

Nepal: Strategies to Implement the Right To Food in the Situation of Conflict

PAPER

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The recent Rome Declaration on World Food Security and the World Food Summit Plan of Action covers most of the important issues involving the right to food. The Declaration clearly indicates the intention of the world leaders to free the world from hunger with assured access to safe and nutritious food for everyone; to eradicate hunger in all the countries; and to reduce by half the number of undernourished people within two decades. Although Nepal is a developing country, with many known and unknown limitations, it subscribes to these goals and has given assurance to the world community to work unitedly for the achievement of the goals of the Declaration. This pledge, however, is not supported by adequate all-integrated policies, programmes, projects, institutional mechanisms, and above all, sharp strategies.

Country Parameters

The right to food of the people of Nepal must be understood in the context of national parameters and hard realities in the country.

Nepal lies between 80.4" and 88.12" east longitude and 26.22" and 30.27" north latitude and elevation ranges 90m to 8484m. It lies between India and China. The total area of the Kingdom is 147181sq.km. The country is divided into three main ecological zones. The Northern Himalayan Range covers 15% and the Middle Hill Range covers 68% of the land surface of Nepal. The remaining area is the flatland. Nepal is inhabited by 23.4 million people of about 60 caste/ethnic groups. The literacy rate is 53.7% with female literacy rate at 42.5%, and male literacy at 65.1%. It is said that 18.3% of the children under 3 years of age in Nepal are suffering from malnutrition. The fertility rate has remained at 4.1 children per female. The average life expectancy is about 58 years. Politically, Nepal is divided into 5 development regions, 75 administrative districts, 3914 village development committees and 58 municipalities. Nepal is a practicing democracy and the Constitution of the Kingdom of Nepal 1990 is based on multiparty democratic system, constitutional monarchy, basic fundamental rights, an independent judiciary, and market relations based on freedom of trade and commerce.

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Poverty & Right to Food

Nepal has widespread poverty and about 42% of the total population lives below the poverty line. It is estimated that 44% of the rural households and 23% of the urban households lie below the poverty line. Similarly, 88% of the population lives in rural areas. These areas lack adequate infrastructure for food, education, health, transportation, water supply and electricity. The problem of environment degradation compounds the existing limitations.

Agriculture is the main stream of Nepal's economy providing livelihood for 80% of population and accounting for 41% of the Gross Domestic Product (GDP). The agriculture sector is growing at about 4.9% in average and non-agriculture sector by 4% resulting in a 4.3% annual growth in GDP. The per capita GDP is equivalent to about US \$246. The ratio of government expenditure to the GDP is 19.4%, whereas revenue mobilization is 11.9% of the GDP. Once a food exporting country, Nepal now imports 6 billion rupees (76.6 million U.S. dollars) worth of grain and other foodstuffs every year.

The concept of land rights to the tiller and empowerment of people relying on the land as wage earners or landless tenants has still not worked. Land in Nepal is related with socio-economic power configuration. A majority of the fertile land in the country is held by absentee landlords who are only concerned with the collection of annual crops. The tillers who are from the marginalized population do not have enough land holdings of their own. People from underprivileged groups such as the Dalits and others of deprived communities like Tharus and Limbus in the eastern region of Nepal have lost so much of their socio-economic standing with the gradual loss of land ownership. Even those who still own some land cannot meet their subsistence requirements because they do not have enough capital to utilize the land they till in. Thus, unless and until land is not redistributed and entitlement increased among the tillers and poorer members of the agricultural community, empowerment of the majority of the people will not be possible. In other words, it is a daunting task to ensure the basic right to food which cannot be attained without solving the complexities involved in entitlement and redistribution of land.

In a country where land or proprietary interest over land is still a principal means of livelihood for a majority of the people, the question of fairness in land distribution is still an intriguing issue. In such a background, food security in Nepal is closely linked to the issue of poverty, with the prevalence of scattered incidence of hunger and malnutrition. The Government of Nepal, its political institutions as well as the civil society is generally aware about it. It has been noted that -

The government has liberalized both input and output markets in the agricultural sector. With effect from 1997, subsidies on all kinds of fertilizer, except urea have been removed, imports liberalized and private companies and the Agricultural Inputs Corporation (AIC) have been allowed to avail of the urea subsidy. Furthermore, as part of the reform process AICs monopoly on the import and distribution of fertilizer has been ended in order to encourage a

greater role for the private sector. The transport subsidy extended to the AIC for distribution to remote regions has also been discontinued. Prices of chemical fertilizers have been deregulated at the wholesale and retail levels. In the distribution of food grains, the role of the state-owned Nepal Food Corporation is being modified to foster private sector activity.

The government has introduced reforms to strengthen agricultural research, extension of training systems. As part of this reform process, the government also aims to strengthen public institutions, use a decentralized user-oriented approach to research, focusing on the needs of farmers in each specific district, strengthen coordination mechanisms and maintain linkages with relevant international research inputs, and targeting high potential areas for extension.¹

As a matter of principle, the planning documents, including the recent Concept Paper of the 10th Five Year Plan of the Government of Nepal speaks about the need to deal with the scourge of poverty through enhanced growth, sustained agricultural and rural development, employment generation and the extension of social services, provision of rural infrastructure and environmental protection. The basic policy thrust of the government is based on the belief that economic development depends to a great extent on the equitable participation of people in the national development process. The Government intends to influence the growth process by expanding opportunities for the participation of the private sector, civil society and local communities by providing the requisite institutional support. The existence of a dual structure of the economy, the vast rural sector and a small but expanding modern private sector, has led us to adopt unique and innovative approaches and programmes for the development of these two sectors with close links between them. The Government continues to follow a liberal pro-market economy in the modern sector with minimum government interference. The Government however, plays a key role in generating a productive environment, in expanding infrastructure and in improving the quality of health and educational services in the rural sector. Up until the recent dissolution of the local elected bodies, the Government was also initiating measures to empower the local elected bodies through the process of decentralization and specialized use to ensure people's participation in development.

Lackluster Performance

These reforms have not given encouraging results. A complex set of determinants pose vulnerabilities and such determinants combine in different ways for each and every household. These include: access to resources, ecological setting, accessibility to transport, market opportunities, availability of common property resources, family size and composition, ethnicity, gender, social network, education, and political assertiveness.

The structural problems of Nepal's agriculture persist and are characterized by an inefficient and unbalanced production and distribution system, lack of better physical access to food and markets, low level of production, and shifting government policies.

¹ Human Development in South Asia 2001: Globalization and Human Development, p. 92 (Oxford: Mahhub ul Haq Human Development Center, 2002)

With the pace of growth of alternative economic sectors - tourism, hydropower development, and others, there is a long way to go in providing the ordinary people with the benefits from the abovementioned sectors. In such a situation, the problem of widespread poverty and slow food production, which is not keeping pace with the growing population of this country of 23.5 million people, is distressing. As such, the increase in household food insecurity is also observed. In some cases, food is available, but there are problems of access and affordability, an important aspect in ensuring food security. The open and unregulated international border with India provides space for drainage of agriculture products to the disadvantage of the natives of Nepal. People still go hungry in many cash-deficit districts, where food is most needed, because people do not have the money to buy, or face transportation and distribution problems.

Since the early 1990s, Nepal has changed from a net exporter to a net importer of food. Nearly half of Nepal's districts have become deficient in food. This deficiency explains the prevalence of frail, sick, hungry, malnourished and rickety children. According to FAO statistics, Nepalese people, in terms of proportions of the undernourished, are the hungriest people in South Asia. The hunger and nutritional problems are more visible in over populated districts in south eastern districts of Saptari, Siraha and Dhanusha. Ten years ago, there were 3.5 million under-fed people in Nepal accounting for 19% of the population. Most of them live in the eastern plains and difficult terrain of the mid hills of Nepal. Today that number is five million, or 19 percent of the population. The situation is most serious in the peripheral mountain regions of the middle hills of the country. These food deficient village communities in fragile mountain tracts show that more than fifty percent of all households are not even self-sufficient in food for six months in a year. In Humla District, for example, it is not unusual to see long queues at government food corporation depots for coupons to obtain subsidized food. The local produce of potato, barley, buckwheat barely last a few months.

The urban poor have additional problems with sporadic employment and income opportunities and thus face food shortage at any time of the year. Rural poor experience a more predictable situation linked to a more pronounced seasonal access to food and income. In any case, the people whose right to food is more under threat are the very poor typically in small households with elderly, handicapped or chronically sick members. In addition to the lack of household labour, they also receive little support from their children or other close family members (whereas elderly household members in other wealth groups do receive support). Some households have sufficient labour but in these households, the very poor tend to rely heavily on less labour intensive activities such as the collection of wild plants and fuel wood. These are households that have sufficient labour to support them from day-to-day, but are unable to accumulate significant reserves to tide them over a period of temporary food or cash shortage. They are often obliged, therefore, to turn to strategies such as casual labour to earn money or food or to take loans from the middle and better-off groups. Working for others obviously limits the time that can be spent working on one's own fields, while loans often have to be repaid at a relatively high rate of interest.

In spite of all piecemeal and uncoordinated efforts, the majority of the mountain population, nevertheless, is seriously undernourished. For an increasing proportion of the village people, survival has become a permanent crisis. There are no serious and comprehensive strategies on the part of the government to aim at bridging this gap in food supply. The role of the government is generally limited to arranging subsidised food supply in places where private sector does not want to move due to unprofitability of the deal. Such moves also lack strategies that should be diverse, complex, and innovative requiring high degrees of mobility and activity. As a matter of fact, there is no viable safety net system.

Right to Food in the Conflict Situation

Nepal is in the state of conflict. The right to food is further worsening in the situation of insurgency that has dragged on in the country. This is the fifth year of the *people's war* that the insurgent Maoists of Nepal have waged against the current political establishment. Neither the Government nor the Maoists have won it. In the process, however, several of the pressing human rights of the ordinary Nepalese people have been violated. One of them is the right to food.

Since fighting escalated between Nepal's security forces and Maoist insurgents, followed by the government's declaration of a state of emergency in November 2001, large areas of the country's west-central region have become very difficult to reach. Alarming newspaper articles have reported looming food crisis in the area which is the poorest region in the country. Chronically food-deficit hilly regions from where the Maoists of Nepal are operating are the hardest hit regions. Due to climatic and soil conditions, along with high altitude variables, these districts do not yield much food production. Whether it is Rukum or Rolpa, Salyan or Pyuthan, the state of food production is always woeful. The Humla District, for example, is one of the districts where people are increasingly worried about their daily lives, amid the suspension of flights of subsidized food and scaling down of international food aid schemes due to security concerns of attacks by Maoist rebels. Even in the terraced fields that should have begun cropping, the land remains fallow as many have fled their villagers owing to the general sense of insecurity.

The Maoists have frequently pressed the local youth in many of the hill districts of Nepal to join their *people's war* or revolution, and the security forces too have on occasions detained young men and women on suspicion for either being Maoists or their informants. As a consequence, many of them have run away to safer regions. Generally, those who have remained in the villages are the disabled, widows, elderly people, persons with no support from anywhere, and the children. Of those who remain, many do not have the manpower to farm, while, others may not have planted this season's crop with the fear of being robbed of it by the insurgents. When farmers are caught in the crossfire, agriculture doesn't wait for another season. The fact, however, remains that even before the seven year old Maoist insurgency intensified in recent months, 39 of Nepal's 75 districts, most of them in the country's mid-west, were already suffering from chronic food shortages. Experts say that the combination of these factors -- armed conflict and hunger -- means that Nepal may well be moving toward having one of the most serious

food crises in South Asia.

The Maoist conflict has already affected food flights to the mid and far western districts. The food agency stopped flying subsidised food to remote village depots in Mugu last year owing to the security situation, including the fear that food might be robbed by the Maoists as well. In fact, the fear has factual basis. Bridges connecting the villages to the district headquarters have been destroyed in many places and people cannot collect rice -- unless they swim or go through areas where the Maoists are active. The suspension has affected at least 5,000 residents. Since mid 2002, the United Nations' World Food Programme (WFP) suspended its "Food for Work Programme" in the two western districts of Mugu and Jajarkot after Maoists looted stores. As a direct case, some 15,000 people working on a road in exchange for food have been directly affected. The implications are most unfortunate. In Jajarkot, at least 10,000 people around the same time of the year lost their source for food for sixty to ninety days at a time when there is nothing growing in the fields. Though there are reports of cooperative farming being carried out in no-go Maoist strongholds, the reports are sceptical. The logic is that rebels cannot wait for the crops to grow when the security forces are chasing from behind.

The January 2003 report of the ICRC Nepal following the survey of some districts worst affected by the conflict, have however concluded that for the time being there was no acute food crisis in the areas surveyed; agriculture was being pursued fairly normally and families' overall economic security remained comparable to that of normal times. Mobility restrictions imposed by the security forces and the Maoists, a chronically poor transport system, and insecurity arising from the fighting are all inhibiting commerce and transport. If the above-mentioned problems persist or worsen, they could deprive families of their primary coping mechanisms and interfere with local men's practice of seeking work abroad or in wealthier areas of Nepal. This could precipitate into an acute crisis as migrants could be prevented from returning home to help with the planting and harvesting, and the restriction in the passage of goods essential to the economy.

Rights Oriented Strategies

The relentlessly growing population in Nepal is outpacing food availability situation. While many Nepalese people in the remote hills referred to above have undoubtedly lost their right to food as a result of war and civil strife, other groups are also vulnerable to possible lack of entitlements, sporadically or periodically and not necessarily as a result of war, or even quite independently from the security situation. Nobody should expect a peaceful and orderly Nepal without ensuring everyone with physical and economic access to sufficient safe and nutritious food, the most fundamental of all human needs. It involves not only an increase in food production but also better distribution and sustainable consumption of available food, together with measures to alleviate poverty and stabilize population growth. In other words, the creation of a workable food safety net.

It essentially means that there needs to be food available for everybody, and that the food that is available is of satisfactory nutritional quality and culturally acceptable. It implies

the development of a policy and regulatory framework ensuring this nutritional and cultural adequacy as well as food safety through appropriate quality controls and labeling in the food trade and processing industry, including in livestock and fisheries sectors. In order to facilitate the realization of the right to food, policies must be devised so as to help providing the most food insecure areas and households with physical and economic access to adequate food. Programmes and projects on seed banks, food banks, village granaries and rural credit and saving schemes, along with a policy and regulatory framework on rural finance, would allow, at the same production level, to increase food self-provisioning and/or marketed surplus by reducing the food squeeze operated by money lenders and consumer goods merchants.

While the obligation to provide food assistance falls on the State which defines its framework, supports it with the means at its disposal and requires whatever external aid might be necessary, obligations for actual implementation rests at the local level with the designated operators as well as with solidarity networks, whether traditional or newly adapted. It is at the local level that decisions have to be taken on the priority beneficiaries and that eventual shortcomings have to be identified and reported for corrective action.

In the context of conflict that Nepal is passing through, there is an urgent need to initiate a process of dialogue between the government and the Maoists with a view to ensure or restore freedom of movement for people and goods. The National Human Rights Commission of Nepal has also repeatedly called for effective measures to protect the civil, political, economic and social rights of the people with special emphasis on the right to food. In this regard, the NHRC has called for improving overall civilian security; regularly monitoring economic security in areas affected by the conflict, and building up and maintaining the government's capacity to act in the event of an emergency; refrain, for the time being, from undertaking large-scale food distributions, which could undermine existing coping mechanisms, and engage in food aid only if the situation warrants it; share its information with the Nepal Red Cross Society and other humanitarian organizations in the country, and coordinate its work with them.