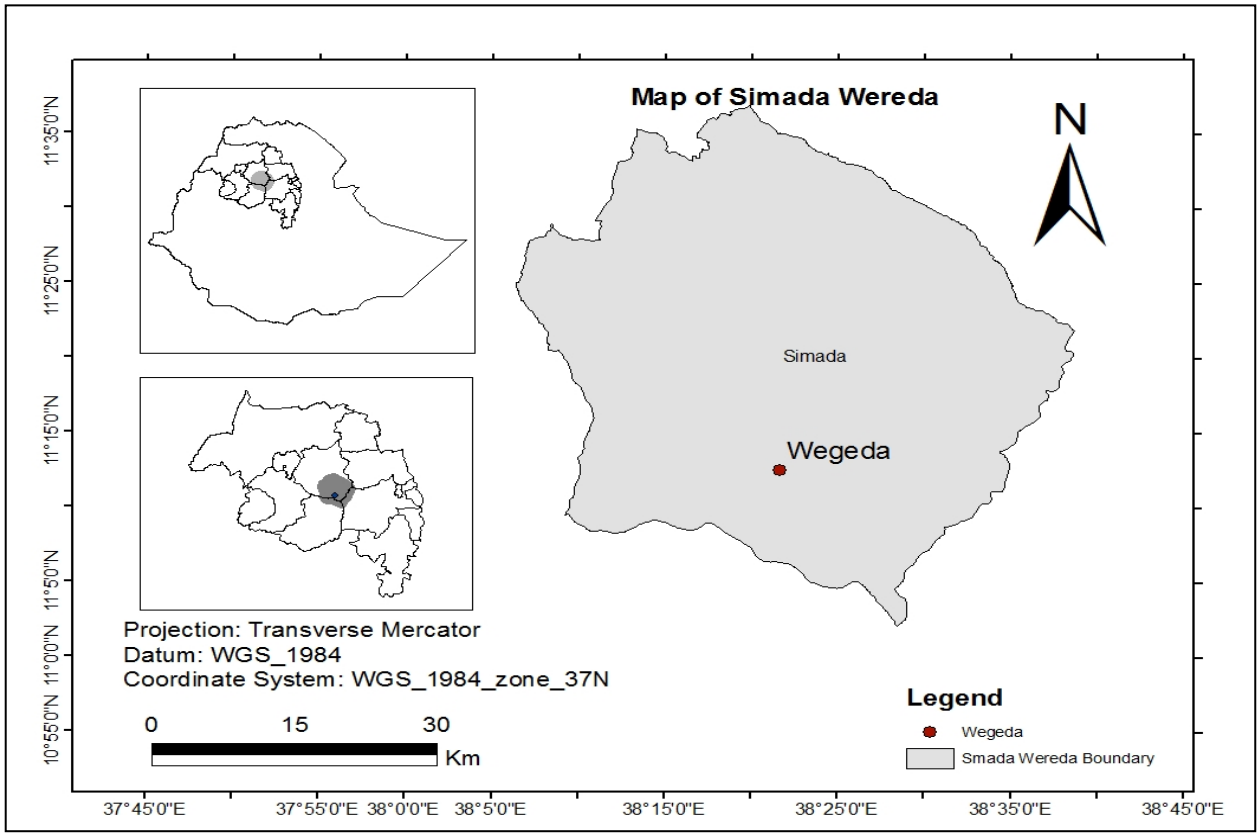


Figure 1. 1: Map of Simada Woreda

Livestock is a sub-sector of the agricultural practice in the rural Simada. It has been an important but less dominant source of food. Livestock is rather used as main sources of labor for agricultural practice, transportation and stocked as "reserve asset" for sale in the time of [food] crisis that is recurrently happing in the Woreda for few decades.[124]

According to the report of the Japan International Cooperation (2011), the food insecurity situation in the Woreda had been usually attributed to lack of access to adequate productive resource, i.e. fertile land and other agricultural inputs and their high cost, poor infrastructure and lack of access to market, poor soil fertility and incidence of recurrent natural calamities

[123] Ibid

[124] CARE Ethiopia, Nutrition at the Centre: Formative Research Report from Ethiopia (2013). Available at https://www.careinternational.org.uk/

such as drought.[125] Malnutrition in the Woreda has been reported as high, particularly among women and children which is a manifestation of chronic food insecurity and a violation of the human right to food of the members of the rural farming and semi-pastoral communities of the Woreda.[126]

1.7.5.2. Gulele Sub-city

Gulele Sub-city is one of the 10 Sub-cities of Addis Ababa, the capital city of Ethiopia. It is in the northern suburb of the city, near to mountain Entoto, and it is bordered by North-Shewa Zone of the Oromia National Regional State in the North, Kolfe Keranio Sub-city in the West, Addis Ketema and Arada Sub-cities in the South and Yeka Sub-city in the East. Gulele Sub-city has 10 Administrative Districts/Woredas. The total area of the Sub-city is 30.18 km^2. Based on the 2007 National Census, the projected population of the Sub-city for the year 2014/2015 was 319471.[127]

Gulele as a constituting part of Addis Ababa is characterized by cosmopolitan and non-agricultural way of life where residents access their means of subsistence through self-employment- by engaging in different economic activities like petty trade, handcraft, and other kinds of informal activities. Due to this fact, food purchase in the market is the principal if not the only means of accessing food. In addition, most households in Gulele Sub-city lead a very poor way of life and the Sub-city is characterized by high deprivation of access to facilities and basic services.[128]

It is fairly rational to note that, from socio-economic point of view, Addis Ababa city has been a home to both the wealthy and the poor with a huge income and living condition disparity. Most of the households in Addis Ababa are categorized as low income (50 percent) and

[125] Japan International Cooperation Agency, "The Development Study on the Improvement of Livelihood through Integrated Watershed Management in Amhara Region" (n 110), pp. 1-3

[126] Amhara Livelihood Zone Report, 2007: Simada Woreda, South Gondar Administrative Zone (n 115) Available at "http://www.sgzcivilservice.gov.et/semada.html

[127] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'Statistical Report of the 2007 Population and Housing Census' (n 65)

[128] Selamawit Sirgiw, "Gender Differentials in the Coping Strategies of the Urban Poor in Addis Ababa: The Case of Households in Woreda 4, Gulele Sub-city." Master Thesis, School of Graduate Studies, Addis Ababa University, Ethiopia. 2011 p. 20

medium income (44 percent), whereas relatively very few (6 percent) household are characterized as higher income group.[129]

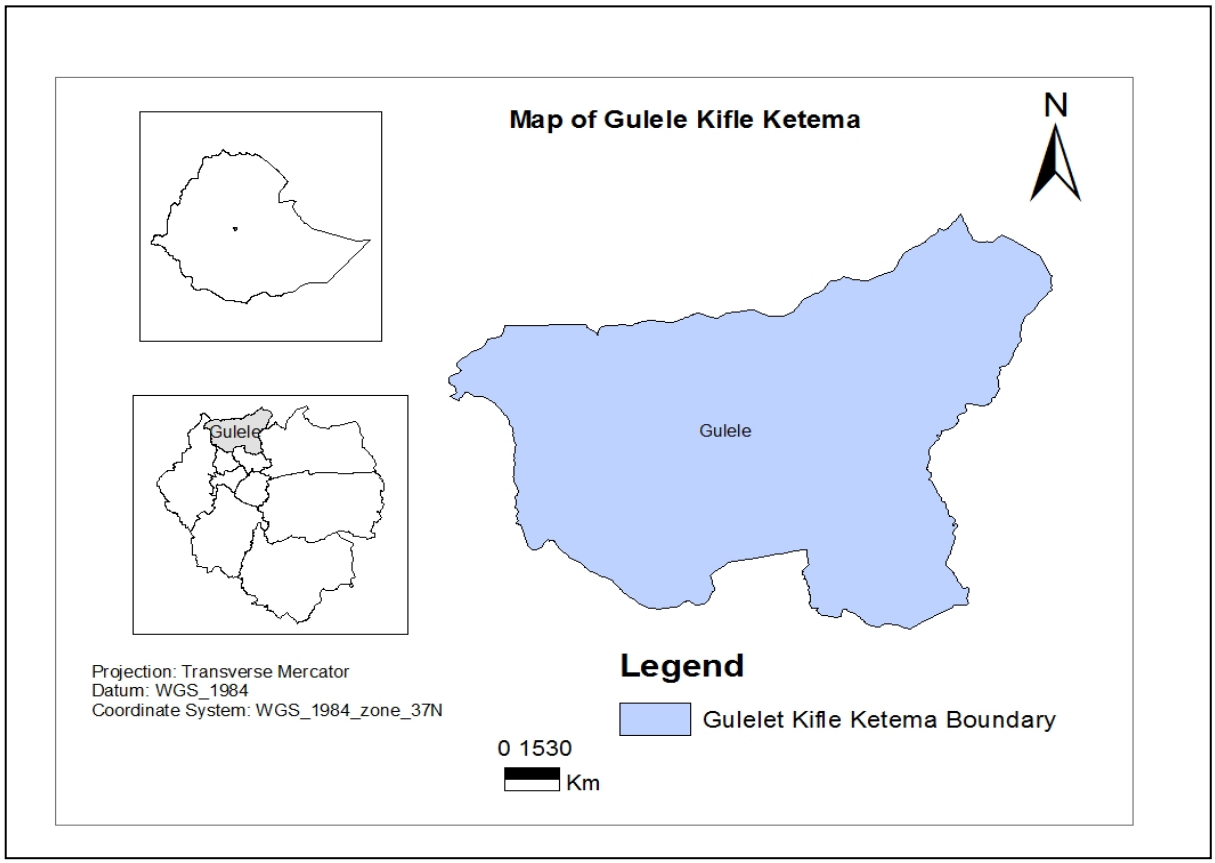


Figure 1. 2: Maps of Gulele Sub-city

However, the case study area of this research, Gulele Sub-city, is predominantly populated by low-income and very few medium income people. This is due to the fact that the majority of them engage in low income generating economic activities like casual wage labor, firewood collection, local brewing, petty trade and small businesses.[130] The Sub-city is also home to people who are unemployed and homeless, the one hardly stricken by poverty.[131]

[129] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), The 2001/2002 Ethiopian Agricultural Sample Enumerations, Executive Summary. Addis Ababa, Ethiopia. pp. 13-45. Available at: http://www.csa.gov.et [Accessed on March 1, 2017]

[130] Tesfaye Alemayehu, The Analysis of Urban Poverty in Ethiopia: The University of Sydney: Sydney, 2006 p. 35

[131] Tesfaye Alemayehu, The Analysis of Urban Poverty in Ethiopia: The University of Sydney: Sydney, 2006 p. 35

1.8. Sources of Evidence

Case studies that are exploratory and analytical, like the one adopted here, demand a mix of different data collection tools and procedures to increase the authenticity and trustworthiness of the study.[132] Thus, for this research, various data collection methods were used. These include literature survey, focus group discussion, key informant interview and field observation. Information gathered through these methods was systematically and prudently triangulated with the aim to minimize the possibilities of bias and prejudice from unchecked source pertaining to the limitation of each instrument. Care was also in due to take the subject under investigation in a more comprehensive manner.[133]

1.8.1. Literature Survey

The literature survey consists of a critical review of national legislation, policy papers development strategies as well as reports on their implementation. The evidence gathered in such form was helpful for the researcher to explore and analyze the status of the human right to food along its progressive realization in the post-1991 Ethiopia.

These policies and legislation pertinent to the subject under investigation were available online and in the archives of various governmental institutions and libraries. Literature survey as a data-gathering tool is inexpensive because such documents are readily available in libraries and online and often filed and documented in government offices. It also allows for the examination of trends over time. However, sometimes the data may not be easily accessible as different data sets are at different places and are maintained differently; information may not always be complete and precise enough. It might also be disorganized. Access to some records or documents was limited due to the sensitivity of the information and lack of cooperation from the concerned authorities who determine its accessibility. Such data, therefore, as sensitive as they have been, were extremely useful as they allow a possibility for comparison between the promises of national policies and legislation on the one hand and their implementation on the other.

---

[132] Bruce Berg, *Qualitative Research Methods for the Social Sciences (n 71),* p. 232

[133] Robert Yin, "Discovering the Future of the Case Study. Method in Evaluation Research." (n 109), p. 285

1.8.2. Focus Group Discussion

Focus group discussion is essentially a qualitative data collection method that has been used most frequently in the Social Sciences since 1930.[134] It entails conversation-guided interviews facilitated by the researcher/s to more than one participant for the purpose of collecting data through eliciting ideas, thoughts, and perceptions about specific issues linked to an area of interest.[135]

According to Sue Wilkinson, focus group discussion as a systematic procedure of collecting qualitative data, "essentially- involves engagement of a small number of people (often between 7 and 10) in an unceremonious group discussion/s focused around a particular topic or set of issues."[136] The method enables rapid information collection among participants of the discussion from the target group or population with particular characteristics. This particular method is especially important where little is known or adequate literature is not available on the phenomenon under investigation.[137] It also provides, though enough information is readily available, baseline information to have better and authentic understanding on a specific contextual belief, practice, worldview, and existential condition of a particular community or group.[138]

For this study, the researcher has chosen four (4) out of forty (39) Kebeles[139] in Simada Woreda, and from Gulele Sub-city four (4) Woredas out of the ten (10) Woredas and four (4) focus group discussions were administered in each study area, a total of 8 (eight) focus group discussions. The Kebeles in Simada Woreda have been chosen based on their ecological setting one from each ecological zone using lottery method, and after identifying the three Kebeles one Kebele, Kindo-Meda, has been chosen as it has the combined feature of the three Ecological zones. In Gulele Sub-city four out of ten Woredas have been chosen using lottery method as the ten Woredas are presumed to be, on the bases of previous reports on their socio-economic status, roughly similar in socio-economic status of their communities. Therefore,

---

[134] Sue Wilkinson, "Focus Group Discussion." In *Qualitative Research, Theory, Method and Practice.* (2nd edn), David Siliverman (eds.). London: SAGE Publications. 2004, p. 179

[135] Richard Krueger and Mary Anne Casey, *Focus Groups. A Practical Guide for Applied Research* (3rd edition). Thousand Oaks, CA: Sage Publications. 2000, pp. 381-382

[136] Sue Wilkinson, "Focus Group Discussion." *(n 128),* p. 177

[137] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), pp. 97-98

[138] Ibid, p. 98

[139] Kebele is the lowest in the tier of local Government administrative units.

each focus group comprises 7–9 participants and these participants were randomly selected from households of each selected Kebele/Woreda.

While conducting focus group discussions the researcher acted as a 'moderator' for the group: posing questions, keeping the discussion flowing, and enabling group members to have an active part in the discussion. Although focus group discussion is sometimes referred as 'group interview', in administering focus group discussions the researcher did not pose questions for each and every participant in the focus group in turn, but, rather, facilitated discussions by encouraging participants to interact with each other and get their views expressed.

Standard only men and only women focus group discussions were held in both case study areas. In each case study area, there were a total of two women and two men focus group discussions. Separate focus group discussions for men and women were preferred, as this would allow women to express their thoughts and feelings in a more relaxed and free manner than in a mixed group setting.[140] Particularly, in rural communities, culture does not encourage women to be outspoken and to participate freely and actively in mixed settings. Moreover, the focus group discussions in each case study area were located at different places, which were more convenient to the participants in order to allow better participation. This meant that they did not have to cover long distances to the meeting venue.

Issues disused in the focus groups included availability, accessibility, and adequacy of food and the state's compliance with its obligations to protect, respect and fulfil the human right to food in their present existential contexts. The questions generated for the focus group discussions were based on the definition of the human right to food and state obligations as conceptualized in chapter two of this study.

1.8.3. Key Informant Interview

Key informant interview is a method through which evidence or knowledge is generated and exchanged through dialogue.[141] During such an exercise, the researcher assumes the task of inviting the informants to engage in a conversation, asks pre-formulated questions, and seek answer/s from the informant interviewees. Such a strategy can provide the researcher with a

[140] Richard Krueger and Mary Anne Casey, *Focus Groups. A Practical Guide for Applied Research. (n 129),* p. 382

[141] Robert Yin, *Case Study Research: Design and Methods* (n 80), p. 90

better opportunity to observe, discover and interpret information through the close interaction with informant interviewees.[142] Moreover, semi-structured open-ended interviews, which allow the informant interviewees to talk at length about their experiences and views, can present a better opportunity for the informant interviewees to freely express their reality, as they perceive it.[143] In addition, it provides further insights into unique issues arising from the literature and document analysis and focus group discussions.[144]

The method applied in this study during the interview process was semi-structured, open-ended and face- to -face in nature. The intention of the researcher in employing this method was to obtain as much information about the subject matter, allowing for new and unscripted questions to be introduced based on the informant interviewees' responses. In general, the interviews consisted of a set of approximately eight questions to guide the interpersonal communication. The lengths of the interviews were 45–90 minutes. The majority of persons interviewed had a university education and in general, have many years of experience. Furthermore, most interviews were conducted using a voice-recorder and were later transcribed word-for-word. The use of a recording device allowed for observational notes to be taken during the interviews. Considerable attention was also paid to what was not said, as well as the implied meaning behind some of what was expressed.

People interviewed were government officials who are in-charge of poverty reduction, agriculture and urban development and management (8), human rights experts and the human right to food advocates (3), community leaders (3), community members (4), lawyers and courtroom practitioners (4). A total of 22 interviewees. The interviews with all these groups were semi-structured and in a similar fashion for consistency, though questions varied slightly according to the type of interviewee. The different key informants were able to give unique insights into the realization of the human right to food and the compliance of the state to its obligations.

[142] Ibid

[143] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 97

[144] Robert Yin, *Case Study Research: Design and Methods* (n 80), p. 90

1.8.4. Field Observation and Personal Experience (*Verstehen*)

Though the study was first and foremost enriched by the information obtained through literature survey, document analysis, focus group discussion and interviews, information obtained through personal field observation and personal experience has made a significant contribution to the enrichment, authenticity, and trustworthiness of the study. The researcher himself is one of the contributors of data to the research in this regard.

As Robert Stake (2009) affirms in qualitative research, the researcher's active and intentional personal engagement (*Verstehen*) is indispensable, by observing action and contexts, and often intentionally using his or her own personal experience in making interpretations.[145] *Verstehen* is a German word referring to personal understanding acquired through active and interactive engagement of the researcher about the thing being studied. *Verstehen* literally denotes an understanding of experiential action and context.[146] The last field observations were conducted mainly in September and January 2016 in Simada Woreda and in October and December 2016 in Addis Ababa, particularly in Gulele Sub-city, respectively.

1.9. Data Analysis

Data analyses consisted of organizing, providing structure to the data gathered and eliciting meaning out of it "to address the initial objectives or propositions of the study."[147] It essentially is an active and interactive process.[148] As made clear above, in this study data gathering and analysis were undertaken concurrently. Interviews were undertaken relatively at the later stage with the intention to crosscheck the authenticity and trustworthiness of the information gathered through literature review, focus group discussion and observation.

Unlike qualitative data analysis, there is no, however, fixed and rigid "formulas or cookbook recipes to guide qualitative data analysis."[149] Instead what is more important is the researcher's "own style of rigorous thinking, along with the sufficient presentation of evidence and careful presentation of alternative interpretation" so as to address the initial research questions.[150] As

[145] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 20
[146] Ibid, p. 48
[147] Robert Yin, *Case Study Research: Design and Methods* (n 80), p. 109
[148] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 134
[149] Robert Yin, *Case Study Research: Design and Methods* (n 80), p. 110
[150] Ibid

stated above, under section 1.4., this study addresses four research questions. Research question 1 sought to attribute meaning to the concepts of the human right to food and state obligation; attributing meaning to these terms has been done fundamentally through literature review, which is done at the early stage of the research.

But, the insights taken from interview participants helped a lot to refine the definition of these terms at the later stage. Question 2 which aims to address the adequacy of laws and policies of Ethiopia and their compatibility with the demands of the human right to food has been addressed in chapter four primarily through the review of available legislation and policies. Question 3 has a causal exploratory dimension, which tries to identify the impact of these institutions, legislation, and policies, already in place, in realizing the human right to food in Ethiopia, both in rural and urban contexts. And question 4 was decidedly the more analytical one geared towards appraising the status quo and pointing up the possibilities for better respect, protection, and fulfilment of the human right to food. These stages of the study were done often in a linear progression, one built after the other. Sometimes the work done at the later stage induced the researcher to reconsider revision or total change in perspective.

1.10. Ethical Consideration

It is the responsibility of a researcher to uphold ethical standards when conducting any research study.[151] This is especially true for a qualitative researcher who engages deeply with human participants, thus entering their personal domain, of values and other circumstances deemed sensitive.[152] In this regard, David Silverman (2001) reminds us that a qualitative researcher is a guest in the private spaces of his/her human participants.[153] Understandably, this raises several ethical issues that should be addressed before, during, and after the research had been conducted.

John Creswell (2009) has indicated that the researcher engaging with human research participants has an ethical obligation to respect the rights, needs, values, and desires of the

[151] David Silverman, *Doing Qualitative Research a Handbook: A Comparative Guide*. California: SAGE Publications. 2008 p. 311

[152] John Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (n 74), p. 89

[153] David Silverman, *Doing Qualitative Research a Handbook: A Comparative Guide* (n 151), pp. 311-313

informants.[154] Thus, it is important that a [social science] researcher is cognizant of his/her ethical responsibilities at every stage of the research process – from research design to reporting the final study findings to storing post-study information – and demonstrate both his/her awareness of ethical considerations as well as that he/she has taken measures to uphold ethical practice.[155]

Bruce Berg (2001) lists several issues that researchers should consider when engaging in qualitative research that involves humans as research participants. Some of the issues are avoidance of risk or harm to research participants, consent, privacy, and storage of data.[156] In this regard, although this study did not anticipate any serious risk or harm to study participants, several measures were taken to protect participants and their rights under this study.

First, as described above, the researcher while conducting this PhD research has observed and provided a due compliance for all the academic regulations of the Addis Ababa University in general and to the Center for Human Rights PhD program regulations and guidelines in particular.

Second, the researcher has made every attempt throughout the research process to comply with the wishes of study participants and has conducted the study with ethical integrity. As described above, precautionary measures were taken during the data collection stage so as to limit the possibility of risk to study participants.

Furthermore, the researcher has adhered to the principles of informed consent and has tried his best to protect the privacy of the participants and the confidentiality of the collected data. While the majority of research participants voluntarily consented to reveal their identity in the final documents of the study, the researcher has opted not to share the identity of the participants but rather for persons interviewed the researcher has identified them by their position (representative, official, deputy, etc.) and the organization they represented at the time of the interview, unless they indicated to the researcher otherwise. For focus group participants, though they all consented to disclose their identity including their name in the final version of the dissertation, the researcher has rather opted to use their code names [while citing their view

[154] John Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches (n 74)*, p. 90

[155] David Silverman, *Doing Qualitative Research a Handbook: A Comparative Guide* (n 151), pp. 311-312

[156] Bruce Berg, *Qualitative Research Methods for the Social Sciences* (n 71), pp. 53-63

in the text of the study] designated to them during focus group discussions. Furthermore, following the data collection and analysis and the writing of the dissertation, the information gathered from research participants were stored in a secured location hence their privacy has been best protected.

1.11. Issues of Authenticity and Trustworthiness

The aim of human rights research and social science research, in general, is to provide an adequate picture of the "thing" or "social thing" being studied.[157] According to Christine Daymon and Immy Holloway (2002), authenticity and trustworthiness are important, because in them the objectivity and credibility of research are at stake.[158] A research is presumed authentic and trustworthy if it reflects the reality of the case under investigation.[159] In this sense, ensuring the authenticity and trustworthiness of the research is both an epistemic and an ethical issue.

It is fundamentally an epistemic one, since the goal of the research is to serve the truth. And it is also an ethical one, as it requires a commitment to the 'truth' through fidelity and rigor. Holloway and Wheeler (2002) associate rigor with openness to varying perspectives, thoroughness in collecting data and the researcher's willingness and competence to create "evocative, true-to-life and meaningful portraits, stories and landscapes of human experience".[160]

As opposed to the traditional positivist account of validity in research, which is used to evaluate quantitative research, the terms authenticity and trustworthiness are adopted in this study to establish the trustworthiness of this research. Egon Guba and Yvonna Lincoln (1994) argued

[157] Annsi Perakyla, "Reliability and Validity in Research Based on Naturally Occurring Social Interaction" In *Qualitative Research, Theory, Method and Practice.* (2nd Edn), David Siliverman (ed.) London: SAGE Publications. 2004, p. 283

[158] Christine Daymon and Immy Holloway, *Qualitative Research Methods in Public Relations and Marketing Communications.* London: SAGE Publications. 2002, p. 93

[159] Ibid

[160] Immy Holloway and Stephanie Wheeler, *Qualitative Research in Nursing and Healthcare* (2nd Edn). Oxford: Blackwell Science. 2002, p. 251

that qualitative studies ought to be evaluated differently because of their distinctiveness from quantitative studies in seeking the truth.[161]

Authenticity- requires that the "strategies used are appropriate for the 'true' reporting of participants' ideas, when the study is fair, and when it helps participants and similar groups to understand their world and improve it."[162]

Trustworthiness- the criteria used to check the trustworthiness of the research are credibility, dependability, and transferability.[163]

Credibility: refers to the extent to which the reported findings of the research represent reality – whether they are seen to be well-founded from the perspective of the researcher, study participants, and the reader. Credibility represents an alternative to the positivist criteria of internal validity. The credibility issue for the qualitative inquiry can be assured by the following strategies.[164]

i. *Research methods*: to ensure the credibility of this study the researcher used research methods consistent with qualitative case study methodology. The researcher has employed various data collection methods with the objective of exploring the subject under investigation from multiple angles and creating a more representative portrayal of existing perspectives. He has also attempted to recruit study participants who represented different organizations, held diverging perspectives, and played different roles in the right to food/ food security policy field.

ii. Triangulation: here the term triangulation is used in a less literal sense[165] rather it is used to refer to the use of multiple data sources, multiple informants, and multiple methods (e.g. literature survey, focus group discussion, interview, and observation), in order to gather multiple perspectives on the same issue so as to gain a complete understanding of the

[161] Egon Guba and Yvonna. Lincoln, "Competing Paradigms in Qualitative Research." In *Handbook of Qualitative Research*. Norman Denzin and Yvonna Lincoln (Eds.). London: SAGE Publications. 1994, pp. 107-108

[162] Christine Daymon and Immy Holloway, *Qualitative Research Methods in Public Relations and Marketing Communications* (n 152), p. 93

[163] Ibid

[164] Ibid

[165] The use of results from one set of data to corroborate those from another type of data is also known as *triangulation;* See, Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 97

phenomena. It is used to compare data to decide if it corroborates.[166] Thus, it is one of the most important ways to enhance the authenticity and the trustworthiness of qualitative case study research findings.

Triangulation being a way of checking the authenticity and trustworthiness of study results, it can uncover biases and misinformation. In this sense, triangulation may increase confidence in research findings. Since any method can have weaknesses and strengths, triangulation is also a method to increase reliability by reducing systematic (method) error, through a strategy in which the researcher employs multiple methods or sources, thereby maximizing the richness and trustworthiness of the data, and thus, increasing reliability.[167]

iii. Research sites: the researcher has lived more than a decade in each research site. As a result, this enabled him to both acquire a deeper understanding of the context in which this case study took place and to build trust with study participants.

iv. Willingness of participants: In order to ensure that study participants are willing to take part in the study, the researcher has informed all participants prior to the interview that their participation in the study was voluntary.

v. Debriefing: the researcher has frequently discussed developments in the research and the findings with peers and colleagues (mostly fellow PhD students and University professors), as well as study participants. Particularly the feed backs acquired during seminar presentations both in Addis Ababa University, Ethiopia and Lund University, Sweden have immensely benefited the research in this regard. These discussions were extremely useful for providing feedback, clarifying information and misconceptions, and broadening the perspectives employed in the study.

vi. Use of direct quotes: a concerted effort to use direct quotes from interviews and documents to the fullest extent possible in the findings is mad. This allows the voices of the authors and research participants and authors to emerge. Second, and on a related note, to limit the extent to which I interpreted the sentiments and ideas contained in the texts of the interviews and documents.

[166] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), p. 97
[167] Ibid, pp. 97-98

Transferability: is equivalent to the positivist concept of external validity and is close to the idea of theory-based generalizability. The concept of transferability is more concerned with the degree to which the findings of a study situated in a particular context can be transferred to another particular context and in order to do this, it is necessary for the researcher to provide as much information as possible about the context in which the study is situated so that the reader can make a sound judgment about the extent to which the findings can be transferred.[168] The focal settings of the research are deliberately chosen so as to help the outcome of the research to be applied to similar settings somewhere in Ethiopia. Thus, rich, thick descriptions of the cases under investigation are given to help readers to check whether the findings from these case studies are generalizable to other contexts or not.

Dependability: refers to "whether one can track the processes and procedures used to collect and interpret the evidence."[169] It parallels the positivist concept of reliability, though it takes issue with the idea that the same results could be obtained through the same procedures. However, in the qualitative study because of the dynamic nature of natural settings and researchers' epistemic orientation the same result may not be obtained by different researchers. To increase authenticity and trustworthiness dependability here stresses the importance of consistency and accuracy in data collection and analysis.

1.12. Challenges and Limitations of the Study

The major methodological challenge of the study that the researcher encountered in doing this qualitative case study was that he should have subscribed to unbiased data in the atmosphere of the highly politicized environment. As a result, he was challenged to discern fact and fallacy from whatever source and discard the latter. To reduce the risk of falling into biased data, sources of information had been prudently and wisely explored and information had been triangulated and taken in a comparative manner.

The first challenge comes from the researcher's own epistemological stance. The research process, especially a qualitative social science research, has the clear potential for bias because of the researcher's subjectivity. This can affect the process of collecting and interpreting

[168] Christine Daymon and Immy Holloway, *Qualitative Research Methods in Public Relations and Marketing Communications* (n 152), pp. 98-99

[169] Ibid, p. 98

data.[170] One important challenge of the study regarding subjectivity and potential bias is that as a citizen and a public servant the researcher has been deeply embodied in the society and more sympathetic to the cause of the poor and an advocate of the realization of their human right to food. Advocacy is the embodiment of empathy.[171]A dictionary will say that to empathize is to look at things closely, becoming sensitive to, even vicariously experiencing, the feelings, thoughts, and happenings of others.[172] To reduce the possibility of bias out of such a feeling, though, personal bias on the part of the researcher is unavoidable [in absolute terms], in the analysis part in particular and throughout the course of the research work in general, the researcher has tried to align himself with the authority of the strongest possible justification. He has also engaged in de-briefings with peers, colleagues, advisers, and research participants to assist him in refining his interpretations of the data and to identify oversight or potential areas of bias.

The second challenge was that the researcher had collected data through interview and focus group discussion mainly during the time when the country was in a state of political crisis and an active and state-enforced "state of emergency." As most of the study participants were [as expected] not feeling comfortable and were suspicious of talk about the obligation of the state to the human right to food.

However, to mitigate these challenges, the researcher has done his best to create an ambience of comfort, trust, and professionalism. The researcher has also reminded participants that every step of the interview process was voluntary and that if they did not feel comfortable discussing an issue, answering a question, or they wanted to stop the interview, then to please let him know.

1.13. Scope of the Study

The study is delimited to Ethiopia, and specifically Simada Woreda, in the Amhara Regional State and Gulele Sub-city in the Addis Ababa City Administration. Thematically, the research exclusively addresses the right to food and the obligations of the state of Ethiopia to the full realization of it. The researcher is aware of the fact that in this highly interconnected and

[170] Robert Stake, *Qualitative Research: Studying How Things Work*. (n 73), pp. 109-110

[171] Ibid, p. 47

[172] The Merriam-Webster Online Dictionary, available at https://www.merriam-webster.com/dictionary/empathize [accessed on January 2017]

interrelated context of our world, external, non-domestic factors can and do affect people's exercise of their human right to food in Ethiopia, and the realization of the human right to food is not an exclusive obligation of the Ethiopian state. Non-state actors, individual right holders themselves and the world community at large share the responsibility.

However, in this study, unless these actors have significant implication for the fulfilment of the human right to food, then they would not be the direct object of analysis. Methodologically, a qualitative exploratory and analytical study will be adopted. Therefore, it is with these delimitations that the proposed study deals with the right to food and its fulfilment by the post-1991 Ethiopian state.

In a nutshell, as the purpose of a research design and specific methods is to provide answers, which are true and relevant to research questions, this study tried to embody the virtue of such an endeavor through qualitative, exploratory- analytical approach that was contextual. It is suggested that undertaking an academic research, which is case-specific, is complex and the researcher is expected to be sensitive and prudent in gathering and analyzing context-specific evidence. In line with this demand, the research approach used in this study is designed in a way to gather and analyze primary and secondary sources with the twin aims of uncovering the actual and contextual pursuit of people's realization of their human right to food and the practices indicative of the compliance of the state in respecting, protecting, and fulfilling the human right to food.

1.14. Structure of the Dissertation

The study comprises of eight chapters (including this chapter). Chapter one, which we already come through, provided a general outline of the study with a brief introduction and background for the study and set out the objectives and research questions that this study sought to address. It has also outlined the research methodology and methods used to undertake this study. Beginning with a discussion of the qualitative case study methodology, this section has proceeded with a discussion on the research design and methods adopted for this study. The methods of data collection and analysis used again are described and appraised along their strength and limitations. It has also provided a detailed discussion of ethical considerations and issues of trustworthiness that are duly considered in undertaking this study.

Chapter Two provides a conceptual framework for the human right to food and the corresponding state's obligations to the same, by reviewing the relevant literature and human rights instruments.

In chapter three, the study reviews and analyses international, the UN human rights system and regional human rights instruments, particularly the African human rights system which are pertinent to the protection to the human right to food. It is intended to briefly demonstrate the historical evolution of the human right to food, particularly how it emerged, as we recognize it today, in the international human rights instruments and seeks to address the quandaries of the enforceability of the human right to food and how it can be translated into the Ethiopian context. More importantly, chapters two and three are devoted to provide answers to research questions one and two of this study, respectively.

Chapter four discusses and appraises the human right to food in Ethiopia based on the data collected from legal texts and policy documents and examines the more dominant practices impacting the realization of the human right to food. A subsection under this chapter has been devoted to the discussion of the emerging political discourses; the 'Ethiopia rising narrative, and the 'counter Ethiopia rising narrative' vis a vis the alignment of such narratives on the actual realization of the human right to food.

Chapter five is devoted to the presentation and interpretation of a case study on Simada Woreda, which is based on fieldwork, Focus Group Discussions, and interviews and document analysis. Simada Woreda is selected as a case study on the assumption that it is one of the most food insecure areas in the country and residents of the Woreda access food predominantly directly from nature without the mediation of money.

Chapter six presents and interprets the data collected in the Gulele Sub-city of Addis Ababa City Administration. As indicated the methodology section of the study, under section 7.1.4. Gulele Sub-city is selected as a case study area for the reason that it is urban and its residents predominantly access food through purchase. These two case study areas are selected purposively for contextual and comparative study. Chapter five and six are devoted to provide answer/s to research question three.

Chapter seven strives to provide answer for research question four; it is the summative and evaluative analysis that culminates in the provision of recommendations aimed at the improvement of the actual realization of the human right to food. It indicates directions for future studies and policy actions that are needed to better respect, protect and fulfill the human right to food, and to reduce poverty and hunger and move toward government‘s adoption of human rights based development which are hoped to protect the human well-being and facilitate the realization of the human right to food.

Finally, chapter eight comprises conclusion and recommendations. Concluding remarks and recommendations for the for better respect, protection, and fulfillment of the human right to food in Ethiopia at varying socioeconomic contexts has been forwarded. This has been done on the basis of the findings of the study, general deductions and specific observations made in the processes of the research. At last, recommendations for the better realization of the human right to food in Ethiopia are put in order.

Reiteration

As indicated in this introductory part of the dissertation, the human right to adequate food remains one of the most cited in solemn declarations of political intent and rather remain the most neglected and violated in practice, globally. The state of the realization of the human right to food in Ethiopia is at its precarious stage. This dissertation aims at contributing to the debate through critical analyses of normative and theoretical frameworks that connote conflicting conceptions on the human right to food and the obligations of the state. The human right to food is a moral and human right that is founded upon the notion of promoting and upholding human dignity.

To that end, it obliges the state, as the highest and most powerful human association, to recognize, respect, protect, and fulfil the same right. In this line of thinking, Ethiopians as right holders have the right to have fair access food and the Ethiopian state, as a collective political entity, the obligation for the realization of the same.

Nonetheless, as will be discussed in the upcoming chapter, the human right to food does not necessarily denote the right to food hand-outs by the state, rather as rights are about upholding dignity, the human right to food can be best realized when primary fulfilled by the right holder

himself/herself. Thus, the next chapter will clarify the essence and nature of the right, the human right to food and the corresponding obligations of the state for the realization of the right.

* * *

CHAPTER TWO

2. Conceptualization of the Human Right to Food and State Obligation

Introduction

This chapter gives greater attention to the scholarly perspectives on the human right to food and the corresponding obligations of the state, which are required for the realization of the same. The first part of this chapter serves as a conceptual framework for the next subsequent chapters of the thesis. The second part of this chapter presents and evaluates the theoretical basis of human rights in general and the human right to food in particular. The obligation of the state in this regard will be defined and evaluated. The last part presents the correlation between state behavior vis a vis upholding the fundamental human rights and the human right to food.

Finally, yet importantly, this chapter in addition to setting the conceptual framework and providing the general theoretical background on the human right to food and on corresponding state obligations, is relevant for the whole thesis for three major reasons. First, it sets the meaning of the human right to food in a wider context, in a way that would lead, through the exposition of the essence and scope of the human right to food, to clear and comprehensive understanding of the same. The assumption here is that a clear and holistic understanding of the matter, if there is a will to do so, would be an excellent help for citizens as right holders and the state as a prime duty bearer to the right, to organize effort to realize the right more effectively. Second, the very fact of holding the state accountable to the human right to food, as a prime duty bearer, would lead to the assertion that the state is required to realize other fundamental human rights, which in general terms are interrelated and interdependent to each other.

In line with this kind of thinking it can be argued that the nexus between the human right to food and other fundamental human rights lays down the basis for taking and holding the [Ethiopian] state accountable to recognize, respect, protect and fulfil human right to food and other fundamental human rights in general. However, a point worth noting is that this paper is devoted primarily to the study of the human right to food and the Ethiopian state's compliance

with its human right to food obligations as envisaged by international human rights instruments.

Before enunciating the meaning of the human right to food and the corresponding state obligations to the same, it is worth mentioning that it only after World War II the human right to food has got increasing international recognition. The post-World War II era has also witnessed unprecedented effort in the endeavor to hold states accountable for human rights in general and the human right to food, in particular. This has been done through international human rights systems, particularly the United Nations.[1] Though human rights in general and the human right to food in particular, are accorded recognition very recently, they have been with us ever since we began to exist as human beings. In this regard, Samuel Moyn (2010) rightly indicated "what really new in history is the language and the renewed commitment of states for the respect and promotion of human rights."[2] Otherwise, the existence of rights as specific and essential entitlements of human-kind predates the historical emergence of the language of human rights in the Post-World War II era.[3]

In line with the above assertion and stressing the ontological primacy of rights in human existence, Joel Feinberg in his polemic account of human rights, in his masterpiece "The Rights, Justice, and the Bounds of Liberty" asserts that:

> Having rights enables us to stand up like human beings, to look others in the eye, and to feel in some fundamental way the equal of anyone. To think of oneself as the holder of [human] rights is not to be unduly but properly proud, to have that minimal self-respect that is necessary to be worthy of the love and esteem of others. Indeed, respect

[1] Charles Beitz, *The Idea of Human Rights*. New York: Oxford University Press. 2009, p. 1

[2] Samuel Moyn, *The Last Utopia: Human Rights in History.* Cambridge: The Belknap Press of Harvard University Press. 2010, p. 03

[3] In this line of assertion, for instance, Christopher Kutz claims that injuries to human rights that have been inflicted prior to the history of human rights may not be erased simply by relegating them to the category of 'past wrongs.' Such injuries deserve attention and remedies even on the basis of the comparatively late historical appearance of the language of human rights. See, Christopher Kutz, *Justice in Reparations: The Cost of Memory and the Value of Talk*, in "Philosophy and Public Affairs", (2004) Vol. 32, No. 3. p. 277-312. Tibamana Mwene Mushanga, also argues that Africa should demand reparation for slavery and colonial exploitation. He further reiterates that the German genocide committed against the peoples of Namibia in 1904 is on the same moral footing as the German holocaust against the Jews. Yet, Germany has assumed the moral obligation to pay reparations to the latter but refused to do the same with regard to the former. This example shows that the language of political history can sometimes run the risk of concealing moral obligations and in that way undermine the ethical demand for justice. This is part of the main reason, why human rights are debated and contested concepts in the history of serious academic enquiry.

> for persons [...] may simply be respect for their [human] rights, so that there cannot be the one without the other.[4]

Therefore, according to Feinberg having rights and their due exercise enables us to stand up as human beings and as equal in dignity with other fellow human beings. This again reminds us, as discussed in chapter one, that the underlying principle that forces us to recognize human rights is the very understanding of humanity- humanness- and its demand for existence in dignity at all times in all places.[5] Dignity is a value-laden term that manifests the intrinsic value and inherent worth of [all] human beings. In this sense, human rights are the universal claims of human beings for freedom from undue harm and for equal, just, and non-discriminatory [positive] treatment.[6]

In this regard, a point worth mentioning here is that human rights are dialectical by nature. The right claim for the one is a duty for the other and vice versa. Right-holders and duty-bearers co-exist, not necessarily as opposites rather as one (the duty bearer) observing its commitments for the realization of the right claim of the right-holder. In line with this reasoning, there is a growing recognition and a good deal of consensus on the idea that the state is the collective and most powerful entity that should bears the prime duty for the realization of human rights, including the human right to food; at least, within its national jurisdiction (this will be discussed under section 2.2.2.).

In this chapter and throughout this thesis the human right to food has been conceptualized and defended as a human right proper in its own right. It is because; the right to food is indispensable for the human being to be able to enjoy other related rights. It is more than just a quest for access to food. It is primarily about feeding oneself in dignity without resorting to emergency food supplies, scavenging, stealing, or other degrading coping strategies that can be adapted for survival. The very notion of dignity, denoting the inherent worth of the human subject, is best protected and promoted not by the provision of food handouts. Rather by feeding oneself. Food handouts can only be taken as last resort options to save life.

---

[4] Joel Feinberg, *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy*. Princeton: Princeton University Press. 1980, pp. 3-4

[5] George Kent, *Freedom from Want: The Human Right to Adequate Food.* Georgetown University Press, Washington, D.C. 2005, p. 2

[6] Joel Feinberg, *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy* (n 4), pp. 3-4

2.1. The Problem of Defining the Human Right to Food and State Obligation

To assign a clear and precise meaning to a research subject under investigation is the first major step towards its conceptualization so as to establish a shared and common understanding and frame of reference for analysis. However, there exists a persistent contention and disagreement among scholars and states on the essence and scope of the meaning that the terms, "human right to food" and "state obligation" connote.[7] As often times, these terms have been used to connote different meanings to different people, and in effect, a universally agreeable meaning on them is still lacking.

Nonetheless, there is a good deal of convergence of understanding on the general idea that human rights and the human right to food are common standards of behavior that are supposed to regulate individuals in behaving towards each other govern the relations between the State and its citizens in public sphere.[8] But, there is an enormous difference in understanding the underlying essence and constituting elements of human rights and the human right to food in particular. The kind of bond that these rights establish between the right-holder, both as individual and a member of a community, on the one hand, and the state, as a duty bearer, on the other, have remained to be a subject of contention and debate among scholars and states (particularly government representatives) alike. According to Andrew Heywood, there are two general and major competing conceptions about human rights. Accordingly, these are called the liberal and socialist conceptions of human rights, respectively.[9] The perspectives themselves are historically embedded deeply in the ideology and political practice of liberalism and socialism.

On the one hand, the liberals see human rights, in general terms, as negative right claims and freedoms that are supposed to impose a negative obligation on the duty bearer, particularly the

[7] This particularly is evident when considering the conventional hierarchical classification of human rights, as first, second, third and even the merging fourth generation rights and the corresponding obligations of states to these generations of rights.

[8] Though human rights are taken as inherently valuable or treated as creations of institutions and instruments of the same-there is almost a universal convergence of understanding on the idea that human rights as important attributes of human beings and their respect and promotion is the foundation for cohesive and orderly society.

[9] Andrew Heywood, *Political Ideologies: An Introduction*. (5th Edn.). Palgrave Macmillan: Basingstoke. 2012, pp. 34-35

state. This means that for the realization of the human rights, what is often required from the state, as a duty bearer, is enacting laws that would facilitate the realization of rights by right holders themselves, protect the right from undue interference. In other words, the state is required to provide in due diligence a "watchman's role" to protect rights from violations. Accordingly, as per the liberal conception of human rights, genuine human rights are inherently prohibitive of unlimited interference. They are often called forbearance rights. This is to refer that the implementation of human rights requires primary limiting the power of the state and consequently the horizon where the state can interfere in rights is limited. However, the state is not required to fulfil human rights, including the human right to food directly. Accordingly, only rights that are traditionally and historically regarded as "civil and political rights" are considered as real and enforceable human rights.[10]

On the other hand, the socialists envisage human rights as positive right claims of right holders, which inherently require proactive and positive engagement by the duty bearer, particularly the state, as part of its obligation to human rights, for the realization/fulfilment of rights.[11] Consequently, in the socialist sphere of influence the "social, economic and cultural rights" which are often considered "positive right claims" have been considered as 'real' rights and prioritized over their counter "civil and political rights", that are deemed to be negative right claims.

Be that as it may, a closer understanding of these contending and competing perspectives on human rights and accordingly the mainstream understanding of the human rights in terms of 'cleavage (civil and political rights on the one hand and economic, social and cultural rights on the other) and generations' (first, second and third generations of rights) vis a vis differing degree of allegiance to them accordingly by the state, may force us to raise questions like; what really is the human right to food and in this respect, what commitments does it require from the state for its realization? And in what way does it differ and relate with other fundamental human rights?

In this regard, the following two subsequent sections investigate the meaning and essence of the human right to food and the corresponding state obligations to the same and consequently will try address the above-stated queries as well.

[10] Andrew Heywood, *Political Ideologies: An Introduction*. (n 9), pp. 33-35

[11] Ibid, pp. 34-35

2.1.1. Defining the Human Right to Food

According to George Kent (2005), the *human right to food* is a short-term expression for the *human right to freedom from hunger* and a *claim to have access to adequate food*.[12] Accordingly, two important inferences can be drawn from this characterization of the human right to food.

First, the human right to food involves *freedom*, which can be crudely defined as the right to avoid unnecessary harm, which in our specific case, is freedom from super-imposed starvation or forced hunger. The *freedom* aspect of the human right to food can, therefore, also be interpreted to refer to the negative aspect of the right, as it requires an avoidance of arbitrary external interference and undue harm that otherwise would lead the right holder to starvation. Therefore, the freedom aspect of the human right to food is an indispensable one as it protects the right holders from undue harm that would threaten their dignity or basic human status, i.e. hunger and starvation. It can also be taken as a threshold for the free exercise and full realization of the human right to food in general. As having the means to overcome hunger is the minimum standard to the realization of the human right to food.[13]

Second, the human right to food is also the right claim of an individual or a community of human beings for enabling and conducive socio-economic environment under which the right-holders can best fulfil their food needs by their own effort and available means. In this regard, the human right to food does not solely signify the right to access to "pre-packaged meals in the way one might deliver feed pellets to livestock. [As] that sort of approach would be incompatible with human dignity."[14] The underlying idea in the human right to food is fundamentally upholding [human] dignity. Dignity cannot be guaranteed by being fed rather by feeding oneself.[15] Therefore, the human right to food can be best fulfilled by the right holder himself/herself. Nonetheless, when and if the right-holder cannot feed himself/herself by his/her own means for temporary or permanent reasons that are beyond his/her control, then another party bears the ethical and/or legal obligation to provide him/her with food. This can

[12] George Kent, *Freedom from Want: The Human Right to Adequate Food (n 5)*, pp. 2-3

[13] Interview with Hilal Elver, the United Nations Special Rapporteur for the Human Right to Food on the 3rd of October 2018, Lund, Sweden

[14] George Kent, *Freedom from Want: The Human Right to Adequate Food (n 5)*, p. 54

[15] Ibid *(n 5)*, pp. 2-3

be done directly, through provision of food handouts or indirectly through social security scheme or by other similar means. With regard to this particular case, the [Ethiopian] state, like any other state[16], bears the principal obligation to have the required regime to ensure the respect and protection of the right. So that right holders can realize the right by their own means and the Ethiopian state is also required to provide food handouts directly, or through social security schemes if and when the right-holder cannot realize his/her right to food by himself/herself.[17]

Based on what has been stated above, it pretty much seems that Kent has succeeded in bridging the [historical] gulf between the liberalist and socialist conceptions of human rights in his characterization of the human right to food, particularly by way of expounding on the idea that the human right to food has both the negative and positive aspects conjointly at the same time.

However, the above-stated meaning attributed to the human right to food by Kent is still vague and elusive. To put it differently, to define the term, the human right to food, as freedom from hunger and access to adequate food is semantically problematic. Among others, the word-*adequacy* is a vague one. Consequently, it would lead to differing and conflicting interpretations. For example, one may ask 'does the word "adequacy" imply the amount (quantity) or the nutritional content (quality) of food? Does it actually denote both quality and quantity of food at the same time? Does not it imply more than that? These questions, remain unanswered in the above characterization of the human right to food.

Therefore, it pretty much seems that to fill such a presumed conceptual gap, the former United Nations Special Rapporteur on the Human Right to Food, Jean Ziegler (from 2000-2008), has provided the following conceptual framework on the human right to food;

> The human right to food refers […] the right of each man, woman, and child, individually or collectively [as a community] to have unrestricted access, at all times, to enough food for an active and healthy life, consistent with the food culture of the consumer.[18]

[16] Though there exists variation among states in terms of their level of development and available resources at their disposal, all states are required to comply to their obligation to the human right to food. Lack of resource cannot be an excuse for violations. They are required, in relative terms, to demonstrate that they have used their full capacity to realize the right.

[17] This will be discussed further in the next section.

[18] Jean Ziegler, "The Right to Food: Justiciability of the Right to Food, Report by the Special Rapporteur for the Human Right to Food", Submitted to the United Nations High Commissioner

Therefore, the human right to food, according to Ziegler, involves the following key elements; a) it is an individual and collective right claim, b) the food accessed should be adequate (both in quality and quantity) for an active and healthy life, and c) it needs to conform with the collective food culture of the community, that means to the eating habit and food preference of the individual consumer under consideration. It, therefore, appears to include the basic and essential points that would be helpful to define the human right to food. It can also be taken as a point of departure for the conceptualization of the human right to food in this work. Yet it needs a mention here that this definition of Ziegler, however, appears to be less precise and undemonstrative of the holistic nature of the right.

To state it differently, the shortcomings in this definition are semantic in character but epistemic in essence; what do the terms in the above definition; accessibility, adequacy, and conformity really connote? As stated somewhere above, these terms may vary in meaning in their actual usage and can be a source of contention and confusion, to the least. This condition of lack of clear and universally agreeable meaning to these terms would give rise to a different and varying understanding of the human right to food, which in turn may result in discrepancies and virtually the violation of the right by the duty bearer, particularly the state, in the process of realizing the right. [19]

In view of this problematic nature of the concept, the human right to food, the United Nations Committee on Economic, Social, and Cultural Rights (CESCR)[20] under the supervision of Ziegler himself prepared the General Comment 12 (1999), which aims at providing unequivocal and agreeable meaning to the human right to food and to the corresponding state obligations. The General Comment No. 12, under paragraph 6, conceptualizes the human right to food as follows;

---

for Human Rights in Accordance with the requirements of the Commission on Human Rights Resolution 2001/25 GE.02-10079 (E)

[19] In this regard, the Food First Information and Action Network International's (FIAN) (2005) a 'Collective Study on the Human Right to Food 'indicated that partly the reason for the lack of universal agreement on the meaning of the human right to food has been the relative recent recognition of the right and in effect the coinage of meaning to it whose precise universal meaning is yet to be agreed upon. See, Food First Information and Action Network (FIAN International) Right to Food Journal, Vol.1_No.1, 2006, p. 1

[20] The Committee on Economic Social and Cultural Rights (CESCR) is the United Nations organ entrusted with the authority to interpret the International Covenant on Economic, Social and Cultural Rights (ICESCR)

> [T]he 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 [available] *adequate food or means for its procurement*. […] This right […] is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights.[21] (Emphasis added)

This definition, as provided by the CESCR in the General Comment 12, not only shares the key elements of the human right to food that are outlined in Ziegler's definition, which is discussed above (food availability, accessibility, and adequacy in utilization), it has also provided, under paragraph 8, a detailed characterization of each element of the right.[22] Therefore, the most important jurisprudential contribution of the GC12 to the human right to food is its provision of a detailed characterization and illustration of the normative contents of the right, as envisaged under Article 11 (1 and 2) of the ICESCR. In the following, few paragraphs, a brief explanatory discussion on each element of the human right to food (availability, accessibility and adequacy) as provided under the GC 12, is made.

The first element of the right to food, in the order of their ontological priority, is the *availability* of food. Food can be made *available* for human 'consumption' in two ways. First, food can be made available from natural re/sources, through production, gathering, rearing animals, or other ways of obtaining food such as fishing, hunting, or gathering.[23] This is a natural and primary means of availing food for consumption. Second, this food ten after can also be made available for sale or exchange in shops or markets. Unlike the former one, this is a secondary way of availing food. The human right to food to be real, the availability requirement must be met first. As Olivier De Schutter, the former UN's Special Rapporteur for the Human Right to Food (from 2008-2014) states, "the internal logic of the availability requirement demands efficiency and effectiveness in food production, storage and in the exchange and marketing systems."[24]

---

[21] United Nations Committee on Economic, Social, and Cultural Rights (UNCESCR), The Right to Adequate Food (Art. 11 of the Covenant), General Comment No.12 (UN doc. E/C.12/1999/5) Geneva. 12 May 1999 Paragraph, 6.

[22] Ibid, Paragraph, 8.

[23] See Olivier De Schutter and Kaitlyn Cordes, 'Accounting for Hunger: An Introduction to the Issues': In *Accounting for Hunger: The Right to Food in the Era of Globalization*. Oliver De Schutter and Kaitlyn Cordes (Eds). Portland: Hart Publishing. 2011, pp. 1-2

[24] Ibid, p. 1

The second element of the human right to food is accessibility. Once the first normative requirement of the human right to food, which is discussed above, availability is effectively exercised, food should also be made accessible to consumers as right holders. This means that the food which is made readily available should be made accessible to at all times to consumers as right holders.

A point worth mentioning in this regard is that the way food can be made accessible, highly and positively correlates with the way it is made available. As discussed above, food can be made accessible from natural sources (which sometimes called physical accessibility) or through purchase or exchange (which sometimes called economic accessibility).[25] The physical accessibility of food entails the accessibility of readily available food directly from natural sources to the people under consideration, without the mediation of money or some form of exchange.[26] Therefore, this element of the human right to food requires fair food to be availed to human beings as right holders at all times, in as sustainable manner and without compromising the food needs of the future generation.[27] On the other hand, in contrast to the material or physical accessibility of food, economic accessibility connotes primarily the affordability of food, either through purchase or through some form of exchange to consumers as right holders.

At the level of generality, the economic accessibility of food requires economic justice to prevail in the processes of the market. For example, for people who solely rely on the purchase of food for their household consumption, food needs to be economically affordable.[28] The

[25] United Nations Committee on Economic, Social, and Cultural Rights (UNCESCR), The Right to Adequate Food (Art. 11 of the Covenant), General Comment No.12 (n 21), Paragraph, 13.

[26] Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary.* Cambridge: Cambridge University Press. 2010, p. 254

[27] The existing generation has the ethical responsibility not to harm the interest, in general and human right to food, in particular, of the foreseeable generations to come. See, Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*. (n 26), p. 254

[28] *Currently, the dominant capitalist economic system is the context within which the quest for the realization of the right to food is pursued. In the light of this, financial affordability is a pertinent issue. It speaks to the double aspect of the just wage.* (James Healey, The Just Wage, 1750-1790: A study of moralists from Saint Alphonsus to Leo XIII, Martinus Nijhoff, The Hague, The Netherlands 1966) *and the just price* (Internet search: Wikipedia, "Just Price" by St Thomas Aquinas in writings between 1265-1274 and Richard Tawney, *Religion and The Rise of Capitalism*, Penguin Books, New Zealand (1980) and See John Baldwin, "The Medieval Theories of the Just Price, Romanists, Canonists and Theologians in the Twelfth and Thirteenth Centuries", *Transactions of the American Philosophical Society*, Vol. 49, No. 4 1959. p. 1-92) *for the employed*

economic affordability of food can be guaranteed by ensuring that the net-income, in particular, the wages, among others, of the right holders are fairly sufficient for them to afford the cost of adequate food and other basic needs.[29] However, it is worth noting that income alone cannot be the only and sole trustworthy measure of economic accessibility of food. Other issues like the health and nutrition awareness of the right holder, the level of freedom that the people exercise due to the political dispensation of the state and the level of the state's economic development, market organization, among others, can have significant impact on the people's, as right holders, food purchasing power and hence its accessibility.[30]

Therefore as discussed above, once again, to ensure the economic accessibility of food to the right holders there needs to be a good storage facility, and a functional, moral, efficient, and effective labor and food market.[31] However, in countries like Ethiopia, where the economy [including employment opportunity] and the infrastructure are not well developed, people, especially the poor have often been struggling to have access to food that is readily available in the market or in the surplus producing parts of the country. Due to this, the readily available food should be made, primarily by state, affordable to all the people living under its administrative jurisdiction, particularly to the vulnerable groups like the old and the destitute, the street children and the victims of man-made and natural disaster.[32] This can be realized through convenient innervation mechanisms that would be enforced by the state. These are discussed under section 2.1., below.

To state an important observation here, according to studies (Amartya Sen (1981), Ateliteo Valada (1990) and Olivier De Schutter (2010)) indicate that the main factor that forces people to go hungry and to be deprived of their human right to food has not been the mere dwindling of food production or unavailability of food. Rather the haunting impairment for millions is lack of actual access to the already available and potentially accessible food that deprives them

---

and for the unemployed as well, in so far as, the price of food is concerned. The doctrine of the just wage and the just price is outside the scope of this research. It is however, pertinent to any consideration of financial affordability.

[29] Amartya Sen, "Poverty and Famines an Essay on Entitlement and Deprivation". New York: Oxford University Press.1981, pp. 1-3

[30] Ibid

[31] See Olivier De Schutter and Kaitlyn Cordes, 'Accounting for Hunger: An Introduction to the Issues' (n 23), p. 1

[32] Amartya Sen, "Poverty and Famines an Essay on Entitlement and Deprivation.", (n 29), pp. 1-3

their human right to food.[33] According to these studies, in every year, the food produce of the world is more than enough (twice over) to feed the entire human population of the planet.[34] Even in countries that are profoundly known for chronic poverty, hunger and under-nutrition, like Ethiopia, there had been enough locally produced food at the time of famine or major starvation. That food could if made accessible, would feed adequately their respective whole population.[35] Therefore, on the basis of this assertion, it is logical to argue here that the main problem and at the same time the main cause for the deprivation of the human right to food is lack of either physical or economic or both, access to available food. Consequently, the human right to food to be real and fully exercised by the right holders, food should always be made available, and this readily available food, in turn, should be made accessible all right holders in a fair, sufficient, and sustainable manner and of course, the food made accessible, in turn, needs to be *adequate*.

The third normative content of the human right to food, which is also a relatively more complex and comprehensive one of all, is *adequacy* of food. Food that is made accessible should be adequate both in quantity and quality to *satisfy the dietary requirements of the consumer,* depending on his/her age, sex, occupation, living condition and health, so as to enable him/her to live an active and healthy life in dignity.[36] Adequacy does not imply singularly to the quantity or the quality of food. Rather, it encompasses both quantity and quality. In this regard, the minimum threshold for the quantity/energy content of food is that it should be of a fair amount to take away hunger and, the quality requirement is that it should contain all the nutritious substances that are necessary for the mental and physical growth, activity, and maintenance of the human body. It has also recognized that food should also be free from substances that would have adverse impact on human health and required to comply with the

[33] Ibid, See Alexander Vadala, 'Understanding Famine in Ethiopia: Poverty, Politics and Human Rights': In *Proceedings of the 16th International Conference of Ethiopian Studies*, 2009, p. 1072

[34] Olivier De Schutter, *International Human Rights Law: Cases, Materials, commentary.* (n 26), pp. 254-55; See also Jean Ziegler, 'Forward': In *Freedom from Want: The Human Right to Adequate Food*. George Kent. Georgetown University Press, Washington, D.C. 2005, p. xv

[35] Amartya Sen, "Poverty and Famines an Essay on Entitlement and Deprivation." (n 29), pp. 1-3, See also Alexander Vadala, 'Understanding Famine in Ethiopia: Poverty, Politics and Human Rights' (n 30), p.1072. According to Vadala, during the 1984 Ethiopian great famine in the north east, there had been surplus production of food in the south and west Ethiopia.

[36] Olivier De Schutter, *International Human Rights Law: Cases, Materials, commentary.* (n 23) pp. 256

feeding norms of the consumers collectively and the eating habit and food preference of the individual consumer.[37]

As a closing remark to this section it is noted that, the human right to food embodying all the *three* key elements, discussed above, is a basic and fundamental, and at the same rime a more complex human right. Food is a basic human right, as we cannot survive without food beyond few days. Lack of access to adequate food has adverse impact on the health and productivity of the right holder. Furthermore, *it* is also a right inextricably linked with other basic rights as its fulfilment and conversely, its violation has a commensurable impact on other fundamental human rights like the right to life, health, and education (this will be discussed below, under section 2.5). Therefore, the human right to food is equally important as any other human right can be.

2.1.1.1. Discourses on the Depriving Factors of the Human Right to Food

The human right to food has been discussed above as having three interrelated and reinforcing normative elements. Now it is time to see what forces people not to realize their human right to food. There are diverse views or theories on the cause/s of food deprivation i.e. the Food Availability Decline Theory (FAD), the Entitlement [Decline] Theory (ED) and Political Factor Theory (PF). These views are reserved for detailed discussion in some paragraphs below. However, now let's explore what all these views on food insecurity and famine have in common. They all affirm that forced hunger and famine are the antitheses to the human right to food. However, the terms, hunger, and famine, denote different human existential contexts and as a result are not identical in meaning. The difference between the two lies in the intensity, magnitude, and duration of 'hunger' and its consequences.

According to the Food and Agricultural Organization of the United Nations (FAO-UN), hunger refers to:

> [...] a situation of *serious food deprivation* as well as for different forms of under-nutrition, including a *shortfall in access to sufficient food* or in the essential components of nutritionally necessary food making an impact on the *normal physical or mental capacity* of the person, or group of people [...] over an extended period,

[37] United Nations Committee on Economic, Social, and Cultural Rights (UNCESCR), The Right to Adequate Food (Art. 11 of the Covenant), General Comment No.12 (n 21), Paragraph, 13.

> hunger is likely to lead to malnutrition and is usually the consequence of extreme food insecurity.[38] (Emphasis added)

Based on FAO's attribution [forced or superimposed] hunger refers to a low level of food intake or malnutrition, often chronic which leads the victim to a serious immediate and long-term mental and physical adverse consequences, including premature death.[39]

According to Jose` Madina and Maria De Febrer, famine, on the other hand, refers to the extreme case of forced hunger which denotes:

> "[…] a relatively *prolonged* process of socioeconomic crisis consisting in the progressive impoverishment of the most vulnerable groups and the *deterioration* of their *systems of livelihood* with a *massive increase of hunger*" [40] which often aggravates "mass population displacement, the spread of epidemics, the disintegration of communities, and in the worst cases, an increase in population mortality rate".[41] (Emphasis added)

With regard to the cause/s of forced hunger and famine, there are different and often opposing perspectives. The Food Availability Decline Theory, Entitlement Theory and Political Factor Theory are the prominent ones.

The first and the oldest perspective highlighting the cause of mass-hunger and food (in) security is the "food availability" theory. Although the core ideas of this theory could be traced back to the Venetian thinker Giovanni Botero (1588), it was Thomas Malthus (1789) that popularized it, and, in fact, it is also known as the Malthusian approach. It focuses on the (dis)equilibrium between population growth and available food resources. In order to maintain this equilibrium, the rate of growth of food availability should not be lower than the rate of growth of population.

Consequently, in this view food insecurity, hunger, and famine, are caused by the *food availability decline* due to rising demand and/or stagnating food production. This paradigm of

---

[38] Jose` Madina and Maria De Febrer, *Guide to Advocacy to the Right to Food*. 2011, p. 11 available at: http://www.derechoalimentaction.org [Accessed on 16 October, 2015]

[39] Food and Agriculture Organization of the United Nations (FAO-UN), *The State of Food Insecurity in the World – 2012*, available at: http://www.fao.org/docrep/017/i3028e/i3028e.pdf [Accessed on 8 December, 2016]

[40] Jose` Madina and Maria De Febrer, *Guide to Advocacy to the Right to Food. 2011*, (n 38), p. 11

[41] Ibid

thought understands food insecurity and famine as direct consequences of food shortage caused by climatic variables and demographic pressures.[42] In this regard, the 1970s and 1980s famines in Ethiopia were understood by the mainstream scholarship and new media as 'incidents' caused by drought and crop failure. Consequently, the principal response to the 'incident' at the time and for decades afterwards was the provision of international food aid.[43] Advocates of this paradigm, to overcome hunger and famine and realize food security, recommend states to increase the availability of food by increasing agricultural production along with the prudently calculated demographic policy. Now this theory has lost much of its attraction among scholars and the United Nations development and human rights agencies. This is due to the much influential work of Amartya Sen "*Poverty and Famines an Essay on Entitlement and Deprivation"* which will be discussed below.

The second perspective on the issue is the "entitlement approach" which has been famously advanced by Amartya Sen. It was in the early 1980s, the long-standing view of food security as a problem of food availability was rejected by Amartya Sen's "entitlement theory" that apparently made a distinction between the availability of food and people's ability to access it. According to Sen, ability to access food is reflected by people's "exchange entitlements" or "livelihood sources." Sen has outlined four kinds of entitlements. These are: production-based entitlements, own-labor entitlements, trade-based entitlements and inheritance and transfer entitlements.[44]

Sen argues that forced starvation can occur even when food is readily available in a nation or at local level if and when the right-holders lack the appropriate entitlements.[45] Forced mass-starvation and famine are thus characterized by a collapse of entitlements for certain segments of society and the failure of the state to protect those entitlements. For instance, Amartya Sen (and later Alexander Vadala) argues that, at the height of the 1972-1974 famine in Ethiopia, there was no significant reduction in overall food output at the national level, though there was food deficit in the North, there had also been good harvest, often surplus, in South and Northwest Ethiopia. Food prices at the time were stable. Furthermore, to the dismay of the

[42] See Alexander Vadala, 'Understanding Famine in Ethiopia: Poverty, Politics and Human Rights.' (n 33), p. 1072
[43] Ibid
[44] Amartya Sen, *Poverty and Famines an Essay on Entitlement and Deprivation.* (n 29), pp. 1-3
[45] Ibid

starving, the state was exporting food products from the upper awash state farm while Millions in the North and Northeast were starving.[46] They argued that people in the northern highlands of Ethiopia were starving not because the food was unavailable in the country but the available food was not accessible to them. Thus, entitlement theory has influenced famine policy by shifting the debate from the issues of availability to emphasizing the ability of individuals to have access and control over food resources.[47]

Third, since the 1990s, some scholars, however, have viewed famine and food insecurity as a political phenomenon that is not solely caused by lack of food production or market deregulations per se, but by political factors.[48] According to De Waal, "food insecurity and famine are caused by failures of political accountability."[49] The political factor theory urges states that aspire to realize the food security and right of their people to focus on political reconstruction, good governance, and state accountability other than looking at immediate options that are deemed to increase food production and facilitate food trade, i.e. agricultural extension and free trade. The political factor theory, therefore, relates the people's existential situation with the wider state structures, institutions, and organizations, or to the wider political economy, in general.

However, when it comes to adopting the best theory in this study, it is anticipated that in view of the complexity of the factors that cause the deprivation of the human right to food in Ethiopia, a holistic[50] approach that integrates the food availability, entitlement, and political factor theories is preferred adopted for this study. Knowing the cause of the deprivation of the right to food is helpful to come up with a solution to the problem. However, there are competing concepts and practices that provide in their own way the best/ at least reliable means

[46] Ibid, p. 63

[47] Alexander Vadala, 'Understanding Famine in Ethiopia: Poverty, Politics and Human Rights.' (n 33), p. 1073

[48] Political factors are related with the nature and functioning of the state, that have decisive impact of right holders' freedom, political openness and accountability, the state of peace with in the nation, absence/presence of material and structural violence etc.

[49] Alexander, De Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, North America: Indiana University Press. 1997, p. 15

[50] Already the Food Availability Decline (FAD), theory is subsumed by the entitlement theory, especially by the ownership and exchange entitlements. See Amartya Sen, *Poverty and Famines an Essay on Entitlement and Deprivation*, (n 29), p. 1-3

to address the problem of hunger and the deprivation of the human right to food. These competing alternatives are discussed below.

2.1.1.2. Right to Food, Food Security or Food Sovereignty

The concept of the human right to food has already been discussed under section 2.1.1. The food security and food sovereignty concepts, as they appear in the UN public forum, are younger than the human right to food. Both concepts emerged in the international discourse, relatively recently in the 1970s and 1990s respectively, as a response to the growing world hunger and prevailing inequality among individuals and states in terms having command on food and food related resources..[51]

Food security was availed to the public discourse in the first World Food Summit (1974), at Rome. The submit was organized to deliberate on world food crises.[52] The participants of the Summit passed the resolution that requires member states to work persistently, with a joint effort, to reduce the number of hungry people of the world by half. The declaration characterized food security as;

> [T]he availability, at all times, of adequate world supplies of basic foodstuff […] to sustain the steady expansion of consumption […] and to offset fluctuations in production and prices.[53]

Ostensibly, this definition of food security ponders with availability of food from the supply side and nothing else, giving no, or rather less emphasis to the entitlement/right aspect of food that were considered extensively vital at the latter world food summit (1996). In 1996, in another world food summit, again at Rome food security was defined as;

> Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.[54]

---

[51] See chapter three, section 3.1. Food security was discussed at the first international World Food Summit and food sovereignty at the 1996 World Food Summit of Non-Governmental Organizations at Rome, respectively. For further discussion, see chapter three.

[52] The summit resulted in the world food security declaration.

[53] Food and Agriculture Organizations of the United Nations (FAO-UN), Report of the World Food Conference, Rome 5–16 November 1974. Rome: the FAO, 1974.

[54] Food and Agriculture Organization of the United Nations (FAO-UN), The Rome Declaration on World Food Security and World Food Summit Plan of Action. 1996, FAO: Rome.

This definition can be summarized into four basic dimensions of food security: availability, access, consumption/utilization, and stability. All these elements of food security can correspond well with the elements of the human right to food discussed above, under section 2.2. However, a point worth noting here is that the human right to food is both a moral and legal concept that binds right holders and duty bearer together through the dialectics of bundles of entitlements and obligations, whereas food security is a technical one that prescribes the best possible ways of availing adequate food for individual and collective consummation. Therefore, food security lacks the moral imperative and legal force.

Food sovereignty as a concept came into the fore of international discourse at the 1996 World Food Summit organized among the CSOs/NGOs and convened parallel to the World Food Summit of Government Representatives.[55] Under the food sovereignty declaration that was the result of the summit, food sovereignty has been conceptualized to refer to;

> […] the right of each nation to maintain and develop its own capacity to produce its basic foods. [The right of] states to produce their own food for their own territory. Therefore, food sovereignty is a precondition to for food security.[56]

Here, the concept of food sovereignty, therefore, does not necessarily refer to the traditional state sovereignty.[57] It rather refers the use of locally produced food primarily for human and domestic/national consumption, and the state's duty and right to decide on its means and capacity to produce food and the local distribution and marketing of food. It urges states to envisage food under their legislation, policies, and practices primarily as a human right and secondly as a commodity of trade. Therefore, the state is required to give priority to national food self-sufficiency through agrarian and policy reforms that would respect and put food producers and consumers at the center.[58]

With respect to the discussions made above, it is worthwhile to note that these three concepts, food security, the human right to food and food sovereignty are complementary to each other. However, in terms of the approaches that they put forward, as a way to overcome hunger and

[55] For further discussion, see chapter three, below.

[56] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty, February 23rd – 27th, 2007, Sélingué, Mali, Synthesis Report. Available at: http://www.nyeleni2007.org/spip.php?article334 , p. 1

[57] The traditional notion of sovereignty refers to not only the relationship of a superior to his/its inferiors within a state (internal sovereignty), but also the relationship of the ruler or of the state itself towards other states (external sovereignty).

[58] For further discussion of food sovereignty, see chapter eight.

food insecurity, there is variation among them. According to Windfur and Johnson (2005), "[w]hile food security is more of a technical concept, and the human right to food is a legal one, food sovereignty is essentially a political concept."[59] Accordingly, while all the three approaches aim at avoiding food insecurity and hunger, they also diverge in their perception of the essence of the problem, the relation of food with human beings and the means/approach they recommend to address food insecurity and hunger.

2.2. Defining State's Obligation to the Human Right to Food

Having a look at the meaning of the concept- the human right to food and its constituting elements, it is now time to turn to the meaning, nature, and scope of the state's obligation to the same. Logic requires that the discussion on the state's obligation to the human right to food must follow the precise characterization of the 'state'. Following this logic, now let's define the state's and its obligation to the human right to food.

There are diverse perspectives on the meaning, genesis, and functions of the state.[60] But, the modern and contemporary usage of term fundamentally resonates with the notion of the contractarian theory of the state.[61] The state as an artificial entity and guardian of the interests and rights of citizens.[62] This is premised on the assertion that human, particularly citizens', well-being precedes politics because human existence is prior both in logic and in historical evolution to the establishment of the political entity known as the state.[63] In line with this assertion, Harold Laski in his masterpiece 'The Grammar of Politics' (1938) asserts the following;

> The state is not itself an end but, merely the means to an end which is realized only in the enrichment of human lives. Its power and the allegiance it can win depend always

[59] Michael Windfuhr and Jennie Jonsén, *Food Sovereignty: Towards Democracy in Localized Food Systems*. ITDG Publishing: Warwickshire. 2005, p.15

[60] The four theories on the origin of the state are: evolutionary theory, force theory, divine right and social contract. The vast majority of the states in the world today originate from social contract. This is essentially a constitution in which the members of the state give a mandate to the elected few to rule the country.

[61] This is the theory advocated by modern political Philosophers that the state is an artificial entity emerged out of the social/political contract made between and among the governors and the governed.

[62] An artificial entity which is composed of politically organized population, has a defined territory and sovereign in its internal matters.

[63] This is the fundamental assertion of the contractual theory of the state.

> upon what it achieves for that enrichment. We are, that is to say, subjects of the state, not for its purpose, but for our own.[64]

Thus, following this assertion, the state can be conceptualized, first and for most, as a legal and political entity which comes into existence after humanity. Second, it is an instrument of human fulfilment, not an end in itself. Third, the state being the manifestation of the general will of the people (citizens), enjoys a high measure of sovereign existence and independence from undue outside interference[65] and has the monopoly of power and administration of justice in its jurisdiction. In this sense, the state has moral and legal commitments or obligations that it has to do or not to do to its citizens.

According to Black's Law Dictionary, the term 'obligation' is derived from the Latin word *'obligatio'* that literally means *tying* or *binding.*[66] Johannah Abestano also defines the term obligation as "a tie or bond recognized by society or law by virtue of which one is bound in favor of another to render something- and this may consist in giving a thing, doing a certain act, or not doing a certain act."[67] Therefore, in our case state obligation can be conceptualized as a legal tie or bond between the state as duty bearer and its citizens as right holders, respectively. It, therefore, is a compulsion to the state, in its character as government, to act or not to act in a specific way as stipulated by law. The former is known as the positive and the latter as the negative obligation of the state.

In this sense, the state's obligation to human rights in human rights jurisprudence has been an acknowledged subject but has often been a subject of debate and contention, particularly regarding which kind of rights impose obligations on the state for their realization. The source of the controversy, however, stems from the mainstream, historical, and conventional understanding of human rights in general and the human right to food, in particular. This understanding of rights as civil and political rights and economic, social, and cultural, on the one hand and/or in terms of 'class of generations' i.e. first generation (civil and political rights), second generation (economic and social rights), third generation (solidarity rights) and even fourth generation (rights of the homeless and stateless) on the other, is conventional

---

[64] Harold Laski, *A Grammar of Politics*. London: George Allen & Unwin. 1938, p. 88

[6565] In the context of contemporary world politics sovereignty is not absolute. It becomes increasingly diminishing due to the changing faces of the globe and the emergence international/supranational institution that would contravene the sovereignty of states.

[66] *Black's Law Dictionary* 435 (9th ed. 2009).

[67] Johannah Abestano, *Obligations and Contract*, 2014. Available at https://prezi.com/_mzaod95yx7b/article-1156-obligations-defined/ [accessed on March 2016].

and political at best as itself is the outcome of political friction between the socialist and liberal political camps.[68]

However, since the 1990s, scholars have increasingly argued against such categorical and hierarchical classification of human rights as being arbitrary and not logically and ontologically tenable.[69] The central idea in their critics of the mainstream and prevailing understanding of human rights in terms of class and hierarchy, though helpful for the mastery of rights, primarily reflects an overt ideological bias and sheer disregard for some human rights. The concept of a human being based upon this fragmentation is philosophically tenuous. It arbitrarily detracts from the fact that at any given moment in time, the human being is a wholeness and not fragments to be pieced together into a theory of rights as and when these politico-human rights theories dictate.

Therefore, it is summited here that the mainstream understanding of human rights in terms of pure cleavage undermines the indivisibility, interrelatedness, and universality of human rights and their effective and full realization.[70] In this connection, Asbjørn Eide, a Norwegian jurist, argues that states have tripartite obligations to human rights, whether they be 'civil, political, economic, social or cultural rights.' According to Eide, States have the obligations, to *respect, protect*, and *fulfil* all human rights disregarding the traditional cleavage among human rights.[71] These obligations of a state, by the same token, applies to the human right to food, too.

However, one obligation, a basic one, which is not stated in Eide's characterization of state obligation, which rather would be an important addition to this work, is the obligation to *recognize*. A state to bear all the three obligations to human rights in general and to the human right to food, in particular, first, it has to be cognizant of the fact that the right under

[68] Bokor-Szego, H., The Classification of Certain Types of Human Rights and the Development of Constitutions, in Bokor-Szego, H., (ed.) Questions of International Law, Hungarian Perspectives, Volume 5, Akademia Kiado, Budapest 1991, pp. 19-44

[69] See, the discussion under section 2.4.

[70] United Nations, Office of the High Commissioner for Human Rights (1993), Vienna Declaration and Program of Action. World Conference on Human Rights, Vienna (UN Document A/Conf.157/23). Geneva: United Nations, available at: http://www.unhchr.ch/huridocda/huridoca.nsf/ [accessed on 27 August, 2014]

[71] See Asbjørn Eide, The Right to Adequate Food and to Be Free from Hunger. Updated Study on the Right to Food, Submitted by Asbjørn Eide in Accordance with Sub-Commission Decision 198/106. ECOSOC E/CN.4/Sub.2/1999/12. Geneva: United Nations. 1999c, Paragraphs, 52a-52d

consideration is real and it is it, the state which bears the prime moral and legal commitments for the respect, protection, and fulfillment of the same right.

Thus, it is safe to argue here that by the virtue of this assertion, a state has the obligations to recognize, respect, protect, and fulfil, a *quartet* of obligations to human rights, including the human right to food. These obligations are further discussed below.

At primary level, the state has the obligation to recognize human rights, including the human right to food as basic requirements of meaningful and dignified human existence. The state may embody such a recognition by unequivocally stipulating the right/s and its means of enforcement into the national constitution or by ratifying international human rights treaties and/or adopting international instruments into the national legal system through ordinary legislation, or by stating the right/s as a political or social goal of the state in the constitution and other relevant legal and policy instruments of the state, and/or by interpreting it by a competent institution of the state as an integral part of basic and broader human rights that are recognized by the national constitution.[72] Fundamentally, recognition serves as a threshold to fulfilment and realization of all the other human rights and, in our specific case, to the human right to food obligations of the state.

At a secondary level, *the state has the obligation to respect* the fulfilment of the right by the right holder himself/herself. In this regard, it requires the state to refrain from arbitrarily interfering directly or indirectly against the right holder's free exercise of their human right to food. *For example*, it obliges the state not to unduly infringe the right, by destroying crops or by evicting people from the land that they use for food production or by *discharging employees* from employment without following the proper judicial decision, as the employment serves them as a source of means (money) to buy food.[73] This is often and traditionally called a negative obligation of the state. Yet to prevent the infringement the state may still need to take positive and proactive measures, for example, to prevent state organ or agents from acting in a

[72] For example the right to life. The FDRE Constitution under Article 16 has protected the right to life.

[73] See Asbjørn Eide, The Right to Adequate Food and to Be Free from Hunger. Updated Study on the Right to Food, Submitted by Asbjørn Eide in Accordance with Sub-Commission Decision 198/106. (n 71), Paragraphs, 52a-52d

way that would negatively influence the human right to food or to provide reparation if a duty has been breached.[74]

At the third level, the state has the obligation to protect the right from undue infringement by the third party.[75] This is to mean that the state, as a duty bearer, should be vigilantly shielding the right from the actual or potential threat of violation. It, therefore, requires the state to take a timely and precautionary action. In doing so, the state is also supposed to regulate and control the availability, accessibility, and the quality of food. This is a positive duty of the state. For example, traders may hold food speculating high prices or private employers may not pay the minimum wage to their employees. In both cases, right holders are constrained from buying adequate food for their consumption and their right to food is violated. Therefore, these and similar invasive action/inactions of a third party calls upon the state to use its legitimate regulatory mechanisms that would ensure the human right to food is guaranteed to all, at all times, and everywhere. However, if a violation of the right already took place, a just and timely remedy should be made available and accessible to the victim/s of the violation of the human right to food.

Finally, yet importantly, the state is required to *fulfill* the human right to food. *The* obligation to fulfill can be further decomposed into the obligations to *facilitate* and *provide*.[76] As discussed in the immediately preceding section, the human right to food is primarily about feeding oneself in dignity. Therefore, the prime obligation of the state, as a prime duty bearer in this regard, is creating a conducive and productive environment [through state institutions, policies, and legislation] that would help people to realize their human right to food by themselves. The obligation to fulfill by facilitation may take many and differing forms, some of which are spelled out in the relevant international human rights instruments. For example, the International Convention on Economic, Social and Cultural Rights (ICESCR) (Article 11(2)) stipulates that;

[74] Asbjørn Eide, The Right to Adequate Food and to be Free from Hunger. Updated Study on the Right to Food, Submitted by Asbjørn Eide in Accordance with Sub-Commission Decision 198/106. (n. 71), Paragraphs 52a-52d

[75] Food and Agriculture Organization- United Nations (FAO-UN), The Right to Adequate Food Fact Sheet No. 34. Rome: FAO, p. 18

[76] See Asbjørn Eide, The Right to Adequate Food and to be Free from Hunger. Updated Study on the Right to Food, Submitted by Asbjørn Eide in Accordance with Sub-Commission Decision 198/106. (n. 71), Paragraphs, 52a-52d

> [...] the state shall take measures [...] to improve methods of production, conservation, and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.[77]

However, in view of resource constraints that many economically poor states face, one may pose a query "Does the state, even one of the economically poor one, like Ethiopia have the obligation to provide food hand-outs to its citizens? The answer is partly yes and partly no. The underlying obligation of the state is preserving and promoting the dignity of the human person. As already stated above, this, with regard to the human right to food, can be best is best realized when right-handers themselves feed themselves rather than being feed. In this case, the first order obligation of the state is to create enabling environment for its people to realize the right by their own.

However, whenever people are unable to feed themselves for a reason or reasons beyond their control due to natural or man-made calamities, the state is required to fulfil the right by way of *providing* food handouts or food-related resources to the needy. This can only be done to right holders when no other feasible possibility exists, such as, for example: (1) when unemployment sets in (such as under recession); (2) for the disadvantaged, and the elderly; (3) during sudden situations of crisis or disaster; and (4) for those who are marginalized (for example, due to the structural transformations of the economy and the means of production.[78] Thus, the provision of food directly or indirectly, as an obligation of the state to the right holders would be undertaken as a last resort to enable them to have access to adequate food and remain alive.[79]

In a nutshell, a quartet of state obligations, discussed above, have proven themselves both theoretically and practically useful to the realization of human rights, including the human right to food.[80] Accordingly, these obligations have been adopted in this study for researching

---

[77] The International Convention on Economic, Social and Cultural Rights (ICESCR), 1966: Article 11(2), available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx [accessed on 27 August, 2014]

[78] Ibid

[79] Lucia Mbithi, "Implementing the Right to Food in Kenya: Lessons from Brazil." *International Journal of Business, Humanities and Technology.* Vol. 4, No. 4; July 2014, p. 123

[80] Asbjørn Eide, Asbjørn Eide, The Right to Adequate Food and to Be Free from Hunger. Updated Study on the Right to Food, Submitted by Asbjørn Eide in Accordance with Sub-Commission Decision 198/106. (n 71), Paragraphs, 52a-52d

the realization of the human right to food in the Ethiopian context. It can be highlighted here that these same quartet of obligations of the state can also be, as customary in the international human rights jurisprudence, categorized under the 'obligations of conduct' and 'obligations of result'. The first two, discussed above, are placed under the category of 'obligations of conduct' and the last two under the 'obligations of result.' The obligation of conduct requires, as the naming itself indicates, a prudent and calculated 'action' by the duty bearer.

In our case, the state, in order to make the enjoyment of the human right effective the action or inaction of the state is what is all needed. For instance, in the case of the obligation to recognize and respect, the State is just required to promulgate legislation on the right and refrain from the infringement of the right through the undue action or inaction of its organs and officials.[81] The obligation of result, on the other hand, requires the State to come up with certain targets and results, that would manifest in the protection and fulfilment of the human right to food, i.e. among others, overcoming the recurrence of forced hunger among the highly vulnerable sections of the community.[82]

As a final remark to this section, despite the existence and continuity of the debate on the nature of the human right to food and the corresponding obligations of the duty bearers, particularly the state to the realization of the same, there is a growing and good deal of consensus among scholars and states that the human right to food is keen to the right to life and other fundamental human rights. The right to life and other fundamental human rights, i.e. the right to education, equality and healthy and active life could not be fully enjoyed without the fulfillment of the human right to food.

However, the human right to food has been often relegated and neglected by both the academics and states as 'aspirational' right, unlike civil and political rights that are deemed enforceable and justiciable. As the human right to food categorized under socioeconomic rights which are traditionally labelled as aspirational and progressively realizable rights. This leads us to the discussion under the next section.

[81] The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights Maastricht, The Netherlands (22 – 26 Jan. 1997), paragraph, 7

[82] Ibid

2.2.1. Progressive Realization vis a vis the Human Right to Food

In the mainstream human rights scholarship and public discourse, the human right to food, conventionally, not on the basis of logical necessity, is categorized under social, economic and cultural rights, which are thought to be realized only progressively. It is true that the effective and full realization of the human right to adequate food is dynamic and requires the mobilization of capabilities. It can also be fulfilled along the attainment of the highest standard of living within the available entitlement and capabilities of right holders.[83] In this sense, ensuring its full enjoyment at all times implies that the realization of the right is progressive. By progressive realization, however, means that, like any other human right, the realization of the human right to adequate food can then be attained when there are well-entrenched structures and strategies that support its realization.

This, however, does not mean by any means to comply with the traditional apology of 'civil and political rights' are enforceable rights for the pretension that they require abstention on the part of the state, while the obligations arising from 'socioeconomic rights' require positive acts and above all the investment of available financial resources. Rather, as can be noted from the above-stated quartet of state obligations, under section, 2.2.2., it is to mean that the state can recognize the right without huge financial investment. The state can comply with its obligations of respect and protection of the right, with a roughly equivalent financial resource as it may do with civil and political rights. The notion of progressive realization, in view of the resource availability claim, may come to the fore with respect to the obligation to fulfil, more specifically the obligation to provide. The duty to provide may demand, as it is all about the provision of the right directly, a relatively much resource. This may pose a challenge to economically poor countries like Ethiopia, but the duty-bound state is required to make sure that it has fairly and efficiently used all the available means at its disposal to ensure the realization of the right. In this regard, the Committee on Economic, Social and Cultural Rights (CESCR) has made the following remark:

> [...] even when available resources are verifiably inadequate, states must nonetheless strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances and demonstrate that every effort has been made to use all

[83] Amartya Sen, *Poverty and Famines an Essay on Entitlement and Deprivation*. (n 29), p. 1-3

> resources that are at its disposition in an effect to satisfy, as a matter of priority, the minimum responsibilities.[84]

Therefore, it is worthwhile to note that, not all-human right to food obligations of the state, like the obligations that the state has to other human rights, often categorized under civil and political rights, require the state or the government to have much resource or budget at its disposal for the state to comply with. Rather only some, such as the obligation to facilitate and provide under the guise of "the obligation to fulfil", force the issue of resource availability to come to the fore.

In conclusion, aware of the difficulties besetting the attempts to define the human right to food and the corresponding obligations of the state to the human right to food, the following working definitions are suggested in this research. First, the human right to food is conceptualized as both a right to freedom from forced hunger and an entitlement to have access to food that is adequate both in quality and in quantity depending on the age, sex, health and work condition, food culture and eating habit of the consumer as a right-holder. Therefore, the human right to food does not solely imply the right to access to nutritious food in any form. Rather it refers entitlement to have access to available food that is adequate and fair. Second, so as to establish a cogent conceptual frame of reference for analysis of the subject under investigation- the state's obligation to the human right to food, the author of this study has adopted Asbjørn Eide's tripartite typology of state obligation (to respect, protect and fulfil). However, the tripartite state obligations have been taken to a quartet level, adding the obligation to recognize, both as a threshold and a precondition for the existence and effective realization of all the other obligations of the state to the same right.

At the end, what is explicit in these definitions and helpful for this study is that, the human right to food is a right claim of human beings for the sole reason of being human, and the state as the collective spirit and agent of the people is the principal duty bearer for the realization of the human right to food of the people that it represents (citizens) and to human beings in general, living within its administrative jurisdiction.

[84] United Nations Committee on Economic, Social, and Cultural Rights (UNCESCR), General Comment No 3, paragraph, 11.

2.3. Theoretical Discourse on the Human Right to Food and State Obligation

To state an important observation from the outset: to fully grasp the theoretical discourse on the human right to food and the state's obligation to the same is at least as difficult as to define the terms. Therefore, the question to be examined critically in this section of the study is the following; what is the theoretical base for claiming for the human right to food and holding the state accountable to recognize, respect, protect, and fulfil this right?

As indicated above, the human right to food is one of the most contested concepts and state obligation to the same is most debated one as well. According to Andrew Heywood, this is partly caused by the competing political ideologies that politicize human rights.[85] This tradition of putting human rights under categorical cleavages not only covers up the true face of human rights and blocks common understanding on human rights but also undermines the inherent commonality, indivisibility, and interrelatedness of human rights.[86] Therefore, there is a need to unfold human rights from the political shell that covered them up and effectively concealed their true face.

Apart from this there are also diverse theories on the origin and nature of human rights. In this regard, Makau Wa Mutua (1996) in his summary of the dominant schools of thought on human rights gives four typologies of human rights perspectives, namely, *foundationalism, constitutionalism, instrumentalism, and multiculturalism*.[87] These human rights perspectives apply to the human right to food as well. The detailed discussion of these perspectives is provided below.

According to Makau Wa Mutua *foundationalism,* is an old approach and theory of human rights which ever since tries to establish an unshakable theory of the right by putting its foundation either on the idea of God or Nature (natural law).[88] Some (St. Augustine and St. Aquinas) tried to justify the primacy of rights as God-given rights. Religious foundationalists,

[85] Andrew Heywood, *Political Ideologies: An Introduction.* (n 9), pp. 34-35.
[86] Ibid, 35
[87] Makau Wa Mutua, *The Ideology of Human Rights*. Virginia Journal of International Law. Spring 1996, p. 2
[88] This is the school, which supplied the substantial philosophy about human rights.

as they are often called, claim that God has created man/woman with some inalienable right like the right to life.

> Almighty God has raised [hu]man above the animals and endowed him with intelligence and reason. We must put our faith in him that he will not desire us to destroy or mistreat [hu]mankind, which he created in his image.[89]

So, the word of God as it is inscribed in the Holy Texts[90] serve as the theoretical base for their assertion of human rights. The proponents of *secular* foundationalism, the likes of Hobbes, Locke, Rousseau, and Kant[91] justify human rights as derivatives of the natural law. The law of nature, which can be unfolded by reason, requires human beings to recognize the human status and equality of one another. It is this consciousness that forces us to recognize and affirm human rights. For instance, John Locke in his "*Second Treatise on Government" (*1690*)* argues that:

> The state of nature has a law of nature to govern it, which obliges every one, and reason, which is that law, teaches all [Hu]mankind, who will but consult it, that being *all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.*[92]*(emphasis added)*

Locke claims reason is the natural law that forces us to recognize and affirm human rights (only human beings have rights). He unfolded a trilogy of rights; the right to life, liberty, and property. However, he emphasized that the right to property is the most important of all. As the right to life- means of its sustenance, and liberty, - freedom from want, all are subsumed in the right to property.[93] Immanuel Kant in his "Groundwork for the Metaphysics of Morals" (1797) states that it is rational and moral to treat human beings in dignity, as ends not merely

---

[89] This is a Biblical verse summarized by the HIM Haile Selassie I in a speech delivered to the UN Summit of the General Assembly in 1963, at Geneva. Available at UN Audiovisual Library https://www.youtube.com/watch

[90] For Christians it can be the Holly Bible and for Muslims the Holly Quran, other religions have scriptures (oral or textual) that manifest the will of God.

[91] Immanuel Kant's Categorical Imperative, especially the Principle of Humanity, a moral principle that can be known through the aid of reason and logic, prescribes that whenever we act, we must be sure always to treat all "persons," both other human beings and ourselves as "ends" and never as "mere means" to an end. "Persons" in Kantian ethics refers to any being with the capacity to make moral judgments and able to conform to them. Kant's Principle of Humanity implies that it is only persons who possess "dignity" and must be treated as "ends."

[92] John Locke, The Second Treatise on Government, 1690: Section 6. Original Electronic Text available at the website of the Constitution Society: http://history.hanover.edu/courses/excerpts/163locke.h [Accessed on 12 December, 2016]

[93] This idea of Locke can be debated, but the point that I want to make here is that he considers human reason, not another authority is the source for affirming human rights.

as means to an end. This is prescribed natural law, which itself is reason. Therefore, doing what 'considered reason' prescribes as just and right is moral and doing the contrary would be immoral. Respect for human agency is the basic moral principle prescribed by natural law or reason.[94] Therefore, the exposition of human rights by the proponents of foundationalism (both religious and secular ones) discussed above, consider human rights as objectively *given* and *absolute ones*.[95] Consequently, it seeks immediate and universal application of human rights without regard to historical, cultural, or socioeconomic differences among societies and states.[96]

In contrast, *constitutionalism*[97] dictates the idea that the law (of a nation) or the constitution is the parent of human rights. Unlike the proponents of foundationalism, which claim God or Nature as the provider of human rights, the advocates of constitutionalism consider the lawmaker as the source or giver of human rights standards. Therefore, constitutionalism gives primacy and a categorical necessity for the existence of formal and explicit provision that recognize the human right/s under consideration. Human rights for this paradigm of thought is what is pronounced by the sovereign/ lawmaker of the nation as a right, and nothing more. In this regard, Jeremy Bentham, an advocate of modern constitutionalism, ridiculed the idea advanced by the proponents of foundationalism, 'all men are born free and equal, human rights are natural, and they exist prior to governments'[….] as 'absurd and miserable nonsense'.[98] For Bentham, "real rights are legal rights," and it is the role of lawmakers, and not natural rights advocates, to generate rights and determine their limits.[99] Fredrick Hegel, who was also an ardent supporter of constitutionalism, axiomatically advances the assertion that, "what is real, is rational and what is rational, is real."[100] This assertion of Hegel can be contextualized to fit

[94] Immanuel Kant, Groundwork for the Metaphysics of Morals, (1797). Edited and translated by Allen Wood. Yale University Press: New Haven, 2002, p. 46

[95] Which can be claimed by every human being and it should be respected unconditionally.

[96] Makau Wa Mutua, The Ideology of Human Rights. (n 87), p.5, he further noted that "the anticlericalism of the French Revolution and consequent denunciation of the 'Rights of Man' by the Church must not mislead us in to thinking that Christianity is incompatible with any conception of universal human rights; in recent years the Catholic Church has acknowledged this, to the dismay of some traditionalists".

[97] This perspective is otherwise known by the name legal positivism.

[98] Jeremy Waldron, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man*. London: Methuen & Coy. Limited, 1987, pp. 10-11

[99] Jeremy Waldron, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man*. London: Methuen & Coy. Limited, 1987, p. 10

[100] Allen Wood, *George Hegel: Elements of the Philosophy of Right*. Cambridge University Press: Cambridge. 1991, p. 307

into the central thesis of the contemporary constitutional theory that "what is real, is constitutional and what is constitutional, is real".[101]

Apparently, the proponents of constitutionalism challenge the doctrine of fixed and absolute rights of foundationalism for failing to take into account variables of culture, history, and other specific contexts. However, Amartya Sen has challenged the human rights claim of constitutionalism for confusing human rights with '[arbitrarily] legislated legal rights'. He defends the basic claim of foundationalism that human rights are universal rights but legal rights are norms dictated by a sovereign, which cannot be a human right proper for the obvious reason that sovereigns can have different reasons to legislate differing laws and human rights instruments. [102]

Instrumentalism- this approach or theory of rights, by going beyond the assertion of constitutionalists, characterize human rights as not only creations of [hegemonic] institutions or governments, but they are also selectively and inconsistently deployed 'tools' for strategic and political ends.[103] This means that human rights are not just only artificial and political creations, but they are also used as 'tools' of manipulation. According to Samuel Moyn,"[…] human rights [are creations by design and] emerged historically [out of the blue] as the last utopia- one that became powerful and prominent because other visions [of manipulation] imploded […] nor are human rights the only imaginable rallying cry around which to build a grassroots popular movement."[104] Therefore, according to this assertion human rights Ideals are used as tools to super-impose the values and interests of super-powers on weaker states. In the same line of thinking, Makau Wa Mutua wrote:

> […] Western democracies and their institutions, which alone rhetorically champion the universalization of human rights. Such institutions include the World Bank and the North Atlantic Treaty Organization (NATO), whose *primary purposes are related to the preservation* or *the enhancement of liberalism and free markets*. *Increasingly, they have invoked human rights when dangers to these two goals have been deemed unacceptably high*. Examples of such unacceptable dangers include civil war or regional conflicts that threaten "vital" Western interests, such as access to strategic

[101] See MakauWa Mutua, The Ideology of Human Rights. (n 87), p. 6

[102] Amartya Sen, Poverty and Famines an Essay on Entitlement and Deprivation. (n 29), p. 3

[103] The advocates of this approach are often called, *political strategists.* See, Makau Wa Mutua, *The Ideology of Human Rights.* (n 87), p. 2

[104] Samuel Moyn, The Last Utopia: Human Rights in History. (n 2), p. 4

> resources. […] *Responses to such risks, including military ones, have in the past often been couched in human rights terminology*.[105] (emphasis added)

When considered along the real-world politics and relations between states, the above-statements of Moyn and Wa Mutua have some grain of truth. As it is a common-sense experience, that in the liberal West the human rights discourse and practice have been highly influenced by, if not intertwined with, liberalism. In the liberal west, it is not less often that human rights have been treated as "a tautology to liberal democracy and free market economy."[106] In contrast, in the socialist (including the former United Socialist Soviet Russia and its allies), the human rights discourse was and has been heavily informed and shaped by the ideology of "garrison socialism."

The very separate existence of the two international human rights covenants -the ICCPR and ICESCR and the states' particularly, the USA and the former USSR varying and selective commitment to them- can be cited as testimony to the political marriage between state ideologies and human right and states' desire and commitment to use human rights as means to acquire and sustain political ends. This does not, however, to mean that human rights are not real, but they are continued to be misused as instruments of manipulation to serve a particular desire that is often political. In view of such politicization of human rights, Andrew Clapham states "human rights are under attack today, not because of doubts about their existence, but rather due to their omnipresence."[107] The author of this study also agrees with this statement of Clapham and affirms that the separate existence of human rights in two different documents, ICESCR and ICCPR, very categorization of the human right to food under ICESCR is arbitrary political decision as it was later affirmed by the UN's declaration at Vienna (1993).[108]

Multiculturalism or cultural agnosticism- regards human rights as conventional and culturally embedded values and norms. It criticizes the existing mainstream human rights regime as culturally exclusive, uni-versional and invasive.[109] Furthermore, it regards the structure of the

---

[105] Makau Wa Mutua, "The Ideology of Human Rights." *(n 87)*, p. 2

[106] Ibid, p.3. The "Western World" is celebrated as that the root of democracy, public debate, individualism, and human rights.

[107] Andrew Clapham, *Human Rights: Avery Short Introduction.* Oxford: Oxford University Press. 2007, p. 29

[108] See United Nations, Office of the High Commissioner for Human Rights, 1993, the Vienna Declaration and Program of Action. (n 70)

[109] Makau Wa Mutua, "The Ideology of Human Rights." *(n 87)*, p. 3

United Nations (UN) and its human rights treaties as instruments that are designed to consolidate and advance the hegemonic cultures and interests of states and their governments that are more powerful.[110] In this regard, there is a swelling call especially from scholars of the non-Western world, particularly from post-colonial Latin America, Africa and Asia for a new and more inclusive approach to establish a more indisputable and shared human rights system. What is required, in this regard, is to reform the human rights regime of the UN so as to make it fit into the demands of diverse cultures, by inviting all cultures and values, on an equal basis, into a dialogue (polylog) and to encourage them to reach into un-coerced consensus.[111] The outcome of which, as the proponents of multiculturalism argue, can be truly pluri-versal and representative to the global human rights system.

As a last remark to the above summary of perspectives on human rights in general, it can be argued here that all the theories, though each emphasizes the absolute, instrumental, constitutional, or cultural aspect of rights, do affirm the existence of rights. For instance, the proponents of *multiculturalism* do not seek to deny that human rights exist rather see cross-cultural referencing as the most critical variable in the creation of a more *inclusive and authentic* human rights regime. In this regard, multiculturalism challenges the hegemony of dominant cultures, in the name of human rights on 'others' and advance the assertion that, cultures all over the world promote the principles of respect for humanity-humanness, equality and justice.[112]

The author of this study buys some of the views expressed by the proponents of multiculturalism, particularly the necessity of establishing shared and common human rights norms through cross-cultural referencing.[113] Human rights norms, that stand for humanness and dignity and rational principles of human relation, are shared by the all human beings across cultures, however, the value, and worth that, we attach to it has been significantly shaped by how we happen to see nature and ourselves. For instance, as Mogobe Ramose, argues that the

[110] Makau Wa Mutua, "The Ideology of Human Rights." *(n 87)*, p. 3

[111] Mogobe Ramose, *An African Perspective on Justice and Race*. Polylog: Forum for Intercultural Philosophy 3 (2001). Available online, at: http://them.polylog.org/3/frm-en.htm [accessed on 28 November 2014]

[112] Andrew Heywood, *Political Ideologies: An Introduction*. (n 9), p. 34.

[113] Culture is a generic term referring political, social economic and traditions that have been practiced by a society a normal standard of behavior. Human rights norms can, therefore, be influenced by the totality of these norms.

African conception of the individual human person is somehow different from that of the western liberal conception of the individual human person.[114] The Western conception of humanity in general and the individual human person and human rights is informed and shaped by the principles of liberal capitalism, which gives high regard to the individual human being than the community. On the other hand, as Thaddeus Metz and Mogobe Ramose argue, the African way of being and reasoning is predominantly 'other-regarding' than 'self-regarding'.[115] He further argues that the African human rights precepts are informed by the principle of *Ubuntu*.[116] *Ubuntu* signifies "humanness" and "humanness" regards Being or the Universe as a complex and interrelated whole involving the multi-layered and incessant interaction of all beings or entities.[117] So that, Ubuntu signifies primarily the duty of human beings and invokes their right claim to live in harmony among and with fellow human being and nature.[118] This worldview provides more significance to communal and shared rights than the one enjoyed singularly.

In Ethiopia, there is an equivalent word to Ubuntu, which is *Sebawi-net* (Ge'ez). *Sebawi*- the base word literally signifies fundamental attributes that are of exclusively human and the suffix- *net*-refers to the becoming (-ness) or the possibilities associated with human beings. 'The Amharic Dictionary and Grammar' prepared by Aleka Kidanewold Kifilie (1941) defines Sebiawi-net (**ሰብአዊ-ነት**) as:

> **ሰብአዊ፤ (ዊት) ፤** የሰው፤ ሰዋም፤ ባህሪያዊ፤ ጠባያዊ
> ፩- የሰዉ ልጅ ሊሆን ወይም ሊያደርገው የሚገባው
> ፪- የሰው፤ የሰው ልጅ፤ ሰብአዊ ባህርይ፤ አካል
> **ነት፤** ሁነትን ለማመልከት፤ ረቂቅ ስምን ለመመስረት የሚያገለግል ምእላድ፡፡[119]
>
> *"Human-(ness)- means -of human, the habit or character and physique of a human person and its possibility of becoming what it ought to be by the force of its virtuous essence and not otherwise" (contextual translation of the above Amharic text).*

---

[114] Mogobe Ramose, *An African Perspective on Justice and Race*. (n 111)

[115] Thaddeus Metz, "Ubuntu as a Moral Theory: Reply to Four Critics." *South African Journal of Philosophy*. 2007, Vol. 26, No. 4, p.376. According to Metz by self-regarding he mean deeming the only basic moral reason for action to be that it would develop one's own valuable human nature and other-regarding refers holding that a certain kind of harmonious relationship between individuals could ground a basic moral reason for action.

[116] Ibid

[117] Mogobe Ramose, *An African Perspective on Justice and Race*. (n 111)

[118] Ibid

[119] አለቃ ኪዳነ ወልድ ክፍሌ፡- መጽሐፈ ሰዋ-ሰው ወግስ ወመዝገበ ቃላት ሐዲስ:: አርትስቲክ ማተሚያ ቤት፤ አዲስ አበባ ፲፱፻፸፰ ዓ. ም::

Sebawi-net (ሰብአዊ–ነት), therefore, can conjointly be understood to signify human-ness. It is an epistemologically and ethically demanding notion that put an obligation on the members of the class that it denotes (human beings) to know the very essence of humanness and to behave in a way that affirms and conforms to the demands of the humanness of oneself and of other fellow beings. In this sense, as an ethically and epistemologically demanding notion, Sebawi-net denotes both the right claim and duty of human beings; i.e. the right claim to be recognized and treated as a subject of human status, dignity, care and as the equal of any other fellow being. Conversely, it also imposes on the self a moral duty to recognize and respect the human agency of any other fellow human being, including the self, and when needed to act benevolently towards others.

In line with this reasoning, the state, which is a highly organized ethical and legal entity of human beings- (*Sebawi- fitur*, in its plurality *Sebawi-yan*), is required to safeguard and promote human well-being by recognizing that constituting individual members are under the same urge of seeking the best means to satisfy the collective context of living together a life worth living. Underlying this is the principle that everyone seeks the good for both themselves and the others. The "good" here is understood as an ethical concept.[120] It is in this sense that the state is required to comply with human rights, including the human right to food obligations that are keen to the inherent worth of its citizens in particular and human beings in general.

As a general concluding remark to this section its can be stated here that, in spite of their differences in perspective and emphasis, all theories of human rights and, to that matter, cultures share in common the normative claim that the fact of being a-living-human being deserves the recognition for treatment in dignity by all other human beings. Furthermore, this recognition must be understood to mean both respect for and protection of the 'human status'. In this sense, all theories of human rights and diverse cultures are ultimately concerned with one fundamental basic human right, namely, the right to life.[121] In its material aspect as well as existential mode, the right to life involves the freedom or liberty to strive constantly towards

[120] The right or desirable thing, in the Ethical sense of the term.

[121] For our purposes here, "the right to life" does not refer to arguments against abortion or capital punishment. Rather, we wish to underline that understanding of this right as an entitlement to which no single human being needs the prior permission of another for its assertion and exercise. For an extended and insightful discussion of our position, see also Ramcharan, B.G., "The Right to Life": In Netherlands International Law Review, Vol. 30. 1983, pp. 297-329.

the defense and protection of one's life. The activity of human freedom in this strife means labour as a teleological positing: that is, a purposive human activity oriented towards the preservation of individual life in the first place.[122] This latter must be understood as autopoiesis in the broad sense, and, more specifically, as the human right to work. Accordingly, by the right to life, we understand a fundamental indivisible integral quartet of rights, namely, the human rights to life, freedom, work, and property.[123] Because of their indivisible character, these rights together with some other specific rights constitute wholeness. For this reason, a holistic approach to human rights is to be preferred (for a detailed discussion of the subject see, section 2.4. below).

Our understanding of the human right to life as defined above is that in the political sphere, a right is a principle of morality and justice recognizing that each and every individual may engage in activity to acquire and own the necessary means to stay alive by imposing limitations upon others in pursuit of such activity.[124] The primary and fundamental egoistic proclamation that each individual can make against the community without moral embarrassment is the assertion of the right to food.[125] This is precisely because, the human right to food is a fundamental right that gives meaning and content to the right to life.

Discourse on the right to life always presupposes and is linked, to the right to food. In the sphere of human relations, the imposition of restrictions on others in pursuit of one's activity to acquire and own the necessaries of staying alive must satisfy two criteria. First, it must accord with the community's or society's sense of what is good, that is, it must conform to the social morality. Second, it must satisfy the demands of natural justice in general and in particular those of distributive justice.[126] The demands of distributive justice must be satisfied with the understanding that this concept presupposes that: (i) human beings are of equal worth with regard to their humanness. In a fundamental sense, no single human being has a superior and exclusive right to life than all other human beings. No single human being holds a prior, superior, and exclusive title deed to the inalienable right to food. Consequently, all human

[122] Ibid

[123] George Lukacs, *The Ontology of Social Being*, David Fernbach (trans.), London: The Merlin Press Ltd. 1980, pp. 22-23

[124] Jeremy Waldron, *The Right to Private Property.* Oxford: Clarendon Press. 1983, p. 103.

[125] Jack Donnelly, *The Concept of Human Rights*. London: Croom Helm. 1985, p. 13.

[126] Nicholas Rescher, *Distributive Justice*: A Constructive Critique of the Utilitarian Theory of Distribution. New York: The Bobbs-Merrill Corporation. 1966, p. 75.

beings deserve equal concern eventhough they may receive unequal recognition among the society or by law.[127] (ii) Distributive justice presupposes also the relative scarcity of material resources that may be acquired and owned in order to actualize the human right to life. It is a moot point whether, in given conditions, scarcity is artificial or real. Because of scarcity, rules of distribution must be formulated and observed in order to satisfy each and every individual's claim to the right to life. Without this, the most powerful or the craftiest among individuals will succeed to satisfy the demands of their right to life, but always at the expense of the weaker ones.

Distributive justice, therefore, requires rules of distribution of the necessary resources to stay alive because the life of every individual is always of equal worth to any other human life. On this understanding, the right to life is prior to the establishment of a community or society. However, the question of rights and justice arises at the establishment of society. It is asserted that, society comes into being as a result of (i) labor as a teleological positing,[128] and (ii) the consent of its members to have their right to life exercised according to specific rules. When a society comes into being, the prior right to life is neither annulled nor created by society. Instead, society recognizes the right and proceeds to devise mechanisms for the protection and control of the right to life. In this sense, the right to life is an exclusive entitlement.[129] The voluntary consent of its members to have their right to life, and by extension the human right to food, exercised according to specific rules and procedures, is the essence of the contractarian theory of the state.[130]

It is hardly conceivable, therefore, that in assuming membership of state, human beings can willingly enter into a contract negating and abrogating their right to life in the sense of denying themselves the natural entitlement to acquire and own the necessaries of staying alive. There is no doubt, therefore, that:

> All human life involves the use of material resources and some of the most profound disagreements among human beings and human civilizations concern the basic

[127] Debiprasad Chattopadhyaya, (1980) 'Human Rights, Justice and Social Context.' In *The Philosophy of Human Rights*, Alen Rosenbaum (ed.) London: Aldwych Press.1980, p. 177.
[128] George Lukacs, *The Ontology of Social Being*. (n 123), pp. 22-23.
[129] Jack Donnelly, *The Concept of Human Rights*. London: Croom Helm. 1985, p. 3.
[130] William Scheuerman (Edr), *The Rule of Law under Siege: Selected Essays of Franz Neumann and Otto Kirchheimer.* California: University of California Press. 1996. p. 7-8.

> principles on which this is to be organized. The allocation of material resources, [...] is a primal and universal concern of human societies.[131]

Therefore, the purpose of the state, seen from a theoretical point of view and practical logic, is to create and safeguard the conditions necessary for the peaceful exercise of the human right to life, other fundamental human rights, and the human right to food. In its contextual usage, the state is by no means the government.[132] However, the government acting in the name of the state cannot validly confine itself to the maintenance of law and order, insisting upon formal equality before the law, and in the process disregarding the human right to life that is, of course, the right to food. Rather, it is required to, among others to recognize, respect, protect and fulfil the human right to food in due diligence and as its legal obligation.[133]

2.4. The Relationship between the Human Right to Food and Other Human Rights

As it has already been discussed under section 2.2.1., traditionally, human rights have been understood in terms of categories, as 'civil and political rights' on the one hand and 'economic, social, and cultural rights' on the other. This mindset has also led to the differing perception of state obligation to human rights, the former entailing 'negative' state obligation and the latter requiring 'positive' state obligation, distinctively. Furthermore, human rights have also been put in cleavage of generations; i.e. civil and political rights (first generation rights), economic, social and cultural rights (second generation rights), solidarity rights (third generation rights), and often the rights of homeless and stateless people (fourth generation rights).[134] The human right to subsistence or the human right to food is said to fall under socioeconomic rights or "second generation" rights. Such traditions of putting rights into distinct categories and generations, as they may be helpful for the mastery of rights in each

---

[131] Jeremy Waldron, The Right to Private Property. Oxford: Clarendon Press. 1983, p. 34

[132] In its contemporary usage the term state refers a legal entity which is politically organized population, with a defined territory and sovereign in its internal matters.

[133] The Ethiopian state, which is the primary focus of this study is a state party to the ICESCR, which stipulates on the right, under Article 11 (1 and 2)

[134] See Karl Vasak, *Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Right*. Paris: United Nations Educational, Scientific, and Cultural Organization (UNESCO) Courier 30:11, 1977. Vasak is the first, as far as the documentation of human rights discourses is concerned, to classify human rights in terms of generations as mentioned above.

category and generation would equally lead to the false impression that some rights[135] are more important than 'other' rights.

This putative genealogy of rights corresponds to a large extent to specific phases of constitutionalization and industrialization in the West. There is thus a link, for example, between the state of the economy at a given moment and the birth of specific rights. Rights then are regarded as creations or products of the economy. Is this view tenable? It is this questionable understanding of rights, which the West appears intent on imposing upon others in the name of democratization, the universalization of human rights and globalization. But the particular experience and the history of the West cannot be a credible or an absolute substitute for the history of the whole world. Underlying this tendency is the practice of absolutizing certain values on the one hand and a dogmatic uni-linear conception of human history on the other.

Furthermore, the fragmentation of the human being into apache of human rights, as indicated above, may be interesting from the Western philosophical point of view. However, the concept of a human being based upon this fragmentation is philosophically tenuous. It arbitrarily detracts from the fact that at any given moment in time, the human being is a wholeness and not fragments to be pieced together into a theory of rights as and when the free enterprise economic system dictates.

The right to food which is categorically put under the class of "second generation rights" is a fundamental human right which is equal in significance to any other right.[136] All other "traditional" fundamental rights or basic liberties revolve around and derive their proper significance from the right to food. The widespread tendency to classify and categorize human rights does not of necessity warrant a hierarchization of human rights. The quartet of human rights, discussed above, under section 2.3, forms the basis of the ontological structure of being a-living-human-being. Seen from this ontological standpoint, these rights complement one another and they are contemporaneous in any concept of the right to food. The state and the economy cannot and does not create this quartet of rights, in particular.

[135] First generation rights, i.e. civil and political rights are often considered in the liberal mainstream discourse as more basic and important rights than 'the other".

[136] Urban Jonsson, (1984) "The Socio-Economic Causes of Hunger." In Food as a Human Right. Asbjørn Eide, Wenche Barth Eide, Susantha Goonatilake, Joan Gussow and Omawale. (Eds.). Tokyo: The United Nations University. 1984, p. 24.

The state was not present at the coming-into-being of this quartet of rights: it did not create or invent them. "... man is older than the State, and he holds the right of providing for the life of his body prior to the formation of any state."[137] On this basis, the right to life and hence the right to food is a non-derogable right.[138]

Therefore, even within the context of the state, this right may not be infringed. The state then assumes the role of recognizing this quartet of rights among others. Recognition of these rights is the only political option that the state has. Indeed, a state could either be dissolved or disrupted as a result of failure to be the true defender and facilitator of this fundamental quartet of rights, at a minimum.

Concurring with the assertion discussed above, the Vienna Declaration and Program of Action (1993) has rightly reiterated the notion of the interdependence, indivisibility, interrelatedness and the mutually reinforcing nature of human rights.[139] The declaration has put a demand on the international community and member states of the UN to treat human rights in a fair and equal manner, on the same footing, and with the same emphasis.[140]

This assertion of the UN is founded up on an ontological understanding of the human person and his right claims as a human, forces us to recognize not only the two sets of rights (Civil and Political and Economic, Social and Cultural Rights) but, also the rights within each set of rights as cross-dependent and indivisible. This is to mean that they are inextricably conjoined with each other, and the fulfilment and infringement one affects the other, in one way or the other accordingly. For example, the human right to life (existence), - *i*s intrinsically linked with the human right to food. A human person to fully enjoy the right to life needs, he/she to have adequate command over food. In this regard, the right to livelihood/work- is also a natural extension of the human right to food. Therefore, the right to have the means to access food, either through production or gainful employment is the best and principal ways of realizing the

[137] David Brien and Thomas Shannon (Eds) "Rerum Novarum". In Catholic Social Thought. Orbis Books: New York. 1995, p. 16. The term man, in this study, refers both man and woman.

[138] Contradicting this logic under the FEDRE constitution the right to life (Article 16) is a derogable right. See Article 93 of the FDRE constitution.

[139] See United Nations, Office of the High Commissioner for Human Rights, 1993, the Vienna Declaration and Program of Action. (n 170)

[140] In this regard, the Vienna Declaration is a paradigm shifting in terminating the categorization of Human Rights.

human right to food.[141] The human right to food does not require that everybody shall produce his or her own food. As access to gainful employment will generally be a condition precedent to enabling individuals to command access to food that they require. This indicates the fact that the human right to food is not only a question of production, but economic accessibility is also one of its key components.

Furthermore, arguing against the prioritization of one set of right over the other Amartya Sen states that there is a need to acknowledge the comprehensive interconnectedness among civil and political rights and socio-economic needs. The central thesis of Sen's argument is that by providing incentives and information, political rights, contribute towards the solution of economic deprivation by way of a public action.[142] People can demand their right to food when the right to expression is ensured. In this endeavor, the service of independent media is pivotal in reporting the depth and scale of poverty, famines, and crises related to food security and public corruption. This would help to raise public awareness about the subject and to hold the concerned state authority accountable. Therefore, the respect of civil and political rights such as the right to association and expression has a direct relevance to the respect and promotion of the right to food.

Therefore, as discussed above, it will be no surprise to observe that many human rights instruments affirm the human right to food only via other rights, i.e. 'the right to life', 'adequate standard of living' or 'freedom from want', for there is a close and strong relationship between the human right to food and these human rights, in a sense that in some circumstances, the human right to food may be considered to be a prerequisite to the fulfilment of these and other fundamental and human rights and freedoms and vice versa. To put it differently, the respect due to the human right to food may facilitate the realization of other human rights as well, and, on the contrary, the violation of the right to food would amount to destroying human potential on an epic scale.[143]

---

[141] Pooja Ahluwalia, The Implementation of the Right to Food at the National Level: A Critical Examination of the Indian Campaign on the Right to Food as an Effective Operationalization of Article 11 of the International Convention on Economic, Social and Cultural Rights (ICESCR), 2004, p. 15 available at: http://www.geocities.com/righttofood/data/jean.doc [accessed on February 2017]

[142] Amartya Sen "Freedom and Needs: An Argument for the Primacy of Political Rights," *The New Republic*, Vol. 210, No. 2-3, 1994, pp. 31-38

[143] Xiaobing Xu, and George Wilson, "On Conflict of Human Rights." *Pierce law Review*, Vol. 5, No.1 (2006), p. 31

2.5. The Human Right to Food vis a vis the Behavior of the State

It is a matter of debate, but there is a relatively high convergence of understanding on the idea that the recognition and the effective realization of human rights in general and the human right to food, in particular, is highly influenced by the form of the government that the state entertains. The general assertion being that more accountable and democratic governments are respectful and responsive to human rights issues than undemocratic and authoritarian ones.[144]

In this regard, Immanuel Kant in his work, "Perpetual Peace" (1794), argues that non-republican states are at freedom to do whatever they want to do and can sometimes be unfriendly to their own people and neighboring states as well.[145] In contrast, he argues, democratic states are restrained by law and forced to respect, by the same, the human rights of their people and autonomy of neighboring states.[146] Moreover, democracy, in our contemporary global context, both as a philosophy and as a form of government, has been regarded as the best mechanism to make governments accountable and respect the human rights of their citizens[147]

At the risk of generalization, depending on its appreciation of human rights, and the means that it has to uphold them, among others, democracy can be categorized as, liberal democracy and social democracy. The liberal version of democracy gives primacy to individual freedom and competitiveness. It was introduced first in Europe and America and later exported to some former colonies by western colonial powers.[148] On the other hand, social democracy flavored with the political economy of Marxism gives primacy to healing social and economic crisis through the direct involvement of the state and often seen as a counter political approach to the

[144] However, this is not to deny that authoritarian regimes can also bring about rapid socio-economic progress, as is the case with the former USSR under Stalin and the People's Republic of China under Mao Tsi Tung.

[145] Immanuel Kant, "Toward Perpetual Peace," in Kant: Political Writings, Edited and with an Introduction by Pauline Kleingeld. New Haven: Yale University Press, 2006, pp.74-75. Everything is done according to the law of the land and to engage in war they should deliberate with the people and done accordingly, which makes war unlikely.

[146] Ibid

[147] However, the term democracy has often been misused and abused. See also Makau Wa Mutua, The Ideology of Human Rights. (n 87) p. 3

[148] In the 1960s and 1970s, most African former colonies have got political independence but they were forced either by their former colonies or by the neoliberal institutions, i.e. the World Bank and the International Monetary Fund to subscribe to the western version of liberal democracy.

western liberal version of democracy.[149] The former United Socialist Soviet Republic (USSR) and its allies had made a tremendous effort to export socialism or social democracy to some post-colonial African and Asian states.

However, these two versions of democracy have ultimately failed in much of Africa and Asia.[150] Why did they fail? Two reasons are often made. First, cultural differences between the origin or owners of these democracies and their hosting states made democracies as systems of governance to be unsuccessful in their hosting states. Due to this apparent contradiction resulting from the meeting of different often divergent values, superimposed, or exported democracies often gave way to totalitarianism or autocracy. Second, the services they provided for the more demanding post-colonial and post-oppression society were empty promises- their genuine service has been to the masters of the system itself, even in foreign lands than to the people of hosting states.[151]

In the first scenario, it is assumed that the Western on the one hand and 'other' cultures where western democracy is exported, on the other hand, do not have meeting points or if they have any, the divergence between them is much more than the values they have in common. In this connection, Huntington in his work "The Third Wave: Democratization in the Late Twentieth Century" (1993) wrote:

> The argument is made that the world's great historic, cultural traditions vary significantly in the extent to which their attitude, values, beliefs, and related behavior patterns are conducive to the development of democracy. A profoundly anti-democratic culture would impede the spread of democratic norms in the society, deny legitimacy to democratic institutions, and thus greatly complicate if not prevent the emergence and the effective functioning of those institutions. The cultural thesis comes in two forms. The restrictive version states that only western culture provides a suitable base for the development of democratic institution and democracy is, consequently, largely inappropriate for non-western societies.[152]

This line of argument concludes that 'some cultures are profoundly anti-democracy and deny legitimacy to democratic institutions.' This assertion appears to be parochial at best, and is not

[149] As a result, of the tension that it had with Western powers, USSR was seeking allies in Post-colonial Africa, Asia and Latin America.

[150] Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*. 1993, p. 298

[151] Ibid

[152] Ibid

cognizant of the authentic culture of these state at least, as it fails to single out the main essence of the predicament that the communities in the hosting states experience on daily basis. Democracy has been used as a tool to reduce the culture and identity markers of peoples in hosting states to a 'subordinate status' and to 'superimpose the hegemonic interests' of the superpowers on states emerging out of the yoke of colonialism. On the contrary, all cultures, including Asian and African cultures, have a sense of justice, respect for human dignity, and urge for good governance a reality.[153] Furthermore, democracy to be successful, it must adapt itself to the particular cultures and contexts of hosting societies.

The second scenario, assumes that the problems that the world has been experiencing, especially the peoples in Africa, Asia and Latin America, are so diverse and complex.[154] To deal with such problems the liberal and the socialist versions singularly are incomplete.[155] Genuine democracy- as 'a government of the people, by the people, for the people', should not entertain and orchestrate fixed values and interests of some kind but should advance the genuine demands and interests of the owners of the system, the mass people. People who subscribe to this assertion often cite an example the relative success of democratization in the Post-World War II Scandinavian states where democracy has not been singularly a direct replica of the liberal or socialist version of democracy, but the outcome of the harmonization of the virtues of both liberal and social democracies and the indigenous values of the respective countries.[156]

In this regard, Matti Alestalo argues that the approach of Scandinavian states can be taken as a model to be emulated by other states, particularly in the non- western developing parts of the world, i.e. Africa, Latin America, and Asia. But not in a one size fits all fashion, rather states may integrate and harmonize the virtues of liberal and social democracy to their respective values and contexts in a constructive way.[157]

---

[153] Andrew Heywood, *Political Ideologies: An Introduction*. (n 9), p. 35.

[154] Ibid, pp. 36

[155] Ibid

[156] Jørgen Anderson and Jens Hoff, *Democracy and Citizenship in Scandinavia.* New York*:* Palgrave Macmillan, 2001, p. 46

[157] Matti Alestalo, "The Nordic Model: Conditions, Origins, Outcomes, Lessons", Hertie School of Governance, Working Paper, No. 41, June, 2009, p. 43

Therefore, as a final remark for this section, democracy as it is widely and rightly recognized as "government of the people by the people for the people,"[158] along with its principles and virtues of public participation, rule of law, freedom of expression and association and so forth, provides a promising platform for better respect, protection and fulfilment of the human right to food [See, for further discussion on the subject, chapter eight, section 8.2]. for this study, in this regard, not a conventional type of democracy but the one that integrate and harmonize the virtues of liberal and social democracy and adapt itself to the cultures and contexts of Ethiopian societies is regarded as key instrument to, among others, respect and promote human rights, including the right to food.

Reiteration

This chapter has presented a conceptual framework and analysis of the relevant available literature on the human right to food and the corresponding obligation of the state. As already indicated above, the human right to food has remained to be one of the highly debated and contested concepts in the history of human rights scholarship. This can partly be attributed to the historical relegation of some rights as aspirational and not real rights and to its relatively recent emergence in the human rights scholarship and recognition in the international human rights instruments and national constitutions. The Committee on Economic Social and Cultural Rights (CESCR), under General Comment 12 has defined the right to food as a fundamental human right.

As a right, it involves freedom from hunger and entitlement to have access to adequate food. As already discussed in this chapter (under section 2.2.1.) the general concept of the human right to food can be broken down into several elements, i.e. availability accessibility and adequacy. This means that the food supply should be adequate, which means that the types of foodstuffs commonly available (nationally from own production, in local markets and, ultimately, at the household level) should accessible, cover overall nutritional needs in terms of quantity (energy) and quality (it should provide all the essential nutrients, including micronutrients such as vitamins and iodine); the available supply should be culturally acceptable (fit in with the prevailing food or dietary culture); and, last but not least, food should

[158] This classical definition to democracy by Abraham Lincoln matches the true essence and virtues of democracy and as it embodies the basic force that would make it to transcend ideological cleavages and can be the background for the virtue of state governance.

be safe (free from toxic elements and contaminants) and be of high or good quality (in terms of, for example, taste and texture).

Therefore, the human right to food imposes duties or responsibilities on its addressees or duty bearers. As it is discussed (under section 2.2.2.), the state is the principal duty bearer to the right. But, state obligation to the human right to food does not connote solely the notion of the human right to food as an apology of state socialism, in which food will be provided free of charge. Rather, it primarily connotes a system of obligations, to recognize, respect, protect, and fulfil the right.

* * *

CHAPTER THREE

3. The Human Right to Food under International Human Rights Systems: An Overview

Introduction

The human right to food was first recognized under the Universal Declaration of Human Rights (UDHR), 1948 and later under the International Convention on Economic, Social and Cultural Rights (ICESCR), 1966. However, it has gained a considerable attention and momentum since the 1990s, particularly following the 1996 World Food Summit at Rome. At the 1996 World Food Summit, government representatives of the world states have reached at the agreement that the growing global hunger and food insecurity has emerged as a serious and unprecedented socio-economic and political challenge to the world states, which needs an immediate solution. Following this global food summit, as will be discussed below, various binding and non-binding standards for the realization of the human right to food have emerged and the concept has been refined considerably.[1]

The African human right system is relatively a recent development. The African Human and Peoples' Rights Charter, which came into force on October 1986, does not overtly recognize the human right to food but has provisions on fundamental human rights that embody and strongly interrelated with the human right to food.[2] In this regard, the African Human and Peoples' Rights Commission has interpreted the right, which was recognized under the charter, as embodying the human right to food.

This chapter, therefore, aims at discussing the relevant international human rights instruments (both binding and non-binding ones) that are keen for the recognition and implementation of

[1] General Comment 12 was devoted particularly for the clarification of the human right to food and its progressive realization by states. Fact sheet 34 has also done much on the same subject. The FAO's 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.' is also an extension of this endeavor and aims at facilitating and directing state actions to better realize the human right to food. This will be discussed further below.

[2] See the African Charter on the Rights and Welfare of the Child (ACRWC), Article 14 (1). OAU/LEG/24.9/49 (1990) entered into force on 29 November 1999.

the human right to food at the national level. This is done particularly for the reasons that; first Ethiopia is the founding member of international organizations (particularly the United Nations (UN) and the regional African organization, the Organization of African Unity (OAU) - latter the African Union (AU)) and has been a state party to the major international and regional human rights treaties established by these organizations that in turn, in one way or the other recognized the human right to food and obliged state parties to realize the right to food at least at the national level. Second, Ethiopia can learn a lot from the non-binding norms and standards developed by international organizations, particularly from the UN treaty and non-treaty based agencies, to better recognize, respect, protect and fulfill the human right to food at domestic level, particularly in the case study areas of this study. Finally, the normative standards, both the legally binding and non-binding ones, set by the international organizations would help in the forthcoming chapters of this study, as they can be used as a framework to assess whether the Ethiopian state comply with its human right to food obligations at the domestic level in varying socio-economic contexts or not.

Therefore, under this section the two major human rights systems, the United Nations and the African Human Right Systems to both of which Ethiopia is a state party are discussed and appraised accordingly. This is done particularly for the reason that they consequently would help, at least in part, to analyze the realization of the human right to food and the compliance of the Ethiopian state to its human right to food obligations, at a domestic level, particularly in reference to the case study areas of this study.

3.1. The Human Right to Food under the United Nations Human Rights System

This section provides an overview of the contribution of the UN human rights system for the conceptual development, recognition, and implementation of the human right to food. This is for the reason that the UN human rights system is the oldest and progressive system to effectively recognized the human right to food both under its binding and non-binding, as will be discussed below, human rights treaties.

The United Nations Organization (UNO) was established after the Second World War in 1945 with the aim to protect the future generations from the "scourge of war", to "maintain global peace and security" and to promote "fundamental human rights and the dignity and worth of

the human person".[3] The UN Charter, apart from instituting the UN it self, had established special agencies of the UN, including Economic and Social Council (ECOSOC). The ECOSOC was given the responsibility to prepare an international bill of human rights. Consequently, after three years of preparation, the ECOSOC submitted the draft bill and the first well-advanced international bill of human rights standard was adopted by the General Assembly of the UN on the 10th December, 1948, as the Universal Declaration of Human Rights (UDHR).

The UDHR was the first international human rights instrument to recognize the human right to food, eventhough, not as an independent right of its own rather as part of the human right to an adequate standard of living. Article 25(1) of the UDHR stipulated that: "[…] [e]veryone has the [human] right to a standard of living adequate for the health and well-being of himself and his family, including *food,* clothing, housing and a continuous improvement of living conditions".[4] However, the UDHR was established as a set of recommended common human rights standards for member states to maintain. Therefore, it was not a legally binding human rights treaty. Consequently, in view the UDHR's lack of legal force on the state of the World, member states of the UN under the General Assembly in 1966 opened two legally binding human rights treaties for signature. These treaties are often known by the names, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). They, however, came into force only after a decade, in 1976.

It is also worthwhile to note, with respect to the human right to food that the ICESCR under Article 11(2) stipulates on the right of every human being without any distinction to "be free from hunger"[5] and Article,11(1) obliges state parties to recognize and realize "[…] the [human] right of everyone to an adequate standard of living for himself and his family, including [access to] *adequate food,* clothing, and housing […]."[6] According to the same

[3] See the Preamble of the Charter of the United Nations. Available at http://www.un.org/en/sections/un-charter/un-charter-full-text/index.html [Accessed on 26 December, 2016]

[4] See Article 25(1) of the Universal Declarations of Human Rights (UDHR), (adopted 10 December 1948 UNGA Res 217 A (III)).

[5] See The International Convention on Economic, Social and Cultural Rights (ICESCR), 1966: Article 11, available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx [Accessed on 26 December, 2016]

[6] Ibid

covenant, state parties to the treaty are also duty bound to take necessary actions to ensure the realization of the right and other human right recognized under the covenant.[7] These provisions of the ICESCR have been especially important with regard to the human right to food, since they serve both as binding common standards on state parties for the realization of the human right to food. As the provisions of the ICESCR can be directly applied by state courts and other competent adjudicating and/or quasi-adjudicating state organs in member states or they can serve as a directive platform or a model for the domestic laws and policies of signatory states. Therefore, the ICESCR, in this regard, is an important instrument for the realization of the human right to food.

Furthermore, apart from the ICESCR, the human right to food has also been recognized under other relevant UN's human rights instruments protecting *specific groups*, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) has a specific provision on women in rural areas, affirming their rights to equal treatment with men, in particular, in land and agrarian reform as well as land and resettlement schemes. For instance, Article 14 of the CEDAW stipulates, "member states must ensure that women have the right to own, use, or otherwise control housing, land, and property on an equal basis with men."[8] It requires women on equal basis with men to have access to and control over means of *food production*, access to land in particular. It has also obliged member states under Article 12 (2) to actively address and overcome customary practices under which women are forced not to eat until men are fully fed, or women are only allowed or encouraged to eat less nutritious food.[9] To overcome such biases against women enmeshed in cultures and traditions, the CEDAW stipulated under Article 12 (2) that women to have access to adequate and notorious food, particularly during pregnancy and lactation.[10]

[7] These steps had been discussed in chapter two.

[8] The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979: Article 14, available at: http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm [Accessed on 26 December, 2016]

[9] Ibid

[10] Ibid, Article 12 (2)

The Convention on the Rights of the Child (CRC) (1989), under Article 27 (1) has recognized the right of children "to a standard of living that is good enough to meet their physical and mental needs."[11] This provision ones again recognizes the necessity of having, for children, access to food which is adequate for them to entertain and commensurate with their high mental and body growth. The CRC, in this regard, has put obligations on state parties, under Article 24, to provide support for families and guardians of children who cannot afford to provide their children with adequate food.[12]

Furthermore, The Convention on the Rights of Persons with Disabilities (CRPD) (2006), under Article 28, has recognized the rights of people with disabilities to an adequate standard of living, including [access to adequate] *food*, water, clothing, and housing, and to effective social protection including poverty reduction programs.[13]

All the above mentioned human rights instruments of the UN have recognized the human right to food as a human right in its own right or at least as part of a broader human right, the right to an adequate standard of living which is understood as embodying and inextricably linked with the human right to food and vice versa.[14] As elaborated later under General Comment 12 of the CESCRs, the human right to food is a human right per se and the state parties, to the above UN human rights instruments and particularly to the ICESCR, are duty bound to recognize and work expeditiously towards the full realization of the human right to food at least within their territorial jurisdiction.

Apart from the contributions made by the treaty-based organs of the UN, other or non-treaty-based organs have made contributions for the better recognition and realization of the human right to food across the world. In this regard, the Food and Agriculture Organization (FAO), a UN agency, in 1974 had organized the World Food Summit (WFS) in Rome, which was the first of its kind. The Summit was a reaction to the widespread global food shortages during the "world food crisis" and African famines and Asian Famines in the early 1970s.[15] The world's Heads of States and Governments during the Summit had affirmed the seriousness of the

[11] See The Convention on the Rights of the Child (UNCRC), 1989: Article 27, available at: http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf [Accessed on 26 December, 2016]

[12] Ibid

[13] Ibid, Article 28

[14] Ethiopia is a state party to many of these United Nations human rights treaties.

[15] The Horn of Africa and most sub-Sahara African countries were severely affected by famine in 1972/73

problem of hunger and poverty worldwide and adopted the "the Universal Declaration on the Eradication of Hunger and Malnutrition."[16] The declaration reaffirmed once again the human right to food and required states around the world to work in cooperation to increase food production through the use of science and technology and by sharing the required resources as key elements to combat and overcome widespread global hunger. Consequently, addressing hunger was viewed as a common responsibility of the international community, particularly of states of the world.[17] Furthermore, the declaration had estimated that about 400 million people around the world were hungry, most of them living in the non-western developing countries, particularly in Asia and Africa. The resolution of the Summit set the goal for the world states to achieve within ten years, to reduce the number of hungry people by half within ten years, from 400 million to 200 million.

However, to the dismay of many, particularly to the poor and the hungry, the goal was not achieved within the agreed upon period, within ten-years. Rather, to the contrary, the number of hungry people in the world had increased from 400 million in the mid-1970s, to 840 million in the mid-1990s. As a result, hunger and food insecurity re-surfaced as a serious global concern, particularly in the non-western developing countries of Asia and Africa and the Food and Agriculture Organization of the United Nations (FAO-UN) organized the Second World Food Summit (WFS) in 1996, bringing together close to 10,000 representatives at the highest level from 185 countries.

The second World Food Summit (WFS), was held at Rome from 13-17 November 1996. It had served as a platform for the government heads and NGO representative to discuss the reasons for the past failures causing increasing global hunger and the available alternative means to reverse the food crisis and hunger and to bring about food security and realize the human right to food around the world.[18] The summit ended-up by adopting another declaration-the Rome Declaration and Plan of Action on World Food Security. The declaration reaffirmed

[16] See Universal Declaration on the Eradication of Hunger and Malnutrition Adopted on 16 November 1974 by the World Food Conference convened under General Assembly resolution 3180 (XXVIII) of 17 December 1973; and endorsed by General Assembly resolution 3348 (XXIX) of 17 December 1974. Available at http://www.ohchr.org/EN/ProfessionalInterest/Pages/EradicationOfHungerAndMalnutrition.aspx [Accessed on 26 December, 2016]

[17] Ibid

[18] See Food and Agriculture Organization of the United Nations (FAO-UN), The Rome Declaration on World Food Security and World Food Summit Plan of Action. 1996. The FAO: Rome:

''*the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger".*[19] For that end, it demanded the states of the world to reduce the ever growing trend in food insecurity and the unprecedented high number of hungry people around the world at least by half, from 840 million to 420 Million in 2015.

An important move made at this time, and worth mentioning here, was that participants of the Summit, especially the representatives of Non-Governmental Organizations (NGOs) requested for the clarification of the human right to food and the corresponding state obligations to the right. As a result, as a response to this request, the United Nation's Committee on Economic Social and Cultural Rights, (UN-CESCR) was given the responsibility to prepare a document that would clarify the form and the content of the human rights to food and the corresponding obligations of the state to the right. After three years of preparation, the CESCR under the supervision of Jean Ziegler, who later, in 2010 [-2008] became the UN's special rapporteur on the human right to food, submitted a document called the "General Comment Number 12 on the ICESCR, Article 11 (1 and 2)" to the UN's Human Rights Commission in June1999. The General Comment 12, by taking Article 11 of the ICESCR as a reference, have further expounded the meaning and normative contents of the human right to food and corresponding state obligations *(the normative contents of the human right to food and state obligations concurring with the discussion under the General Comment Number 12 have already been discussed under Sections 2.2.1, and 2.2.2 respectively).*

Another important development availed in the year 2000 had been that the General Assembly of UN adopted a Millennium Declaration committing member states of the UN to halve the proportion of their people who suffer from hunger between 2000 and 2015.[20] In the same year, the United Nations Commission on Human Rights (UNCHR) established a mandate for a special rapporteur on the human right to food. Jean Ziegler was appointed as the UN's special rapporteur on the human right to food. Following the appointment of the special rapporteur, the successive and regular country visit reports of the special rapporteur containing extensive commentary on the scope of the human right to food and the obligations it entails, both in general terms and in relation to particular situations have helped in the publicization and

[19] Ibid

[20] See, The United Nations Millennium Declaration (2000), available at http://www.un.org/millenniumgoals/poverty.shtml [Accessed on 26 December, 2016]

mainstreaming of the human right to food and in effect in facilitating its realization in many countries.

In addition to this, the third World Food Summit was organized by FAO in 2002. The Summit was originally not foreseen, but had '*been prompted by the concern that the target set in 1996, at Rome may not be achieved*.'[21] At the third Summit, an important development that needs a mention here is that, country government representatives and other, particularly NGO, participants had requested for the preparation of 'Common Guiding Standards' for practical implementation of the human right to food in individual states. The FAO was given the mandate to establish an Inter-Governmental Working Group (IGWG) "[…] to prepare a common set of guidelines that would support the Member States' efforts to achieve the progressive realization of the right to adequate food in the context of national food security", which in effect would facilitate and strengthen the recognition, respect, protection and fulfilment of the human right to food along with other [related] fundamental human rights and freedoms.[22]

Between March 2003 and September 2004, the IGWG held four sessions and an intersessional meeting to discuss and agree upon the content and scope of the guiding principles for the national human right to food implementation. After prolonged discussions and negotiations, the IGWG had adopted the final version of '*the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.*' The Voluntary guidelines give practical guidance for states to implement the human right to food in their national context on 19 topics, based upon three underlying dimensions of the human right to food: availability, accessibility and adequacy and the corresponding tribology of state obligations, to respect, to protect, and to fulfill.[23] In this respect, the document prepared by the FAO on the 'Voluntary Guidelines' can be described as a document containing numerous principles of governance to be considered by states to better realize the human right to food in their specific national [food security] context.

[21] Bart Wernaart, *The Enforceability of the Human Right to Adequate Food: A Comparative Study*. Wageningen: Wageningen Academic Publishers. 2013, pp. 56-57

[22] Food and Agriculture Organization of the United Nations (FAO-UN) (2005), Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. FAO: Rome.

[23] Ibid

Apart from this, the fourth World Food Summit was held in November 2009, at Rome. This Summit reaffirmed ones again, the goal that was set during the 1996 World Food Summit to halve the number of hungry people by 2015. However, according to recent estimates of the FAO (2019), the number of hungry and malnourished people around the world has rapidly increased and doubled in less than ten years, since 1995. The FAO has estimated the number of hungry people in 2019, around the world to be more than one billion and malnourished people to be about two billion.[24]

Another point that needs to be noted, with regard to the development of the human right to food under the UN human rights systems is that, since 1999, the United Nations Commission on Human Rights had entrenched several mandates to independent experts investigate and coordinate the human right to food situations and initiatives. In the year 1999, a Special Rapporteur on the right to food an in depend expert who is responsible for the mainstreaming, follow ups on the practices of the right across the world been instituted. Jean Ziegler had been a Special Rapporteur of the United Nations on the right to food during the period 2000-2008. From 2008- 2014, his position was replaced by Olivier De Schutter. Since June 2014, Hilal Elver has been serving as the UN's Special Rapporteur on the human right to food. These Special Rapporteurs have contributed a lot in mainstreaming the concept by monitoring, directing and supporting the states' implementation of the human right to food at national level.[25] They have also made efforts for the growing publicity of the human right to food by organizing international workshops, through lectures and publications of their own, exclusively devoted to the human right to food.

In a nutshell, the past half-century has witnessed tremendous and growing contributions made by the UN human rights system on the human right to food. In this regard, it would be more reasonable to demonstrate such an endeavor by putting in perspective three pillars of the UN human rights system that have made an immense contribution for the conceptual development and the better practice on the realization of the human right to food.

---

[24] Food and Agriculture Organization of the United Nations (FAO-UN), *The State of Food Security and Nutrition in the World - 2019*. *Safeguarding against Economic Slowdowns and Downturns*. (n 2), p. 87. See also the Food and Agriculture Organization of the United Nations (FAO-UN), *How to Feed the World in 2050*. Available at: http://www.fao.org. [Accessed on 12 December, 2016]

[25] Special Rapporteurs of the United Nations for the human right to food have often made contribution to the development of the right by preparing general comments, making country visits, preparing reports, and recommending sates the ways to better protect and promote the right to food at national level accordingly.

The first pillar, in this regard, refers to the general human rights treaties and treaty bodies, especially the ICESCR and the UNHCR- CESCR that was responsible for the preparation of the general comments. The CESCR based on Article 11 of the ICESCR has been instrumental in the preparation of the General Comment 12 and for the periodic reviews of country reports on the right and for providing recommendations for states on practical implementations on the right and for that end to have a human right to food friendly hard institutions, legislation and national policies.

The second pillar stands for the contributions made by the FAO of the UN trough organizing high-level World Food Summits and other conferences on the issues of direct relevance for the human right to food and food security. These summits often result in declarations that would be used as normative common standards for member states of the UN for implementation of the human right to food in their national contexts. More importantly, the adoption of the 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security' by the FAO in 2005is a milestone in putting a common standard for countries wishing to devise a policy and legal framework on the human right to food and implement in their national context.[26] Furthermore, the FAO has published widely on food security and the human right to food and this in turn has helped a lot for clarifying ambiguities on the right and corresponding state obligations, mainstreaming the right among scholars, right-holders and states authorities and by depicting exemplary best practices across the world on the realization of the human right to food.

The third pillar stands for the continuous efforts made by the special rapporteurs of the UN on the human right to food, i.e. Jean Ziegler (2000-2008), Olivier De Schutter (2008-2014) and Hilal Elver (2014- till now). They have made an immense contribution in their individual and institutional capacity by conceptually framing and refining the human right to food and related terms through their books, articles, speeches, and country visit reports on the recognition and implementation of the human right to food in states of the world and through their recommendations for the respective states, accordingly.

[26] Food and Agriculture Organization of the United Nations, 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. (n 22).

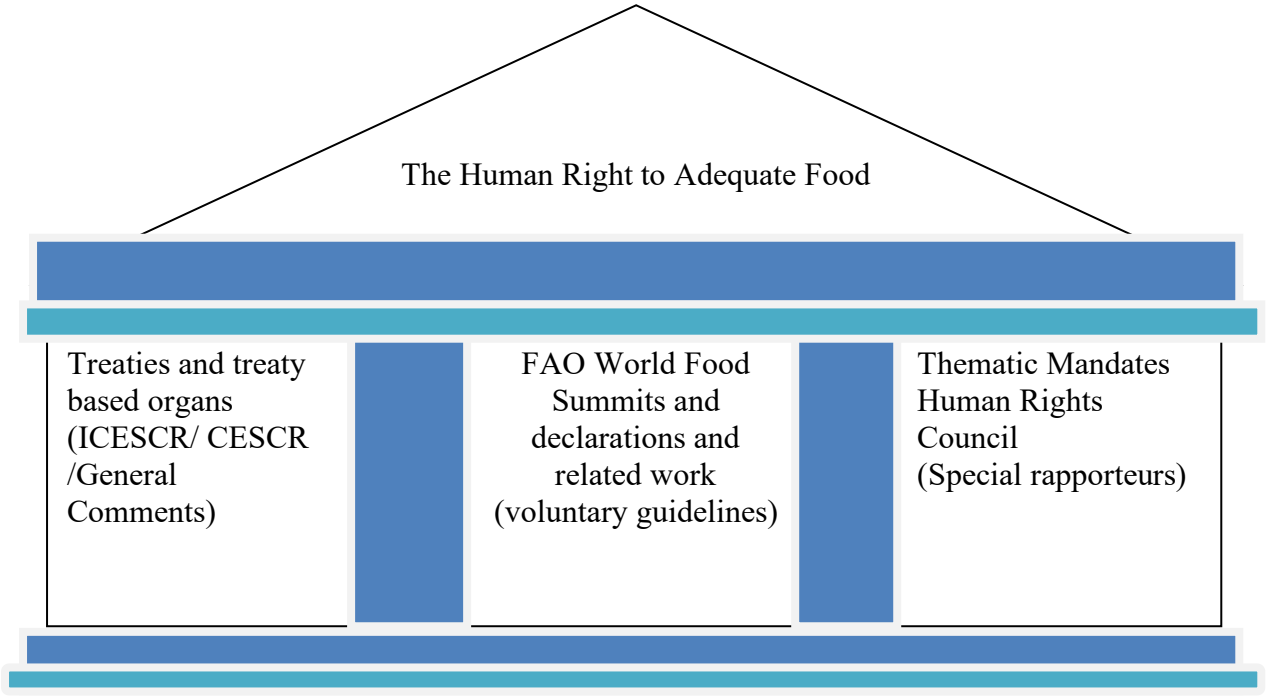


Figure 3. 1. The Pillars of the UN human rights system that contribute to the development of the human right to food; adopted *from Bart Wernaart (2013) The Enforceability of the Human Right to Adequate Food: A Comparative Study.*[27]

Therefore, as a summation and a closing remark for this section, it can be stated that the UDHR as the first and important international human rights instrument has envisaged that everyone throughout the world should enjoy the [human] rights acknowledged in its text, including the right to an adequate standard of living including *food*. However, the UDHR was non-binding on states; rather the rights contained therein were to be absorbed into the legal, administrative, and political culture of member states of the UN, through recognition followed by implementation. In other words, the UDHR was initially an expression of [human rights] ideal to be achieved by states. The process of transforming these ideas into hard law at the international level started with the adoption of the two human rights Covenants in 1966 (ICESCR and ICCPR), followed by numerous more specific human rights conventions i.e. CEDAW, CRC, and CRPD. Particularly, the ICESCR, CEDAW, and CRPDA have provisions on the human right to food. These instruments have created binding obligations on state parties to realize the human right to food at least at national level. Moreover, as indicated above,

[27] Bart Wernaart, the Enforceability of the Human Right to Adequate Food: A Comparative Study (n. 21), p. 59

various treaty bodies and human rights agencies of the UN have been put in place so as to achieve the recognition, protection, and promotion of the human right to food. However, in the final analysis, it is the responsibility of states as principal duty bearers to realize the human right to food in their respective jurisdictions, by working expeditiously towards its full realization.

Finally, apart from the UN human rights system, regional human rights systems (Inter-American, European, African, and Asian human rights systems) are in place with the aim to advance the respect and protection of human rights. The following sub-section presents and appraises the African human rights system along its recognition of the human right to food and the means of enforcement that it prescribes to member states for the better realization of the human right to food.

3.1.1. The Human Right to Food under the African Human Rights System

This section highlights the contribution made by the African Human Rights System for the protection of the human right to food and, at the same time, it discusses the mechanisms that it the African human rights system has for holding member states accountable to the human right to food. The African human rights system was established under the auspices of the Organization of African Unity (OAU) (later the African Union (AU)) that was established with the twin goals of facilitating the liberation of all African states from European colonial rule, safeguarding their interests and to encourage and facilitate the continent's development and peaceful settlement of disputes among African states.

In this regard, the African Human Rights System profoundly comprises the African Charter on Human and Peoples' Rights (ACHPR), sometimes called the Banjul Charter, or simply the 'African Charter', the African Charter on the Rights and Welfare of the Child (ACRWC) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (PACHPRWA) (simply called the Maputo protocol). These human rights instruments under the auspices of the continental organization, AU, all together constitute the African bill of [human] rights.

The African Human and Peoples Rights Charter was unanimously approved in June 1981 OAU summit, at Addis Ababa, but only came into force on October 21, 1986. Following the coming

into force of the charter, the African Commission on Human and Peoples' Rights was established in November 1987, entrusted with the power to oversight and interpret the constitution, headquartered at Banjul, the Gambia. Furthermore, later on, the African Court on Human and Peoples' Rights was established by a protocol that was adopted by member states of the OAU in June 1998 in the Ouagadougou, Burkina Faso. However, the protocol came into force in January 2004; only 15 states were signatory member states.[28] As a response to the criticism for the unnecessary proliferation of organs under the AU, In the same year, the AU (African Union) had decided to integrate the court with the African Court of Justice, resulting in the coming into being of the African court of justice and human and peoples' rights.[29] The court had passed its first adjudication on crimes against humanity, between *Michelot Yogogombaye v. Senegal*, in 2009.[30] However, so far it doesn't adjudicate cases that are directly related with the human right to food.

The African Human and Peoples' Rights Charter, which is the base of the African human rights regime, does not expressly, recognize the human right to food. However, it has recognized broader rights, i.e. the right to life, right to health and the right to social, economic, and cultural development.[31] In a related note, Bertrand Ramcharan maintains the argument that the right to life cannot be fully enjoyed without the realization of the human right to food. Therefore, the provision of the African human rights charter that recognizes the right to food has implicitly recognized the right to food.[32] In line with this assertion the African Commission on Human and Peoples' Rights, had interpreted the human right to food, pertaining the Ogoni case, between the Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) vs Nigeria, as it inherently constitute the right to life, health and

[28] Member states that ratified the protocol establishing the court were initially 15, i.e. Algeria, Burkina Faso, Burundi, Cote d'Ivoire, Comoros, Congo, Gabon, Gambia, Ghana, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Togo, Tunisia and Uganda. Now they are 30, but among them eight states have committed themselves for NGO and individual applications to the court i.e., Benin, Burkina Faso, Cote d'Ivoire Ghana, Mali, Malawi, Rwanda, Tanzania, and Tunisia.

[29] The integration of the two courts was done in view of the proliferation of AU intuitions.

[30] The case was between *Michelot Yogogombaye v. Senegal*, App. No. 001/2008. On Mr Hissene Habre, former President of Chad, charging him for crimes against humanity, particularly torture committed in Chad between 1982 and December 1990.

[31] See the African Human and Peoples' Rights Charter, (Banjul Charter) (Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force on 21 October 1986.

[32] Bertrand Ramcharan, "The Right to Life." *The Netherlands International Law Review*, Vol. 30. (1983) pp. 297-329

social, economic and cultural development which are protected in explicit terms by the charter.[33] This interpretation of the African Commission for Human Peoples Rights is fundamentally in agreement with the African Charter on Human and Peoples Rights Charter's assertion of human rights as interrelated and interdependent and indivisibly linked to the inherent dignity of the human person and indispensable for the fulfillment of other human rights.[34]

Thus, though the charter does not have an express provision on the human right to food per se, the human right to food is a protected right by the same charter through the jurisprudential interpretation of the African human rights commission, as indicated in the Ogoni case, discussed above that the human right to life and other human rights are inherently linked with the right to food, hence the human right to food is part and parcel of these above-mentioned human rights.

The African Charter on the Rights and Welfare of the Child (ACRWC) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (PACHPRWA) were adopted with the aim that African states to protect the rights of the children and the women as special groups. The African Charter on the Rights and Welfare of the Child (ACRWC) under Article 14 (1) provides that every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health. Furthermore, the protocol under Article 14 (2) (c) obliges "state parties to pursue the full implementation of this right and to prudently take measures to ensure the provision of *adequate nutrition* and safe drinking water" to every women living in the respective state (emphasis added).[35]

In this regard, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (PACHPRWA) (Protocol on the Rights of Women or simply the Maputo Protocol) in recognition of the human right to food as the basic rights of women in Africa to live active and health life and to contribute their part for active and health community has stipulated under Article 15 the following;

---

[33] See African Commission for Human Peoples Rights, Communication 155/9, a Case Between the Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) Vs Nigeria.

[34] See also the African Human and Peoples' Rights Charter, (n 31)

[35] See the African Charter on the Rights and Welfare of the Child (ACRWC), Article 14 (1). OAU/LEG/24.9/49 (1990) entered into force on 29 November 1999.

> State parties [to the treaty] shall ensure that women have the *right to nutritious and adequate food*. In this regard, they [states] shall take *appropriate measures to provide women with access to* drinking water, source of domestic fuel, *land and the means of producing nutritious food*.[36] (emphasis added).

Therefore, from the above discussion it can be inferred that, though the African Charter does not recognize the human right to food as self-standing independent right, the combined effect of the jurisprudence of the African Human Peoples' Rights Commission as seen from the Ogoni case, between the Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) vs Nigeria, and the explicit recognition of the human right to food under the African Children's Charter and the Protocol on the Right of Women [in Africa], the human right to food, is a protected right under the African human rights regime and generates human rights obligation on state parties to the African Human Rights Charter to realize the human right to food in their national context.

Ethiopia, as is the case for the UN, is a founding state member of the OAU and later AU, and is a state party to the African Charter on Human and Peoples' Rights and the relatively recent Charter on the Rights of the Child and the Protocol on the Rights of Women. Ethiopia as a state party to these treaties, as discussed early a party to major UN's human rights instruments that protect the human right to food, therefore, has the obligation to prescribe to the provisions of these human rights instruments, accordingly and has the obligations to respect, protect and fulfil the human right to food under its territorial jurisdiction and national context.

Reiteration

This chapter has presented the legal and historical jurisprudential evolution and recognition and status of the human right to food under the international and regional human rights systems, particularly under the UNs and the African human rights systems. Ethiopia is a state party to the major international and regional human rights treaties, both under the auspices of the UN and OAU/AU, respectively, that protect the human right to food and obligate state parties to effectively realize the right. Therefore, Ethiopia as a state party to these major human rights

[36] See the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 15, adopted in Maputo, Mozambique on 11 July 2003 and entered into force on 25 November 2005.

treaties has the obligation to implement the provision of these instruments and realize the human right to food accordingly.

Against the background of the discussion in the preceding chapter, in the next chapter the applicability and relevance of the UN's and African human rights systems, vis a vis the human right to food legal and policy regimes and the actual praxis in the post-1991 Ethiopia will be discussed.

* * *

CHAPTER FOUR

4. The Human Right to Food Regime in the Post-1991 Ethiopia: Theory and Praxis

Introduction

In chapter two, the term "human right to food" has been conceptualized as referring to the right holders' freedom from hunger and their entitlement to have unrestricted access at all times to adequate food which enables them to live an active and healthy life. The state has also been addressed as a juristic person, an artificial entity, which is required fundamentally to promote, among others, economic, social, and political goals of its members, so as to enable them to live an orderly and fulfilling life.

In this chapter, the legal and policy regimes of the post-1991 Ethiopian as they apply to the realization of the human right to food are discussed and analyzed. To start with, the form of the post-1991 Ethiopian state, the 1995 constitution under its nomenclature of the state identifies it as the Federal Democratic Republic founded upon the contractual agreement of the governors and the governed. Particularly the Constitution in its preamble, in explicit terms, affirms the contractual nature of the state. It stipulates that;

> [w]e[1] […] are *strongly committed*, in full and free exercise of our right to self-determination, *to build a political community* founded on the rule of law and capable of ensuring lasting peace, *guaranteeing democratic order, and advancing economic and social development*.[2] (Emphasis added)

The constitution also further underscores the fact that the realization of this, above stated, the objective is fundamentally premised on the "[…] the full respect of individual and people's fundamental freedoms and rights."[3] These rights and freedoms are stipulated under, often called the Bill of [Human] Rights chapter (chapter three) of the Constitution. Looking at specific provisions in the Bill of rights chapter of the constitution, the human right to food is not an overtly and an unequivocally recognized human right. However, there are constitutional

[1] See the preamble of the preamble of the Federal Democratic Republic of Ethiopia's Constitution, Negarit Gazeta, and Proclamation No. 1 /1995. The term "We", in this particular context, conjures to refer to the "Nations Nationalities and Peoples of Ethiopia."

[2] Ibid

[3] Ibid

provisions that either stipulates on broader human rights that embody the human right to food or extend the constitutional guarantee to the human right to food through the direct application of relevant international human rights treaties ratified by Ethiopia (Article 9 (4)) or through interpretation (Article 13 (2)), respectively.

Moreover, in addition to the constitutional mechanism put forth, in the last close to three decades, the [Ethiopia] state has also formulated and enforced various development policies that in one way or the other have had an impending or enabling implications for the realization of the human right to food. These policy regimes of the state are also discussed and analyzed in this chapter.

4.1. The [Genealogy of] the Quest for the Human Right to Food in Ethiopia

On the one hand, to provide an adequate answer for the research question number two of this dissertation, tracing the domestic root of (at least the quest for) the human right to food is very important. On the other, though a related one, the quest for access to food has remained a growing public and human rights concern in Ethiopia. Particularly since the 1950s, following recurrent and periodic famines and food crises, the public quest for fair access to food and food-related resources in Ethiopia among the vulnerable poor, has been evident and growing day by day.[4] Such a quest for food and food-related resources have had manifested in the resistances and struggles of the [poor] mass against successive regimes including the incumbent government itself.

As Alex De Waal (1991) argues hunger and famine have been the contributing cause for political turmoil, and sometimes to political upheaval leading to regime change in many countries, particularly emerging and poor ones.[5] In this regard, the 1972/73 Ethiopian famine and its aftermath is a good case in point. This 1972/73 famine was not made public [by the Imperial State[6]] until Jonathan Dimbleby made the news on the British Broadcasting

[4] An Africa Watch Report, "Evil Days 30 Years of War and Famine in Ethiopia." September 1991 (Unpublished), pp. 10-12.

[5] An Africa Watch Report, "Evil Days 30 Years of War and Famine in Ethiopia." (n 4), pp. 81-82

[6] State authorities purported to conceal the famine incident with the presumption that uncovering the famine incident would undermine the [second order] dignity of the emperor and the image of the nation among the international community.

Corporation (BBC) about the devastating famine and its gruesome consequences on the affected community to the world.[7] These phenomena, both the famine and the apathy of the regime to the incident, at the later stage had acutely damaged the legitimacy of the Haile Selassie I regime at home, in particular, and had eventually led to the 1974 revolution.[8] It has been affirmed with due and sufficient justification, that besides the natural cause of famine, drought, the imperial regime's land policy, among others, had been a contributing factor for the incidence of famine and related deaths.[9]

It is for the fact that the land policy of the imperial regime had effectively reduced peasants [who constitute the absolute majority in rural Ethiopia] were effectively reduced to the status of tenants by depriving them land ownership right and by favoring very few [land] lords who were made owners of the land next to the king. This land tenure system, which was a source of wealth for the landlords and of suffering for the landless tenant peasants, was particularly blamed for the impoverishment of the overwhelming rural peasant and as a result for their lack of the available means to survive the famine and feed themselves and their family adequately even during good harvest as they were required to provide the lords three–fourth of their produce.[10]

Peasants, in different parts of the country, occasionally had revolted against the regime, opposing the policies and practices of the Haile Selassie I regime. For instance, peasants in Tigray (1942-43), Gojjam (1967), and Bale (1963-68) had revolted opposing the land and other policies of the regime. In the 1960s and early 1970s, the then Haile Selassie I (now Addis Ababa University) students[11] were the dominant force and instrumental in voicing and

[7] United States Agency for International Development (USAID), Final Disaster Report: Ethiopia Drought/ Famine Fiscal Years 1985 and 1986 (Addis Ababa: USAID Office, 1987) at iii–iv, available online at: http://www.pdf.usaid.gov/pdf [Accessed on 27 November, 2014]

[8] Alexander Vadala, "Understanding Famine in Ethiopia: Poverty, Politics and Human Rights" In: *Proceedings of the 16th International Conference of Ethiopian Studies* 1990, p. 1079

[9] An Africa Watch Report, "Evil Days 30 Years of War and Famine in Ethiopia." (n 4) pp. 10-12. See also, Alex de Waal, "Famine and Human Rights." *Development in Practice*, Vol. 1, No. 2 (Summer, 1991), pp. 81-82, pp. 81-82

[10] Muradu Abdo, "State Policy and Law in Relation to Land Alienation in Ethiopia." A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Law (unpublished). University of Warwick, School of Law. 2014, p. 105

[11] Most of the students themselves were a peasant family but the students from aristocratic background (though few) were also, in most cases sympathetic to the cause of the mass peasant and active in the movement.

publicizing the peasants' quest for change, in particular.[12] The slogan that was used by the students and later endorsed by a Military wing of the regime and eventually led to the 1974 revolution, was "land to the tiller."

It was following the damage already done by students and their cliques against the legitimacy of the Haile Selassie I regime and by taking the growing discontentment and demand for change among the Ethiopian [peasant] mass as an opportunity, the Provisional Military Government (PMG), rather better known by the name Dergue- (means in Geez "the Committee") ousted the Emperor from power through 1974 revolution and presided over the state as government. In effect, the Dergue had reversed land ownership, from landlords to the "State and the people" through the Proclamation No. 31/1975. Following the proclamation, peasant farmers were given usufruct rights over land free of charge. The new land regime, however, did not allow peasants to have full rights over land and the government had the developed disposition to control every aspect of the society and remained repressive and dictatorial. This coupling together with the highly government regulated economy and rapid population growth made the state of poverty and food insecurity severe and worse than before. The 1984/85 famine is a good instance to mention which is the worst famine by far that the country faced in the 20th century.[13] This famine incidence together with other reasons that are not to be addressed here, harmed the regime's mass-support from the struggling peasant. By the dismay of "heightened poverty and food insecurity"–EPLF (Eritrean People's Liberation Front) and TPLF (Tigrian People's Liberation Front-later emerged as one of the four coalition forces that form the Ethiopian Peoples` Revolutionary Democratic Front- EPRDF) were on the side of fortune to get a popular support from the struggling mass-peasant particularly in Tigray,[14] who were in dire need for change and the peasants were indeed a fundamental force in the insurrection.[15]

---

[12] Kassahun Berhanu, "Ethiopia: Beleaguered Opposition under a Dominant Party System." Addis Ababa University, Department of Political Science, and International Relations, Addis Ababa (Unpublished), p. 2

[13] An Africa Watch Report, "Evil Days 30 Years of War and Famine in Ethiopia." (n 4) pp. 10-12.

[14] The people in the war zone of the North, Tigray were severely and adversely affected by the combined effect of these factors. The famine was blamed by and large as the outcome of Mengistu's regime misguided policies. More to be blamed the regime had denied food aid providers access to transport food from the government controlled area to the rebel hold areas. Often times, the government had attacked convoys carrying food aid from Sudan to Tigray by air and government war planes had bombed "safe corridors" and "market places" in the final analysis exposing the residents of the rebel hold areas to hunger and related deaths.

[15] Muradu Abdo, "State Policy and Law in Relation to Land Alienation in Ethiopia." (n 10), p. 105

The coalition forces of EPRDF and EPLF toppled the Dergue in May 1991. Following the removal of the Dergue from state power the EPRDF have remained as the governing power over Ethiopia, and Eritrea had seceded from Ethiopia and emerged as a new state under the EPLF.[16] As Muradu Abdo argued, that the new government of Ethiopia was expected especially by the peasantry to bring about significant change in policy perspective that would have a positive impact on their dire living condition. Muradu wrote that:

> The EPRDF government had to tackle fundamental policy issues, which were a cause for resentment among the Ethiopians mass, which was particularly meant for Ethiopia`s recovery. As the EPRDF Government came into power by galvanizing the support of the mass peasant and it has prudently worked out to continue to mobilize the same in its favor [...].[17]

Thus, in view of all this, it can be safely argued here that at least for the last five and plus decades the quest for food and food-related resources among the rural mass and struggling urban community in Ethiopia has been a quest for the realization of the right to subsistence in particular and access to the means for meaningful survival. At the same time, the rural mass and urban poor were the driving forces behind the struggles and resistances made against successive regimes. They were instrumental in the change made to happen, [including regime change] in Ethiopia.

At the global level, as noted while discussing international human rights systems in chapter four, the need, and the quest to foster a life in dignity, equality, and freedom has been a common quest and the need, disregarding particular and accidental differences, of all human beings. Our ontological being fundamentally requires the affirmation of all the above-mentioned quartet of rights at a minimum.[18] Food is an ontological requirement for human survival, hence a fundamental human right. In this regard, the post-1948 era, since the adoption of the Universal Declaration of Human Rights (UDHR), is particularly noted for the recognition and advancement of this right. This advancement in one way or the other has touched Ethiopia as well. Ethiopia is a ratifying member state to the relevant international human rights treaties that stipulate on the human right to food, i.e. International Convention on Economic, Social and Cultural Rights (ICESCR) in particular. The UN treaty body, the

[16] Eritrean Liberation Front took full control of Eritrea on May 16 1991 and secured its secession From Ethiopia on (May 24) 1993.

[17] Muradu Abdo, "State Policy and Law in Relation to Land Alienation in Ethiopia." (n 10), p. 10

[18] Bertrand Ramcharan, "The Right to Life in International Law". *The Netherlands International Law Review*, Vol. 30, 1983. pp. 297 -329.

Committee on Economic, Social and Cultural Rights (CESCR) which is responsible for the monitoring and promotion of the human right to food, has done a great deal of work in refining and elaborating the meaning of the human right to food. The Food and Agriculture Organization of the United Nations (FAO-UN) apart from organizing world food summits and mainstreaming the concept across countries has also done relevant works that are of a good help for the better implementation of the human right to food in country-specific contexts (see chapter three, section 3.1).

Therefore, it is logical to affirm that these above-mentioned developments, both within and without Ethiopia have had a tremendous influence on the pragmatic need to recognize and enforce the human right to food.

4.2. The Human Right to Food under the FDRE Constitution (Legal Regime)

It is worth mentioning here that the 1995 Federal Democratic Republic of Ethiopia's (FDRE) constitution[19] has provided the normative imperative to respect and advance fundamental human and democratic rights of citizens, including people's rights. In this regard, the FDRE constitution breaks away, in a modest way, from the previous, 1931, 1955 and 1987 constitutions. These rights, most if not all, are also modelled after the UDHR, ICCPR and ICESCR.[20] The list of the fundamental human freedoms and rights stipulated under the FDRE Constitution, from Article 14 to 44, has been broad in horizon and inclusive in content.[21] As mentioned above, in the constitution's bill of rights chapter almost all types of human rights are addressed.[22] Moreover, about two third of the whole text of the constitution has been

[19] The FDRE Constitution has legitimized an 'ethnic' based federal type of state structure, whose constituent parts are nine regional states delineated on the basis of settlement patterns, language, identity, and consent of the people concerned, including two chartered city administrations.

[20] Getachew Assefa, Ethiopian Constitutional Law with Comparative Notes and Materials: A Textbook. Addis Ababa University. 2012, p. 451

[21] The importance given to these rights and freedoms is further illustrated in the interpretation requirement that has to conform to international standards of human rights but also by imposing more stringent amendment requirement than the other provisions in the Constitution (Article 105)

[22] However, SECRS are stipulated under one provision of the constitution (Article 41) which is too general and consequently the conventional understanding on the recognition SECRs under the FDRE Constitution to differ and to be contentious.

devoted to human, democratic and people's rights.[23] Apart from this, Article 9(4), of the FDRE constitution stipulates, "[a]ll international agreements ratified by Ethiopia are an integral part of the law of the land."[24] Article 13 (2) of the constitution also duly affirms that "[t]he fundamental rights and freedoms specified in this chapter (chapter three, from Article14 to 44) shall be interpreted in a manner conforming to the Universal Declaration of Human rights (UDHR) and international instruments adopted by Ethiopia."[25] This affirmation of the constitution is an indicative of the fact that international human rights treaties ratified and adopted by Ethiopia are an integral part of the national law.

However, the legal status of international human rights treaties adopted by Ethiopia, as envisaged by the constitution, in the hierarchy of laws under the Ethiopian legal system, whether they occupy lower, co-equal or higher status, is often contested and has been the subject of debate. This contention basically stems from differing interpretation on of the above-stated provisions, (Article 9 (4) and Article 13 (2)) along article 9 (1). In this regard, Adem Kassie argues that:

> Some consider that Article 9 (1) of the Ethiopian Constitution declares the supremacy of the Constitution. Hence, a literal reading of this provision clearly indicates that international instruments, which, under Article 9 (4), are made an integral part of the law of the land upon ratification, are subordinate to the Constitution. […] However, the inclusion of the interpretation clause [Article 13/2 in relation to the fundamental rights chapter] has led some scholars to conclude that international human rights instruments adopted [and not just ratified] by Ethiopia have a status higher than, or at least co-equal to, Chapter three of the Constitution itself.[26]

In line with this assertion, Rakeb Messele argues that the debate on the prevailing law amongst the international human rights treaties ratified by Ethiopia and the national constitution resonates only when and if there is a contradiction between the two.[27] Though Article 9(4) describes ratified international treaties as an integral part of the law of the land, Article 9(1) states that any law that contravenes the constitution is null and void. Therefore, international

[23] The constitution has 106 chapters and articles from 14 to 44 of the constitution has been devoted exclusively for human freedoms and rights.

[24] See, the FDRE Constitution, Negarit Gazeta, Proclamation No. 1/1995 (n 1), Article 9 (4).

[25] Ibid, Article 13 (2)

[26] Adem Kassie, "Human Rights under the Ethiopian Constitution: A Descriptive Overview." *Mizan Law Review*, Vol. 5 No.1, Spring 2011, p .47

[27] Rakeb Messele, "Enforcement of Human Rights in Ethiopia. Research Subcontracted by Action Professionals' Association for the People (APAP)" 2002, p.21

human rights treaties ratified by Ethiopia are part of the law of the and, not the supreme law of the land.

Be that as it may, Article 9 (4) and Article 13 (2) of the constitution serve as a potential "access points" to assert and enforce the human right to food in Ethiopian legal system as Ethiopia is a state party to the international human rights treaties like ICESCR, CEDAW and ICRC which expressly stipulate on and endorse the human right to food as a fundamental human right and concurrently put stringent obligations on state treaty parties to concretize the human right to food expeditiously (this has been discussed in chapter two).

However, the author of this work is in favor of the argument that the human right to food and other human rights which are asserted by international treaties adopted by Ethiopia [should] have co-equal status with the constitution. The constitution affirms the supremacy of the constitution on the basis of article 9 (4) which makes the constitution superior to other laws and treaties and article 13 (2) the interpretive clause, dictates that human rights chapter should be interpreted in conformity with International Human Rights Treaties adopted by Ethiopia which literally puts international human rights treaties at a superior status than the human rights chapter. Thus, striking balance between these two provisions and putting International Human Rights Treaties adopted by Ethiopia at co-equal status with the constitution, as human rights are sacrosanct and the constitution itself is an artificial creation in the guard of human rights is tenable and is in favor of nothing but to justice and humanity.

In this sense, Article 13 (2) of the Constitution forces us to argue in the affirmative that the human right to food is a protected right by the FDRE constitution. This means that the human Right to food could be nationally applicable even if the Constitution does not include a provision in the bill of rights chapter that fails to make a direct and simple reference on the human right to food.

Moreover, besides the above-mentioned treaty endorsement by the national constitution, the need to affirm [the recognition and enforceability of] the human right to food in Ethiopia dwells on two major reasons: First, the human right to food as a right of all human beings is acknowledged independent of laws.[28] The state in principle and ideally is supposed to

[28] Mariek Piechowiak, "What are Human Rights?: The Concept of Human Rights and their Extra-legal Justification," in Hanski, R, and Suksi, Markku (eds), An Introduction to the International Protection of Human Rights: A Text Book. (2nd Rev ed). Turku/Abo: Institute of Human Rights, Abo Akademi University, 1999. p.3

recognize, respect, protect and advance the 'good' of its people including access to food. Second, the constitution of FDRE under chapter three has recognized several broader fundamental human rights like the 'right to life", the 'right to security of person, and the right to liberty". It bears mentioning right away that all these broader human rights embody the human right to food. Article 15 of the constitution recognizes the *right to life.* The term 'life' here means more than mere 'animal existence'. The right to life embodies at its core the right to live a life with dignity and all that goes along with it, namely [at a minimum] the right to *food,* clothing, and shelter.[29] Articles 16 and 17 recognize the *right to security of person* (protection against bodily harm) and the *right to liberty* respectively. A broad and generous interpretation[30] of the term-security of person-may include protection from any bodily harm, including that which may be caused by systemic and systematic starvation. Right to liberty can be interpreted to include the freedom of movement, and seek one's livelihood without undue restriction[31] and more importantly freedom from want.[32]

Furthermore, Article 25 stipulates on the *right to equality*- the right to equality in the eyes of the law signifies freedom from discriminatory treatment, which is akin to the right to food as it implies fair access to state-owned productive resources, i.e. land and equal opportunity in employment, which are a prerequisite to the realization of the human right to food.[33] Article 40, stipulates on the *right to property*. Property, as its philosophical underpinning indicates, is

[29] The Indian Supreme Court interpreted 'the right to life' as implying the right to food. See the case between the People's Union of Civil Liberties (PUCL), and the Indian government. Chhibbar, Y. P., "The People's Union of Civil Liberties (PUCL) Petitions Supreme Court on Starvation Deaths", PUCL Bulletin, July 2001. available at http://www.pucl.org/reports/Rajasthan/2001/starvation_death.htm [Accessed on 27 November, 2014]

[30] Rakeb Messele, "Enforcement of Human Rights in Ethiopia." (n 26), p.21

[31] Federal Democratic Republic of Ethiopia's Constitution, Negarit Gazeta Proclamation No. 1/1995 (n 1). The FDRE constitution under Article 32, stipulates on the right to liberty of movement and Article 31 freedom of association and the right to join labor union of one's choice.

[32] Freedom from want in this context, in a Rooseveltian sense, denotes freedom from necessitousness, and the capability of the claimants, at least, to meet basic needs.

[33] See United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant), 12 May 1999 Paragraph, 13. available at: http://www.refworld.org/docid/4538838c11.html[accessed on 27 August, 2014], See also Food and Agriculture Organization of the United Nations, Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. Rome, 2005. Available at http://www.fao.org/3/a-y7937e.pdf [Accessed on 12 December, 2016]

the outcome of labor, and is teleological in nature.[34] Labor, is the right which allows people to access food directly through food production and/or indirectly through income generating (in the form of money) projects. Article 41 stipulates on *Economic, Social, and Cultural Rights*. As a convention among scholars and as part of the normal practice of international human rights treaty bodies, the human right to food has been categorized under the class of *Economic, Social, and Cultural Rights*. The ICESCR, the major convention devoted socio-economic rights as a counterpart to ICCPR (which addresses civil and political rights), under Article 11 (1 and 2) stipulates on the human right to food. As discussed above Article 13 (2) of the FDRE constitution guarantees that the bill of rights chapter, including Article 41, "shall be interpreted in a manner conforming to the Universal Declaration of Human rights (UDHR) and International Instruments (including ICESCR) adopted by Ethiopia". Thus, by virtue of the combined reading of Article 13 (2) and Article 41 we can safely argue that the human right to food is a constitutionally protected right. Article 41 (4) expressly obliges the state "to allocate ever increasing resources to provide to the public health, education and *other social services*."[35] The wording *"other social services*, leave room to holding the state accountable for the provision of *basic* social services including food hand-outs to the needy.

The Constitution under Article 43 (1) also provides that "the peoples of Ethiopia as a whole, and each Nation, Nationality, and People, in particular, have the right to *improved living standards* and to sustainable development."[36] A close reading of this article may also give us an idea that the *human right to food,* as it is indicated in the UDHR (Article 25 (1)) and ICESCR (Article 11(1)), is a fundamental constitutive part of the right to *adequate standard of living* and in effect, by analogy and way of interpretation, it can be argued that, is a protected right by the FDRE constitution.

Thus, even-though, the FDRE Constitution does not overtly and unequivocally acknowledge and recognize the human right to food in its human rights chapter, it is logical and necessary to assert and argue that by virtue of Article 9 (4) and Article 13 (2) that domesticate international treaties ratified and adopted by Ethiopia and by way of interpretation as part of broader fundamental human rights that are recognized under the human rights chapter of the

[34] George Lukacs, *The Ontology of Social Being*. Fernbach, D. (trans.)., Merlin Press: London. 1980, pp. 22-23.

[35] Federal Democratic Republic of Ethiopia's Constitution, Negarit Gazeta Proclamation No. 1/1995 (n 1).

[36] Ibid

constitution, i.e. the right to life (Article 15) that the human right to food is a protected by the FDRE Constitution.

Furthermore, chapter ten of the Constitution, the chapter that bears the national policy principles and objectives. Under Article 90 has stipulated on the obligation of the state to the provision of food. It says, inter alia, that "to the extent the country's resources permit, *policies shall aim to provide all Ethiopians access to* public health and education, clean water, housing, *food* and social security" (emphasis added).[37] However, this chapter of the constitution aims to guide the national policies and programs to be tuned in a way that they should advance the socio-economic needs of the members of the state. In this sense, they are not to be interpreted and enforced as bearing a duty on the state with legal force, unlike the human rights constitutional provisions in chapter three which can be enforced by courts and other quasi-judicial organs of the state.

By way of summary, it can be stated here that the FDRE Constitution has three modalities in recognizing the human right to food, notwithstanding the lack of an express recognition of the right under its bill of rights chapter. First, the FDRE Constitution under Article 90 underscores the obligation that the state has to the human right to food, particularly to provide food to the needy depending on the availability of resource at its disposal. Second, the constitution indirectly protects the Right to food through adherence to international treaties adopted by Ethiopia, which made a direct reference to the human right to food i.e. the ICESCR. Indeed, Article 9 (4) and Article 13 (2) of the FDRE Constitution are special parameters in this regard. As both serve as 'access points' for international human rights treaties to be part of the Ethiopian domestic law. Third, the constitution protects, among others, the human right to life which partakes the human right to food.

In view of all the constitutional modalities discussed above, it is summited here that the human right to food cannot be relegated for the pretension that there is no express recognition of the right in the Bill of Rights Chapter of the FDRE Constitution. Rather, the human right to food needs to be recognized in one way or the other as a protected right under the Ethiopian legal system, as it is a bona fide and an anchor right to other fundamental human rights in general and to the human right to life in particular and, as discussed under chapter two, other

[37] Ibid

fundamental human rights in general and the human right to life, in particular, could not be fully enjoyed without the realization of the human right to food.

4.3. The FDRE Policy Regime and the Human Right to Food

In addition to the legal and/or constitutional regime discussed above, the policies and strategies of the state have a defining power on the realization of the human right to food. State policies and practices on land tenure, income-generating employment, and the ideological orientation of the market and population dynamics have had decisive repercussions on the actual realization of the human right to food of the people living in varying socioeconomic contexts.[38] Therefore, this sub-section presents the food system governance, the land tenure regime, investment and development policies and the institutional frameworks of the post 1991 Ethiopia.

4.3.1. Food System Governance – the Free Enterprise System

The incumbent regime EPRDF- led by TPLF- a formerly ardent advocate of the Marxism-Leninism, during its seizure of state power (1991) embraced liberalism as a state ideology. This turn away from Marxism-Leninism to 'western liberal free enterprise system' also constitutes a [radical] departure from its predecessor's (Dergue's) state regulated garrison command economy. As Merera Gudina stated, this tendency and move towards western kind of liberalism by the reconfigured Federal Democratic Republic of Ethiopia spearheaded by EPRDF was "deemed necessary" mainly because of the "imperative of the new 'world order' whose twin criteria for legitimacy was based on 'political pluralism' and the 'sanctity of free enterprise'."[39]

Thus, driven by this pragmatic logic, the early post-1991 Ethiopia, in principle embraced multi-party democracy and 'opened itself up to business' by encouraging the local market to be principally driven by the 'market forces' and by [partly] integrating itself into the international

[38] Jack Nelson, *Hunger for Justice: The Politics of Food and Faith*. New York: Orbis Books. 1983 p. 186 See also, Food and Agriculture Organization (FAO), "Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security." (n 33), Guideline 2, 2.5, 8B and 8.10

[39] Merera Gudina, *Ethiopia: Competing Ethnic Nationalities and the Quest for Democracy*, 1960-2000. The Netherlands: Shaker Publishing. 2003, p. 119

free enterprise system.[40] In this regard, the incumbent Ethiopian government had clearly stipulated that;

> Ethiopia has no choice except prescribing itself to the free market economy in the time of globalization. The option provided here is *[either…or…] "to be good actor and competitor"* or *"to be an observer of such a drama."* There is no place to hide *[and be a spectator]* in this time of globalization, since the world is becoming a clear and plain field.[41] (emphasis added)

The unstated conclusion of this syllogism is that Ethiopia opts to integrate itself [with some reservation] in the global free enterprise system, and be a "good competitor." This was particularly evident when the state, in the early 1990s, embraced the Structural Adjustment Program (SAP) sponsored by the liberal international financial institutions- International Monetary Fund (IMF) and World Bank (WB).

In this respect, Ethiopia as a poor, pre-industrial, and pre-capitalist state, to integrate itself with and engage in the international free enterprise [system] has to utilize its *comparative advantage* that is an agricultural commodity, especially *food and food resources*. Locally, given the physical size of the country and its population size, land and labor are relatively readily available resources for productive investment. Small-scale subsistence agriculture on state-owned land has been the predominant means of survival for the majority (more than 80 percent) of its citizens and serves as the driver of the country's economy and a major and dominant source of foreign currency.

However, particularly following the 2005 national election, the notion of the free market economy has been modified and replaced by a 'developmental state paradigm' which has often been described by the [Ethiopian] government as a 'correct and scientific path' to development

---

[40] The first liberalization reforms were introduced in 1992-3, when the Structural Adjustment Program (SAP) sponsored by the international financial institutions like the World Bank and the International Monetary Fund formally implemented by the state. However, 'liberalization' in post-Dergue Ethiopia had only been partial, given that the public or state ownership land, the state and the government's resistance in letting the private sector to engage in strategic markets. For example, while the state agreed to liberalize the market and to privatize the formerly state or government owned farms and enterprises, a selectively some were maintained under government monopoly i.e. tele communication, energy and water supply, air and railway transportation among others.

[41] As quoted in Jean-Nicolas Bach (2011), "Abyotawi Democracy: Neither Revolutionary nor Democratic, A Critical Review of Ethiopian Peoples' Revolutionary Democratic Front's (EPRDF's) Conception of Revolutionary Democracy in Post-1991 Ethiopia", Journal *of Eastern African Studies*, Vol. 5, No. 4, p. 652.

and poverty reduction, as it provides the state with the privilege to actively engage in ‘‘selected strategic economic activities”.[42]

However, some close observers of the system argue that from the very beginning, post-1991 Ethiopia has never been a fully-fledged liberal state, in the true sense of the term. As land and some other core enterprises[43] have been effectively owned and run by the state and often (if not always) the credibility of electoral processes and election outcomes have also been contested and the EPRDF has increasingly become autocratic and emerged as the lone dominant political party, which in effect required change in the state’s nomenclature, from ‘liberal democratic state’ to ‘developmental democratic state’ so as to consolidate itself as single dominant political party in the country’s political space.[44]

Despite the evident and acknowledged (by the government itself) shift in policy approach from ‘liberalism’ to ‘developmental state’, food marketing and food prices, in general terms, remain largely unregulated by the state. Export-wise agricultural products account for about 70 percent of the country’s foreign earnings - the bulk of which coming from the sale of food items that are of high nutritional value.[45] For instance, the UN reported that, as indicated in the table below, the food export of Ethiopia had been much higher in quantity than its food imports including food aid coming from foreign donors.

For the period indicated in the table below, from the 1996-2013, the net food export of Ethiopia had quadrupled, and the quantity of imported food including food aid has also shown remarkable growth. However, the trade balance was negative in favor of food export. It is also worth noting that the exported food items have been of superior in quality than food imported from abroad, which has often been regarded as low in quality and cheap in price.[46]

---

[42] Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), ‘‘The Renewal Path and Ethiopian Renaissance’’, Addis Ababa, 2011 p. 107

[43] Enterprises like ethio-telecom, Ethiopian Electric Power Corporation, Ethiopian Airlines, Commercial Bank of Ethiopia, among others, were effectively owned and control by the state, as they are important sources of revenue to the government and effective means of control over the people.

[44] Kassahun Berhanu and Colin Poulton, “The Political Economy of Agricultural Extension Policy in Ethiopia: Economic Growth and Political Control.” *Development Policy Review*, 2014, Vol. 32 No. 2, pp. 205-206.

[45] Ibid, p. 206

[46] Ibid

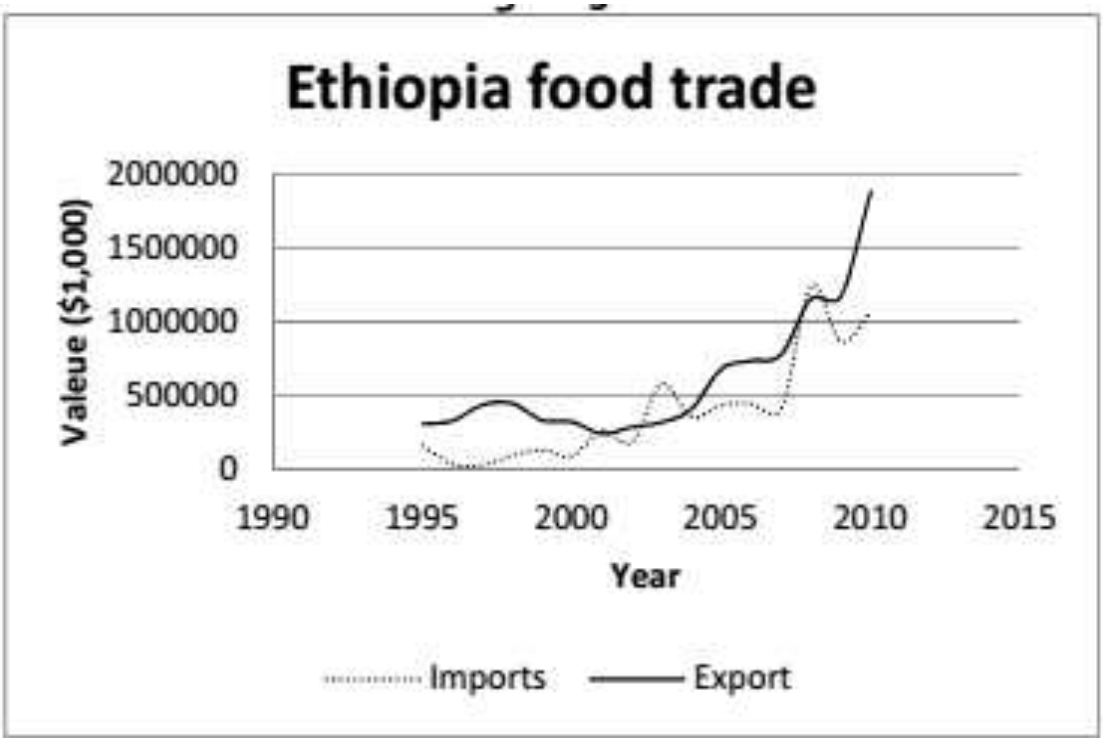


Figure 4. 1:Ethiopian food trade balance. Source, United Nations Committee on Trade and Agricultural Development (UNCTAD)[47]

Consequently, regarding Ethiopia's policy on food trade, there are varying perspectives. Some argue that Ethiopia as an agricultural country to have access to basic industrial products need to encourage food export. While some maintain the claim that, first and foremost, the domestic demand for food must be met and food export should be the second option for the state. In this regard, Ethiopia being a food insecure country, at least for a couple of recent decades, should prioritize the provision of food for local consumption.[48] Eventhough, there is a long overdue debate on food export, it is summited here that meeting the food requirements of its people should be the first priority of the state.[49]

[47] This graphic model of UNCTAD is cited in Nicolas Depetris et al Food Production and Consumption Trends in Sub-Saharan Africa: Prospects for the Transformation of the Agricultural Sector. Working Paper Presented at United Nations Development Program Regional Bureau for Africa. February 2012.

[48] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty, February 23rd – 27th, 2007, Sélingué, Mali, Synthesis Report. Available at: http://www.nyeleni2007.org/spip.php?article334

[49] For further discussion on the subject, see chapter eight, below.

However, on the contrary, the Ethiopian state apart from indorsing the policy of free import and export of food, has also increasingly issued policies and strategies that would attract and encourage foreign and domestic agribusinesses to invest in the areas of i) horticulture, ii) bio-fuel, iii) subsistence and iv) sugar production. These initiatives of the state in one way or the other, decisively and negatively affect the realization the human right to food of Ethiopians at home. Therefore, there is a long overdue debate over the impact of such initiatives of the state on the local food security and in effect realization of the human right to food. With this as a background, the initiatives are discussed and analyze as follows.

i) Horticulture or Subsistence

Ethiopian Horticulture Development Agency (EHDA) (2014) reported that in the horticulture industry, 130 companies, 85 foreign and 45 local companies have been operating in Ethiopia. The vast majority, 83 of these companies are working in the floriculture sector, while the remaining 47 are cultivating vegetables, fruits, and herbs.[50] In five years, from 2010-2014, it was reported that average revenue of 250 million USD had been generated from horticulture export. Following this, Ethiopia emerged as the second largest flower exporter from Africa, after to Kenya.[51] However, some opt to be critical of the move that Ethiopia made in horticulture business for the following four main reasons.

First, floriculture investments are being undertaken on lands that were used by peasant farmers for subsistence production. In effect, which means that peasant farmers were made to leave the land with little compensation, as they do not have ownership right over land they cannot have strong bargaining power rather accept the government's proposal and give up their land for investors.[52]

Second, the foreign companies engaging in the horticulture industry have been hiring Ethiopians as "causal laborer's with little or no employment security and no benefits other than the daily wage they receive" and the average labor wage that these companies pay to their labor employees has been far below the line, one dollar, used as a standard to measure poverty. The

[50] Ethiopian Horticulture Development Agency (EHDA), Ethiopian Horticulture Sector Statistical Bulletin Issue No. 1, p. 3

[51] Ibid, p. 3

[52] See section 4.4.2.

labor wage in most floriculture industries, as Dessalegn Rahmato stated, ranges between, 17 to 23 birr per day.[53]

Third, the state's horticulture investment policy focuses on [economic] growth and access to foreign currency at the cost of local food security and sustainable livelihood. To put it differently, the smallholder farmers are permanently uprooted from their subsistence farming with meagre compensation, and afterwards, as former peasants who got hired in the horticulture industry, are paid a salary, as discussed above, below the poverty line which is hardly enough to afford their family members' food need requirements given the current soring high food prices.[54]

Fourth, the waste and chemicals extracted from these horticulture industries have an adverse impact on the health of the surrounding environment, and consequently has an adverse effect on the livelihood of peasant farmers, especially those dwelling in the downstream areas. In this regard, Fikre Tolossa states that;

> [T]hese fertile lands [in and around the floriculture industry] will lose their trees, top soil, natural habitats, and rivers, to be rendered barren as a result of exposition to chemicals latent in the fertilizers, insecticides and pesticides" discharged by the horticulture industries and that the rivers and lakes that survive "are likely to be poisoned by toxic materials and become undrinkable and health hazard.[55]

Fikrie noted that the uncontrolled and excessive use of toxic modern inputs and artificial chemicals by the floriculture industries may have negative repercussions on the health of the surrounding environment and adversely affect the wellbeing and the food security of the local community.

In a nutshell, the central assertion of the critics against the incumbent horticulture policy and practice is that apart from facilitating growth and generating foreign currency the horticulture business has had little payoff to the local community in terms of realizing their human right to

---

[53] Dessalegn Rahmato, "Land to Investors: Large-Scale Land Transfers in Ethiopia." Forum for Social Studies: Addis Ababa. 2011, pp. 22-25

[54] Dessalegn Rahmato, "Land to Investors: Large-Scale Land Transfers in Ethiopia." (n 53), p. 25; See also chapter six, section 6.4.2.2.

[55] Fikre Tolossa, "A speech delivered at the Commonwealth Club of California on March 1, 2011." Available at: http://www. nazret.com/blog/index.php/2011/03/03/land-grab-in-africa-the-case-of-ethiopia? As cited in Elias Stebek, Between "Land Grabs' and Agricultural Investment: Land Rent Contracts with Foreign Investors and Ethiopia's Normative Setting in Focus." *Mizan Law Review* Vol. 5 No. 2, p. 180

food along with other rights like the right to live in a healthy environment and right to have access to farmland.

ii) Large-Scale Subsistence Agribusiness vs Local Food Security

The Ethiopian State since 2009 has invited and encouraged investment in the private large-scale food or subsistence production sector. The Ethiopian government has allotted 4,439,093 hectares of fertile land for this purpose in regions where the soil and climate are conducive for subsistence and cash crop production. In line with the invitation and following 2007-2008 world food crisis foreign companies from countries that are primarily food importers for their domestic consumption like India, Saudi Arabia, and Israel backed by their respective governments have surged into Ethiopia as agribusiness investors.[56] The Regional States that are chosen by the government for the land deal and the size of the land allotted accordingly are indicated in the table below.

	Regional State	Allotted Regional Land
1	Gambella Regional State	1,221,893 hectares
2	Benishangul-Gumuz Regional State	1,149,052 hectares
3	Oromia Regional State	1,057,866 hectares
4	Amhara Regional State	420,000 hectares
5	Afar Regional State	409,678 hectares
6	Southern Nations, Nationalities and Peoples Regional State	180,604 hectares
	Total	4,439,093 Hectares

Table 4. 1 Land allocated for agribusiness investment in various regions. Source: Ministry of Agriculture and Rural Development, and Dessalegn Rahmato (2011)[57]

[56] Atsbaha Gebre-Selassie and Tessema Bekele, "A Review of Ethiopian Agriculture: Roles, Policy and Small-scale Farming Systems." Koperazzjoni Internazzjonali (KOPIN) and Emmanuel Development Association (EDA), 2010. pp. 13-14

[57] Ministry of Agriculture and Rural Development (MoARD) (2009) "Planned System for Administration of Investment Land [Amharic]." Addis Ababa, June 2009, available at: http://www.moard.gov.et; See also Dessalegn Rahmato, "Land to Investors: Large-Scale Land Transfers in Ethiopia." (n 44), p. 10

The government to attract more foreign investors has also generously provided incentives. However, the incentive that these companies got from the government has attracted the attention of major news outlets and has been the subject of debate among scholars alike. It is often argued that the deal has benefited transnational agribusiness companies at the cost of the interests and rights of the local community.

First, the lands transferred to foreign companies are the most fertile one with irrigation potential and transportation access. The point worth mentioning here is that the lands were transferred to investors often by evicting the local community, which seriously compromises the rights and interests of the local community.

Second, the land lease deal has been with much less price and with long-term leasing contract up to 50 years. The price of the land rent ranges from 14 Birr to 135 Birr per hectare.[58] In this regard, Mellese Damtie depicts the land deal as the cheapest land deal which was undertaken by a state anywhere in the world, recently. He stated, "[i]t is the lowest compared to Sudan, Mali, Brazil, and Argentina. The price of land lease rent in Ethiopia is 5000 times cheaper than in Brazil."[59]

Again, it is worthwhile to note that, low land lease deal is an incentive to the investing companies and little repercussion in investment in the areas basic services for the local community. As cheap land deal means less revenue for the government and in effect less government investment in basic social services.

Apart from this, the reports of the Ministry of Agriculture and Rural Development and various research findings indicate that transnational agribusiness took the upper hand in the land deal. For example in the Gambella Regional State, out of the total 1,221,893 hectares of land transferred to investors, while 49,000 hectares were allocated to domestic investors, the remaining 1,172,893 hectares, that constitute about 96 percent of the total large-scale farms,

[58] Getnet Alemu, "Rural Land Policy, Rural Transformation and Recent Trends in Large-Scale Rural Land Acquisitions in Ethiopia." *Mobilizing European Research for Development Policies*, p.21; See also, Brigitte Portner, "Farmers in the Ethiopian Debate on Biofuel." *Africa Spectrum*, Vol. 48, No. 3, 33-53. (2013), p. 42

[59] Mellese Damtie, "Loss of Biodiversity: Problems of Its Legal Control in Ethiopia." A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Law (unpublished). University of Warwick, School of Law. 2014, pp. 103-014

were allocated to foreign investors.[60] It also needs to be noted that Indian investors have acquired 700,000 hectares out of the 1,221,893 hectares thereby constituting about 58 percent of the total land transferred to the foreign investors.[61]

It, therefore, is more puzzling and intriguing to observe that Ethiopia being one of the world's most food insecure countries, its agribusiness policy overtly and expressly favors food export from the local produce than the provision of the same for the domestic market. As it is stipulated under Article 7 of Investment Incentives and Investment Areas Regulation, (Regulation No. 2070/2012), agribusiness investors who export more than 60 percent of their food produce are eligible for income tax exemption of five years with the possibility of extension for up to seven years and those who export less than that, are eligible for income tax exemption for a period of two years with an extension possibility up to five years depending on their profitability and are at freedom to make a choice what kind of crop they produce and decide on the quantity of food produce to export.[62] In this regard, Dessalegn Rahmato stated the following;

> [...] [F]oreign agribusinesses are free to choose what crops to grow and where to market what they have grown, without any interference from their hosts. They are not obliged to supply to the local or national market, indeed, they are strongly encouraged to export most or all of their products, as we saw earlier. There are no provisions in the contracts aimed at meeting the food security needs of the country.[63]

Ethiopia being a food insecure country and while the price of food at local market is soaring so high and millions of Ethiopians are dependent on foreign food aid and foreign-funded Productive Safety Net Program (PSNP) and are facing severe food shortage, paradoxically, under the investment policy of the state export-oriented investors are more favored than investors who produce for domestic market. In this regard, Bereket Abayneh wrote the following:

---

[60] Cited in Elias Stebek, "Between Land Grabs and Agricultural Investment: Land Rent Contracts with Foreign Investors and Ethiopia's Normative Setting in Focus." *Mizan Law Review* Vol. 5, No. 2, (December 2011), p. 180

[61] Dessalegn Rahmato, "Land to Investors: Large-Scale Land Transfers in Ethiopia". (n 53), p. Appendix A

[62] Ethiopia's Agriculture Sector Policy and Investment Framework (PIF). (2010/11-2019/20) available at http://www.agri-learning-ethiopia.org/wp-content/uploads/2015/10/Agriculture-Policy-MTR_FINAL.pdf See also, Bereket Abayneh, "Appraising Large-Scale Land Deals in Ethiopia: Food Security Perspective." (unpublished material) p. 19

[63] Dessalegn Rahmato, "Land to Investors: Large-Scale Land Transfers in Ethiopia." (n 53), p. 16

> If the true rationale of the policy is to encourage the development of the domestic market and to address food insecurity, it would have favored producers who supply [their food produce] to the domestic market. Thus, […] the investment law discourages the development of the domestic market, as investors will be interested in exporting their products and thereby affecting local food security.[64]

Therefore, this policy orientation calls one to critically investigate the investment policies of the state in prioritizing the domestic food need of the society apart from gaining income and foreign currency from the food export of the agribusiness in the form of land lease payment and taxation.

iii) Biofuel vs Food Debate

Apart from the surge of subsistence producing agribusiness in Ethiopia recently, the country has devised a biofuels strategy and has been practically endeavoring to become one of the largest global biofuel producers.

In 2007 the Ministry of Mines and Energy has issued the biofuel Development and Utilization Strategy. The goal of the Ministry as envisaged under the strategy paper is to produce "biofuel energy from domestic resources for substituting imported fossil fuel and in the medium and long-term to export excess products."[65]

The strategy document also mentions three plant species namely; Jatropha Curcas, Castor (Crop) Bean and Palm Trees as the major plant sources for producing biofuel. For the exclusive use of biofuel production in various regions of Ethiopia an area of 23.3 million hectares of land have been put into use and made ready for bio-fuel plantation.[66] It is worthwhile to note that the area of the land allotted for biofuel production roughly exceeds 20 percent of the total cultivated land of the country.[67]

---

[64] Bereket Abayneh, "Appraising Large-Scale Land Deals in Ethiopia: Food Security Perspective.", p. 19

[65] Ministry of Mines and Energy (MME), "The Biofuel Development and Utilization Strategy of Ethiopia." September 2007 Addis Ababa, May 2007, pp. 8-9

[66] Ibid, p. 8

[67] Mellese Damtie, "Loss of Biodiversity: Problems of Its Legal Control in Ethiopia." (n 60), pp.103-104

It has been disclosed by the Ministry of Mines and Energy on its Website that in the biofuel production sector a total of 60 local and international companies are taking part.[68] The ministry expected these companies by 2018 to produce biodiesel up to 1.6 million litters and bioethanol up to 194.9 million litters and from the sale of biofuel to generate more than 1 billion dollars foreign currency.[69] The lands prepared for the biofuel plantation are found in various regional states as indicated in the table below.[70]

	Regional State	Regional Land allocated in hectares
1	Oromia Regional State	17,200,000
2	Benishangul-Gumuz Regional State	3,100,000
3	Gambella Regional State	2,800,000
4	Somali Regional State	1,500,000
5	Amhara Regional State	1,000,000
6	Southern Nations, Nationalities and Peoples Regional State	50,000
7	Tigray Regional State	7,000
	Total	23,300,000

Table 4. 2 Land prepared for biofuel production in various regions of Ethiopia. Source: Ministry of Mines and Energy[71]

The strategy paper prepared by the Ministry Mines and Energy also envisages that in the medium and long-term (by 2025) these companies to produce 1 billion liters of biofuel per year, which is an equivalent to seven times the current gasoline consumption of the country.[72] This is an indicative of the fact that Ethiopia has high ambition to become a major biofuel

[68] Ministry of Mines and Energy (MME), "The Biofuel Development and Utilization Strategy of Ethiopia." (n 65), p. 8

[69] Ministry of Finance and Economic Development (MoFED), "Growth and Transformation Plan I (GTP I)." Addis Ababa: September 2010, pp. 137-138

[70] As indicated in biofuel development strategy document of Federal Democratic Republic of Ethiopia, Statistical information for the National Regional States of Afar and Hareri is not available. Thus, the size of land allocated for biofuel development is expected to be higher than the available record.

[71] Ministry of Mines and Energy (MME), "The Biofuel Development and Utilization Strategy of Ethiopia." (n 65), p. 8

[72] Ibid, p. 9

producer. This is to get huge foreign currency from the sale of biofuel and to substitute fuel import with local production. This ambitious strategy of the government has attracted a "food vs. fuel first" debate and poses a national policy dilemma. The vexing question here is what ought to "take precedence, food or biofuel?!"

The government on the one hand, however, insists that the biofuel project is undertaken at 'marginal lands' which are not in use by farmers so that "the biofuel initiative of the government does not compete with agriculture" and it cannot negatively impact on local food security. Rather, on the contrary, biofuel companies may buy biofuel plant seeds (especially, Jatropha seeds) from farmers at "a fee determined by the international price of diesel" in effect enabling farmers to have an alternative and supplementary livelihood source, which would enable them to be food secure in the process.[73]

On the other hand, contrary to the argument of the government, Brigitte Portner claims that the government's argument in defense of its biofuel policy on the ground that the 'biofuel projects are undertaken on the marginal land' is logically and practically untenable as there is no such a thing called 'marginal land' in Ethiopia. A land is not under cultivation does not necessarily mean that farmers' livelihood is not dependent upon such land. Rather, they (the rural community or farmers) may use the land, among others, to pasture their cattle, or collect firewood.

Moreover, since farmers are encouraged to produce biofuel plant seeds by allocating a significant portion of their small plot of land; this would have an adverse impact on subsistence production by shifting farmers' priority from subsistence production to cash crop, Jatropha seeds and castor beans for the biofuel production may lead to food crisis at least at micro food system level.[74]

Against this background, eventhough, there is a long overdue debate over biofuel vs. subsistence production, it is submitted here that from the human right to food perspective the state as a principal duty bearer for the realization of the right, and provided the overt fact that Ethiopia is one of the most food-insecure countries of the world, the policies and the actual

[73] Ibid, p. 9

[74] Brigitte Portner, "Biofuels for a Greener Economy? Insights from Jatropha Production in North-eastern Ethiopia." *(n 58),* pp. 6196-98

practice of the state should give priority to local food production and food security over exportable and cash-driven biofuel production.[75]

iv) Sugar or Grain

The recently (2010) reconfigured the Ethiopian Sugar Corporation which actually is a state enterprise, has ambitiously embarked on a grand national project of producing 4.2 million metric tons of sugar per year from nine sugar plants on lands which cover about 381,000 hectares.[76] The corporations' vision anticipates that by 2023 Ethiopia would become one of the world's largest sugar producing and exporting countries.[77] Such huge investment by itself is good but, some are critical of the project and argue that it would be more rational and feasible for a country which is highly food insecure to give more priority for the production and distribution of subsistence crops for local consumption instead of investing hugely on cash crops such as sugar.[78]

Last but not least, the state also through its policies encourages smallholder farmers to produce exportable cash crops. For example, the Growth and Transportation Plan I (GTP I) states that; "in the next five years, smallholders *will be encouraged to participate in the out-growers scheme in areas of exportable vegetables, fruits, spices and herbs production.*"[79] This again appears as puzzling as Ethiopia encourages its smallholder farmers to export more of their produces, as indicated above, while there exists a growing food deficit at local market for domestic consumption. Therefore, in the context of Ethiopia, particularly at the level of state policy, there is a clear contradiction between the right to trade and the right to food. The FDRE and its government promotes investment in agribusiness, biofuel, horticulture, sugar production, and furthermore, encourages small-holder farmers to engage in cash crop production for export.

All these may be justified on the seeming shortage of foreign currency, on the basis of the right to trade, that in effect, represents a 'clash of rights,' among the right to trade and human right

[75] See below, chapter eight, section, 8.1.2.

[76] The Ethiopian Sugar Corporation, the sugar production project. Available on the official website of the corporation, at http://www.ethiopiansugar.com/index.php/en/ [Accessed on March 1 2017].

[77] Ibid

[78] See chapter eight, section, 8.1.2.

[79] Ministry of Finance and Economic Development (MoFED), "The Growth and Transformation Plan I (GTP I) 2010/11-2014/15" (n 69), p. 25

to food. In this regard, Vandana Shiva, for example, argues that "the most basic of human rights [*that is the human right to food*] is today under threat as the [*human*] right to food is sacrificed to the right to trade."[80] This Shiva's assertion fits with the affirmation made in this thesis under chapter two, that reaffirms that the human right to food is a fundamental human right that constitutes as one of the quartets of fundamental human rights their full respect is required for dignified human existence.[81]

In view of the above stated policies and experiences in post-1991 Ethiopia, it can be stated cogently here that the food governance policy and the agricultural investment framework of Ethiopia prioritizes income source and the development of food export and related products, often times, at the cost of the domestic food market, thereby negatively affecting local food security and the realization of the human right to food of the people at home. In this sense, as discussed above, Ethiopia has been increasingly getting itself integrated into the global free enterprise system, particularly through its raw and un- and/or less- value added agricultural products and food export.

It is worthwhile to mention as a closing remark to this section that as Jack Nelson asserted "poor countries, *like Ethiopia*, with the highest proportion of hungry people are countries which are well integrated into the international free enterprise system."[82] This is because of the following major reasons: First, the international free market (enterprise) system has been structural and hierarchical. The owners of the system- technologically advanced, industrial and capitalist countries- are comparative beneficiaries in the international free enterprise or market system as they, on the one hand, export value-added and high price products, and on the other, import organic, high quality and nutritious food items from pre-industrial countries with a relatively much cheaper price. This means that poor countries who export primary agricultural resources at cheaper prices and import value-added items at higher prices has been adversely affected by the rule of the game, while once they integrate themselves into the system. This in the final analysis negatively affects both their trade balance and the realization of the human right to food of their people.[83]

---

[80] Vandana Shiva, "Food Rights, Free Trade and Fascism, Chapter 3." In *Globalizing Rights*. Matthew Gibney, (Ed). Oxford: Oxford University Press. 2003, p. 87

[81] See Chapter Two Section 2.4, the aim here is not to inter into the debate which right prevails over the other, rather to indicate the fact that the human right to food is as important and fundamental as any human right and is second to none.

[82] Jack Nelson, *Hunger for Justice: The Politics of Food and Faith*. (n 38), p. 10

[83] Jack Nelson, *Hunger for Justice: The Politics of Food and Faith*. (n 38), pp. 10-11

4.3.2. The Land Tenure Regime

Productive [farm] land is a key economic factor and a crosscutting human rights issue, particularly when positing it as a means for the realization of the human right to food. For the most part in countries like Ethiopia, where agriculture is the dominant and major source of survival for the nation and its people, access to land and the effective utilization of it is so crucial for the realization of a number of basic human rights, including the human right to food.[84]

Apart from its intricacy with a number of human rights, land in Ethiopia historically, in the past and now, defines the power relation that exists between the state and its people.[85]The incumbent government, beginning from the armed struggle and since the time it ousted the Dergue and assumed state power, has "ostensibly put land at its central policy focus"[86] has become an instrument of influence. The enactment of the Constitutional Proclamation No. 1/1995, Article 40 (3), made all land *dejure* property of "the state and the nations, nationalities and peoples of Ethiopia." It states that:

> The right to ownership of rural land and urban land, as well as of all-natural resources is exclusively vested in the state and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.[87]

By the virtue of this provision the FDRE constitution has bestowed upon the state the right to exercise the land ownership on behalf of the people. In effect, the constitution effectively condemned land not to be in the domain of private property. Nor it allows the land to be an object sale or any other form of exchange. But individual Ethiopian peasants can be provided with a usufruct right over land by the state which they access through distribution, redistribution or rent system. This is to be done by the state to peasant farmers free of charge and private investors can access rural land through a lease.[88] Thus, in this respect and as far as

---

[84] Bereket Abayneh, "Appraising Large-Scale Land Deals in Ethiopia: Food Security Perspective." (n 64) p. 15-16

[85] Ibid, p. 15

[86] Daniel Behailu, *Transfer of Land Rights in Ethiopia, Towards a Sustainable Policy Framework.* The Hague: Eleven International Publishing. 2015, pp. 31-32

[87] Federal Democratic Republic of Ethiopia Constitution, Negarit Gazeta Proclamation No. 1/1995, (n 1), Article 40 (3).

[88] Ibid, Article 4 and Article 6

rural land is concerned, "the constitution forges two modalities of accessing rural land: via a grant to peasant users and via lease or payment for investors."[89]

The last rural land redistribution among the peasants in most parts of the country took place immediately after the enactment of the FDRE constitution.[90] At the time of land redistribution, it was reported that average land holding has been about one hectare per household, and by the time this research was done, at least in some parts of the country, i.e. Simada Woreda average land holding has dwindled to half a hectare per household and the potential of the current land tenure regime in addressing food insecurity is not as it was anticipated twenty years ago, as ten millions of Ethiopian people remain food insecure. In this regard, there is an on-going debate with regard to the merit of the current land tenure system, vis a vis ensuring food security and realizing the human right to food in Ethiopia. Often three alternative perspectives are identified; namely, *the revisionist*, the *privatization*, and *the associative ownership* perspectives.[91]

The first candidate for our consideration is the thesis advanced and firmly defended by the Marxist tuned revisionists who favor the incumbent land tenure regime with better tenure security for peasants. They claim that tenure security for peasants can be ensured through "detailed, clear, and comprehensive land laws that would guarantee unrestricted land use rights, transferability and an effective means of checking undue administrative discretion in land administration."[92] This state or public ownership of land is often justified for two major reasons. First to maintain equity in land distribution among rural peasants, presupposing the possibility of future redistribution of land for peasants of successive future generations to whom land is to be provided of free of charge. Second, this is also the more frequently cited justification for the same, to avoid high concentration of land ownership in the hands of the few. The commercialization or the commodification of land would provide inroads for the dispossession of land from poor peasants by the few who would buy up land at distress prices when the poor farmers face economic shocks or crises of a significant scale that can be caused by drought or other calamities. In effect, high concentration of land in the hands of the few (particularly the urban upper and middle class) leads to a "widespread poverty and landlessness

[89] Daniel Behailu, *Transfer of Land Rights in Ethiopia, Towards a Sustainable Policy Framework.* (n 86), p. 32
[90] Ibid,
[91] Muradu Abdo, "State Policy and Law in Relation to Land Alienation in Ethiopia." (n 10), p. 17
[92] Ibid, p. 19

among the rural mass."[93] Rather than making land an object of trade in the market, they argue, land ownership should be retained by the state and greater tenure security for land use should be guaranteed through detailed law.

The second perspective is the privatization thesis which holds the thesis that the existing land tenure regime, provided by the FDRE constitution, is restrictive, and is against the God-given (or natural) right to land of the citizens of the country, and is, in the final analysis, a principal cause for tenure insecurity and lack of incentive to work hard on farmland, among the rural mass people. It is restrictive in the sense that the peasant who is entitled only possessory right over land cannot dispose it as his/her private property. It is also against the God-given (natural) right, as it is the state- an artificial entity, not the natural person who owns land. As alternative to the existing land tenure regime, the advocates of the privatization thesis advance the perspective that individual peasants shall be provided with "complete authority and full right" over land in the sense of trinity of property rights - *usus, fructus* and *abusus* – all subsumed in the hands of a single individual peasant farmers. This full ownership over land gives peasant farmers the right to use, to enjoy its produce, and to dispose of its fruits and to dispose itself through sale or mortgage as their private property.[94] Concurring with this assertion of property right, they criticize the existing land tenure regime for depriving individual citizens, especially the smallholder farmers, land ownership right. Such lack of sense of ownership over land among the peasant farmers, as they argue, inevitably and invariably leads to recurrent food insecurity and in effect the violation of the human right to food'. The reasons used to justify the claim are the following:

a) The incumbent land tenure regime does not encourage and provide strong incentive for landholder peasant farmers to highly invest and work hard on the fertility and upgrading of the land, as there is an unprecedented expectation among them that one day the state would 'rightfully', as provided by the constitution, take away and redistribute the land. Such an expectation is high and justifiably there as there is high rural population growth. In the last 25 years, the population of the country has grown by more than double and in effect is

[93] Michelle Springfield, "Food Insecurity: The prospects for Food Sovereignty in contemporary East Africa." A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Politics and International Relations (unpublished). Royal Holloway University of London Department of Politics and International Relations, (Date not available), p. 223

[94] See Muradu Abdo, "State Policy and Law in Relation to Land Alienation in Ethiopia." (n 10), p. 27

perpetuating real and growing state of landlessness among the rural youth, which means that there is a strong expectation for land redistribution as agriculture is still the dominant livelihood. This expectation has a huge repercussion on the smallholder peasant farmers' willingness and confidence to invest in land maintenance and upgrading.[95]

b) The land tenure regime also puts peasant farmers under real and imminent threat of eviction from their land by the state when there is a need for large-scale agricultural investment, or if the land under their possession is deemed necessary for 'public use', often without being provided with fair compensation. In this regard, Bereket Abayneh, wrote that:

> The main reason that has been repeatedly said by the government in power *[for maintaining state ownership of land*] is to protect the interest of the farmers who might sell the land and eventually impoverish themselves. However, *the current land investment proves otherwise*. *The government is expropriating the smallholder farmlands [from peasant farmers] and leasing [them] out to private investors [who provide money to the government in return]*.[96] (emphasis added)

The irony in this regard, as Desalegn Rahmato (2008) argues, often times the kind of land that is to be the first candidate for giving away from peasant farmers to investors for [large-scale agricultural] investment have been "well-maintained and fertile lands".[97] In effect, local smallholder peasant farmers can be pushed away from high-value lands to marginal lands. Advocates of the privatization thesis substantiate and strengthen the cogency of their argument against the existing land tenure regime by citing the real and lived experiences of the farming peasants living in different parts of the country, i.e. in Gambela and Oromia regions. In this regard, Fouad Makki and Charles Geisler (2011) wrote that people in Gambella region in the districts of Baro Alwero, Gilo and Akobo watersheds were evicted [with coercion] by the state and relocated to new settlements within the same region but with no or little infrastructure.[98]As to Makki and Geisler, this has been done so as to hand over large tracts of [fertile agricultural]

---

[95] Desalegn Rahmato (2008) "Agriculture Policy Review", In Digest of Ethiopia's National Polices, Strategies and Programs Taye Tesfaye (ed), Addis Ababa: Forum for Social Studies, pp. 129-151.

[96] Bereket Abayneh, "Appraising Large-Scale Land Deals in Ethiopia: Food Security Perspective" (n 64), p. 15

[97] Desalegn Rahmato (2008) "Agriculture Policy Review" (n 95), pp. 141-142.

[98] Fouad Makki and Charles Geisler, "Development by Dispossession: Land Grabbing as New Enclosures in Contemporary Ethiopia." Paper presented at the International Conference on Global Land Grabbing 6-8 April 2011, Institute of Development Studies, University of Sussex, pp. 14-15; the government however argues that the villagization and resettlement program was undertaken voluntarily and in consultation with the people. It also claims that the objective of the resettlement program is to improve the life condition of the local people.

land for foreign and local agribusiness investors[99] (this was discussed in the preceding section). David Goggins (2012) also cites the land alienation practice of the government against the local peasant farmers in the Oromia National Regional State bordering Addis Ababa. Goggins wrote that peasants in Oromia for decades, even after the dispensation of the FDRE constitution, have been alienated from their land with meagre compensations by the state (government) so as to handover the land in the form of lease to private investors for a relatively "sizable sum of money that goes to the government's account".[100]

In relation to this mentioning, the recent controversial Addis Ababa's Master Plan is a case in point. The plan envisaged the incorporation of land, by and large, a farmland from peasants to private investors from Oromia National Regional State into Addis Ababa City Administration, in the process ten thousands of farmers dwelling in the area would inevitably be dispossessed from their lands. However, due to the prolonged street protests among the *'qeerro'*[101] across towns in Oromia Regional State against the plan set to be implemented, the government conceded not to implement the plan lately.

In the final analysis the idea that this (privatization) thesis underscores is that, the lived experiences of peasant farmers across Ethiopia witness the perennial problematics of state ownership of land vis a vis the peasant farmers' lack of ownership over land that ramifies into actual lack of will and motivation among the peasants to utilize the land under their possession in an effective and efficient manner. As lack of ownership rights over land ramifies into the lack of a sense of security among the peasants to undertake long-term investments in land upgrading. Jan Bojö and David Cassells (1995) state that due to miscarriage land degradation and loss of the fertility of the soil in Ethiopia has been one of the highest in the world and resulted in a strong decline in crop productivity. They estimate that the cost of this miscarriage on land to be, on an annual basis, equivalent to 3 percent of the gross agricultural domestic production of the country.[102]

---

[99] Felix Horne and Laetitia Bader, (2012). "Waiting Here for Death": Forced Displacement and "villagization" in Ethiopia's Gambella Region." Human Rights Watch.

[100] David Goggins, "The Oromo Crisis in Ethiopia: Researcher David Goggins investigates." *The Researcher. Refugee Documentation Centre* (RDC). Vol. 11 No. 2 October 2016. p. 24

[101] The term *'qeerro'is an Afan-Oromoo (Oromifa) word designates* the *youth protesters* (as they often times used to call themselves and as they are called by reports of the social and electronic media).

[102] Bojö, Jan and David Cassells, "Land Degradation and Rehabilitation in Ethiopia." A Reassessment Working Paper No. 17, World Bank, 1995, p. 36

c) The existing land tenure regime does not provide peasant farmers with the right, as a last resort to remain alive, to sell, or use the land as a social insurance (in the form of a mortgage) when there is a need to do so. Hence, it is argued that the denial of these unconditional and conditional disposals of the land by the peasant farmers means literally they are condemned to starve to death even having a land at their possession so as to preserve the constitutional ownership right of the state [over land].

These all have been cited as the outcome of the separation of ownership and possession rights over land. As a remedy to the prevailing problem, they propose that, as discussed above, the conjoined existence of *usus, fructus* and *abusus rights in the hands of a single individual peasant farmer.*

The third perspective is the *associative ownership thesis* that is also the modest one prescribes land to be owned and managed by a community and its individual members [collectively]. It represents an intermediate perspective on land tenure, between the state ownership and privatization theses. Desalegn Rahmato et al (1994) introduced the idea of 'associative ownership' in the Ethiopian land right (tenure) discourse, arguing that "land should belong to the community and the individual land users in it; it should not belong to the state."[103] This perspective is drawn from the experience of the People's Republic of China where the community, not the government, owns the land and in effect, the management, productivity, and fertility of the land is better maintained much more than the actual case in Ethiopia, in relative terms.[104]

As a final remark to this section, what the above three alternative perspectives share in common in protest against the existing land tenure regime in Ethiopia is that it defines the power relationship between the government and the people, in favor of the former. This can also be witnessed not only from the land tenure system but in other sectors like Telecom, Water, and Electric Power Supply, Air Transportation that are all controlled by the state and they are sources of immense and diverse power to the government. This obviously contradicts with the early 1990s EPRDF's declaration of liberalism as official state ideology just before it recently

[103] Dessalegn Rahmato te al, "After the Dergue: An Assessment of Rural Land Tenure Issues in Ethiopia." A collaborative project of the Land Tenure Centre, University of Wisconsin Madison, and the Institute of Development Research, Addis Ababa University. 1994, p. 12

[104] Dessalegn Rahmato te al, "After the Dergue: An Assessment of Rural Land Tenure Issues in Ethiopia." (n 110), p. XVii

(only after 2005) declares itself as a "democratic developmental state." Moreover, more recently, after mid-2018, since Prime Minister Abiy's administration took over the state there are indicatives that these companies will be partially privatized.[105]

In this line of assertion, Kassahun Berhanu and Colin Poulton argue that, the existing land tenure regime is premised on "a calculated political benefit to the regime's favor, rather than in view of the long-term interest of the rural peasant", the vast majority of whom are still languishing under abject and enduring poverty.[106] Furthermore, Mellese Damtie contends that "the basis for the land tenure system is the longstanding ruling coalition's (EPRDF's) ideology, that it calls 'revolutionary democracy', and the consequent and its more recent version of 'developmental state' socio- political paradigm that seems to be strong reasons to keep land ownership in the hands of the government".[107] In a similar vein of dissent, Journalist Temesgen Dessalegn (2012) wrote the following:

> EPRDF's quest for effecting unbridled control by securing electoral support from voters, among which smallholder farmers stand out as a significant majority, was expedited through recourse to various measures ranging from crude threat to entitlement [including land] […] and conversely to the provision of incentives in the form of favorable access to credit/financial services, fertilizers and other agricultural inputs, and *productive land*. In this manner, political loyalty got precedence over legitimate entitlements accruing from citizenship rights.[108]

This assertion reaffirms the long-standing critique that, though the existing land regime has provided the rural small-holder farmers possessory right over land, the government does not want to let the mass small-holder farmers to have full control over land because of its own interest to gain political advantage from the broader mass which is the rural peasant, as discussed above.

In a nutshell, the role of the land tenure system in the realization the human right to food in Ethiopia is a hot point of debate. Consequently, as an alternative to the existing land tenure

---

[105] Prime Minister Abiy has disclosed, immediately after assuming office, his intent to privatize, at least in part, these state owned companies.

[106] Kassahun Berhanu and Colin Poulton, "The Political Economy of Agricultural Extension Policy in Ethiopia: Economic Growth and Political Control." *(n 44)*, p. s198

[107] Mellese Damtie, "Loss of Biodiversity: Problems of Its Legal Control in Ethiopia." (n 59), p. 112

[108] Temesgen Dessalegn (2012) *የመለስአምልኮ (YeMeles Amlko) [Worshipping Meles].* Addis Ababa, Mastewal Printing and Advertising Enterprise. 2012, p. 210 (as cited and translated by Kassahun Berhanu and Colin Poulton, "The Political Economy of Agricultural Extension Policy in Ethiopia: Economic Growth and Political Control." (n 44), p. s208)

regime, which gives much control to the government than to the people, the author of this dissertation recommends a tenure regime that resembles the one advocated by the collective ownership thesis, but that can be integrated and harmonized with a range of human rights principles and strategies that would help to respect and promote the rights of small-holder farmers as food producers and consumers. Chapter eight of this thesis will be devoted to a discussion on such an alternative policy perspective in a much detailed fashion.

4.3.3. Population Policy

Eventhough, the relation between rapid population and the condition of realizing the human right to food is debatable, one of the outstanding challenges for Ethiopia to realize the human right to food of its people is rapid population growth. The national population policy of Ethiopia which was issued in 1993 (during the transitional period) aims at "harmonizing the rate of population growth with the capacity of the country for the development and rational utilization of natural resources" to the end that the level of "welfare of the population is maximized over time".[109]

Furthermore, recently, the Growth and Transformation Plan I (GTP I) (2010/11-2014/15) asserts that there exists a strong nexus between the development endeavor and status of the state and the rate of its population growth, other things being equal, so that it is necessary to give "serious attention to population issues in the process of development planning in order to improve the socio-economic development of the country and to ensure food security."[110] In this regard, at least at the level of policy, the post-1991FDRE has given due recognition to the correlation between rapid population growth and the urgent need for appropriate policy interventions that would, in effect, positively impact the realization of the right to 'adequate standard of living, including food' with the effective investment of the state's very limited

[109] The National Population Policy of Ethiopia, available at: http://www.phe-ethiopia.org/pdf/Population_Policy_of_Ethiopia.pdf [accessed on December 23]. See also Getachew Minas, "Review of the National Population Policy of Ethiopia", In *Digest of Ethiopia's National Policies, Strategies and Programs.* Taye Assefa (Ed) Addis Ababa: Forum for Social Studies. 2008, p. 29

[110] Ministry of Finance and Economic Development (MoFED), "Growth and Transformation Plan I (GTP I) 2010/11- 2014/15." (n 69), p.74

available resources.[111] In this sense, the table below indicates the rate of population growth after the issuance of the national population policy from 1995-2020.

	Years	The rate of population growth
1	1995-2000	2.92
2	2000-2005	2.73
3	2005-210	2.62
4	2010-2015	2.44
5	2015-2020	2.26

Table 4.3 The population growth rates in Ethiopia. Source: Harvard University Cyber Law and Population Policies study[112]

The population growth rates in Ethiopia, as indicated in the table, peaked at 2.9 during the 1995–2009 time period and after which an evident decline was noted. This, as reported, had been due to "the effort exerted by health professionals by raising awareness of women of productive age and methods of family planning."[113] However, over the last 25 years, the population of the country has more than doubled, from 47 million in 1994 to 100 million in 2017.[114] This is an indicative of the fact that the population growth rate is so rapid. Conversely, the size of farm land holdings of an average family has shrunk from one hectare to half a hectare. The productivity of the land in some regions has also reduced rapidly despite the use of modern inputs like fertilizers, high yielding seeds and other chemicals by farmers (this has been discussed above in the landholding regime debate). This in turn has a huge negative repercussion on the realization of the human right to food of about 80 percent of the total

[111] Ibid, p.74, See also Getachew Minas, "Review of the National Population Policy of Ethiopia." (n 109), p. 29

[112] Harvard University Cyber Law and Population Policies Study, available at; http://www.cyber.law.harvard.edu/population/policies/ETHIOPIA.htm[Accessed on 09 February, 2016]

[113] Ibid

[114] As per the recent (2017) estimates of the Ethiopian Central Statistics Agency, the country's population is about 100 million, which levels Ethiopia as the second most populous country in Africa next to Nigeria with a population of 170 million.

population of the country whose livelihood is directly related with agriculture, particularly crop production.

Coming to terms with the relationship or correlation between rapid population growth and forced mass-hunger[115] there are many and diverse perspectives. For instance, Thomas Malthus (1798) in his most controversial work "An Essay on the Principle of Population" argues that food is necessary to the existence of '*human-beings'* […] however, population, when unchecked, that is growing in a geometrical ratio, and subsistence […] production which is increasing in an arithmetical ratio, a condition like this inevitably leads a social systems to failure."[116] Thus, to strike a balance between the two, Malthus is in favor of devising a positive check to population, by which he means the check that represses an increase like systematic starvation, war and disease and negative check which he called the preventive check to the population growth, like contraceptives, abortion and sterilization must be used to contain and control rapid population growth.[117]

In a similar, vein Paul Ehrlich in his "Population Bomb" (1968) is to the opinion that the preponderance of people to proliferate and as a result of which the rapid population growth in a nation and in an globe at large need to be managed and controlled "[...] through changes in our value system, but by compulsion if voluntary methods fail". Otherwise, he further reiterates that if rapid population growth is left unchecked would inevitably lead to famine and eco-catastrophe- the destruction of the environment and its life supporting system to the point of no return.[118]

These two figures, Malthus and Ehrlich are treated by some population experts as cynical and for overemphasizing the problematics of rapid population growth. For instance, Ester Boserup claims, countering Malthusian theory, that population change drives the intensity of agricultural production. Her convection is that humanity would always find a way, "The power

[115] Forced Hunger fundamentally constitute the deprivation of the human right to food

[116] Thomas Malthus, An Essay on the Principle of Population, as it Affects the Future Improvement of Society with Remarks on the Speculations of Mr. Godwin, Condorcet, and Other Writers. London: Printed for J. Johnson, in St. Paul's Church-Yard. 1798, p. 6. Note- Thomas Malthus in this work of his uses the term 'man,' not 'human being.'

[117] Ibid, pp. 30-31

[118] See Paul Ehrlich, *The Population Bomb* (Revised Edn). New York: Rivercity Press. 1971, pp. XI-XII

of ingenuity would always outmatch that of demand".[119] That is to say, necessity will force, as it always does, humanity to be more innovative and adjust it self and the technology that it has so as to coup up with the emerging predicament, what so ever, including food scarcity. As a result rapid population growth and as result more demand for food and food resource can be balanced through intensive use of technology and much creativity.

Furthermore, Jack Nelson in protest against the views of Malthus and Ehrlich on population argues that rapid population growth entails a high demand for food and puts increasing leverages on the available food resources which can still be prudently managed by the people and the state to strike balance between the two. He further argues that overpopulation has never been a real problem so far and will not be a real problem in the near future. Rather what actual evidently exist is rapid population growth. Consequently, he recommends that critical distinction to be made between overpopulation, surplus population, and rapid population.[120] Therefore, the following paragraphs address the conceptual and accordingly empirical distinction that exist between the three phenomena.

Overpopulation refers to a situation when the balance between the number of the people and the state's ability to transform available resources is not maintained so well. The effect is that in the condition the food demand of the people to outstrip the available livelihood resources. In other words, the number of people and their demand for food is comparatively higher than the actual carrying capacity of the land and its resources, including food produce. In the final analysis, inevitably but arguably, such and imbalance between these phenomena leads to food crisis.

Surplus population, commonly referred as overpopulation, consists of a society's so-called 'marginal people' who are not active in participating and sharing the benefit of development or the corporate system of employment of the state. In this sense, the poor people who are out of job (unemployed) mark the surplus. However, Jack Nelson strongly argues that poverty is artificial and it is greed and free market enterprise that forces people to be unemployed and poor. He argues further that if productive resources are justly mobilized, then the whole population of the state can participate in and share the benefit of the development and the

[119] Ester Boserup (1976). "Environment, Population, and Technology in Primitive Societies". *Population and Development Review*. Vol. 2, No. 1, pp. 21–36

[120] Jack Nelson, *Hunger for Justice: The Politics of Food and Faith*. New York: Orbis Books. 1986, pp. 115-116

corporate system of employment of the state and as a result, there probably be little or no surplus population.[121]

Rapid population, on the other hand, refers to a population that is increasing at a relatively higher and at an alarming rate. An example here is Ethiopia, which has a preponderance to double its population in every 25 years.[122] Therefore, rapid population growth that often causes surplus population is a serious problem for many states that are poor and emerging economies. The major cause for the rapid population growth in Ethiopia is suggested as high total fertility rate. The total fertility rate was high at 7.7 children per woman of reproductive age in the early 1990s.[123] This means that total fertility was about three times the replacement rate, which made it one of the highest in Sub-Saharan Africa.

In view of this, the FDRE's 'National Population Policy Document' ostensibly states "rapid population growth as well as the distribution and structure of population as a challenge to the attainment of food security and to overcome hunger in the country."[124] Consequently, in the same document, early marriage and low age at first marriage, low level of education particularly among women and the youth population, on the one hand, and low use of contraceptives among people of reproductive age, on the other, have been addressed as some of the major factors for high population growth in Ethiopia.[125]

Therefore, the author of this study is of the opinion that in view of the available and potential capacity of the country's resources, especially farm-land that can be put into use, we can reasonably argue that overpopulation, in the strict sense of the term, is not a real problem to be blamed for hunger in Ethiopia. It is rather a rapid population growth coupled with structural problems that serves as causes for 'surplus' population by marginalizing some section of the population from the benefits of the country's development.

In this regard, a prudent population management and control aimed at the well-being of all the citizens is needed.[126] It is because, without much work done on food production and its

[121] Ibid, p. 116

[122] Aynalem Adugna, Population Policy and Projection, Ethiopia. available at: http://www.ethiodemographyandhealth.org [accessed on December 23, 2016], p. 211

[123] Ibid

[124] The National Population Policy of Ethiopia, available online at: http://www.phe-ethiopia.org/pdf/Population_Policy_of_Ethiopia.pdf [accessed on December 23, 2016].

[125] Getachew Minas, "Review of the National Population Policy of Ethiopia" (n 109), p. 29

[126] Jack Nelson, *Hunger for Justice: The Politics of Food and Faith*. (n 37), p. 121

accessibility, rapid population growth means as the "dictates of the science of economics" and "experiences of many countries" demonstrate increasing and growing demand for limited available food and food-related resources that in turn leading to recurrent food insecurity and mass deprivation of the human right to food. Consequently, it is suggest that, as a solution to the predicament, devising a prudent policy regime to rectify it, accordingly.

4.4. National Development Policies and Initiatives

In addition to the above-mentioned regimes and intervention mechanisms, over the last two-plus decades, a number of policies, strategies, and programs have also been put in place by the Ethiopian state that in turn may decisively affect, in one way or the other, the fulfillment of the human right to food. Many of the policies, strategies, and programs, as envisaged by the state, aimed at reducing poverty and raising the *living standard* of citizens through conspicuous changes in socio-economic development by increasing the local food production and redistribution. At this juncture, it is important to note that though a clear and an indisputable expression of the *human right to food* is lacking, since 1996 *food security* has been a commonly used term almost in all the development policy and strategy papers of FDRE. These policy initiatives are categorized into three periods: The Pre-Reform Period (1991/92-2000/01), the Reform Period (2001/02-2009/10) and the Post-Reform or most often known by name "the Growth and Transformation (GTP) Period" (2010/11-2019/20). They are discussed further in the paragraphs below.

Following the overthrow of the Dergue regime by the coalition forces of the EPRDF, in the early years of the pre-reform period, the EPRDF government had adopted a 'stabilization and structural adjustment' program, which was accompanied by various policy reforms. To mention, during the transitional period the government of Ethiopia set a new direction for the 'economic reconstruction and social rehabilitation'.[127] In this regard, the first step was to liberalize the market by privatizing some of the previously state-owned means of production.[128] Alongside the International Monetary Fund (IMF) sponsored Structural Adjustment Program

[127] The program was sponsored by Western states especially USA and UK and the aim of the program was to liberalize the politics and market of Ethiopia and to integrate it into the 'free world', departing it from its socialist tradition, outlook and undertakings.

[128] However, this does not include land and other key infrastructures like telecom, water and electric power supply and air transportation among others.

(SAP) the "government introduced a spate of new policies and strategies that aim at fixing the development priorities and goals of the state."[129] Among these policies and strategies, the major ones were the Poverty Reduction Strategy Program (PRSP) 1994/1995-2000/2001, which embodied the Agriculture Development Led Industrialization (ADLI), a long-term strategy that envisages agriculture as a point of departure and a major driving force for the overall economy. Investment in agriculture was viewed as both a motor for economic growth and a means of ensuring household and national food security. On this point, Muradu Abdo has stated the following;

> ADLI pledged a virtuous cycle of national development and social recovery of post-socialist Ethiopia founded upon the enhancement of the productive capabilities of small farmers. ADLI especially *put subsistence farmers at the center not only of the country`s agricultural development strategy, but also its development in general* ''to lift the peasant masses out of their abyssal poverty, to achieve nationwide *food security*, and to stimulate the foundations of an industry.''[130] (emphasis added)

By its very design the Agriculture Development Led Industrialization (ADLI) conceives agricultural productivity as a threshold for generating savings for investment in other sectors. The major components of ADLI include: input provision to peasants, promotion of small-scale irrigation, improved livestock herds, environmental protection and natural resource management, grain marketing efficiency, promotion of farmers' organizations and women's participation in agriculture and expanding rural roads.[131] However, as per the analysis of the Ministry of Finance and Economic Development (MoFED) (2013), the macroeconomic outcomes of the pre-reform period in terms of realizing food security, high and sustained economic growth, improving the well-being of the society and reducing unemployment were not satisfactory[132] and in particular, as FDRE Ministry of Finance and Economic Development's assessment indicates, the economic growth was volatile, and the proportion of poor population remained very high.[133] Rather, like most strategy documents of the post-1991

[129] Ministry of Finance and Economic Development (MoFED), Review of Macro-economic Development (2002-2012), Addis Ababa, 2014. p. 7

[130] Muradu Abdo, "State Policy and Law in Relation to Land Alienation in Ethiopia." (n 10), p.101

[131] Dessalegn Rahmato and Julius Holt, 1999, Sustainable Livelihoods in North Wollo and Wag Hamra Zones. Addis Ababa: Save the Children UK, p. 2

[132] Ministry of Finance and Economic Development (MoFED), "Review of Macro-economic Development (2002-2012)", (n 129), p. 9

[133] Ibid

Ethiopian state, the "ADLI is strong on rhetoric but low on detail, and it has been only partially implemented to date."[134]

The Reform Period (2001/02-2009/10) represents the time that the Ethiopian state demonstrated its change in policy paradigm breaking from the [quasi] liberal orientation as witnessed in the pre-reform period's Structural Adjustment Program (SAP) initiatives to the developmental state approach.[135] During this period, two short-term policies were formulated, the Sustainable Development and Poverty Reduction Program (SDPRP) 2001/2002-2005/2006 and Plan for Accelerated and Sustainable Development to End Poverty (PASDEP) 2006/2007-2010/11. During these ten years, high economic growth was registered which levelled Ethiopia as one of the fastest growing countries in the world. While being a much debated one, it is claimed that Ethiopia had registered a double-digit economic growth rate (11.4 percent) over the period 2005-2009, having grown at just about 6 percent per annum over the period 2000-2004.[136] Moreover, poverty has been reduced from 40 percent to 29.6 percent between 2005 and 2012 respectively. But the "absolute number of the poor is roughly the same as 15 years ago and a significant proportion of the population hovers just above the poverty line and is vulnerable to shocks".[137] It has also been indicated that the severity of poverty had increased from 2.7 percent in 2000 to 3.1 percent in 2011.[138]

It is worth noting that Ethiopia has been embarking on ambitious socio-economic plan, the Growth and Transformation Plan (GTP) (from 2010/11 to 2019/2020). This is known as the GTP period. The GTP has two phases: the Growth and Transformation Plan I (GTP I) (2010/11 - 2014/2015) and Growth and Transformation Plan II (GTP II) (2015/16 - 2019/20). Both the GTP I and GTP II aimed at bringing structural change in the economy and hence improving

[134] Stephen Devereux, "Food Insecurity in Ethiopia: A Discussion Paper for DFID," *Institute of Development Studies*, Sussex. October 2000, p. 5

[135] A 'Developmental State' is characterized by having strong state intervention, as well as extensive regulation and planning. The term 'developmental state' describes the state's essential role in harnessing national resources and directing incentives through a distinctive policy-making process. The first person to seriously conceptualize the developmental state was Chalmers Johnson (1931-2010). Johnson defined the developmental state as a state that is focused on economic development and takes necessary policy measures to accomplish that objective.

[136] Ministry of Finance and Economic Development, "Review of Macro-economic Development (2002-2012)" (n 129), p. 21

[137] Ibid, p .9

[138] Alemayehu Geda and Addis Yimer, "Growth, Poverty and Inequality in Ethiopia, 2000-2013: A Macroeconomic Appraisal," May, 2014 A Chapter in Book to be published by Forum for Social Studies, Available at http://www.girma.alemayehu.com/ [accessed on December 26, 2016].

the living standards of the people, particularly of the poor in Ethiopia. One of the goals of the GTP is ensuring household and national food self-sufficiency at the end of the plan period (2020) through doubling the GDP with 11 percent growth of low scenario and 14.9 percent growth of high scenario.[139]

Therefore, since the mid-1990s ensuring food security to the mass people of Ethiopia through ADLI remains the central focus of the policies of the state. The first food security strategy was formulated in 1996. Food security constitutes one of the pillars of GTP I and GTP II. As stipulated under the Food Security Implementation Manual (FSIM), it is comprised of four packages: safety net (direct food provision and food for work), household asset building, financing off-farm income generating activities and (re)settlement programs.[140] The federal government of Ethiopia, World Bank, and World Food Program have been the principal providers of fund to the program.[141]

The Productive Safety Net Program (PSNP) is the flagship component of the food security program of the state that has the objective of enabling the "poor facing chronic food insecurity to resist shocks, create assets, and become food self-sufficient."[142] The program has also a package component that aims to help "chronically food insecure people [through the provision of food, cash or a combination of both] to enable the chronically food insecure beneficiaries of the program to survive food deficit periods and to avoid depleting their productive assets while attempting to meet their basic food requirements".[143] The beneficiaries of the program are 7-8 million rural Ethiopians for six months every year, either through Public Works (85 percent) or for free as a Direct Support (15 percent).[144] Apart from this the government of Ethiopia has

[139] Ministry of Finance and Economic Development (MoFED), "Growth and Transformation Plan I (GTP I) 2010/11-2014/15." (n 69), p. 23

[140] Ibid

[141] The major donors partners of the PSNP include the Canadian International Development Agency, Embassy of the Kingdom of the Netherlands, European Commission, Irish Aid, Swedish International Development Agency, United States Agency for International Development, UK Department for International Development, DANIDA and World Bank. These donor agencies fund substantially both the PSNP and emergency food aid.

[142] The Federal Democratic Republic of Ethiopia Ministry of Agriculture and Rural Development, PSNP

[143] Berhanu Belay et al, Ethiopia's Productive Safety Net Program (PSNP): Soil Carbon and Fertility Impact Assessment. A World Bank Climate Smart Initiative (CSI) Report. Cornell University. pp.16-17. available at: https://ecommons.cornell.edu/handle/1813/41301 [accessed on December 26, 2016].

[144] Ibid

recognized child undernutrition that causes stunting among children as a major social issues and adopted a declaration, the Sekota Declaration, to end the same by the years 2030.[145] The declaration is named after one of Ethiopia's worst famine-stricken areas. The declaration, has been embedded as one of the highest-level commitments of Ethiopia embedded under the GDP, discussed above. However, the dealation does not have a legally biding nature on the Ethiopian state. In this sense, it fails to create a duty-bearer and right-holder nexus among the government and citizens.

4.5. Institutional Framework

While the available definitions on institutional framework can vary substantially encompassing hard and soft institutions, in this work it designates the three major branches of government and associated organs (hard institutions) that are entrusted with the prime responsibility to recognize, respect, protect and fulfil human rights, including the human right to food. This is because, the major laws and policies (soft institution) of the Ethiopian state that are relevant, in one way or the other, to the human right to food are discussed in the previous section of this chapter. In this sense, the [hard] state institutions to be addressed in this section are often regarded as "custodians of human rights that are in charge of rights administration."[146] The post-1991 Ethiopia constitutionally subscribed itself, at least in principle, to multiparty democracy and adopted a federal state structure. As a result, as it is common in the normal practice of democracy and federalism, the three major branches of government and associated organs are instituted at the state and sub-state levels.

The legislature, the House of Peoples' Representatives [HPR] and the House of Federation [HoF] conjointly are entrusted to make laws. As provided under Article 55 of the constitution, the federal legislature approves proposed bills as laws, ratifies bilateral and international treaties, endorses the national budget and oversight the behaviors and practices of the executive branch. The federal and state legislatures through budgetary and control powers can also press the Executive, in their respective jurisdictions, into defense for negative rights and facilitation

[145] Federal Democratic Republic of Ethiopia, Seqota Declaration Innovation Phase Investment Plan 2017 –2020. 2018, 2010, Addis Ababa.

[146] Tsegaye Regassa, "Making Legal Sense of Human Rights: The Judicial Role in Protecting Human Rights in Ethiopia." *Mizan Law Review*, Vol. 3 No. 2 (September 2009), p. 303

of the enjoyment of positive rights. They act upon or coordinate the implementation of policies and programs which are pertinent to the realization of the human right to food.

In this regard, at the federal level various ministries and at regional level regional bureaus have a wide or broader array of obligations and responsibilities to facilitate and regulate the availability and accessibility of food for the people of Ethiopia as right holders. For instance, at the federal level Ministry of Health, Ministry of Agriculture and Rural Development, Ministry of Trade and Industry, and Quality and Standards Authority of Ethiopia have a shared responsibility in food governance. The same goes for respective bureaus at the state level. However, there is no strong coordination and cooperation among these government regulatory agencies.[147] There is also no comprehensive food law that clearly defines and streamlines the activities of each regulatory body.[148]

The Judiciary is empowered by the constitution to interpret and enforce rights by determining entitlements and pass rulings up on cases of human right dispute. However, in Ethiopia, it is the House of Federation, the upper chamber that is a political institution that is bestowed by the constitution with the supreme authority to interpret constitutional disputes including those emanating from human rights provisions of the constitution.[149] Some argue that this constitutional provision has undeservedly given the power of interpretation of the [human rights] law to a political entity and in effect undermines the judiciary.[150] However, though the highest interpretive power is vested in the House of Federation, the "Ethiopian courts at all levels have been vested with the power to entertain and adjudicate court cases, ranging from petty offenses to high profile human rights offenses."[151] However, unlike the state courts in

[147] Melese Temesgen and Melese Abdisa, Food Standards, Food Law and Regulation System in Ethiopia: A Review. Public Policy and Administration Research, Vol. 5, No. 3, 2015, p. 65

[148] Mulat Abegaz, 2004. United Nations International Development Organization (UNIDO) Food Safety and Technology Projects Coordinator and Consultant, Gap Analysis Report, Recommendations and Proposals on Food Control System in Ethiopia, UNIDO's Regional Program on Harmonization of Food Control System in East-Africa, December 2003, Addis Ababa, paper presented in Uganda, Kampala, for regional workshop on "Regional Harmonization of Food safety and Quality System in East Africa" 25-27 Feb. 2004.

[149] With the technical support of the Council of Constitutional Inquiry [CCI] the HoF is entrusted with the responsibility to adjudicate cases over constitutional disputes.

[150] Assafa Fisseha, "Constitutional Adjudication in Ethiopia" *Mizan Law Review* (2007) Vol. 1 No. 1.

[151] Tsegaye Regassa, "Making Legal Sense of Human Rights: The Judicial Role in Protecting Human Rights in Ethiopia." (n 146), p. 303

south Africa and India, in Ethiopia state courts are not taking the human right to food seriously (this will be discussed further in chapter five and six).

It is also worthwhile to note that scholars and researchers argue in protest that the Ethiopian courts are reluctant to rule affirmatively on rights which are traditionally categorized under socio-economic rights, especially on the human right to food. Jean Ziegler contends that there is no clear evidence suggesting that the Ethiopian state courts have made a ruling taking the international commitments that Ethiopia owes to respect, protect and fulfil the human right to food (i.e. ICESCR Article 11 (1 and 2), CEDAW Article 12 and 14, CRC Article 24 and 27 among others).

In addition to the above-mentioned institutions, one can refer to the Ethiopian Human Rights Commission (EHRC), the Institution of the Ombudsman, and some similar institutions as special bodies that serve as 'patrons' of the human right norms in Ethiopia. But these institutions have a secondary role compared to the role of the mainstream rights administration institutions discussed above. They try to ensure the respect of human rights primarily by naming and shaming authorities and institutions that neglect or perpetrate violation of rights. However, these national human rights institutions, so far, like the state courts are not taking the human right to food as a fundamental human rights in its own right, very seriously.

Finally, yet importantly, the much needed and significant role of research institutions and Universities in human rights knowledge production and dissemination should not be underestimated. These institutions can help a country with little experience of democracy and the culture of open and accountable government in fostering the human rights culture through training, education, and dissemination of information.

In a nutshell, from the above discussion, it can be argued that there is much work yet to be done in Ethiopia to entrench a legal and policy framework that would regulate and govern the effective realization of the human right to food. On the first place, in the Ethiopian legal and policy regime, there is no clarity on whether the human right to food is a nationally and constitutionally protected right or not. However, though due to lack of this clarity on the right, at least in part, not enforced in Ethiopia yet, we can possibly argue that the human right to food is a constitutionally granted right in Ethiopia as Ethiopia is a state party to various international human rights treaties, i.e. ICESCR, CEDAW and CRC among others, that endorse the human right to food and commit state parties to the treaty to respect, protest and fulfil the right. More

importantly, by virtue of Articles 9 (4) and 13 (2) of the FDRE constitution, these international human rights treaties are made part and parcel of the domestic law of the land.

It is also important to underscore the fact that the prevailing land, food market, and population governance regimes have had decisive impact on the realization of the human right to food in a state in one way or the other. The repercussion of these policies and practices in the real-life situations of Ethiopian in the urban and rural contexts will be discussed in the six and seventh chapters.

However, it is also important and an imperative to see, against the background of the above discussion that reviews and analyses the legal and policy regimes and the general practice [of the post-1991 Ethiopia] pertaining the human right to food, that whether the emerging grand narrative, "the Ethiopia rising narrative and its competing thesis- "the counter Ethiopia rising narrative", have had authenticity and practical relevance for the realization of the human right to food in the post-1991 FDRE. Thus, the next section exposits and appraises these narratives and their nexus with the realization of the human right to food, before looking at the contextual praxis of the human right to food, on the ground in the case study areas, in the forthcoming chapters, chapter five and six.

4.6. Politics is Half the Battle: The Ethiopia Rising Narrative

In the previous subsections, the policy and legal regimes of Ethiopia and their general relevance for the realization of the human right to food in Ethiopia have been discussed and appraised. Moreover, in order to assess the general situation for the realization of the human right to food, some practical issue with regard to food export, local investment and land-related issues have been discussed. This and the forthcoming chapters will build upon what has been so far addressed in the previous chapters. In this chapter, particularly the emerging discourses on the rise of Ethiopia will be discussed as there is at least a partial relation between state development and the realization of the human right to food of the people of the state. This chapter accordingly, presents and examines the Ethiopia rising thesis vis a vis the realization of the human right to food in the context of such narratives.

The term "Ethiopia rising" is coined [very recently] to designate the rapid economic growth that Ethiopia made since 2005 and the possibility of further growth that would see Ethiopia

become a middle-income country by the year 2025.[152] It has become a meme, frequently publicized vernacular by the government to the Ethiopian community and beyond. As a result, it is gradually taking shape as a mobilizing force for galvanizing more effort for further and sustainable economic growth and to consolidate the legitimacy of the regime in power. Literally, it emerged as a dominant state narrative championing the story of a "burgeoning Ethiopia on the cusp of success."[153]

It also evident in its inception and in its tents that the 'Ethiopia rising' narrative has evolved as a counter-narrative to the long standing global image of Ethiopia mainstreamed by the media outside of Ethiopia that depicted Ethiopia as a country ravaged by famine, civil war, and starvation. This has created an association between Ethiopia and the tradition of failure and decadence.[154] In this sense, the new and emerging "Ethiopia rising" narrative appears to swing almost entirely in the opposite direction to portray a positive image of Ethiopia. Consequently, "this narrative is shaping state-people relation at a local level."[155]

So to say, due to its strong optimism, the narrative about the "Surging Rise of Ethiopia" has increasingly attracted the attention of many and has also prompted some to debate on its authenticity and sustainability. Some particularly have objected this emerging positive story about the rise of Ethiopia as a politically motivated discourse and for not representing the reality on the ground. This, as they argue, is the opposite of what is asserted in the "Ethiopia rising" narrative. Thus, these contradictory views force one-self to examine the arguments along the facts of both memes in association with the actual state of the human right to food of the Ethiopian mass, especially of the poor living in different and varying livelihood contexts. The first candidate to be discussed below, in this regard, is the "Ethiopia rising" thesis produced and disseminated in the state-controlled public sphere in particular, while the other is of the "Counter-Ethiopia rising" thesis or narrative which is advocated and pronounced

[152] The Federal Democratic Republic of Ethiopia, Ministry of Finance and Economic Development (MoFED), "Growth and Transformation Plan II (GTP II) 2015/16-2019/20" Addis Ababa, p. 23

[153] See Ethiopian Embassy in London, The Monthly Publication on Ethiopian News, October 2015 Issue, p.7 available at: http://www.ethioembassy.org.uk/pdf[Accessed on 27 April 2016]

[154] British Broadcasting Corporation (BBC)News 10/23/84 Michael Buerk available at: http//www.m.youtube.com/Watch?v=xyoj-60YuJc, [Accessed on 6 December, 2014] See also, United States Agency for International Development, Final Disaster Report: Ethiopia Drought/ Famine Fiscal Years 1985 and 1986 (Addis Ababa: USAID Office, 1987) pp. iii–iv, available online at: http//www pdf.usaid.gov/pdf [Accessed on 27 November, 2014]

[155] Fisseha Tefera, "Ethiopia's Success Story Problematized", The Nordic Africa Institute. Available at: https://nai.uu.se/news/articles/2018/03/06/131642/index.xml [Accessed on May 14, 2018].

particularly as the antithesis to the state-driven Ethiopia rising thesis. In this regard, the first section of this chapter deals with the "Ethiopia rising" narrative and afterwards, its counter-narrative and the third section provide a critical appraisal of the 'Ethiopia rising' and its counter-narrative. Finally, a brief conclusion is provided.

4.7. The Ethiopia Rising Narrative

The "Ethiopia rising" narrative is an emerging grand narrative presenting a bright outlook for the country. The advocates of the Ethiopia rising narrative, the state governing political elites along with the state-controlled media and some global institutions, celebrate the gains of policies and strategies of the post-1991 Ethiopian state (discussed in chapter four) as instrumental to put the country on the right fork of economic growth and development. After the Ethio-Eritrean war, especially between 2005 and 2015, the annual Gross Domestic Product (GDP) growth in Ethiopia had been 10.6 percent on average. It has also been anticipated that, if the momentum of the growth is maintained, by the year 2025, Ethiopia will become a middle-income country and, by then, consequently, all Ethiopians will be food secure and will be able to feed themselves in dignity.[156] In this regard, a number of reasons have been cited as indicators to explain why this time around the '[Ethiopian] growth is a miracle' and 'Ethiopia is on the rise'.

First, it is argued that, following the demise of the Dergue, the incumbent state has become more open and has given way to more democratically accountable government and this consequently has served as a key driver for improved economic performance and further growth.[157]

Second, the post-1991 Ethiopia has adopted a federal state structure, which has been a radical departure from the long unitary statehood history of the country. It has been argued that after adopting an ethnic-based federal state structure, the country has become more stable and peaceful, that means that there has been a significant drop in the level of civil strife and war

[156] The Federal Democratic Republic of Ethiopia Ministry of Finance and Economic Development (MoFED), "Growth and Transformation Plan II (GTP II) 2015/16-2019/20" (152), p. 23

[157] Ernest Aryeety, et al "Overview": In the Oxford *Companion to the Economics of Africa*. Ernest Aryeety, Shantayanan Devarajan, Ravi Kanbur, and Louis Kasekunde (Eds). Oxford: Oxford University Press. 2012, p. 8

demanding national recognition and self-governance. This relative peace has created the required conducive environment for investment and business.

Third, lessons have also been learned from the policy mistakes of the Dergue (state regulated or command economy) and Ethiopia has opened itself and has become a business-friendly state. The development policies and strategies of the state encourage both domestic and foreign investors to invest massively in Ethiopia. This, in turn, served as an engine for growth.

Fourth, the bourgeoning infrastructure across the country is one major driver of growth. For instance, the increased availability and accessibility of mobile phones[158] and other information and communication technology (ICT) together with the expansion of asphalt and all-weather roads, air transportation have had a huge impact on people's economic lives by, for example, increasing efficiency in business interactions.

Fifth, there has been a significant improvement in the social development indicators. So to say, since 1990, following the coming in to power of the EPRDF, maternal and child, and infant mortality rates have fallen by 47 percent and 23 percent respectively.[159] Life expectancy rate has increased from 48 years in 2000 to 58.5 years in 2016.[160] Primary and secondary school enrolment increased by nearly 50 percent and higher education enrolment along the expansion of public Universities has unprecedentedly increased.[161] Development in the health and education sectors has positive repercussion on economic growth, "as healthier, more educated, and longer-living people generate more growth and development"[162] both at individual and state levels.

---

[158] By 2016, there were more about 40 million cellular phones in the country and in five years, at the end of the Growth and Transformation Plan II period, ethio-telecom aspires to raise its mobile subscribers up to 64 million and internet subscribers to 46 million. See 2Merkato.com, Ethiopia Aspires to Raise Mobile Subscribers to 64 Million in Five Years. available at http://www.2merkato.com/news/alerts/4214-ethiopia-aspires-to-raise-mobile-subscribers-in-five-years [accessed on 20 May, 2017]

[159] African Health Observatory, Ethiopia Country Profile: Analytical summary, available at http://www.aho.afro.who.int/profiles_information/index.php/Ethiopia:Analytical_summary [accessed on 20 May, 2017]

[160] Ibid

[161] Federal Democratic Republic of Ethiopia Ministry of Education, "Elementary and High School Enrolment and Higher Education Expansion". This is available at http://ethiopia.opendataforafrica.org/xgaynj/ethiopia-education-participation , accessed on January 26 2018

[162] African Health Observatory," Ethiopia Country Profile: Analytical summary", (n 159)

In a nutshell, many of the claims advanced and defended by the 'Ethiopia rising thesis', are decidedly and seemingly good, especially the unprecedented high economic growth and the improved state of the health of children and mothers and the expansion of means of communication and information technology and education facilities. However, there is a growing allegation that the 'Ethiopia rising' narrative misses out several important aspects of 'development'[163] like practically upholding and fostering the principles of democracy and respect for basic human rights and freedoms.

4.8. The Counter Ethiopia Rising Narrative

The "counter- Ethiopia rising narrative" came to the fore, as its name indicates, mainly as counterpart thesis or antithesis to "Ethiopia rising thesis." The "counter- Ethiopia rising narrative" has increasingly been capturing the imagination of significant share actors who are active in the Ethiopian politics and other aspects of life, many of whom are dissenting politicians, academics, and human rights advocates.[164] Despite the endorsement by the major international financial institutions i.e. the International Monetary Fund (IMF), the World Bank (WB), among others, of the recent super high economic growth that has been registered for more than a decade by Ethiopia, advocates of the "counter- Ethiopia rising narrative" are skeptical and critical of the "Ethiopia rising meme" of the government for the following main reasons.

First, they argue that the regime invented the 'Ethiopia rising' narrative as a way of consolidating its legitimacy and "to counter the critics of its development strategy and repressive rule."[165] The 'Ethiopia rising' which is a substitute of 'Economic miracle', 'growth and transformation' or 'Ethiopian renaissance', is devised as the government's surviving Utopian mobilizing force for its old tactical narratives about democracy, peoples' equality and respect for basic human rights and freedoms have imploded. In their place, the narratives on development and growth are the remaining mobilizing narratives for the government to regain

[163] Development is more than mere economic growth as it includes both qualitative and quantitative aspects of human wellbeing. See Amartya Sen *Development as Freedom*. New York: Random House Inc.1999. p. 24

[164] Opposition political parties in Ethiopia and in the Diaspora, Amnesty International and Human Rights Watch and Researchers and Academics are often critical of the statuesque.

[165] The Oakland Institute, Miracle or Mirage? "Manufacturing Hunger and Poverty in Ethiopia." Oakland: The Oakland Institute. 2016, p. 4

legitimacy from the Ethiopian people who are in dire need to overcome poverty and food insecurity besides their dearth for political and social justice. They further underscore that since the people already know the undemocratic nature of the regime and may not be deluded again by old narratives, i.e. 'democratic Ethiopia', 'nations, nationalities and peoples' Ethiopia' of the government, it was necessary for the regime to undertake another narrative as it did before. So, the "Ethiopia rising" is a purely political invention of the government that does not have a real and significant touch on the everyday existential condition of the mass poor.

Second, some other advocates of the same narrative admitting the registered high economic growth, though may not be double digit as the government say so, argue that often cited [by the government] high economic growth does not necessarily mean the betterment of Ethiopia and its mass people in terms of social, economic and political justice. In this regard, Fisseha Tefera wrote that "[t]he official discourse only talks about economic growth and how the country is developing in double-digit [in GDP], but clearly the situation on the ground is much more complicated and problematic than that."[166] In the same line of assertion, Dawit Ayele has also stated that;

> […] [T]he reason for maintaining skepticism [about Ethiopia rising meme for its double-digit growth] is because history is replete with examples where economic growth was not followed by similar progress in human development. Instead, growth was achieved at the cost of weakened democracy, greater inequality, and higher unemployment.[167]

Therefore, Dawit admitting the relative high economic growth registered by Ethiopia for about a decade, however, relegate the narrative about the rise of Ethiopia, on the claim that the narrative about the holistic rise of Ethiopia needs to be faithfully tested against the country's willingness and commitment to respect basic freedoms, human rights and in invigorating the principles of democracy and good governance in the process. In this regard, Awol Kasim has also argued that 'despite being endorsed as a democratically elected government by Barack Obama during his recent visit to the Ethiopia, the Ethiopian government has become increasingly autocratic and designed systems that reward party members and affiliates to the exclusion and often prosecution of [political] dissidents […]" and independent journalists on

[166] Fisseha Tefera, "Ethiopia's Success Story Problematized" (n 155)

[167] Dawit Ayele, "How Real is the Ethiopia Rising Narrative?!", available at http://www.huffingtonpost.com/ [accessed on 20 May, 2017]

the principal reason that they were not in agreement with the dictates of the government and for expressing their dissent in public.[168]

It is worthwhile to note that the FDRE constitution and the early development policies and strategies of the state dictate and prescribe that Ethiopia is a "multiparty democracy and free market economy."[169] In effect, in the early 1990s and mid-2000s, there were much more newspapers and magazines than today and there was more space for opposition political parties and in effect, they were able to get a relatively significant number of seats in the Federal House of People's Representatives in Regional Councils.[170] The 2005 parliamentary election and the pre-election processes is a case in point. However, following the 2005 national and regional election, the 'liberal', so to say the 'democratic approach', has lost its place to the 'developmental state'.

Moreover, the enactment of the Anti-Terrorist Proclamation (ATP) (Proclamation no. 652/2009) and Charities and Societies Proclamation (CSP) (Proclamation No. 621/2009), as often asserted by the counter Ethiopia rising thesis, aimed at suppressing political pluralism and dissent.[171] The meaning attributed to terrorism in the Anti-Terrorist Proclamation (ATP) is too broad. The proclamation defines terrorism as follows:

> Who so ever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country: causes a person's death or serious bodily injury; creates serious risk to the safety or health of the public or section of the public; commits kidnapping or hostage taking; causes serious damage to property; causes damage to natural resource, environment, historical or cultural heritages; endangers, seizes or puts under control, causes serious interference or disruption of any public service; or

[168] Awol Kasim, The 'Ethiopia Rising' Narrative and the Oromo Protests, available at http://www.aljazeera.com/indepth/opinion/2016/06/[accessed on 20 May, 2017]

[169] For instance, the FDRE during the early and mid-1990s has embraced the Structural Adjustment Program (SAP) that were sponsored by the international financial institutions, i.e. IMF and WB, and the subsequent policies were made to be in agreement, often partially, with the demands of these funding international financial institutions.

[170] In the previous first two elections opposition political parties had secured relatively small (less than 20 percent) of seats particularly in the HoPRs. but when compared to the present condition of political parties that was by far a significant number. As last two elections the ruling party had control 99 and 100 percent of the seats in the HoPRs, respectively.

[171] Kjetil Tronvoll, 'Human Rights Violations in Federal Ethiopia: When Ethnic Identity is a Political Stigma' International Journal on Minority and Group Rights. (2008) Vol. 15, No. 49, p. 52

> threatens to commit any of the acts stipulated [above] is punishable with rigorous imprisonment from 15 years to life or with death.[172]

This definition of terrorism, as Kjetil Tronvoll (2008) stated, has often been cited and misapplied by Ethiopian courts which are often regarded as the extension of the regime, to silence political plurality and punish political dissidents who are often regarded as a threat to the political dominance of the ruling party.[173]

Furthermore, it has also been argued that the Charities and Societies Proclamation (CSAP) (Proclamation No.621/2009) has been put in place to unnecessarily limit the activities of foreign-funded Civil Society Organizations (CSOs).[174] As the law prohibits organizations that receive more than 10 percent of their funding from foreign financial sources from involvement in human rights, gender equality advocacy and conflict resolution, the promulgation and enforcement of the proclamation is deliberate attack on civil society organizations and their engagement with democracy and human rights issues, as it has been a known fact that Ethiopia is a poor nation and making these Civil Society Organizations not to receive money from other parties (particularly from foreign funding actors) means to paralyze them financially and technically not allowing them (CSOs) to function in a meaningful way as most of them, if not all, cannot afford the required budget by themselves, instead as they argue, it was possible, if the government's intension was of protesting and promoting the public good to prosecute only the perpetrators using the due process of the law rather than indiscriminately paralyzing Civil Society Organizations.

They also reiterate that following the 2005 election and the subsequent enactment of these laws, particularly the anti-terrorism proclamation, many political party members, supporters, and journalists have been effectively jailed often without charges and if the charge is due, with lengthy trails.[175] The trials sometimes took up to three years. In effect, they further enunciate that, due to the 'precautionary measures' the regime has taken prudently, after 2005, against political pluralism and dissent, in the last two national elections, 2010 and 2015, the ruling coalition, EPRDF was able to dominate the political space and by controlling the absolute

---

[172] See Text of Ethiopia's Anti-Terrorism Law [Proc. No. 652/2009]

[173] Kjetil Tronvoll, 'Human Rights Violations in Federal Ethiopia: When Ethnic Identity is a Political Stigma' (n. 171), p. 52

[174] Charities and Societies Proclamation No. 621, 2009

[175] Lovise Aalen and Kjetil Tronvoll, "Briefing – The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism." *Journal of African Affairs.* Vol. 108, No. 430, p. 112

majority, 99.6 percent and 100 percent, of seats in the federal House of Peoples Representatives, respectively. This development has been cited as an implication of political decadence, putting in perspective what had been achieved before, rather than as a positive progress, which rather has a wide range of negative repercussion on the daily life of the people of Ethiopia, including on the realization of the human right to food.[176]

The other point of contention for proponents of the "Counter-Ethiopia rising" narrative, though admitting the recent high economic growth, with the "Ethiopia rising thesis" has been the issue of "who benefits from the fruits of growth." They argued that the source of economic growth is the massive public investment funded by the government and only a few associated with the regime are benefiting from the economic boom and that the wealth is not trickling down to the majority of the mass. In the same line of argument, New World Wealth, a research firm based in South Africa, reported that the number of US-dollar millionaires in Ethiopia rose by 108 percent between 2007 and 2013 - faster than in any other country in Africa.[177] Similarly, the Ethiopian Customs and Revenue Department had reported by the year 2012 that "nearly 65 percent of the tax revenue collected in Ethiopia in the same fiscal year came from fewer than 1,000 individuals."[178]

On the contrary, to strengthen their argument that the growth is not trickling to the mass poor, they cite the state of growing food insecurity and poverty among rural and urban poor and the consequent ever-increasing number of migrant Ethiopians who risk their lives to get into other countries seeking opportunities, both in and out of Africa, especially to Europe. Addis Standard news magazine, in this regard, on the surging push factor that prompts Ethiopian to migrate depicts the following;

> When opportunity avails itself, young people with so much [hope] to live for do not run away from it [out of choice]; they are the first ones to jump on it. *It is, rather, lack of opportunity that forces young men and women to leave the place that they call home* and aspire to live in strange places with strange people.[179] (emphasis added)

---

[176] See chapter eight, section, 8.2.

[177] The Guardian, Ethiopia Hailed as 'African lion' with fastest Creation of Millionaires, available at https://www.theguardian.com/world/2013/dec/04/ [Accessed on March, 1 2017]. The report estimates that by 2013 Ethiopia had 2,700 millionaires, and the number will rise to 4,700 by 2020 due to the country's rapid pace of economic growth.

[178] Ibid

[179] Addis Standard, The Tragedy of Ethiopian Migrants: This is No 'Get Rich or Die Trying' May 26, 2015 / Issue, 702, available at: http://www.addisstandard.com/the-tragedy-of-ethiopian-migrants-this-is-no-get-rich-or-die-trying [Accessed on March 1 2017].

It may not, therefore, require much effort to note the fact that lack of opportunity and joblessness, and the consequent poverty and hunger, are reasons that compel [young] people to often make the riskiest choice either to get into the "lands of opportunity" or to die in the desert or in an ocean. In this regard, the United Nations Development Program (UNDP) report (2013) indicated nearly 40 million people in Ethiopia, roughly half of the total population lack access to adequate food.[180]

In a nutshell, the "counter-Ethiopia rising" thesis warns that "Ethiopia rising" thesis or narrative has been driven by the recent high growth in Gross Domestic Product (GDP), if it itself is real as reported, as the measure of holistic development and success of the country and its people is dangerous and untenable as development is holistic cannot be exclusively attributed to growth in GDP.[181] It rather often serves, as already discussed above, as a smoke screen to prompt people to believe that everything in the nation is on the right fork while there has been degeneration in some cases. As discussed above, they further argue that in democratic practice and upholding and enforcing human rights and ensuring food security and poverty reduction particularly among the poor that much work has to be done yet.

Eventhough, there is a long overdue debate on the "rise of Ethiopia" meme, pro and against, it is summited here that these contending narrative need to be re-examined along the actual practice, particularly with regard to ensuring people, the realization of the human right to food of the people in Ethiopia, particularly the [economically] poor.

4.9. A different Ethiopia

By way of summary and as a prelude to the next chapter it can be said here that the 'Ethiopia rising' narrative comes to the fore in response to both the surging economic growth registered by Ethiopia constantly for more than a decade and to counterbalance the traditional global

[180] See United Nations Development Program (UNDP), Human Development Report 2013 The Rise of the South: Human Progress in a Diverse World Empowered lives. Published for the United Nations Development Program, 2013, p. 2

[181] Anna Davies-van, Whose Africa is Rising?: A Feminist Perspective. In Africa Rising Who Benefits from the Continent's Economic Growth? Heinrich-Böll-Stiftung, Issue 1 February 2014, p. 11

image of Ethiopia, as a place of famine and poverty that needs salvation.[182] This is a good thing, as at least, the state aspires to overcome its long overdue image of poverty and famine with a new image depicting an emerging and a rising Ethiopia, which is in a rebirth or in an official renaissance. Yet, the narrative seems to be too optimistic and has swung entirely in the opposite direction without serious consideration of prevailing grievance for the lack of strong democratic institutions and observance and respect for fundamental human rights issues and economic and social justice.[183]

Moreover, the "counter Ethiopia rising narrative" seems to be too cynical on the claimed recent advancements in Ethiopia and placed more emphasis on failures of the government and fails to appreciate the unprecedented and sustained high economic growth of the country which has been acknowledge by independent international financial institutions, including the World Bank (WB) and International Monetary Fund (IMF). It may be far better to acknowledge the economic growth as the first positive development of its kind for a country whose recent history witnessed meagre or negative economic growth trajectory that culminated in growing mass poverty.

It is, therefore, argued here that though there is high growth in Gross Domestic Product (GDP) there is also an apparent lack progress in some cases, i.e. the down ward trajectory, in fostering democracy and upholding its values including respect for basic human rights, economic justice, as witnessed recently, culminate in the mass resentment and protest against the government that forces the government to declare, subsequently, a "state of emergency" lasting for about ten months (from October to august 2017) and since February 2018 the "state of emergency" has been reinstated by the government again.[184]

[182] In October 1984 the BBC's reporter Michael Buerk through a televised program described the Ethiopian famine as "Biblical Famine in the 20th century" and portrayed the country on the basis of his experience at the time as the "place nearer to hell than anywhere else on earth. See, British Broadcasting Corporation (BBC) News 10/23/84 Michael Buerk, available at: http://www.m.youtube.com/Watch?v=xyoj-60YuJc [Accessed on 6 December, 2014]

[183] Ian Taylor, Dependency Redux: Why Africa is not Rising, *Review of African Political Economy*, Vol. 43: No. 147, p. 10

[184] The "state of emergency" was declared in October 2016, and had been in active force for more than a year until it was lifted in April 2018. It is only in the second quarter of 2018 the expectation for change prevailed among the majority of the people following the coming in to office of the new Prime Minister Abiy Ahmed.

Reiteration

Ethiopia's hitherto negative image is now being rapidly replaced by a new persona: 'Ethiopia is on the rise'. Given the reversal of sluggish economic growth and improved economic climates in the post-1991 Ethiopia, some people have enthusiastically embraced a new discourse, claiming that Ethiopia is 'rising'. But on the contrary, many people are doubting and arguing against the 'Ethiopia rising' thesis, by claiming that the much talked about growth doesn't represent the living conditions of the majority and does not help to feed more than 40 million hungry Ethiopians.[185]

Moreover, it is argued that the frontier of democratization and the practice of multi-party system has been diminishing year by year and on the contrary resentments among the public mass has been growing, in effect often causing broad-based violence across the regions of Amhara and Oromia in particular, and forcing the government to declare state of emergency which had been active for more than a year (2017/2018). This has been followed by a seeming reform with in the EPRDF, under the administration of prime minister Abiy Ahmed. As the new administration has released all political prisoners, invited all political group, including those that had been labeled by the HoPR as terrorist to come back home and take part in the national dialogue and multiparty democratic practice. Initiative are also under way to reform the most contest ant-terrorism and civil society proclamations.

It, therefore, is appropriate to pose two queries: Is the socio-economic growth trajectory of Ethiopia overhyped by the Ethiopia rising thesis at the cost of qualitative aspects of development in general? Do the advocates of the counter Ethiopia rising thesis have a legitimate and stronger and reason/s to challenge the emerging Ethiopia rising thesis? The next chapter, by taking the contention between the competing narratives on socio-economic growth in Ethiopia in perspective tries to unveil the authentic and actual reality that whether people living in different socio-economic contexts in Ethiopia, in the Simada Woreda of the Amhara National Regional State and the Gulele Sub-city of the Addis Ababa City Administration, are able to realize their human right to food consistent with the dictates of the major and relevant international and national human rights norms and the advocates of the 'Ethiopia rising' thesis, or not.

[185] See Food and Agriculture Organization (FAO), Nutrition Country Profile of the Federal Democratic Republic of Ethiopia (FDRE) Summary, 2010. Available at: http://www.fao.org/ag/AGN/nutrition/ETH_en.stm [accessed August 06, 2015]

The overall assertion in the post-1991 Ethiopia, particularly by the state itself, in relative terms, is that it is gradually emerging out of the political darkness, socio-economic backwardness and is extricating itself from abject poverty. Particularly since 2007/8, following the celebration of the Ethiopian third millennium, there is an emerging narrative that Ethiopia is awakening and is 'on the rise'. The same narrative provides the promise that Ethiopia will transform itself into a middle-income country by 2025, and consequently become food self-sufficient and feed its people [in dignity].[186]

Last but not least, be the competing narratives on the trend of the socio-economic growth of Ethiopia as they may be, it is already made clear in chapter two, section 2.2.2., that the state of Ethiopia bears the prime moral and legal obligation to fully and expeditiously realize the human right to food of its people. Some of these obligations of the state to the human right to food are supposed to be executed without taking much time, like the obligation to recognize, to respect and to protect. But the obligation to fulfill is a resource demanding obligation and as a result, compels the state to fulfill the right on step by step basis in a context-specific manner. However, such step by step endeavor needs to be taken by the state within a reasonably short period of time, and the steps should be deliberate, concrete and targeted as clearly as possible so as to ensure effectiveness and efficiency in the state's compliance to the human right to food.[187]

* * *

[186] See Ministry of Finance and Economic Development (MoFED), Growth and Transformation Plan I (n 69), p. 1

[187] See the Committee on Economic, Social and Cultural Rights (United Nations), General Comment No. 3, paragraph, 11

CHAPTER FIVE

5. Case Study I: Simada Woreda

Introduction

As stated from the outset, the purpose of this study is to explore and analyze the realization of the human right to food in Ethiopia, in varying socioeconomic contexts and the compliance of the post-1991 Ethiopian state to fulfil its human right to food obligations as dictated by relevant international human rights instruments accordingly. In the previous chapters, particularly under chapter two the constituting normative contents of the human right to food, availability, accessibility, and adequacy of food had been addressed. Moreover, it has been argued that food is not a mere commodity for trade. Rather, it is a basic necessity of life and thus, a fundamental human right. The state has also been conceptualized as an [artificial] entity which is obliged to comply with a quartet of human rights obligations i.e. to recognize, respect, protect and fulfil that are equally applicable to the human right to food.

As discussed in chapter three, the concepts and the jurisprudence of the human right to food and the corresponding state obligations have evolved and developed under both the UN and the African human rights systems.[1] To shed light on this matter and to demonstrate how the human right to food has been prioritized in the post-1991 Ethiopia, a systematic review and analysis on the policies and the praxis within Ethiopia have been done in chapter four. Furthermore, following the high economic growth (about 10 percent on average) registered in Ethiopia consistently for the last decade in particular, a new [state] narrative- "the Ethiopia rising narrative" and a counter-narrative to this "Ethiopia rising narrative" have been emerging recently. These competing and contending narratives as political discourses along recent practical developments in Ethiopia have had significant impact on the total well-being of Ethiopians in general and on the realization of their human right to food in particular. This has also been discussed and analyzed under the immediately preceding chapter of this dissertation.

Particularly, this and the next chapters are devoted to the presentation and appraisal of the case studies done at Simada Woreda of the Amhara National Regional State and Gulele Sub-city of

[1] See chapter three.

the Addis Ababa City Administration, respectively. The main objective of these two chapters, therefore, is to uncover and demonstrate the reality of living in pursuit of realizing the human right to food. In case studies on hand, people can have access to food either directly through cultivating their own food or indirectly through the mediation of money (by purchase) or through a mix of both production and purchase. This variation in the modality of accessing food by itself entails a somehow different degree of vulnerability to food insecurity and the deprivation of the human right to food. This phenomenon requires the Ethiopian state, as the principal duty bear, to adopt appropriate mechanisms of intervention to ensure the availability and accessibility of adequate food to the right holders in its jurisdiction in the fulfilment of its obligations to the human right to food.

Therefore, on the basis of such an assertion, stated above, this chapter is devoted for the presentation and analysis of a case study done at Simada Woreda where the vast majority (95.5 percent) of the total population of the Woreda has predominantly been subsistence producer and consumer at the same time, which means that direct access to food is the available and dominant one to realize the human right to food among the community.[2] The forthcoming chapter, chapter seven, is allotted and devoted to the presentation and analysis of a case study done on the same subject at Gulele Sub-city of Addis Ababa City. By contrast, at Gulele Sub-city, the urban residents predominantly access food through purchase.[3] This chapter, accordingly, seeks to address the state and the realization of the human right to food in the rural Simada Woreda. The first section deals with the issue of food availability, accessibility, and adequacy in the Woreda. The second section addresses the pertinent modalities that are available for the realization of the right to food in the Woreda and particularly state induced actions or inactions that have a significant impact on the exercise and realization of the human right to food of the rural community of the Woreda. Afterwards, the third section deals with the availability and effectiveness of formal state remedy for the violation of the human right to food of the rural community in the Woreda. Furthermore, in the fourth section, a general

[2] Normally, as will be discussed below, the majority of the peasants in the Woreda are subsistence farmers, they get their food supply from their own farms. The market is another option if and when the food produce in the farm is not enough and when they have the means (money) to purchase. Generally speaking, however, the market has never been an accessible and a reliable source of food for the majority of farmers for economic reasons, as it is a rare possibility for peasant farmers there to have alternative means of income, other than agriculture.

[3] At least most of the People in Gulele, as urban community, depend on money income and in effect the realization of their human right to food is highly dependent of the food market and their purchasing power. See also chapter six, section 6.4.2.

discussion and analysis on the subject are made and the chapter culminates with a brief conclusion.

5.1. Context

Simada Woreda[4] (hereafter the Woreda) is one of the 11 administrative Woredas in South Gondar Zone of the Amhara Regional State.[5] The Woreda is bordered by South Wollo Zone to the Southeast, by East Gojjam Zone to the Southwest, by Estie Woreda to the Northwest, and by Lay-Gaynt and Tach-Gaynt Woredas to the North and Northeast, respectively. The administrative center of the Woreda is *Wogeda* Town, which is located at a distance of 774 Kilometers away, to the North, from Addis Ababa, the capital city of Ethiopia. It is 209 Kilometers away, to the Southeast, from Bahir Dar, the administrative capital of the Amhara National Regional State. The Woreda is clustered into 41 administrative Kebeles. Among these Kebeles, only two are urban[6] and the remaining 39 are rural.

According to the 2007 National Census report of the Central Statistical Authority (CSA), the total population of the Woreda was 228,271 with an average household size of 4.2. the population has increased by 21.55 percent from the 1994 Census (187,799 with the average household size being 4.4).[7] From this, 217,976 (95.49 percent) were living in rural Kebeles and 10295 (4.51 percent) were living in the towns[8] of the Woreda. This is an indicative of the fact that the Woreda is predominantly rural. The same report of CSA has also indicated that among the total population of the Woreda 99.74 percent speak Amharic as their first language, 86.92 percent are believers in the Ethiopian Orthodox Christian faith, 0.03 percent are Protestant,

[4] *'Woreda'* refers an administrative unit, which is below Zone but above Kebele. In the FDRE, tiers of administrative units in their descending order are State (federal government), regional state (9 member of the federation), Zone, Woreda and Kebele (the lowest administrative unit).

[5] The Amhara National Regional State is one of the nine regional states and two administrative cities comprising the "Federal Democratic Republic of Ethiopia". The region is located in the upper-central and North-western part of the country.

[6] The administrative center (Capital) of the Woreda is 'Wogeda Town', which is clustered into 2 urban Kebeles predominantly dwelled by non-agricultural urban population. There are other smaller towns, i.e. Robit, Adada and Yekuasa but all are under the administration of rural respective Kebeles.

[7] Federal Democratic Republic of Ethiopia (FDRE) Population Census Commission, 'Statistical Report of the 2007 Population and Housing Census' (Central Statistical Authority 2007) Available at: http://www.csa.gov.et [Accessed on March 1, 2017].

[8] Wogeda is the largest town in the Woreda followed by Robit, Adada and Yekuasa towns respectively.

0.008 percent are Catholic, 13.03 percent are Muslim, and the remaining 0.002 percent reported as they practice Traditional and 'Other' Religions.[9] Based on the 2007 National Census report of the CSA, again, the total population of the Woreda for the year 2017 was estimated to be 262,040.[10]

The report of the Agriculture and Rural Development Office of the Woreda (2017) has indicated that the total area of the Woreda was 2244.96 square Kilometers (224496 hectares) with a population density of 116.72 persons per square Kilometers.[11] From this total land area, 80,627 hectares (806.27 square Kilometers) was used for food production; 21,445 hectares (214.45 square Kilometers) for grazing and the remaining 122,424 hectares (1224.2 square Kilometers) of land was regarded as forest land and land that was 'in its present state unsuitable' for farming.[12]

Furthermore, based on the Ethiopian agro-climatic Zone classification, the Woreda lies within three agro-climatic zones; i.e. the Dega (temperate) zone constituting 10 percent, Woina- Dega (sub-tropical) zone constituting 30 percent, and Kola (tropical) zone accounting 60 percent.[13] Under normal conditions, the Woreda experiences high rainfall for the months of July to August, with a wet season extending mostly from September to Mid-November.[14] The Woreda experiences less or no rainfall during other months of the year and the food production is heavily (about 97 percent) is rain-fed, and particularly practiced from mid-winter (Kiremit) to mid-spring (Meher).[15] This season is the only cropping season in all agro-climatic zones of the

[9] Federal Democratic Republic of Ethiopia (FDRE) Population Census Commission, 'Statistical Report of the 2007 Population and Housing Census' (n. 7)

[10] This is based on personal computation of the average population growth of the Woreda for the years to 20 17 against the 2007 population.

[11] This figure is less than the Zonal average of 145.56 persons per square kilometer. See, FDRE Population Census Commission, 'Statistical Report of the 2007 Population and Housing Census' (n. 7); nonetheless the farm land is increasingly losing fertility due to rapid land degradation and as a result, as reported by the food security expert of the Woreda, is exponentially losing its production capacity.

[12] Simada Woreda Agriculture and Rural Development Office, Post-Harvest Analysis Report Ref. no. SWARDO /08/728, Date 07/08/2008 E.C.

[13] Tibebe Belete, Water Resources Potential Assessment of Simada Woreda with Particular Reference to Groundwater: A Case Study of Bijena-Muge River Catchments, South Gondar Ethiopia. Unpublished MSc Thesis, Arbaminch University. 2008, p. 14

[14] Simada Woreda Agriculture and Rural Development Office, Report No. SWARDO/ 08/728 (07/08/2008 E.C.) Document on File

[15] This statement of seasons is based on the Ethiopian classification, i.e. the Ethiopian four seasons are Kiremit (Winter) (June, July, and August), Meher (spring) (September, October, and

Woreda.[16] However, as there has often been relative moisture between mid-spring (Meher) and end of summer (Bega) seasons, in the Weina- Dega (sub-tropical) part of the Woreda, and where the soil is favorable for the production of few varieties of crop like chick-peas *(Cicer arietinum)* and grass-peas *(Lathyrus sativus) which are grown in the wet season,* a bi-annual food production is common.[17]

Generally speaking single cropping is the dominant mode of cropping in the Woreda as about 80 percent of farming families of the Woreda produce only once in a year and [18] more than 90 percent of the food items produced annually, with the exception of chick-peas *(Cicer-arietinum)* and grass-peas *(Lathyrus-sativus)* are produced, as discussed above, only ones during the wet season of the year. In this respect, the crop varieties used as a staple and cultural food i.e. Teff, Wheat, Barley, Maize, Potato, Beans, and Sorghum are produced only once and during the Meher cropping season.[19] Agriculture through irrigation is almost non-existent. According to the Agriculture and Rural Development Office of the Woreda, irrigated farmland accounts only about 3 percent of the total farmland of the Woreda.[20] This indicates that food in the Woreda has been produced predominantly through rain-fed agriculture. However, it has also been reported by the Agriculture and Rural Development Office of the Woreda that the yield level of food crops which are heavily dependent on scarce and often erratic rainfall, though there is variation between ecological-zones,[21] has been miserably low due to recurrent drought and growing loss of the fertility of agricultural lands.[22] The production of permanent

November), Bega (Summer) (December, January, and February) and Beleg (Autumn) (March, April, and May)

[16] Menberu Teshome, "Farmers' Vulnerability to Climate Change-Induced Water Poverty in Spatially Different Agro-Ecological Areas of Northwest Ethiopia." *Journal of Water and Climate Change*, Vol. 07, No. 1, (2016), p. 145

[17] Ibid

[18] This statement of seasons is based on the Ethiopian classification, i.e. the Ethiopian four seasons are Kiremit (Winter) (June, July, and August), Meher (Spring) (September, October, and November), Bega (Summer) (December, January, and February) and Belg (Autumn) (March, April, and May)

[19] Simada Woreda Agriculture and Rural Development Office, Report no. SWARDO/08/728 (07/08/2008 E.C.) document on file

[20] Ibid

[21] Relatively the Kola part of the Woreda often experience food production failure due to loss of soil fertility and drought and consequently the residents there often years are recipients of food aid and ''beneficiaries of the Rural Productive Safety Net Program (RPSNP).

[22] The post-harvest reports of the Agriculture and Rural Development Office of the Woreda for the years 2004 to 2016 indicates that drought, loss of soil fertility caused by land degradation are serious problems faced by farmers causing low crop yield.

food crops (principally Banana and orange) has been limited to few Kebeles in the Kola ecological zone of the Woreda. Rather, temporary food crops which are the dominant source of food and income for the local community has been produced in all ecological zones of the Woreda.[23]

Livestock is a sub-sector of the agricultural practice in the rural Simada. It has been an important but less dominant source of food. Livestock is rather used as main sources of labor for agricultural practice, transportation and stocked as "reserve asset" for sale in the time of [food] crisis that is recurrently happing in the Woreda for few decades.[24] In this regard, according to the study conducted by CARE Ethiopia on the nutrition profile of the Woreda (2013), the use of livestock as direct sources of food among the rural community was rather very limited.[25]

As a closing remark for this section devoted to the presentation of the general context of the Woreda, it can be stated here that, the absolute majority (95.5 percent) of the population the Woreda is dependent on Agriculture, which is mixed farming, crop, and livestock production. As such direct and an unmediated access to food, for the rural community of the Woreda, is the dominant mode of realizing the human right to food. In line with this assertion, the compliance of the [Ethiopian] state to its human right to food obligations, therefore, can primarily be scrutinized on the basis of respecting, protecting and facilitating the direct accessibility of food [through own production] and on the basis of its commitment to provide food through food ration or aid and indirectly through the 'Rural Productive Safety Net Program' (RPSNP) but only when food is not [adequately] available and accessible to the rural community. This will be discussed further later in this chapter. The availability, accessibility, and adequacy of food that are used as standards for the fulfilment of the right and correspondingly the compliance of the state to its obligations to the human right to food in the context of Simada are discussed below.

[23] Ibid

[24] CARE Ethiopia, Nutrition at the Centre: Formative Research Report from Ethiopia (2013). Available at https://www.careinternational.org.uk/

[25] Ibid

5.2. Food Availability, Accessibility, and Adequacy

As already discussed in chapter two, section 2.2.1 of this study, availability, accessibility, and adequacy of food are the determining normative elements to the human right to food. They together are used as a litmus test tool to decide on whether the human right to food is realized or not. Consequently, they provide the base to hold the state accountable with regard to its obligations to recognize, respect, protect, and fulfil the human right to food as envisaged under relevant international human rights instruments (particularly the ICESCR) to which Ethiopia is a state party.[26]

For the purpose of putting the scope of this study in context, the realization of the human right to food and the corresponding compliance of the Ethiopian state to its obligations to the human right to food, there is a need to inquire into the actual availability, accessibility and adequacy of food in the rural context of Simada Woreda where the absolute majority of the population primarily, as indicated above, gains access to food for household consumption directly through own agricultural production. This will be followed by an appraisal of the contextual and actual responses of the state in fulfilling its obligations to the human right to food. The following sub-section, in particular, is devoted to the discussion of this subject.

5.2.1. Food Availability

According to the Food for the Hungry International- Ethiopia[27] (FHI-E) report (2016) the available food in the Woreda from the local production has been below the annual food requirement of the whole population of the Woreda. The report has specifically indicated that for the last ten years (2005-2016) the average food production in the Woreda had been 3.4 quintals and 2.6 quintals per each member of a [relatively] food secure household and a chronically food insecure household, respectively.[28] The Food Security and Rural Productive Safety Net Program (RPSNP) Coordinating Department under the auspices of the Agriculture and Rural Development Office of the Woreda, has also confirmed the finding of FHI-E. It on

[26] Ethiopia ratified the ICESCR in 1993.

[27] Food for the Hungry International- Ethiopia (FHI-E) is an international non-governmental organization based in Canada that has been providing food and food related items for the needy in the Woreda for more than thirty years both in the form of aid and as a funding partner to the RPSNP.

[28] Food for the Hungry International-Ethiopia (FHI-E), Food for the Hungry Simada Project Annual Report (2016) (unpublished), p. 3

its part has indicated that the food produce of the Woreda often years has been less than the annual food requirement of the total population. Consequently, since 2005 about 35 percent of the population of the Woreda have been chronically food insecure, facing a food gap at least for six months in a year. Furthermore, according to the same report, an additional about 60 percent of the total population of the Woreda has been experiencing a food gap, at average, for two months a year.[29] Underscoring this phenomenon, in all focus group discussions, the participants have also unanimously expressed their opinion that though few farming households have been 'food secure' (by 'food secure' they mean people who are able to provide food for their family throughout the year) the majority of the farming families that they know have been producing food that has not been enough in quantity to feed the whole family. Let alone to have surplus in food production, therefore, there has been shortage in food availability in general terms, in this case.

Therefore, as indicated above in the discussion of the reports of the FHI-E, the Food Security and RPSNP Coordinating Department of the Woreda adequate food from own or local produce to the majority of the rural people, for years, has been not available. Consequently, the food insecure rural people, particularly during lean times, fill their food gap and survive hunger induced death principally either through the purchase of food from food traders, often by investing the money they get from the sale of livestock and other basic assets or by the food aid provided to them by the FHI-E and/or with the support of the Rural Productive Safety Net Program (RPSNP) of the government which have been in operation since 2005.[30] In this regard, for example, a 26 years old woman during a focus group discussion at Kindo-Meda (Kebele 11), in conformity with the discussion made above, has stated the following;

> *"Due to small and increasingly diminishing farmland holding size and loss of soil fertility, coupling with unpredictable weather condition often causing drought, unavailability of irrigation schemes and inaccessibility of farming technologies and inputs for the average poor farmer like me, food in the required amount is not being produced in our Kebele and by extension in the Woreda. The scarcity of food among the rural farming community is as clear and visible as daylight. For instance, in our Kebele (Kebele 11) except for the lucky few who are landholders and at the same time sharecroppers, I can say with certainty that the majority of farming households has been producing food grains, year after year, only in a quantity which has been less than what is normally required for their household consumption. […] This has been the actual reality that we, the majority of farming families in this Woreda and*

[29] Simada Woreda Agriculture and Rural Development Office, Report No. SWARDO/08/881 (02/01/2009 E.C.), document on file.

[30] This will be discussed further under section 5.4.7.

particularly in our Kebele has been experiencing for decades".[31] (My translation from Amharic)

In this regard, the unavailability of food in the required amount from the local food produce is attributed principally to low and declining food production on agricultural lands. This is due to the increasing loss of soil fertility, recurrent drought,[32] and rapid population growth.[33] For example, reiterating the assertion of this statement in the following quote, a 72-years old peasant farmer in a focus group discussion at Yekuasa (Kebele 35) states that:

> *"The productivity of farmlands in this Kebele [Yekuasa or Kebele 35] has been diminishing very significantly in few decades. About 20 years ago I and my neighbors used to produce grains on a plot of land between 20-24 Aqumada (1 Aqumada is equivalent to 50 kilograms) without the use of modern inputs, including artificial fertilizers but now the same land provides only 4 or 5 Aqumada and with the aid of fertilizers and other modern inputs it may provide a food grain up to 8 to 10 Aqumada. The unprecedented loss in soil fertility and consequently low food productivity per person is evident and sensible in our Kebele".*[34] (My translation from Amharic)

Furthermore, attesting to the above stated assertion and adding more on it, the Agriculture and Rural Development Office of the Woreda has indicated in its report (2007/08) that in some Kebeles, particularly Kebele 35, 36 and 38 of the Woreda, a production decline of 60 up to 70 percent has been documented and the decline in food production can mainly be attributed to the high land degradation and rapid loss of soil fertility among others.[35] The same report indicated that to address the same problem the office has been devising the food for work package of the RPSNP to address the growing loss of fertility and to rehabilitate the degraded land.[36]

Apart from this, yet importantly, in a conversation with a rural farmer (also known as the agricultural analyst by the local community) in Yekuasa (Kebele 35), he had offered an overall rationalization of the principal reasons why there is a lack of enough food from the local produce that would adequately feed, at least, the whole population of the Woreda. The

---

[31] Focus Group Discussion Participant Z2, May 10, 2017

[32] This will be discussed further under section 5.4.1.

[33] Interview with Ato Abay Gessesse, the Food Security and Productive Safety Net Program (PSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017; The Head of the District Office of the Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda Project has also expressed similar views on the subject, May, 24, 2017.

[34] Focus Group Discussion Participant X5, April 26, 2017

[35] Simada Woreda Agriculture and Rural Development Office, Report Ref. No. SWARDO/390/6446, Date 08/12/2000 E.C. Document on File.

[36] See Section 5.3.7. below

following is the summation of the conversation that; first, there is a scarcity of farmland among the rural population of the Woreda.[37] To make the situation even more worrying, the rapid population growth has put unprecedented pressure on the available limited farmland. He has argued that the rapid population growth has reduced land-holdings further and puts stress on the already fragile natural resource base. The fertility of the soil has declined due to intensive cultivation and as farmland fallowing is rarely practiced which was common some years back, which at the time was instrumental to make the land to recover itself and to boost its crop productivity. Moreover, he underscored that no and, in some cases, rarely minimum upgrading has been done on farmlands. Second, in addition to the obvious lack of adequate work done on land in maintaining its fertility, farmers apply no or little of yield-enhancing modern agricultural inputs. This is particularly due to lack of access to finance. The farmers are already poor (surviving death by the government-sponsored RPSNP) and cannot afford modern inputs by the means that they have at their disposal.[38] Third, drought in recent years has become a recurrent phenomenon. To the dismay of farming families, this calamity results in frequent crop failure. Fourth, the limited availability (or the lack of availability to the extent required) of off-farm employment opportunities in and around the Woreda forces peasant farmers not to have convenient and alternative or supplementary source of income that inevitably makes the degree of vulnerability of farming families to food insecurity, when food production fails, high. Last but not least, the food insecure peasant farmers are not encouraged to migrate to other parts of the country, through the government resettlement program or self-initiated resettlement (this will be discussed under section 5.4.8.); in effect rural people of the Woreda are trapped in such unwelcoming situation, having no option but to relay on unviable agriculture on less productive farmlands. As a result of all these, he argues, enough food is not being produced and accessed by the local farming families.[39]

In a nutshell, the reports from Simada Woreda Agriculture and Rural Development Office, Food for the Hungry International-Ethiopia (FHI-E) and the statement of the peasant farmer participants in the focus group discussion and the peasant interviewee, assert that the food supply from the local production has not been for years adequate enough to meet the consumption requirement of the residents of the Woreda. The presence the above-mentioned

[37] As will be discussed further under section 5.3.1. the average land holding in the rural Simada during the mid 1990 land redistribution had been 1 hectare per household. Now this has dwindled to half a hectare per household.

[38] This will be discussed further below, under Section 5.4.7.

[39] Focus Group Discussion Participant X5, April 26, 2017

factors impeding the productivity of the rural farmers are some of the reasons that make the rural community not to realize their human right to food by their own.[40] Having the above discussion on the availability of food in the rural part of Woreda, the he next sub-section will address the accessibility of food in among the rural community of the Woreda.

5.2.2. Food Accessibility

As already discussed under chapter two accessibility implies both the physical and the economic accessibility of food. In the study area, Simada Woreda, particularly people in the rural 39 Kebeles access food predominantly through own production, followed by the social security scheme of the RPSNP and food aid, provided by the Ethiopian government and the FHIE, respectively.[41] This makes physical accessibility the major mode of realizing the right to food among the community. They also access food through purchase so as to diversify their food intake, and during lean times to fill their food gap.[42] This reiterates the fact that, as indicated above, traditional agricultural practice, particularly farming has been the major source of livelihood and the dominant means of accessing food for the absolute majority (95.5 percent) of the community.[43] In this regard, farmland is the prime capital and means of survival. Thus, in this respect, access to farmland can be taken as synonymous with access to food; people who have better access and control over land have had better access to food for household consumption as well.[44]

It is worthwhile to mention here that, according to the Woreda Agriculture and Rural Development Office report, the farmland in the Woreda, particularly at the time of land redistribution (1995/96) had been accessed by farming households almost evenly and the peasant farmers use similar or equivalent farming tools and agricultural input on their farmland.[45] As a result, there has been no huge (only minimum) gap in the quantity and often

[40] See also Section 5.4.6. below for further discussion on the subject.

[41] This has been discussed further under sections 5.3.1 and 5.3.7. of this chapter.

[42] They purchase food, particularly, during the time of food crises and to diversify their food for household consumption but only when and if they have the means, the money [at their disposal] to access food through purchase.

[43] Federal Democratic Republic of Ethiopia (FDRE) Population Census Commission, 'Statistical Report of the 2007 Population and Housing Census' (n. 7)

[44] See the discussion under chapter four, section 4.4.2.

[45] Simada Woreda Agriculture and Rural Development Office, Report Ref. No. SWARDO/08/625, Date 21/04/2007 E.C. Document on File.

in the kind of food that the farming families used to produce.[46] Therefore, it is more appropriate and safe to draw a conclusion from the above discussion that, as the majority of the peasant farmers have rare or no self-incurred alternative or supplementary means of income, there is no huge, but only minimum gap, among the rural community of the Woreda, in their power over access to food.[47]

However, while this research was being done, due to rapid population growth, the average land holding size among the farming families in the Woreda has been dwindling, as there has been very limited and/or no unoccupied land that would be provided by the state to the rapidly growing and emerging landless farming population, particularly the youth.[48] The rural people who were minor at the time of the last land redistribution (1995/96) and particularly the young people who were born afterwards partition and till the already small plot of farmlands that have been under the possession of their parents. To make the situation even worse, these people, particularly the youth, as future parents will and are expected to do the same to their future children, making the anticipated land holding size of farmers to dwindle further, unless the emerging youth does not seek another alternative means of livelihood.

In a nutshell, it was reported that farmland holdings in the Woreda have been dwindling in size and their productivity has been declining from year to year.[49] As a result, the accessibility of locally produced food to the community in the required quantity and quality through the more natural means, own production, has become more difficult for the majority of the farming people living in the Woreda. Consequently, to respond to this challenge, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinating Department under the auspices of the Agriculture and Rural Development Office of the Woreda has been providing food hand-outs, in kind and in cash, for about 35 percent of the rural population living in the Woreda who has been experiencing a food gap at least for six months in a year. It was also reported by the Agriculture and Rural Development Office of the Woreda that about, an additional, 60 percent

[46] This applies to the majority of the people but this does not to rule out the fact that differences in family size and age and health status and other factors can have huge impact on their access to food.

[47] See the discussion below, under section 5.4.6.

[48] See also the discussion under section 5.2. below

[49] Furthermore, in some parts of the Woreda farmlands have emerged as "barren beyond recovery". This was indicated during Interview with the Food Security and Productive Safety Net Program (PSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017

of the rural population has been experiencing a food gap, at least, for 2 months in a year. The later however, has virtually not been the direct beneficiary of the RPSNP[50] *(this will be discussed under section 5.4.7.*).

At the background of the above discussion, it can be safely argued here that, by and large in the rural Simada, there has been no "fair" access to food among, at least, the vast majority of the rural population from the local food produce. In line with this assertion and adding more, the reports of both the Agriculture and Rural Development Office and the Food for the Hungry International-Ethiopia (FHI-E) and the views of the focus group discussion participants reiterate that, though food can be availed in the markets of the Woreda by food traders from other surplus producing areas, in addition to the food coming to the market from the local/Woreda production, farming families of the Woreda have weak purchasing power as they do not have alternative or supplementary means of income, i.e. cash and permanent crops for sale and off-farm employment that would provide them alternative or supplementary income.[51] This situation, on the other hand, discourages food traders to bring food items from other surplus producing areas and avail them to the Woreda markets and hence offset the food deficit in the local market.[52] Rather, as alternative, to offset the prevailing food deficit in the Woreda, food grains have been brought to the Woreda, often originating from Canada and Europe in the form of direct food aid by the Food for the Hungry International-Ethiopia (FHI-E) and as part of the Rural Productive Safety Net Program (RPSNP) by the Federal Government of Ethiopia.[53] The sub-section below will address the accessibility of food among the community in the rural part of the Woreda.

5.2.3. Adequacy

As already discussed above, food with the required quantity and quality- in terms of amount and diversity has not, often times, been accessible to the majority of the rural population. Consequently, members of the community besides compromising the amount of the daily

[50] Simada Woreda Agriculture and Rural Development Office, Report No. 34/07(16/06/07) document on file

[51] See the discussion under section 5.4.6.

[52] Interview with Ato Abay Gessesse, the Food Security and Productive Safety Net Program (PSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[53] Interview with the head of the district office of the Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017

meals, they have also been forced to eat once or twice a day. It is for the reason that, it has been hardly possible for them to afford the required, at least three, meals in a day with the required quantity and quality. Lack of access to food in the required quantity and quality leads to micro-nutrient deficiencies among the right holders. It was reported, in this regard, in the Focus Group Discussions, again, that the rural community of the Woreda used to eat on daily basis the same diet monotonously, namely, a mix of cereals only.[54] According to a study conducted by CARE Ethiopia (2013), animal products, particularly meat, are consumed only rarely, particularly during religious holidays.[55] Furthermore, according to the same study of CARE Ethiopia, conducted on the nutrition trend among the rural community of the Woreda, about 60 percent of the rural people living in the Woreda do not have sustainable access to 'adequate' food. As a result, these people were identified as victims of severe and moderate under-nutrition (stunting among children under the age of five) reflecting long-term impact of food insecurity.[56]

Moreover, as indicated above, the Agriculture and Rural Development Office of the Woreda and Food for the Hungry International-Ethiopia (FHI-E) in their reports have indicated that about 35 percent of the population of the Woreda has been experiencing a 6 months food gap while an additional about 60 percent of the rural people living in the Woreda experience a 2 months food gap, in a year.[57] This by itself, is an indicative of the fact that the majority of the farming population of the Woreda has been forced to go hungry on daily basis and at least to compromise the quantity and quality of their daily meals, as a coping strategy to survive the lean months of the year, particularly not to make their food stocks go empty.

Conforming to this assertion, the participants of all focus group discussions have also underscored that they do not believe that they were nourishing themselves on daily basis with food, which was adequate, both in quality and quantity. Rather, to the contrary, particularly, women participants at Dimma (Kebele 15) and Kindo-Meda (Kebele 11) have indicated that the majority of women and their babies were used to eat, often times, food that was nutritionally

[54] Japan International Cooperation Agency, The Development Study on the Improvement of Livelihood through Integrated Watershed Management in the Amhara Regional State, Ethiopia (Final Report), 2011, p.1, available at: http://www.csa.jicareport.jica.jp>pdf

[55] CARE Ethiopia, Nutrition at the Centre: Formative Research Report from Ethiopia (n 24)

[56] Ibid

[57] Food for the Hungry International-Ethiopia (FHI-E), Food for the Hungry Simada Project Annual Report (n 28), p.3 and Simada Woreda Agriculture and Rural Development Office, Report Ref. No. 08/728, Date 07/08/2008 E.C. document on file.

inadequate, as the required diverse and notorious food, for household consumption, has not been virtually made accessible to them. Thus, particularly women and their babies have been experiencing deprivation of their human right to food.[58]

In summation, the food which has been available in the Woreda through local production has, for decades, been below the average consummation requirement of the rural residents of the Woreda.[59] As the reports of the Agriculture and Rural Development Office of the Woreda and Food for the Hungry International-Ethiopia (FHI-E) and the views of the focus group discussion participants testify, food in the required quantity and quality has not been made accessible to the absolute majority (95 percent) of the rural residents of the Woreda. Rather, as discussed above, they experience a food gap for at least two months in a year. This forces them to go hungry or to nourish themselves inadequately, both in quality and quantity. This phenomenon by itself is indicative of the fact that the human right to food has been a severely violated human right in the general context of rural Simada Woreda.

5.3. Challenges and Responses

5.3.1. Accessibility of Land

Access to farmland, in the particular context of rural Simada for farming families as anywhere else in rural Ethiopia and beyond, is a determining factor for the realization of the human right to food. This is because of the prevailing fact that the smallholder rural peasant farmers of the Woreda earn the bulk of their food supply directly from own mixed farming, crop production, and animal husbandry. Thus, accessibility of farmland and the mode of control that the smallholder farmers have over it determine the realization of the human right to food among them.[60]

To recall again the perspectives and the debate among scholars, discussed under chapter four, with regard to farmland holding rights and so as to consolidate the idea obtained in the

[58] This was affirmed at Women Only Focus Group Discussions participants at Dimma (Kebele 15) and Kindo-Meda (Kebele 11); see also the immediately preceding section, above.

[59] See, Food for the Hungry International-Ethiopia (FHI-E), Food for the Hungry Simada Project Annual Report (n 28), p.3 and Simada Woreda Agriculture and Rural Development Office, Report Ref. No. 08/728, Date 07/08/2008 E.C. document on file.

[60] Interview with Hilal Elver, the United Nations Special Rapporteur on the Human Right to Food on the 3rd of November 2018, Lund, Sweden

interviews and focus group discussions on the same subject- peasant farmers' control over the farm-land that they till vis a vis its primacy and relevance for the realization of the human right to food of peasant farmers and their families. In this regard, there is a good deal of consensus on the idea that the existing land policy of Ethiopia has made the physical land distribution among peasant farmers fairly equal, as is also the case in rural Simada.[61] In the context of Simada land, during the time of land redistribution (1995/96), was distributed to farming families on an equal basis, in most cases. For example, it was reported in the focus group discussions that as a general rule men and women who were at the time 24 and above years old were provided with farmland. However, few peasant farmers were sidelined and discriminated against, particularly, the former members of the Ethiopian Workers Party (EWP). They were deliberately excluded and made landless due to the political commitment that they had in the Dergue regime, as *cadres*. These former cadres and members of the EWP were locally called *'bureaucrats'*.[62] Reiterating this, for instance, a 56 years old woman, in a focus group discussion at Dimma (Kebele 15) bitterly stated that:

> *"During the last land redistribution (1995/96) my family size was 10 and it was only me who was entitled to get a plot of land. The [farmland] share of my husband was denied by the state (Woreda authorities) for the reason that he was an active member of the former Ethiopian Workers Party (EWP) of the Dergue. Since then we have been sustaining our lives by the produce of the small plot of land of mine. He (my husband), unlike the 'non-bureaucrat' husbands in this Kebele that I knew, was utterly excluded from getting his share in land by the order of the Woreda administration. As a result of his exclusion from land and as land was not given to our children as they all were minors at that time, not only him rather the whole family have been starving as the produce of the land that we had was not sufficient enough to feed a family as large as ours. Therefore, literally, we [all the members of the family] have been suffering due to poverty and lack of access to adequate food for last 20 plus years".*[63] (My translation from Amharic)

Concurring with the claim of the woman, the food security and RPSNP Coordinator of the Woreda had confirmed in an interview that during land redistribution the peasant farmers who were former members of the EWP were 'mistakenly excluded' by the decision of the higher officials of the Woreda from taking their share of land. He further stated that, after 2005, however, efforts have been made by the Woreda administration to provide them with land and

[61] See also the discussion under chapter four, section 4.4.2.

[62] During the time of land redistribution, every man living by farming and aged 24 and above was entitled to have access to land, which was provided by the state. However, farmers who were also cadres of the Dergue regime, especially those who were members of Ethiopian Workers Party (EWP) were excluded from having free access to state provided land.

[63] Focus Group Discussion Participant Y2, May 04, 2017

even after such an effort, those who remain landless were provided with the opportunity to be registered and direct beneficiaries of the RPSNP's food for work package.[64] This is an indicative of the fact that some people were excluded from land and consequently, their human right to food violated by the state.

Apart from equity or fairness in access to farm-land, the form of the right claim that farmers exercise over [farm] land matters equally. In Ethiopia, land, as stipulated under the FDRE constitution, Article 40(3), (this has been discussed further under chapter four, section 4.4.2.), is "owned by the State and the People."[65] However, in practical terms, land has been effectively owned and controlled by the government.[66] This is for the reason that the term "people" as stipulated under the constitution is a collective abstraction of citizens (Nations, Nationalities and Peoples of Ethiopia) and signifies more than a sum of individual citizens. More importantly, as currently manifested in practice "the people", due to its collective and abstract nature, is not in a position to affirm and entertain its right over land, as stipulated in the constitution, thereof. Apparently, it is the state that effectively controls and owns land on behalf of the "people." The more concrete individual peasant farmers who are constituting members of the "people" are constitutionally provided only with the possessory and usufruct entailments over land. To state it in different words, it is the state (particularly its government), not the individual citizen, particularly the peasant farmers who entertains the ultimate ownership right over land.

In this regard, as discussed under chapter four, section 4.4.2., of this thesis, there has been a strong objection against the existing land tenure regime. Among other, the government has been accused of using the land to systematically empower itself. As the existing land regime has provided more privilege to the state/government than the individual peasant farmers and their family members. Consequently, the government both as representative of the state and

[64] Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017. Though, the officer asserts that fertilizer and other inputs are distributed first to 'Model farmers' who are virtually members of the ruling party and some are farmers who are in need of government support by far were denied access for the reason that they are members and/or supporters of opposition political parties. For further and detail information see the discussion under section 6.4.3.

[65] See Article 40 (3) of the FDRE Constitution

[66] Mellese Damtie, Loss of Biodiversity: Problems of Its Legal Control in Ethiopia. A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Law (unpublished). University of Warwick, School of Law 2014, p. 189

the "people" can rightfully take away the land from smallholder peasant farmers.[67] However, as a response to such objection and accordingly, to strengthen the security of tenure of smallholder farmers over land the Ethiopian state, at country wide level, the Ethiopian state had issued the Federal Rural Land Administration and Use Proclamation, Proclamation No. 456/2005. Moreover, the Amhara National Regional State had passed Proclamations, proclamation No.133/98 and Proclamation No. 251/09. In both cases peasant farmers are provided with the right to have certificate guaranteeing land possession right.[68] In the particular case of Simada Woreda, the local government had registered and provided certificate for about 62,000 households, granting them "more secured" land possession right.[69] This move by the government seems to aim at overcoming the criticisms made against the existing land tenure regime (these will be discussed under a paragraph blow) and to strengthen the security of tenure of peasant smallholder farmers overland. However, this undertaking does not undermine the right claim of the state over land and rule out the possibility of dispossession of farmers from their farm land by the state. The dispossession of peasant farmers from their farm land can happen if there is a compelling reason, in the eyes of the state, to expropriate the land from peasant farmers and transfer the land for large-scale agricultural investment and/or for public use.[70]

The lack of 'sense of ownership' and persistent expectation of land dispossession by the state, as disclosed during focus group discussions, has existed among the peasant farmers in the rural Simada Woreda.[71] Therefore, the very existence of the possibility of expropriation of land from peasant farmers by the state has discouraged peasant farmers not to have a 'sense of ownership' overland and not to have a long-term planning on land management and from making the

[67] See also the discussion under chapter four, section 4.4.2.

[68] See, Federal Rural Land Administration and Use Proclamation No. 456, 2005 and Amhara Regional State Rural Land Administration and Use Proclamation No. 133, 2006, *Zikre Hig*, 11th Year No. 18, and Proclamation No. 251/09

[69] The government at all levels had successfully made attempts (2006-2008) to consolidate land possession right of farmers through land registration and certification which aimed at boosting agricultural productivity by increasing the confidence of farmers to encourage them to make up-grading and long-term investment on land and in the process to boost food productivity. This was underscored by Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, during interview on May 21, 2017.

[70] See, Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455, 2005. See also the discussion in chapter four.

[71] This has been expressed in all focus group discussions.

required investment in land upgrading and maintaining its productivity.[72] This has a negative implication on food production capability and consequently on the realization of their human right to food.

Apart from this, mainly due to high population growth and scarcity of farmlands in the Woreda, the average landholding size has been increasingly and rapidly shrinking[73] (has become about 0.5 hectare from 1 hectare in the early 1990s per household, becoming "starvation plots", to borrow Dessalegn Rahmato's phrase, which he used to explain such a phenomenon).[74] This is due to the rapid population growth combined with scarcity of marginal (unutilized) land that can be put into use by the rapidly growing rural population, particularly the youth. The Agriculture and Rural Development Office of the Woreda has confirmed that due to poor management of land and its intensive utilization, without fallowing and upgrading, the fertility of the land in some Kebeles of the Woreda, particularly in Kebeles, 35, 37, 07, 08 and 26, has been diminishing significantly through the years.[75] Therefore, the small and increasingly diminishing landholding size coupled with poor productivity due to low maintenance and investment on it makes own food production of farming families inadequate to meet the subsistence needs of average households even in good rainfall years.[76]

Moreover, as there has been a strong decline both in terms of the physical size of household farmland holdings and the fertility of farmlands, farmers have been forced to utilize their small and less productive farmland for a single crop variety. This makes cash income and diverse and balanced diet hardly accessible among the farming rural farming families. For example,

---

[72] Desalegn Rahmato "Agriculture Policy Review": In *Digest of Ethiopia's National Polices, Strategies and Programs Taye Tesfaye* (eds). Addis Ababa: Forum for Social Studies. 2008

[73] The data obtained from the Woreda agriculture and rural development office indicates that during the time of land redistribution (about 20 years ago) average household land holding has been 1 hectare. But by the time this study was conducted dwindled to half a hectare. Moreover, it was indicated that about 40 percent of rural households in the Woreda farm on less than 0.5 hectares of land. See, Simada Woreda Agriculture and Rural Development Office, Report No. 34/07(16/06/07) document on file

[74] Desalegn Rahmato "Agriculture Policy Review": In *Digest of Ethiopia's National Polices, Strategies and Programs Taye Tesfaye* (eds). Addis Ababa: Forum for Social Studies. 2008

[75] Simada Woreda Agriculture and Rural Development Office, Report Ref. No. 08/728, Date 07/08/2008 E.C. document on file. (check). This has also been underscored during Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[76] Interview with, Ato Admasu Zemene, Agriculture and Livelihood Officer, the Food for the Hungry International-Ethiopia (FHI-E), Simada Woreda project, May 21, 2017.

concurring with this assertion, a 57-years old man who is also a farmer at Yekuasa (Kebele 35), in a focus group discussion, has stated the following;

> *"Productive farmland [in Kebele 35 and the entire Woreda] has become more scarce; the farmland that we as a family (household) have [under our possession] is very small, [less than a hectare]. Moreover, as our young offspring happen to engage in marriage and establish a family of their own, we, the parents, [should] provide them [as an act of parental obligation] a slice of farmland from what we have under our possession. This would force our children to face the same problem that we have been facing, if not in a scale worse than we do. However, in view of the situation that we are currently in, we send our children to school so as to enable them to get [education] and consequently to find alternative employment that would make their future brighter and better than us. For the last few decades, Agriculture in this Woreda and in our Kebele in particular, has not a viable means to feed ourselves well, particularly for a family having four and more members, just like mine".*[77] (My translation from Amharic)

In agreement with the statements of the FGD participant, stated above, the Agriculture and Rural Development Office of the Woreda that reported that (this has been already discussed under section 5.3.1.) in some Kebeles farmlands have already lost their food production potential by 60-70 percent, just in about twenty years. This is happening due to the high land degradation and soil erosion.[78]

Therefore, in light of the statements of the focus group discussion participants and the opinion of the food security and RPSNP Coordinating officer of the Woreda, stated above, it can be safely argued here that, in the context of rural Simada, the present land tenure regime that provides sole ownership right to the state (peculiarly to the government), not to the farmers themselves, has practically forced peasant farmers to desperately focus on short-term gains, often at the expense of long-term benefits. Thus, to summarize the above discussion in few lines, the prevailing land tenure regime ensures a fairly equal distribution among rural peasant farmers. It can also be argued here that the land regime has a negative repercussion on the realization of the human right to food among the current and future peasant farmers in rural Simada for the following main reasons.

First, as it was reported and expressed by the participants in FGDs that, often Kebele and Woreda [state] authorities put their eyes on very fertile, well preserved and irrigable farmlands

[77] Focus Group Discussion Participant X6, April 26, 2017

[78] Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

that are already possessed by farmers. The officials transfer such farmlands to individuals or groups[79] who are affiliated to the regime in power or to the officials themselves, by employing any justification at their disposal that appears tenable only to the authorities themselves.[80] Therefore, the prevalence of the expectation of [future] dispossession among peasant farmers from their farmland may serve as a contributing factor for the peasant farmers to invest less on their farmlands. As, already discussed above, there is less incentive for farmers to do further investment on their land. In effect forcing them to remain food insecure and consequently be deprived of their human right to food.

Second, peasant farmers had also reported during focus group discussions that they often do not formally transact the farmland that they have under their possession for rent and seek alternative employment at faraway towns or areas where better alternative employment opportunities and higher demand for labor is available. This is for the reason that they have the fear and suspicion, grounded in what they see and experience, that their farmlands would be transferred to other peasant farmers or to investors in their absence by the state authorities. Thus, in view of the likely and possible consequences of losing their land and the uncertainty of life out of their place of origin[81], they prefer not to seek employment out of the Woreda as they do not want to lose the possessory right over their farmlands.

Third, the absence of official ownership titles/rights by farmers over land also makes it rather difficult for financial institutions to provide farmers credit, using farmland as a security. This is mainly for the reason, as discussed above, that the individual peasant farmers have only the usufruct right over land. The usufruct right (the absence of complete right) of farmers over land does not deliver the needed security for financial institutions to provide credit to farmers.[82]

---

[79] The "individual" may be an agricultural investor, the "groups" often refers women, youth associations and others organized by the state. These group often have political affiliation with the regime. This has been underscored in FGDs with the local community.

[80] Mellese Damtie, Loss of Biodiversity: Problems of Its Legal Control in Ethiopia. A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Law (unpublished). University of Warwick, School of Law. 2014, p. 113

[81] See the discussion on the right to movement and establishing a livelihood outside of home region in the FDRE, under section 5.3.8.

[82] The Amhara Regional State has recently promulgated a new proclamation, Proclamation No. 251/09 that would allow farmers to use the land under their possession as a liability for mortgage. However, during the time this study has been done this has not yet realized as farmers were not able to get credit using their land from the Amhara Credit and Saving Institution (ACSI) the only available financial institution providing saving and credit service for farmers in the Woreda.

In extreme cases, the effect of this situation would let farmers starve to death only to preserve the land ownership right of the state.

Fourth, and last but not least, the existing landholding system, in practical terms, made the emerging youth (particularly at the age of 18 and above) to be effectively landless as there has been no universal land redistribution since the first (after the demise of the Dergue) universal land distribution undertaken in the mid-1990s.

Therefore, as a closing remark to this section, it can be argued here that, the lack of ownership rights over land and a strong sense of security of tenure among the peasant farmers in rural Simada have had a tremendous impact on the realization of their human right to food, particularly among the food insecure households living in the Woreda. Apart from access to land and security of tenure, the accessibility of agricultural inputs among farming families, in one way or the other, have had a critical and determining consequence on the realization of the human right to food of the rural farming individuals and the community in general. This will be discussed below, in the following sub-section.

5.3.2. Accessibility of Agricultural Inputs

Ensuring the accessibility of agricultural inputs i.e. technology and the required skill and knowledge to peasant farmers is an indispensable and necessary one to increase farmers' food production and to ensure the realization of their human right to food. In line with this assertion the Food and Agriculture Organization of the United Nations (FAO-UN) affirms that the provision of agricultural inputs and the required knowledge of their application is a necessary means to address mass hunger and this is fundamentally the responsibility and a human right to food obligation of the state.[83] In the same token, in rural Ethiopia i.e. Simada Woreda, the provision of more productive farming inputs, technology and the dissemination of advanced farming knowledge and skills is indispensable and instrumental to address food insecurity and overcome hunger. However, the provision of advanced agricultural yield-enhancing inputs has limited only to distribution of modern UREA and DAP fertilizers and improved seeds among the rural peasant farmers. These modern seeds and fertilizers were made physically available

[83] See, Food and Agriculture Organization of the United Nations (FAO-UN) The Right to Food in Practice: Implementation at the National Level. FAO: Rome (2006); and Food and Agriculture Organization of the United Nations (FAO-UN), "The State of Food Insecurity in the World – 2012." FAO: Rome (2012).

for sale through local farmers' cooperatives and recently through the Amhara Credit and Saving Institution (ACSI).[84] The modern agricultural knowledge has been transferred to the local farmers through the Farmers Training Institutions and by the Agricultural Development Agents.[85] The success of these modern and scientific, particularly western, agricultural knowledge, and skills have been imperiled, as they were perceived as alien by the local community and clashed with the indigenous farming knowledge and skills.[86]

One of the main problems that the farmers face and experience in relation to food production enhancing farming inputs, as indicated in Focus Group Discussions, has been that the lack of adequate access to these inputs, often years, at least to the average poor farmer. Two points can be mentioned, in this regard; first, they are not made physically available in the required quality and quantity. It was reported, by farmers at focus group discussions, that there were times farm inputs, particularly fertilizers, seeds and other chemicals were not availed conveniently for sale by government-assigned institutions for farmers on an equal basis. In this regard, for example, a 40 years old man who is also a peasant farmer at Afaf-Mariam (Kebele 08) in a Focus Group Discussion reiterated the following;

> *"Whenever modern agricultural inputs are availed in our Kebele the local distributors and the Kebele bureaucrats [the local state authorities] give priority for the members of the Amhara National Democratic Moment (ANDM)[87] and supporters of the regime, particularly the model farmers are beneficiaries of everything good that comes to us through the government [and its parastatals]. We are not treated fairly and as equal citizens".*[88] (My translation from Amharic)

Second, though at times these inputs are made available for sale at the local market and 'farmers' cooperatives' it was reported again that the cost of these inputs is an unaffordable to poor farmers who are struggling to feed themselves. As food insecure farming families rarely have a reserve, and obviously produce on rain feed agriculture where there is a potential high

[84] Interview with the Woreda Agriculture and Rural Development Office head and Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator.

[85] Simada Woreda Agriculture and Rural Development Office, Report Ref. No. 34/07(16/06/07) document on file

[86] Ibid

[87] The Amhara National Democratic Moment (ANDM) recently the Amhara Democratic Party (ADP) is one of the four members of the state (FDRE) governing coalition EPRDF. The ANDM or (ADP) is also a political party in control of the Amhara region as a state government.

[88] Focus Group Discussion Participant W4, April, 24, 2017. Local farmers' cooperatives and private shared companies are either the property of the incumbent regime or its affiliates. As the government has easy access to these business entities can politicize fertilizers and other agricultural inputs.

risk for crop failure due to frequent drought, if they use expensive inputs, i.e. fertilizers, taking every means at their disposal and when the rain fails to come, as has been often the case in the Woreda, virtually food insecure farmers have had no insurance (guarantee) that would protect them from such kind of risks.

Therefore, apart from the physical inaccessibility of modern agricultural inputs to the average farmers in the Woreda, the high cost of such modern inputs that made them economically inaccessible to the food insecure poor farming families and high expectation among farmers of crop failure due to adverse climatic and rainfall variability and lack of guarantee that would protect them from such kind of high risk made smallholder farmers not to use agricultural yield-enhancing inputs. Moreover, access to affordable credit and financial service has persistently been an 'Achilles Heel' for the farming rural residents of the Woreda. The lack of affordable financial and credit service has adverse impact on the realization of their human right to food. This will be discussed further in the following sub-section.

5.3.3. Access to Finance and Credit Services

Access to finance and credit service is another indispensable factor that would help and improve the productivity of farmers. This would also enable them to realize the human right to food by themselves. On the contrary, in the absence of affordable and reliable to financial and credit service, farmers would opt for cheap technologies and lower yielding inputs rather than utilizing relatively expensive but productive and yield enhancing farm technologies.[89]

Access to finance- for the rural farming community of the Woreda, the state agencies and NGOs [that have been working through government devised PSNP] besides the returns of their own agricultural produce, are the major sources of finance.[90] As the food security and RPSNP coordinator of the Woreda disclosed, the beneficiaries of RPSNP have been provided with financial support to improve their livelihood base starting from January 2018. For this purpose,

[89] Thomas Ogola and Jane Sawe, The Origins of the Food Crisis: The Case of East Africa: in The Food Crisis Implications for Labor, Volume 2, Edited by Christoph Scherrer. Mering: Rainer Hampp Verlag. 2013, p.33

[90] As already indicated under section 5.2.3. and, section 5.3.7. below, the food produce of the average farmer is inadequate let alone to be a surplus. As a result, the government and NGOs have been supplementing the food requirements of rural farmers in the Woreda through food AID and RPSNP.

the Woreda has got a United States Agency for International Development (USAID) and World Food Program (WFP) funded budget of 21,000,000 Birr for the 2018-2022 period. The budget is to be distributed among the food insecure peasant farmers who are registered under the livelihood improvement package of the RPSNP. The beneficiaries of the livelihood improvement package are the already the registered beneficiaries of RPSNP, particularly the "Public Work" package of the RPSNP, which has been under implementation since 2005. They are entitled to a financial credit up to 7000 Birr to start up own business that would be either an on-farm or off-farm business.[91]

In this regard, it is worthwhile to state that, during an interview that the researcher had with the food security and RPSNP coordinator of the Woreda, the coordinator had underscored the following assertion while speaking on the size of the financial budget allotted for the livelihood improvement package of the RPSNP and its mode of disposition among the 'beneficiaries';

> *"Initially it was planned that, the Woreda Finance Bureau, an agency of the state, to hold the managerial responsibility, particularly the distribution and recollection of the budget of the RPSNP for the Livelihood Improvement Package. It was obliged to loan to the beneficiaries free of interest. However, more recently, it has been decided that the mandate of the Woreda Finance Bureau, to manage and distribute and collect loan money, has been deferred and the 'Amhara Credit and Saving Institution' (ACSI), has been given the mandate to manage and distribute the budgeted money, 21,000,000 among the RPSNP, Livelihood Improvement Package, "beneficiaries" through arranged loan service with an interest rate of 10 percent".*[92] (My translation from Amharic)

Subsequently, the above statements of the Food Security and Rural Productive Safety Net Program Coordinator is an indicative of the fact that, considering the fragile state of the livelihood base of farmers and consequently their economic resilience, the interest rate of the money loan of the PSNP's budget provided by the Amhara Credit and Saving Institution (ACSI) to the peasant farmer 'beneficiaries' has been very high and appears to be unnecessarily unaffordable to them. It, on the other hand, helps the government to get the money back and redistribute it for future 'beneficiaries' at ease without further delay and failure to recover debt. The ACSI, as profit-making enterprise, would recover the money for the government with

[91] Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[92] Interview with the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

greater efficiency while making a profit in the process for its own. But, the amount of the loan that ACSI demanded from the chronically food insecure farmers from the government's money is relatively higher than the average interest rate demanded by financial institutions operating in Ethiopia which is 8 percent.

It is worthwhile to note that the ACSI is "a private share company" in name but the Amhara National Democratic Movement ((ANDM), since late 2018, the Amhara Democratic Party (ADP), one of the four-member political parties of the EPRDF, which is also the reigning governor of the Amhara National Regional State) is its sole owner.[93] In this regard, the Food Security and RPSNP Coordinator of the Woreda had disclosed the reason why the ACSI has been chosen as a partner by stating that the ACSI would be more effective in redistributing and recollecting the loan money in due time as it is a profiting making institution backed by law".[94] However, this move of the Woreda administration, particularly letting the ACSI to make a profit out of the RPSNP's money, is not tenable for two main reasons. First, the interest rate of the loan money that goes to the account of the ACSI is so high, particularly considering the ownership of the money on the one hand, and the economic power of the targeted population, food insecure peasant farmers. Second, the prime objective of the budgeted money, is helping the poor of the poor to extricate themselves from chronic food insecurity and realize their human right to food by engaging them in own business. Thus, it would rather be more logically tenable and to the interest of the food insecure farmers, had the money been distributed among the registered beneficiaries through more efficient government channels, as it would save the poorest among the rural poor from the unnecessary burden of corporate interest.

Therefore, it can be argued here that the decision of the Woreda administration to mandate the ACSI to channel the distribution and recollection of the PSNP- Livelihood Improvement Package's money at an interest rate of 10 percent can be regarded, on the one hand, as high and against the rural farmers' right to have access to affordable financial service, and on the other hand, the ACSI is a parastatal of the ruling party of the region, the decision of the local administration is of apolitical that aims at helping the ACSI more than the chronically food insecure registered beneficiaries of the Livelihood Improvement Package.

[93] The Amhara Credit and Saving Institution (ACSI), Institutional Profile, Current Status and Future Strategy. Date May, 2004, Rf No. 27175_document on file_RR_ACSI_Status_Report.

[94] Interview with the Ato Abay Gessesse, Food Security and Rural Productive Safety Net Program (RPSNP)) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

Access to credit- the Amhara Credit and Saving Institution (ACSI), as discussed above, is the only and the dominantly used formal credit and saving service provider in the Woreda, particularly for the rural community.[95] The ACSI provides saving and credit service to the local community through its Woreda main (Wogeda) branch and four other sub-branches located in Robit, Adada, Yekuasa and Tsedoye sub-towns of the Woreda. It provides credit to small holder subsistence farmers at an interest rate of 18 percent for a period of one year.[96] This high rate of interest on the loan and the brief (not longer than a year) and stringent repayment procedures, however, made recently small holder subsistence farmers unwilling and often reluctant to join with it and use its credit service. Consequently, the high-interest rate and short lifespan of the available money loan has inhibited agricultural investment and productivity among the local small holder subsistence farmers.[97] Underscoring this phenomenon, for example, in a Focus Group Discussion a 34 years old man who is also a peasant farmer at Yequasa (Kebele 35) stated the following:

> *"The Amhara Credit and Saving Institution (ACSI) has been providing credit service to the local rural farmers in all Kebeles but at high-interest rate, 18 percent. Besides the high-interest rate of its money loan, the ACSI, if and when our harvest fails due to climate variability or another calamity, does not give us the option to repay the loan in the next harvest, let alone to extend the repayment time period to three or more years. If we fail to repay in the specified time, one-year period, we may be imprisoned by government authorities for not repaying the 'government's money' of the ACSI. They may force us to stay in prison until we fully pay the money back. Therefore, I and many fellow farmers here prefer to till the land through the traditional method and use local and cheap inputs that we have at our disposal. This is due to the high interest rate and stringent loan return procedure of the ACSI, on the one hand, and due to the fear that we have for the possible consequences of failure to pay back the borrowed money as per the timeline of repayment set during [our] contract with the ACSI, on the other".*[98] (My translation from Amharic)

Moreover, in the same line of assertion the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator of the Woreda had stated "I personally know [small holder subsistence] farmers who borrowed money from ACSI" at high interest (18 percent) and invested in their farm but as they lost their produce due to drought, they were not able to repay

[95] The Amhara Credit and Saving Institution (ACSI), Institutional Profile, Current Status and Future Strategy. Date May, 2004, Rf No. 27175_document on file_RR_ACSI_Status_Report.

[96] This is the one of the highest in interest rates provided by the formal financial institutions in Ethiopia. For instance, other loan providers like the Ethiopian Commercial bank provides loan for housing at an interest rate of 10-12 for 10-20 years.

[97] Adeleke Salami et al., 'Smallholder Agriculture in East Africa: Trends, Constraints and Opportunities', Working Papers Series, No. 105, Tunis: African Development Bank. 2010, p. 2

[98] Focus Group Discussion Participant X2, April, 26, 2017

the loan on the due time. “It lapsed for about two and three years, this has been for the reason that these farmers were not able to repay the loan and its interest even after selling all their assets, including their drawing cattle” that they used for ploughing their farm and eventually “they had left the Woreda and vanished not to come back again.”[99]

Therefore, due to this, from what the rural community used to see and experience, many of them used to call engagement with this institution and having a credit from it as *“eyayu gedel”- the riskiest business deal that is equated with committing suicide.* Apart from the ACSI, as disclosed above, other formal credit and saving institutions that could provide affordable and more convenient credit service to the community are not yet available in the Woreda.

In this regard, it also needs to be noted that the ACSI, being the only available formal financial institution that has been providing credit to the rural farmers, in the Woreda and the region in general, at a high-interest rate of 18 percent has emerged just in a decade as to be the largest profit-making Micro-credit and Saving Institution not only in Ethiopia but in the entire region of Sub-Saharan Africa.[100]

However, the Food for the Hungry International-Ethiopia (FHI-E) has been recently, since late 2017, trying to help the local rural community to establish self-help credit associations that would fill this lacuna by encouraging members of each association to save some money every month and in time of need members would have access to a more convenient credit service in their respective association.[101] However, these self-help institutions are not yet functional.

Therefore, from the on-going discussions, it can be safely argued here that currently, affordable and flexible financial and credit service to the chronically poor and the critically food insecure segment of the rural community of the Woreda is not yet available and accessible. Ensuring the functionality of affordable, more convenient and accessible financial institutions in the Woreda would have a pivotal impact in increasing food production among the smallholder

[99] Interview with the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[100] United States Agency for International Development (USAID), Amhara Credit and Savings Institutions: Ethiopia USAID Financial Services Knowledge Generation – State Owned Retail Banks, Micro report, No. 58, p. iii, available at; https://microlinks.org/. [Accessed on 04 December, 2017]

[101] Interview with the Ato Admasu Zemene, Agriculture and Livelihood Officer, Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017

subsistence farmers and consequently would help them to realize their human right to food by themselves.

5.3.4. Irrigation, Rural Public Infrastructure and Ecosystem Base Development

Investment in food production and distribution enhancing key sectors, i.e. irrigation, transport and communication systems and maintenance and restoration of the ecosystem, is instrumental to ensure local food security and consequently, the realization of the human right to food of the local community.

In this regard, the data obtained from the Agriculture and Rural Development Office of the Woreda has indicated that irrigation practice in the rural Simada is in its infancy. As about 97 percent of the farmland under use by smallholder subsistence farmers is under rain feed agriculture and the remaining, only about 3 percent, farmland is irrigated using traditional irrigation methods, i.e. developing and diverting springs and small rivers with mud and stone. Thus, considering the lack of irrigation schemes in the Woreda, paralleling the huge potential of the Woreda and the high need among small holder subsistence farmers for irrigation, the Food Security and RPSNP Coordinator of the Woreda has stated the following;

> *"Topographically most part of the Woreda is flat and crisscrossed by rivers of Mugie, Fesas, Bijena, and Zirga-Wudo, major tributaries of the Abay (Blue Nile) river. This makes the Woreda potentially favorable for irrigated agriculture and for surplus food production. Nonetheless, so far this potential has never been put into use. However, the government has given priority for irrigation in the Second Growth and Transformation Plan (GTP II), 2016-2021.Therefore, we are expecting that the government will put much effort in the next four or five years so that smallholder farmers of the Woreda will benefit from irrigation schemes".*[102] (My translation from Amharic)

Concurring with the explanation of the Food Security and RPSNP Coordinator of the Woreda on the lack of irrigation infrastructure for smallholder agriculture in general and food production in particular, in Simada Woreda, a 60 years old man in the focus group discussion at *Yekuasa* reiterated that;

[102] Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

> *"Nowadays, due to the evident climate change that we are facing, the rain [particularly during the summer season, from June to August] on which our livelihood is highly dependent has become unprecedentedly unpredictable. We cannot be sure when exactly the rainy season would begin and end. We are increasingly being affected by recurrent drought. Therefore, knowing this, we do have a strong desire and commitment to utilize the waters of our rivers and streams in this Kebele through irrigation for agriculture and in effect to produce more and diverse food than what we are producing today. Despite our need for an alternative source of water and irrigation, we are not getting any help from the government or from another party in this respect".*[103] (My translation from Amharic)

Therefore, in view of this, the government, among others, is required to work to make irrigation facilities to be accessible to smallholder subsistence farmers. In this regard, the United Nations Special Rapporteur for the Human Right to Food, Hilal Elver during interview has stated that in Ethiopia, as is the case in many other countries, climate change, among others, has made rain feed food production unpredictable and put farmers under serious food insecurity challenge.[104]

Therefore, the establishment of irrigation facilities, that would enable farmers to produce more than once in years, would help to increase the productivity of peasant farmers and to enable them, in the process, to feed themselves in dignity. This may demand the mobilization of much resource, however, it could be made through local means, i.e. through the mobilization and synergization of the available resource of the state [i.e. the development budget of the Woreda] and by drawing a beneficiary contribution among farmers, by engaging them in labor work as beneficiaries of the RPSNP, along potential contributions of Non-Governmental Organizations (NGOs), i.e. particularly the FHI-E which has been operating in the Woreda for about three decades, particularly providing food aid directly to the local community in need and assisting and partnering with the RPSNP of the government.[105]

The development of communication and transport infrastructure is also indispensable to the realization of the human right to food, as they help to make information, food-related item, and markets to be accessible to smallholder subsistence farmers in many ways. In this regard, dry weather roads to the administrative and economic center of the Woreda, Wogeda town, connect

[103] Focus Group Discussion Participant X5, April 26, 2017

[104] Interview with Hilal Elver, the United Nations Special Rapporteur for the Human Right to Food on the 3rd of October 2018, Lund, Sweden.

[105] The small-scale agriculture did not exhaustively utilize the minimum, let alone the full, potential of the Woreda for irrigation and at least complement irrigation with rain feed agriculture system was not provided adequate attention by the concerned development stakeholders.

the majority of the Kebeles of the Woreda. This has helped and created a possibility for emergency supplies, fertilizers, and other agricultural inputs to reach Kebele centers during the dry (Bega) season of the year. However, it was reported by participants in focus group discussions and observed by the researcher himself that at times these dry-season roads are not under use by public transport providers, because of their poor quality. However, mainly government vehicles have used these roads during the dry (Bega) season. Only the all-weather gravel road that connect the Woreda to the zone and the roads that connect the three Sub-Woreda towns to the Woreda town are all-weather roads and have been used regularly by public transport providers.

Mobile phone service is available in all Kebeles of the Woreda. This makes a wide range of information including the market prices of agricultural inputs, grain, and livestock accessible to smallholder subsistence farmers. Moreover, road transportation and mobile phones in relative terms have saved the subsistence farmers' time and labor that would have been spent for travelling on foot. It should also be noted that, particularly, the gravel roads that link Kebeles with the Woreda town have enabled the government and NGOs to reach and provide food aid conveniently to the needy and consequently helped to save vulnerable lives from extreme hunger and death.[106]

Apart from this, a well-studied and prudent investment to maintain and protect natural and eco-system base of the Woreda is another determining factor for the smallholder farmers' survival and the better realization of their human right to food. However, it was reported that the environment in most parts of the Woreda particularly in the Kola and Woina-Dega agro-ecological zones is increasingly degrading and farms lands have been losing their food production potential. As already discussed under section 5.3.1. farmlands in some Kebeles have been losing their food production potential by 60-70 percent. In response to this eminent threat posed against small holder farmers survival, the Food for Work Package of the RPSNP and the "Sustainable Watershed Management Project" of the FHI-E have had given priority for water and soil conservation and the rehabilitation and maintenance of mountains and hillsides among the highly degraded Kebeles and severely food insecure communities of the Woreda. Despite this effort, it was reported by farmers and observed during fieldwork that the

[106] This has also been affirmed, during an interview with Ato Admasu Zemene, Agriculture and Livelihood Officer, Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017

work that has been done so far, considering the proportion of the problem, has been very disproportionally limited in its success and significance. Particularly, the rehabilitation work on degraded lands and afforestation have been insignificant and consequently did not help the people to realize their human right to food by their own means. Therefore, in the effort to realize the human right to food of the rural smallholder subsistence farmers, particularly the highly food insecure ones, the existing condition in the Woreda requires significant and prudently managed public investment in irrigation, ecosystem base development and other rural basic infrastructures in the Woreda.

5.3.5. Nutrition Awareness and Education

According to the Food and Agriculture Organization (FAO) (2005), ensuring effective nutritional awareness and education in a society is a core element of the endeavor to realize their human right to food.[107] This is premised on the belief that knowledge about the nutritional value of food items and healthy eating can significantly help people to realize their right to food by themselves. In this regard, both the Federal and the Amhara Regional State Governments have devised nutrition programs aiming at addressing chronic malnutrition among citizens in general and improving the health and nutritional well-being of pregnant and lactating women and their children in particular.[108] These nutrition programs of both governments through a coordinated effort of the local community, charity organizations and the resources of the government aims at, and have placed particular emphasis on, the reduction of the growing and prevalent stunting and wasting among children in first 1000 days of life and chronic under-nutrition among pregnant and lactating women.

In the particular context of Simada Woreda the Agricultural Development Agents, the health extension workers under the auspices of the Agriculture and Rural Development Office of the Woreda and the Health Sector Office of the Woreda in collaboration with Food for the Hungry

[107] Food and Agriculture Organization of the United Nations (FAO-UN), Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. Food and Agriculture Organization: Rome. (2005)

[108] In order to address the National nutrition deficit, the federal government of Ethiopia has endorsed the country's first-ever National Nutrition Program (NNP) in February 2008. This strategy has been acknowledged as the cornerstone for the surveillance and evaluation of nutrition-related problems in Ethiopia, and the implementation and monitoring of related nutrition interventions. See, Government of the Federal Democratic Republic of Ethiopia, National Nutrition Program 2008-2015: National Nutrition Program Implementing Sectors Declaration.

International- Ethiopia (FHI-E) and CARE Ethiopia (together under a steering joint committee) have been working, along the right holders, to ensure sound nutritional awareness and practice among mothers in the Woreda. According to the head of the district office of the Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, the aim of the steering committee has been to prevent and reduce malnutrition, especially among high-risk groups (children, pregnant and lactating women), and to promote healthy eating habits throughout the Kebeles of the Woreda.[109]

Besides the above initiatives, the government along NGOs has been providing school meals, through its School Feeding Program (SFP), once in a school day to schoolchildren who were enrolled in the public primary schools of the Woreda. From 2007-2009 among the total 83 primary schools in the Woreda 14 schools had been providing students one meal in a school day. As the Woreda education bureau officer asserted, the program, at the time, had helped to mitigate the negative consequences of hunger among students and to increase students' enrolment and their ability to learn. However, the program had been discontinued due to lack of funding. Instead, the RPSNP has been devised to include those students who are from chronically food insecure households.[110]

Despite all these efforts discussed above, it was reported that the rural people are not feeding themselves adequately. Rather, among the rural mass, forced hunger and under-nutrition have remained as a day to day lived experience. In this regard, a research done on the nutrition profile of the rural people in the Woreda by CARE-Ethiopia (2013) revealed that, due to lack of the means to diversify food, among other things, people are forced to eat the same diet monotonously and "the percentage share of cereals, roots and tubers in the daily energy requirement among the high-risk groups in particular and the majority of the population in general poses a serious concern."[111] In line with this assertion, a mother of three in women only Focus Group Discussion stated the following;

> *"Though, we have been told about the value of nutritious food for ours (mothers') and our new born babies' health, due to the lack (unavailability) of the means at our disposal to adequately nourish ourselves and our babies with a balanced diet,*

[109] Interview with the head of the district office of the Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017

[110] Interview with the Ato Melkamu Shiferaw, Woreda Education Bureau Head, May, 28, 2017

[111] CARE Ethiopia, Nutrition at the Centre: Formative Research Report from Ethiopia (n 24)

particularly during pregnancy and breastfeeding, we mothers and our babies are forced to stay hungry and remain undernourished".[112] (My translation from Amharic)

Therefore, from the study of CARE-Ethiopia (2013) and the view expressed by the participants in all focus group discussions, as discussed above both in this section and the sections before it, we may be justified to say that people, particularly, food insecure rural people in the Woreda are not having access to nutritious and adequate food rather people are forced to eat the same diet monotonously which poses a serious concern as it leads to malnutrition and related diseases.

5.3.6. Access to Off-farm Employment

Off-farm employment can be a major source of income or an alternative and supplementary means for the rural people to realize their human right to food.[113] In the focus group discussions, it has been underscored that stagnant agricultural productivity and low returns in farming have made the able members of the rural people to desperately look for alternative or supplementary income-generating opportunities, primarily through off-farm employment. It was reported that off-farm employment was mainly available in the nearby urban areas (particularly Wogeda Town) or in the remote urban centers and commercial farms in Ethiopia, both in and outside of the Amhara National Regional State.

However, the available employment opportunity in the town of the Woreda (Wogeda) was very limited, considering the relative vast size of the rural population in need of job opportunity, and there has been little investment in job creation by the government (particularly by the Woreda administration) and by private investors. Instead, the only available jobs were those that require casual labor like fencing, stone and wood cutting and house construction, which is also rare, in view of the small size of the urban population, where relative demand for such kind of labor is available, on the one hand and the availability of rural labor in abundance, on the other. Underscoring this phenomenon in a focus group discussion at Kindo-Meda (Kebele 11) a 22 years old woman stated the following;

[112] Focus Group Discussion Participant Y5, May 04, 2017

[113] Off-farm employment has been defined in the literature in several ways. In this work, off-farm employment is defined as all work done outside one's own farm so as to generate income. It includes temporary employment (wage labor, exchange labor), seasonal skilled and semi-skilled jobs (carpentry, stone cutting, blacksmith, agro-processing, waving). It also includes self-employment (retailers, wholesalers, mill owners, and other private entrepreneurs)

> *"People in this Woreda at the age of mine are not provided with land by the government. Thus, many of us are effectively landless. I, my husband and a daughter of ours are surviving by the produce of small plots [less than a hectare] of land given to us by our [the interviewee's and her husband's] parents and with the food subsidy that we get from the RPSNP- Food for Work [Package]. If I, as a young woman, get the chance [in the future] to engage in an off-farm employment, I would be more food secure and be happy than I am now. However, the government and other concerned parties are not providing us [the younger generation] such an opportunity that we have been yearning for years".*[114] (My translation from Amharic)

In agreement with the above-stated statements of the young woman, the Food Security and Productive Safety Net Program Coordinator of the Woreda stated during an interview that the [chronically food insecure households] do not have alternative means of survival at home, consequently, migration has become the feasible option and the fastest growing component of off-farm labor. He further stated that "almost in every household at least one family member travels somewhere in the other parts of the country in search of temporary jobs so as to supplement the food needs of his/her family."[115] In this regard, in a focus group discussion at Afaf Mariam, a 23 years old young man underscored the following;

> *"We, the youth, who are provided with land by the government and at the same time cannot have access to an off-farm job in the neighborhoods, to ensure the survival of ourselves and members of our family do not have a better actual alternative but to travel to other parts of the country where job with reasonable wage is available especially after the Meher, season where there is less labor demand on local farm lands".*[116] (My translation from Amharic)

In this regard, the Woreda Food Security the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator has also confirmed that migration to Metema, Dansha and Humera to invest labor force on sesame for payment is often used as a source of income by the youth, during the cropping season of the year.

Therefore, from the on-going discussions, it can be concluded that off-farm employment, though has been much sought after among the rural mass, is not a conveniently available opportunity, as there has been very limited private sector investment that would provide job opportunity and as discussed under section 5.3.3. above, there is no access to finance and credit services that would enable the rural community to establish and run own business. Instead,

[114] Focus Group Discussion Participant, Z2, May 10, 2017

[115] Interview with Ato Abay Gessesse, Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[116] Focus Group Discussion Participant W7, April 24, 2017

often, the chronically food insecure poor peasant farmers in the Woreda respond to food insecurity risks by intensifying the search for work in other fertile areas and urban centers where there is better opportunity than rural Simada Woreda.[117]

5.3.7. Access to Social Security

Food aid and the Rural Productive Safety Net Program are the dominant available social security schemes for the rural community of Simada Woreda. In this regard it is it is important to note that the Food for the Hungry International-Ethiopia (FHI-E) from 1984/85 to 2005, had been providing food aid (wheat, vegetable oil and corn flour) almost every year for the significant majority of the chronically food insecure rural people covering their food requirement from two up to six months in a year.[118] Since 2005, the government of the Federal Democratic Republic of Ethiopia (FDRE) under the auspices of the Ministry of Agriculture and Rural Development (MoARD) has devised the Rural Productive Safety Net Program (RPSNP). The program, at countrywide level, has mainly been funded by the World Food Program (WFP) and the United States Agency for International Development (USAID).[119] However, in the case of Simada Woreda, the direct support and food for work packages of RPSNP have been funded mainly by the Food for the Hungry International- Ethiopia (FHI-E), while the budget of the other component of the RPSNP, the livelihood improvement package, is financed by the federal government, which is, as discussed above, being financially supported by donors i.e. the WFP and USAID.

[117] Anderson, Stephen and Elisabeth Farmer, *USAID Office of Food for Peace Food Security Country Framework for Ethiopia FY 2016 – FY 2020*. Washington, D.C.: Food Economy Group, 2015, p. 12

[118] The last couple of decades have witnessed many changes in relation to food aid, shifts in distribution, geographical focus, and from emergency to development projects. Besides these evolutionary changes, there have also been many problems surrounding the provision of food aid: issues of dumping (free) food aid on local markets, as well as the monetization of food aid at the local and national levels – each have caused great strain on farmers' livelihoods by undercutting local prices and affecting local and national markets. These problems have mainly to do with effects on national and local economies and the resultant social problems.

[119] Interviews with Ato Abay Gessesse, Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017. And Ato Admasu Zemene, Agriculture and Livelihood Officer, Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017.

A report from Food Security and Rural Productive Safety Net Program (RPSNP) Coordinating office of Simada Woreda indicates that in the Woreda since 2005, all the 39 rural Kebeles have been virtually incorporated under the Rural Productive Safety Net Program (RPSNP). According to the same report, in these Kebeles, a total of 78,859 people have been targeted and made the direct beneficiary of the program.[120]

A point to note here is that the RPSNP has three component packages; Public Work, Direct Support and Livelihood Improvement (Building) Packages. Therefore, in the woreda, the respective targets under the three packages have been chronically food insecure households who have had a food gap for at least six months in a year. Among the direct beneficiaries of the program, individuals who are adult and able to work are required to get the support through participation in the Public Work Package (PWP). But those who are food insecure but not fit to engage in productive work for health, age or other compelling reason have been exempted from obligatory public work, rather they are targeted under the 'direct support' package of the RPSNP. The three packages of the RPSNP along the state of their delivery, both the positive achieves and limitations at Simada Woreda are discussed below.

A. The Public Work* Package *(PWP) - Under this package 52,324 able-bodied but chronically food insecure individual rural residents of the Woreda have been taking part as direct beneficiaries. According to a report from the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinating Office, Simada Woreda, each participating beneficiary has been provided with 15 kilograms of wheat and 4 kilograms of pulse for a month, in return for five days of [public] work or, if the participating individual beneficiary needs the payment in cash, he/she is entitled to receive 41 Birr for a day, and consequently, a sum of 205 Birr in a month. It is worthwhile to note that, in both cases, the food for work package of the RPSNP aims to offset the food gap that the chronically food insecure rural people of the Woreda experience during lean months, while by engaging them in environmental rehabilitation and public infrastructure re/construction.[121]

---

[120] Food Security and Rural Productive Safety Net Program (RPSNP) Coordinating Office, Simada Woreda, Report No. 67/09(24/05/09) document on file. According to the report, among the total beneficiaries of the PSNP in the Woreda, that is 78,859 people, 25182 have graduated from the program as their capital equals or exceeds 4000 Birr, and 502 are dead while other 700 left the Woreda for various reasons, economic factor being the major one. In the place of the dead and people who migrated 1200 people were retargeted by the program.

[121] Interview with the Ato Abay Gessesse, Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21,

The success and effectiveness of the food for public work package, often called the Food-For-Work (FFW), as it covers about 70 percent of the total beneficiary of the RPSNP, in helping the chronically food insecure people in the rural Simada to realize their human right to food was discussed among the Focus Group Discussion participants. The views and experiences of the participants, however, have been somewhat mixed. For example, some FGD participants in Yekuasa (Kebele 35), reported that the FFW activities have helped the beneficiaries of the program to improve the state of their environment on the one hand and the financial and food support returns have helped them to escape extreme starvation, on the other. However, participants from Kindo-Meda (Kebele 11) have underscored that the FFW activities are not helping the beneficiaries of the program to conveniently overcome food insecurity and realize their human right to food. They state that, in their Kebele (Kebele 11) the participants of the FFW have been forced to travel more than 10 kilometers a day to the work site to do a tracing on a highly degraded mountain range and the amount of payment/wheat and pulse that they were receiving have not been commensurate with the hard work that they have been doing for eight hours a day. Furthermore, they disclosed that to their dismay, the travelling time to the work site has been excluded from the required working hours.

Apart from this, a point worthwhile to mention here is that, in all focus group discussions, participants have reported that the very selection and registration process for targeting the 'beneficiaries' of the RPSNP, had not been transparent and fair. Rather, as per the views of the participants, in some cases, it was selectively unfair and discriminatory. The participants have indicated during discussions that some households and individuals who were chronically food insecure were excluded due to sheer oversight or negligence by responsible committee for the selection and registration of the 'direct beneficiaries' of RPSNP, on the one hand and some people who were not food insecure, because of their patronage with members of the selecting committee, were targeted and made beneficiaries of the program.

Conforming this assertion of the focus group discussion participants, in a separate interview, the FHI-E Food Security and Agricultural Development Officer has confirmed that the selection and registration of the direct beneficiaries, of the RPSNP in general and the Public Work Package (PWP*)* in particular, in the Woreda was often unfair. According to the officer,

2017. As per the statement of RPSNP Coordinator, a maximum of five members of a family can be beneficiary of the package. For example, from a family of 10 only five are entitled to the RPSNP.

people with good reason to be included in the program were not included and people who are relatively food secure had been included in the program. This very exclusion of the chronically food insecure and inclusion of the relatively food secure one contradicts with the very objective of the program, that aims to enable primary the chronically food insecure peasant farmers to offset their food gap and feed themselves in dignity.[122]

Furthermore, the Food Security and RPSNP Coordinator of the Woreda Agriculture, and Rural Development Office had stated the following;

> *"During the first round of registration of the beneficiaries of the Rural Productive Safety Net Program (RPSNP), members of the selecting committee were not trained adequately to be fully aware of the objectives of the program and the potential consequences of their undertaking in one way or the other. Members of the selecting committee were all new to the essence and objectives of the program. Therefore, there was often a clear gap in knowledge and commitment among the committee members in this regard. As a result, people who were not supposed to be part of the program were made direct beneficiary and people who were supposed to be the right beneficiary of the program were excluded. This was unfortunate and afterwards, other than graduating some registered beneficiaries of the RPSNP, who were deemed relatively food secure, no other action has been taken ever since to right the wrong done by the committee during registration".*[123] (My translation from Amharic)

Apart from this, the other major weakness of the RPSNP, mentioned by participants of the Focus Group Discussions and by the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator of the Woreda, was its recognition of time pressure on gender and its enforcement accordingly. By tradition women among the rural community of Simada Woreda in particular and in Ethiopia in general, have been expected to carry out, as their primary duty, domestic and reproductive roles, regardless of any other assignments that they may be bound to workout. This gender role of women had not been taken into account in the early design of the FFW package of the RPSNP. However, since January, 2017 pregnant women who were beneficiaries of the package have been exempted from engaging in the productive work after the fourth month of pregnancy and lactating women have been obliged to work only half of

[122] Interview with the head of the district office of the Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017

[123] Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

what is required from men and other women. In this regard lactating women are required to work only four hours a day.[124]

Despite all the above stated weaknesses, the RPSNP, particularly the FFW package, has been serving as an additional source of food for ten thousands of rural people in the Woreda and has helped to save ten thousands of lives from extreme starvation and related death.

B. The Direct Support Package (DSP) – people who chronically food insecure and at the same time, the minor, aged or terminally ill ones are the primary targets of this program. In other words, the beneficiaries of the Direct Support Package (DSP) of the RPSNP are people who are chronically food insecure and unable to engage in the Food for Work Package (FFWP), discussed above, for health and age-related reason. Currently, 26,530 people have been a registered 'beneficiary' of the DSP. Accordingly, each member of the chronically food insecure household family is provided with a food ration of 15 kilograms of wheat and 4 kilograms of pulse or its cash transfer equivalent, 210 Birr a month for the six (from January to June) months of the year which are considered, for the chronically food insecure peasant farmers, lean months in terms of having access to food.[125]

However, three points can be mentioned here with regard to the tenability of the administration and implementation of the program. First, the quality and quantity of the food stuff provided to the 'beneficiaries' is inadequate, particularly when the household members are landless and do not have alternative means of income to complement their food requirements. Second, the food stuff, i.e. the wheat and pulse, directly provided to the food insecure local people has been imported from Canada through the FHIE. This may have a negative impact on local food prices, particularly on the relatively food secure peasant and surplus producing local farmers both in and outside of the Woreda.[126] Rather, procurement of key food commodities for this purpose at local market would boost producer prices and could help to maintain local producer incentives. Third, the quality of the food, which is wheat and pulse, is often objected for being poor in quality. This is due to, as Michelle Springfield argue, the primary aim of the

[124] Ibid

[125] Ibid, See also Anderson, Stephen and Elisabeth Farmer, *USAID Office of Food for Peace Food Security Country Framework for Ethiopia FY 2016 – FY 2020*. Washington, D.C.: Food Economy Group, 2015, p. 12

[126] Often grains imported from Canada and other western donor countries in the form of food aid are either inferior in quality, based on the local standards of donor countries or are genetically modified ones. Some claim that donor countries send these food stuffs in the form of aid for experimental purpose, to see the outcomes of genetically modified food on the local community as well.

government of Canada which is the biggest source of Wheat for aid and recently for PSNP in Ethiopia, and in the study area in particular, is to encourage its grain producing local farmers by buying their grain produce at a competitive price through a European Union funded money and to offload (to use Springfield's term, to dump) surplus grain production to poor countries like Ethiopia.[127] Furthermore, among others, in the process of transportation and storage, right from Canada to the destination, Simada where the food is distributed to consumers, the quality of the food would be compromised a lot. In any case, alternatively locally procured grain and other food items could be used for relief purposes or for the provision of food handouts as part of the PSNP. This, replacing imported food aid, particularly in the food deficit regions in Ethiopia, including Simada, would not only significantly reduce transportation and storage cost, but also enable the people under consideration to have access to quality and culturally acceptable food while maintaining local food prices and boosting producer prices and incentives.

C. Livelihood Improvement Package **(LIP)** – is, in relative terms, a recently emerging package and often called Household Capacity Building Package. It aims at protecting and helping the chronically food insecure able-bodied people to grow their assets, improve their resilience against shocks and, at the end, to enable them to be sustainably food secure. The Livelihood Improvement Package (LIP) is, in practice, the second phase of the PSNP, after FFW. The successful implementation of the LIP is also anticipated to lead 'beneficiaries' to graduation from the PSNP.

It seems that the coming to the fore of this LIP [of the RPSNP] is the result of the anticipation among the government and its partners that the problem of "hunger and chronic food insecurity cannot be solved only through the provision of food hand-outs" to the needy as a major component of the PSNP rather an approach that would empower people to boost their productivity and feed themselves should be devised.[128] This is the result of the recognition that

[127] Michelle Springfield, Food Insecurity: The prospects for Food Sovereignty in Contemporary East Africa. A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Politics and International Relations (unpublished). Royal Holloway University of London Department of Politics and International Relations, (Date not available), p. 235

[128] George Kent, Freedom from Want: The Human Right to Adequate Food. Georgetown University Press, Washington, D.C. 2005, p. 4

the problem of chronic food insecurity can best be addressed by "ensuring that people can live a life in dignity by having decent opportunities to provide for themselves."[129]

As per the RPSNP Implementation Manual, the Livelihood Improvement Package aims at supporting chronically food insecure communities to strengthen their backup and resilience to food crisis through government funded productive on-farm and off-farm employment.[130] In this regard, in Simada Woreda during the time this research was being done, the Woreda Food Security And RPSNP Coordinating Office at Simada had been making preparations to engage about 15,000 chronically food insecure rural residents on on-farm and off-farm businesses that would help and enable them to become more productive and food secure.[131] This, in the final analysis, would enable them to realize their human right to food by themselves.

According to the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinating Office, when the Livelihood Improvement Package came into force from January 2019, the individuals targeted under the package would be provided with cash in the form of loan ranging from 3000-7000 Birr to engage them in on-farm (crop and livestock production) and, off-farm (in pity trade, artisanship, and food processing and preparation) employment pathways. The Amhara Credit and Saving Institution (ACSI) has been assigned the responsibility to administer the distribution and recollection of the budgeted money among the beneficiaries of the program in the form of loan for up to three years at an interest rate of 10 percent a year. However, depending on the kind of business that the beneficiaries want to engage in, the time period for money loan varies.[132] Among the people under consideration some who opt to engage in on-farm business will be provided with money loan from 3000 to 7000 Birr for a year while people who opt to engage in off-farm business will be given the same amount of money loan for three years period. But the interest rate remains the same for both categories, 10 percent a year.

In light of the above discussion, it can be said here that the Livelihood Improvement Package (LIP) of the RPSNP aims at transforms the lives of able-bodied chronically food-insecure

[129] Ibid

[130] See the Ministry of Agriculture and Rural Development, Rural Productive Safety Net Program Implementation Manual: Overall Introduction. (Final draft)

[131] Interview with Ato Abay Gessesse, the Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[132] See the discussion under section 5.4.3.

members of the community. However, during the time this study was being done, the Livelihood Improvement Package of the RPSNP was not fully functional in the Woreda, rather the office of RPSNP was making preparation to select and train the potential beneficiaries of the package.

In a nutshell, though the RPSNP has helped to save ten thousands of lives in the Woreda from extreme hunger and related deaths, particularly during the six lean months, its fairness and inclusiveness can be challenged. As the FGD participants and office coordinators reiterated people who are supposed to be the legitimate beneficiaries of the program, as envisaged the implementation manual of the RPSNP, were excluded and no action has been taken so far to right the wrongs. Apart from providing food handouts to the needy, during lean months, the RPSNP is not yet heling people to extricate themselves from extreme poverty and to feed themselves in dignity. However, the livelihood improvement package which is yet to be implements in the years ahead, if rightly put into practice, would assist the direct targets of the program to develop their capability and boost their resilience against shocks and to be sustainable food secure, as they are supposed to have their own business alternative, and as a result income that would help them to supplement their food needs.

5.3.8. Relocation and Resettlement

As already discussed above, in the context of Simada Woreda, the pushing factor on the people to migrate is strong. This is due to the fact that the farmland under cultivation due to high human-induced pressure has been increasingly losing its productivity. There has been little/no spare arable land in the Woreda. Consequently, the emerging youth is increasing landlessness or near to landlessness (this has been discussed further under section 5.3.1.). Moreover, as discussed under section 5.3.6. there is very limited available access to off-farm employment that would help, as a supplementary or alternative means of income, the chronically food insecure to have access to adequate food. As a result of all these, a quarter of the total population has been surviving on the subsistence support provided by the RPSNP of the government.[133] However, people who are often targeted under the Public Work scheme of the RPSNP but unable to survive with their own food production along with the support that they get from the RPSNP, often migrate (for settlement) by their own initiative or resettled by the

[133] See the discussion above, under section 5.3.7.

government to a comparatively more fertile and productive areas where they can better fulfil their human right to food.[134] In this regard, there have been two kinds of re/settlement patterns which are common in Ethiopia in general and that have been practiced by people from Simada Woreda for years, in particular. These are; government arranged and self-initiated re/settlement patterns.

On the one hand, the government arranged re/settlements, as the name indicates, have been wholly facilitated by the regional government and principally undertaken within the Amhara National Regional State. Since 2005 alone, 5200 peasant households have been resettled from the selected Kebeles of the *Woreda* to the re/settlement zones in *Jawi* and *Quara* Woredas. These new re/settlement areas were chosen partly because these area were less populated, as they have hot climate, and are, by far, more fertile and productive than the lands in the Kebeles of origin of re/settlers.[135] The government had provided re/settlers with two hectares of land for a family along reestablishment fund, technical support and basic agricultural inputs i.e. fertilizers and seeds. In due time, the re/settlers in *Jawi* and *Quara* have emerged as more subsistence self-sufficient than some of their relatives staying in *Simada Woreda.*[136] Reiterating this, a 24 years old young man who is a settler in Quara while in a family visit at his pace of origin, Yequasa (Kebele 35) of Simada Woreda stated that;

> *"While we were here [at Simada Woreda- Yequasa (Kebele 35)) we all had small unproductive farmlands and consequently, we were chronically food insecure, surviving often on food aid provided by NGOs. After being resettled in Quara Woreda, we were given two hectares of fertile land, a good deal of basic resources, i.e. shelter, farming tools, including an Ox [to each household, to enable us to re-establish ourselves in the new settlement area. The government has also provided us with a regular supply of agricultural inputs like seeds, fertilizers, and a functioning credit service. Now we are able to be food secure there, at Quara Woreda. In general terms, the quality of life that we have, particularly in terms of having access to food here [at Simada Woreda] and there [at Quara Woreda] is significantly different. The state of [our] life in the new settlement area, Quara Woreda, is by far better".*[137] (My translation from Amharic)

[134] Interview with the head of the district office of the Food for the Hungry International-Ethiopia (FHI-E) at Simada Woreda, May, 24, 2017

[135] Agriculture and Rural Development office document on file, 2005/2006

[136] Interview with Ato Abay Gessesse, Food Security and Rural Productive Safety Net Program (RPSNP) Coordinator at the Agriculture and Rural Development Office of the Woreda, May 21, 2017.

[137] Focus Group Discussion participant X3, April 26, 2017. X3's residence is in Quara Woreda. He is one of the people who resettled in 2005 to Quara Woreda from Simada Woreda Kebele 35. He was interviewed during his family visit at Yekuasa, Kebele 35.

On the other hand, in search of better opportunity, self-initiated settlers move to urban centers, i.e. predominantly to the nearby towns (Debre Tabor, Mekane Eyesus, Bahir Dar and Gondar), Addis Ababa city and other towns to the far south of Ethiopia, or to other rural parts of Ethiopia with more fertile lands to practice agriculture. In the later case, in search of better arable land, people from the Woreda, for decades, have been moving, to areas, both within Amhara National Regional State, mostly to Jawi, Metema and Quara Woredas and in other parts of Ethiopia out of the Amhara National Regional State, i.e. Oromia National Regional State, Southern Nations, Nationalities and Peoples' State, the Gambela and Benishangul-Gumuz States.

In this regard, in all focus group discussions, it was unanimously affirmed that self-initiated migrants are by far greater in number than the people who were resettled by the government in Jawi and Quara Woredas. Furthermore, as the new settlement areas in both cases are more fertile and settlers have access to a relatively large area of productive farmland, they are more likely to realize their human right to food and in some cases able to sell their surplus.[138]

It has been learnt from the focus group discussions and it was acknowledged by the Food Security and RPSNP coordinator of the Woreda, during an interview, that the chronically food insecure people in the Woreda opt to and do migrate and resettle in other Woredas of the Amhara National Regional State and in other regions of the country. this practice as a human right is protected by the FDRE Constitution, Article 32 (1), affirming that "[a]ny Ethiopian or foreigner lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence […]."[139] Seen in light of this constitutional provision, right to mobility and freedom to choose one's residence for an Ethiopian citizen and a foreigner lawfully in Ethiopia is not just a human right but also a right overtly protected by the constitution of the country. Therefore, in our case, rural people from Simada Woreda, are entitled inherently by their very nature, being human, and by law to freely choose and settle where they choose within the national territory. However, in practice, "rigid institutional and administrative barriers- including ethnically based regionalization ('ethnic federalism'), state-administered land redistribution and tenure insecurity - all impose severe constraints on

[138] As indicated above each household has been given two hectares of fertile farmland along the provision of basic goods and start up budgets.

[139] See Article 32 (1) of the FDRE Constitution.

mobility."[140] For the rural subsistence farmers at Simada Woreda who are willing to relocate in other parts of Ethiopia in search of better opportunities such overarching phenomena is not an exception. For example, in a focus group discussion at Yequasa (Kebele 35) a 50 years old man stated that;

> *"Fifteen years ago, I, four relatives and family members of mine left this Kebele to the southern part of Ethiopia (Southern Nations, Nationalities and Peoples Region). Since, at that time we all were hardly able to feed a family of five and more, by the produce of the small and unproductive farmland that we had here [at Simada Woreda,* Kebele 35*]. Consequently, we decided to relocate to relocate in the south. We were able to get fertile farmlands and establish a life afresh again there. Fortunately, we lived there for fourteen years without worry of going hungry again. Nevertheless, we were forced by government authorities seven years ago to leave our new homes and lands, and to live here again. It would be interesting to ask the government authorities that "are not we citizens of the country and cannot make a living in other parts of the country?" "Are we condemned to die here, without the means to survive?" We need a sensible answer to these questions".*[141] (My translation from Amharic)

Furthermore, many Focus Group Discussion participants have also indicated that as their food produce and income in general is not good enough to adequately feed their family throughout the year, they have the desire and wish to resettle in more hospitable, fertile, and productive areas of the country had they got the opportunity to do so.

As a closing remark to this section, it can be argued here that resettlement, both the government arranged and self-initiated, is one possible option that would help people, particularly the chronically food insecure smallholder farmer, to realize the human right to food. As indicated above, resettlement package within the Amhara region, on a very limited scale, has been applied as a means, may be as a last resort, to help the rural chronically food insecure people of the Woreda to transform themselves and achieve food security and realize their human right to food. However, due to the new constitutional and political dispensation, ethnic federalism, people cannot and are not encouraged to migrate from one region into the other region of the country to establish life, particularly as a small holder farmer. This situation, by forcing people to live conjected in a relatively less productive area, has adversely affected citizens' human right to food and other related rights as well. Finally, from the ongoing discussion we can draw the conclusion that the majority of the rural people in Simada Woreda face food gap for at least

[140] Devereux, Stephen (2000), ''Food Insecurity in Ethiopia,'' A discussion Paper for the Department of International Development (DFID), Institute of Development Studies (IDS), Sussex.

[141] Focus Group Discussion participant x0, May 16, 2017

two months in a year, which is the outcome of a series of interrelated factors, discussed above. This by itself is an indicative of the fact that the human right to food is not a realized right for most smallholder farmers in the Woreda. Against this background the following section examines the accessibility of formal remedy for victims of violations of the human right to food in the study area.

5.3.9. Access to Remedy for the Violation of the Human Right to Food

As stated under chapter two, providing effective redress to victims of violations of human rights is one of the obligations of the state to human rights, including the human right to food. Major international human rights treaties (particularly the ICESCR) demand the availability of an effective remedy for victims of violations of the human right to food.[142] According to the Vienna Convention on the Laws of Treaties (1969), states are duty bound to provide adequate and timely remedy to victims for the violations of their human rights. Access to remedy for violation is part of the fulfilment of the right under consideration, in our case the human right to food.[143] In this regard, a remedy has two components: a victim's access to the appropriate authorities to have his claim fairly heard and decided and the guarantee for the non-repetition of the offense, a redress or compensation for the injury the victim sustained.[144] Seen in light of the above caveats, remedy provided by the state to victims, therefore, can be judicial or non-judicial.

[142] The right to an effective remedy is a right in its own recognized in several human rights instruments. The UDHR, under Article 8, provides that ―[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law. Having stipulated this right under Article 2 (3) more generally, the ICCPR incorporates specific redresses including on the right to apply for pardon, amnesty and commutation of the death sentence under Article 6 (4); the right to habeas corpus and judicial review under Article 9 (3) and (4) and the right not to be illegally expelled under Article 13. Other human right instruments that recognize the general right to effective remedy and its particular strands include, but are not limited to, Articles 2 and 3 of the ICESCR, Articles 2 and 3 of the CEDAW, Articles 2, 3, 4, 19, 20, 32 and 37 (d) of the CRC and Articles 7, 21 and 26 of the ACHPR.

[143] United Nations, Office of the High Commissioner for Human Rights (1969), Vienna Convention on the Laws of Treaties, Vienna (UN Treaty Series, Vol.1155). Geneva: United Nations.

[144] The International Centre for Transitional Justice, Effective Remedies to Human Rights Violations. Available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Rights-Remedies-2009-English.pdf [accessed on 07 November, 2017]

The judicial remedy is the formal and the most legitimate one, as courts are the ultimate guarantors of human rights[145], including the human right to food. As already discussed in chapter two, sections 2.2.2 and 2.3, and in Chapter 4, section 4.3, the state is duty bound to provide an adequate and timely remedy when/if there is a clear violation of the right under consideration. Therefore, the judiciary, an organ of the state is entrusted with the authority to adjudicate legal disputes, and bears the prime responsibility, in this regard, to provide an effective and timely remedy to victims of violations of the human right to food.[146] However, non-judicial remedy can also be obtained by way of interaction with the administrative offices of the state both at the Kebele and Woreda levels. One major reason that makes non-judicial remedy preferable and affordable to the victims is that, the administrative offices and its authorities are more accessible and less resource and time consuming than the formal state courts.

Nevertheless, as learnt from focus group discussions and expert interviews, in the context of Simada Woreda, most disputes of a civil matter, which are related to the human right to food like disputes over land and other resources, are addressed by the traditional dispute resolution mechanisms. Among the focus group discussants, it was stressed that the traditional methods of seeking redress, through mediation and arbitration of religious leaders and elders, for abuse or violation of rights were preferred over and more frequently used than the existing formal judicial, legal dispute resolution mechanism.[147]

Apart from this, a lawyer who has served as a judge at the first instance court of the Woreda has stated the following;

> *"The court had never experienced a case brought to it overtly demanding a legal remedy for the violation of the human right to food nor has it has ever, to my knowledge, passed a ruling affirmatively on the human right to food as a right*

[145] This is often stated in the national constitution of States. The FDRE under Article 79 has vested all judicial powers, notwithstanding the powers of the house of federation stated under Article 62, including to adjudicate human rights issues.

[146] The justiciability of socio-economic right, including the human right to food has traditionally been called in to question and challenged. However, the author of this thesis is of the view that like any other human right the human right to food is justiciable. The equality, universality, interdependence, and interrelatedness of human rights have been endorsed by the Venna declaration and other human rights developments afterward.

[147] Focus group discussion participants have underscored this assertion for their strong loyalty to their tradition and for this method incurs them less cost in terms of money, and time. Therefore, this method is more efficient among the rural people for it is convenient and traditionally sound for them.

> *protected by law. However, disputes of a higher significance to the realization of the right, like child maintenance, land right and other resources are cases frequently brought to the court seeking legal remedy, which often gets steady and speedy resolution."*[148] (My translation from Amharic)

Furthermore, another lawyer who had been a judge at the first instance court of the Woreda and during interview who has been serving as a judge at the High, Zonal, court of South Gondar Administrative Zone stated;

> *"[T]here is little or no awareness among the community on the human right to food. I have never had an encounter with a case that overtly demands a judicial remedy for the violation of the human right to food. The right to food is not yet a right that is expressly acknowledge right in state courts whose violation requires expressed and formal judicial remedy accordingly."*[149] (My translation from Amharic)

Therefore, in general terms, both judges affirm that the Woreda and Zonal courts were reluctant and not in a position to assert the human right to food as a justiciable human right and to render remedy for victims, by citing a provision from the national constitution or other relevant international human rights treaties. Concurring with the assertions of the FGD participants and legal experts working in the case study area, the former United Nations Special Rapporteur for the Right to Food, Jean Ziegler, in his "Country Mission Report to Ethiopia" indicated that though the Ethiopian state has ratified the ICESCR, a major international human rights treaty that protects the right to food, at the domestic level Ethiopia is treating the human right to food as a fundamental human right and the state courts are not passing judgments in favor of the legal enforceability of the right.[150]

Therefore, in view of the above discussion and the actual competence of courts in Ethiopia, as a final remark to this sub-section, it can be safely argued here that the state courts and state administrative units in Ethiopia, particularly in the case study area, are not inviting the human right to food holders to invoke their right in litigation against the state. This is mainly for two reasons. First, the human right to food, as discussed in chapter four, is not an overtly recognized

[148] Interview with Ato Fasil Ashagrie, judge and the administrative unit leader of the first instance state court at Simada Woreda, June 21, 2017

[149] Interview with W/ro Addisalem Mesfin, former judge at Simada Woreda first instance court and at the time of undertaking this interview has been working at the High Court of the South Gondar administrative Zone, June 22, 2017

[150] See Jean Ziegler 2005: "Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum Mission to Ethiopia," presented on the Sixty-first session of the Commission of Human Rights, UN Economic and Social Council, Item 10 of the provisional agenda, 8 February 2005, E/CN.4/2005/47/Add.1.

right under the constitution and other laws of the state. Second, no/little publicity is made on it among the larger public. Consequently, the combined effect forces both the courts and the executive organ of the state, and the right-holders not to recognize the human right to food as an independent right in its own, on the one hand and demand remedy for its violation, and guarantee a remedy for its violation, on the other.

5.4. Analysis

From the foregoing discussion on the availability, accessibility, and adequacy of food among the rural community in Simada Woreda and the [Ethiopian] state's compliance with its human right to food obligations, the following points can be drawn for analysis and a concluding remark can be made, accordingly.

First, seen in light of the availability, accessibility and adequacy elements of the human right to food, as discussed under section 6.2., it can be argued here that the human right to food is an unrealized but violated human right to the absolute majority of the rural community of Simada Woreda.[151] As, it was reported by the FHIE, Agriculture, and Rural Development Office of the Woreda and the right holders themselves in a focus group discussion, there has not been enough production and access to food for the majority of the rural people in the Woreda, at least for the last three decades. About 35 percent of the rural community are experiencing a food gap for at least 6 months in a year. Furthermore, an additional 60 percent of the rural population of the Woreda are facing food gap for, average, 2 months a year.[152] Consequently, to help some of the chronically food insecure rural people (that constitute one-third of the total rural population of the Woreda) to remain alive, the government and its partners have made them registered 'beneficiaries' of the Rural Productive Safety Net Program (RPSNP).

This phenomenon is a strong indicator of the fact that food with the required quality and quantity is not being made accessible to most of the smallholder farmers of the Woreda, particularly from own produce.

[151] About 95 percent of the rural population of the Woreda is food insecure. This means that the absolute majority of the people are experiencing hunger, which is the manifestation of the deprivation of their human right to food.

[152] See the discussion under section 6.4.7. However, it was gain indicated that the food provided to them on monthly basis for six months is meagre and inadequate.

Second, access to land, in the rural context of Simada in particular and in rural Ethiopia in general, meant largely access to food. In the case of Simada, during the 1995/96 land redistribution, farmland was distributed among the rural smallholder farmers almost on an equal basis.[153] This, in turn, makes the farming families power over access to food and conversely their vulnerability to food insecurity almost fairly equal. This is due to the fact that, as discussed above, most farming families rely solely on other rain feed agriculture and do not have alternative or supplementary income. Nonetheless, farmers who were former members of the Ethiopian Workers Party (EWP) of the Dergue were overtly and deliberately excluded by post-1991 state authorities from land possession entitlement.[154] This constitutes a violation of the right to food of human right to food of these former members of the Ethiopian Workers Party and their dependents.

Apart from this, the emerging youth are nearly landless as there is a scarcity of land and there has been no universal land redistribution in the Woreda since 1995/96. This phenomenon coupling with the low food productivity of the farmland of the Woreda has contributed to the growing food insecurity and to the deprivation of the human right to food of the larger segment of the population.

In this regard, it is worthwhile to reiterate the arguments of some scholars which are discussed under chapter four that the existing system of land tenure in Ethiopia is in favor of the state (by default the government) and in effect providing the government more power over land than the concrete and real individual land user. This argument has convincingly uncovered the underlying fact that the land tenure regime in part, as is the case in Simada Woreda, has harmed both the quality of the farmland itself and the productivity of farmers. As indicated under section 5.4.1 of this chapter, the farmlands in most parts of the Woreda have been losing their fertility and productivity. This can be attributed, among other factors, a direct outcome of the existing land tenure regime. This is for the reason that the existing land tenure regime provides smallholder farmers only possession but not ownership right over land. Many arguably agree that the existing land tenure regime has discouraged and undermined farmers' long-term investment on land. As will be argued in a more exhaustive manner under chapter seven, section 7.1.2, more control of land by the farmers themselves with a kind of community

[153] See the discussion under section 5.4.1.

[154] These perspectives of the focus group discussion participants and food security and the PSNP coordinator of the Woreda are discussed under section 5.4.1., above.

ownership than state ownership would provide farmers more incentive for long term investment and a sense of security over the land. In this regard, the state can only play a watchman's role and provide legislation on how the community and its members should ownership and utilize the land. To put it differently, the state can not unduly and directly deprive farmers from their land in the name of investment or public use. If there is an authentic need to transfer the land for public use, the peasants themselves should negotiate the terms of the transfer of the land as rightful owners. It is anticipated that this form of land tenure regime, as an alternative, would positively affect the productivity of farmers by encouraging them to make long term investment on their land and, as a result, to better realize their human right to food by themselves.

Third, it was reported that, often, modern agricultural technology and inputs have not been accessible to food insecure smallholder farmers. As most of them are of low income and cannot afford the high financial cost of these modern inputs. Though, these inputs i.e. fertilizers (Urea and DAP) and improved and high yield seeds are made available in the Woreda and Kebele markets, the chronically food insecure households (who constitute 35 percent of the rural population of the Woreda) often cannot afford the cost of these inputs. As they have little or no financial reserve. Moreover, affordable financial and credit service is hardly available in the Woreda. It is only, the Amhara Credit and Saving Institution (ACSI) which is providing formal credit service to the rural community in Woreda. But, the interest rate for the money loan that ACSI provides was reported to be very high, (highest among the banks and other micro-financial institutions) in the country, 18 percent. The ACSI has also been providing the money loan to farmers without the possibility of extension of term. If the produce of the indebted farmers fails in the due harvest season, because of drought and/or other unforeseen calamities then they will be forced to pay as per the prior contractual terms. Therefore, the farmers, as indicated in the focus group discussions, have not been interested in its credit service as they anticipate that they would be liable to financial risk and it would burden them with high-interest rate and would subject them to stringent liability for the possibility of not repaying money loan on the due time, which would, as discussed under section 5.3.3.. include imprisonment.[155]

[155] It was indicated in all focus group discussions that if they fail to repay the money they borrowed from ACSI they will face imprisonment by the police and Militia.

Fourth, availability and accessibility of public and private investment one key factor for the realization of the human right to food. However, unavailability of public and private investment that would generate employment and the dearth of alternative own off-farm employment (due to lack of funding and entrepreneurship skill training), interview of the presence of large pool of human labor, in the Woreda has forced the rural people, particularly the chronically food insecure ones, not to have access to alternative means of income. This, therefore, is one of the major predicaments casting the rural people into chronic food insecurity and causing the deprivation of their human right to food.

Fifth, the food production potential of farmlands in the Woreda, as reported, has been decreasing in few decades. This has been attributed to high environmental degradation, intensive utilization of land by the rapidly growing human population, and lack of rehabilitation work on land, in particular, and the environment, in general. Therefore, alongside ensuring the accessibility of transportation and communication facilities to the local community by the state, there is an urgent need to do conservation and rehabilitation work on land in general.

Sixth, the formal social security schemes available to the local community, for decades, have been food aid and RPSNP. The provision of food aid had been the longstanding response to hunger in the area, which was delivered by NGOs, particularly by the FHI-E (from the 1984/85 great famine to 2005). Since 2005, the Ethiopian government has devised the RPSNP to address the chronic food insecurity situation of the rural people. Seen in light of the caveats of the human right to food and the corresponding obligations of the state, discussed in chapter two, the foreign food aid and the RPSNP, however, have not been devised and implemented from the perspective of pursuing the realization of the human right to food as the fulfilment of the state's obligation as envisaged under relevant international human rights instruments, such as the ICESCR.

Though foreign food aid and the RPSNP schemes help to avert chronic hunger and related death among the rural people, they are not sustainable ways to address hunger and, in our case, to realize the human right to food of the people under consideration. It is because; first, it is those who are funding the program, foreign governments and NGOs who solely decide its continuity. As Subbarao and Smith (2001) argued, in low-income countries such as Ethiopia, the large direct free transfer programs, either in cash or in kind are not fiscally sustainable for the large size of the chronically food insecure population and the available resource,

particularly financial resource, of the state is so limited.[156] Second, as Carlo Ninno, Paul Dorosh and Kalanidhi Subbarao argue, "foreign food aid and food transfer [as part of RPSNP] may cause disincentives for domestic production through reductions in domestic prices and lead to reduced public and private investment in food production, processing and trade.[157] In this sense, food aid and food transfer aiming to address acute short-term food insecurity would also be an actual threat for the long-term food security of the local people. Third, already discussed in chapter two, the human right to food can best be realized by the right holder himself/herself, not by food hand-outs provided by charity organizations. To underscore this phenomenon, the proverbial saying goes, "give a man a fish you will help to feed himself for days–teach a man how to fish and help a man get access to the pond you will help him to feed himself for life." In this regard, the food aid and RPSNP help right holders to overcome immediate hunger. Apart from this, empowering people to feed themselves in a sustainable manner is not part of their design. However, a point worthwhile to mention here is that the livelihood improvement package of the RPSNP, gives some glimpse of hope, in this regard as its core objective is addressing food insecurity through empowerment of beneficiaries. This, in the final analysis, would help them to realize their human right to food by themselves. Nonetheless, until the time this research was finalized no on-farm or off-farm employment opportunity has been provided to the chronically food-insecure rural people of the Woreda through this package of the RPSNP.

Seventh, relocation or resettlement is another intervention mechanism that can be deployed to help the food insecure people to feed themselves in dignity. In this regard, the right to liberty of movement and freedom to choose one's residence within the national territory is a right protected by the FDRE constitution, Article 32 (1).[158] However, the right to movement and the freedom to choose one's residence and the mode of livelihood within the country along the right to resettlement often times, if not always, clashes with the ideals and principles of the new political dispensation of the Ethiopian state, ethnic-federalism. Based on the cleavages

[156] Subbarao, K. and W. J. Smith, 2003, "What Role for Safety Net Transfers in Very Low-Income Countries?" Paper, Social Safety Net Primer Series, World Bank, Washington D.C. Therefore, it is suggested here that empowering the right holders to feed themselves is more sustainable and fiscally viable.

[157] *Carlo Ninno, Paul Dorosh and Kalanidhi Subbarao,* Food Aid and Food Security in the Short- and Long Run: Country Experience from Asia and sub-Saharan Africa. World Bank Institute Promoting Knowledge and Learning for a Better World. Social Safety Nets Primer Series, Discussion Paper No. 0538. November 2005. p. i.

[158] See the FDRE Constitution, Article 32 (1)

created by the new political and constitutional dispensation among Ethiopians on the basis of ethnicity/language regions have been made home to some and not for others. Some Regional states have made distinction under their regional constitutions between citizens living with in their respective regions, for decades even before the enactment of the constitution itself, as indigenous and non-indigenous, owners of the state and aliens.[159] This in practice has created a predicament on citizens in general and the food insecure rural population of Simada Woreda in particular, not to freely relocate and search fortune in other parts of the country. This, in effect has negatively impacted the realization of their human right to food. However, during 2005/2006, about 5000 people, who were chronically food insecure, had been resettled by the government in Jawi and Quara Woredas. These resettlement Woredas are located within the same region, the Amhara National Regional State. But, resettlement from one region to the other is almost impossible, as it would contradict the very foundation of ethnic federalism which tends to protect and advance the identity markers of groups, and resources including land of ethnic groups with their own distinct identity markers.

In such circumstances, it was indicated in focus group discussions among the rural smallholder framers in the Woreda that, though the food insecure people opt to resettle out of the region, often some of them attempted to resettle in other regions of the country they are either unwelcomed or forcibly evicted from the regions where they used to resettle by their own initiative. This phenomenon not only contradicts with the human right to food of the respective citizens but also contravenes Article 32 of the FDRE constitution that guarantees citizens the right to liberty of movement and the freedom to settle and establish a living wherever they freely choose to live within the country. This again contravenes the principle of equality and non-discrimination, which are the fundamental and core elements of the right to exist as a human being, which is protected by major international human rights instruments and the FDRE Constitution, Article 25.

In a nutshell, on basis of the forgoing discussion on the realization of the human right to food among the rural people in the case study area, it can be safely said here that most rural people in the Simada Woreda are not in a position to realize their human right to food, on the one hand and to hold the state accountable for the right and its failure to discharge its obligation to the

[159] Beza Dessalegn, "Ethnic Federalism and the Right to Political Participation of Regional Minorities in Ethiopia." PhD Dissertation, Centre for Human Rights, Addis Ababa University, Ethiopia. (Unpublished). 2016, pp. 315-16

same, on the other. The courts and other organs of the state that should act as guardians of human rights in general and the human right to food, in particular, have not yet been tested to determine the state's obligation with regard to the realization of the human right to food. In this respect, Jean Ziegler has argued that though Ethiopian is a state party to ICESCR and able to achieve high economic growth and reduce mass poverty, its recognition and commitment to the human right to food as a fundamental human right needs much work. He acknowledges that the state courts are not taking the right to food as a justiciable right and ensuring the accountability of the state for the respect, protection, and fulfilment of the right.[160]

Reiteration

In this chapter, the case study has shown that food insecurity is a problem affecting most of the rural population of Simada Woreda. Lack of adequate access to the means to feed oneself is the main reason for the deprivation of the human right to food. Therefore, the deprivation of the human right to food of the rural residents in Simada Woreda is yet to be adequately and efficiently resolved.

In forgoing discussion, it has been indicated that the Ethiopian state, as the principal duty bearer for the realization of the human right to food, has been dealing with the problem of lack of access to adequate food among the rural community of the Simada Woreda not from a rights-based perspective rather from the traditional notion of 'food security'. The traditional notion of 'food security' ponders with accessibility or provision of food from the supply side and nothing else, giving no, or rather less emphasis to the entitlement/right aspect of food. In this sense, food security does not strictly concur with the human right to food obligations of the state.

However, by putting in perspective the prevailing federal arrangement of Ethiopia, one may ponder and challenge that the regional government and not the federal government is responsible for the realization of the right in Simada. However, it is the federal government, which signs and ratifies international human rights treaties. As a result, both the federal and

[160] See Jean Ziegler 2005: "Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum Mission to Ethiopia," presented on the Sixty-first session of the Commission of Human Rights, UN Economic and Social Council, Item 10 of the provisional agenda, 8 February 2005, E/CN.4/2005/47/Add.1 See also Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, Forty-eighth session, 30 April-18 May 2012.

regional governments are responsible for the realization of the human right to food in Simada.[161]

The next chapter is devoted to a case study, which is a discussion and analysis on the same subject; the realization of the human right to food and the Ethiopian state's compliance with its human right to food obligations in a cosmopolitan context of Gulele Sub-city of the Addis Ababa city.

* * *

[161] From the perspective of general international law, internal divisions of power within a state provide no excuse for a failure to implement a ratified international treaty. See Article 27, United Nations, Office of the High Commissioner for Human Rights (1969), Vienna Convention on the Laws of Treaties, Vienna (UN Treaty Series, Vol. 1155). Geneva: United Nations. Therefore, the federal government of the Ethiopian state is accountable to the human right to food of the people living in Ethiopia, in our case Simada Woreda.

CHAPTER SIX

6. Case Study II: Gulele Sub-city

Introduction

In the immediately preceding chapter, which has been devoted to a case study at Simada Woreda, it has been demonstrated that the farming rural community in the Woreda has been predominantly accessing food directly, through own production. In this regard, the [Ethiopian] state is deemed to comply with its human right to food obligations, primarily, by creating a condition of ambience for the farming rural community to produce adequate and fair food for household consumption and beyond.

That be as it may, this chapter aims at exploring and appraising the actual state of the realization of the human right to food and the Ethiopian state's compliance or non-compliance to its human right to food obligations in the face of the reality of living in pursuit of the realization of the human right to food among the urban community of Gulele Sub-city of Addis Ababa City. It needs to be noted here that unlike the rural community in Simada Woreda that predominantly access food directly from own production, in the context of urban Gulele Sub-city of Addis Ababa city, people access food for own consumption indirectly, through the mediation of money or purchase.

Consequently, in the context of Gulele Sub-city, among other things, the size and sustainability of income (money) of the right holders, as an individual and a household, on the one hand, and the affordability of food prices, on the other, have had a positive correlation with accessibility of adequate food for own consumption. This in other words means that affordability of food among the urban community is the most determining factor for the realization of the human right to food.

The Food and Agriculture Organization of the United Nations (FAO-UN) has indicated in its 2012 report that at the level of generality (at the global level) the human right to food has been most violated in the rural areas than in cosmopolitan urban settings.[1] However, some argue

[1] Food and Agriculture Organization of the United Nations (FAO-UN), The State of Food Insecurity in the World – 2012. Rome: The FAO. Available at: http://www.fao.org/docrep/017/i3028e/i3028e.pdf [Accessed on 8 December, 2016]

that in the context of Sub-Saharan it is not only the rural poor who is more vulnerable to the violation of his/her human right to food but, the urban poor who is also living in a place where there exist more and diverse socio-economic resources, has also been equally, if not more, vulnerable to the same problem. For instance, Elizabeth Kimani-Murage et al, (2014) have indicated in their study conducted in Kenya that the situation of food insecurity among the community [living] in the slum neighborhoods of Nairobi was more intense or severe than the farming and pastoral communities living in rural Kenya.[2] This would be an indicative of the fact that equal attention should also be extended towards the vulnerable urban poor, particularly in the Sub-Saharan Africa, in view of the rising food price and the high cost of other basic needs, increasing surge in rural to urban human migration and availability of limited employment.[3]

6.1. Context

Gulele Sub-city (hereafter the Sub-city) is one of the 10 administrative Sub-cities of the Addis Ababa City Administration.[4] The Sub-city as a constituting part of Addis Ababa is characterized by cosmopolitan and non-agricultural way of life. The Sub-city is located in the Northern suburb of the [Addis Ababa] city, adjacent to mountain Entoto. It is bordered in North by North-Shewa Administrative Zone of the Oromia National Regional State, Kolfe Keranio Sub-city in the West, Addis Ketema and Arada Sub-cities in the South and Yeka Sub-city in the East. The Sub-city has been clustered into ten administrative districts or Woredas. According to the 2007 National Census report of the Central Statistical Authority (CSA), the total population of the Sub-city, in the same year, was 312,096, with an average household size

[2] Elizabeth Kimani-Murage et al, (2014) "Vulnerability to Food Insecurity in Urban Slums: Experiences from Nairobi, Kenya." *Journal of Urban Health,* Vol. 91, No. 6. 2014, p. 4

[3] Ana Moragues et al, Urban Food Strategies: The Rough Guide to Sustainable Food Systems. Document Developed in the 7th Framework Program Project FOODLINKS (GA No. 265287), 2013, p. 3. Available At http://www.Foodlinkscommunity.Netpdf [accessed on 10 November, 2017]

[4] The ten administrative Sub-cities of Addis Ababa city Administration are Addis Ketema, Akaki-Qality, Arada, Bole, Gulele, Kirkos, Kolfe-Keranio, Lideta, Nifasilk-Lafto, and Yeka Sub-cities.

of 4.2 (with an increase of 10 percent from the 1994 census result).[5] According to the CSA report (2013), the estimated population of the Sub-city in 2017 was 335,434.[6]

In terms of socio-economic background, the resident community of the Sub-city has been very diverse. The report of the CSA (2007) has indicated that among the total resident of the Sub-city 76.34 percent speak Amharic, 9.03 percent Oromiffa, 5.37 percent Gamogna, 4.17 percent Guragigna, 1.80 percent Tigrigna, 1.12 percent Shitanga and 1.17 percent others, as their first language, respectively. The same report also indicated, religion-wise, that 81.65 were Orthodox Christian, 10.48 percent were Muslim, 6.89 percent were Protestant, and 0.04 percent were Catholic.[7]

From an economic point of view, Addis Ababa city has been a home to both the wealthy and the poor with a huge income and living condition disparity. Most of the households in Addis Ababa are categorized as low income (50 percent) and medium income (44) percent, whereas relatively very few (6 percent) household are characterized as higher income group.[8] Therefore, the case study area of this research, Gulele Sub-city, is predominantly populated with low-income and moderately with medium income and very few high income people. This is due to the fact that the majority of them engage in low income generating economic activities like casual wage labor, firewood collection, local brewing, petty trade and small businesses.[9] The Sub-city is also home to people who are unemployed and homeless, the one hardly stricken

[5] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'Statistical Report of the 2007 Population and Housing Census' (Central Statistical Authority 2007) Available at: http://www.csa.gov.et [Accessed on March 1, 2017]. According to the 1994 National Census Report of the CSA, the population of the Sub-city was, was 284,865 with an average household size of 5.2.

[6] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), Population Projection of Ethiopia for All Regions at Woreda Level from 2014 – 2017 (Central Statistical Agency 2013) Available at: http://www.csa.gov.et [Accessed on December,12, 2017]

[7] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'Statistical Report of the 2007 Population and Housing Census' (Central Statistical Authority 2007) Available at: http://www.csa.gov.et [Accessed on March 1, 2017]

[8] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), The 2001/2002 Ethiopian Agricultural Sample Enumerations, Executive Summary. Addis Ababa, Ethiopia. pp. 13-45. Available at: http://www.csa.gov.et [Accessed on March 1, 2017]

[9] Tesfaye Alemayehu, The Analysis of Urban Poverty in Ethiopia: The University of Sydney: Sydney, 2006 p. 35

by poverty.[10] As will be discussed further below, it is also one of the most deprived and slum districts in Addis Ababa City.

According to the findings of a study sponsored by the United Nations Human Settlements Program (UN-Habitat) (2017) in Ethiopia, the rural-urban migration, particularly to Addis Ababa city has recently been so rapid and high. The same study estimates the new residents of the city migrating from different parts of the country to Addis Ababa city to be about 200,000 annually.[11]

Consequently, the main reasons mentioned as responsible for high rural-to-urban migration was lack of access to land and off-farm employment in rural areas or nearby towns respectively. It is no wonder that a good number of the newcomers prefer to reside in Gulele Sub-city as the cost of housing and [bus] transportation, among others, is comparatively affordable in Gulele than in other Sub-cities of Addis Ababa city, i.e. Bole, Arada, Addis Ketema, Lideta and Yeka Sub-cities.[12]

6.2. The Food Security Situation

There is a stammering lack of disaggregated data for the state of the human right to food or the food security situation in the Gulele Sub-city of Addis Ababa city. However, there is ample evidence (by the WB, UN-Habitat, CSA) suggesting that most (about 50 percent) of the population of the Sub-city has been characterized as being poor.[13] Though poverty or low income, which is always relative, is not a necessary and sufficient cause for the deprivation of the human right to food, converse is also true for the realization of the human right to food,

[10] Tesfaye Alemayehu, The Analysis of Urban Poverty in Ethiopia: The University of Sydney: Sydney, 2006 p. 35

[11] United Nations Human Settlements Program (UN-Habitat), The State of Addis Ababa 2017: The Addis Ababa We Want. Nairobi, Kenya. 2017, Available at: www.unhabitat.org [Accessed on December, 11, 2017]

[12] United Nations-Habitat, Ethiopia: Addis Ababa Urban Profile, 2008. Nairobi, Kenya. Available at: www.unhabitat.org [Accessed on December, 11, 2017]

[13] World Bank 2002, United Nations-Habitat 2008, CSA, 2007. However, recent estimates by CSA has slightly lowered extreme poverty from 27 to 18.9. However, in Gulele Sub-city, poverty is slightly higher as it is one (if not the most) deprivated parts of Addis Ababa

there exists, as discussed under section 6.4.2, below, a strong correlation between chronic poverty and forced hunger.[14]

The normative contents of the human right to food, availability, accessibility, and adequacy, discussed in chapter two, section 2.2.1, are employed as variables for the analysis of the realization of the human right to food in Gulele Sub-city. On the basis of the data obtained and analysis made on them the state of the human right to food and the compliance of the [Ethiopian] state to its obligations to the same right in the particular context of the Gulele Sub-city of Addis Ababa city will be appraised.

6.2.1. Availability of Food

The World Food Program of the United Nations (WFP-UN) assessment report (2009) on the state of 'Food Security and Vulnerability in Addis Ababa' has indicated that 'lack adequate supply or unavailability' of food, in the required quality and quantity, has been a predicament for food security among the urban residents of Addis Ababa city in general and Gulele Sub-city in particular. The report specifically indicated that the "availability of food commodities" in the market for sale, for the year 2009, "ranged from as low as 40 percent and as high as 90 percent depending on the types of food items." The food items most impacted by supply problems included wheat (flour and grain), maize, teff, rice, pulses, and meat, with availability ranging from 40 percent to 75 percent.[15]

In agreement with the assessment of the WFP, focus group discussion participants have indicated that the market supplies the more common and culturally appropriate to the community food items often in the required quantity and quality. However, they have also indicated that, often, some typical food items that are part of the staple food of the community i.e. wheat (flour), cooking oil, sugar, pulse, and maize are often short in supply. Apart from factors of genuine scarcity, caused by low productivity and transportation, illicit food trading by opportunistic food traders and brokers are the major actors in creating the problem, causing artificial scarcity.[16]

[14] See the discussion under chapter two, section 2.2.1

[15] World Food Program-Ethiopia, Food Security and Vulnerability in Addis Ababa, Ethiopia. Vulnerability Assessment and Mapping (VAM) (report) 2009, p. 4

[16] Ibid

For instance, in the case of the first scenario, for lack of food availability in the market due to genuine scarcity, some food items are hard to get by, for the average consumer. This is mainly for the reasons that their local production is low, there exists lack of sound distribution or their international market price is very high.

In this regard, for example, since 2007 some food item particularly sugar, cooking oil and wheat flour have, often times, been either unavailable with the required amount in the market, not only in the Gulele Sub-city of Addis Ababa city but also throughout the nation.[17] Wherever these food items were available in the market, they were not supplied in the required quality and quantity.

The government itself have acknowledge the existence and prevalence of acute shortage in the supply of basic and staple food items, i.e. wheat (flour), sugar and food oil.[18] Since June 2007 the government, under the auspices of the Ministry of Trade and Investment, has taken the initiative to fill the supply gap of these food items by importing wheat (flour), sugar and palm oil from the international market and distributed them mainly to *Kebele* shops and Consumer Cooperatives (*Ye-Shemachoch Maheber*). Often, such food items were distributed to consumers at a quota and with a fixed and often-subsidized price.

Moreover, in the second scenario, non/less availability of some food items in the market is due to traders and brokers bad faith, holding food items speculating future high prices. The practices of speculative food holding and illicit trading, some argue, is done by a team of brokers and traders out of greed and pursuit of unjust personal benefit. This traders and brokers also often create unnecessary long trade chains leading to high food prices and a seeming and artificial food scarcity.[19] This is the partly due to lack of ethics in trade among the key players and weak regulation and control mechanisms on the part of the government. This will be discussed further under section, 6.3.1., below.

Apart from the two scenarios discussed above, the government itself, in one way or the other, is a cause for the scarcity of some food items in the market. Some argue that specific high-value food items like sesame, beans, vegetables, fruits, and meat have been preferred by the

[17] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, pp. 5-8

[18] Ibid

[19] Focus Group Discussion participant 1D, December 11, 2016

government to be exported as commodities for foreign market. They serve as major sources of foreign currency.

Therefore, on the basis of the forgoing discussion it can be argued here that the government, apart from encouraging exporters through incentives, it also discourages the distribution of such food items in the domestic market for local consumption. This is often done by providing exporters special access to these products and by putting strict obligations on these, exporters, to trade the food items in the international market than availing them, even with competitive prices, in the domestic market for local consumers.[20]

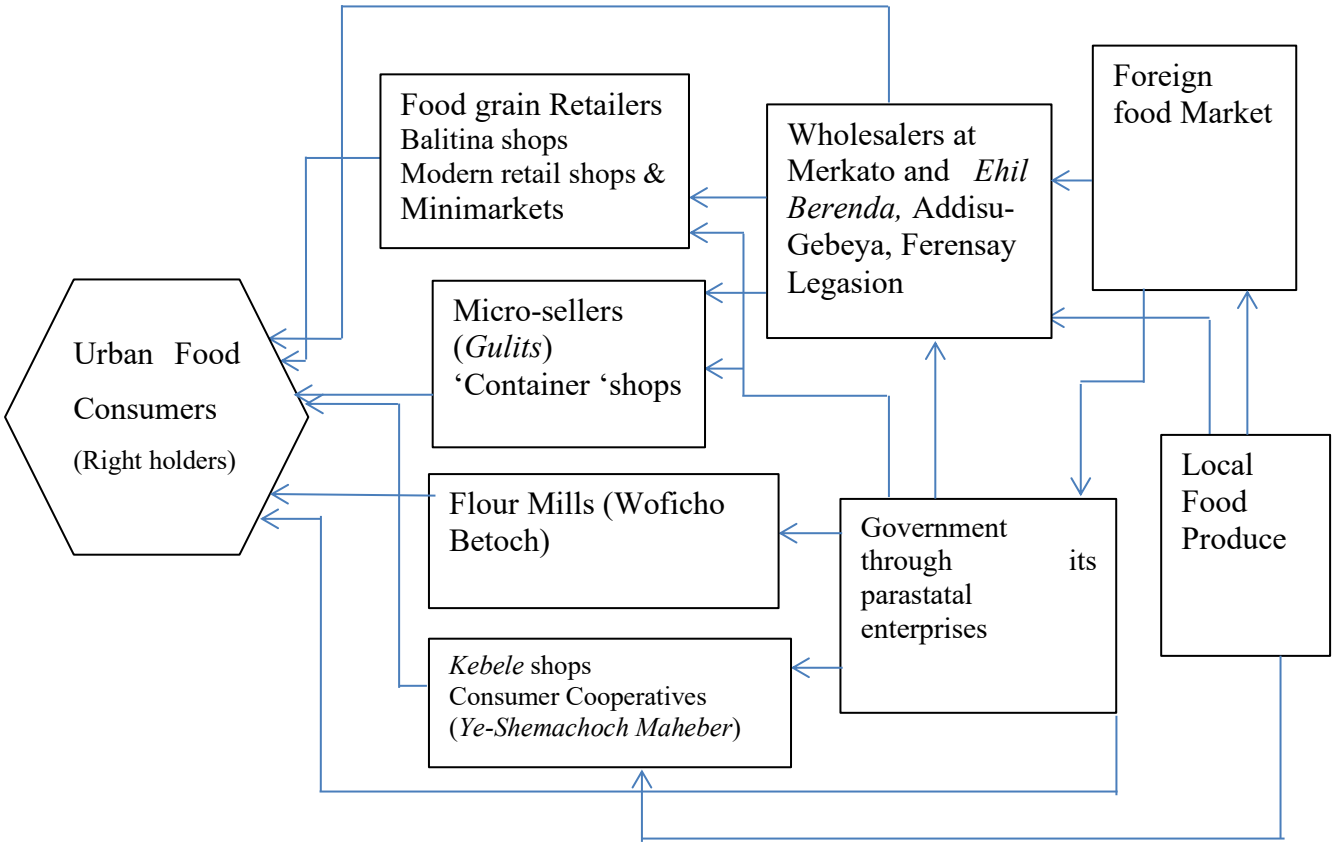


Figure 6. 1 *Urban food system in Gulele Sub-city*[21]

[20] Devereux, Stephen (2000), ''Food Insecurity in Ethiopia,'' A discussion Paper for the Department of International Development (DFID), Institute of Development Studies (IDS), Sussex.

[21] This diagram may not be exhaustive. The intention here is to indicate the principal networks that constitute the food system in the urban Gulele Sub-city.

That be as it may, as demonstrated in the diagram above, food availed for purchase for own consumption of the residents of the Sub-city, both from the international market and domestic production comes through a chain of traders.

On the basis of the discussion above, it can be argued here that the (un)availability of [some] food items in the required quality and quantity can be a reason for the un/realization of the human right to food among the residents of Gulele Sub-city, as it would be anywhere in a cosmopolitan setting.

However, as will be discussed below, the economic affordability of food available in the market, this has also been indicated by the focus group discussion participants, is the most determining factor for the realization of their human right to food. Against this background, the following section examines the availability aspect of food in the cosmopolitan context of Gulele Sub-city of Addis Ababa City Administration.

6.2.2. Accessibility of Food

As discussed in chapter to the modality through which people obtain or access food for own consumption can be direct and/or indirect, through own production and/or purchase, respectively.[22] In this regard, the residents of Gulele Sub-city are non-agrarian, rather they are highly dependent on the cash-based economy. In this sense, they literally obtain or access food through the mediation of money. Therefore, accessibility of food, for the urban consumer of Gulele Sub-city, directly correlates with affordability of food. This means that, by and large, the realization of the human right, in the context of the study area, is highly intricated with the purchasing power of the rightsholders. Those who have the better means to afford adequate food, can realize the right more conveniently than those who are poor and do not have the means, money to purchase adequate food. The latter are often, victims of forced hunger, the deprivation of their human right to food.

Sadly, due to the fact that, as indicated above, most (about 50 percent) of the residents of the Sub-city have had no strong purchasing power over food. Furthermore, to the dismay of many, the surging rising food price since 2007[23], and the rising cost of other basic needs (housing and

[22] See chapter two.

[23] See the discussion on food prices in the Sub-city under section 6.2.2.2., and particularly *Table 6.2 and Figure 6.2 below.*

transportation[24]) have had a negative impact on the realization of the human right to food of the economically poor section of the community in the study area.

Some argue that, variety of food item, in most cases, is readily available for sale in the market, as discussed above, however, people with low net income and consequently not having the competitive ability or economic power to purchase [adequate, both in quantity and quality] food for own consumption are not in a position to be food secure and to realize their human right to food by themselves. In this regard, un/affordability of food is a determining factor for the un/realization of the human right to food. For instance, the Urban Productive Safety Net Program (UPSNP), the Food for Public Work and Livelihood Improvement Packages Coordinator, at Gulele Sub-city Food Security and Social Protection Office, has stated the following;

> *"The people whom we are registering for the UPSNP, are not [financially] strong enough to afford adequate food for themselves and their family. They are [economically] poor and chronically food insecure. The UPSNP is devised to support such people with money to strengthen their food purchasing power. Hence, UPSNP may help them to provide food for themselves and their family".*[25] (My translation from Amharic)

Therefore, it can be safely argued here that, other than lack of availability of [some] food items in the market, as discussed further under section 5.4.1, the un/accessibility and in particular, un/affordability of food in their pursuit to realize their human right to food by themselves, by far, is a serious challenge for most of the people in the Gulele Sub-city of Addis Ababa city, who are economically poor and unable to stand firm against the challenges of high and rising food prices.[26]

However, it is worth noting that the accessibility of food through purchase for own consumption depends on three cardinal but interrelated factors, i.e. income, food marketing and/or food prices and the cost of other basic goods. Therefore, in the following subsection a detailed discussion and appraisal is made on these factors, income, food marketing and/or food prices and the cost of other basic goods, and their influence on accessibility of food, in

[24] See section 6.2.2.3., below.

[25] Interview with Shewakena Dereje, Gulele Sub-city Employment and Food Security Office, Food for Public Work and Livelihood Improvement Packages (UPSNP) Coordinator, July 14, 2017

[26] For a detailed discussion on the matter, see Section 6.3.5.

particular, and the realization of the human right to food, in general, among the residents of Gulele Sub-city.

6.2.2.1. Income

Income[27] is not a singular but a major determining factor for the realization of the human right to food in the modern and urban context of Gulele Sub-city of Addis Ababa city. This is for the reason that the urban residents of the Sub-city access food, predominantly, through the market. In such a circumstance, higher income means a wider bundle of choices about what food items to buy, where to buy and when to eat, a choice that is rarely available for those with low income.[28] Therefore, the level or amount income of a person or household [other things considered equal] decisively determines the economic accessibility [with its size, quality, and sustainability] of food.

In this regard, a point worth mentioning here is that according to the household income, consumption and expenditure survey of CSA (2011/12) most (about 50 percent) of the residents of the Sub-city earn their income mainly by engaging themselves in the informal sector of the economy, like casual wage labor, traditional artisanship, local brewing, petty trade, small businesses, and firewood collection.[29] This would partly indicate that, as the economic retunes of such informal businesses are low, the people under consideration are economically poor and food insecure.[30]

In this regard, the International Labor Organization (ILO) (2008) asserts, "[t]here exists a great deal of, but not complete, overlap between engaging in the informal sector and being poor and chronically food insecure."[31] This is particularly true and further complicated in the context of Gulele Sub-city.

---

[27] Business Dictionary defines 'income' as 'the flow of cash or cash-equivalents received from work (wage or salary), capital (interest or profit), or land (rent). It can also imply earnings or gross profit.'

[28] Amartya Sen, Amartya Sen, "Poverty and Famines an Essay on Entitlement and Deprivation". New York: Oxford University Press.1981, pp. 1-3

[29] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), Household Income, Consumption and Expenditure Survey (CSA), 2011/12

[30] Ibid

[31] International Labor Organization, World of Work Report: Income Inequalities in the Age of Globalization, International Institute for Labor Studies. 2008

First, the economic dividends of informal labor works, mentioned above, for most of the residents of the Sub-city are too small, mostly below the poverty line.[32] Therefore, by this income, in view of the high and rising cost of food and other basic needs in the study area, as indicated under section 6.2.2.3., and section 6.2.2.2., figure 6.2, below, they cannot afford basic needs, including food.

Second, for people engaging in the informal sector, there is no guarantee for the long-term sustainability of their income. As they engage in such business without recognition and representation, they have no guarantee of security.[33] However, people who engage in the formal business have recognition and representation. Hence, they are protected by law. Particularly, people who are formal employees of private and public organizations are covered by the pension laws, guaranteeing sustainability of income after the formal termination of employment due to retirement and health related reasons.[34]

In spite of this, it is submitted here that due to low income and lack of sustainability of income due to the informal nature of the business that most (50 percent) residents of the Sub-city engage with as a dominant source of survival, along with the high rising cost of food and other basic needs, that will be discussed below, food that is readily available for sale in the market is hardly affordable and consequently accessible for them. Therefore, empowering and encouraging, through strategic training and finance, these people to engage in the formal business sector, would scale up the level of their income. This, in effect, increases their resilience against food insecurity and help them to realize their human right to food by themselves, accordingly.

[32] The threshold for poverty line in Ethiopia is In this regard residents with income of less than one dollar a day (3781 Birr per year). For further discussion on living condition in the Addis Ababa, and Gulele Sub-city, in particular, See, Tesfaye Alemayehu, The Analysis of Urban Poverty in Ethiopia: The University of Sydney: Sydney, 2006 p. 35.

[33] International Labor Organization, World of Work Report: Income Inequalities in the Age of Globalization, International Institute for Labor Studies. 2008

[34] See, the Public Servants' Pension (Amendment) Proclamation. Proclamation No. 907/2015 and the Private Organization Employees' Pension (Amendment) Proclamation. Proclamation No. 908/2015.

6.2.2.2. Food Marketing and Food Price

For the non-farming, urban community the Market is the main and dominant sources of food. As discussed above people in Gulele Sub-city access food predominantly through purchase. In this regard it is important to note that the physical availability of food in the market, on the one hand, and the affordability of food prices, on the other, determine the accessibility of food in general.

On the one hand, the physical accessibility of food is one factor reckoned with for the realization of the human right to food. In the context of Addis Ababa city, food markets are rapidly growing. However, the burgeoning of modern supermarkets and shops that avail food, are concentrated in parts of Bole, Addis Ketema and Yeka Sub-cities where people with the means to afford the purchase of value-added and high-quality foods are living. Major and modern [food] markets are rarely available in the Gulele Sub-city of Addis Ababa city.[35] This is partly because, as discussed above, most of the residents of the Sub-city are economically poor to afford food purchase at relatively expensive, but modern and sophisticated facilities, i.e. malls, and supermarkets. Rather, what is common in the Sub-city is that people often purchase food at both economically and physically accessible open-air markets, streets, Kebele, and regular kiosks where food is relatively cheaper and affordable, but often low and inferior quality.[36]

On the other hand, other than the physical accessibility of food, the price (economic accessibility) of food has a huge impact on the realization of the human right to food. As discussed above, by the virtue of the fact that the non-farming, urban people access, at least most of their food through purchase, the increase in food price makes them vulnerable to food insecurity and to the deprivation of their human right to food, particularly the poor who invests more than half their incomes on food purchase.[37]

This is due to the fact that, other things being equal, urban food security and rising price of food, particularly to the urban poor who have very limited economic capability, have a negative

[35] This has been conformed in the FGD with participants of the study who are residents of the Sub-city and through personal observation. Available studies on food system in Addis Ababa also indicate as this is the case.

[36] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), Household Income, Consumption and Expenditure Survey (CSA), 2011/12

[37] South African Cities Network, A Study on Current and Future Realities for Urban Food Security in South Africa. (Report). Braamfontein, July 2015, p. 22

correlation. In this regard, as indicated in the table below, since 2007/2008 there has been, in terms of periodic average, a significant surge in food prices. This high food price rise in Ethiopia and in the case study areas, Gulele Sub-city, coincides with the phenomenal and high food price rise across the world.

Year, Ethiopian Calendar	**Year, Gregorian Calendar**	**Percentage change in food prices**
1992	1999/00	0
1993	2000/01	-5.8
1994	2001/02	-3.6
1995	2002/03	12.8
1996	2003/04	3.9
1997	2004/05	9.9
1998	2005/06	11.6
1999	2006/07	17.2
2000	2007/08	30.3
2001	2008/09	24.1
2002	2009/10	1.4
2003	2010/11	20.2
2004	2011/12	34.2
2005	2012/13	4.6
2006	2013/14	8.1
2007	2014/15	7.7
2008	2015/16	9.7
2009	2016/17	8.2

Table 6. 1*: Food price change in main food items computed annually, extracted from Oxfam (2015), Life in a Time of Food Price Volatility: Ethiopia report year 2, and International Monetary Fund (IMF) World Economic Outlook (2012).*[38]

Particularly for the Ethiopian fiscal years, 2000 and 2004 (2007/2008 and 2001/2012 G.C.) there had been 30 percent and 34 percent, increment in food prices, respectively. Therefore, these figures indicates that the food price inflation through these years, had been significantly,

[38] Price is computed for staple and cultural food grains i.e. Teff, wheat, sorghum and maize, See, Oxfam, Life in a Time of Food Price Volatility: Ethiopia report year 2. Oxfam Great Britain: Oxford. 2015, p. 11. See the International Monetary Fund (IMF), April 2012, World Economic Outlook: Growth Resuming, Danger Remain. Statistical Appendix. p. 203

so to say intolerably, high particularly to the low-income segment of the population of the country and the Sub-city in particular.[39]

The following graph also illustrates the high, so to say, increasing trend of food price change in main food items which is illustrated in the above table, in the same period, from 1999/00 to 2016/17 G.C.

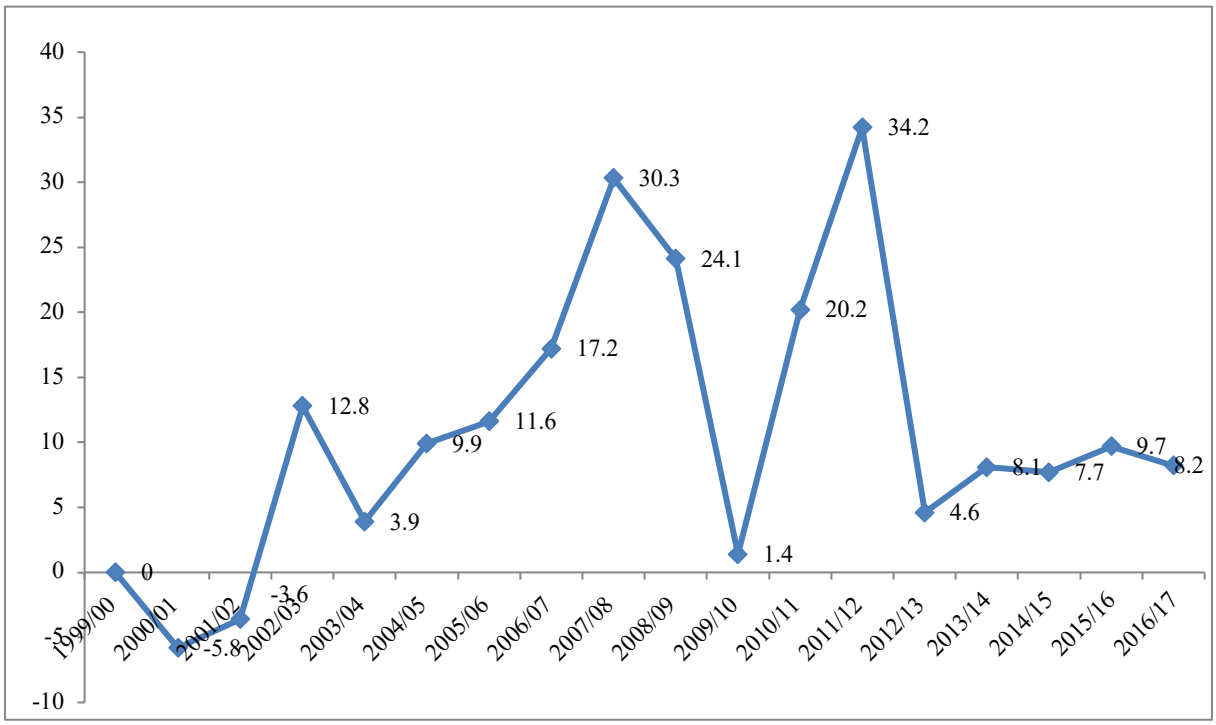


Figure 6. 2*: food price change in main food items computed annually, the data was extracted from Oxfam (2015) and IMF (2012), See also Table 6.2.*[40]

To the dismay of the low-income poor, in particular, food prices have rapidly increased following the celebration of the Second Ethiopian Millennium (2007/2008) that coincided with the global food price hikes. Moreover, the "food price inflation had been much higher in Ethiopia compared to many countries in the region."[41]

[39] The 2007/2008 high food price incidence coincided with the global food price hikes/ crisis.

[40] Oxfam, Life in a Time of Food Price Volatility: Ethiopia Report Year 2. Oxfam GB: Oxford. 2015, p.12. See, also International Monetary Fund (IMF), World Economic Outlook: Growth Resuming, Danger Remain. Statistical Appendix. 2012, p. 203

[41] Tadesse Kuma, Dynamics of Food Price Trends and Policy Options in Ethiopia. Report for ASARECA's Project on Food Price Trend Analysis and Policy Options. Ethiopian Development Research Institute. (unpublished) June 2012, p. 27

Apart from the natural causes of high food prices such as high demand and relatively lower supply of food items, artificial causes like illicit food withholding by some food traders speculating future high prices, as already discussed above, has aggravated the food price spike in the period indicated in figure 6.2, above.[42] In this regard, it was reported, again and over again, by participants in focus group discussion that the unnecessary and artificially complex and prolonged chains of food marketing had made food items to pass through [often illicit] trading that adversely contributed to the high food price. For instance, a 36 years old man who is an owner of a private business in the Sub-city stated the following:

> *"The food marketing system has become more complex and illicit, at the same time. The number of brokers who facilitate illicit food trading in city is increasing from time to time. The food merchants and brokers are working together to get undeserved high profit [from unfair food trade]. From what I know let me give you an example; a merchant in Ada'a Woreda (about 70 km north of Addis Ababa) may buy Teff directly from farmers or farmer cooperatives at a reasonable price. Through a broker, the merchant may sell his purchase to another merchant at Merkato (the largest open market in Ethiopia) in Addis Ababa. At Merkato brokers may negotiate the sale of the Teff from the second merchant, not to the consumers but to another Merchant who would hold the Teff for unspecified time speculating high prices. In between, people (consumers) often, face a food deficit. With the help of the Brokers, the Teff may circulate through many traders for profit. At the end, the consumer is required to buy the Teff at high price. Therefore, illicit handling and trading facilitated by brokers is a threat to the affordability of food particularly to the poor. At least 15 years ago [before the historic 2007/08 food price hike] food items were not supposed to go through such complex and illicit food trading system. Rather, we were supposed to buy food items either directly from the farmer producers or from merchants who themselves buy directly from farmer producers".*[43] (My translation from Amharic)

In line with the statement of the focus group discussion participant, the some argue that illicit food handling and food trading mediated by [illegal] brokers had a significant but adverse contribution on food price affordability and stability, leading to rising high food price.[44] Apart from this, the government itself has subjected the sale of food, with the exception of cereals, to taxation that is often redundant, including 15 percent Value Added Tax (VAT) that in turn

[42] Speculation is ordinarily understood to mean the purchase of a good for later resale rather than for use, or the temporary sale of a good with the intention of later repurchase in the hope of profiting from an intervening price change. See, Miguel Robles, Torero, Maximo and Joachim von Braun. 2009. 'When Speculation matters', IFPRI Issue Brief, No. 57, Washington. D.C.: International Food Policy Research Institute. 2009, p. 2

[43] Focus Group Discussion participant 1D, December 11, 2016

[44] Tassew Woldehanna and Yisak Tafere, Life in a Time of Food Price Volatility: Ethiopia Report Year 2. Oxfam Great Britain: Oxford. 2015, pp. 3-4

contributes a lot to rising high food price.[45] In this respect, effectively regulating an controlling illicit and illegal food trading and exempting taxation on food items would lead to more stable and affordable food price.

6.2.2.3. The Cost of Other Basic Needs

Other than increasing and high food price, following 2007/2008, the cost of other basic needs and goods has out-paced the growth of the net income of poor people in Addis Ababa in general and Gulele Sub-city in particular. According to the United Nations Human Settlements Program (2017), the net per capita income of the household in Addis Ababa City, from 2005-2015 has increased substantially. The average net per capita income of the household in Addis Ababa City by the year 2015 was USD 1,364 (which is almost double the national average of USD 680).[46] However, it should be noted that it is in Addis Ababa city where the country's richest as well as the poorest households coexist. Apart from the apparent economic inequality between the poor and the rich, the cost of basic needs i.e. particularly the cost of housing and transportation, in the above specified period, has been increasing substantially. The cost of rent for a house has at least quadrupled within those ten years.[47] In this regard, it is worthwhile to mention that in the whole Addis Ababa city it is only 34 percent of the households live in owner-occupied houses and 66 percent are living in a rented house. In the Gulele Sub-city, the number is even higher, as about 69 percent of the households live in rented house.[48]

Along with the rise of global natural oil price, among other reasons, the cost of urban transportation within the city has also increased. Though, the highest proportion of moments

[45] Thomas Woldu et, al, Urban Food Retail in Africa: The Case of Addis Ababa, Ethiopia. Ethiopia Strategy Support Program (ESSP) Working Paper 50, January 2013, p.3, Focus Group Discussion Participant 2H cites his own experience that whenever he buys food staffs from shops and super markets VAT 15 percent is added but on Khat an addictive stimulant leaf only 2 percent VAT is added. Food is a basic necessity and Khat is an option. Therefore, VAT on food can be challenge, in view of affordability of food particularly to the poor.

[46] United Nations Human Settlements Program (UN-Habitat), The State of Addis Ababa 2017: The Addis Ababa We Want. Nairobi, Kenya. 2017, p. 19 Available at: www.unhabitat.org [Accessed on December 11, 2017]. However, this is an average income, and Addis is the home of the billionaires and the poor of the poor. However, poverty has been reduced significantly, from 39 percent in 2005, to 27 percent in 2011 and 25 percent in 2015.

[47] Ibid

[48] United Nations Human Settlements Program (UN-Habitat), The State of Addis Ababa 2017: The Addis Ababa We Want. Nairobi, Kenya. 2017, Available at: www.unhabitat.org [Accessed on December, 11, 2017]

or trips within the city are non- motorized or on foot, accounting for 60 percent, the remaining 40 percent is performed by the motorized traffic of which 15 percent is by city buses, 7 percent by light rail, 10 percent by taxis and 8 percent by private automobiles.[49] Buses and light rail are primarily used by the poor and taxis by the poor and moderately poor. City buses, light rail and taxis account for about 75 percent of the motorized traffic in the city.[50] The city bus is the most dominant mode of transportation due to its lowest fares that are relatively affordable by the poor. However, both public city buses and taxis have increased their tariff of transportation since 2005 by 300 percent and 200 percent respectively.[51] The high rising bus and taxi fares have forced the poor to go on foot or to compromise the cost of their food and other basic needs.[52]

The price of other key basic services such as education and healthcare at private schools and private health clinics, respectively, as underscored by the focus group discussion participants, has witnessed substantial incremental growth. The surging high cost of non- food basic goods and items, when considered along stagnant or moderately growing income of the poor, predominantly engaging in the informal business sector, makes the available food in the market less affordable and accessible to the poor.

As a closing remark to this section, it can be said briefly here that, in view of accessibility of food in the Sub-city, shops and markets that avail food for sale is not, in relative terms to other Sub-cities of Addis Ababa, evenly available in the Sub-city. This is primarily due to the residents', in general terms, relative lack of strong purchasing power.[53] Literally, this means that food is less physically accessible in Gulele Sub-city than in other Sub-cities of the city. Thus, people to purchase food they have to travel to other parts of the city, which incurs them an additional travel time and extra cost for transportation. The economic accessibility of food in the Sub-city is also reported to be less than other Sub-cities, as Gulele Sub-city is

[49] Taddesse G/Giorgis, Assessment of the Urban Poverty in Addis Ababa City, Prepared for Addis Ababa Master Plan Revision Project Office, 2010, p.45. Document on file at Office for the Revision of Addis Ababa Master Plan, Information and Documentation Center, ORAAMP/ECON/449/2000

[50] Taddesse G/Giorgis, Assessment of the Urban Poverty in Addis Ababa City, Prepared for Addis Ababa Master Plan Revision Project Office, 2010, p. 45. Document on file at Office for the Revision of Addis Ababa Master Plan, Information and Documentation Centre, ORAAMP/ECON/449/2000

[51] Computed from the available data on transportation tariffs from 2004-2008

[52] Focus Group Discussion

[53] See the discussion under section 5.4.2.1.

predominantly dwelled by poor and relatively poor people, compared to other Sub-cities of the Addis Ababa city.

In conformity with the assertions made above, in Focus group discussions, participants have indicated that the price spikes of essential basic needs such as housing and transportation have exacerbated food insecurity among the poor of the poor. Therefore, the increasing cost of basic needs and goods on the one hand and the relatively low-income growth of the poor, on the other, has a decisive and negative impact on the accessibility of quality, diverse and fair amount of food to the poor.

6.2.3. Adequacy of Food

The right to eat well, feeding oneself and members of one's family adequately, particularly during the high food price spike is a high concern for the low-income poor. The issue of both quantity and quality in the right to food clearly matters (see chapter two, section 2.2.1.). As it is stated above, diverse, healthy and the culturally acceptable food is available, in relative terms, in the food market of Gulele Sub-city.

However, as it is confirmed by the discussion above in general and by the Focus Group Discussion participants, in particular, due to the high and rising cost of food and other basic needs and the relative low income of the poor, the quantity, quality, and variety of food they eat is inadequate. It was indicated in focus group discussions among residents of the Sub-city that as a coping strategy, people are forced cut back the cost of food to cover other basic needs, i.e. housing and transportation. This means in effect they eat less, both in quality and quantity, food. Particularly in terms of diversity some have reported as they have less access to animal products, fruits, and vegetables because they are relatively expensive. For instance, a 48 years old woman in a focus group discussion stated the following:

> *"Me and my neighbors rely a lot on Injera, a local flat bread often made from Teff (a typical Ethiopian grain, which is very small in size whose powder is used to prepare Injera), recently due to the high cost of Teff, we prepare Injera (eaten with Stew or Sause (Wate)) from rice, wheat or maize mixed with Teff. We most frequently use Shiro (sauce prepared from* chickpeas or beans powder, *whose cost is relatively cheap). Animal products like milk and meat are treated as a luxury for most of us since we hardly afford the high cost of animal products, particularly meat. Only during religious holidays, many of us eat meat which is bought from Kebele Butchers, the price of which is relatively low (120 Birr per kilo), as the price is fixed by the Kebele authorities.*

However, the meat sold in the estates is higher in quality with a higher price (ranging from 200 to 300 Birr per kilo)".[54] (My translation from Amharic)

In terms of frequency of diet, from their experience, the focus group discussion participants opined that the average adult in the Sub-city twice in a day. For instance, a 35 years old man who is a public servant with a monthly salary of about 3000 Birr stated that:

"I am single and live in a rented home; I cannot afford three meals a day. One meal on average at a small restaurant costs [me] about 40 Birr and if made at home it will cost me about 20 Birr. Instead, I cut back one meal (from three) and used to feed myself twice a day, take one at about 11:00 AM, and the other at about 5:00 PM at a restaurant, as I spend the five days of the week away from home, at the office".[55] (My translation from Amharic)

On the basis of the size of his income, the civil servant may not be regard as, on the basis of the national poverty measurement, discussed under section 6.2.2.1. The experience of the civil servant can be a moderate case. However, the experience of people with very little or with no income is worse than this. For instance, a 38 years old man narrates, in a focus group discussion, the experience of an old woman whom he knew as a neighbor:

"She (the woman who is the neighbor of the participant) is about 70 years old and survives with a government pension which is, about 600-Birr. She does not have any supplementary source of income. 600 Birr cannot cover all the costs of the basic needs. Therefore, as a coping strategy, she is used to prepare a sauce from potato or cabbage and used to feed herself the watery part of the sauce and recook it and this continues for next three days. She does this, as she cannot afford food for 30 days of the month with her pension. So far, the government or NGOs are not intervening to provide her and her likes with better food. This is how she used to survive. Many like her are forced to survival in such circumstances that is not acceptable for a human being by any standard".[56] (My translation from Amharic)

It was also reported that children too, were forced to stay with two meals, skipping their mid-day meal. For instance, Hossain et al (2013), in an interview with a mother of three, living in the Sub-city have uncovered the following;

"I used to cook beans with a lot of salt (Yebaqela Nifro Bechew). The salt made the children drink a lot of water and they felt like they were full. So, they did not ask for another meal until around the end of the day, well at least that is what I believe. May be they just knew that even if they did, I would not have been able to give them. This gave me time to figure something to put on the table for dinner. But now, the price of

[54] Focus group discussion participant 3B, January 08, 2017
[55] Focus group discussion participant 1B, December 11, 2016
[56] Focus group discussion participant IE, December 11, 2016

beans has gone way up I cannot even afford the cost of beans. So, now, I am trying to find other means to get through the day."[57]

This statement of a mother, from Hossain et al (2013), *Squeezed: Life in a Time of Food Price Volatility*, reveals not only the unflattering fact that the food that the very young children used to eat was against their right to access fair and balanced food but also against their right to live a life in dignity.[58]

Furthermore, it was reported in various Media outlets that primary and mid-secondary schools boys and girls in Addis Ababa, particularly schools in Gulele Sub-city, were used to fell asleep or used to collapse in classrooms due to exhaustion resulting from extreme hunger.[59] As a response to such prevailing problem, school feeding programs[60] have recently been made functional in some selected schools, serving as a notable source of food for school-children. However, it was reported that some parents and children with little to eat at home expect school-children to carry food home from school.[61]

It is also worthwhile to note that besides the quantity, frequency and variety of meals, the safety and purity of the food is also a higher priority for the urban population of Gulele Sub-city, as food producers, in pursuit of undeserved gains, used to adulterate food with alien substances and consequently, put the health and well-being of consumers at risk. For instance, local food and distributers, particularly around the slum areas of Gulele, as it was reported, used to mix butter with banana, honey with melted sugar, and used to prepare Injera with a mix of teff-

[57] Naomi Hossain, Richard King, and Alexandra Kelbert, *Squeezed: Life in a Time of Food Price Volatility, Year 1 Results*. Brighton and Oxford: Institute of Development Studies and Oxfam, 2013 p. 9

[58] In this regard, the Data from the 1999/2000 Household Income, Consumption and Expenditure Survey (HICES) indicate significant differences in food consumption patterns by location/socio-economic contexts and by level of incomes (expenditures). It has indicated that the share of food in total consumption expenditures in rural areas is significantly higher in rural areas (71 percent) than in urban areas (46 percent), with the food expenditure share exceeding 80 percent for the poorest ten percent of rural households.

[59] Ibid

[60] The Primary School feeding/ Nutrition Program aimed at alleviating short-term hunger and enhance learning capacity among learners

[61] Naomi Hossain, Richard King, and Alexandra Kelbert, *Squeezed: Life in a Time of Food Price Volatility, Year 1 Results*. Brighton and Oxford: Institute of Development Studies and Oxfam, 2013 p. 8

flour with saga-tura and gesso, edible (food) oils with various products of petroleum, for sale for the local consumers.[62]

On the basis of the forgoing discussion it is submitted in here that, pertaining the appraisal of the realization of the human right to food among the residents of Gulele Sub-city of Addis Ababa city, in terms of availability, accessibility and adequacy of food, appears to be, as one would expect in such a context, somehow complex. In the Gulele Sub-city of Addis Ababa city, though some food items, wheat flour, food oil, and sugar are not often times available in the market in the required quantity and convenience, availability of food is not a serious problem among the residents of the Sub-city, rather the lack of access to food that is readily available in the market for sale is rather the major predicament to the realization of the human right to food among the economically poor segment of the community. This is due to the fact that, poor people as they have weak purchasing power over food, are not able afford the rising and high cost of food, among others and to feed themselves adequately.[63] In this respect, the immediately forthcoming section appraises the responses taken so far to address the problem and tries to indicate alternatives that may be considered to offset the gaps observed in realizing the right to food among the community living in the study area.

6.3. Challenges and Responses

As addressed in chapter two both in rural and urban contexts the state has the responsibility to strive to realize the human right to food of its people using its optimal capability and resource at its disposal. In this regard, under this subsection, the factors and responses taken by the state that affect the human right to food in the urban context of Gulele Sub-city of Addis Ababa City are discussed.

[62] Fana Broadcasting Corporate (FBC), Afternoon News for April 12, 2019. Available at: http:/www:fanabroadcasting.com/ Accessed on April 12, 2019. According to the FBC, quoting the statement of the Food and Medicine Control Authority General Director, W/ro Rahen Gerba, 63 businesses were accused of the practice and investigations are underway to bring them to justice.

[63] This is not, however, to deny and contradict the fact that strong nexus exists between availability and accessibility. To put it simple, strong availability means easy accessibility and vice versa. As high food supply (availability) leads to cheap (affordable) food price.

6.3.1. Food System Governance

According to Polly Ericksen (2007) food system governance, refers to the regulation and rationalization of food production, distribution, safety, and retail.[64] In this regard, the city government of Addis Ababa, in particular, and the government of Ethiopia in general have involved in food system governance.

First, market food price stabilization is a major component of food system governance. As discussed above (under section 5.4.2.2., and 5.4.2.3.) there had been unprecedented high food and other basic needs price growth in the last ten years. The price has often been disproportionately higher than the income growth of the urban poor.[65] Following this unprecedented high food price inflation, the FDRE government in geranial and the Addis Ababa city administration in particular have taken a range of measures to stabilize the local market food price. To this end, the government has imported on average half a million tons wheat per year for a nationwide subsidized distribution.[66] At Addis Ababa city, and Gulele Sub-city in particular, the subsidized price of wheat, for example by March 2007, was about 350 Birr per quintal (100 kg) while the market price of domestic wheat was around 750 Birr per quintal at the time.[67] As part of this initiative, each low-income household was entitled to purchase 25 kilograms of wheat at a subsidized price for a month. Palm oil and sugar have also been distributed at a quota with subsidized price.[68] For this purpose, the Kebele kiosks have been supplying residents with these items at subsidized price. This urban food transfer served as alternative food price stabilization.

Apart from this, to stabilize the food market price the government has ordered the suspension of the local grain procurement by the World Food Program (WFP) through the Ethiopian Grain Trading Enterprise, for the RPSNP.[69] Instead, temporally grains to be transferred to the RPSNP beneficiaries had to be imported from abroad. Moreover, to stabilize the soring food price the

[64] Polly Ericksen, "Conceptualizing food systems for global environmental change research." *Global Environmental Change* (2007), Vol. 09, No. 02, p. 1

[65] See the discussion above, under section 6.2.2.2.

[66] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, pp. 5-6

[67] This was introduced in the month of March 2007. See Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 2

[68] The amount varies from time to time depending on the availability of these items in [Kebele] Kiosks.

[69] See the discussion on the RPSNP in chapter four and chapter seven.

government has removed taxes on grains. All these undertakings of the government have resulted in a relative food prices decline and stability in the following year.[70]

Following this relative food price stability, since 2008 the government, rather than transferring subsidized wheat directly to the low-income urban people, has opted to supply subsidized wheat to the bakeries. Consequently, the bakeries have been supplying bread to the public with a relatively affordable and stable price. Nonetheless, the Kebele kiosks have continued to supply oil and sugar on quota and with fixed price. Such interventions have been taken by the government in the food system, at least in part for the reason that, since 2007 there has been an acute regular and sustained shortage in the availability of these items in the local market and their price has at local market has been unprecedentedly increasing and high.

Though the government made efforts to control soaring food price in the country and in the Gulele Sub-city, in particular, and has taken initiatives to purchase and import wheat, sugar and food oil and distribute them to the local market through Kebele shop and private retailers with fixed, often subsidized prices, the price of food has remains high.[71] However, even after such measures taken by the government, the price of grain and food items in general has remained high as compared to initial period in the early 2000s.[72] In the final analysis, this situation makes the cost of adequate food hardly affordable to the urban poor of the poor.

Furthermore, in line with the aforementioned assertion, the Ministry of Urban Development and Housing has indicated "from 2005 to 2011, consumption growth was negative for the poorest 15 percent of the urban population and for the majority of households in Addis Ababa city, including in Gulele Sub-city, as wages and income did not increase to compensate households for the rising food prices that they faced."[73] As a result, the poor or the low-income residents of the Sub-city are left with little choice but to continue to buy in small quantities from the local kiosks and food vendors at a higher per-unit cost.

Second, the government as a response to the growing food insecurity situation and consequently the lack of accessibility of food among the poor of the poor in urban areas, has

[70] Ibid

[71] The real increase in overall food price between 2007/8 to 2016/17 was 167.7 percent. See also the discussion under sections 6.2.3.

[72] See table 6.2., above.

[73] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 2

finalized preparations to introduce the Urban Productive Safety Net Program (UPSNP) which is financed by the World Food Program (WFP) and World Bank (WB). The UPSNP is also devised to support the chronically food insecure residents in Addis Ababa City in general and Gulele Sub-city in particular. The UPSNP has three-component packages i.e. direct support, food for work and livelihood improvement packages. The UPSNP will be discussed and appraised further under section 6.7.4, below.

Third, apart from the above-mentioned efforts made to ensure the availability and accessibility of food, it is necessary to regulate, as part of the state's human right to food obligation, the food system so as to ensure the supply of quality and healthy food for human consumption. In this respect, the mandate to monitor the quality and standard of food vested in the Quality and Standards and Food, Health and Medicine Monitoring and Control Authorities at the federal level and the Health, and Trade and Tourism Bureaus both at the Addis Ababa city and Gulele Sub-city levels, respectively. However, unilaterally or in coordination one among the other these state authorities and offices, often lack efficiency in monitoring, and controlling the standard and quality of locally produced and distributed food items.[74]

A point worth mentioning here is that there is a growing and unprecedented public trade in low quality and adulterated homemade food items.[75] Such a phenomenon is a common experience for the average resident of the Addis Ababa city in general and Gulele Sub-city, in particular. For example, participants in all focus group discussions have affirmed that, the quality of Enjera supplied at restaurants and by local Enjera vendors has been below the conventional standard both in terms of quality and quantity. In extreme cases, as reported by public media outlets, frequently, alien substances, some are toxic and a threat to human health, i.e. gesso and saga-tura, are mixed with Teff flour to make Enjera, butter is often mixed with banana, honey with melted sugar, edible (food) oils with various products of petroleum, for sale for the local consumers.[76]

[74] Melese Temesgen and Melese Abdisa, "Food Standards, Food Law and Regulation System in Ethiopia: A Review." *Public Policy and Administration Research*, Vol. 5, No.3. (2015) p. 5

[75] See the discussion under section 6.2.3.

[76] See the discussion above, under section 6.2.3. See also Fana Broadcasting Corporate (FBC), Afternoon News for April 12, 2019. Available at: http:/www: fanabroadcasting.com/ Accessed on April 12, 2019.

Therefore, in this respect there is a need to ensure, through effective food system governance, that food in the required quality and quantity is availability in the market. At the same time, it is an imperative for the state to make sure that food, in general terms, is affordable to the urban community, particularly the poor, who are also highly dependent on the purchase of food for their household consumption. A detailed discussion on how food can be made available and affordable for the people in Ethiopia, as a human right, in general and to the urban community of Gulele Sub-city in Addis Ababa city, in particular is reserved for chapter eight, which is devoted to indicate the way forward for the better realization of the human right to food in Ethiopia, both in rural and urban contexts.

6.3.2. Employment Creation and Business Financing

In this subsection a more specific examination of accessibility of employment and finance is made in the context of Gulele Sub-city of Addis Ababa city. As the urban population of Gulele Sub-city access food predominantly through purchase, with the mediation of money, therefore, accessibility of gainful employment and credit service to finance own business, among others, are determining factors for the realization their human right to food.

According to the 2011 Urban Employment and Unemployment Survey of the (CSA), the overall unemployment rate in urban areas has been 18.0 percent of which 11.4 percent are male and 25.3 percent are female. The survey has also indicated a high youth unemployment rate, 27.9 percent and 18.3 percent for age group 20-24 and 25-29 respectively.[77] In Gulele Sub-city apart from the existence of this high rate of unemployment, that it shares with other urban areas, as discussed under section 6.2.2.1. there exists a substantial engagement in the informal sector.[78] The informal sector bears less security and low-income return.[79] In this regard there is a need not only to generate employment to about 20 percent unemployed, but there is also

[77] Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), Household Income, Consumption and Expenditure Survey (CSA), 2011/12. The survey identifies all persons aged 10 and above as economically active. However, among the economically active work force, some are productive and ready to work while some are economically active for various reasons are not ready to work. Among the employed, the government employees constitute 40 percent, private organization employees 31 percent, own-account workers 25 percent, employers 2 percent and unpaid family workers and others 2 percent.

[78] Like casual wage labor, traditional artisanship, local brewing, petty trade, other small businesses and firewood collection, among others.

[79] International Labor Organization, World of Work Report: Income Inequalities in the Age of Globalization, International Institute for Labor Studies. 2008

good reason to empower and transform those who are engaging in the informal sector to the formal sector. For this end, the provision of training and convenient access to finance for the needy is crucial.

However, the urban formal credit and saving institutions, predominantly the Addis Credit and Saving Institute, recently Addis Bank (AB) provides credit only to a small proportion of the unemployed youth of the Sub-city who are able to organize themselves in groups to run micro and small businesses. This credit service is facilitated by the Gulele Sub-city Micro and Small Enterprises Development Office.[80] In this respect, the unemployed and those who are underemployed or are engaging in the informal sector can hardly have access to credit unless they provide movable or immovable property for security of debt, which is hardly affordable to most of them. This serves as a constraint on the creation of productive employment, to inclusive growth and poverty reduction. It is also related to the broader issues of promoting domestic savings and resource mobilization.

Along with the above stated phenomenon, to the dismay of many of the unemployed and underemployed people in the Sub-city, there is a rapid but huge rural-urban internal migration in Ethiopia, particularly to Addis Ababa. The Addis Ababa City Government Bureau of Labor and Social Affairs has reported that every year more than 200,000 people migrate to Addis Ababa city in search of opportunity from different parts of Ethiopia.[81] This rapid rural-urban migration can be attributed more to the rural push than the urban pull factor. As discussed in the previous chapter, the payoff of the agriculture in general and the productivity of farmlands in some rural areas in particular has been getting low, as is the case in Simada Woreda, which is discussed in the preceding chapter.[82]

[80] Addis Bank, was initially Addis Credit and Saving Institution, a property of the Addis Ababa city government initially established with the aim to provide credit and saving service to the residents of the city, particularly to the poor. But now it is a share company providing fulfileged bank service to all customers.

[81] United Nations Human Settlements Program (Un-Habitat), The State of Addis Ababa We Want. UN Habitat: Nairobi, Kenya, 2017 pp. 11-12

[82] It is a reflection of the lack of opportunity in the countryside as already small plots of land are divided and then divided again with each passing generation, until they become so small. Therefore, people can no longer make a living from them (World Watch, 1998). Because of the backwardness of the agricultural practice and diminishing return of productivity of the arable land, population in the rural areas are on the verge of being pushed out of their rural niche. This and the above-mentioned factors will trigger faster urbanization in Ethiopia as is the case in many developing countries adopting the same strategy.

In agreement with this above-mentioned situation, the FAO has pointed out "poverty, hunger and malnutrition are some of the principal causes of accelerated migration from rural to urban areas in developing countries, *including Ethiopia*".[83] This in turn creates more demand for employment, lead to more competition for the available jobs. In agreement with the above claim, the FDRE Ministry of Labor and Social Affairs has affirmed;

> In Addis Ababa […] compounded by a sizable number of new entrants joining the labor market every year, unemployment represents a barrier in terms of fulfilling rights of individual youth [and citizens in general] as well as for fulfilling the vision of national development.[84]

Therefore, to help the poor unemployed and underemployed, to feed themselves well in conformity with the tents of the human right to food, there is a huge assignment to be done, on the part of the state, in generating and boosting employment for the unemployed and empowering the underemployed, through facilitating the provision of training, finance and credit services.

6.3.3. Awareness on the Human Right to Food and Nutrition Literacy

Everyone recognizes that food is essential for life. However, the Ethiopian state as a whole and the Addis Ababa city, in particular, do not expressly recognize the human right to food in the national and subnational constitution/charter and other legal instruments, respectively. Partly, but hugely, due to this fact the knowledge of the mass public on the human right to food and the legal status in Ethiopia has been tinted with vagueness and ambiguity. In this regard, participants in all focus group discussions, on the basis of their common and practical experiences have indicated with anonymity that they do not know whether the human right to food is a constitutionally protected and judicially enforceable right or not.[85] A similar

[83] Food and Agriculture Organization of the United Nations (FAO-UN) (1996) The Rome Declaration on World Food Security and World Food Summit Plan of Action. Food and Agriculture Organization: Rome. According to the FAO, the largest population shift of all times from the rural to the urban areas of developing countries is under way which require more investment on the source of displacement as well as in the urban sector.

[84] The Federal Democratic Republic of Ethiopia Ministry of Labor and Social Affairs, National Social Protection Policy of Ethiopia. 2012, p. 4

[85] Both women and men focus group participants, however, have affirmed that the human right to food, if does it exist at all, has not been effectively respected and protected by the state. As many people around their neighborhood are forced to go hungry on regular basis with the absolute negligence of the state and its authorities.

perspective has also been resonated by the legal practitioners, as will be discussed under section 6.4., below.

A point worth mentioning and more worrying, as is obvious, is that Addis Ababa being the set of the federal government and its agencies, the major non-governmental organizations, intergovernmental organizations and their agencies and the majority of the country's public media, the human right to food has never been a serious public agenda. Rather, this is an indicative of the fact that there is no significant national or subnational, in Addis Ababa including Gulele Sub-city, advocacy effort made to mainstream the human right to food among the average right holder.[86]

However, both the Federal Government and the Addis Ababa City Administration under auspices of the Ministry of Health and Health Bureau respectively, have a nutrition program. The nutrition program aims to improve the health and nutritional wellbeing of pregnant, and lactating women and their children, with a due emphasis on the first 1000 days of life.[87] The program and its aim has been publicized through radio and television among others. Therefore, as indicated in focus group discussion, people are aware of the nutritional value food items and the significance of healthy eating for individual and collective fulfilment.

Therefore, on the basis of the forgoing discussion, it can be said here that there exists a better access in Gulele Sub-city with regard to information on nutrition than in Simada Woreda due to the better accessibility of education and public media in the cosmopolitan context of Gulele Sub-city, among others. However, the human right to food is a little recognized and publicized right among the communities of Gulele Sub-city of Addis Ababa city and Simada Woreda of the Amhara National Regional State.

6.3.4. Access to Social Security

At the time this study was being undertaken, there had been no functional formal state administered social security scheme that was readily available to the majority of the urban

[86] Jean Ziegler, "Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum – Mission to Ethiopia," presented on the Sixty-first session of the Commission of Human Rights, UN Economic and Social Council, Item 10 of the provisional agenda, 8 February 2005, E/CN.4/2005/47/Add.1.

[87] See, Government of the Federal Democratic Republic of Ethiopia, National Nutrition Program 2008-2015: National Nutrition Program Implementing Sectors Declaration.

chronically food insecure residents of the Sub-city.[88] However, it was reported that the city-government of Addis Ababa, in general, and Gulele Sub-city administration in particular were finalizing their preparation to enforce the yet to be implemented Urban Productive Safety Net Program (UPSNP). This initiative, in the case of Gulele Sub-city, aims to benefit the chronically food insecure residents in all Woredas of the Sub-city when the program is fully functional. However, initially 12600 chronically food insecure residents in the selected four Woredas (1, 4, 7 and 9) among the ten Woredas of the Sub-city, will selected, in the due time, to be beneficiaries of the program.[89]

Like the Rural Productive Safety Net Program (RPSNP), which is already discussed in chapter five section 5.3.7., the Urban Productive Safety Net Program (UPSNP) has three component packages; Direct Support, Public Work and Livelihood Improvement packages.

a) Direct Support Package **(DSP)** – the potential beneficiaries of this package are the chronically food insecure poor residents of the Sub-city who are deemed unable to engage in the public work, beyond reasonable doubt, for health, maternal and/or age reasons. Furthermore, the beneficiaries should prove that they do not have a family member who can provide them with food and the means of its procurement. Unlike the practice in Simada Woreda where 'transfer' is provided, depending on the wish of the beneficiaries, either in kind (wheat and pulse) or in cash, but in Gulele Sub-city the 'transfer' will be provided to the beneficiaries only in cash. The amount of payment to be provided to a potential beneficiary of the direct support package is 170 Birr per month throughout the year.[90] The aim of this package, as stated in the UPSNP Implementation Manual, is to "ensure accessibility of food to the needy by increasing their purchasing power on food."[91] However, as it is indicated by the Coordinator of the Direct Support Package at the Sub-city, initially the target beneficiaries are 1011 chronically food insecure individual residents of the Sub-city.

---

[88] This has been affirmed by the draft social protection policy of Ethiopia by stating that "Ethiopia does not have a comprehensive and integrated social protection system". See, The Federal Democratic Republic of Ethiopia Ministry of Labor and Social Affairs, National Social Protection Policy of Ethiopia. 2012, p. 3

[89] Interview with Ye-Egizier-Deg Engidasew, Gulele Sub-city Labor and Social Affairs Office, Social Protection and UPSNP, Direct Support Package Coordinator, July 19, 2017

[90] Stated in an interview with Ye-Egizier-Deg Engidasew, Gulele Sub-city Labor and Social Affairs Office, Social Protection and UPSNP, Direct Support Package Coordinator, July 19, 2017

[91] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 5

However, more worryingly and contrary to the main aim of a social security scheme, the homeless people and street children are not included in the package.[92] Therefore, one is justified to challenge the inclusiveness and the sufficiency of the amount of the support provided. First, its inclusiveness can be called into question as it excludes the most destitute, street children and homeless people among others. Second, the amount of the transfer, 170 Birr, is insignificant considering the high and increasing cost of food and other basic needs. To mention one, the average price of a kilogram of meat in Addis Ababa butchers is 210 Birr. This would be an indicative of the inadequacy of the financial support provided to the DS beneficiaries of the UPSNP.

b) Public Work Package **(PWP)** - the potential targets of this package are able-bodied members of a chronically food insecure household residing in the Sub-city who are, at the time, unemployed but are willing to engage in productive public work, particularly in public waste collection and disposal, public spaces and streets cleaning, urban beautification and greenery and urban integrated watershed development activities.[93] As indicated in the Program Implementation Manual of the UPSNP, the primary aim of the PWP is to assist chronically food insecure urban households to have better access to food while at the same time making a contribution to the public good by engaging them in productive public work.

However, it is worthwhile to note that from a chronically food insecure household only up to four family members are entitled to engage in the food for work package. The term of participation in the package is three years. For the first year, participants are expected to engage with productive work for twenty days in a month with a daily wage of 60 Birr, (making a total 1200 Birr a month). For the second year, the participants are expected to work for 13.33 days in a month with a daily 60 Birr wage (with a total monthly wage of 800 Birr), and for the third year the participants are expected to work only for 6.66 days a month with the same daily wage, making a monthly wage of 400 Birr.

Furthermore, the direct participants in the package are allowed to utilize 80 percent of their monthly wage for their household food consumption. However, they are obliged to save, the other 20 percent of their monthly wage. They are required to save 20 percent of their income

[92] Interview with Ye-Egizier-Deg Engidasew, Gulele Sub-city Labor and Social Affairs Office, Social Protection and UPSNP, Direct Support Package Coordinator, July 19, 2017

[93] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p .3

from the UPSNP- public work package for entire three years period. For this purpose, the coordinating office of the program will assist them to open bank accounts, prior to the first payment, which is administered conjointly by the account owners and the office. The general conviction, as stated in the Urban Productive Safety Net Program Implementation Manual, is that at the end of the third year, the participants are expected graduate from the public work package and make preparations to enter into the livelihood improvement package of the UPSNP.[94]

c) The Livelihood Improvement Package **(LIP)** – targets under this package are the unemployed poor, chronically food insecure residents of the Sub-city but who willing and able to work. Particularly, those who were targeted under the PW package of UPSNP and saved 20 percent of their wages from the PWP for three years are primary targets. The participants of the package will be provided with 10,000 Birr along, if they are graduates of the PW package of UPSNP, with their 20 percent three years saving to set up their own new business. In addition to this, as indicated under the UPSNP Implementation Manual, the candidates will be assisted in the planning of their new business and will eventually be enrolled in a special training program on entrepreneurial skills. In this regard, the UPSNP, Food for Public Work and Livelihood Improvement Packages Coordinator stated that;

> *"The principal aim of the public work and livelihood improvement packages is to support the poor of the poor residents of the Sub-city who are able to engage in productive public work and at the same time to have the means to feed themselves. Furthermore, with the money they save from the PWP for three years and the business fund (10,000 Birr) provided by our office, it is planned that they will own and effectively run their own business in selected and strategic business areas. Hence, ate the end it is expected that the package will enable them to be sustainably food secure".*[95] (My translation from Amharic)

However, this package of the UPSNP is not yet functional. It is expected to be set in motion after three years. Still, it can be said here that the livelihood improvement package is the best possible alternative to help the right holders to feed themselves in dignity. As discussed in chapter two the human right to food would be best realized by the right holder rather than with the provision of food handouts. However, the business start-up budget for each beneficiary,

[94] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, pp. 3-4

[95] Interview with Shewakena Dereje, Gulele Sub-city Employment and Food Security Office, UPSNP, Food for Public Work and Livelihood Improvement Packages Coordinator, July 14, 2017

10,000 Birr would be insufficient to run a business proper for profit considering the existing high cost of goods and services.

Finally, it is worth emphasizing that the UPSNP is not the only, or in many cases, the most efficient means of addressing food insecurity and realizing the human right to food of the poor of the poor. The benefits of well-managed social security, in our case, the UPSNP for short-term emergencies where markets are not functioning well and when the people fail to access adequate food beyond their will and control is rational and sound as it helps to save human lives. However, in the medium to long term, structural and market mechanisms are generally more efficient in addressing food availability constraints. This is because, in the urban context, access to food is closely linked to household incomes. Thus, sustained pro-poor growth is needed along with appropriate and rights-based safety net program. In this regard, the city administration of Addis Ababa where Gulele Sub-city is a part and the Ethiopian government, in general, have yet to fully succeed in satisfactorily addressing and solving the urban food insecurity problem through inclusive, broad and human rights-based development policies and strategies. As long-term vision and strategy along short term emergency intervention mechanisms, is crucial and necessary to boost urban food insecurity resilience and ensure universal realization of the human right to food.

6.3.5. Alternative Coping Strategies Adopted by Right Holders

Alternative coping strategies in our specific case refers to specific sub-optimal activities and efforts that people employ as a last resort to survive hunger. From the focus group discussions among people living in the Sub-city, it is learnt that the poorest of the poor residents of the Sub-city use, other than the above-reported ways of meeting their food requirements, suboptimal coping strategies to survive hunger caused by low income, high and steady food price, and lack of alternative social security scheme. Among these strategies some are reducing food intake, in terms of quantity, quality, diversity and frequency and engaging in activities that they would otherwise resent.

It was indicated in focus group discussions that, this has also been discussed under section 6.2.3., people who cannot afford the means to purchase adequate food are forced to often skip meals, and/or buy poor quality and unfair food, like fruits and vegetables dumped in garbage by whole sellers and vendors but afterwards recollected and brought to the market by roadside

sellers (gullit cherichariwoch). It was also reported by the focus group discussion participants and attested with the personal observation of the researcher that a good deal of people access their daily meal from dumpsites and/or by collecting leftovers from the cafeteria, restaurants, hotels and university campuses.

As it was stated in focus group discussions, particularly in women only FGDS, that in rare and extreme cases young women out of the struggle to remain alive and being forced by the compulsion to acquire enough food and basic needs for themselves and their family members do things, which they otherwise resent doing i.e. trading sex for money (prostitution) and those who are sick and old engage in begging for food and/or money.

In a nutshell, despite the rising food insecurity in urban Ethiopia especially Addis Ababa, Gulele Sub-city until recently, (as discussed above, under section 6.3.4.) there had been no urban-focused food security program, nor the [sub]city state authorities act strictly fulfil the human right to food of the residents, particularly the poor as part of the obligation of the state to the human right to food. It is only since January 2017 the Federal Government, under the auspices of the Ministry of Urban Development and Housing set up the Urban Food Security Program (UFSP), which is supposed to cover 11 major cities/towns across the country.[96] Following this the Gulele Sub-city administration under the auspices of the Labor and Social Affairs Office has registered 14955 beneficiaries, among them 12600 (84 percent) are registered for PW and 2393 (16 percent) for DS from four Woredas (1, 4, 7 and 9), just from the total ten Woredas of the Sub-city.[97] Preparatory works are being undertaken to implement the UPSNP, particularly the PW and DS packages by the end of this year. Therefore, as there had been no alternative social security scheme for the poor of the poor residents of the Sub-city often are forced to use suboptimal coping strategies to survive hunger and hunger related death. Therefore, the aforementioned phenomena is an indicative of the fact that there is a violation of the human right to food among the residents of Gulele Sub-city at a grave and wider scale. In this regard, accessibility remedy for the perpetrated violation of the right is one

[96] Including the two City Administrations (Addis Ababa and Dire Dawa), and one major city/town from the nine regional states. These are Adama (Oromia), Assaita (Afar), Asosa (Benshangul), Dessie (Amhara), Gambella (Gambella), Hawassa (SNNPR), Harar (Harari), Jigjiga (Somali), and Mekele (Tigray). See the Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 3

[97] Interview with Ye-Egizier-Deg Engidasew, Gulele Sub-city Labor and Social Affairs Office, Social Protection and UPSNP, Direct Support Package Coordinator, July 19, 2017

of the conditions required for the effective realization of the right under consideration. The next subsection is devoted for the discussion of this subject.

6.4. Access to Remedy

The right to an effective remedy for the violation of a right, including the human right to food is a right in its own recognized in several human rights instruments, i.e. the UDHR, under Article 8, the ICESCR and under Articles 2 and 3.[98] However, it was reported in focus group discussions by the residents of the Sub-city and during key informant interviews with the Food Security and UPSNP Coordinators and legal professional working in the Sub-city, that effective judicial or quasi-judicial remedy for the victims of the violation of the human right to food, by directly invoking the human right to food, has not been available. For example, a judge working at the Arada sub-district federal first instance court has stated the following:

> *"The human right to food as an exclusive and independent right of its own, to the best of my knowledge, has never been a case for judicial adjudication here, at the Arada federal first instance court. However, it has been implicitly addressed as part of some broader rights i.e. maintenance. When we try civil cases, as I said, which are related to 'maintenance,' we also consider food, cloth, shelter, and schooling among others".*[99] (My translation from Amharic)

In this regard it can be said here that apart from the stated, under section 6.3.3., lack of knowledge on the part of the right holders to claim their right in courts, as studies indicate, the Ethiopian courts, at various levels, lack the will and the courage to entertain socio-economic rights in which the human right to food is conventionally categorized.[100]

Furthermore, in the administrative department of the government, at various levels, let alone the human right to food, the issue of urban food security has become a more recent agenda. As already indicated above, it is only in early 2017 that the Employment and Food Security and

[98] See also the ICCPR, on the right to apply for pardon, amnesty and commutation of the death sentence under Article 6 (4); the right to habeas corpus and judicial review under Article 9 (3) and (4) and the right not to be illegally expelled under Article 13. And Articles 2 and 3 of the CEDAW, Articles 2, 3, 4, 19, 20, 32 and 37 (d) of the CRC and Articles 7, 21 and 26 of the ACHPR.

[99] Interview with W/ro Yemisirach Kinfe, Federal First Instance Court Judge at Arada Subdistrict Court, December 19, 2017.

[100] The judges themselves in the courts of the (sub) city at various levels, though they are aware of the status of the right at least in the international human rights treaties (particularly the ICESCR Article 11(1 and 2)), do not pass ruling affirmatively by citing relevant provisions of the FDRE constitution and those international human rights treaties.

the Labor and Social Affairs Offices of Gulele Sub-city began to engage to mitigate the growing food insecurity situation in the Sub-city through the UPSNP, as part of the nation-wide initiative spearheaded by the Ministry of Urban Development and Housing to address urban food insecurity.

However, the design of the UPSNP is embedded in the traditional charity, donor- recipient approach, rather than rights-based approach. The benefits that the extreme poor or the chronically food insecure derives from his/her inclusion into the program has not been envisage [by the state authorities] as a human right or entitlement but a charity which is provided to them from a benevolent state. Therefore, to the contrary people who are excluded from the program while being poor would not invoke their rights in a state courts. Rather, they are provided the alterative to lodge their case to be investigated by a special committee established for this purpose, compliant hearing committee, under the auspices of Gulele Sub-city Labor and Social Affairs Office.

Therefore, as a final remark to this sub-section, it can be safely argued here that the prevailing legal and administrative regime in Ethiopia does not invite the human right to food holders to invoke their right in litigation against the state. This is the prevailing case in both study areas. This is mainly for the reason that the human right to food, as discussed in chapter four, is not an overtly recognized right under the constitution and other laws of the state. Furthermore, as discussed under section 6.3.3., no/little publicity is made on it. Consequently, neither the courts nor the right-holders recognize it as an independent right in its own, demand remedy for its violation, and render a remedy, respectively.

6.5. Analysis

As indicated in the forgoing discussion, the urban food insecurity and deprivation of the human right to food have, somehow, different characteristics and drivers than rural food insecurity. Unlike the rural community, the urban people do not have direct control and access to food. Rather they access food predominantly through purchase. Consequently, food supply, income size and the availability and nature of related regulatory frameworks decisively and directly affect their ability of accessing food and realizing their right to food accordingly. It has also been indicated above that in the Gulele Sub-city and in Addis Ababa in general, there is a

growing food insecurity and the deprivation of the human right to food situation. The following points are, therefore, made as concluding remarks for this chapter.

First, in general terms, it can be safely argued that in the context of Addis Ababa city in general and Gulele Sub-city in particular the (un)availability of [some] food items, i.e. wheat, sugar, and food oil, in the required quantity in the market has been a problem, but not a major one. Rather it is low income coupling with high food price and the cost of other basic needs that principally cause the deprivation of the human right to food among the community. If the problem were not principally associated with low purchasing power food items would have been brought to the market from surplus producing regions and even imported from abroad with the required quality and quantity. In this regard, the Ministry of Urban Development and Housing indicated for about the last one decade in particular "[…] consumption growth was negative for the poorest 15 percent of the urban population and for the majority of households in Addis Ababa, including Gulele Sub-city, as wages did not increase to compensate households for the rising food prices that they faced."[101]

Second, un/affordability of food is directly related with un/accessibility of productive employment with a livable income/wage. However, it has been indicated above that a substantial size of the population of the Sub-city is unemployed and underemployed. Thus, forcing the people under consideration not to have access to adequate food through purchase. Furthermore, lack of finance and credit service to such section of the population makes productive self-employment unlikely. Apart from this the growing population in flow to the city and to Gulele Sub-city from other areas of the Country had added pressure on the available jobs and makes them more scarce, leading to high computation for jobs with better payment. It was indicated that about 200,000 people migrate to Addis Ababa city every year.[102] These coupling with low employment generation capacity in relative terms of the city and lack of fund for own business serves as one of the many reasons for urban food insecurity and the deprivation of the human right to food.

Third, the unaffordability of food for most of the residents of the Sub-city can also be associated with absence of effective food system regulatory and monitoring mechanisms.

[101] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 2

[102] United Nations Human Settlements Program (Un-Habitat), The State of Addis Ababa We Want. UN Habitat: Nairobi, Kenya, 2017 pp. 11-12

Among others, as discussed above, artificial food shortage caused by illegal food holding and transaction by traders and brokers on the one hand, and the distribution and sell of low quality and unhealthy food items in the market, on the other, are indicatives of the absence of effective food system regulatory and monitoring mechanisms.

Fourth, social security is another alternative, but a last resort to realize the human right to food. Until the time this study was being finalized, there had been no major and functional state funded formal social security scheme that was readily available for the urban food insecure poor individuals and households living in the Sub-city.[103] However, it was reported that the city-administration of Gulele Sub-city in particular and Addis Ababa, in general, under the auspices of the Labor and Social Affairs Bureau, and Social Protection Fund Agency and Small and Micro Enterprises Development Agency, respectively, was finalizing preparations to implement the Urban Productive Safety Net Program (UPSNP). This initiative aims to benefit about 14000 chronically food insecure households from four Woredas (1, 4, 7 and 9) of Gulele Sub-city.

Fifth, due to the prevalence of food insecurity and lack of available and effective formal social security scheme, the poor of the poor residents of the Sub-city have been adopting alternative coping strategies i.e. reducing food intake, in terms of quantity, quality, diversity and frequency. It was also reported that out of the struggle to remain alive and being forced by the compulsion to acquire enough food and basic needs for themselves and their family members some residents have been doing activities that they would otherwise resent, i.e. trading sex for money (prostitution), begging for food and/or money and purchasing/collecting unfair food like fruits and vegetables dumped in garbage and leftovers. This would be an indicative of the deprivation of the human right to food. As these coping strategies adopted by the right holders underscore the fact that the quantity and quality of the food that they have access to is in adequate and unfair.

Sixth, access to remedy to the violation of the human right to food is an important part of a framework that should be entrenched to realize the human right to food. As there is no overt national legislation that recognize the human right to food as fulfileged right in its own, both

[103] This has been affirmed by the draft social protection policy of Ethiopia by stating that "Ethiopia does not have a comprehensive and integrated social protection system". See, The Federal Democratic Republic of Ethiopia Ministry of Labor and Social Affairs, National Social Protection Policy of Ethiopia. 2012, p. 3

the judicial and administrative organs of the state have been unable to provide adequate remedy to the violation of the right, as discussed under section 6.4.

Last but not least, as discussed in the preceding and this chapter, food insecurity and consequently the deprivation of the human right to food are part of the daily experience of the poor of the poor both in Simada Woreda and Gulele Sub-city. The worrisome phenomenon, apart from the existence of the deprivation of the human right to food, particularly among the poor of the poor residents of the Simada Woreda and Gulele Sub-city, respectively is the lack of formal remedy for the violation of the right at various levels, that underscores the non-fulfilment of the obligations that the Ethiopian state has to the human right to food under relevant international human rights instruments.

Reiteration

This case study has indicated that the state of the human right to food in the Gulele Sub-city of Addis Ababa city has been violated on daily basis as the poor of the poor rely on inadequate food and are vulnerable to hunger. As indicated above, the residents of Gulele Sub-city are highly reliant on the market for their access to food. They procure virtually almost all household food and non-food needs from the market.[104] This is particularly for the main reason that there has been no/ insignificant food production in Addis Ababa in general and Gulele Sub-city particularly, for household consumption. Therefore, this makes the accessibility of food for own consumption among the residents of the Sub-city to be highly dependent on cash exchange.

As discussed under section 5.4.1, accessibility or affordability of food is a serious challenge for most of the people in the Gulele Sub-city of Addis Ababa city, who are economically disadvantaged and poor. Accessibility of food through purchase depends on three cardinal factors: income, food marketing and/or food prices and the cost of other basic goods. Therefore, the government is required to sort out the anomalies in these three factors and has to take

[104] Naomi Hossain, Richard King, and Alexandra Kelbert, *Squeezed: Life in a Time of Food Price Volatility, Year 1 Results*. Brighton and Oxford: Institute of Development Studies and Oxfam, 2013 p. 10

appropriate steps and measures accordingly. This will be further elaborated in next chapter, chapter seven.

* * *

CHAPTER SEVEN

7. The Way Forward for the Better Realization of the Human Right to Food in Ethiopia

Introduction

In the preceding chapters, particularly in the case studies on Simada and Gulele, it has been indicated that the human right to food has been a right that is not adequately recognized, respected, protected and fulfilled by the Ethiopian state to the respective people living in varying socioeconomic contexts, particularly to those who are food insecure.[1] Therefore, it requires rectification measures by the state as a primary duty bearer, inter alia, the mobilization of the optimal capability and resources of the state so as to realize the human right to food of the people to the extent the available resource of the state permits. In this regard, the prioritization of some human rights over other rights and the issue of the resource limitations could be raised as excuses for the prevalence of the non- realization of the human right to food, as is the case in many countries around the world. However, all human rights, including the human right to food are inseparably linked with the dignity and survival of the human person and should be enforced on a significantly equal basis and the state should at least fulfil its minimum core obligations to the realization of the human right to food. This is, therefore, the thesis advanced in this chapter.

The previous two chapters have indicated the perilous state of the human right to food in the study areas.[2] Building upon that, this chapter intends to discern the way forward for the better realization of the human right to food in Ethiopia. In this regard, the first section suggests a shift in the theoretical legal and policy framework issues, particularly enunciating on the need to recognize the existence and the primacy of the human right to food under the national constitution. Moreover, the establishment of a framework law that would help to articulate further the normative content of the human rights to food and the corresponding obligations of the state in a very detailed way, and the need to have a shift in national policy framework from the existing 'food security' to food sovereignty is suggested. Food sovereignty recognizes food

[1] See chapters four, five and six for more discussion on the subject.

[2] See also the discussion under chapter five and six.

primarily as a human right and second as a commodity for trade along the necessary establishments for the fair production and distribution of food, which is significantly lacking in the existing 'food security' paradigm.[3] The second section is devoted to the discussion of practical governance issues that are required for the implementation and enforcement of the human right to food by the state.

7.1. Theoretical Legal and Policy Framework Issues: Recognition for the Existence and Primacy of the Human Right to Food

7.1.1. Legislation

As a way forward, in order to better realize the human right to food in Ethiopia, the first order duty of the state, in this regard, is to recognize the existence, primacy, and fundamental nature of the right. This would done through an unequivocal and obvert recognition of the right under the national constitution, particularly under the bill of rights chapter, and other subsidiary laws. Such a move made by the state, in effect, would also guarantee and facilitate the fulfilment of the other, but associated obligations of the state, i.e. guaranteeing the better if not the full respect, protection and fulfilment of the human right to food.

7.1.1.1. Constitutionalizing the Human Right to Food

From the forgoing discussion, it can be claimed without worry that the human right to food is one of the most violated rights in Ethiopia. In view of this, it is argued here that, vividly and unequivocally recognizing human right to food as a fundamental and enforceable right in and of itself, particularly in the bill of rights chapter of the national constitution, though may not be a panacea for the respect and realization of the human right to food, would be a huge step forward and a necessary move by the state in the endeavor to better realize the human right to food of the people living in varying socioeconomic contexts of Ethiopia.

The human right to food is not vividly and unequivocally recognized right in the Ethiopian human right system. Though, as already discussed in chapter four, section 4.3, the FDRE constitution under Articles 9 (4) and 13 (2) has made relevant international human right treaties

[3] Food sovereignty has been defined in chapter two and further discussed below, in section 7.1.2.

ratified and adopted by Ethiopia an integral part of the law of the land[4] and relevant provisions i.e. Article 16, on right life, Article 40, on social economic and cultural rights and Article 90, on social objectives of the state,[5] it can be argued here, that the absence of unequivocal and straightforward recognition of the human right to food has served as a source of uncertainty, and often causing the impression among the legal and policy practitioners, let alone to the ordinary right holders, that the human right to food is not a constitutionally recognized and protected right.[6] Therefore, having an express provision on the human right to food, particularly in the bill of [human] rights chapter of the FDRE constitution would be necessary and helpful means for the better realization of the human right to food at a countrywide level for the following three major reasons.

First, an overt and straightforward constitutional recognition of the human right to food would provide the right a higher institutional validity and enforceability. This claim is premised on the convection that, on the one hand, the constitution is the supreme law in the land and, on the other, hunger and the deprivation of the human right to food in general, are the prevailing and serious human right issues in Ethiopia, with a multifaceted and wider vicious repercussion on individual citizen and the nation at large.[7] Therefore, an express constitutionalization of the right to food would be doing justice to the individual right holder in particular and the entire people living in the state at large. To demonstrate through analogy, how this would be so, for example, the FDRE constitution has acknowledged rights of "nations, nationalities and peoples" of Ethiopia, particularly through Article 39, self-determination, including the right to secession.[8] This express constitutional provision on "group rights" of the "nations, nationalities and peoples" is based on the recognition of the material fact that Ethiopia has existed as 'peoples mosaic'- to indicate the multiplicity and diversity of languages and cultures of its peoples.[9] However, historically, as the FDRE constitution pinpoints in its preamble, the

[4] See, also the discussion under chapter four, Section 4.3 and the FDRE constitution.

[5] These rights with the discretional power of the concerned state authorities, particularly state courts, can be interpreted '*generously'* to 'embody' the human right to food.[5] In this respect, the inclusion of these provisions in the FDRE constitution can be taken as a positive move made by the [post-1991] Ethiopian state to preserve and fulfil its citizens right to existence.

[6] See chapter four, section 5.4., and chapter six, section 6.4.

[7] The negative physiological and intellectual impact of hunger is intergenerational with tremendous negative impact on the development of the individual and collectively on the state.

[8] See Article 39(1) of the FDRE constitution

[9] Some claim that Ethiopia has existed as a nation as far back as three thousand years (since the time of the legendary Queen of Sheba and Her son (from King Solomon) Menelik I) and others contest

"nations, nationalities and peoples" in Ethiopia had been denied their group rights, the right to self-determination in particular. Therefore, acknowledging the need both to rectify the denial and fulfil the right, the right to self-determination has got an overt and express constitutional recognition. In the same line of assertion, it can be argued here that Ethiopia for decades being one of the poorest and hungriest nations on earth, tens millions of people in every year has been deprived of their human right to food. There is, therefore, a practical and urgent need to constitutionalize the human right to food that in turn would be doing justice to the individual right holder and the nation at large, as it would promote and facilitate the respect, protection, and fulfilment of the same right at various administrative tiers of the state.

Second, the explicit and direct-forward constitutional recognition of the human right to food would help ordinary citizens to easily access and refer to the text of the FDRE constitution, assert their right entitlement, and hold the concerned state authorities accountable to the right. In other words, the presence a provision overtly recognizing the right in the bill of rights chapter of the constitution would encourage citizens as right holders to be vigilant to the non-violation of their right to food and resilient to hold the duty bearer, i.e. the state accountable to the realization of the right. Moreover, they may demand remedy/redress in competent judicial organ of the state when and if their right to food is violated had the right to food is unequivocally recognized under the national constitution.[10]

Third, such an undertaking would also help to ensure individual and institutional accountability for the right, along with the required strong institutions acting as patrons of human rights (this will be discussed further in section 7.2.). As the express constitutional recognition of the right would serve as an ultimate point of reference for state courts, other state departments and public authorities, as is the case for the other fundamental human rights that are clearly stipulated under the [fundamental] human rights chapter of the FDRE constitution. In other words, the express recognition of the right by the national constitution as a justiciable right in and of itself would help to ensure, if not guaranty, its respect, protection and fulfilment by various state organs and authorities.

---

this claim and argue that it has survived as a nation only for about one hundred years, just from the annexation of the south by Menelik II.

[10] This has been evident in open societies where the right to food is constitutionally recognized as a fundamental human right, i.e. India and South Africa, among others.

Fourth, as the Food and Agriculture Organization of the United Nations (FAO-UN), underscores, the constitutionalization of the human right to food at the national level would be an indispensable instrument to a state to realize the human right to food of its people in a more stringent, predictable, and sustainable manner. The FAO (2009b) states that:

> Constitutional recognition of the right to food also provides a safeguard against the withdrawal of this fundamental right for reasons of political expediency; in most countries, in comparison to ordinary legislation, modifying the constitution requires special procedures, which ensures greater permanency.[11]

Taking this statement of the FAO into account and considering the existing constitutional and legal (in general terms) status of the human right to food in Ethiopia, having an express and straightforward provision in the bill of rights chapter of the national constitution would help to safeguard the right against violation. This would also make the required remedy accessible to the victims of violation of the right.

However, due to absence of such a provision in the FDRE constitution, among others, citizens are not sure of the legal status of the right. For example, in all focus group discussions in Simada and Gulele participants have acknowledged that though food is a basic requirement for survival, they were of the opinion that they do not feel that food, as a human right in its own is constitutionally guaranteed and justiciable in Ethiopia.[12]

The obscurity and ambiguity surrounding the legal status of the human right to food in Ethiopia is not peculiar only among the ordinary citizens. Scholars of the field are also debating whether the human right to food is justiciable and enforceable right or not (see, chapter two and chapter four). In this regard, the Ethiopian state courts, and administrative departments, at all levels are not exceptions. The Ethiopian courts, at all levels, rarely pass a ruling affirming the justiciability and enforceability of the Economic, Social and Cultural Rights (ESCRS) in general and the right to food, in particular. Worryingly, though the human right to food is one of the most violated right in Ethiopia, no known human right to food case has been tried and a

[11] Food and Agriculture Organization of the United Nations (FAO-UN), The Right to Food: Guide on Legislating for the Right to Food. FAO: Rome, 2009b, p. 33

[12] There is an anonymity among the focus group discussion and among the legal professional on the lack of public awareness on the legal status of human right to food and on the mechanism/s of its protection in Ethiopia.

ruling passed, particularly, recognizing food as a right in itself.[13] In this regard, an Ethiopia court lawyer has stated during an interview the following:

> *"I and my colleges here [at the federal first instance court, Arada subdistrict] have never entertained a case on the human right to food. Other than adjudicating cases submitted to us pertaining to maintenance as per the provision of the Revised Family Code, Article 197, no one has filed a case demanding a remedy for the violation of the right nor did we pass a ruling on the right accordingly, affirming the justiciability of the right. However, I am of the opinion that it is still a kind of thing (human right) whose legal status is obscure, both to the legal professionals and to common citizens as right holders".*[14] (My translation from Amharic)

In line with the above stated assertion, the former UN's Special Rapporteur on the Right to Food, Jean Ziegler, has indicated in his "country mission report on Ethiopia to the UN High Commission, 2005" that there is no known single case of judicial ruling made by the Ethiopian court/s, at all levels, affirming the justiciability/enforceability of the right, by citing the FDRE constitution or international human rights treaties ratified and adopted by Ethiopia as a point of reference.[15] This statement of Ziegler has also been resonated by the legal professionals serving at courts in the case study areas.[16] For instance, a judge at Simada Woreda first instance court stated that;

> *"We (state court judges) adjudicate cases armed with the constitution and/or other legislative norms. We have no exhaustive and detailed legal framework to pass a ruling on the human right to food. I believe, the administrative machinery of the state that has the resource [including, but not limited to, money] can best address it (the human right to food). So, far to the best of my knowledge Ethiopian courts at various levels, including ours here, have had no experience in adjudicating cases pertaining exclusively the human right to food or particularly demanding a redress by the victims for the violation of the human right to food".*[17] (My translation from Amharic)

---

[13] Jean Ziegler, "Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum – Mission to Ethiopia," presented on the Sixty-first session of the Commission of Human Rights, UN Economic and Social Council, Item 10 of the provisional agenda, 8 February 2005, E/CN.4/2005/47/Add.1.

[14] Interviews with W/ro Yemisirach Kinfe, a civil case judge at the federal first instance, Arada sub-district court. December, 19 2017

[15] Jean Ziegler, "Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum – Mission to Ethiopia," (n 13)

[16] Interview with Fasil Ashagrie, a judge, and head of the first instance court at Simada Woreda, June 21, 2017 and Interview with Addisalem Mesfin, a former judge at the Woreda first instance court and working at the South Gondar Zone High court, June 21, 2017.

[17] Interview with Fasil Ashagrie, a judge, and head of the first instance court at Simada Woreda, June 21, 2017.

Therefore, in view of the legislative gap and state practice regarding the human right to food, as indicated at both case studies, apart from a positive constitutional provision, as discussed above, in view of the generality of constitutional provision, a framework law aiming at the pragmatic and nationwide realization of the human right to food is recommended both as a rational and necessary requirement. This has been discussed further, below.

7.1.1.2. Framework Law

Once the constitutional provision on the human right to food, as indicated above, is set in motion, a framework law would help to articulate further the normative content of the human rights to food and the corresponding obligations of the state in a very detailed way and more than what the constitution can do in this regard. This would help ordinary citizens to know the particulars of the right. Furthermore, the framework law may enable the administrative and judicial organs of the state and its staff to effectively discern, implement and enforce the right. In this regard, the Food and Agriculture Organization of the United Nations (FAO-UN) characterizes the essence and purpose of a human right to food framework law as:

> A framework law on the right to food can give a precise definition of the scope and content of this human right, set out obligations for state authorities and private actors, establish necessary institutional mechanisms and give the legal basis for subsidiary legislation and other necessary measures to be taken by the competent state authorities.[18]

The purpose of the right to food framework law is, therefore, to provide the particulars of the entitlements of the right holders, obligations of the duty bears. It also provides a roadmap for the enforcement and adjudication of the right by competent state authorities.

With regard to its status and hierarchy among [national] laws, the FAO again recommends that, though it may vary depending on the specific contexts of nations, to be "subordinate to the constitution, but superior to ordinary legislation."[19] In this regard, it is in between the constitution and ordinary laws. This is for two main reasons. First, the national framework law on the right to food is required to be in a subordinate status to the national constitution as it is a detailed pronouncement of the constitutional provision on the human right to food. Second, it is also required to be above or superior to the other ordinary laws as it is supposed to provide

[18] Food and Agriculture Organization of the United Nations (FAO-UN), The Right to Food: Guide on Legislating for the Right to Food (n, 11), p. 4

[19] Ibid, p. 55

a higher level of protection to the right and required to facilitate the enforcement of the human right to food as a fundamental human right whose ultimate respect is required for a dignified human existence.

As a closing remark to this subsection, it can be said here that though Ethiopia is a state party to main international human rights instruments that recognize the human right to food and Article 9 (4) of the FDRE constitution recognizes these treaties as part of the law of the land. However, in view of the both the scholarship on the subject, this has been discussed in chapter four, and state of the practice on the ground, it seems that there is lack of clarity on the status of these treaties in the hierarchy of domestic laws and particularly on the enforceability and justiciability of socio-economic rights in Ethiopia, including the human right to food. Regrading this phenomenon

In the FDRE Constitution the provisions on socio-economic rights as stipulated under Article 41 are too general. Underscoring this phenomenon Mizane Abate states the following;

> Ethiopia should adopt specific laws that elaborate the provisions of the Constitution and human rights treaties and clearly delineate the obligation of government organs and institutions. Needless to say, specific legislation could improve the justiciability of socio- economic rights and alleviate the language barriers in applying the human rights treaties.[20]

Thus, Ethiopia should adopt specific laws in this regard that elaborate the provisions of the Constitution and human rights treaties and clearly delineate the obligation of government organs and institutions to the human right to food. Needless to say, specific legislation could improve the justiciability of socio- economic rights, including the human right to food, and alleviate the language barriers in applying the human rights treaties.

Therefore, this study is submitted to the view that there is a need to a new national legislation in the form of both an express provision on the right in the bill of rights chapter of the constitution and a human right to food framework law that would help to mainstream and

[20] Mizanie Abate, "A Rights-Based Approach to HIV Prevention, Care, Support and Treatment: A Review of Its Implementation in Ethiopia." A PhD Dissertation, Department of Interdisciplinary Studies, The University of Alabama. Tuscaloosa, Alabama, 2012, p. 303

facilitates the recognition and enforcement of the human right to food in a more universal, predictable and consistent manner.

However, the full and effective realization of the human right to food would requires not only legal recognition and enforcement; rather, it also requires appropriate and pragmatic policy and institutional alternatives. Therefore, by putting the forgoing discussion as a background, the next section deliberates on the need to have a policy alterative, so to say, a shift from the traditional and conventional food security approach to food sovereignty.

7.1.2. Shift in Policy Paradigm: From Food Security to Food Sovereignty

Having a legislation on the human right to food by itself is not enough for the effective and full realization of the right, mainstreaming the right to food in the national development policies, strategies and programs are equally necessary and important. Having a sound and rights-based policy framework for the implementation of the right is also an imperative and a necessary requisite. In this regard, it is argued here that a paradigmatic shift in policy framework from "food security" to "food sovereignty" is required. It is primarily for the reason that the existing notion of food security as it is availed in the mainstream literature and in the short and medium terms public development strategy and program papers and practices of states, including Ethiopia, does not necessarily envisage access to [adequate] food as a right claim of the right holder. Furthermore, under such policy alternative the fulfilment of the right has never been addressed as a human right obligation of the state.

Food security has rather been set in motion as a capacity building strategy of the government that primarily aims at increasing the "availability and accessibility of food, at all-time conforming to the food culture of consumers" through a top-down policy approach.[21] This approach has evidently manifested in the existing food security program of Ethiopia that comprises the PSNP as a major policy component.[22] The PSNP was initiated in 2003 and put into practice in 2005 by the FDRE government with the principal aim of "breaking the cycle of [food] emergency appeals".[23] Initially, the PSNP was designed by the Ethiopian government

[21] See the discussion under chapter two.

[22] See the discussion under chapter five, section 5.3.7.

[23] Anderson, Stephen and Elisabeth Farmer, USAID Office of Food for Peace, Food Security Country Framework for Ethiopia FY 2016 – FY 2020. Washington, D.C.: Food Economy Group, 2015, p. 11

along with eight IGO/NGO stakeholders and consultations were not made with the people who are the ultimate beneficiaries of the program.[24] This is an indicative of the top-down approach adopted in the initiation and formulation of the PSNP. As indicated above by the case studies at Simada and Gulele (though it is at its early stage) at the implementation level, the top-down approach manifests in the benefactor (the government) -beneficiary[25] (food handout recipients) relation. The incumbent PSNP in its approach does not envisage the realization of food security, nor the provision of safety nets as a legal obligation of the state, nor access to food provision and safety net has been envisaged as a human right claim for the chronically food-insecure households and individual citizens. Thus, the dialectical relation between the right claimant and the duty bearer in the process is missing. Rather, it can be safely argued that the food security framework in general and the PSNP in particular, are entrenched in Ethiopia as instruments of state charity rather than as rightly devised means of addressing the human right to food.[26]

Therefore, in view of these limitations of the existing food security model, for the better realization of the human right to food, as hunger in particular and the deprivation of the human right to food in general are the perennial problems in Ethiopia, the "food sovereignty approach is proposed" as a better alternative. This would be paradigmatic shift in policy. However, such a shift, from food security to food sovereignty, is proposed and advocated in this thesis. This is because, as will be discussed further below, food sovereignty both as a policy alternative and a grass-roots movement goes hand in hand and complements with basic norms of the human right to food.

Food sovereignty[27] is a concept referring a policy framework devised for the better realization of the human right to food, emerging out of the 1980s and 1990s food crisis in the third world,

[24] The eight stake holders in the Ethiopian PSNP are the Canadian International Development Agency, Embassy of the Kingdom of the Netherlands, European Commission, Irish Aid, Swedish International Development Agency, United States Agency for International Development, UK Department for International Development, and World Bank.

[25] 'Beneficiary' than 'right holder' is the word used in the implementation manual of PSNP.

[26] The food security framework particularly the PSNP has not been delivering the packages of the program in line with the requirements of right-based approach that essentially calls for the fulfilment of the legal commitments on the part of the state for the realization of the right to food of the right holders. This element is lacking in the program and conversely the state is not undertaking the program along the human rights commitments that the rights-based approach requires. See also the discussion under chapter two, section 2.2.

[27] The idea of food sovereignty was initially introduced by La Vía Campesina (which literally means the peasant way, but later it was acknowledged that it includes the non-peasant consumer too) in

particularly in the Latin American countries. The food crisis in these countries has been attributed mainly to the neoliberal policies and particularly to the unbalanced and unfair trade relation entrenched between the liberal 'first world' food importing and these 'third world' food-producing and exporting countries.[28] However, the term food sovereignty made its first public appearance in the 1996 world food summit at Rome (this has been discussed in chapter two).

So far, there is no a precise and universally agreed upon single definition for the term food sovereignty. Rather, often comprehended through the common seven fundamental principles expounded by the Nyéléni 2007 declaration. The seven fundamental principles of the Nyéléni declaration are keen to the realization of the human right to food at national context, in a context like Ethiopia.[29] The seven fundamental principles of food sovereignty are appraised in the following paragraphs along with the existing practice in Ethiopia.

1. *The right to food and the rejection of commodification of food.* This principle of food sovereignty stipulates on the assertion that food is a basic and fundamental right of human beings as individuals or in community with others. It rejects the commodification of food as a mere instrument of trade. Rather, it requires food to be produced primarily for dignified human consumption and not for mere profit. The following excerpt taken from the La Via Campesina food sovereignty declaration:

> Everyone must have access to safe, nutritious, and culturally appropriate or sound food in sufficient quantity and quality to sustain a healthy life with *full human dignity*. Each

1996 at the NGO forum on food security, taking place parallel to the world food summit, at Rome, to express both the truth of power relations within the food system and the hope for the democratic, widely dispersed, just distribution of those powers over food

[28] This assertion is premised on the following major reasons: First, the international free market (enterprise) system has been structural and hierarchical. The owners of the system- technologically advanced, industrial, and capitalist countries- are comparative beneficiaries in the international free enterprise or market system as they, on the one hand, export value-added and high price products, and on the other, import organic, high quality and nutritious food items from pre-industrial countries with a relatively much cheaper price. This means that poor countries who export primary agricultural resources at cheaper prices and import value-added items at higher prices are always adversely affects by the rule of the game of the system. This in the final analysis, this phenomenon would negatively affect both their trade balance and the realization of the human right to food of their people. See Jack Nelson, *Hunger for Justice: The Politics of Food and Faith*. New York: Orbis Books. 1986, pp. 10-11

[29] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty, February 23rd – 27th, 2007, Sélingué, Mali, Synthesis Report. Available at: http://www.nyeleni2007.org/spip.php?article334

> nation should declare that access to food is *a constitutional right* and guarantee the development of the primary sector to ensure the concrete realization of this fundamental right.[30] (Italic added)

This principle of the food sovereignty paradigm is in absolute agreement with the UN's assertion of the human right to food as stipulated under the ICESCR and later expounded by the CESCR under General Comment 12 and Fact Sheet 34. As a policy complement, the food sovereignty's 'principle one' prioritizes the production of sound and fair food at a local level for the realization of the human right to food of the local people. In this regard, it denounces the mainstream neoliberal agribusiness and trade policies and practices that envisage food as a mere commodity of trade and that favors food export at the cost of local consumption. In this sense, it is argued here that the food sovereignty paradigm is a relevant and pertinent alternative to the existing policy paradigm of Ethiopia.

As discussed in chapter four, section 4.4, there is a strong and growing tendency, both in policy and practice in Ethiopia to encourage and entertain agribusiness companies (most of them are foreign) that invest highly in the subsistence (for export), biofuel and horticulture production. Particularly, in the regions of Gambella and Benishangul Gumuz where very fertile and irrigable farmlands are available companies, mainly from Saudi Arabia and India, are already making huge investments.[31] In the Quara, Metema, Jawi and Bahir Dar Zuria Woredas of the Amhara National Regional State private commercial farmers have been given priority over smallholder farmers from other Woredas.

As discussed in chapter six, most farmers in Simada Woreda are chronically food insecure primarily for the reason that they do not have adequate means for farming, particularly land. What is more intriguing in this respect and contrary to the first principle of the food sovereignty, is that the private agribusiness companies, even foreign one, in the name of investment, are given priority over local smallholder food insecure farmers. These companies are also encouraged and incentivized to export more than 75 percent of their [food] produce. Apart from this, no obligation, what so ever, is imposed on them to sell their [food] produce in the local market. This is practiced often, as discussed in chapter five and six, while there has

[30] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty (n 28)

[31] Ministry of Agriculture and Rural Development (MoARD) (2009) "Planned System for Administration of Investment Land [Amharic]." Addis Ababa, June 2009, available at: http://www.moard.gov.et [accessed on 27 August, 2014]

been a reported food gap in supply in both study areas.[32] For instance, in Addis Ababa the price of food has been steadily increasing. This is particularly due to, among others, lack of adequate supply in some food items. The government to bridge the gap has often been importing some of these food item by investing billions Birr a year. In Simada Woreda there has been shortage in supply of food from the local produce due to low productivity. To offset the gap food has been rationed, through aid and/or the Productive Safety Net Program (PSNP), to the chronically food insecure individuals and households. The food items, i.e. wheat and pulse, rationed to the local community have always been imported from Canada through Food for the Hungry International-Ethiopia (FHI-E).[33]

This is primarily for the reason that the government views agribusiness investors and their produce as a source of cash, tax money and foreign exchange, by giving little or no emphasis to the local market.[34] In the process, contrary to 'principle one' of food sovereignty, food has become a commodity of trade between the agree businesses, the Ethiopia state and foreign states which in effect undermines the human right to food of the chronically food insecure local people. In this respect, for instance, Michelle Springfield has stated the following;

> The Saudi and Indian governments [*through their companies in Ethiopia*] may be fulfilling their obligations to their own people, by ensuring the right to food for example, but in so doing they may well be acting against the interests of other nations, i.e. Ethiopia.[35] (words in italic are not in the original text)

Apart from this, again as discussed under chapter four, section 4.4, the incumbent government of Ethiopia has encouraged investment in biofuel and horticulture, particularly floriculture. In this regard, Ethiopia has already become the second largest flower exporter in African following Kenya. The Ethiopian Sugar Corporation is also implementing a grand sugar project

[32] See chapter six, section 5.2.1. and chapter seven section 6.2.1.

[33] In this regard, the Canadian government receives the budget through its churches from European Union and used the cash money to incentivize its own farmers. The Canadian government refused to buy food from surplus producing parts of the Ethiopia. Often some accuse this practice as food dumping. In some cases, it may depress the local market.

[34] The FAO estimates that smallholder farmers feed about 80 percent of the total population of the world. In the contribution of smallholder farmers is much higher as they constitute about 80 of the total population of the nations and produce the absolute majority of the national food supply.

[35] Michelle Springfield, Food Insecurity: The prospects for Food Sovereignty in Contemporary East Africa. A Dissertation Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy in Politics and International Relations (unpublished). Royal Holloway University of London Department of Politics and International Relations, (Date not available), p. 235

that would see Ethiopia become the number one sugar exporter in Africa by 2023.[36] Though, the success of this vision in the indicated year is unlikely as many of the projects are not progressing as expected.

It is argued here that Ethiopia being one of the most food insecure countries in the world should, in conformity with 'principle one' of food sovereignty, prioritize the use of locally produced food for local consumption. Apart from this priority should also be given not to commodification of food as source of cash and foreign exchange but their use by humans, as a human right.

2. Support and respect for food providers/peasants through agrarian reform. This principle of food sovereignty gives much emphasis to the empowerment of the smallholder local food producers. It is for the reason that smallholder farmers are the dominant food providers both at the local and global levels.[37] Furthermore, they are instrumental for the realization of the human right to food both as food 'producers' and 'consumers'. Therefore, smallholder farmers as drivers of the realization of the human right to food at local and global level, their right to productive resources should be respected, ultimately. This can be done through an agrarian reform or series of reforms that would encourage and support fair distribution and utilization of land among smallholder peasant food producers to increase their food production output for local consumption, both for themselves and to the urban community. Underscoring this assertion an excerpt taken from 'principle two' of food sovereignty reads as follows:

> A genuine agrarian reform is necessary which gives landless and farming people – especially women – ownership and control of the land they work and returns territories to indigenous peoples. The right to land must be free of discrimination on the basis of gender, religion, race, social class or ideology; the land belongs to those who work on it.[38]

[36] The Ethiopian Sugar Corporation, the sugar production project. Available on the official website of the corporation, at http://www.ethiopiansugar.com/index.php/en/ [Accessed on March 1 2017].

[37] As will be discussed below, about 80 percent of the global food has been provided by smallholder farmers though they own only about 20 percent of the global land. Both as providers and consumers of food smallholder farmer contribute the lions share for the realization of the human right to food. Therefore, by this very fact their empowerment is a key in relation with the realization of the human right to food.

[38] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty (n 28)

This thesis also stresses the need for land ownership by smallholder farmers who work on it and in that way become effective food producers. They should also have ultimate control over it. In Ethiopia, it is the state/government, in the name of nations, nationalities and peoples, that has been the effective sole owner of the land. The smallholder farmers are, constitutionally, given possession and usufruct rights over land. Therefore, considering such a situation, one may wonder and pose the question: Do the existing land tenure regime and policies of Ethiopia show that the state respects the rights of smallholder food producers? This will be discussed below.

It is worthwhile to mention that the Ethiopian government since the early 1990s has put the peasants at the center of national development policies. It has promulgated a series of policies and strategies to empower peasant farmers and to increase their productivity. The Agriculture Development Led Industrialization (ADLI) is a notable example. It has been the leading development strategy of the state since the early 1990s. Consequently, for many years, about 15 percent of the national budget has been allotted to this sector, which directly supports about 80 percent of the population.[39] Particularly, in one of the study areas of this study, Simada Woreda more than 95 percent of the population supports their life by the income that they generate directly from agriculture. However, some farmer participants of the study have strongly argued that the peasant food producers do not have genuine right and control over land as the constitution bestows the ownership right overland to the state. Therefore, the state can rightfully dispossess farmers from the land. In this regard, so to say, apart from the eventuality of dispossession, the expectation and anticipation among farmers of the potential loss of their land by the state make them not to have a long-term investment plan in maintaining the productivity of land through land upgrading.

Though the author of this study is not in favor of private ownership of land, in its fullest sense, however, in view of the prevailing problem in land management, is in favor of a pragmatic legal and policy reform that would guarantee food producers more control over their land. This would be done by guaranteeing either collective community-based ownership or co-ownership of land by the local community with the state depending on the existential condition of

[39] Since the early 1990s the budget allotted for the agriculture sector has been above 7 percent while since early 2000s about 16 percent, on average, of the national budget has been allotted to the agricultural sector of the economy.

communities.[40] This would provide farmers, as recommended by 'principle two' of food sovereignty, more confidence on the land that they till to produce food.

Apart from this, some participants of the study have indicated that the incumbent political dispensation in Ethiopia has confined and often suffocated citizens, including farmers who would see fortune from one part/ region of the country to the other. It has curtailed the right to movement, particularly from food deficit areas to more fertile areas. Though, the constitution has guaranteed and protected the right to liberty of movement and freedom to choose one's residence under Article 32 (1), due to regionalization of ethnicity food insecure people in the unproductive areas are made vulnerable to the deprivation of their human right to food, as they cannot move and resettle in other regions of the country.[41]

However, as indicated in chapter four, in a case study on Simada, the rural people have reiterated that they were not allowed, at least do not feel confident and feel secure, to resettle themselves in the more fertile lands of the south, though they are compelled by need, and have the will to do so. Even, it was reported, some who were resettled in the south were forced to return to their place of origin by state authorities in the south, including the police. This is due to the prevailing nature of the new political dispensation, ethnic federalism. Small holder farmers are not often encouraged to move from one region to the other and establish life through farming. Land possession right is preserved only to the small holder farmers indigenous to the region. This has prohibited the food insecure people living in the Simada Woreda who aspires to resettle out of the regional state, to the other part of Ethiopia. This situation causes many of these food insecure citizens to migrate only to cities like Addis Ababa (about 200,000 people per year migrate to the city from other parts of the country) causing pressure on the limited available job opportunity in the city and in effect contributing a lot to the urban food insecurity, as well.[42]

3. Reorganizing Food Trade and Localizing food system: this principle requires the policies of the state to give priority to the production of food for the domestic consumption and to ensure and maintain national food self-sufficiency. It is premised on the first principle, discussed above that "food is first and foremost a source of nutrition and a human right and

[40] This can be done by allowing sedentary farmers to own land along the state and with a guarantee of ownership right and letting the pastoralists to own land collectively along the state.

[41] See the discussion under chapter five.

[42] See the discussions under chapter five, section 5.4.8. and chapter six, section 5.3.1.

secondly an item of trade."[43] In this respect, the policy priority of the state should be ensuring local food sufficiency including and up to national food sufficiency. Thus, until the local food demand is fully addressed export of locally produced food needs to be discouraged and prohibited. Moreover, so as to encourage local food producers to sufficiently supply the local market, they should be protected from unfair competition coming from powerful multinational agribusiness companies and foreign governments who often times would dump their surplus either through free trade or in the form of food aid, into the local market of the poor countries like Ethiopia, as that would have both short and long-term negative repercussion on the local food system. This will be discussed further below.

Therefore, the proponents of the food sovereignty movement argue that it is smallholder farmers that are instrumental to the realization of the human right to food, particularly in a pre-industrial country like Ethiopia. It is because; first, the smallholder farmers are both producers and consumers of food. This makes them reliable actors and drivers for the universal realization of the human right to food. As they are producing food primary for own consumption and provide food to the market to supplement their basic needs. In this regard smallholder farmers differ from corporate farmers who engage in the business out desire to make profit. Second, smallholder farmers, though possessing only 20 percent of the world's farmland, feed 80 percent of the world's population.[44] Therefore, these phenomena are indicative of the fact that smallholder farmers, both as right holders (consumers) and producers of food for sale, are playing the key role in the realization of the human right to food around the world. In view of this, states are required to encourage and provide support to them in a way better and stronger than the corporate agribusiness. Particularly, in a country like Ethiopia where more than 80 percent of the total population reside in the rural area and generate the means of survival from food production activity, smallholder farmers should be encouraged and empowered by the state, to produce food beyond their household consumption and to supply food in a sustainable way to the local market for local consumption, and to offset local food deficit, if any, through competitive and well-regulated commerce.

It is worthwhile to mention that the recent surge of agribusiness companies in Ethiopia following the 'investment incentives' offered by the Ethiopian government for investors (both

[43] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty (n. 28)

[44] Food and Agriculture Organization of the United Nations (FAO-UN) How to Feed the World in 2050. The FAO: Rome. 2009a.

local and international) in the agribusiness companies, particularly from the food deficit countries like Saudi Arabia and India, has called for the attention of human rights advocates and policy analysts[45] as this eventuality involves a human rights and political dialectics. This is for the reason that these companies have been backed by their respective governments and export their produce to the market of their country of origin. Saudi and Indian governments may be fulfilling their human right to food obligations to their own people but at the same time acting against the human right to food of Ethiopians.[46] On the contrary, indicating the negligence of the Ethiopia government of the rights of its people by letting and encouraging these companies to export their subsistence produce to their respective countries.

On a related note, as prescribed by thesis three of the food sovereignty, the local producers should also be protected against unfair international food trade and other ways of food dumping, that would depress the local food market. For instance, the food coming from Canada, United States of America and Europe for food aid recipients and Productive Safety Net Program (PSNP) beneficiaries may have an immediate positive outcome as it helps to save human lives that would be lost, otherwise. Nevertheless, food aid often times have, in the medium and long term, negative repercussion on the local food security and the sustainable realization of the right to food of farmers. As food aid is oftentimes serve as both a political and economic tool for donor countries. For example, food aid has been provided to the community of Simada Woreda and other food-insecure Woredas in Ethiopia by Food for the Hungry International- Ethiopia (FHIE) (which is based in Canada). The FHIE in cooperation with the government of Canada buy the food from farmers in Canada through the money that the it procures from Christian relief agencies and international governmental organizations, like the European Union (EU) in the name of the food insecure communities in Ethiopia.[47] This act of the FHIE, in part, aims at, with the support extended to it from the government of Canada, off-loading the surplus grain production in Canada and at the same time to incentivize and encourage surplus producing Canadian farmers to continue their production. In this regard, Arze Glipo and Francisco Pascual observed that;

> The huge surplus agricultural [food] production in the United States of America, Canada and Europe is the single immediate threat to the viability of agricultural

[45] See chapter four, section 4.3.

[46] Michelle Springfield, Food Insecurity: The prospects for Food Sovereignty in Contemporary East Africa (n. 34) p. 235

[47] Michelle Springfield, Food Insecurity: The prospects for Food Sovereignty in Contemporary East Africa (n 34) p. 267-69

> production in these [the food aid receiving] countries. If not disposed, it can trigger the collapse of prices in the domestic market. Hence, the management of surplus production either through supply management schemes (production limiting schemes) or through the dumping of surplus in the world market or a combination of both has become central to the American, Canadian, and European policy regarding agriculture and food.[48]

In the same line of assertion, the foreign food aid in Ethiopia and in Simada Woreda in particular, besides its novel cause-saving life, have had an adverse impact on the local food security, at least in the medium and long term, as it is more likely that the surplus coming in the form of food aid depresses the local food price, at least at the micro or regional or Woreda level. It is beyond doubt that the food aid helps to save life, but the quality of food is questionable and it would be more appropriate that the food items had been bought at a fair price from the surplus-producing local small holder farmers. This, in turn, would encourage local food producers to produce more in the next harvest, that means it helps to boots local food production and food security. Apart from this, such initiative would help the local community to have access to more culturally appropriate and fresh food.[49]

4. Local control over natural resources: against privatization and exploitation. This principle of food sovereignty stresses the necessity of small-scale family farming against the neoliberal large-scale private farms. It is because, first, small-scale family farm, unlike large-scale farm that "promotes biodiversity, connects families and farmers to the land and provides a link between farmers and the crop that they consume"[50] which is apparently lacking in large-scale business driven by agribusiness companies. Second, guaranteeing the smallholder farmers genuine control over land would help to maintain a healthy agro-ecology. Agro-ecology denotes biodiversity, recycling of nutrients, regeneration, and conservation of biotic resources.[51] This is because, the small-scale family farmers use a diverse variety of crops and less technology. Therefore, small-scale family farms would have a much less adverse effect on the environment than the large-scale agribusinesses. As large-scale farms aim at profit, they

[48] Arze Glipo and Francisco Pascual, *Food Sovereignty Framework,* December 2005, p. 7

[49] The local procurement of grain for food aid or other food programs can improve farmer incomes in the short-run, but coherent and transparent government policy regarding procurement prices, stocks, and timing and levels of distribution are crucial to avoid excessive costs and to maintain incentives for the development of private sector trade.

[50] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty (n 28)

[51] Hannah Wittman, Annette Desmarais and Nettie Wiebe, "The Origins and Potential of Food Sovereignty." *Food Sovereignty: Reconnecting Food* (2010) pp. 13-14

use much technology and monocrops. Thus, their carbon print is much higher than small scale family farms. Third, the gender dimension is granted serious attention under this principle of food sovereignty. Although women constitute half of the population and contribute 60-80 percent of the world food production, they are more vulnerable and victims of hunger and under-nutrition.[52] It is women's subordinate status and unequal access to education, employment and decision-making, which are attributed as causes to the vulnerability of women than men to poverty and hunger.[53] This is because of the past and even the existing tradition of discrimination and prejudices against women. Hence rectifying the unjust traditions and practices and guaranteeing the equal right in land, education, employment, and political decision making constitute as a way out and a means to ensure the realization of their human right to food.

Therefore, ensuring food producers, both men and women, to have equal and fair access to and control over productive resources, including land in Ethiopia would significantly increase food production and accelerate and facilitate the realization of the human right to food, both in the rural and urban context. Because the prevalence of justice among the rural community would have positive repercussions on employment (means less migration to cities and towns) and increases food production. All these have impact on the affordability and stability of food prices in urban areas as well.

5. Development and exchange of local knowledge: against genetically modified organisms. This principle of the food sovereignty framework advocates the use of indigenous knowledge and skill that have stood the test of time and their practice have proved eco-friendly. In this regard, the motto of the food sovereignty under this thesis is "local knowledge for local and sustainable production." Therefore, in view of the unprecedented use of modern science and technology in food production and agricultural practice in general, it calls for the development and use of local knowledge in food production for its merit stated above. It is because, on the basis of the view of the advocates of food sovereignty movement, modern scientific knowledge and western technology are deeply embodied in the anthropocentric

[52] Food and Agricultural Organization (FAO) (2008) The State of Food Insecurity in the World: High Food Prices and Food Security – Threats and Opportunities. FAO: Rome. See also Food and Agriculture Organization of the United Nations (FAO-UN), *The State of Food Security and Nutrition in the World- 2019*. *Safeguarding against Economic Slowdowns and Downturns*. Rome: FAO (2019), p. 38

[53] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty (n 28)

understanding of nature and related food re/sources. As the anthropocentric western science and modern technology have irreversible consequences on genetics and on the eco-system, that have been evidently and negatively affecting the integrity and sustainability of the local ecosystems and the interests of the generations to come, including their human right to food. Therefore, maintaining and refining the local knowledge for local use has been a preferred option so as to sustainably realize the human right to food of the local people and the generations to come.

In this regard, the local people in Ethiopia, Simada have traditional and indigenous farming and food production knowledge that have been under use for Millenia. So as to enhance the productivity of farmer under consideration, rather than copying everything that has been proved useful from abroad, while learning and adopting a lot from those deemed useful, developing and refining local knowledge and technology would have much better contribution for local food security and ecosystem friendly food production. First, the prudent and wise use and development traditional food production in the context of smallholder farmers in Ethiopia-Simada Woreda means farmers can put that knowledge into practice in an easy and sound manner, as they already have the familiarity and knowhow. It would also help to avoid confusion and disruption in the used agricultural inputs resulting from the meeting of western scientific and indigenous cultures. Second, the application of the refined and developed version of indigenous knowledge and technology would have relatively minimum carbon footprint, as discussed above, in relative terms indigenous food production knowledge and skill have proved them eco-friendly through time. This, in effect will also ensure the sustainable realization of the human right to food of the generations to come.

6. *Social peace, and work in harmony with nature:* this thesis requires a just relation among human beings themselves and human beings with nature. The first maxim of this principle of food sovereignty dictates that *"*Every human being has the right to be free from violence, especially through the use of food and food-related resources as a weapon of control and oppression, particularly against vulnerable groups, i.e. minorities and indigenous populations."[54] This is about creating social harmony among humanity and respecting the human right to food of one another. The second maxim states that "heal the planet so that the

[54] La Via Campesina, Declaration of the Forum for Food Sovereignty, Nyéléni 2007 - Forum for Food Sovereignty (n 28)

planet may heal us."[55] This asserts that, among others, for human beings being friendly to nature, as we are dependent on it at least for what we eat, is counterproductive. This is, again, evidently useful to contemporary Ethiopia, as having a just and eco-friendly agricultural policy helps, as anywhere else, to ensure food security and realize the human right to food of people in Ethiopia in a sustainable manner. The true potential benefit of food sovereignty will come into picture when we realize that many of the causes of food insecurity and in effect, the violations of the human right to food are man-made which are embedded in anthropocentric thinking and practice, leading to the use of excessive technology in pursuit of extreme profit out of greed.

Therefore, it is argued here that, due to its noble and more down to earth principles, discussed above, the food sovereignty framework is proposed as a better policy alterative for Ethiopia, than the traditional food security approach. The table below demonstrates the peculiar and prevailing perspective in the existing food security and the recommended food sovereignty models in a comparative manner.

Issue	**The existing food security model**	**The Food Sovereignty model**
Food	Chiefly a commodity; while high-value food items are exported, low quality and cheap food items are imported	A human right, not a mere commodity of trade: should be healthy, nutritious, affordable, culturally appropriate, and locally produced
Trade	Free/ largely unregulated food trade. Food as a commodity, particularly as a source of foreign currency.	Stringent control on food import and export. Prioritizes domestic food production and consumption
Production priority	Agro-exports	Food for local markets
Crop/food prices	'What the market dictates' both low crop prices and speculative food price hikes are possible.	Fair prices that cover costs of production and allow farmers and farm workers a life in dignity. End the displacement of farmers by agribusinesses.
Market access	Access to foreign markets/ import and export	Access to local markets; export only when there is surplus and import when there is a deficit
Incentives and Subsidies for food producers	No, or little incentive for smallholder farmers, but for largest scale farmers tax exemptions and lower land lease price are due, to export most of their produce.	Subsidies only to family farmers for direct marketing, price/income support, soil conservation, conversion to sustainable farming, research, etc.
Being able to produce	option for the economically efficient	A right of rural peoples
Hunger perception	Caused by low productivity	Structural and systemic, grass root reform as a remedy (see the 7 principles discussed above)
Food security	Achieved by local means and importing food	Greatest when food production is in the hands of the hungry, or when produced locally

[55] Ibid

Productive resources (land, water, forests)	State-controlled/owned (nations, nationalities, and peoples in name)	Local, community controlled
Access to land	State redistribution/lease	genuine people centered and egalitarian agrarian reform with no/ little state control
Food Crop Seeds	High yielding seeds are preferred, but a commodity	Indigenous seeds are more preferred than exotic ones and are preserved and protected from extinction
Rural/urban credit and investment	State Banks for private agribusinesses (5 to 9.5 percent interest rate) and Credit and Saving Institutions for smallholder farmers (18 percent, very high-interest).	From the public sector, designed to support family agriculture (with no or reasonable interest rate)
Food Dumping	Common, in the form of food aid and free trade	Not allowed, highly regulated
Over-production	No such thing, by definition	Drives prices down and farmers into poverty; supply management policies are needed to export to food importins states
Technology for food production	Traditional with a mix of high yielding seeds, artificial chemicals, and fertilizers	Environmentally friendly technology for sustainable farming, a mix of eco-friendly, modern, and traditional farming methods
Farmers	Corporate and Model smallholder farmers are favored and get special support from the state	All smallholder farmers are seen as equally anchors of food sovereignty, but women are empowered.
Urban consumers	Decides by market prices, Workers to be paid as little as possible	A required threshold for living wages and affordable food prices
Genetically Modified Organisms (GMOs)	The wave of the future	Bad for health and the environment; an unnecessary technology
Another world (Alternatives are possible)	Not possible/not of interest	A just local food system is possible

Table 7. 1. *Existing food security versus food sovereignty models*[56]

In summation, food sovereignty apart from being a policy framework, it is also a grass root political and economic movement. Though it is an emerging and new policy alternative and movement, it is submitted in here that if is refined and made to fit into the context of Ethiopia would help to, through an organized popular campaign, educate and mobilize the mass for the better realization of the human right to food and other related rights. It would also help to exercise leverage on the duty bear to timely and sufficiently comply with its human right to food obligations.

[56] Adapted with contextual modification from Torres, Martínez et al (2010). See, Martínez-Torres, María Elena and Rosset, Peter (2010) 'La Vía Campesina: The Birth and Evolution of a Transnational Social Movement', *Journal of Peasant Studies*, Vol. 37, No. 1. p. 169

In view of the current state of food insecurity in Ethiopia and the productivity of the small holder farmers and the state of control and ownership that small holder farmers have on the land that they farm along the emergence of corporate farmers following the incentives provided to agribusiness investors by the government (all discussed in chapter four and chapter five), there is a timely and pragmatic need to shift from the existing food security policy approach to food sovereignty framework. As the food security is not a rights-based approach efficiently protecting and promoting the human right to food of the mass poor living both in rural and urban Ethiopia. This is because, first, it envisages food as more of a commodity than a right. Second, it is a top-down approach. Third, the food security approach which aims at ensuring the availability and accessibility of adequate food to the food insecure is largely apolitical, failing to recognize the political processes and systemic issues that contribute to food insecurity. The responses to food insecurity tend to focus on technical solutions, such as increased crop production, price monitoring, food subsidies and others, but not on the broader causes of food insecurity.

However, food sovereignty, as an alternative approach, puts right to food and the people at the center and forefront of the national policy agenda and aspires to engage both the people and the government, as right holder, and duty bearer, respectively. It, as a human rights-based approach to the fulfilment of the human right to food, fundamentally adheres to the bottom-up policy framework. By doing so, it prioritizes the engagement of the people in the critical processes that are required for the realization of the right to food. That is why it is, apart from being an alternative policy framework, a public movement that requires the active participation of the right holders for the effective realization of their right. Therefore, it is high time for Ethiopia to explore a rights-based policy alternative to sustainably overcome food insecurity and guarantee the realization of the human right to food of the mass people. However, right policy alternative is not the sole requirement for food security, governance is also an issue that matters equally. The next section examines the implication of governance for the trajectory of the realization of the human right to food.

7.2. Practical Issues: Beyond Recognition, the Need for Practical Implementation

7.2.1. Governance

Once the pro-human right to food legal and policy frameworks are established, they must also be put into practice. This done principally through the processes of governance. This subsection examines the need overall governance landscape for the better realization of the human right to food.

The 'effective and full' realization of the human right to food is inherently progressive, like any other human right.[57] Consequently, the processes that lead to the attainment of better, so to say the full, realization of the human right to food of all citizens, generally speaking, "is impacted by the overall governance landscape and the ability of the state to effectively address the root causes" of the problem, hunger in particular and the deprivation of the human right to food in general.[58]

It is submitted in here that a democratic and participatory governance apparatus, as further discussed in chapter two, founded upon and operates according to the principles of PANTHER, a mnemonic abbreviation that stands for *participation, accountability, non-discrimination, transparency, human dignity, empowerment and recourse or rule of law is*, along the two recommendations made above in this chapter, a necessary requirement for the better realization of the human right to food in the national context of Ethiopia.[59] These principles are the basis for good or virtuous governance and human rights-based approach/paradigm. To put it differently, they are the principles and constituting elements of a virtues state. This is because, as discussed in chapter two, section 2.2.2, the state is not an end in itself rather an instrument for the enrichment of the lives of its citizens. Therefore, the state should aspire and strive to best fulfil its purpose, i.e. enriching the lives of its people. In this regard, it can best achieve its purpose by subscribing itself to the principles of PANTHER, which are further discussed below.

---

[57] See the discussion under chapter two.

[58] Anderson, Stephen and Elisabeth Farmer, *USAID Office of Food for Peace Food, Security Country Framework for Ethiopia (FY 2016 – FY 2020)*. Washington, D.C.: Food Economy Group. 2015, p. 11

[59] See the Food and Agriculture Organization of the United Nations (FAO-UN), The Right to Food: Guide on Legislating for the Right to Food (11), p. 29

Participation- this principle is premised on the recognition that right holders are rational beings capable of taking part and discharging the responsibilities associated with their right claims. Rights talk are always about upholding dignity, which would be best preserved when discharged through the participation and with the considered decision of right holders directly or through representation. In this regard, the full and effective participation of citizens, both as a "human right as well as a practical way of gaining consensus" should be pursued in the design, implementation and monitoring of legislation and policies on food and related rights.[60] Therefore, effective participation would enable citizens to shape public policy and practice in favor of the respect and promotion of their fundamental human rights, including the human right to food.

Accountability- once the human right to food is recognized by the laws and policies of the state, the roles and responsibilities of various state agencies and officials, pertaining to the realization of the right under consideration needs to be defined and in effect, should be made accountable for their action or inaction that would impact the exercise of the right. In this regard, it is worth mentioning here that the very concept of accountability is premised on the fulfilment of the principle of transparency, which will be discussed below. This is because reporting is kin to responsibility for performance or non-performance of obligation. It is to suppose that unless the performance and non-performance of state organ or personnel is made public, which means transparency is guaranteed, it is hardly possible to ensure accountability accordingly. Ensuring accountability for action or inaction particularly of state agencies and authorities that would negatively impact the realization of the human right to food, which is evidently lacking in Ethiopia as discussed in the preceding two chapters, is a key for the effective realization of the right.

Non-discrimination- requires the state to address the subjects of the right, equals as equal and to avoid discrimination on the basis of accidental referential, i.e. sex, age, disability, origin of residence, political opinion and the like. It is a bottom line for the realization of the right. Non-discrimination needs to be exercised by the state not only among right holders but also fair and equal consideration should be given to all human rights.[61] In this regard, the Food and Agriculture Organization of the United Nations (FAO-UN) (2006) in its 'Guide on Legislating for the Right to Food' has stated the following;

[60] Food and Agriculture Organization of the United Nations (FAO-UN), The Right to Food: Guide on Legislating for the Right to Food (n 11) p. 29

[61] See chapter two, section 2.4.

> Keeping with the holistic character of the [human] rights […] is vitally important to give legal protection to other human rights whose realization is interdependent with that of the right to food, such as the rights to information, freedom of assembly, education, health, and safe water.[62]

However, the absence of discrimination in the treatment of right holders and enforcement of human rights is not final by itself. Rather, it serves as a threshold to do further justice to the effective positive implementation and enforcement of human rights. In line with this assertion the right holders should not be discriminated on the basis of their sex, ethnic origin, political stand and so on in their pursuit of realizing their right to food. The human right to food also be given equal recognition and priority in enforcement with other human rights.

Transparency- requires the existence of more space for public discourse, freedom of information on public matters and assurance of greater clarity and accuracy in the information communicated to the public. This principle is pertinent to the realization of human right to food, as is the case for other human rights. The FAO, with regard to guaranteeing transparency, stated that;

> The government must ensure that information about the right to food activities, policies, laws and budgets, is published in ways that are accessible to those who need to know it, that it uses language that can be understood easily and that it is disseminated through appropriate media.[63]

Therefore, the human right to food can be better realized by strengthening information outlets and ensuring freedom of information. This being in place, among others, the media may help the right holders to have disclosure of information on the performance of the public authorities and to exert control and influence on matters directly affecting their lives. As discussed above, this helps to ensure accountability for the right.

Human dignity- as already discussed throughout this study, the core element of the human right to food is protecting and advancing human dignity. This principle requires that right holders in the course of realizing their right claim should be treated in a just manner and in dignity as ends, not just as mere means to further the end of someone else. The right is also best realized

[62] Food and Agriculture Organization of the United Nations (FAO-UN), (2006a) The Right to Food in Practice: Implementation at the National Level. The FAO: Rome. p. 16

[63] Food and Agriculture Organization of the United Nations (FAO-UN), The Right to Food: Guide on Legislating for the Right to Food (n 11) p. 29

when right holders are allowed or empowered to feed themselves in dignity rather than being fed by the state or donors.

Empowerment- requires that the potential and capacity of the right holders to fulfil the right by themselves must be nurtured and optimized. In this regard, the full and effective realization of the human right to food requires that primarily the right holders themselves must address the right. However, the state through its government is required to discharge its obligations to the human right to food in full compliance with the relevant international human rights standards. So to say, the primary duty of the state is to recognize and guarantee the none-violation of the human right to food and secondly to empower people, particularly, the disadvantaged ones, living both in rural and urban contexts, so as to enable them to affirm their right to food and fulfil it by their own means. This can be done through the provision of training, education, and/or access to finance so that they can more productive and realize their right to food by their own means.

Finally, yet importantly, the rule of law or recourse requires the state to maintain the effective and equal application of the law in the administration of the right. This is to mean that once the right to food is recognized by the law, it, as indicated above, should be protected, respected, and fulfilled according to the law, not otherwise.

In a nutshell, these seven principles, PANTHER, are mutually reinforcing standards of good governance and rights administration. The FDRE constitution, for example, in its nomenclature of the state, has designated and committed Ethiopia to be an open and multiparty democracy. This is in view of the fact that a more open and democratic system would create favorable condition for the respect and fulfilment of the human rights. In this regard, mainstreaming and deepening democracy at every level would create all the above-mentioned principles to get root and be realized at grass root level. Hence creating a condition of openness and accountability for the realization of the human right to food. In agreement with this line of assertion Action Aid has rightly pointed out that;

> The primary purpose of establishing political authority is to improve the protection of human rights; people own their human rights and should never need to beg for them to be provided or respected. States need to recognize their duty to protect and

> promote people's human rights that the human rights-based approach remind them of it.[64]

Therefore, the government apparatus is required to prescribe to these principles of democracy and good governance.[65] However, in Ethiopia for the last close to thirty years, due to prevailing ideology of the ruling party EPRDF desire to unduly consolidate itself, developmental state paradigm and democratic centralism respectively, these principles have not often been put into effective application, let alone to ensure the realization of the human right to food, to govern the nation as liberal democracy dictates. In this regard, it is argued here that if the state opts to recognize the human right to food overtly through a constitutional provision, have a detailed legal framework on it and for the implementation of the right to food norms strictly adhere to the PANTHER principles of governance, there would be a much better situation for the respect, protection, and fulfilment of the human right to food in Ethiopia, both in the rural and urban contexts.

Reiteration

In this chapter, as a response to the problem of the prevailing food insecurity and for the better realize the human right to food, four main propositions are made. First there is a need for legislating a constitutional provision and framework law that would expressly recognize the right and mainstream the legal enforcement of the human right to food is necessary. As such an undertaking will offset the existing lacuna in the legal system inhibiting the enforceability of the right. Second, in view of the limitation of the existing food security model, for the better realization of the human right to food, as discussed above, "food sovereignty is proposed" as a better alternative.

This paradigmatic shift in policy from food security to food sovereignty is proposed for the principal reason that food sovereignty is both a policy framework and grass root movement that is founded upon the normative contents of the human right to food. Third, this study has shown that one cannot promote Food Sovereignty as an alternative model in Ethiopia without taking seriously the issues of political culture and structures. In this regard, the last two

[64] Action Aid, Human Rights-Based Approaches to Poverty Eradication and Development. Action Aid: United Kingdom. 2008, p. 1.

[65] The PANTHER principles are also called the tents of modern liberal democracy, founded on the principle of government of the people by the people and for the people.

principles of Food Sovereignty, which incorporate demands for social peace and democratic control, are clear signposts to these potential obstacles. Therefore, to effectively implement the legislation on the human right to food and food sovereignty at country wide level, the seven practical principles of democratic practice or [good] governance, i.e. Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment, and Recourse or Rule of Law (PANTHER) are to be effectively put into practice both at national and local levels.

Furthermore, it is well noted here that, as the deprivation of the human right to food is not the product of a single factor, the realization of the same right requires synergizing and mobilizing the positive efforts of different actors and resources. In this regard, there is a relative consensus on the idea that oftentimes the absence of freedom and "an authoritarian, unaccountable and centralized state breads poverty; famine and the deprivation of the human right to food."[66] On the contrary, a more open and democratic system would create favorable condition for the respect and fulfilment of the right. Deepening democracy at every tier of governance would create all the above-mentioned principles to get deep root and to be entertained at all levels of governance. As the FAO (2019) has underscored, in Ethiopia with real political commitment, bolder actions and the right investments overcoming hunger and realizing the human right to food and other human rights is still possible.[67] Consequently, this would enable people living in varying socioeconomic contexts to better realize their human right to food, among other human rights.

* * *

[66] Amartya Sen, "Poverty and Famines an Essay on Entitlement and Deprivation." New York: Oxford University Press.1981, pp. 9-10. By borrowing this entitlement thesis, Stephen Deverux, in the "New Famines", argues that the 1972/73 and 1984/5 famines of Ethiopia were the by/products of authoritarian, unaccountable and centralized state and the denial of the right of the people to actively take part in public affairs that matters most to them. This would also be relevant to and justify the prevalence of food insecurity in both case study area.

[67] Food and Agriculture Organization of the United Nations (FAO-UN), (2019), "The State of Food Security and Nutrition in the World", Rome: FAO, p. 2

CHAPTER EIGHT

8. Conclusion and Recommendations

8.1. Conclusion

This thesis has attempted to probe into one of the less studied subjects, the state of the realization of the human right to food among communities living in different and varying socio-economic contexts of Ethiopia, i.e. in the Urban Gulele Sub-city of the Addis Ababa City and Rural Simada Woreda of the Amhara National Regional State. In this regard, the overarching objective of this study was to explore and analyze the reality of living in the pursuit of realizing the human right to food among the right holders in urban and rural settings, respectively and the contextual compliance of the Ethiopian state to its human right to food obligations as envisaged by major international human rights instruments. On the basis of the forgoing discussion on the subject (in the first six chapters) the study has attempted to indicate the way forward for the better realization of the human right to food among the communities in varying, urban and rural, socio-economic contexts of Ethiopia (in the seventh chapter).

As discussed under chapter three, Ethiopia is a founding member of the UN and OAU/AU and a party to their major human rights treaties protecting the human right to food, particularly to the ICESCR. Furthermore, in the last close to thirty years, Ethiopia has come a long way in recognizing human rights under its constitution that are also protected by the international human rights instruments. Particularly, Article 9(3) of the FDRE constitution has recognized international treaties ratified by Ethiopia as part of the law of the land. Article 13 (2) also requires the interpretation of provisions under the bill of human rights chapter of the constitution in conformity with international human rights standards to which Ethiopia is a state party. Furthermore, among various state policies and program, discussed under chapters four, five and six, Ethiopia, since 2005 has devised a food security scheme, PSNP so as to support the chronically food insecure section of its population.

Despite these efforts, however, for various reasons, in Ethiopia, about 60 percent of the population is undernourished.[68] Particularly, as the findings from the case studies indicate, people living in rural and urban case study areas have been vulnerable to undernutrition and the deprivation of their human right to food. A point worth noting here is that as the mode of access to food differs from rural to urban, the former being direct through own production and the latter indirect, with the mediation of money - through purchase, the degree of vulnerability to food insecurity and the deprivation of the human right to food among the communities of the case study areas, in general terms, differ and vary, accordingly.[69]

In the case study at Simada, it was indicated that the availability of food from the local produce (dominantly, 97 percent rainfed agriculture which has been unpredictable and less productive) has been meagre and inadequate to feed the whole community of the Woreda. The FHIE – Simada Woreda Project and the Agriculture and Rural Development Office of the Woreda reported that about 35 percent of the people living in the Woreda have been experiencing a food gap for 6 months in a year. Moreover, an additional 60 percent have had a food gap for two months in a year.[70]

Many factors can be attributed as a cause to the problem. As discussed in chapter five, the food insecurity situation in the Woreda has been aggravated, in part, by the growing fragmentation of farm land due to rapid population growth and the lack of unutilized farm land that can be distributed to the emerging youth. It has also been attributed to the rapid soil fertility loss for little recovery work has done on degraded land leading to food production decline. Moreover, access to off-farm employment and credit service for the rural community has not been adequately and conveniently available and accessible. The only formal rural credit service provider in the Woreda has been the Amhara Credit and Saving Institute (ACSI). However, its

[68] See United Nations Development Program (UNDP), Human Development Report 2013 The Rise of the South: Human Progress in a Diverse World Empowered lives. Published for the United Nations Development Program, 2013, p. 2

[69] According to the 2010/11 Household Income, Consumption and Expenditure Survey (HICES), at country wide level the proportion of food poor people is estimated to be, at average 33.6 percent while it stood 34.7 percent in rural areas and 27.9 percent in urban areas. See, Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'The 2010/11 Household Income, Consumption, and Expenditure Survey (HICES).' (Central Statistical Authority 2011) Addis Ababa, Ethiopia. But as Simada woreda and Gulele Sub-city are relatively socio-economically disadvantaged zones where the problem the deprivation of the human right to food, as discussed above, is far worse.

[70] See the discussion under chapter five, section 5.7.3.

high interest (18 percent) rate and the rigid and an unfavorable terms of contract for money loan for small-holder farmers has made it to be less/inconvenient to the low income and food insecure farmers, particularly considering the unpredictable and volatile nature of food productivity due to recurrent drought on rainfed agriculture, among others, which has been a major cause for crop failure. Apart from this, as the food-insecure framers have no reserve capital and there is no major private or public investment in the Woreda, opportunities for alternative or supplementary off-farm employment is a rarely available opportunity among the members of the community in general.

Therefore, mechanisms should be devised to enable the food insecure members of the community to feed themselves in dignity. Relocation or resettlement is an alternative mechanism devised by the government as part of its food security program. However, government sponsored resettlement program has not been a major and viable and available option for the food insecure farmers in the Woreda. It was just only in 2004/5 that about 5000 households mainly from the more drought prone Kebeles of the Woreda (Kebele 35, 36, 38) were resettled in Jawi and Quara Woredas, in the Amhara National Regional State. Though, the resettled households are food secure after resettlement in their new settlement zones, as learnt in the FGD from the returnees for family visit and from the Food Security and PSNP Coordinating Office, government sponsored resettlement is not an available after 2004/5 and the existing constitutional and political order does not encourage people to resettle from one regional state to the other regional state by their own or through government sponsored initiatives.

As a result of all these, inter alia, the most of the rural community experience a minimum of two months food gap in a year. To fill this food gap among the rural people, emergency food aid and Productive Safety Net Program (PSNP) have been used as the dominant modes of intervention, both by Non-Governmental Organizations (NGOs) and the government of Ethiopia. For example, the Food for the Hungry International- Ethiopia (FHI-E), an international NGO, had been providing food aid to the chronically food insecure people living in the Woreda, from 1984/5 to 2005. However, since 2005, the Ethiopian government has devised the RPSNP which aims at enabling the chronically food insecure members of the rural community, with a food gap of a minimum of six months in a year, to have access to food during lean months.

However, for the reasons discussed in chapter seven, food aid had not been a sustainable way of addressing the food insecurity problem but it helped to overcome hunger momentarily and to save lives.[71] Therefore, partly being cognizant of the shortcomings of food aid, the government of Ethiopia since 2005 has devised PSNP as an alternative means to address chronic food insecurity. In this regard, the PSNP has been devised with three components/packages. These are: the direct support, the food for work and livelihood improvement packages. However, among the about 95 percent of the food insecure rural people of the Woreda, only 35 percent are the [direct] beneficiary of the RPSNP. The remaining 60 percent who have a food gap for two months in a year have not been direct beneficiaries from the RPSNP. As discussed under chapter five, section 5.4., apart from the exclusion of the food insecure majority, the PSNP has been devised as a short-term intervention mechanism to feed the chronically food insecure rural people through food hand-outs. The notable exception in this regard is the livelihood improvement package of the program, which aims to empower the able-bodied but the chronically food insecure people through building up their capacity and resilience to food insecurity and related shocks, particularly by financing, providing training and engaging them in own business and creating market linkages for them. However, until this study was being finalized, the livelihood improvement package of the PSNP has not been practically functional.

Therefore, the above discussion can be an indicative of the fact that, in general terms, the human right to food of the most rural people in the Woreda has not been effectively realized. Rather one can be justified to claim that mass deprivation, or so to say, violation of the human right to food is evidently there.[72] To put it differently, low food productivity, lack of adequate access to capital and finance, high concentration of poverty and absence of effective state intervention that would address the problem of chronic food insecurity can explain the anomaly in the endeavor to realize the human right to food among the people in the rural Simada Woreda. Furthermore, a formal remedy to the violation of the right to the victims by the state court or competent adjudicating organ of the state or any administrative remedy has not been available.[73]

---

[71] Some argue that many problems surround the provision of food aid i.e. issues of dumping, destabilizing the local food markets, as well as monetization and Genetically Modified Organisms (GMO) are involved in conventional food aid. All having adverse effect on long term food security and the realization of the human right to food.

[72] See also the discussion in chapter five.

[73] See chapter five, section 5.3.9., and chapter seven, section 7.4.

In the case study at Gulele Sub-city of Addis Ababa city, it has been indicated that there is a minimal opportunity for food production. Therefore, the residents of the Sub-city access food for own consumption through cash exchange. It has also been indicated that in Addis Ababa city in general and Gulele Sub-city in particular the unavailability of [some] food items in the market with the required quality and quantity has been a problem, but not a major predicament, in relative terms, as a cause to the deprivation of the human right to food, as much as an unaffordability of the available food in the market. This is due to low income of most of the residents of the Sub-city, on the one hand and high and increasing cost of food and other basic needs on the other.

In agreement with the above statement the Ministry of Urban Development and Housing (2016), states that for about the last ten years in particular "[…] consumption growth was negative for the poorest [segment] of the urban population and for most of the households in Addis Ababa city as wages did not increase to compensate households for the rising food prices that they faced."[74]

Therefore, to the dismay of the residents of the Addis Ababa city in general and Gulele Sub-city, in particular, an unaffordability of food and consequently, food insecurity, in most cases are artificial and can also be associated with absence of effective food system regulatory, monitoring and controlling mechanisms. Among others, as discussed above, artificial food shortage caused by illegal food holding and transaction by traders and brokers on the one hand, and the distribution and sell of low quality and unhealthy food items in the market, on the other, are indicatives of the absence of effective food system regulatory, monitoring and controlling mechanisms.

In such an environment where most people are unable to realize the human right to food by themselves, social security scheme, among others, is an alternative, but a last resort to the realize the human right to food of the people under consideration. However, there had been no major functional formal social security scheme that was readily available for the urban food insecure poor individuals and households living in the Sub-city.[75] Rather, it was reported that

[74] Ministry of Urban Development and Housing, Urban Productive Safety Net Program Implementation Manual: Part 1: Overall Introduction. (Final draft) June 2016, p. 2

[75] This has been affirmed by the draft social protection policy of Ethiopia by stating that "Ethiopia does not have a comprehensive and integrated social protection system." See, The Federal Democratic Republic of Ethiopia Ministry of Labor and Social Affairs, National Social Protection Policy of Ethiopia. 2012, p. 3

the City Administration of Gulele Sub-city, in particular, and Addis Ababa city, in general,[76] have been finalizing preparations to implement the Urban Productive Safety Net Program (UPSNP). The program aims to benefit about 15,000 chronically food insecure households from four Woredas (1, 4, 7 and 9) of the Gulele Sub-city. However, until this study was finalized the UPSNP has not been put into effective implementation.

Therefore, due to the prevalence of food insecurity and the lack of available and effective formal social security scheme, the poor and the chronically food insecure residents of the Sub-city have been adopting alternative and sub-optimal coping strategies i.e. reducing food intake, in terms of quantity, quality, diversity and frequency, engage in activities that they would otherwise resent to engage with, like trading in sex for money (prostitution) and begging for food and/or money and purchasing/collecting unfair and unhealthy food like fruits and vegetables dumped in garbage. This is not only an indicative of the deprivation of the human right to food rather the denial of the right to live life in dignity in general.[77] Therefore, the ongoing discussion on the realization of the human right to food in Simada Woreda, in chapter five and the above propositions are indicative of the fact that for many people in the Sub-city their human right to food has not been realized. Rather, they have been deprived of their human right to food.

That be as it may, access to remedy for the violation of the human right to food is an important part of a framework that should be entrenched for the realization of the human right to food by the state as a prime duty bearer to the right. However, in both case study areas, Simada Woreda and Gulele Sub-city, a formal remedy, be it a judicial or an administrative one, to the victims of the violation of the human right to food has not been available (this has been discussed under section 6.4.).

Therefore, both in the Rural Simada Woreda of the Amhara National Regional State and Urban Gulele Sub-city of the Addis Ababa City Administration, people have been vulnerable to hunger and to the deprivation of the human right to food, in aggregate terms. Furthermore, it has been reported that the actual compliance of the state to its human right to food obligations as envisaged under international human rights instruments has been inadequate. For example,

[76] The three Departments of the City Administration i.e. Labor and Social Affairs Bureau, Social Protection Fund Agency and Small and Micro Enterprises Development Agency have assumed the responsibility to administer and enforce the program.

[77] Though there is no clear boundary between the two.

as it was indicated in subsequent chapters of this thesis that, the post-1991 Ethiopia is lacking, from the outset, an express and unequivocal recognition of the right to food in its national legislation, particularly in the FDRE Constitution and in its development policies, strategies and programs.

Furthermore, in terms of the parameters used to assess the realization of the human right to food; availability, accessibility, and adequacy, it was reported from Simada Woreda that food from local production has been only precariously available in the required quality and quantity, particularly for the rural people. Consequently, the rural people do not have the economic power to purchase food coming from other areas, other than their own produce. It was underscored again that food was not accessible to them and consequently, even with the help of the PSNP, they have been feeding themselves less adequately.[78] In contrast, in the Gulele Sub-city, in most cases, though, food has been physically available in the market for sale; it has not been conveniently accessible to the less privileged or economically poor section of the community. Consequently, forcing them to be food insecure and to be deprived of their human right to food[79]

In a nutshell, admittedly, on the basis of the above discussion, it can be concluded here that though, Ethiopia made a remarkable and strong stride in socio-economic growth, particularly in the last two decades, entrenched a more devolved and federal system of governance by radically departing from the traditional unitary state structure,[80] and promulgated a Constitution that devoted one-third of its text to human rights and comprises almost all varieties of human rights, the human right to food has remained to be unrealized right. Rather, as more than half of the people is undernourished or hungry, it can be argued that the human right to food is a gross violated human right in both contexts of the Rural Simada Woreda of the Amhara National Regional State and the Urban Gulele Sub-city of the Addis Ababa City Administration. It, therefore, requires rectification measure consistent with the Ethiopian

[78] See the discussion under chapter five, section 5.3.

[79] This is for the principal reason that they lack the means or the required money to purchase adequate food to feed themselves.

[80] The federal state arrangement has been entrenched since 1995. The federal arrangement of Ethiopia is often regarded as 'ethnic federalism' providing self-governance on ethnic lines .i.e. for Nations, Nationalities, and Peoples of Ethiopia. This often have been criticized for creating unnecessary competition among ethnic groups and curtailing freedom of movement of citizens and re/settlement from one region to the other accordingly.

state's human right to food obligations as envisaged under relevant international and regional human rights instruments.

8.2. Recommendations

Having presented the existing theoretical and practical gaps in the realization of the human right to food in varying socioeconomic contexts, rural and urban settings of the post-1991 Ethiopia, the following points are suggested as directions for the better realization of the human right to food vis a vis the compliance of the Ethiopian state to the obligations that it has to the human right to food, in the case study areas in particular and country wide level in general, accordingly.

First, the Ethiopian state should recognize the human right to food overtly and expressly. The unequivocal recognition of the human right to food, particularly under the bill of human rights chapter of the national constitution would provide a legal force to the right and means of its enforcement. Ethiopia is a state party to the ICESCR, an international instrument that recognizes the human right to food. The FDRE Constitution has provided the ICESCR access to the domestic law through Article 9 (4) that allows international human rights treaties to be an integral part of the law of the land and Article 13 (2) requires the human rights provisions of the constitution under chapter three to be interpreted in agreement with international human rights instruments (UDHR, ICESCR and ICCPR). However, there is a debate on the status of international human rights instruments and their enforceability in the domestic legal system.[81] Furthermore, the Ethiopian courts so far do not have the experience and commitment to entertain the human right to food cases. Therefore, it is recommended here that the incorporation of an independent constitutional provision that recognizes that human right to food overtly would be an indicative of the state's commitment to the human right to food and would encourage state institutions and right holders to strive towards the realization of the human right to food as a constitutionally protected right.

Second, the Ethiopian state should also have a human right to food national framework law. Such a framework law is required to be in agreement with the above-proposed constitutional provision and Article 11 (1 and 2) of the ICESCR. This law, as its naming

[81] See chapter four, section 4.2.

indicates, would provide a further and detailed characterization of the human right to food along with both the means of its enforcement and the remedies available for the victims of a violation of the right. Furthermore, the existence of a human right to food national framework law would help both the citizen and the state to have an undisputed and clear understanding on the right and citizens and institutions to stand firm and hold the state as a duty bearer to the right accountable accordingly. After all, the aim of such a legislation is not only to make the legal system more compatible with well-recognized international standards particularly the ICESCR, but also to maintain the dignity of right holders and to transform their lives to the better.

Third, the human right to food though recognized as an independent right of its own, its and interdependence with other human rights needs to be underscored. Apart from the existence of the above legislation and their enforcement, the realization of the human right to adequate food is influenced by and requires the realization of other human rights such as the right to work, political participation, education, and health and vice versa. Therefore, fundamental human rights, per se, needs to be recognized and enforced effectively on an equal basis, as the Venna Declaration recognized, they are interrelated, interdependent and holistically constitute human existence in dignity.

Fourth, apart from the existence of the legislation on the human right to food, there is a need to have a pro-human right [to food] national policy framework. For this purpose, a shift in policy perspective or paradigm from the existing food security approach to food sovereignty is suggested. This is for the reason that the food security approach, which is under implementation in Ethiopia, is a top-down policy paradigm and prioritize increment of food production and the provision of food through foreign aid and PSNP. As a public policy paradigm, it does not envisage food as a human right or entitlement. Therefore, as an alternative policy approach, food sovereignty, suggested as it envisages "food primarily as a human right and second as a commodity."[82] Moreover, since state capacities have grown as a result of the recent high economic growth over the last decade (average 10 percent) there is a need to restructure the policy framework of the country in a way that creates a legal, institutional and fiscal frame delivering more effective, and efficient realization of the human right to food concurring with the principles of food sovereignty.

[82] See the [six] principles of food sovereignty, which are discussed in chapter seven, section 7.1.2., they are also available in the document attached with this dissertation, Appendix 9.

Fifth, realizing democratic governance. For the enforcement of the human right to food according to both the national legislation and policy framework suggested here, there is a practical need to have a pro-human right governance landscape is indispensable for the effective realization of the right. The Ethiopian government itself has recently acknowledged there is lack of democratic governance, to the worse a retreat from it.[83] Lack of democratic governance is an obstacle both to the respect and advancement of the human rights, in general and the human right to food in particular, and to inclusive economic growth and development. In this regard, government apparatus that prescribes and adheres to the principles of PANTHER is suggested. As discussed above, under chapter eight, section 8.2.1., a governance system that function according to the principles of *Participation, Accountability, Non-Discrimination, Transparency, Human Dignity, Empowerment and Recourse or Rule of Law* is a necessary requirement for the effective realization of the human right to food and other related human rights.[84] It is worthwhile to note here that Ethiopia is a large and complex country constitutionally prescribing to a federal and decentralized form of governance. Thus, both the federal and local governments need to have a commitment in democratizing the government apparatus and the political practice and they should empower themselves to have the resilience to put democratic governance in practice. In effect, the policy and legal norms suggested above can be better enforced at grass root level.

Sixth, further research. As the subject of this study is one of the least explored domains of knowledge in general and in the Ethiopian context in particular, further research, diverse in scope and method, is needed to shade more light on the problem and indicate the possible better realization of the human right to food.

Thus, Ethiopia should have an overt and express recognition of the human right to food, particularly under its constitution and adopt specific framework laws that elaborate the provisions of the constitution and human rights treaties ratified by Ethiopia and clearly delineate the obligations of the Ethiopian state to the right. Furthermore, a rights-based policy framework for the practical realization of the human right to food in varying socio-economic contexts should be entrenched. Needless to say, a democratic governance system directed by

[83] The government has attributed the recent unrest particularly in the Regional States of Amhara and Oromia to the lack of good governance and corruption, particularly, to lend the government's statement, rent seeking behavior of government authorities at all levels.

[84] See the Food and Agriculture Organization of the United Nations (FAO-UN), The Right to Food: Guide on Legislating for the Right to Food. FAO: Rome, 2009, p. 29

the principles of PANTHER should be realized otherwise the laws and policies may not be efficiently translated into practice.

* * *

References

Books

Alston, Philip and Katarina Tomasevski (Eds.) (1984) *The Right to Food.* Dordrecht: Martinus Nijhoff Publishers.

Anderson, Jørgen and Jens Hoff (2001) *Democracy and Citizenship in Scandinavia*. New York: Macmillan Publishers

Berg, Bruce (2001). *Qualitative Research Methods for the Social Sciences* (4th Edn). Boston: Allyn and Baco Publishers.

Beitz, Charles (2009) *The Idea of Human Rights*. New York: Oxford University Press.

Clapham, Andrew (2007) *Human Rights: Avery Short Introduction*. Oxford: Oxford University Press.

Creswell, John (2007) *Qualitative Inquiry and Research Design: Choosing Among Five Approaches.* California: SAGE Publications.

Creswell, John (2009), *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (3rd Edn). Los Angeles: SAGE Publications.

Daniel Behailu (2015) *Transfer of Land Rights in Ethiopia, Towards a Sustainable Policy Framework.* The Hague: Eleven International Publishing.

Daymon, Christine and Immy Holloway (2002) *Qualitative Research Methods in Public Relations and Marketing Communications.* London: SAGE Publications.

Denzin, Norman and Yvonna Lincoln (2013) *Strategies of Qualitative Inquiry*. Los Angeles: SAGE Publications.

Devereux, Stephen (Ed) (2006) *The New Famines: Why Famines Persist in an Era of Globalization*. London: Routledge.

De Schutter, Olivier (2010) *International Human Rights Law: Cases, Materials, commentary*. Cambridge: Cambridge University Press.

De Schutter, Olivier and Kaitlyn Cordes, (2011) "Accounting for Hunger: An Introduction to the Issues" In *Accounting for Hunger: The Right to Food in the Era of Globalization*. Oliver De Schutter and Kaitlyn Cordes (Eds). Portland: Hart Publishing.

De Waal, Alexander (1997) *Famine Crimes: Politics and the Disaster Relief Industry in Africa*. Indiana: Indiana University Press.

Donnelly, Jack (1985) *The Concept of Human Rights*. London: Croom Helm Publishers.

Ehrlich, Paul (1968) *The Population Bomb* (Revised and Expanded Edition). New York: Rivercity Press.

Eide, Asbjørn, (1984) *Food as a Human Right*. Tokyo: The United Nations University Press.

Feinberg, Joel (1980) Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy. Princeton: Princeton University Press.

Fernbach, David (1980) George Lukacs: *The Ontology of Social Being*, (Trans.), London: The Merlin Press Ltd.

Getachew Assefa (2012) *Ethiopian Constitutional Law with Comparative Notes and Materials: A Textbook*. Addis Ababa University.

Gillham, Bill (2000) *Real World Research: Case Study Research Methods.* London: Continuum

Hegel, Frederick. (1991) *Elements of the Philosophy of Right.* Edited by Allen Wood Translated by Barry Nisbet. Cambridge: Cambridge University Press.

Heywood, Andrew (2012) *Political Ideologies: An Introduction* (5th Edn.). Basingstoke: Palgrave Macmillan Publishers.

Holloway, Immy. (1997) *Basic Concepts for Qualitative Research.* Oxford: Blackwell Science Press.

Holloway, Immy and Stephanie Wheeler (2002) *Qualitative Research in Nursing and Healthcare.* (2nd Edn) Oxford: Black well Science Press.

Huntington, Samuel (1993) *The Third Wave: Democratization in the Late Twentieth Century.* Oklahoma: University of Oklahoma Press

Keeley, James et al (2014) *Large-scale Land Deals in Ethiopia: Scale, Trends, Features and Outcomes.* London: International Institute for Environment and Development (IIED)

Keen, David. (1994) *The Benefits of Famine: A Political Economy of Famine and Relief in South-western Sudan, 1983-1989*. New Jersey: Princeton University Press.

Kent, George (2005) *Freedom from Want: The Human Right to Adequate Food.* Washington, D.C.: Georgetown University Press.

Kleingeld, Pauline (Trans.) (2006) Immanuel *Kant: Political Writings*. New Haven: Yale University Press.

Krell, David (1993) *Martin Heidegger Basic Writings from Being and Time (1927) to the Task of Thinking.* (Revised Edn.) San Francisco: Harper Collins Publishers.

Laski, Harold (1925) *The Grammar of Politics*. London: George Allen & Unwin Publishers.

Malthus, Thomas (1798) *An Essay on the Principle of Population, as it Affects the Future Improvement of Society with Remarks on the Speculations of Mr. Condorcet Godwin, and Other Writers*. London: St. Paul's Churchyard Publishers.

Merera Gudina (2003) *Ethiopia: Competing Ethnic Nationalities and the Quest for Democracy, 1960-2000.* The Netherlands: Shaker Publishing.

Mesfin Woldemariam (1991) *Suffering under God's Environment: A Vertical Study on the Predicament of Peasants in North-Central Ethiopia.* Kansas: Walsworth Publishing.

Moyn, Samuel (2010) *The Last Utopia: Human Rights in History*. Cambridge: Harvard University Press.

Nelson, Jack (1986) *Hunger for Justice: The Politics of Food and Faith*. New York: Orbis Books.

Rescher, Nicholas *(*1966*) Distributive Justice*: A Constructive Critique of the Utilitarian Theory of Distribution. New York: The Bobbs-Merrill Corporation.

Richard, Krueger and Mary Casey (2000) *Focus Groups: A Practical Guide for Applied Research* (3rd Edn). London: SAGE Publications.

Rosset, Peter, (2006b). *Agrarian Reform and Food Sovereignty: Inseparable Parts of an Alternative Framework*. Mexico: CECCAM.

Scheuerman, William (Edr) (1996) *The Rule of Law under Siege: Selected Essays of Franz L. Neumann and Otto Kirchheimer.* California: University of California Press.

Sen, Amartya (1981) *Poverty and Famines: An Essay on Entitlement and Deprivation*. New York: Oxford University Press.

__ __, (1999) *Development as Freedom*. New York: Random House Inc.

Silverman, David (2008) *Doing Qualitative Research a Handbook: A Comparative Guide.* California: SAGE Publications.

Stake, Robert (2010) *Qualitative Research: Studying How Things Work*. New York: The Guilford Press.

Temesgen Dessalegn (2012) *የመለስ አምልኮ (YeMeles Amlko) [Worshipping Meles].* Addis Ababa: Mastewal Printing and Advertising Enterprise.

Tolstoy, Leo (1869) *War and Peace.* Rosemary Edmonds (Trans.). London: Penguin Publishers.

Vasak, Karl (1977) *Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Right.* Paris: United Nations Educational, Scientific, and Cultural Organization.

Vincent, Raymond (1986) *Human Rights and International Relations.* Cambridge: Cambridge University Press.

Waldron, Jeremy (1983) *The Right to Private Property.* Oxford: Clarendon Press.

__ __, (1987) *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man*. London: Methuen & Coy. Limited.

Wernaart, Bart (2013) *The Enforceability of the Human Right to Adequate Food: A Comparative Study.* Wageningen: Wageningen Academic Publishers.

Windfuhr, Michaeland and Jennie Jonsén (2005) *Food Sovereignty: Towards Democracy in Localized Food Systems.* Warwickshire: ITDG Publishing.

Wood, Allen (2002) *Groundwork for the Metaphysics of Morals* by Immanuel Kant (Translated from the 1797 German Manuscript). New Haven: Yale University Press.

Wood, Allen (1991) *George Hegel: Elements of the Philosophy of Right*. Cambridge University Press: Cambridge.

Yitayew Alemayehu and Wondmagegne Tadesse (2013). *Human Rights Research: A Practical Guidebook on Methodology and Methods*. Addis Ababa: Addis Ababa University Printing Press.

አለቃ ኪዳነ ወልድ ክፍሌ፡- መጽሐፈ ሰዋ ሰው ወግስ ወመዝገበ ቃላት ሐዲስ:: አርትስቲክ ማተሚያ ቤት፤ አዲስ አበባ ፲፱፻፶፰ ዓ. ም::

Book Chapters

Aryeety, Ernest, et al (2012) "Overview": In the Oxford *Companion to the Economics of Africa*. Ernest Aryeety, Shantayanan Devarajan, Ravi Kanbur, and Louis Kasekunde (Eds). Oxford: Oxford University Press.

Aschale Dagnachew (2013a) "The Importance of Labor for Food Security: Household Experiences in Ebinat Woreda, Amhara Region": In *Food Security, Safety Nets and Social Protection in Ethiopia*. Desalegn Rahmato, Alula Pankhurst, and Jan-Gerrit van Uffelen, (Eds) Addis Ababa: Forum for Social Studies.

__ __, (2013b) "Household Experiences of Graduation from the PSNP: Implications for Food Security": In *Food Security, Safety Nets and Social Protection in Ethiopia*. Desalegn Rahmato, Alula Pankhurst, and Jan-Gerrit van Uffelen, (Eds) Addis Ababa: Forum for Social Studies.

Bokor-Szego, Hanna (1991) “The Classification of Certain Types of Human Rights and the Development of Constitutions”: In *Questions of International Law, Hungarian Perspectives*, Vol. 5. Hanna. Bokor-Szego (ed.), Budapest: Akademiaia Kiado.

Chattopadhyaya, Debiprasad (1980) ‘Human Rights, Justice and Social Context.’ In *The Philosophy of Human Rights*, Alen Rosenbaum (ed.) London: Aldwych Press.

Desalegn Rahmato (2008) “Agriculture Policy Review”: In *Digest of Ethiopia’s National Polices, Strategies and Programs. Taye Tesfaye* (Ed). Addis Ababa: Forum for Social Studies.

De Schutter, Olivier and Kaitlyn Cordes, (2011) “Accounting for Hunger: An Introduction to the Issues” In *Accounting for Hunger: The Right to Food in the Era of Globalization*. Oliver De Schutter and Kaitlyn Cordes (Eds). Portland: Hart Publishing.

Edkins, Jenny (2007) “The Criminalization of Mass Starvations: From Natural Disaster to Crimes against Humanity.” In *The New Famines.* Stephen Devereux, (Ed) London: Routledge.

Eide, Asbjørn, (1995) "The Right to an Adequate Standard of Living Including the Right to Food", In *Economic, Social and Cultural Rights: A Textbook*. Asbjørn Eide, Krause Catarina and Allan Rosas (Eds). Dordrecht: Martinus Nijhoff Publishers.

Getachew Minas (2008) “Review of the National Population Policy of Ethiopia”, In *Digest of Ethiopia's National Policies, Strategies and Programs.* Taye Assefa (Ed) Addis Ababa: Forum for Social Studies.

Guba, Egon and Yvonna Lincoln (1994) “Competing Paradigms in Qualitative Research” In *Handbook of Qualitative Research.* Norman Denzin and Yvonna Lincoln (Eds.). London: SAGE Publications.

Hoddinott, John. et al (2013) “Implementing Large Scale Food Security Programs in Rural Ethiopia: Insights from the Productive Safety Net Program (PSNP).”: In *Food Security, Safety Nets and Social Protection in Ethiopia.* Desalegn Rahmato, Alula Pankhurst and Jan-Gerrit van Uffelen (Eds) Addis Ababa: Forum for Social Studies.

Jonsson, Urban (1984) "The Socio-Economic Causes of Hunger.” In *Food as a Human Right*. Asbjørn Eide, Wenche Barth Eide, Susantha Goonatilake, Joan Gussow and Omawale. (Eds.). Tokyo: The United Nations University.

Ogola, Thomas and Jane Sawe (2013) “The Origins of the Food Crisis: The Case of East Africa”: In the Food Crisis Implications for Labor.” Christoph Scherrer (Ed.). Mering: Rainer Hampp Verlag.

Perakyla, Annsi (2004) “Reliability and Validity in Research Based on Naturally Occurring Social Interaction” In *Qualitative Research, Theory, Method and Practice.* (2nd Edn), David Siliverman (Ed.) London: SAGE Publications.

Piechowiak, Mariek (1999) “What are Human Rights? The Concept of Human Rights and their Extra-legal Justification.”: In *An Introduction to the International Protection of Human Rights: A Text Book*. Raija Hanski, and Markku Suksi (Eds), (2nd Edn.). Turku/Abo: Institute of Human Rights, Abo Akademi University.

Shiva, Vandana, (2003). “Food Rights, Free Trade and Fascism.”: In *Globalizing Rights*. Matthew Gibney (Ed). Oxford: Oxford University Press.

Stake, Robert (2000) “Case Studies.”: In *Handbook of Qualitative Research.* Norman Denzin, and Yvonna Lincoln (Eds) (2nd Edn.). London: SAGE Publications.

Tafesse Kassa (2013) “The Impact of the PSNP on Food Security in Selected Kebeles of Enebse Sar Midir District, East Gojjam, the Amhara National Regional State”: In *Food Security, Safety Nets and Social Protection in Ethiopia.* Desalegn Rahmato, Alula Pankhurst, and Van Uffelen (Eds) Addis Ababa: Forum for Social Studies.

Vadala, Alexander (2009) “Understanding Famine in Ethiopia: Poverty, Politics and Human Rights”: In *Proceedings of the 16th International Conference of Ethiopian Studies*, Svein Ege, Harald Aspen, Birhanu Teferra and Shiferaw Bekele (Eds.), Trondheim.

van Uffelen, Jan-Gerrit (2013) “From Disaster Response to Predictable Food Security Interventions: Structural Change or Structural Reproduction?”: In *Food Security, Safety Nets and Social Protection in Ethiopia.* Desalegn Rahmato; Alula Pankhurst, and Jan-Gerrit van Uffelen (Eds) Addis Ababa: Forum for Social Studies.

Wilkinson, Sue (2004) “Focus Group Discussion.”: In *Qualitative Research, Theory, Method and Practice.* (2nd Edn.), David Siliverman (Ed.). London: SAGE Publications.

Journal Articles and Working Papers

Aalen, Lovise and Kjetil Tronvoll, “Briefing – The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism.” *Journal of African Affairs.* Vol. 108, No. 430.

Abdi Jibril Ali and Kwadwo Appiagyei-Atua (2013) “Justiciability of Directive Principles of State Policy in Africa: The Experiences of Ethiopia and Ghana”. *The Ethiopian Journal of Human Rights*, Vol.1, No.1.

Adem, Kassie (2011) “Human Rights under the Ethiopian Constitution: A Descriptive Overview.” *Mizan Law Review*, Vol. 5, No. 1.

Aklilu Amsalu (2012) “Eradicating Extreme Poverty and Hunger in Ethiopia: A Review of Development Strategies, Achievements, and Challenges in Relation with the Millennium Development Goal 1 (MDG1).” *NCCR North-South Dialogue*, No. 45.

Alestalo, Matti (2009) “The Nordic Model: Conditions, Origins, Outcomes and Lessons.” Hertie School of Governance, *Working Paper*, No. 41.

Assafa Fisseha, “Constitutional Adjudication in Ethiopia” *Mizan Law Review* (2007) Vol. 1 No. 1.

Bach, Jean-Nicolas (2011), “Abyotawi Democracy: Neither Revolutionary nor Democratic, A Critical Review of Ethiopian Peoples’ Revolutionary Democratic Front’s (EPRDF’s) Conception of Revolutionary Democracy in Post-1991 Ethiopia’’, *Journal of Eastern African Studies*, Vol. 5, No. 4.

Bishop, Carly and Dorothea Hilhorst (2010) “From Food Aid to Food Security: The Case of the Safety Net Policy in Ethiopia.” *Journal of Modern African Studies,* Vol. 48, No. 2.

Bojö, Jan and David Cassells (1995). “Land Degradation and Rehabilitation in Ethiopia.” A Reassessment Working Paper No. 17, World Bank.

Boserup, Ester (1976). "Environment, Population, and Technology in Primitive Societies". *Population and Development Review*. Vol. **2**, No. 1.

Coomans, Fons (2003) “The Ogoni Case before the African Commission on Human and Peoples' Rights.” *The International and Comparative Law Quarterly*, Vol. 52, No. 3.

Davies-van, Anna (2014) “Whose Africa is Rising? A Feminist Perspective.” *Perspectives Africa*. Vol. 1 No. 1.

Depetris, Nicolas et al (2012) Food Production and Consumption Trends in Sub-Saharan Africa: Prospects for the Transformation of the Agricultural Sector. Working Paper Presented at United Nations Development Program Regional Bureau for Africa. February, 2012.

Dercon, Stefan and Pramila Krishnan (1996) “Income Portfolio in Rural Ethiopia and Tanzania: Choices and Constraints.” *Journal of Development Studies,* V*ol.* 32, No. 6.

Derseh Endale (1993) “The Ethiopian Famines, Entitlements and Governance.” The United Nations University, World Institute for Development Economics Research. Working Paper No.102.

De Schutter, Olivier, (2013) “Human Rights, Human Wrongs.” *Food Ethics*. Vol. 8 No. 4.

Dessalegn Rahmato (2011), “Land to Investors: Large-Scale Land Transfers in Ethiopia.” Forum for Social Studies, Policy Debates Series.

Devereux, Stephen (2000), ‘‘Food Insecurity in Ethiopia,’’ A discussion Paper for the Department of International Development (DFID), Institute of Development Studies (IDS), Sussex.

Dorosh, Paul and Shahidur Rashid, “Food and Agriculture in Ethiopia, Progress and Policy Challenges.” *The International Food Policy Research Institute (IFPRI), Issue Brief*, January 2013.

De Waal, Alex, (1991) “Famine and Human Rights.” *Development in Practice*, Vol. 1, No. 2

Drèze, Jean (2004), “Democracy and Right to Food.” *Economic and Political Weekly*, Vol. 39, No. 17.

Elias Stebek (2011), ‘‘Between ‘Land Grabs` and Agricultural Investment: Land Rent Contracts with Foreign Investors and Ethiopia`s Normative Setting in Focus’’ *Mizan Law Review*, Vol.5, No.2.

Furgasa Derara and Degefa Tolossa (2016) Household Food Security Situation in Central Oromia, Ethiopia: A Case Study from Becho Wereda in Southwest Shewa Zone. *Global Journal of Human-Social Science* Vol.16, No. 2.

Goggins, David (2016) “The Oromo Crisis in Ethiopia: Researcher David Goggins investigates.” *The Researcher*. *Refugee Documentation Centre (RDC),* Vol. 11, No. 2.

Honig, Frederick (1954) “The reparations agreement between Israel and the Federal Republic of Germany.” *American Journal of International Law*, Vol. 48, No.4

Kassahun Berhanu and Colin Poulton (2014) “The Political Economy of Agricultural Extension Policy in Ethiopia: Economic Growth and Political Control Development.” *Policy Review*, Vol. 32, No. 2.

Kassahun Berhanu, “Ethiopia: Beleaguered Opposition under a Dominant Party System.” Addis Ababa University, Department of Political Science, and International Relations (Unpublished)

Kent, George (2010) “The Human Right to Food and Dignity: The Global Hunger for Food and Justice.” *The Human Rights Journal*, Vol. 37, No. 1.

Khoo, Su-Ming (2010) “The Right to Food: Legal, Political and Human Implications for a Food Security Agenda.” *Trócaire Development Review*.

Kimani-Murage, Elizabeth, Lilly Schofield, Frederick Wekesah, Shukri Mohamed, Blessing Mberu, Remare Ettarh, Thaddaeus Egondi, Catherine Kyobutungi, and Alex Ezeh (2014) “Vulnerability to Food Insecurity in Urban Slums: Experiences from Nairobi, Kenya.” *Journal of Urban Health,* Vol. 91, No. 6.

Kutz, Christopher (2004) “Justice in Reparations: The Cost of Memory and the Value of Talk.” *Philosophy and Public Affairs,* Vol. 32, No. 3.

Makki, Fouad and Charles Geisler (2011) “Development by Dispossession: Land Grabbing as New Enclosures in Contemporary Ethiopia.” Paper presented at the International Conference on Global Land Grabbing 6-8 April 2011, Institute of Development Studies, University of Sussex.

__ __, (2014), “Development by Dispossession: Terra Nullius and the Socio-Ecology of New Enclosures in Ethiopia.” *Rural Sociology,* Vol.79, No.1.

Mbithi, Lucia (2014) “Implementing the Right to Food in Kenya: Lessons from Brazil.” *International Journal of Business, Humanities and Technology,* Vol. 4, No. 4.

Melese Temesgen and Melese Abdisa (2015) “Food Standards, Law and Regulation System in Ethiopia: A Review.” *Public Policy and Administration Research*, Vol. 5, No. 3.

Menberu Teshome (2016) “Farmers’ Vulnerability to Climate Change-Induced Water Poverty in Spatially Different Agro-Ecological Areas of Northwest Ethiopia.” *Journal of Water and Climate Change*, Vol. 07, No. 1.

Metz, Thaddeus (2007) “Ubuntu as a Moral Theory: Reply to Four Critics.” *South African Journal of Philosophy,* Vol. 26, No. 4.

Mulat Abegaz (2004) Gap Analysis Report, Recommendations & Proposals on Food Control System in Ethiopia, United Nations International Development Organization’s Regional Program on Harmonization of Food Control System in East-Africa, paper presented in Uganda, Kampala, for regional workshop on “Regional Harmonization of Food safety and Quality System in East Africa” 25-27 February, 2014.

Ninno, Carlo, Paul Dorosh and Kalanidhi Subbarao, Food Aid and Food Security in the Short- and Long Run: Country Experience from Asia and sub-Saharan Africa. World Bank Institute Promoting Knowledge and Learning for a Better World. Social Safety Nets Primer Series, discussion paper no. 0538. November 2005

Portner, Brigitte (2013) “Farmers in the Ethiopian Debate on Biofuel.” *Africa Spectrum*, Vol. 48, No.3.

Portner, Brigitte (2014) “Biofuels for a Greener Economy? Insights from Jatropha Production in North-eastern Ethiopia.” *Sustainability,* Vol. 6.

Ramcharan, Bertrand (1983) "The Right to Life.” *The Netherlands International Law Review*, Vol. 30.

Robles, Miguel, Maximo Torero, and Joachim Von Braun (2009) “When Speculation Matters.” *International Food Policy Research Institute,* Issue Brief, No. 57, Washington. D.C...

Salami, Adeleke, Kamara, Abdul B. and Zuzana Brixiova (2010) “Smallholder Agriculture in East Africa: Trends, Constraints and Opportunities”, Working Papers Series, No. 105, Tunis: African Development Bank.

Scanlan, Stephen (2003) “Food Security and Comparative Sociology: Research, Theories and Concepts.” *International Journal of Sociology*. Vol. 33, No. 3.

Sen, Amartya (1994) “Freedom and Needs: An Argument for the Primacy of Political Rights,” *The New Republic*, Vol. 210, No. 2-3.

Taylor, Ian, “Dependency Reduction: Why Africa is not Rising.” *Review of African Political Economy*, Vol. 43, No. 147.

Thomas Woldu, “Girum Abebe, Indra Lamoot, and Bart Minten, Urban Food Retail in Africa: The case of Addis Ababa, Ethiopia.” Ethiopia Strategy Support Program (ESSP) Working Paper No.50, January 2013.

Torres, Martínez, María Elena and Peter Rosset (2010) “La Vía Campesina: The Birth and Evolution of Transnational Social Movement”, *Journal of Peasant Studies*, Vol.37, No.1.

Tronvoll, Kjetil (2008) “Human Rights Violations in Federal Ethiopia: When Ethnic Identity is a Political Stigma” *International Journal on Minority and Group Rights*, Vol. 15 No.3.

Tsegaye Regassa, (2009) “Making Legal Sense of Human Rights: The Judicial Role in Protecting Human Rights in Ethiopia.” *Mizan Law Review,* Vol. 3, No.2.

Valente, Schieck, Flavio Luiz and Suárez Franco and Ana Maria (2010) "Human Rights and the Struggle Against Hunger: Laws, Institutions, and Instruments in the Fight to Realize the Right to Food," *Yale Human Rights and Development Journal,* Vol. 13, No. 2.

Vesta, Theodore (1985) “Famine in Ethiopia: Crisis of Many Dimensions.” *Africa Today, Food, Famine and Development,* Vol. 32, No. 4.

Walsham, Geoff (1995) “Interpretive Case Studies in Information Science Research: Nature and Method.” *European Journal of Information Systems*, Vol. 4, No.1.

Wa Mutua, Makau (1996) “The Ideology of Human Rights.” *Virginia Journal of International Law.* Vol. 36, No.3.

Xiaobing Xu, and George Wilson, (2006) “On Conflict of Human Rights.” *Pierce law Review*, Vol. 5, No.1.

Yin, Robert (1981) “The Case Study as a Serious Research Strategy.” *Knowledge Creation, Diffusion, and* Utilization, Vol. 3, No.1.

__ __, (1994) “Discovering the Future of the Case Study.” *Method in Evaluation Research and Evaluation Practice*, Vol. 15, No.3.

__ __, (2003) “Case Study Research: Design and Methods” *Applied Social Research Methods, Vol. 5, No.1.*

Yonas Ketsela (2006) “Post-1991 Agricultural Polices: The Role of National Extension Program in Addressing the Problem of Food Security”, *Addis Ababa University, Human Rights and Development Journal,* Vol. 13, No. 2.

Unpublished Theses and Dissertations

Amha Dagnew Tessema (2012) “The Impact of State Policies and Strategies in Ethiopia’s Development Challenge.” Master Thesis, Department of Economics, University of South Africa (UNISA): South Africa.

Asmamaw Guta (2014) “The Impact of School Feeding Program on Students Academic Performance: The Case of Selected Elementary Schools in Debre Libanos Woreda, Oromia Region.” Master Thesis, School of Graduate Studies, Addis Ababa University, Ethiopia.

Bamlak Yideg (2013) “Assessment of Indigenous Conflict Resolution Systems and Practices: Implications for Socio-economic Development: A Survey of Simada Woreda, Amhara Region, Ethiopia.” Master Thesis, Department of Management, Mekelle University, Ethiopia.

Beza Dessalegn (2016) “Ethnic Federalism and the Right to Political Participation of Regional Minorities in Ethiopia.” PhD Dissertation, Centre for Human Rights, Addis Ababa University, Ethiopia.

Degefa Tolossa (2005) “Rural Livelihoods, Poverty and Food Insecurity in Ethiopia: A Case Study at Erenssa and Garbi Communities in Oromiya Zone, Amhara National Regional State.” PhD Dissertation, Department of Geography, Norwegian University of Science and Technology (NTNU), Norway.

Ermias Assefa (2015) “The Impact of School Feeding Program on Students Academic Performance: The Case of Selected Elementary Schools in Debre Libanos Woreda, Oromia Region.” Master Thesis, School of Psychology, Addis Ababa University, Ethiopia.

Girmay Teklu (2012) “The Right to Food and Access to Rural Land Under the FDRE Constitution: A Survey on the Contemporary Challenges and Practices in the Regional State of Tigray.” Master Thesis, Centre for Human Rights Addis Ababa University, Ethiopia.

Helen Getachew (2014) “The Right to Food and School Feeding Programs in Addis Ababa: Experiences from Tsehai Chora and Dagmawi Minelike Kindergarten and Primary School.” Master Thesis, Centre for Human Rights, Addis Ababa University, Ethiopia.

Kiya Tsgaye (Date not available) “Food as a Human Right: Some Reflections,” Unpublished Material. Mekelle University, Ethiopia.

Mellese Damtie (2014) “Loss of Biodiversity: Problems of Its Legal Control in Ethiopia.” PhD Dissertation, School of Law, University of Warwick, United Kingdom.

Meseret Belachew (2012) “Assessment of Drinking Water Quality and Determinants of Household Potable Water Consumption in Simada District, Ethiopia.” Master Thesis, School of Graduate Studies, Cornell University, United States of America.

Mizanie Abate (2012) “A Rights-Based Approach to HIV Prevention, Care, Support and Treatment: A Review of its Implementation in Ethiopia.” A PhD Dissertation, Department of Interdisciplinary Studies, The University of Alabama, Alabama.

Muradu Abdo (2014) “State Policy and Law in Relation to Land Alienation in Ethiopia.” PhD Dissertation, School of Law, University of Warwick, United Kingdom.

Selamawit Sirgiw (2011) “Gender Differentials in the Coping Strategies of the Urban Poor in Addis Ababa: The Case of Households in Woreda 4, Gulele Sub-city.” Master Thesis, School of Graduate Studies, Addis Ababa University, Ethiopia.

Springfield, Michelle (Date not available) “Food Insecurity: The Prospects for Food Sovereignty in Contemporary East Africa.” PhD Dissertation, Department of Politics and International Relations, Royal Holloway University of London, United Kingdom.

Tesfa Tolla (2010) “Food Quality Regulation in Ethiopia.” Master Thesis, Faculty of Law, Addis Ababa University, Ethiopia.

Tesfaye Alemayehu (2006) “The Analysis of Urban Poverty in Ethiopia.” The University of Sydney: School of Economics, Sydney.

Tibebe Belete (2008) “Water Resources Potential Assessment of Simada Woreda with Particular Reference to Ground-Water: A Case Study of Bijena-Muge River Catchments, South Gondar Ethiopia.” Master Thesis, Arbaminch University, Ethiopia.

Laws and Policy Documents

Ethiopian

Federal Democratic Republic of Ethiopia, Anti-Terrorism Law [Proc. No. 652/2009]

Federal Democratic Republic of Ethiopia, Charities and Societies Law [Proc. No. 621/2009]

Federal Democratic Republic of Ethiopia, Expropriation of Landholdings for Public Purposes and Payment of Compensation [Proc. No. 455'2005]

Federal Rural Land Administration and Use Proclamation [Proc. No. 456/2005]

Federal Democratic Republic of Ethiopia, (1995) The Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa.

Federal Democratic Republic of Ethiopia, Investment Incentives Regulations No. 146, 2008

Federal Democratic Republic of Ethiopia, Investment Proclamation No. 280, 2002

Federal Democratic Republic of Ethiopia, Investment Proclamation No.769, 2012

Federal Democratic Republic of Ethiopia, Ministry of Finance and Economic Development, GTP I

Federal Democratic Republic of Ethiopia, Ministry of Finance and Economic Development, GTP II

Federal Democratic Republic of Ethiopia, Ministry of Mines and Energy, The Biofuel Development and Utilization Strategy of Ethiopia. September 2007 Addis Ababa, Ethiopia. 2007

Federal Democratic Republic of Ethiopia, Human Rights Commission, National Human Rights Action Plan 2013-2015 (unpublished document),

Federal Democratic Republic of Ethiopia, Human Rights Commission, National Human Rights Action Plan 2015-2018(unpublished document),

Federal Democratic Republic of Ethiopia, Seqota Declaration Innovation Phase Investment Plan 2017 –2020. 2018, 2010, Addis Ababa.

The Revised Amhara National Regional State Constitution

The Amhara National Regional State Rural Land Administration and Use Proclamation No. 133, 2006, *Zikre Hig*, 11th Year No. 18

The Revised Amhara National Regional State Revised Rural Land Administration and Use Proclamation [Proc. No. 251/09]

Other Countries'

The Constitution of India

The Constitution of South Africa

International Instruments

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (ACHPR)

African Charter on the Rights and Welfare of the Child OAU Doc. CAB/LEG/24.9/49 (1990) entered into force 29 November 1999

Food and Agriculture Organization of the United Nations (FAO-UN), The Rome Declaration on World Food Security and World Food Summit Plan of Action. 1996, Rome: Food and Agriculture Organization.

International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, 999 U.N.T.S. 171 (entered into force 23 Mar. 1976), G.A. Res. 2200 (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in Maputo, Mozambique on 11 July 2003 and entered into force on 25 November 2005

United Nations, The International Convention on Economic, Social and Cultural Rights (ICESCR), 1966.

United Nations, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.

United Nations, The Convention on the Rights of the Child (UNCRC), 1989.

United Nations, The Convention on the Rights of Persons with Disabilities, 2006.

United Nations, Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. Maastricht, the Netherlands (1997).

Universal Declaration of Human Rights (UDHR), (adopted 10 December 1948 UNGA Res 217 A (III)).

United Nations, Office of the High Commissioner for Human Rights (1969), Vienna Convention on the Laws of Treaties, Vienna (UN Treaty Series, Vol.1155). Geneva: United Nations.

United Nations, Office of the High Commissioner for Human Rights (1993), Vienna Declaration and Program of Action. World Conference on Human Rights, Vienna (UN Document A/Conf.157/23). Geneva: United Nations.

General Comments, Concluding Observations and Guidelines

Food and Agriculture Organization of the United Nations (2005) 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.' Rome: The Food and Agriculture Organization.

United Nations, Office of the High Commissioner for Human Rights (UNHCR) (1990), The Committee on Economic, Social and Cultural Rights (CESCR), General Comment 3: The Nature of States Parties Obligations. Geneva: United Nations.

United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant), 12 May 1999.

United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), (1999) 'The Right to Adequate Food', General Comment No.12 (UN doc. E/C.12/1999/5) Geneva.

Ziegler, Jean (2002) The Right to Food: Justiciability of the Right to Food, Report by the Special Rapporteur on the Right to Food, Jean Ziegler, Submitted in Accordance with Commission on Human Rights Resolution 2001/25 GE.02-10079 (E)

__ __, (2005) "Report of the Special Rapporteur on the Right to Food, Jean Ziegler – Addendum – Mission to Ethiopia," presented on the Sixty-first session of the Commission of Human Rights, UN Economic and Social Council, Item 10 of the provisional agenda, 8 February 2005, E/CN.4/2005/47/Add.1.

Internet Sources

Abestano, Johannah, Obligations and Contract, 2014. Available at https://prezi.com/_mzaod95yx7b/article-1156-obligations-defined/ [accessed on March 2016].

Addis Standard, The Tragedy of Ethiopian Migrants: This is No 'Get Rich or Die Trying' May 26, 2015 / Issue, 702, available at: http://www.addisstandard.com/the-tragedy-of-ethiopian-migrants-this-is-no-get-rich-or-die-trying [Accessed on March 1 2017].

African Health Observatory, Ethiopia Country Profile: Analytical summary. Available at http://www.aho.afro.who.int/profiles_information/index.php/Ethiopia:Analytical_summary [accessed on 20 May, 2017]

Alemayehu Geda and Addis Yimer, Growth, Poverty and Inequality in Ethiopia, 2000-2013: A Macroeconomic Appraisal. A Chapter in Book to be Published by Forum for Social Studies, FSS, May, 2014. Available at: http://www.girma.alemayehu.com/[accessed on December 26, 2016].

Asnake Kefale, Narratives of Developmentalism and Development in Ethiopia: Some Preliminary Explorations, Available at: http://www.nai.uu.se/ecas-4/panels/41-60/...Asnake-Kefale-Fullpaper.pdf. [Accessed on 12 December, 2016]

Awol Kasim, The 'Ethiopia Rising' Narrative and the Oromo Protests, Available at http://www.aljazeera.com/indepth/opinion/2016/06/[accessed on 20 May, 2017]

British Broadcasting Corporation (BBC) World News, available at: https://www.sn-xuj-5qql.googlevideo.com/videoplayback?fexp [Accessed on 24 November 2015]

__ __, (2013) Documentary, Ethiopia, land of extremes, available at: http://www.vnd.youtube:p87ug3fku9 [Accessed on 6 December 2014].

__ __, (1984) News 10/23/84 Michael Buerk, available at: http://www.m.youtube.com/Watch?v=xyoj-60YuJc [Accessed on 6 December 2014]

__ __, (2016)News 15 Million People in Ethiopia will Need Food Aid by 2016. Available at: http://www.bbc.co.uk[accessed January 23, 2016]

__ __, (2003) Radio 3 - Andy Kershaw, Ethiopia - Comic Relief, available at: http://www.bbc.co.uk/programmes/p005y064 [Accessed on 6 December, 2014]

__ __, (2008) 'Food Crisis Looms in East Africa', British Broadcasting Corporation, 22 July, Available at http://www.bbc.co.uk/2/hi/africa/7520286.stm (accessed on 26 June 2013).

Dawit Ayele, How Real is the Ethiopia Rising Narrative, available at http://www.huffingtonpost.com/ [accessed on 20 May 2017]

Ethiopian Embassy in London, The Monthly Publication on Ethiopian News, October 2015 Issue p.7 available at: http://www.ethioembassy.org.uk/pdf[Accessed on 27 April 2016].

__ __, Nutrition Country Profile Federal Democratic Republic of Ethiopia Summary, 2010. Available at: http://www.fao.org/ag/AGN/nutrition/ETH_en.stm[Accessed on 6 December 2015].

Food Sovereignty: Reclaiming Global Food System, Available at: www.waronwant.org/overseas-work/17394-food-sovereignty-report. [Accessed on 12 December, 2016]

Harvard University Cyber Law and Population Policies Study, available at; http://www.cyber.law.harvard.edu/population/policies/ETHIOPIA.htm[Accessed on 09 February, 2016]

International Monetary Fund (IMF), The Federal Democratic Republic Of Ethiopia 2013 Article IV Consultation, Country Report No. 13/308 2013:4. Available at: http://www.imf.org/external/pubs/ft/scr/2013/cr13308.pdf[accessed 27 August 2014]

La Via Campesina: International Peasant Movement, Available at: http://www.viacampesina.org. [Accessed on 12 December, 2016]

Madina, Jose` and Maria Teresa De Febrer, A Guide to Advocacy to the Right to Food, 2011, available at: http://www.derechoalimentaction.org [Accessed on 16 October 2014]

Ministry of Agriculture and Rural Development (2009) Planned System for Administration of Investment Land [Amharic]. Addis Ababa, June 2009, available at: http://www.moard.gov.et [accessed on 27 August 2014].

Moragues, Ana et al (2013) Urban Food Strategies: The Rough Guide to Sustainable Food Systems. Document Developed in the 7th Framework Program Project FOODLINKS (GA No. 265287). Available at: http://Www.Foodlinkscommunity.Netpdf [accessed on 27 August 2014]

New Alliance for Food Security and Nutrition in Ethiopia, Available at: http://www.state.gov/documents/organization/190625.pdf. [Accessed on 12 December, 2016]

Office of the High Commissioner for Human Rights (OHCHR), The Right to Adequate Food Fact Sheet No. 34, 2010, available at: http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf [accessed on 27 August, 2014]

Oxford University Global Multidimensional Poverty Index, 2014, available at: http://www.ophi.org.uk[Accessed on 12 December 2016]

Ramose, Mogobe, *An African Perspective on Justice and Race*. Polylog: Forum for Intercultural Philosophy 3 (2001). Online: http://them.polylog.org/3/frm-en.htm [accessed on 28 November 2014]

Roosevelt, Franklin Delano. 1941. The Four Freedoms, available at: http://www.libertynet.org/ffiedcivic/fdr.html[Accessed on 16 October 2014]

Seddon, David, & Jagannath Adhikari. (2003). Conflict and Food Security in Nepal: A Preliminary Analysis. Kathmandu, Nepal: Rural Reconstruction Nepal, available at: http://europa.eu.int/comm/external_relations/cpcm/mission/nepal_food03.pdf [accessed on 28 November 2014]

The Deliberate Agrarian, Roots of the Current World Food Crisis, available at: http://thedeliberateagrarian.blogspot.com/2008/05/roots-of-current-world-foodcrisis.html. [Accessed on 28 November 2014].

The International Centre for Transitional Justice, Effective Remedies to Human Rights Violations. Available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Rights-Remedies-2009-English.pdf [accessed on 07 November 2017]

The Ethiopian Sugar Corporation Official Website available at http://www.ethiopiansugar.com/index.php/en/ [Accessed on March 1 2017].

The Guardian, Ethiopia Hailed as 'African lion' with fastest Creation of Millionaires. Available at https://www.theguardian.com/world/2013/dec/04/ [Accessed on March 1 2017].

The International Centre for Transitional Justice, Effective Remedies to Human Rights Violations. Available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Rights-Remedies-2009-English.pdf[accessed on 15 October 2017]

United Nations Development Program (UNDP), Human Development Index, 2015, Available at: http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf [Accessed on 8 December 2016]

United States Agency for International Development (USAID), Final Disaster Report: Ethiopia Drought/ Famine Fiscal Years 1985 and 1986 (Addis Ababa: USAID Office, 1987) at iii–iv, available online at: http//www_pdf.usaid.gov/pdf [Accessed on 27 November, 2014]

World Food Program- United Nations (WFP-UN), Ethiopia Economic Update – Laying the Foundation for Achieving Middle Income Status, Press Release June 18, 2013, available at: http://www.worldbank.org/en/news/press-release/2013/06/18/ethiopia-economic-update-laying-the-foundation-for-achieving-middle-income-status [accessed on 28 November 2014]

World Food Program- United Nations (WFP-UN), Ethiopia Overview, 2010, available at: https://www.wfp.org/countries/ethiopia/overview [accessed on 28 November 2014]

2Merkato.com, Ethiopia Aspires to Raise Mobile Subscribers to 64 Million in Five Years. Available at http://www.2merkato.com/news/alerts/4214-ethiopia-aspires-to-raise-mobile-subscribers-in-five-years [accessed on 20 May 2017]

Reports

Africa Watch Report, Evil Days 30 Years of War and Famine in Ethiopia. September 1991 (Unpublished)

Amhara Livelihood Zone Reports (2007) Amhara Livelihood Zone Reports: Simada Woreda, South Gondar Administrative Zone.

Atsbaha Gebre-Selassie and Tessema Bekele, a Review of Ethiopian Agriculture: Roles, Policy and Small-scale Farming Systems. Koperazzjoni Internazzjonali (KOPIN) and Emmanuel Development Association (EDA).

Berhanu Belay et al, Ethiopia's Productive Safety Net Program (PSNP): Soil Carbon and Fertility Impact Assessment. A World Bank Climate Smart Initiative (CSI) Report, Cornell University, pp.16-17,

Desalegn Rahmato and A. Kidanu (1999): Consultations with the Poor: A Study to Inform the World Development Report (2000/01) on Poverty and Development. Addis Ababa

Federal Democratic Republic of Ethiopia Population Census Commission (FDREPCC), 'The 2001/2002 Ethiopian Agricultural Sample Enumerations, Executive Summary.'(Central Statistical Authority 2010) Addis Ababa, Ethiopia.

__ __, 'The 2009 Urban Employment and Unemployment Survey.' (Central Statistical Authority 2010) Addis Ababa, Ethiopia.

__ __, 'Statistical Report of the 2007 Population and Housing Census' (Central Statistical Authority 2007) Addis Ababa, Ethiopia.

__ __, 'The 2010/11 Household Income, Consumption and Expenditure Survey (HICES).' (Central Statistical Authority 2011) Addis Ababa, Ethiopia.

Ethiopian Horticulture Development Agency (EHDA), Ethiopian Horticulture Sector Statistical Bulletin Issue 01

Food and Agriculture Organization of the United Nations (FAO-UN) (2019), *The State of Food Security and Nutrition in the World 2019*. *Safeguarding against economic slowdowns and downturns*. The FAO: Rome.

__ __, (2012) *The State of Food Insecurity in the World.* Food and Agriculture Organization: Rome.

__ __, (2009a) *How to Feed the World in 2050*. The FAO: Rome.

__ __, (2009b) *The Right to Food: Guide on Legislating for the Right to Food*. The FAO: Rome.

__ __, (2008a) *The State of Food Insecurity in the World: High Food Prices and Food Security – Threats and Opportunities.* The FAO: Rome.

__ __, (2008b) *The Right to Food: Methods to Monitor the Human Right to Adequate Food. Volume II, An Overview of Approaches and Tools*. The FAO: Rome.

__ __, (2006a) *The Right to Food in Practice: Implementation at the National Level*. The FAO: Rome.

__ __, (FAO-UN) (2006b) *Food Security and Agricultural Development in Sub-Saharan Africa: Building a Case for More Public Support*. The FAO: Rome.

__ __, (2005) *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*. The FAO: Rome.

__ __, (2004) *Right to Food Case Study: Brazil*. The FAO: Rome.

__ __, (1996) *The Rome Declaration on World Food Security and World Food Summit Plan of Action.* The FAO: Rome.

Food for the Hungry International-Ethiopia, Food for the Hungry Simada Project Annual Report (2016) (unpublished).

Gebeyehu Abelti, Marco Brazzoduro and Behailu Gebremedhin (2001) Housing Conditions and Demand for Housing in Urban Ethiopia: An In-Depth Study from the 1994 Population and Housing Census in Ethiopia Italian Multi-Bi Research Project ETH/92/P01. Addis Ababa.

Getnet Alemu, "Rural Land Policy, Rural Transformation and Recent Trends in Large-Scale Rural Land Acquisitions in Ethiopia." *Mobilizing European Research for Development Policies.*

International Monetary Fund (IMF) (1999) Ethiopia: Recent Economic Development. IMF Staff Country Report No. 99/98. Washington, D.C.

Japan International Cooperation Agency (2011) The Development Study on the Improvement of Livelihood through Integrated Watershed Management in Amhara Region (Final Report).

Ministry of Agriculture and Rural Development (MoARD) (2009) Planned System for Administration of Investment Land [Amharic]. Addis Ababa, June 2009.

Ministry of Mines and Energy (2007) The Biofuel Development and Utilization Strategy of Ethiopia. September 2007 Addis Ababa, Ethiopia.

Moragues, A.; Morgan, K.; Moschitz, H.; Neimane, I.; Nilsson, H.; Pinto, M.; Rohracher, H.; Ruiz, R.; Thuswald, M.; Tisenkopfs, T. and Halliday, J. (2013) *Urban Food Strategies: The Rough Guide to Sustainable Food Systems.* Document Developed in the Framework of the FP7 Project FOODLINKS (GA No. 265287)

Population Reference Bureau (PRB) (2009) Population and Economic Development Linkages Data Sheet. Population Reference Bureau. Addis Ababa.

Rakeb Messele, Enforcement of Human Rights in Ethiopia. Research Subcontracted by Action Professionals' Association for the People (APAP)

South African Cities Network (2015) A Study on Current and Future Realities for Urban Food Security in South Africa. (Report). Braamfontein.

Taddesse G/Giorgis (2010) Assessment of the Urban Poverty in Addis Ababa City, Prepared for Addis Ababa Master Plan Revision Project Office. Document on file at the Office for

the Revision of Addis Ababa Master Plan, Information and Documentation Center, ORAAMP/ECON/449/2000

Tassew Woldehanna and Yisak Tafere (2015) Life in a Time of Food Price Volatility: Ethiopia report year 2. Oxford: Oxfam Great Britain.

Temesgen Tilahun, 2010. Food Security Situation in Ethiopia: The Case of Amhara Regional State. The Oakland Institute (2011) Understanding Land investment deals in Africa Country report: Ethiopia.

The Oakland Institute (2016) "Miracle or Mirage? Manufacturing Hunger and Poverty in Ethiopia." Oakland: The Oakland Institute.

United Nations Development Program (UNDP) (2013) Human Development Report 2013 The Rise of the South: Human Progress in a Diverse World Empowered lives. Published for the United Nations Development Program (UNDP)

United Nations HABITAT (UNH) (2010) Participatory Slum Upgrading Program in the African, Caribbean and Pacific Countries. United Nations Human Settlements Program (UN-HABITAT).

United States Agency for International Development (USAID), Final Disaster Report: Ethiopia Drought/ Famine Fiscal Years 1985/1986 (Addis Ababa: USAID Office, 1987)

World Bank (WB) (2001) World Development Report 2000/2001: Attacking Poverty. Oxford University Press, Oxford.

World Food Program-Ethiopia (WFP-E) (2009) Food Security and Vulnerability in Addis Ababa, Ethiopia. Vulnerability Assessment and Mapping (VAM) (report)

*Ethiopian authors are listed alphabetically by first name

* * *

Appendix

Appendix 1

List of Interviewees

Interviewee	Affiliation	Location	Date
Ato Abay Gessesse	Food security and RPSNP Coordinator	Wogeda, Simada Woreda	April 24, 2017
Ato Admassu Zemene	Food for the Hungry International - Ethiopia Agriculture, and livelihood Officer	Wogeda, Simada Woreda	May 02, 2017
XXX	Food for the Hungry International - Ethiopia	Wogeda, Simada Woreda	May 03, 2017
XXX	Agriculture and Rural Development Office	Wogeda, Simada Woreda	April 25, 2017
Ato Fasil Ashagrie	First Instance Court Judge	Wogeda, Simada Woreda	June 20, 2017
W/ro Addisalem Mesfin	High Court Judge	Debre Tabor, South Gondar	June 22, 2017
Yaregal Legas	Community Member	Simada Woreda	April 25, 2017
Getaye Zewdie	Community Member	Simada Woreda	April 17,2017
Yimam Belay	Community Member	Simada Woreda	April 26, 2017
XXX	Community Member	Addis Ababa	August 20, 2017
XXX	Community Member	Addis Ababa	August 27, 2017
XXX	Community Member	Addis Ababa	August 22, 2017
Ato Ye-Egizier-Deg Engidasew	Gulele Sub-city Labour and Social Affairs Office, Social Protection and UPSNP, Direct Support Package Coordinator	Addis Ababa	July 19, 2017
Ato Shewakena Dereje	Gulele Sub-city UPSNP, FPW and LIP Coordinator	Addis Ababa	July 14, 2017
W/ro Yemisirach Kinfe	Federal First Instance Court Judge at Arada Sub-district Court	Addis Ababa	December 19, 2017
XXX	Simada Woreda Education Bureau Head	Simada Woreda	May, 28, 2017
Ato Zebene Teshager	Addis Ababa City Social Protection and UPSNP Office	Addis Ababa	September 28, 2018
Dr, Hilal Elver	United Nations Special Rapporteur for the Human Right to Food.	Lund, Sweden	October 03, 2018

XXX- Refers interviewees who requested their names/identity not to be disclosed.

Appendix: 2

List of FGD Participants

FGD participant	Affiliation	Location	Date
FGD participant W1	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W2	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W3	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W4	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W5	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W6	Community member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W7	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant W8	Community Member	Simada *Woreda*, Afaf Mariam (*Kebele* 08)	April 24, 2017
FGD participant X1	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X2	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X3	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X4	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X5	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X6	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X7	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant X8	Community Member	Simada *Woreda*, Yequasa (*Kebele* 35)	April 26, 2017
FGD participant Y1	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y2	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y3	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y4	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y5	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y6	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y7	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Y8	Community Member	Simada *Woreda*, Dimma (*Kebele* 15)	May 04, 2017
FGD participant Z1	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z2	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z3	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z4	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z5	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z6	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z7	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant Z8	Community Member	Simada *Woreda*, Kindo Meda (*Kebele* 11)	May 10, 2017
FGD participant B1	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B2	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B3	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B4	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B5	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B6	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B7	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant B8	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 3*	January 22, 2017
FGD participant D1	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016
FGD participant D2	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016

FGD participant D3	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016
FGD participant D4	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016
FGD participant D5	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016
FGD participant D6	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016
FGD participant D7	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 6*	December 11, 2016
FGD participant C1	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C2	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C3	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C4	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C5	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C6	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C7	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant C8	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 2*	January 15, 2017
FGD participant E1	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E2	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E3	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E4	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E5	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E6	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E7	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017
FGD participant E8	Community Member	Addis Ababa, Gulele Sub-city, *Woreda 5*	January 08, 2017

* * *

Appendix: 3

Information Sheet for Interview Participants – English

Name of the Principal Investigator: Yeshewas Ebabu Worku

Name of the Supervisors: Mogobe Bernard Ramose (Professor) and
Solomon Mebrie Gofie (Associate Professor)

1. Introduction

Dear Sir/Madam, I am Yeshewas Ebabu Worku, a PhD candidate in Human Rights at Addis Ababa University. As part of my PhD study, I am conducting a research on the **Human Right to Food and the Post-991 Ethiopian State's Obligation** in the stay sites mentioned above. Hence, you are kindly invited to take part in this research project. However, before you do so, it is imperative that you understand why the research is being conducted and how it is going to be conducted. So please take time to read and understand the information provided below (if you cannot read, the investigator will read it for you). Feel free to ask questions if you have and/or if you need further clarification.

Thank you for taking your time and your help is much appreciated!

2. Purpose of the Study

The major objective and purpose of this study is to scrutinize the state of the human right to food in different existential and socioeconomic contexts, in rural and urban Ethiopia and to analyze the Ethiopian state's compliance to realize its obligation, i.e. to recognize, respect, protect and fulfil the human right to food in these varying contexts.

3. Reason for Your Inclusion in the Study

As stated above the overall aim of the study is to investigate the state of human right to food in Ethiopia and the Ethiopian state's obligation to the same. Thus, you are chosen purposely to be part of the study because, it is believed that, your professional experience and as a result, your thoughtful insights are paramount importance for this research.

4. Participation and Procedure

Participation in this study is voluntary. If you are willing to participate in this study, I am going to conduct an interview with you. In the interview, you will first be asked few questions about

your background. Then you will be asked about your knowledge, belief, and experiences about the human right to food and state obligation to the same. The interview may take from 30 to 90 minutes. Based upon your permission, all the interviews will be tape-recorded. At the same time, the researcher may take notes.

5. Confidentiality

Dear participants the information obtained from you will be treated with confidentiality, that is, the information you give will only be used for the stated purposes and no person other than the investigator and the supervisors of the study will have access to it. All information showing your identity will be removed so as to preserve your anonymity. For this purpose, codes will be used so that your identity will be invisible for a causal reader of the research report. However, if it is your wish to disclose your identity, your name may appear in the thesis.

6. Potential Risks

There is no anticipated harm that would happen to you because of your participation in the study. If you feel uncomfortable or upset at any stage of the interview, you are free to withdraw from the interview.

7. Potential Benefits

By participating in this study, there may not be direct benefit for you. However, you may find it beneficial to contribute your thoughts, feelings, and experiences. The study will be beneficial to the society. Therefore, you may feel beneficial for you are contributing to this end.

8. Freedom of Withdrawal

Participation in this study is voluntary and you are free to withdraw from the study any time, even after you sign the consent form, without having to give a reason. In addition, bear in your mind that your withdrawal from the study will not have negative consequences.

9. Dissemination of the Research Findings

In this study, aggregate results will be reported and you will not be responsible for whatever result the study comes up with. The results of this study will form the basis for preparation of reports, academic publications, conference papers and other scientific publications. At the same time, efforts will be exerted to provide feedbacks to relevant policy makers.

10. Person to Contact

If you have any queries, concern, and complain regarding this study, please contact the researcher through the following address:

Yeshewas Ebabu Worku, Tel – 0913713813 E-mail: yeshewasebabu@gmail.com

* * *

Appendix: 4

Information Sheet for Interview Participants – Amharic

ለቃለ-መጠይቅ ተሳታፊዎች የተዘጋጀ መረጃ መስጫ ቅፅ

የአጥኝው ሰም፡- የሸዋስ እባቡ ወርቁ

የአጥኝው አማካሪዎች ሰም፡- ፕሮፌሰር ሙጌቤ ራሞስ እና
ዶ/ር ሰሎሞን መብሬ

1. መግቢያ

የተከበሩ ተሳታፊ ሆይ!

እኔ አቶ የሸዋስ እባቡ በአሁኑ ሰዓት በአዲስ አበባ ዩኒቨርሲቲ የስብአዊ መብቶች ጥናት የዶክትሬት ዲግሪ ተማሪ ነኝ፡፡ ለዚህ ትምህርቴ ማሟያ ይሆን ዘንድ "ሰብዓዊ የምግብ መብትና ድህረ 1983 ዓ. ም ኢትዮጵያ" በሚል ርዕስ ጥናት እያካሄድኩ ነው፡፡ ስለሆነም በዚህ የጥናት ስራ ውስጥ ተሳታፊ እንዲሆኑ በአክብሮት ተጋብዘዋል፡፡ ሆኖም ግን በጥናቱ ከመሳተፈዎ በፊት ጥናቱ ለምንና እንዴት እንደሚጠና ማወቅዎ ጠቃሚ ነው፡፡ ስለሆነም ጊዜ ወስደው ከታች የተሰጠውን መረጃ ያንብቡና ለመረዳት ይሞክሩ፡፡ ጥያቄዎች ካሉዎት ወይም/እና ተጨማሪ ማብራሪያ ከፈለጉ በነፃነት ይጠይቁ፡፡

ጊዜዎን ስለጋሩኝና ለሚያደርጉልኝን ትብብር በእጅጉ አመሰግናለሁ፡፡

2. የጥናቱ ዓላማ

የዚህ ጥናት ዋነኛ ዓላማ በከተማና በገጠር የሚገኙ ማለትም በጉለሌ ክፍለ ከተማና በስማዳ ወረዳ የሚኖሩ ኢትዮጵያዊያን የምግብ መብትና የድህረ 1983 ዓ. ም የኢትዮጵያ መንግስት ግዴታዎችንና ተያያዝ ሁኔታዎችን ለማጥናትና ለመተንተን ነዉ።

3. እርስዎ ለምን በዚህ ጥናት ተሳታፊ ሆኑ?

የጥናቱ አጠቃላይ ግብ ምግብ የማግኘት መብትና የድህረ 1983 ዓ. ም የኢትዮጵያ መንግስት ግዴታዎችን ለማጥናትና ለመተንተን ነው፡፡ እርስዎ በዚህ ጥናት ተሳታፊ እንዲሆኑ የተጋበዙት ለጥናቱ ጭብጥ ባለዎት የሙያ ቅርበትና የስልጣን ሃላፊነት ነዉ።

በጥናቱ ተሳታፊነት እና የጥናቱ አካሄድ

በዚህ ጥናት መሳተፍ በፍቃደኝነት ላይ የተመሰረተ ነው፡፡ በጥናቱ ለመሳተፍ ፍቃደኛ ከሆኑ ከእርስዎ ጋር ቃለ-መጠይቅ እናደርጋለን፡፡ ይህ ቃለ-መጠይቅ ከሰላሳ ደቂቃ እስከ አንድ ሰአት ጊዜ ሊዎስድ ይችላል፡፡ በእርስዎ ፍቃድም ሁሉም ቃለ-መጠይቅ በቴፕ ይቀረፃል፡፡ በተያያዘም አጥኝው ማስታወሻ ይወስዳል፡፡

4. ሚስጥራዊነት

የተከበሩ ተሳታፊ ሆይ! የሚሰጡት መረጃ ሙሉ ለሙሉ ሚስጥራዊ በሆነ መንገድ የሚያዝይ ሆናል፡፡ በሌላ አነጋገር የሚሰጡት መረጃ ከላይ ለተጠቀሰው ዓላማ ብቻ የሚውል ሲሆን ከአጥኝው እና ከአጥኝው አማካሪዎች ውጭ መረጃውን ማንም አያገኘውም፡፡ ሚስጥራዊነቱን ለመጠበቅ ሲባል የእርስዎን ማንነት የሚያንፀባርቁ መረጃዎች በሙሉ ይወገዳሉ፡፡ በተመሳሳይ የጥናቱን የመጨረሻ ሪፖርት የሚያነብ ማንም ሰው የእርስዎን ማንነት እንዳያውቅ/እንዳይለይ ሲባል ሚስጥራዊ ምልክቶችን የምጠቀም ይሆናል፡፡

5. ሊያጋጥሙ የሚችሉ ጉዳቶች

በዚህ ጥናት ተሳታፊ ስለሆኑ ምንም አይነት ጉዳት አይደርስብዎትም፡፡ በማንኛውም የቃለ-መጠይቁ ደረጃ ላይ የጥናቱ ተሳታፊነትዎን ማቆም ይችላሉ፡፡

6. ሊያገኟቸው የሚችሉ ጥቅሞች

በዚህ ጥናት በመሳተፍዎ በቀጥታ ሊያገኟቸው የሚችሉ ጥቅሞች ላይኖሩ ይችላሉ፡፡ ነገር ግን ያለዎን ሃሳብ፣ ስሜትና ገጠመኝ ለሌሎች ማካፈልዎ ትልቅ ጥቅም ይኖለዋል፡፡ ይህ ጥናት ለህብረተሰባችንና ለፖሊሲ አመንጭዎችና አርቃቂዎች እንደመነሻና አቅጣጫ አመላካች በመሆን ሊያገለግል ይችላል::

7. ከጥናቱ የመውጣት ነፃነት

በዚህ ጥናት መሳተፍ በፍቃደኝነት ላይ የተመሰረተ ነው፡፡ እናም እርስዎ በማንኛውም ጊዜ ምንም ምክንያት ሳይሰጡ ከጥናቱ ተሳታፊነትዎ የመውጣት ሙሉ ነፃነት አለዎት (የስምምነት ቅፁን ከሞሉ በኃላ ቢሆንም እንኳ)፡፡ ያስታውሱ ከጥናቱ ተሳታፊነትዎ ስለወጡ ምንም አይነት አሉታዊ ነገር አያጋጥምዎም፡፡

8. የጥናቱን ውጤት ስለ ማሰራጨት

በዚህ ጥናት ጥምር ውጤት ሪፖርት የሚደረግ ሲሆን ጥናቱ ምንም አይነት ውጤት ያምጣ እርስዎ ተጠያቂ አይሆኑም፡፡ የጥናቱ ውጤቶች ሪፖርቶችን፣ለህትመት የሚቀርቡ ትምህርታዊ ፅሁፎችን፣ ለኮንፈረንስ የሚቀርቡ ወረቀቶችን እና ሌሎች ሳይንሳዊ ህትመቶችን ለማዘጋጀት መነሻይ ሆናሉ፡፡ በተመሳሳይ ከጥናቱ ውጤት በመነሳት ለፖሊሲ አውጭዎች ጠቃሚ የሆነ ግብረ-መልስ ለመስጠትም ከፍተኛ ጥረት ይደረጋል፡፡

9. የአጥኝው አድራሻ

ጥናቱን በተመለከተ ጥያቄ፣ አሳሳቢ ነገር እና አቤቱታ ካለዎት አጥኝውን በሚከተሉት አድራሻዎች ሊያገኙት ይችላሉ፡፡

የሸዋስ እባቡ ወርቁ

ስልክ - 0913713813 ኢሜል - yeshewasebabu@gmail.com

አመሰግናለሁ!!

* * *

Appendix: 5

Information Sheet for Focus Group Discussion Participants-English

Name of the principal investigator: Yeshewas Ebabu Worku

Name of the advisors: Mogobe Bernard Ramose (Professor) and

Solomon Mebrie Gofie (Associate Professor, PhD)

1. Introduction

Dear Sir/Madam, I am Yeshewas Ebabu Worku, a PhD candidate in Human Rights at Addis Ababa University. As part of my PhD, I am conducting a research on the **Right to Food and the Post 1991 Ethiopian State's Obligation**. Hence, you are kindly invited to take part in this research project. But before you do so, it is imperative that you understand why the research is being conducted and how it is going to be conducted. So please take time to read and understand the information provided below (if you cannot read, the investigator will read it for you). Feel free to ask questions if you have and/or if you need further clarification.

Thank you for taking your time and your help is much appreciated!

1. Purpose of the Study

The major objective of this study is to scrutinize the status of the human right to food in different existential contexts, in rural and urban Ethiopia and analyze the Ethiopian state's willingness and capacity to realize its obligation to respect, protect and fulfil the human right to food.

2. Reason for Your Inclusion in the Study

The overall aim of the study is to investigate the state of human right to food in Ethiopia and the Ethiopian state's obligation to the same. Thus, you are chosen randomly to be part of the study because you are part of the community in which the research is conducted and the information that you provide has a paramount importance for the research.

3. Participation and Procedure

Participation in this study is voluntary. If you are willing to participate in this study, the researcher will ask some brain storming questions for the focus group discussion participants. I am going to conduct an interview with you. Then, participants will be asked about your knowledge, belief, and experiences about the human right to food and state obligation to the same. The discussion may take from 30 minutes up to one and half hour. Based upon your permission, all the discussion will be tape-recorded. At the same time, the researcher may take notes.

4. Confidentiality

Dear participants the information obtained will be treated with confidentiality, that is, the information you give will only be used for the stated purposes and no person other than the investigator and his supervisors will have access to it. All information showing your identity will be removed so as to preserve confidentiality. Similarly, codes will be used so that your identity will be invisible for a causal reader of the research report. However, if you give permission the researcher may disclose your identity /your name /in the thesis.

5. Potential Risks

There is no harm because of your participation in the study. If it is your wish, your identity will be kept confidential. If you feel uncomfortable or upset at any stage of the interview, you can withdraw.

6. Potential Benefits

By participating in this study, there may not be direct benefit for you. But you may find it beneficial to contribute your thoughts, feelings, and experiences. The study will be beneficial to the society. Therefore, you may feel beneficial for you are contributing to this end.

7. Freedom for Withdrawal

Participation in this study is voluntary and you are free to withdraw from the study any time, even after you sign the consent form, without having to give a reason. In this regard, you need to bear in mind that your withdrawal from the study will not have negative consequences.

8. Dissemination of the Research Findings

In this study, aggregate results will be reported and you will not be responsible for whatever result the study comes up with. The results of this study will form the basis for preparation of reports, academic publications, conference papers and other scientific publications. At the same time, efforts will be exerted to provide feedbacks to relevant policy makers.

9. Person to Contact

If you have any queries, concern, and complain regarding this study, please contact the researcher through the following address:

Yeshewas Ebabu Worku, Tel – 0913713813 E-mail: yeshewasebabu@gmail.com

* * *

Appendix: 6

Information Sheet for Focus Group Discussion Participants – Amharic

ለትኩረት ቡድን ዉይይት ተሳታፊዎች የተዘጋጀ መረጃ መስጫ ቅፅ

የአጥኝው ሰም፡– የሸዋስ እባቡ ወርቁ

የአጥኝው አማካሪዎች ሰም፡– ፕሮፌሰር ሙጌቤ ራሞስ እና

ዶ/ር ሰሎሞን መብሬ

1. መግቢያ

የተከበሩ ተሳታፊ ሆይ!

እኔ አቶ የሸዋስ እባቡ በአሁኑ ሰዓት በአዲስ አበባ ዩኒቨርሲቲ የስብአዊ መብቶች ጥናት የዶክትሬት ዲግሪ ተማሪ ነኝ፡፡ ለዚህ ትምህርቴ ማሟያ ይሆን ዘንድ "ሰብዓዊ የምግብ መብትና ድህረ 1991 ኢትዮጵያ" በሚል ርዕስ ጥናት እያካሄድኩ ነው፡፡ ስለሆነም በዚህ የጥናት ስራ ውስጥ ተሳታፊ እንዲሆኑ በአክብሮት ተጋብዘዋል፡፡ ሆኖም ግን በጥናቱ ከመሳተፍዎ በፊት ጥናቱ ለምንና እንዴት እንደሚጠና ማወቅዎ ጠቃሚ ነው፡፡ ስለሆነም ጊዜ ወስደው ከታች የተሰጠውን መረጃ ያንብቡና ለመረዳት ይሞክሩ (ማንበብ የማይችሉ ከሆነ የጥናቱ አጥኝ ያነብለዎታል)፡፡ ጥያቄዎች ካሉዎት ወይም/እና ተጨማሪ ማብራሪያ ከፈለጉ በነፃነት ይጠይቁ፡፡ ጊዜዎን ስለጋሩኝና ለሚያደርጉልኝን ትብብር በእጅጉ አመሰግናለሁ!

2. የጥናቱ ዓላማ

የዚህ ጥናት ዋነኛ ዓላማ በከተማና በገጠር የሚገኙ ማለትም በጉለሌ ክፍለ ከተማና በስማዳ ወረዳ የሚኖሩ ኢትዮጵያዊያን የምግብ መብትና የድህረ 1983 ዓ. ም የኢትዮጵያ መንግስት ግዴታዎችንና ተያያዝ ሁኔታዎችን ለማጥናትና ለመተንትን ነዉ::

3. *እርስዎ ለምን በዚህ ጥናት ተሳታፊ ሆኑ*

አጠቃላይ ግብ የምግብ መብትና የድህረ 1983 ዓ.ም የኢትዮጵያ መንግስት ሀላፊነት ለማጥናትና ለመተንተን ነው፡፡ እርስዎ በዚህጥናት ተሳታፊ እንዲሆኑ የተጋበዙት ጥናቱ በሚደረግበት ማህበለሰብ ዉስጥ ስለሚኖሩ እና ተጨባጭ ግንዛቤ አለዎት ተብሎ ስለታሰበ ነው::

4. *በጥናቱ ተሳታፊነት እና የጥናቱ አካሄድ*

በዚህ ጥናት መሳተፍ በፍቃደኝነት ላይ የተመሰረተ ነው፡፡ በጥናቱ ለመሳተፍ ፍቃደኛ ከሆኑ ከእርስዎ ጋር ቃለ–መጠይቅ እናደርጋለን፡፡ ይህ ቃለ–መጠይቅ ከአርባ አምስት ደቂቃ እስከ አንድ ሰአት ተኩል ጊዜ ሊወስድ ይችላል፡፡ በእርስዎ ፍቃድም ሁሉም ቃለ–መጠይቅ በቴፕ ይቀረፃል፡፡ በተያያዘም አጥኝው ማስታወሻ ይይዘል፡

5. ሚስጥራዊነት

የተከበሩ ተሳታፊ ሆይ! የሚሰጡት መረጃ ሙሉ ለሙሉ ሚስጥራዊ በሆነ መንገድ የሚያዝይ ሆናል፡፡ በሌላ አነጋገር የሚሰጡት መረጃ ከላይ ለተጠቀሰው ዓላማ ብቻ የሚውል ሲሆን ከአጥኝው እና ከአጥኝው አማካሪዎች ውጭ መረጃውን ማንም አያገኘውም፡፡ ሚስጥራዊነቱን ለመጠበቅ ሲባል የእርስዎን ማንነት የሚያንፀባርቁ መረጃዎች በሙሉ ይወገዳሉ፡፡ በተመሳሳይ የጥናቱን የመጨረሻ ሪፖርት የሚያነብ ማንም ሰው የእርስዎን ማንነት እንዳያውቅ/እንዳይለይ ሲባል ሚስጥራዊ ምልክቶችን የምጠቀም ይሆናል፡

6. ሊያጋጥሙ የሚችሉ ጉዳቶች

በዚህ ጥናት ተሳታፊ ስለሆኑ ምንም አይነት ጉዳት አይደርስብዎትም፡፡ በማንኛውም የቃለ-መጠይቁ ደረጃ ላይ የጥናቱ ተሳታፊነትዎን ማቆም ይችላሉ፡፡

7. ሊያገኟቸው የሚችሉ ጥቅሞች

በዚህ ጥናት በመሳተፍዎ በቀጥታ ሊያገኟቸው የሚችሉ ጥቅሞች ላይኖሩ ይችላሉ፡፡ ነገር ግን ያለዎን ሃሳብ፣ ስሜትና ገጠመኝ ለሌሎች ማካፈልዎ ትልቅ ጥቅም ይኖረዋል፡፡ ይህ ጥናት ለህብረተሰባችንና ለፖሊሲ አመንጭዎችና አርቃቂዎች እንደመነሻና አቅጣጫ አመላካች በመሆን ሊያገለግል ይችላል::

8. የመውጣት ነፃነት

በዚህ ጥናት መሳተፍ በፍቃደኝነት ላይ የተመሰረተ ነው፡፡ እናም እርስዎ በማንኛውም ጊዜ ምንም ምክንያት ሳይሰጡ ከጥናቱ ተሳታፊነትዎ የመውጣት ሙሉ ነፃነት አለዎት (የስምምነት ቅፁን ከሞሉ በኃላ ቢሆንም እንኳ)፡፡ ያስታውሱ ከጥናቱ ተሳታፊነትዎ ስለወጡ ምንም አይነት አሉታዊ ነገር አያጋጥምዎም፡፡

9. የጥናቱን ውጤት ስለ ማሰራጨት

በዚህ ጥናት ጥምር ውጤት ሪፖርት የሚደረግ ሲሆን ጥናቱ ምንም አይነት ውጤት ያምጣ እርስዎ ተጠያቂ አይሆኑም፡፡ የጥናቱ ውጤቶች ሪፖርቶችን፣ ለህትመት የሚቀርቡ ትምህርታዊ ፅሁፎችን፣ ለኮንፈረንስ የሚቀርቡ ወረቀቶችን እና ሌሎች ሳይንሳዊ ህትመቶችን ለማዘጋጀት መነሻ ይሆናሉ፡፡ በተመሳሳይ ከጥናቱ ውጤት በመነሳት ለፖሊሲ አውጭዎች ጠቃሚ የሆነ ግብረ-መልስ ለመስጠትም ከፍተኛ ጥረት ይደረጋል፡፡

10. የአጥኝው አድራሻ

ጥናቱን በተመለከተ ጥያቄ፣ አሳሳቢ ነገር እና አቤቱታ ካለዎት አጥኝውን በሚከተሉት አድራሻዎች ሊያገኙት ይችላሉ፡፡

የሸዋስ እባቡ ወርቁ ስልክ - 0913713813 ኢሜል - yeshewasebabu@gmail.com

ጊዜዎን ስለጋሩኝ እና ስለ አደረጉልኝ ትብብር በእጅጉ አመሰግናለሁ!!

* * *

Appendix: 7

Consent Form – English

Title of the study: The Right to Food and the Post 1991 Ethiopian State's Obligation: A Case Study on Simada Woreda and Gulele Sub-city

Name of the principal investigator: Yeshewas Ebabu Worku
Name of the advisors: Mogobe Bernard Ramose (Professor) and
Solomon Mebrie Gofie (Associate Professor)

Dear Sir/Madam, please read the following sentences and put this (X) mark on the space provided.

1. I affirm that I have read (it was read for me) and understand the information sheet._____

2. I confirm that I am participating in this study voluntarily and I know that I can withdraw from the study anytime I need without giving my reason to do so. _____

3. I confirm that I have been given enough time to consider whether to or not to participate in the study. _____

4. I agree to take part in this study. _____

Signature of the participant: _____ Date: _____

Signature of the researcher: _____ Date: _____

Thank You!

* * *

Appendix: 8

Consent Form – Amharic

የስምምነት ቅፅ

የጥናቱ ርዕስ፡- ሰብዓዊ የምግብ መብትና ድኅረ 1983 ዓ. ም የኢትዮጵያ መንግስት ግዴታዎች: በጉለሌ ክፍለ ከተማና በስማዳ ወረዳ ለማሳያነት የሚደረግ ምርምር ነው::

የአጥኝው ስም፡- የሽዋስ እባቡ ወርቁ

የአጥኝው አማካሪዎች ስም፡- ፕሮፌሰር ሙኔቤ ራሞስ እና

ዶ/ር ሰለሞን መብሬ

የተከበሩ ተሳታፊ ሆይ!

ቀጥሎ የቀረቡ ዓረፍተ ነገሮችን ያንብቡና ከዓረፍተ ነገሩ ቀጥሎ በተሰጠው ክፍት ቦታ ላይ ይህንን ምልክት (X) ያስቀምጡ::

1. በዚህ ጥናት ለመሳተፍ የተሰጠኝ የመረጃ ቅፅ ማንበቤን (የተነበበልኝ መሆኑን) እና እንደተገነዘብኩት አረጋግጣለሁኝ:: _____

2. በዚህ ጥናት መሳተፍ በፍቃደኝነት ላይ የተመሰረተ መሆኑን ብሎም ምንም ምክንያት ሳልሰጥ ከጥናቱ ተሳታፊነቴ በፈለኩት ሰዓት መውጣት እንደምችል ማወቄን አረጋግጣለሁ:: _____

3. በዚህ ጥናት ለመሳተፍ ወይም ላለመሳተፍ እንድወስን በቂ ጊዜ እንደተሰጠኝ አረጋግጣለሁ:: _____

4. በዚህ ጥናት ለመሳተፍ ተስማምቻለሁ:: _____

የተሳታፊው ፊርማ: _____ ቀን: _____

የተመራማሪው/የመረጃ ሰብሳቢው ፊርማ: _____ ቀን: _____

ጊዜዎን ስለጋሩኝ እና ስለአደረጉልኝ ትብብር በእጅጉ አመሰግናለሁ!!

* * *

Appendix: 9

Interview Protocol – English

Addis Ababa University

School of Law and Governance Studies

Centre for Human Rights

I. Food Right Advocacy Experts

Title of the Project: The Right to Food and the Post 1991 Ethiopian State's Obligation: Case Study on Simada Woreda and Gulele Sub-city

Interview No: _____

- Date interview conducted: _____
- Interview start Time: _____
- Interview end Time: _____
- Venue: _____
- Name of Interviewer: _____
- Name of interviewee: _____

Reminders for the Interviewer

- Read the information sheet for the interviewee
- Ask him/her to sign on the consent form
- Turn on the tape recorder and test it

1. Can you please describe your occupation?
2. How can you describe food right and the correspond obligations of the state for the fulfillment of the same? Why food right? Why the state is obliged to do so?
3. Has the organization you work with or collaborated with ever participated on the human rights to food/ food security/ initiatives in Ethiopia?
   a) If so, can you tell me about them and the activities of your organizations specifically?
   b) If not, has the organization you work with engaged on other activities that indirectly advance the right to food? Can you describe them?

4. In your opinion what is the current state of the human right to food in Ethiopia, and are the initiatives taken by the state (as obligation) to fulfill the right adequate? Why? why not?
5. What should be done by the state in the future to better respect, protect and fulfill the right?
6. What can you say as a last remark about the right to food and the Ethiopian states obligation to the same?

Now we are finishing our interview and let me give you the chance if you have something you want to tell me about the subject that we have been dealing with.

I Thank You

*** * ***

II. Policy Makers and Government Representatives

Interview No: _____

- Date interview conducted: _____
- Interview start Time: _____
- Interview end Time: _____
- Venue: _____
- Name of Interviewer: _____
- Name of interviewee: _____

Reminders for the Interviewer

- Read the information sheet for the interviewee
- Ask him/her to sign on the consent
- Turn on the tape recorder and test it

1. Can you please tell me your title and occupation?
2. Do you think that the right to food is a fundamental human right and the state is a principal duty bearer to the same? Why? Why not?
3. In your opinion, is the right enforceable and applicable in Ethiopia? If yes, tell me the enforcement mechanism put in place and their role in rural and urban Ethiopia? Elaborate more on this!
4. Which policies, legislation and institutions are instrumental to the realization of the right? Tell me their specific role together with your own personal appraisal of them?
5. What should be done by the state in the future to better respect, protect and fulfill the right?
6. What can you say as a last remark about the right to food and the Ethiopian states obligation to the same?
7. Now we are finishing our interview and let me give you the chance if you have something you want to tell me about the subject that we have been dealing with.

I Thank You!

*** * ***

III. Food and Nutrition Experts and Policy Analysts

Interview No: _____

- Date interview conducted: _____
- Interview start Time: _____
- Interview end Time: _____
- Venue: _____
- Name of Interviewer: _____
- Name of interviewee: _____

Reminders for the Interviewer

- Read the information sheet for the interviewee
- Ask him/her to sign on the consent
- Turn on the tape recorder and test it

1. Can you please describe your occupation?
2. Are you an advocate of the human right to food? If so, why right to food? What obligations it imposes on the state? And why?
3. Are you aware of the status of the human right to food in Ethiopia? Tell me about the policy and legal regimes on the right to food in Ethiopia and their enforcement? And what about their relevance and validity for people living in different socio-economic contexts, urban and rural communities?
4. In your opinion what are the factors that support the fulfillment of the human right to food in Ethiopia? What have been the factors that have served as obstacles for the fulfillment of the right to food in Ethiopia?
5. Now we are finishing our interview and let me give you the chance if you have something you want to tell me about the subject that we have been dealing with.

I Thank You!

IV. Appendix F: Focus Group Discussion Protocol – English

- Focus Group No:_____
- Session start Time:_____
- Session end Time: _____
- Venue: _____
- Name of Moderator: _____

Good afternoon/evening. Thank you for taking the time to join our discussion of the human rights to food and FDRE's obligation for the realization of the same.

My name is, **Yeshewas Ebabu** (Moderator) and I am **Ebrahim Ahmed** (Assistant Moderator). We are conducting research on "the HRF and the post 1991 Ethiopian states obligation". We hope to learn how people in their existential context realize the HRF and the responsiveness of the state, as a principal duty bear, for the realization of the same.

We want to talk with you about your experiences as residents of Gulele Sub-city/ Simada Woreda. So, we will be asking about how you access food and whether the food that you access often is adequate. What action/ in actions of the state result in the fulfillment or the violation of your human right to food.

Before we begin, let me suggest some things to make our discussion more productive. Because we will be recording for an accurate record, it is important that you speak up and that you only speak one at a time. We do not want to miss any of your comments.

We will only use first names here. No reports will link what you say to your name, department, or institution. In this way, we will maintain your confidentiality. In addition, we ask that you also respect the confidentiality of everyone here. Please do not repeat who said what when you leave this room.
During the two hours we will be here, I will ask you questions, and I will listen to what you have to say. I will not participate in the discussion. So please, feel free to respond to each other and to speak directly to others in the group.

We want to hear from all of you. We are interested in both your experience of living in pursuit of realizing the right to food and the state's negative or positive contribution in that process. So

I may sometimes act as a traffic cop by encouraging someone who has been quiet to talk, or by asking someone to hold off for a few minutes.

If it is OK with you, we will turn on the recorder and start now.

I. Let's begin with introductions.

A. Please tell us your code no, and in what profession you are engaging in/ your means of income/ livelihood.

II. Now that we know a little about you. Can you tell us what the right to food means and the correspond obligations of the state? Just feel free to forward your thoughts. Is your income/ livelihood good enough to enable you to afford adequate, fair and just food for yourself and your family?

A. Do you think enough food available in your locality?
B. Is readily available food accessible for you, physically and economically?
C. Do you think the food that you access is adequate: nutritious, healthy and fair/just? How often you and people around you have access to such kind of food?

III. Now, we would like to talk about the state's obligations to the right to food.

A. Go back to your past and tell as whether the state failed to recognize and respect your right to food or not,
B. Does it sufficiently protect your right to food from the infringement by third party?
C. Does the state has the required legislative, policy and institutional infrastructure to promote the realization of the human right to food in your locality and in situations when you fail to feed yourself can the sate provide food, tell me your experience.

IV. If you have experienced violation of your right to food have you ever got a remedy from the state. Tell me more about this?

V. What is required, in your opinion based on your lived expertise, from the state to help people realize their right to food in your locality?

VI. To summarize what we discussed, you said (brief summary of what is discussed) Does that capture the essence of what was said here?

VII. Finally, as I told you at the beginning, the purpose of this study is to get information about your experience of realizing the human right to food and the Ethiopian states obligation to respect protect and fulfill the same. Is there anything we left out?

Thank you again for taking time to participate in this discussion!

Appendix 10:
Interview Protocol – Amharic

የቃለ-መጠይቅ ፕሮቶኮል

አዲስ አበባ ዩኒቨርስቲ
የሕግ እና አስተዳደር ጥናት መካነ-ትምህርት
የሰብዓዊ መብቶች ማዕከል

የጥናቱ ርዕስ: ሰብዓዊ የምግብ መብትና የድኅረ 1991 ኢትዮጵያ መንግስት ግዴታዎች: በጉለሌ ክፍለ ከተማና በስማዳ ወረዳ ለማሳያነት የሚደለግ ምርምር

ሀ) ለሰብዓዊ የምግብ መብት ጥብቅና ባለሙያዎች የተዘጋጀ ቃለ-መጠይቅ

- ቃለ-መጠይቅ ቁጥር: _____
- ቃለ-መጠይቁ የተካሄደበት ቀን: _____
- ቃለ-መጠይቁ የተመጀመረበት ጊዜ: _____
- ቃለ-መጠይቁ ያለቀበት ጊዜ:: _____
- ቃለ-መጠይቁ የተካሄደበት ቦታ: _____
- ቃለ-መጠይቁን የተቀበለው አጥኝ ስም: _____
- ቃለ-መጠይቁን የሰጠዉ ባለሙያ ስም/ ቁጥር: _____

ለአጥኚዉ ማስታዎሻ

- ለተሳታፊ ሙያተኟዉ/ዋ የ መረጃ ወረቀቱን አንብብላቸዉ
- ተሳታፊዉን/ዋን ስምምነት ፎርሙ ላይ እንዲፈርሙ ጠይቃቸዉ
- የ ድምጽ መቅጃ ቴፑን አብራና መስራቱን አረጋግጥ

እንኳን በደህና መጡ፡ቃለ-መጠይቁን ለማድረግ ፈቃደኛ ስለሆኑ አመሰግናለሁ።

1. እባክዎ ስለስራዎ ወይም ስለተሰማሩበት ሙያ አጠር አድርገዉ ቢነግሩኝ?
2. ሰብዓዊ የምግብ መብት ምን አይነት መብት ነው? ለሰብዓዊ የምግብ መብት እዉን መሆን የመንግስት ግዴታስ ምንድን ነዉ? ሰብዓዊ የምግብ መብት እዉን ለመሆን መንግስት ላይ የሚያሳርፋቸዉን ግዴታዎች በእርስዎ እይታ እንዴት ይገልጹዋቸዋል? ለምን?
3. እርስዎ የሚሰሩበት መሥሪያ ቤት ወይም ድርጅት በኢትዮጵያ ውስጥ ሰብዓዊ የምግብ መብትን / የምግብ ዋስትናን/ ለማረጋገጥ በሚደረጉ እንቅስቃሴዎች ውስጥ ተሳትፎ አለው? በምን ደረጃ?

ሀ) እንዲህ ከሆነ, ሰብዓዊ የምግብ መብትን ለዜጎች ለማረጋገጥ ምን ጉልህ ስራዎች ተሰርተዋል፣ በተለይ እርስዎ ስለሚሰሩበት መሥሪያ ቤት ወይም ድርጅት ሃላፊነትና እንቅስቃሴ ምን ሊነግሩኝ ይችላሉ?

ለ) መስሪያ ቤትዎ ወይም ድርጅትዎ ቀጥተኛ ተሳትፎ ከሌለዉ፣ በተዘዋዋሪ ሰብዓዊ የምግብ መብትን ለዜጎች እዉን ለማድረግ ሌሎች እንቅስቃሴዎች ካደረገ እነሱን መግለጽ ይችላል?

4. በኢትዮጵያ ሰብዓዊ የምግብ መብት አሁን ያለበትን ሁኔታ በእርስዎ እይታ እንዴት ይገመግሙታል? በህግ፤ በፖሊሲና በተቋማዊ መዋቅር ረገድ የተሰራዉ ስራ አጥጋቢና በቂ ነው? ለምን?

5. በእርስዎ አመለካከት ሰብዓዊ የምግብ መብትን ለዘጎች በተሻለ መልኩ ለማክበር ለማስከበርና ለማሟላት መንግስት ምን ምን ስራዎችን መስራት አለበት ብለው ያስባሉ?

6. አሁን ቃለ-መጠይቃችንን እየጨረስን ነው። በመጨረሻም በሰብዓዊ የምግብ መብትና በተያያዥ የኢትዮጵያ መንግስት ግዴታዎች ዙሪያ የሚሉት ተጨማሪ አስተያየት ካለዎት እድሉን ልስጥዎት።

ቃለ-መጠይቃችንን ጨርሰናል ስለትብብረዎ መሰግናለሁ!

* * *

ለ) ፖሊሲ አውጭዎች እና የመንግስት ተወካዮች

- ቃለ-መጠይቅ ቁጥር: _____
- ቃለ-መጠይቁ የተካሄደበት ቀን: _____
- ቃለ-መጠይቁ የተመጀመረበት ጊዜ: _____
- ቃለ-መጠይቁ ያለቀበት ጊዜ:: _____
- ቃለ-መጠይቁ የተካሄደበት ቦታ: _____
- ቃለ-መጠይቁን የተቀበለው አጥኝ ስም: _____
- ቃለ-መጠይቁን የሰጠዉ ባለሙያ ስም/ ቁጥር: _____

ለአጥኝዉ ማስታዎሻ

- ለተሳታፊ ሙያተኟዉ/ዋ የ መረጃ ወረቀቱን አንብብላቸዉ
- ተሳታፊዉን/ዋን ስምምነት ፎርሙ ላይ እንዲፈርሙ ጠይቃቸዉ
- የ ድምጽ መቅጃ ቴፑን አብራና መስራቱን አረጋግጥ

እንኳን በደህና መጡ፡ቃለ-መጠይቁን ለማድረግ ፈቃደኛ ስለሆኑ አመሰግናለሁ።

1. እባክዎ ስለተሰማሩበት መስሪያ ቤትና ስለ እርስዎ የስራ ድርሻ አጠር አድርገዉ ቢነግሩኝ?
2. ሰብዓዊ የምግብ መብት መሰረታዊ መብት ነዉ ብለው ያስባሉ? መንግስትስ ለሰብዓዊ የምግብ መብት መክበርና መሙዋላት ግንባር ቀደም ግዴታ ተቀባይነ ብለው ያስባሉ? ለምን? ቢያብራሩልኝ።
3. በእርሰዎ እይታ ሰብዓዊ የምግብ መብት በኢትዮጵያ መንግስት እውቅና ተሰጥቶት ተግባራዊ እየሆነ ያለ መብት ነዉ ብለው ያስባሉ? ለምን? በገጠርና በከተማ ያለው አተገባበርና ልዩነት ምን ይመስላል? እዚህላይ ቢያብራሩልኝ።
4. ኢትዮጵያ መንግስት ሰብዓዊ የምግብ መብትን ለማክበር ለማስከበርና ለማሟላት ጥለት/ሙከራ አድርጓል የሚሉ ከሆነ መንግስት ለማስፈጸም ተግባር ላይ ያዋላቸዉን ህጎች ፖሊሲዎችና ተቋማት በዝርዝር ቢያብራሩልኝ።
5. በኢትዮጵያ ሰብዓዊ የምግብ መብት አሁን ያለበትን ሁኔታ በእርስዎ እይታ እንዴት ይገመግሙታል? በህግ፤ በፖሊሲና በተቋማዊ መዋቅር ረገድ የተሰራዉ ስራ አጥጋቢና በቂ ነው? ለምን?
6. በኢትዮጵያ ሰብዓዊ የምግብ መብት አሁን ያለበትን ሁኔታ በእርስዎ እይታ እንዴት ይገመግሙታል? በህግ፤ በፖሊሲና በተቋማዊ መዋቅር ረገድ የተሰራዉ ስራ አጥጋቢና በቂ ነው? ለምን?
7. በእርስዎ አመለካከት ሰብዓዊ የምግብ መብትን ለዘጎች በተሻለ መልኩ ለማክበር ለማስከበርና ለማሟላት መንግስት ምን ምን ስራዎችን መስራት አለበት ብለው ያስባሉ?
8. አሁን ቃለ-መጠይቃችንን እየጨረስን ነው። በመጨረሻም በሰብዓዊ የምግብ መብትና በተያያዥ የኢትዮጵያ መንግስት ግዴታዎች ዙሪያ የሚሉት ተጨማሪ አስተያየት ካለዎት እድሉን ልስጥዎት።

ቃለ-መጠይቃችንን ጨርሰናል ስለትብብረዎ መሰግናለሁ!

* * *

ሐ) የምግብ እና የአመጋገብ ኤክስፐርቶች እና ፖሊሲ ተንታኞች

- ቃለ-መጠይቅ ቁጥር: _____
- ቃለ-መጠይቁ የተካሄደበት ቀን: _____
- ቃለ-መጠይቁ የተመጀመረበት ጊዜ: _____
- ቃለ-መጠይቁ ያለቀበት ጊዜ:: _____
- ቃለ-መጠይቁ የተካሄደበት ቦታ: _____
- ቃለ-መጠይቁን የተቀበለው አጥኝ ስም: _____
- ቃለ-መጠይቁን የሰጠዉ ባለሙያ ስም/ ቁጥር: _____

ለአጥኝዉ ማስታዎሻ

- ለተሳታፊ ሙያተኟዉ/ዋ የ መረጃ ወረቀቱን አንብብላቸዉ
- ተሳታፊዉን/ዋን ስምምነት ፎርሙ ላይ እንዲፈርሙ ይጠይቃቸዉ
- የ ድምጽ መቅጃ ቴፑን አብራና መስራቱን አረጋግጥ

እንኪን በደህና መጡ፡ቃለ-መጠይቁን ለማድረግ ፈቃደኛ ስለሆኑ አመሰግናለሁ።

1. እባክዎ ስለተሰማሩበት ሙያና ስለ እርስዎ የስራ ድርሻ አጠር አድርገዉ ቢነግሩኝ?
2. ሰብዓዊ የምግብ መብት ጠበቃ ነዎት? እንዲህ ከሆነ, ስለ ሰብዓዊ የምግብ መብት ምንነትና ስለ ተዛማች መንግስታዊ ግዴታዎች ጠቅለል ባለ መልኩ ቢገልጹልኝ?
3. በእርሰዎ እይታ ሰብዓዊ የምግብ መብት በኢትዮጵያ መንግስት እውቅና ተሰጥቶት ተግባራዊ እየሆነ ያለ መብት ነዉ ብለው ያስባሉ? ለምን? በገጠርና በከተማ ያለው አተገባበርና ልዩነት ምን ይመስላል? እዚህላይ ቢያብራሩልኝ።
4. ኢትዮጵያ መንግስት ሰብዓዊ የምግብ መብትን ለማክበር ለማስከበርና ለማሟላት ጥለት/ሙከራ አድርጓል የሚሉ ከሆነ መንግስት ለማስፈጸም ተግባር ላይ ያዋላቸዉን ህጎች ፖሊሲዎችና ተቋማት በዝርዝር ቢያብራሩልኝ።
5. በኢትዮጵያ ሰብዓዊ የምግብ መብት አሁን ያለበትን ሁኔታ በእርስዎ እይታ እንዴት ይገመግሙታል? በህግ፤ በፖሊሲና በተቋማዊ መዋቅር ረገድ የተሰራዉ ስራ አጥጋቢና በቂ ነው? ለምን?
6. በእርስዎ አመለካከት ሰብዓዊ የምግብ መብትን ለዘጎች በተሻለ መልኩ ለማክበር ለማስከበርና ለማሟላት መንግስት ምን ምን ስራዎችን መስራት አለበት ብለው ያስባሉ?
7. አሁን ቃለ-መጠይቃችንን እየጨረስን ነው። በመጨረሻም በሰብዓዊ የምግብ መብትና በተያያዥ የኢትዮጵያ መንግስት ግዴታዎች ዙሪያ የሚሉት ተጨማሪ አስተያየት ካለዎት እድሉን ልስጥዎት።

ቃለ-መጠይቃችንን ጨርሰናል ስለትብብረዎ መሰግናለሁ!

* * *

መ) የትኩረት ቡድን ውይይት

- የትኩረት ቡድን ቁጥር: _____
- የትኩረት ቡድን ዉይይት የተካሄደበት ቀን: _____
- የትኩረት ቡድን ዉይይት የተመጀመረበት ጊዜ: _____
- የትኩረት ቡድን ዉይይት ያለቀበት ጊዜ:: _____
- የትኩረት ቡድን ዉይይት የተካሄደበት ቦታ: _____
- የዋና አወያይ ስም: _____
- የረዳት አወያይ ስም: _____

ለአወያዮች ማስታዎሻ

- ለትኩረት ቡድን ተሳታፊዎች የመረጃ ወረቀቱን አንብብላቸዉ
- ተሳታፊዎች ስምምነት ፎርሙ ላይ እንዲፈርሙ ጠይቃቸዉ
- የ ድምጽ መቅጃ ቴፑን አብራና መስራቱን አረጋግጥ

እንኳን በደህና መጣችሁ፡ በሰብዓዊ የምግብ መብትና በተዛማች መንግስታዊ ግዴታዎች ዙሪያ በምናደርገዉ ዉይይት ላይ ለመሳተፍ ፈቃደኛ ስለሆናችሁና እዚህ ስለተገኛችሁ በተጨማሪም ለምታደርጉት ንቁ ተሳትፎ እናመሰግናለን::

እኔ የሸዋስ እባቡ እባላለሁ: አወያይ ነኝ፤ እርሱ ደግሞ ኢብራሂም አህመድ ይባላል፤ ረዳት አወያይ ነዉ:: የምንወያይበት ርዕስ ሰብዓዊ የምግብ መብትና የድህረ 1991 የኢትዮጵያ መንግስት ግዴታዎች ትግበራ በጉለሌ ክፍለ ከተማ/በስማዳ ወረዳ ነው.:: በተለይም እናንተ ያለውን ነባራዊ ሁኔታ ካላችሁ የህይዎት ልምድ ተነስታችሁ በምናደርገው ዉይይት ሰብዓዊ የምግብ መብት እና ተያያዥ የመንግስት ግዴታዎች ትግበራን ለመረዳት አጋዥ እንደሚሆን ተስፋ እናደርጋለን:: በዉይይታ ሂደት የድምጽ ቀረጻ ስለምናካሂድ በአንድ ጊዜ አንድ ሰው ብቻ ቢናገር አግባብነት አለዉ:: ለዚህም የረዳ ዘንድ ሀሳባችሁን እንድትሰቱ በየተራ እድሉን እሰጣችኋለሁ::

ዝግጁ ከሆናችሁ አሁን ውይይታችን መጀመር እንችላለን::

ሀ) ዉይይታችንን ለመጀመር እባከዎ ስለስራዎ የኮድ ቁጥረዎ በማስቀደም ስለተሰማሩበት ሙያ አጠር አድርገዉ ይንገሩን?

ለ) አሁን ወደ ዋናው ዉይይታችን እንግባ:: በእርስዎ እይታ ሰብዓዊ የምግብ መብት ምን ኣይነት መብት ነው? ለሰብዓዊ የምግብ መብት እዉን መሆን የመንግስት ግዴታስ ምንድን ነዉ? ሰብዓዊ የምግብ መብት እዉን ለመሆን መንግስት ላይ የሚያሳርፋቸዉን ግዴታዎች እንዴት ይገልጹዋቸዋል? ለምን?

- በእርሰዎ አካባቢ ማህበረሰቡን በበቂ ሁኔታ መመገብ የሚችል በቂ የምግብ አቅርቦት አለ ብለዉ ያምናሉ? ለምን?

• ያለው የምግብ አቅርቦት ለማህበረሰቡ ፍትሃዊ በሆነ መልኩ ተደራሽ ነው ብለው ያስባሉ? ለምን?

•ለፍጆታ የምናዉለዉ ምግብ ለመኖር ከሚያስፈልገን ግብአት አንጻር ለምሳሌ፦ በአልሚ ንጥረ ነገር ይዘቱ፤ ለጤና ተስማሚነቱና አግባብነቱ ሲታይ በቂ ነው ብለዉ ያስባሉ? ለምን? ዘርዘር አድርገው ቢያብራሩልኝ?

ሐ) አሁን ደግሞ መንግስት የሰብዓዊ የምግብ መብትን ለዜጎች እዉን ለማድረግ ስለአለበት ግዴታ/ዎች እንወያይ

• እርስዎ እይታ መንግስት የሰብዓዊ ምግብ መብትን እዉቅና ስጥቶ እያከበረ ነው ብለው ያምናሉ? ለምን? በምሳሌ አስደግፈው ቢያብራሩልኝ?

•የዜጎችን ሰብዓዊ ምግብ መብትን መንግስት ከሶስተኛ ወገን ጥሰት በበቂ ሁኔታ ከለላ እያደረገ ነው ብለው ያስባሉ? በምሳሌ አስደግፈው ቢያብራሩልኝ?

• መንግስት የዜጎችን ሰብዓዊ ምግብ መብትን ለማሙዋላት አስፈላጊው የህግ የፖሊሲ ማእከፍ አለው ብለው ያስባሉ? እርሰዎ በሚኖሩበት አካባቢስ ያለው ትግበራ ምን ይመስላል? ካለዋት ተሞክሮ ተነስተው ቢያብራሩልኝ?

መ) እርሰዎ የሰብዓዊ ምግብ መብትጥሰት ገጥሞዎት ያዉቃል? ከገጠመዎት ከመንግስት አካል ያገኙት የማስተካከያ መፍትሄ አለ? እንዴት? ለምን?

ሠ) በእርሰዎ አመለካከት ካለዎት ተሞክሮ በመነሳት መንግስት የዜጎችን ሰብዓዊ ምግብ መብትን በተሻለ መልኩ ለማከበር ለማስከበርና ለማሟላት ምን መደረግ አለበት ብለው ያስባሉ?

ረ) በእርስዎ አመለካከት ሰብዓዊ የምግብ መብትን ለዘጎች በተሻለ መልኩ ለማከበር ለማስከበርና ለማሟላት መንግስት ምን ምን ስራዎችን መስራት አለበት ብለው ያስባሉ?

ሰ) ዉይይታችንን እየጨረስን ነው:: በመጨረሻም በሰብዓዊ የምግብ መብትና በተያያዥ የኢትዮጵያ መንግስት ግዴታዎች ዙሪያ ማለትየምትፈልጉት ተጨማሪ አስተያየት ካለ እድሉን ልስጣችሁ::

ዉይይታችንን ጨርሰናል ስለትብብራችሁ እናመሰግናለን!

* * *

APPENDIX 11:

The 6 Food Sovereignty Theses/Principles

1. *Focuses on Food for People*: Food sovereignty stresses the right to sufficient, healthy and culturally appropriate food for all individuals, peoples and communities, including those who are hungry or living under occupation, in conflict zones and marginalized. Food sovereignty rejects the proposition that food is just another commodity for international agribusiness.

2. *Values Food Providers*: Food sovereignty values and supports the contributions, and respects the rights, of women and men, peasants and small-scale family farmers, pastoralists, artisanal fishers, forest dwellers, indigenous peoples and agricultural and fisheries workers, including migrants, who cultivate, grow, harvest and process food; and rejects those policies, actions and programs that undervalue them, threaten their livelihoods and eliminate them.

3. *Localizes Food Systems*: Food sovereignty brings food providers and consumers together in common cause; puts providers and consumers at the center of decision making on food issues; protects food providers from the dumping of food and food aid in local markets; protects consumers from poor quality and unhealthy food, inappropriate food aid and food tainted with genetically modified organisms; and resists governance structures, agreements and practices that depend on and promote unsustainable and inequitable international trade and give power to remote and unaccountable corporations.

4. *Makes Decisions Locally*: Food sovereignty seeks control over and access to territory, land, grazing, water, seeds, livestock, and fish populations for local food providers. These resources ought to be used and shared in socially and environmentally sustainable ways which conserve diversity. Food sovereignty recognizes that local territories often cross geopolitical borders and advances the right of local communities to inhabit and use their territories; it promotes positive interaction between food providers in different regions and territories and from different sectors to resolve internal conflicts or conflicts with local and national authorities; and rejects the privatization of natural resources through laws, commercial contracts and intellectual property rights regimes.

5. *Builds Knowledge and Skills*: Food sovereignty builds on the skills and local knowledge of food providers and their local organizations that conserve, develop, and manage localized food production and harvesting systems, developing appropriate research systems to support this, and passing on this wisdom to future generations. Food sovereignty rejects technologies that undermine, threaten, or contaminate these, e.g. genetic engineering.

6. *Works with Nature*: Food sovereignty uses the contributions of nature in diverse, low external input agro-ecological production and harvesting methods that maximize the contribution of ecosystems and improve resilience and adaptation, especially in the face of climate change. Food sovereignty seeks to heal the planet so that the planet may heal us; and, rejects methods that harm beneficial ecosystem functions, that depend on energy intensive monocultures and livestock factories, destructive fishing practices and other industrialized production methods, which damage the environment and contribute to global warming.

Source: Nyéléni 2007 - Forum for Food Sovereignty,
February 23rd – 27th, 2007, Sélingué, Mali, Synthesis Report
http://www.nyeleni2007.org/spip.php?article334

* * *