



Rethinking Africa's Food Policy in Terms Rights

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Abstract

The paper argues that basic rights approach is more applicable food policy in Africa than the traditional basic needs approach. The problem pertains to the introduction of right to food as a policy innovation in an environment wherein policy authorities are generally averse to rights issues that put pressure on them for programme accountability, public probity and policy due diligence. Towards resolving the problem, a methodology was stylized as 'policy action research and development' (PAR&D) which involved practical engagement of policy stakeholders and general public in practical learning and action for the introduction and adoption of right to food as a policy innovation. Results indicated that the adoption process could be slow in the presence of certain constraints and challenges encountered in the process, but there were positive signals that the policy change would happen as envisaged. The policy and practice changes observed include increasing public knowledge and interest about right to food issues coupled with increased rights consciousness of the people, as well as enhanced recognition of right to food by policy authorities. The recommended way forward is to reinforce the relevant organizations as change agents for institutionalizing right to food as a policy philosophy for the commercialization of Africa's food sector.

Introduction

In Africa many countries inherited a colonial economy from metropolitan Europe wherein agricultural development was anchored on the 'basic needs' approach. Thus the present poor performance of agriculture on the continent is a product of this approach dating back to over one century ago for some of the countries, but failing to sustain a steady growth path towards food security of the peoples let alone create a viable commercial agribusiness sector. Thus it is high time policy economists began to rethink this approach and to consider a paradigm shift that better reflects the peculiar features of traditional African countries.

The economics of basic needs is premised on the supply side of farm input and output markets, whereby farmers and other rural dwellers look forward to government for price and other support on chemical fertilizer, improved seeds and machinery as well as provision of rural infrastructure; while the demand side of these markets are generally taken for granted and farmers are assumed to be automatically responsive to policy incentives without constraints. Following the many years of implementing the basic needs approach without meeting the goal of a commercial food sector it presently appears as a fallacy of the facts about the true situation in Africa; in which case, the basic rights approach lends itself to serious consideration as an alternative policy option.

Food as a right, contrary to popular opinion of this notion as an apology of state socialism, is based on the intuitive economic reasoning that boosting aggregate demand holds the key to increased production and commercialization of agribusiness which is much in line with Keynes's theory. This takes place through the enhanced capacity of people to reveal their preference for appropriate policy measures and to hold policy authorities accountable for unsatisfactory outcome of policy implementation. However the problem pertains to how to change the way policymakers in Africa traditionally think about food as a need rather than as a right of the people, and how to persuade or compel the policy authorities to adopt and implement a right-driven policy option. The twin problems put the policy innovation at risk, given the long time that the basic needs approach is fully entrenched and the preconceived idea that right to food would exert pressure on public officers for programme accountability, public probity and policy due process, all of which they generally abhor. Thus the disposition of public officers to right-based approach as opposed to need-based approach to food policy in Africa is inherently negative and the concept cannot be successfully introduced with conventional methods of theoretical or ex-ante research.

It is in light of this problem that the study seeks to demonstrate a suitable methodology for introducing a right-based policy innovation and for institutionalizing the same for faster commercialization of the food sector in Africa. Therefore a 'policy action research and development' strategy (PAR&D) was designed and implemented in Nigeria through the Farm & Infrastructure Foundation, FIF - an organization for promoting policy best practices in agriculture and rural development. The paper presents the implementation of this methodology and the preliminary findings made, which helps in identifying the institutional constraints and encountering other challenges in the system facing the adoption of the policy innovation on the continent, while proffering the plausible solutions concurrently.

Food as a right

Food is a natural right of all citizens of the world in the sense of the need to empower the people to express demand for policies that respect, protect and fulfill it at all cost; and the realization of which should, ipso facto, be inalienable, actionable, justiceable and ultimately remediable under the law. Unfortunately it is not case in Africa where the perennial failures of government policies to transform the food sector is perpetually inconsequential, as the demand side of policy marketplace remains dull and not proactive enough to hold policy authorities accountable.

Thus we subscribe to the notion of right to food as anchored on the philosophy of freedom (Hegel 1821) and is consistent with a world view of development as pursuit of freedom (Sen 1999); so that, of course, agricultural development is the pursuit of freedom from hunger. This view confers certain rights on human beings including the rights to food (freedom from hunger), to life (freedom from willful death), to know (freedom of information), to speech (freedom of expression), to list a few. This provides the intuitive reasoning to postulate a vertical extension of Sen's postulate to the regime of rights. Hence a stylized definition of right to food, as the

irreducible minimum degree of freedom from hunger to support a dignified life; which definition is consistent with poverty reduction as theme of human development. Indeed universally the Right to Food Campaign (otherwise called Freedom-from-Hunger Campaign) is a mandate of United Nations given to Food and Agriculture Organization (FAO) towards the food security of world's people, using the instrumentality of its many conventions and protocols endorsed by African countries. .

The list of international laws backing up right to food include: The Universal Declaration on Human Rights (1948); The International Covenant on Economic, Social and Cultural Rights (1966); Rome Declaration on World Food security (1996). Specifically, Resolution UN 23 adopted on April 11, 1998 - The United Nations Commission on Human Rights had stated that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at national, regional and international levels for its elimination. The Commission also reaffirmed 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 so as to be able to develop fully and maintain their physical and mental capacities. By and large, right to food is explicitly guaranteed in the constitution of many countries already, namely: Brazil (Art. 227), Congo (Art. 34), Ecuador (Art. 19), Haiti (Art. 22), Nicaragua (Art.63), South Africa (Art 27), Uganda (Art. 14), Ukraine (Art. 48), Guatemala (Art 51), Paraguay (Art 53), and Peru (Art 6).

In practical terms, the obligation of government under the right to food policy is dimensioned as follows:

- Obligation to respect: This stipulates the limits of state's exercise of power, which includes refraining from destroying people's access to food *through public policies*.
- Obligation to protect: This entails protection from non state actors in the fields of food safety and nutrition, protection of the environment and land tenure systems by regulating their conduct through *legislations and sanctions*.
- Obligation to fulfill: This involves facilitating access of vulnerable groups in society to food producing resources, and even directly providing food if need be *through social services*.

These obligations do not connote in the list the notion of right to food as an apology of state socialism, in which food will be provided free of charge. Rather it connotes a system of empowerment of the people to take public policy authorities on food to account and to expressly demand tenets of policy best practices in terms of programme accountability, responsibility, transparency and policy due diligence. Unless these virtues and tenets are enshrined in Africa's public policy process for agricultural development the effort towards commercialization of the food sector will remain but a mere platitude.

Policy experimentation to domesticate the right to food

The research design consists in the sequence of activities of FIF to implement a nation-wide campaign in Nigeria for five years at least (2008-2013) The National Campaign on Right to Food has as its unique selling point a methodology for active engagement of policy stakeholders in a practical learning and action process to introduce the concept of right to food as a policy innovation, and to follow through its adoption and implementation closely. Deploying the professional and social capital of an independent organization like FIF in this way depicts the postulation of ‘development projects as policy experiments’ according to Rondinelli (1993). Thus the various stakeholders in the policy process to be engaged by FIF under the campaign include the following:

- (1) The Government (federal, state and local) - their ministries of agriculture and other related agencies responsible for policy;
- (2) Development communities comprising national and international agencies including bilateral and multilateral institutions engaged in agricultural development in the country.
- (3) Academic institutions, such as universities, polytechnics and colleges responsible for training the manpower required for agricultural and rural development as well as regenerating technologies for the transformation of Agricultural enterprises;
- (4) Clientele groups comprising farmers’ organizations, commodity associations, market associations, youth associations and women associations, which represent potential sources of policies that affect their lives.

The instruments of data generation and collection of qualitative and quantitative types are; constitutional amendment, subsidiary legislation; institutional cum policy reforms, and creation of public knowledge or awareness. Respectively, rights matters are indicted deep in the Nigerian constitution which lacks any provision for right to food; the formulation of strategies and specification of policy instruments for implementing right to food policy is best carried out as a ‘farm bill’ to be passed into law (as done in the United States in a cycle of six years); of course, the buy-in of policy authorities is inevitable; and also, the generality of the people must be carried along from outset. It is obvious that this type of (policy) experiment cannot be carried out through a public institution, as the work involves a substantial degree of policy advocacy beyond the casual recommendations inside journal articles and commissioned study reports or through the usual expert advice not binding on the principals in the policy system; which provides justification for FIF as an independent organization as driver of the policy experimentation. Indeed public policy authorities are negatively disposed to support, let alone undertake, the implementation of right-driven strategies of development like this one.

Thus the specific objectives of the campaign were:

- Propagate the notion of right to food in the general public
- Entrench right to food in the constitution

- Mainstream rights instrument in government policies on food security
- Formulate a Bill of Rights to Food for passage into subsidiary law;

The FIF's model involves a number of activities to engage the policy stakeholders, including the following: Engagement of policy authorities (executive, legislature and judiciary); Engagement of general public; Consultations /Collaboration/Networking/Partnerships; Publication and media exposure; Legislation; Policy debate and dialogue; etc. Table 1 presents some details about these activities.

Table 1– Policy experimentation – Activity Matrix of FIF’s National Campaign on Right to Food in Nigeria		
Component/Activity	Specific actions/other details	Measurable Output/outcome/Impact
Engagement with principal stakeholders in the policy process		
General public	Presentations/speaking engagements –Invited paper on right to food presented at World Food Day Symposium on annual basis; Own Inaugural Lecture at University of Agriculture Makurdi;	General awareness an sensitization
Executive	Communications with presidency (Exchange of letters to Mr., President and agriculture minister)	Government was put on notice from outset
	Sensitization of policymakers – visits to different policymakers at federal, state and local level; Participation at policy related events (meetings, workshops, etc)	The objective is to arouse the consciousness of the general people about the need for a right to food bill and to invite their participation in the right to food movement generally.
	Sponsorship of memoranda at statutory meetings such as National Agriculture Development Committee (NADC) and the National Council on Agriculture (NCA)	Record created in the files of the national assembly about right to food National assembly was put on notice about the right to food movement
Legislature	Communications with National Assembly (Exchange of letters with President of senate and Speaker of the House	National assembly was put on notice about the right to food movement Development of rapport for the benefit of the Bill.
	Presentation of memorandum on Right to Food at the to the National Assembly Committees for the review of the constitution – Senate and House of Representatives (National sittings, Abuja) Active participation in the constitutional debate and review	Sensitization of legislators

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	process - Presentation of memorandum on Right to Food at the Zonal sittings of the constitution review committees - six zones – NE (Kano); NW (Bauchi) NC (Makurdi); SE (Enugu); SW (Lagos); SS (Port Harcourt)	
	Sponsorship of legislative Bills on right to food - Right to food Bill in the House; Right to food Bill in the senate	Legislative Bills gazette and passed through the first reading
Judiciary	Communications with National Human Rights Commission (Exchange of letters with Executive Director)	Moral support
Development community	Communications with Food and Agriculture Organization FAO, (Exchange of letters with Director General)	Development community was put on notice
Consultations /Collaboration/Networking/Partnerships		
	Collaboration with relevant agencies and organizations - National Human Rights Commission (NHRC), National Orientation Agency (NOA); All Farmers Association of Nigeria (AFAN); Federation of Agricultural Commodity Associations in Nigeria (FACAN) Partnership with OXFAM on the Voices for Food Security platform;	Increased positive opinion about right to food Financial support from OXFAM
Publication/Media exposure		
Print media	<i>Nigeria Agriculture Digest</i> – a specializes publication of FIF <i>Publications of IEC materials (Production and distribution of IEC materials on Food as a Right for the purpose of</i>	Awareness on the concept of Food as a Right increased. Systems and structures for the implementation of Food as a Right strategy

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	<i>public engagement)</i>	strengthened
Electronic media	<p><i>Radio jingles of food security in collaboration with NOA (Conduct of sensitization and jingles in the media to inform rights holders and duty bearers about the concept and meaning of the right to food</i></p> <p>Appeared on radio and television programmes at different times. I also featured in a documentary on Independence Anniversary programme of the FMARD discussing issues about right to Food.</p> <p>Sponsored discussions on Right to Food on live and pre-recorded programmes (e.g. “Radio Link”).Sponsored appearances on other radio programmes at prime times (e.g. “Eagle Square”)</p>	Public awareness and discussions generated
Social media	Face book postings; Twitter exchanges.	People entered into discussion about right to food
Education/Training		
Workshop	<i>Training and education of Legislative Aids to MHR & Senators on the agric committee (Strengthen identified partners to constitute a Policy Innovation Platform (PIP) for active engagement through advocacy trainings)</i>	Knowledge about right to food created for the support of legislative actions
Policy debate/dialogue	<p>Organized School debate; Public debate around right to food using telephone and internet services;</p> <p><i>Public debates on food as a human right conducted across the six geo-political zones of Nigeria): 20 copies of the</i></p>	Interest created in right to food across the strata of society

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	<p>CD’s produced for distribution to radio and TV stations; public debate was also optimized on YouTube for website use on FIF website.</p> <p><i>Policy Innovation Platform established for active engagement of policy drivers</i></p>	

Results and discussion

The active engagement of stakeholders has led to significant sensitization of actors in the food policy system. As the campaign gathered momentum, the general public was sensitized to their role as right holders, and it is expected that in due course they be able to make demand for their right to food to be observed as desired. The public authorities were also sensitized as duty bearers, with the expectation that in no distant future the government would begin to consciously recognize, protect and fulfill the right of people to food in its business.

The effect of engagement of legislature was clearly the most considerable, mostly in terms of record creation as yet but accompanied by a bright prospect of concrete action in future. The draft Bill on right to food was formally tabled before the House of Representatives in 2010 at the instance of FIF, which was gazetted and published in the Journal of National Assembly when it scaled through the first reading stage (No. 20 Vol. 7 of 12th April 2010). The Bill sought to amend chapter two of the constitution (Directive Principles of State Policy) to give explicit recognition to right to food alongside food security. However, the Bill did not go to the second reading stage before the expiration of the (sixth) assembly, so it needed to be reintroduced according to rules of the House. Meanwhile in 2013, another Bill was introduced at the instance of FIF which has also scaled through the first reading. This sought the amendment of chapter four of the constitution (Fundamental rights), with a view to making the right to food actionable and justiceable under the law.

An important lesson learnt is the need to incorporate uncertainty factor about the political environment into the work plans of a policy-induced campaign such as FIF's. The organization faced a major challenge pertaining to the unpredictable political environment that sometimes stalled the process and put things in abeyance, such as the delay in commencing the constitutional amendment process by the national assembly and the distortion introduced by the general elections of 2007 and 2011. In the first case the delay was due to fight for supremacy between the House and the Senate over which of them should preside over their joint meetings for the purpose of constitutional review. In the second case, the President of the Federal republic was indisposed for a number of months during the year (2010) and he was abroad for treatment on a prolonged basis, before he eventually passed on. This introduced delay in normal legislative business as the attention of legislators was focused on resolving a crisis arising from lack of clear provision in the constitution for succession in such a situation.

Both events generated intense public and legislative debates around the issues of chairmanship of joint meetings and succession arrangement, which led to stepping aside of ordinary Bills including the one on right to food. Furthermore, as the general elections of 2011 approached a lull ensued in the activities of legislators occasioned by a long period of political campaigns, which lasted until the end of that assembly. Thus the project was implemented in an external environment of considerable distractions of both the executive and legislative arms of the government from normal work, in order to address certain vexed issues.

The implementation of the campaign has led to some structural and lasting changes in society, which includes the change in the mindset of people as influenced by records of events created. Such official records created and mindset influenced attributable to the campaign was the new status of food that is gradually emerging from the previous notion of food as a basic need to the present notion of food as a basic right in the country. Some evidence of these includes the records created by FIF at the level of political authority through a systematic communications with the President on the subject matter of food as a right, through letters that were passed down for treatment by the agriculture minister, thereby changing the mindset of politicians gradually. Specifically in a recent speech, the language of the Minister has started to feature the notion of food as a right along with the previous language of agriculture as a business.

Similar records were created by FIF at the level of policy authority through official memorandum to the National Council on Agriculture (NCA), which is the highest policy organ of the federal government on agricultural development and which comprises high-level official delegates from the state and local level of agricultural administration of the country including the members of the international development commitment. Thus the notion of food as a right has been spread from top to the grassroots capable of changing the mindset of the general public on a lasting basis.

Conclusions and Recommendation

The transformation of African agriculture in terms of productivity, commercialization and market development requires an appropriate philosophical framework in formulating the food policies. In this regard, it is argued that policymakers in Africa need to think out of the box and give a serious consideration to the right to food approach in their respective policy domains. Towards this end, the outcomes of policy experiment performed in Nigeria suggest that pro-active advocacy is superior to mere policy recommendation and advice to make policy changes happen in the food sector. The strategic and operational lessons learnt are useful in resolving the constraints faced and in meeting the challenges posed in the course of implementation.

The way forward is to reinforce the campaign instruments and to maintain the advocacy pressure on the policy authorities until the policy change happens as desired, particularly the policy effort to mainstream rights instruments in the relevant programmes and projects of government. Finally the capacity of FIF and similar organizations should be improved so that we can stay the course and sustain the effort towards achieving the goals of the campaign.

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