



**UTILIZING HUMAN RIGHTS LAW
TO PROMOTE AGROECOLOGY
FOR SUSTAINABLE AGRI-FOOD
SYSTEMS IN UGANDA:**

A Policy Brief.

EXECUTIVE SUMMARY

Agriculture is key to Uganda's economy as it contributes to over 22% of Uganda's gross domestic product.¹ Despite this, Uganda still faces challenges of income and food insecurity, unsafe food, environmental degradation and malnutrition.² Uganda also faces challenges of growing Non Communicable Diseases and one of the contributors is consumption of unsafe foods contaminated by carcinogenic agro chemicals.³ Uganda's agricultural sector is also presently facing climate change issues manifesting as long dry spells and erratic rainfall patterns- all affecting agricultural productivity.⁴ To counter these issues, this brief proposes integration of the 'PANTHER'-Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law as principles of human rights and promote agroecology into Uganda's agrifood system.

As a science, agroecology calls for the understanding of ecology⁵ and how it works; growing crops in their natural environment and the social contexts- it optimizes the interactions between plants, animals, humans and the environment while taking into consideration the social aspects that need to be addressed for a sustainable and fair food system⁶. Agroecology is therefore critical for enhancing the right to adequate food and ensuring food justice, climate justice and economic justice. However, for this to be fully realized, the legal framework must embrace the human rights principles and should be enforced.

Therefore, all farmers and stakeholders must participate in laws formulation not only at national but local government level. Rule of law must be at the center of agrifood systems to promote resilient and sustainable food systems. The international legal framework, ranging from the International Convention Economic, Social and Cultural Rights to declarations like the United Nations Declaration on the Rights of Peasants and Persons working in rural areas are providing a lynch-pin for agroecology. At national level, there is need for a law on agroecology. The starting point should be the already existent organic agriculture policy and some laws in Uganda, which include the National Environment Act, The Seed and Plant Act, The Market Act and the Food and Drug Act. The policy brief also highlights why there is a need for review of legal and policy frameworks. Although there is already an organic policy, there is need to have a law to regulate this sector and promote agroecology.

¹ UBOS, Quarterly Gross Domestic product 2020/21, available at https://www.ubos.org/wp-content/uploads/publications/03_2021QGDP_Press_release_Q2_2020-21.pdf

² Daily Monitor, Hunger kills 900 in Karamoja-leaders, available at <https://www.monitor.co.ug/uganda/special-reports/hunger-kills-900-in-karamoja-leaders-3891186>

³ Global Health Science and Practice, Curbing the Rise of Noncommunicable Diseases in Uganda: Perspectives of Policy Actors available at

<https://www.ghspjournal.org/content/9/1/149#:~:text=NCDs%20are%20also%20the%20principal,disability%20adjusted%20life%20years%20globally.&text=Four%20modifiable%20behavioral%20risk%20factors,of%20all%20NCD%20deaths%20worldwide.>

⁴ USAID, Climate change and Agricultural Infrastructure in Uganda, July 2014 available at

https://www.climatelinks.org/sites/default/files/asset/document/Uganda%2520CC%2520and%2520Infrastructure%2520Overview_CLEARED.pdf

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⁶ The 10 Elements of Agroecology guiding the transition to sustainable food and agricultural systems: Available at <https://www.fao.org/3/i9037en/i9037en.pdf>

Center for Food and Adequate Living Rights (CEFROHT) has developed this policy brief with recommendations for different Ministries and CSOs to promote agroecology in Uganda's agriculture sector and hence enhance climate justice, food justice and economic justice.

INTRODUCTION

Rule of law is central to development and a sustainable ecology is no exception. Adherence to the rule of law is a critical factor in sustainable economic development.⁷ Therefore, advancement of the rule of law is essential for sustained and inclusive economic growth, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law⁸. This policy brief urges that agroecology will be a far to reach approach if small holder farmers' communal and individual property rights are not protected; if there is no fair and equitable contract enforcement; failed creation and enforcement of equitable labor laws and failure of the access to opportunity for all (women, poor, uneducated, marginalized).

In pursuit of the sustainable solution to the critical challenges - income and food insecurity, environmental degradation, and the raising trends of non-communicable diseases, through agroecology, then citizens must be treated fairly and with dignity and respect. Rule of law creates a culture where agriculture, commerce and business can flourish and grow. Democracy, paired with fair and equal application of the law at every level of society and government are necessary for strong, sustained economic growth⁹. From a human rights-based approach all laws must have come into place through people's participation, transparent process and duty bearers must be held accountable in case of failure to implement them.

Communities must legally be empowered in the agrifood systems and nature rights.

It should be noted that most of the world's vulnerable small-scale farmers lack effective property rights and the intrinsic economic power of their property remains untapped¹⁰. These farmers who are mostly women, youths and children, suffer unfair/illegal and unequal power relations; and these enhance unsafe working conditions because their employers often operate outside the formal legal system. They are therefore denied economic opportunities as their property and businesses are not legally recognised. They cannot access credit, investment nor global and local markets¹¹.

The current Uganda National Development Plan (NDP III) recognizes the dominance of agriculture and prioritizes Agro-industrialization (AGI) as a great opportunity to increase household incomes and improve quality of life.¹² Despite the NDPIII including all these goals it is sad that it ignores mainstreaming a Human Rights Based Approach to income and food insecurity, unsafe food and environmental degradation and malnutrition.¹³

⁷ Rule of Law and Economic Development. Available at <http://rolalliance.org/rol-alliance-impact/rule-of-law-economic-development>.

⁸Ibid

⁹UN Commission on Legal Empowerment of the Poor Final Report, 2008

¹⁰ Making the Law Work for Everyone VOLUME I Report of the Commission on Legal Empowerment of the Poor. https://www.un.org/ruleoflaw/files/Making_the_Law_Work_for_Everyone.pdf

¹¹Ibid

¹² National Planning Authority, Third National Development Plan (NDP III) 2020/21-2024/25, July 2020, Page 62.

¹³ ReliefWeb, Uganda Key Message Update: Below-average rainfall likely to impact production and reduce expected improvements in food security, March 2022, available at <https://reliefweb.int/report/uganda/uganda->

To cure the foregoing, the practice of agroecology will therefore ensure food systems in Uganda as it ensures that food production is safe and adequate for present generation without compromising the health and cleanliness of the environment (e.g., soil, water, and air) for future generations.¹⁴

UNDERSTANDING AGROECOLOGY

Agroecology refers to the application of ecological principles to agricultural systems and practices which include science, practice and movement.¹⁵ As a science, agroecology involves understanding how the agroecosystems and food systems relate. As a practice, it enhances the resilience and sustainability of food and farming systems while preserving social integrity.¹⁶ As a movement, agroecology focuses on the practicality and the innovative ways of agriculture and its relationship with society and nature. Relatedly, agroecology is the integration of research, education, action and change that brings sustainability to all parts of the food systems.¹⁷ Therefore, agroecology seeks ways to improve agricultural systems by harnessing natural processes, creating beneficial biological interactions and synergies amongst the components of agroecosystems through minimizing synthetic and toxic external inputs.¹⁸

The Food Agriculture Organization (FAO) developed 10 elements of agroecology. These are; diversity, synergies, efficiency, resilience, recycling, co-creation and knowledge exchange, human and social values, culture and food traditions, responsible governance, circular and solidarity.¹⁹ All these elements are interlinked and interdependent. The practice of agroecology creates a wave of resilient communities and the ecosystem contributing to food security and nutrition while maintaining the ecosystem. In this case, agroecological approaches aim at transforming the food system through addressing the root causes of problems and providing sustainable solutions for a resilient, regenerative and equitable food system.

Approximately 46% of Uganda's soils are degraded and 10% is much degraded.²⁰ This is because of the conventional agricultural practices based on high input-high output technique using hybrid seeds of high yielding varieties and abundant irrigation, fertilizers, and pesticides. Agroecology improves resilience to climate change²¹ through cushioning the negative impacts of climate events using agricultural biodiversity. Agroecology increases climate resilience by building on ecological principles such as biodiversity and healthy soils, as well as social aspects such as knowledge sharing and empowering producers.²² According to FAO, in an ideal world, agrifood systems would be resilient, inclusive and sustainable, producing sufficient, safe, and nutritious food for all and generating livelihoods that

key-message-update-below-average-rainfall-likely-impact-production-and-reduce accessed on the 29th August 2022

¹⁴ Supra (footnote 7) para 28-31

¹⁵ CIDSE, The principles of Agroecology: Towards Just, Resilient and Sustainable Food Systems.

¹⁶ Ibid

¹⁷ Gliessman, S., 2018. Defining Agroecology, *Agroecology and Sustainable Food Systems*, 42(6), pp. 599-600, <https://doi.org/10.1080/21683565.2018.1432329>

¹⁸ Ibid

¹⁹ FAO, The 10 Elements of Agroecology: Guiding the Transition to Sustainable Food and Agricultural Systems. (Retrieved from The 10 elements of agroecology (fao.org))

²⁰ Zakayo Muyaka, Priorities for Sustainable Soil Management in Uganda, A Presentation at the African Soil Partnership. (retrieved from www.fao.org)

²¹ Olivier De Schutter (December 2010), Report submitted by the Special Rapporteur on the Right to Food, defines climate change to mean extreme weather-related events

²² Ibid

guarantee people's economic access to that food.²³ Through diversification, agroecology enhances sustainable and healthy diets and food and nutrition security.²⁴ Uniquely, agroecology is about making sure that the way food is grown, sold, traded, marketed and consumed are made fairer and more sustainable in the future.²⁵

Farming in Uganda is basically knowledge intensive and through agroecology, farmers are able to exchange knowledge on culturally appropriate practices and the effective environmental conservation strategies for sustainable production. To this extent, agroecology reconnects people to their food and guarantees accessibility of food to all consumers, and availability for its use in healthy and sustainable diets. With this clear understanding of agroecology, it is paramount to conclude that agroecology is a sure enabler toward achieving climate justice, food justice and economic justice following the interaction of agriculture and the ecosystem for the present and future generation.

AGROECOLOGY AS A DETERMINANT OF THE RIGHT TO FOOD.

The right to food is an inclusive right which is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.²⁶ The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.²⁷ The General Comment on the right to food defines adequacy to be determined by prevailing social, economic, cultural, climatic, ecological and other conditions. Similarly, food must be sustainable for both the present and future generations.²⁸ Uganda is by default organic and agriculture is the mainstay of the economy, however, this is in dire contrast with achieving the right to food as the largest percentage of the population is malnourished and unable to feed self.

To achieve the right to food, it must be adequate, available, and accessible by everyone in the community. Similarly, States have obligations in the realization of the right to food including the obligation to respect, protect and fulfill.²⁹ To this end, in achieving the right to food, agroecology facilitates a people-centered approach with focus on the most vulnerable, it promotes an inclusive, responsible and transparent utilization of resources for food.

²³ FAO. 2021. The State of Food and Agriculture 2021. Making agrifood systems more resilient to shocks and stresses. Rome, FAO. <https://doi.org/10.4060/cb4476en>

²⁴ <https://www.fao.org/agroecology/overview/agroecology-and-the-sustainable-development-goals>

²⁵ 10 elements of agroecology that can guide us toward sustainable food systems. Accessed from <https://agroecology-appg.org/ourwork/10-elements-of-agroecology-that-can-guide-us-toward-sustainable-food-systems-fao>

²⁶ See the committee on Economic, Social and Cultural Rights in the General Comment No. 22

²⁷ CESCR, General Comment No.12 on the Right to adequate food

²⁸ Ibid

²⁹ CESCR, General Comment No.12 on the Right to adequate food.

SUMMARY OF LAWS CRITICAL FOR AGROECOLOGY

The following are a summary of laws, policies and guidelines that are critical and relevant to enhance Agroecology in Uganda's Agricultural sector.

LAW / POLICY	LEGAL PROVISION	RELEVANCE
The Constitution of the Republic of Uganda, 1995 (as amended)	<p>Objective XIV provides for the obligation of the state to encourage people to grow and store adequate food. It also enjoins the state to encourage and promote proper nutrition through mass education and other appropriate means to build a healthy state.</p> <p>Objective XXVII enjoins the state to promote sustainable development and public awareness in the management of land, air, and water resources for present and future generations.</p> <p>Article 39 provides for a right to a clean and healthy environment.</p>	<p>This provision is relevant in the promotion of agroecology as agroecological methods would be critical to food security and proper nutrition, therefore, leading to a healthy state.</p> <p>Agroecology is also emphasizing sustainable methods of farming as one of its elements. Therefore, ensuring that the environment is clean and healthy.</p>
The Food and Drug Act, Cap 278	Section 3 and 6 of the Act creates an offence for selling food which is not of the nature, substance or quality of the food demanded by the purchaser.	This creates an obligation on traders and farmers to ensure that the foods sold by them are safe for consumption.
The Local Government Act Cap. 243	The second schedule provides for the functions of local governments which, inter alia, include; environmental sanitation, women in development, agriculture and veterinary extension services.	This provision is critical as it give duties and obligations to the local governments. This means that it is an obligation of the local government to teach communities agroecology methods.
National Environment Act of 2019	<p>Section 3 provides the right to a clean and healthy environment.</p> <p>Section 5 provides for the principles of environmental management which include; sustainable use of the environment and natural resources, ensuring adequate environmental protection standards and promoting green growth in environmental planning.</p> <p>Section 8 provides for the National Environment Management Authority (NEMA)</p>	<p>These principles are critical for sustainable environment management and agroecology adheres to and promotes them.</p> <p>The NEMA is also responsible for promoting agroecology methods of farming to protect the environment.</p>

<p>The Market Act, Cap 94</p>	<p>Section 1 of the Act makes it a mandate of the district local governments and councils to establish and manage markets.</p>	<p>This provision is relevant in promoting agroecology as districts should manage markets that sell agroecology products like earth markets.</p>
<p>The National Organic Agriculture Policy</p>	<p>The policy provides for some of the principles of organic agriculture which include; fairness, ecology, health, and care. The policy aims at increasing food security and incomes among smallholder farmers, sustainable use of natural resources, increased socio-cultural benefits to smallholder farmers, and increased health benefits.</p>	<p>Agroecology is practiced following the principles in the policy and products produced using agroecology methods are organic. Agroecology would lead to reaching the benefits that the policy has set out to reach.</p>
<p>The National Agriculture Policy</p>	<p>The overall objective of the agriculture policy is to achieve food and nutrition security and improve household incomes through coordinated interventions that focus on enhancing sustainable agricultural productivity and value addition; providing employment opportunities, and promoting domestic and international trade.</p>	<p>Agroecology is one of the ways that would increase food security, nutrition and house hold incomes within communities in Uganda.</p>
<p>The Plant Protection and Health Act, 2015</p>	<p>The act was enacted to provide for the protection of plants against destructive diseases, pests, and weeds, to prevent the introduction of harmful organisms that may affect Agriculture, the environment, and livelihood. Section 4 puts on the commissioner the obligation of promoting public awareness relating to plant diseases, pests, and weeds and the means of their prevention, eradication, and control.</p>	<p>This Act is very critical as it can be used by the commissioner and his officers to promote agroecology as agroecology is very critical in prevention of pests and diseases as it promotes traditional crops that are resistant to pests and diseases.</p>
<p>The Seed and Plant Act</p>	<p>This Act provides for the promotion, regulation, and control of plant breeding.</p>	<p>This section is critical for the regulation to have community breeding and seed multiplication using agroecological methods.</p>

<p>The National Land Use policy (2014)</p>	<p>It provides for the sustainable use of land to meet the agricultural, urbanization, habitation and other environmental development needs of the present and future generations. Organic Agriculture promotes maintenance of soil fertility, and reduced use of external inputs.</p>	<p>This policy can be used to promote agroecology as one of the major sustainable methods of land use.</p>
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RECOMMENDATIONS

The following are the policy and legal recommendations from CEFROHT to improve legal and policy framework to promote agroecology.

The Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)

The ministry should;

- Review the National Agriculture Policy and the National Development Plan III to include agroecology specific interventions to promote food security, nutrition and achieve the right to adequate food.
- With the participation of community members Identify, document, and provide an enabling legal framework for local traditional knowledge and technologies.
- Provide further support of agricultural extension agents to train and empower workers on organic and agroecology agriculture to adapt to climate change impacts.
- Promote the establishment of demonstration farms and community-based agroecology learning centers.
- Provide incentives for investment in value addition for organic and agroecological products.
- Create the community seed banks to promote community seed multiplication and sharing among community farmers to promote sustainable seed systems within communities.
- Collaborate with other agencies like Ministry of Health, National Drug Authority and others to ban glyphosate-based herbicides and other synthetic chemicals that are dangerous for humans, plant and environment health.
- Pass a law on agroecology
- Develop a law to regulate, monitor, test and create standards for organic farming practices and standards within the community.

The Ministry of Local Government.

- Enact ordinances to provide for favorable structures to establish earth markets to sell agroecology products in an enabling environment for economic inclusion of all agroecology farmers and promote the consumption of healthy foods.
- Employ more agricultural officers to train community members in agroecology farming methods.
- Promote agroecology as a financial inclusion and food security tool while implementing the Parish Development Model.

National Environment Management Authority.

- Research and document the impact of synthetic chemical use in agriculture to land and water and other natural resources.
- Promote sustainable methods on land use like agroecology to protect the environment and as a climate change mitigation and adaptation mechanism.

Civil Society Organizations.

- Create public awareness on the benefits of agroecology as a tool to promote climate justice, economic justice and food justice, this should be done using a human rights based approach.
- Continuously engage duty bearers like the MAAIF, Ministry of Local Government, Directorate of Extension Services, NEMA etc to promote agroecology practices of farming to promote food justice, climate justice and economic justice.
- Support local communities through trainings, creating community platforms to engage duty bearers etc on agroecology practices.

ABOUT CEFROHT

CENTER FOR FOOD AND ADEQUATE LIVING RIGHTS (CEFROHT), is an indigenous not-for-profit legal advocacy and action-research organization using a Human Rights-Based Approach to promote food, climate and economic justice. CEFROHT's mission is to use legal tools for food justice, climate justice and economic justice through integrated programs, that is-Social justice and Strategic Litigation, Advocacy and Community Empowerment.

CEFROHT's work is directed towards the interconnection of food justice, climate justice and economic justice promoting adequate living. These include utilizing legal tools to ensure realization of land rights, food security and nutrition, livelihood rights, environmental health and rights.

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