



Food as a human right during disasters in Uganda



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ABSTRACT

Natural and human induced disasters are a threat to food security, economic progress and livelihoods in Uganda. However, we have limited knowledge regarding the putative role of the human rights dimension to the impact and management of such tragedies. In this article we assessed the present policies, legislation and institutional capabilities to ascertain whether they could assure the right to adequate food during disaster situations in Uganda.

Using purposive sampling, 52 duty bearers working in institutions deemed relevant to food security, nutrition and disaster management were interviewed using a semi-structured guide. Relevant provisions from policy, legislation, institutional budgets and records of Parliament provided the context for analysis.

The most important concern coming from the analyses of the information retrieved were inadequate preparedness mechanisms and capabilities. Whereas Uganda's Constitution proclaims the right to adequate food, and the need to establish a contingencies fund and commission responsible for disaster preparedness and management, they had not been instituted. Implementation of relevant policies appeared slow, especially with regard to assuring adequate relief food as a State obligation. Legislation to guarantee funding and institutionalisation of necessary disaster preparedness and management capabilities was not in place. An ambitious 5-year Uganda Nutrition Action Plan adopted in 2011 had not yet been funded by mid-2013, implying a reality gap in nutrition programming. Budget architecture and financing to disaster management have in effect fallen short of assuring adequate relief food as a human right.

Due to capacity constraints, an approach of humanitarian relief may be entrenched in contradiction of State obligations to respect, protect and fulfil human rights. To stay ahead of the potential threats, the Government with support of the Parliament and relevant partners need to enact legislation to appropriate budget resources needed to institute a mechanism of capabilities to implement the constitutional and policy provisions on the right to adequate food and disaster management.

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Introduction

Disasters are devastating and deprive affected persons of many rights, including the fundamental right to adequate food recognized universally as early as 1948 under Article 25 of the Universal Declaration of Human Rights (UN, 1948).¹ The unprecedented

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¹ The right to adequate food is also referred to in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and further elaborated in General Comment 12 of the UN Committee on ESCR, cf. E/C.12/1999/5.

increase in the numbers and ferocity of disasters in many countries is exacerbated by climate change coupled with an increase in the population occupying high risk areas (Guterres, 2009), and repeated cycles of conflict (World Bank, 2009). Although experience and lessons from successive emergencies have led to increased knowledge of various interventions (Salama et al., 2004; Young et al., 2004), disaster losses have often been under-reported and it is likely that the frequency of disaster will increase significantly in the years to come (UNISDR, 2013a). The continued rise in humanitarian needs is stifling progress in the reduction of under-nutrition in fragile social and economic contexts (Gillespie et al., 2013).

As indicated in Table 1, Uganda has ratified relevant agreements pledging to ensure the human right to adequate food and freedom

Table 1

Overall commitment to the right to food and disaster management in Uganda.

Year	Name of agreement	Description
1948	Universal Declaration of Human Rights	• Proclaimed by United Nations General Assembly as a common standard of achievement for all persons in all nations • Article 1 affirms that all human beings are born equal in dignity and rights
1966	International Covenant on Civil and Political Rights	• Article 25(1) on the right to adequate food in the context of an adequate standard of living • Binding treaty ratified by Uganda in 1995
1966	International Covenant on Economic, Social and Cultural Rights	• Article 4 commits States to respond to public emergencies without discrimination • Binding treaty ratified by Uganda in 1987 • Right to adequate food recognised by Article 11 in the context of an adequate standard of living
1986	African Charter on Human and People's Rights ^a	• Basis for developing United Nations General Comment 12 elaborating the right to adequate food and how it could be realised • Ratified by Uganda in 1986
1989	Convention on the Rights of the Child	• Article 18 on protection of family and vulnerable persons • Ratified by Uganda in 1989
1992	United Nations Framework Convention on Climate Change	• Articles 24 and 27 outline the right of children to adequate food and nutritional care • Regarded as the Kyoto Protocol; adopted in 1997 • Ratified by Uganda in 2002
1994	Yokohama Strategy and Plan of Action for a Safer World	• Urges States to put in place policies and institutions to mitigate effects of climate change • Endorsed by Uganda and activities coordinated under the Office of the Prime Minister
1997	Humanitarian Charter and Minimum Standards in Humanitarian Response ^b	• Calls for institutional platforms on disaster risk reduction • Establishes and promotes minimum standards for global humanitarian response
1999	United Nations Resolution 54/219 on Disaster Risk Reduction	• Coordinated by the Office of the Prime Minister • Established the United Nations International Strategy for Disaster Reduction (UNISDR) and its Secretariat
2005	Hyogo Framework for Action for period 2005–2015	• Endorsed by Uganda and coordination is by the Office of the Prime Minister • Adopted at the 2nd World Conference on Disaster reduction held in Hyogo, Japan • Proposed an enabling environment to build disaster resilient nations and communities • Uganda was party to framework and adopted a National Platform coordinated by the Office of the Prime Minister
2009	African Union Convention for the Protection and Assistance of Internally Displaced Persons	• Also called the Kampala Convention • Entered into force in December 2012 • Commits States to offer maximum protection and assistance to displaced persons • Articles 9.1(e) is on protection against starvation • Article 9.2(b) is on providing food to the fullest extent practicable without delay

^a The Charter is silent on the right to adequate food.^b It is also referred to as the SPHERE project.

from hunger during situations of disaster and emergencies. Whereas these commitments call for domestic action against undernutrition, this country is still ranked among the malnutrition-burdened countries (SCN, 2011), with one in five people suffering its effects (GOU, 2011; UBOS, 2012). Other estimates show the undernourished population increased from five millions (27%) in 1990–1992 to 11 million people (30%) in 2011–2013 (FAO et al., 2013). Due to this persistent problem, mitigating external shocks in the aftermath of disasters have been explored in domestic policy and action plans (GOU, 2003, 2010a, 2010b, 2011).

Uganda's disaster profile constructed by United Nations data for the period 1933–2012 estimates that over 9 million people had suffered the impact of natural disasters (UNISDR, 2013b). The National Policy for Disaster Preparedness and Management also acknowledges that on average, 200,000 Ugandans are affected annually by disasters. The most devastating calamity in recent times occurred in March 2010 when a major landslide struck the Bududa district in astern Uganda, killing over 300 people and affecting a population of about 10,000 people (OCHA, 2011; OPM, 2012b).

Using the March 2010 landslide disaster as a point of departure, our aim in the present study was to assess the policy, legislative and institutional capabilities for ensuring the human right to adequate food during natural disaster situations in the Uganda. In doing so, we address two questions:

- To what extent has the right to adequate food been domesticated through policy and legalisation that are relevant in

addressing vulnerability to malnutrition during natural disaster situations?

- What institutional mechanisms and contingencies are in place to ensure that adequate food is available and accessible with dignity during situations of natural disaster in Uganda?

Basing our analysis of these two questions on international human rights agreements and instruments, especially United Nations General Comment 12 (GC 12) of 1999 (CESCR, 1999) and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (VGs) of 2004 (FAO, 2005), to which Uganda is a Party, we viewed the State and its agencies as the primary duty bearer with obligations to respect, protect and fulfil the right to adequate food of the population of vulnerable rights holders (CESCR, 1999).

Given the sudden nature of natural disasters and the challenge of predicting the magnitude of impact, we relied on the premise that adequate preparedness capabilities based on a human rights approach may prevent hunger at the very least, and progressively assure the right to adequate food of disaster victims. We thus reflected on everyone's inherent right to adequate food in the form and substance elaborated in the GC 12 and the VGs. They emphasize the availability and access to food that is sufficient in energy and nutritional quality, safety and culturally acceptable to all human beings using all measures possible, including means of procurement (CESCR, 1999; FAO, 2005). We applied an analytical framework based on the human rights principles, especially participation, accountability, non-discrimination, transparency and respect for human dignity.

Methods

The data was collected between August 2012 and May 2013. Ethical approval was obtained from the Uganda National Council of Science and Technology (reference number SS 2885 of 2012).

Design and sampling

A non-probability descriptive design that employed purposive sampling was used. We collected information from 52 of 55 targeted duty bearers. The sample comprised key informants working in relevant positions of authority in Uganda and therefore considered to have relevant and up-to-date information, experiences and knowledge on the phenomenon being studied (Coyne, 1997; Marshall, 1996; Maxwell, 2013). We also adopted an exploratory approach (Robson, 2011), drawing on available secondary information and past events to examine the situation of natural disasters management in Uganda within the context of the right to adequate food of vulnerable rights holders, and the duty bearers' obligations to respect, protect and fulfil it.

As indicated in Table 2, the duty bearers were considered to have acquired their relevant mandates and responsibilities by designation, appointment or election. Focus was centred on Uganda's Parliament, Office of the Prime Minister, and the Ministries responsible for: Disaster Preparedness and Management; Health; Agriculture, Animal Industry and Fisheries; Defence and Security; Finance, Planning and Economic Development; Gender, Labour and Social Development; and, Water and Environment. We also consulted the Uganda Red Cross; Uganda Human Rights Commission; National Environment Management Authority; Department of Meteorology; and Local Government authorities of two disaster effected districts of Bududa and Kiryandongo.

Initial contact with targeted respondents was by an ethically approved and detailed request letter submitted in advance of the interviews together with the informed consent forms. After 7–10 days of waiting for feedback, physical visits to office premises and or telephone follow-ups were undertaken. Given the busy

schedules of duty bearers, interview schedules were secured following 2–4 weeks of follow-up.

Data collection

The interview guide was sharpened by pilot testing on five duty bearers from the targeted institutions. Consensus from the pre-test culminated into a semi-structured tool comprising 14 questions on prioritisation of disaster preparedness and emergency response in Uganda; the institutional framework for disaster management; policy and legislation on disaster management; perceptions on how the State responded to March 2010 landslide disaster that struck the Bududa district in Eastern Uganda; the actions of Parliament on issues of the right to adequate food and disaster management; State obligations on the right to adequate food; and the integration of the human rights principles especially participation, accountability, non-discrimination, transparency and human dignity into disaster management. These themes were designed based on the broad nature of multi-agency involvement in disaster preparedness and emergency response, and the multifaceted nature of the right to adequate food.

All interviews were conducted in English since it is recognised as an official language in the Republic of Uganda (ROU) as prescribed under Article 6 of the Constitution (ROU, 1995). Each interview was followed by a debriefing session to code key messages for analysis. Secondary data was sourced from relevant policy frameworks, legislation, action plans, ministerial statements and Parliament debates recorded on the Hansard.²

Data analysis

Given the skewed nature of purposive sampling, data analysis mainly emphasised qualitative techniques. Quantitative analysis of the structured questions was limited to descriptive frequencies and outputs. Using an inductive approach to content analysis described by Weber (1990), key words and phrases with similar impression were coded, grouped and categorised into thematic concepts for pattern analysis and triangulation. Real-time qualitative analysis that encourages the capturing of factual results simultaneously during the course of the interviews (Maxwell, 2013; Robson, 2011) also applied. Post-interview debriefing enabled us to cluster and pattern key issues relevant to the study objectives.

Event analysis described by Erickson (1992) was deployed to trace the trends, activities and phenomena relating to the March 2010 landslide. Furthermore, analysis of Government literature and text facilitated us to interpret latent and overt information in policy framework documents (Hesse-Biber and Leavy, 2011), legislation, action plans, ministerial statements and the Hansard among others.

Findings

Legislation relevant to the right to adequate food and disaster management

The 1995 Constitution

The legal regime in Uganda derives its mandate from the 1995 Constitution (ROU, 1995); the third to be adopted since independence from British rule in October 1962. This Constitution had already been amended three times in the first decade after its promulgation (ROU, 2006). Protection and promotion of fundamental human rights and freedoms are enshrined under Chapter 4 of the Constitution; also regarded as the Bill of Rights section.

Table 2
Duty bearers included in the study.

Description of the interviewed duty bearers	Respondents (n = 52)	
	n	%
<i>Gender</i>		
Males	38	73
Females	14	27
<i>Parliament/National Assembly</i>		
Committee chairpersons	8	15
Committee members	11	21
Committee clerks	1	2
<i>Ministries and semi-autonomous institutions</i>		
Ministers	5	10
Permanent Secretary/Under Secretary	1	2
Director/Commissioner	2	4
Assistant Commissioner	4	8
Principal Officer	3	6
Senior Officer	3	6
Officer	4	8
<i>Districts (Bududa and Kiryandongo)</i>		
Chief Administrative Officer (Appointed)	2	4
District Chairperson (elected)	2	4
Sub-county Chief (appointed)	2	4
Sub-county Chairperson (elected)	3	6
Parish and village chiefs (appointed)	1	2
Total interviewed	52	100
Invited but did not respond to our request	3	

² The record of Parliament debates.

Unfortunately, the right to adequate food is not recognised among the Bill of Rights, but rather equivocally cited under the provisions on National Objectives and Directive Principles of State Policy (NODPSP) with no clear guarantees for justiciability.

In the NODPSP provisions, the State commits to respect and promote the fundamental rights of Ugandans, including “opportunities and access to food” under Objective XIV, and pledges to ensure food security and nutrition under Objective XXII:

“The State shall (a) take appropriate steps to encourage people to grow and store adequate food, (b) establish national food reserves, and (c) encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State”.

Whereas Objective XXII (a) and (c) are ambiguous and achievable by means of various programmes of the State, Objective XXII (b) demands more specific investments to establish and operate strategic food reserves as a means to balance food supply and demand, and ensure availability and access to food when situations of need arise. At the time of this analysis, there were no gazetted State-owned food reserves in place, but apparently those which existed were privatised in the late 1990’s when the Government adopted a policy to privatise State enterprises. Our investigations established that a proposition to re-instate national food reserves, in accordance to the Constitution, was still a contentious issue in a proposed draft Bill³ on Food and Nutrition (GOU, 2009) that had been submitted to highest executive organ of the State referred to as the Cabinet. According to an informant from the Ministry of Agriculture, Animal Industry and Fisheries:

“The proposed Food and Nutrition Bill is still in Cabinet because it was strong on the right to food issue and food reserves. It has economic and political implications”.

Similar to food and nutrition, there is a pledge by the State to effectively prepare and manage disasters under Objective XXIII of the Constitution:

“The State shall institute effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life”.

The aforementioned provision is reinforced by a legally binding Article 249 of the Constitution:

“(1) There shall be a Disaster Preparedness and Management Commission for Uganda to deal with both natural and man-made disasters.

(2) Parliament shall, for purposes of this article, prescribe the composition, functions, and procedure for implementation of the functions of the commission”.

At the time of the study, the Parliament had not legislated to institute a Disaster Preparedness and Management Commission as prescribed by the Constitution and there was no proposed legislation by the Government. When asked about provisions of Article 249 of the Constitution, the chairperson of the Parliament Committee on Presidential Affairs, which deals with disasters and emergency situations, said:

“We have on several occasions tasked the Minister to bring this Bill to Parliament but it has never come...as you know, the Executive

originates most Laws so Parliament cannot do much unless the Government presents it”.

Another provision in the 1995 Constitution that renders support to disaster management is Article 157 on contingency funding. It states that:

“Parliament shall make provision for the establishment of a contingencies fund and shall make laws to regulate the operations of that fund”.

In appreciation of the relevant constitutional provisions supporting disaster management and contingencies funding, sentiments urging swift actions in implementing the provisions were echoed by other respondents to this study, including Members of Parliament across the political divide; implying a bipartisan opinion on this matter.

Relevant legislation enacted by the Parliament

Although Uganda lacks a specific legislation to address food and nutrition security and disaster management, legislation on contingencies funding existed but it had not been used. These include the Contingencies Fund Act of 1962 (ROU, 1962), Public Finance and Accountability Act of 2003 (ROU, 2003), and there was before Parliament an elaborate proposition for the same in the Public Finance Bill No. 5 of 2012 (ROU, 2012). Despite these relevant legal provisions, there was no substantial contingency fund that had been appropriated. This has resulted in a Government strategy of emergency supplementary budgets and budget frontloading⁴ when disasters occurred.

If the Public Finance Bill is passed into Law in the current form, the contingencies fund will constitute 3.5% of the annual national budget; 15% of which will be exclusively dedicated to disaster response. However this proposed legislation is not explicit on provisions for food and nutrition interventions during the planning and execution of contingency operations. Given that the planned contingencies fund seems to emphasise response, it falls short of ensuring advance preparedness against hunger and malnutrition as a precaution. It does not explicitly provide for securing and assuring adequate food as a contingency measure in disaster management. Given the omissions in the proposed legislation, it is unlikely that adequate food or related means for its procurement can be timely mobilised in the event of disaster.

Policy framework relevant to the right to adequate food and disaster management

Table 3 outlines selected policies in Uganda that were considered as relevant to food and nutrition security and disaster management.

The National Development Plan 2010–2015

Uganda’s overarching development policy is the National Development Plan (NDP) adopted for the period 2010–2015 (GOU, 2010a). Its main goal is to achieve growth, employment and socio-economic transformation for prosperity. It replaced two consecutive five-year Poverty Eradication Action Plans (PEAPs), equivalent to Uganda’s Poverty Reduction Strategic Papers (PRSPs), which had been adopted for the period 1996–2008 (MFPED, 2004). The PRSPs were adopted in some highly indebted developing countries due to the problem of international debts. As such, Uganda’s PEAPs were pre-dominantly influenced by concessional offers for debt relief and further poverty reduction support credit by the International Monetary Fund and the World Bank. In effect,

³ A Bill is a proposal for legislation tabled before the Parliament. A draft Bill is therefore still a proposition prepared by the relevant institutions of the State before it has been submitted to Parliament for debate and enactment into Law. In this case, the draft Bill was developed through a multi-sectoral process led by the Ministry of Agriculture, Animal Industry and Fisheries.

⁴ This involved re-allocation of budget funds from one sector or priority to another so as to respond to a particular phenomenon that required urgent funding.

Table 3

Policy frameworks relevant to the right to adequate food and disaster management in Uganda.

Year	Relevant policy framework	Targets relevant to the right to adequate food
2003	Uganda Food and Nutrition Policy	• Ensure an adequate supply of, and access to, good quality food at all times in the country • Proposed to restrict food aid to alleviating temporary food crisis and to ensure it is safe for human consumption • Ministry responsible for Agriculture mandated to coordinate multi-sectorial implementation • Aims to achieve the full realization of the rights of orphans and other vulnerable children
2004	National Orphans and Other Vulnerable Children's Policy	• Commit the Government to provide adequate nutritious food to households caring for orphans and other vulnerable children in emergency situations
2004	National Policy for Internally Displaced Persons	• Pledges to minimize the effects of internal displacement by providing an enabling environment to uphold rights and entitlements of the displaced • Proposes a disaster management fund and human rights promotion and protection sub-committees at national and district level
2010	National Policy for Disaster Preparedness and Management	• Aims to establish institutional mechanisms and capabilities to reduce vulnerability to disasters at all levels
2010	National Development Plan 2010–2015	• Reflects a shift from disaster response to risk reduction through empowerment of communities • Overall national policy that replaced the Poverty Eradication Action Plan • Has identified nutrition and disaster management as areas of policy concern • Uganda's framework for scaling up nutrition in the first 1000 days of life
2011	The Uganda Nutrition Action Plan 2011–2016	• Aims to improve the nutrition status with emphasis on women of reproductive age, infants and young children • Among the objectives to protect households from the impact of shocks and vulnerabilities that affect their nutrition • Mandated to coordinate nutrition transferred to Office of Prime Minister

they set the stage for entrenching a dominant private sector-led growth, free-market economy, privatization of state enterprises, reduction in public expenditure and the public service resources, and decentralization of authority to districts among others. Some respondents argued that the economic liberalization that came with the PEAPs policy regime could have undermined efforts to seriously invest in food security, nutrition, early warning and surveillance. As one duty bearer said:

“We completely privatised agriculture and food production hoping that food security and nutrition would improve gradually through the market but it has not worked...”

Like with the PEAPs, although the NDP is silent on the right to adequate food in particular, it has identified undernutrition and rampant disasters among the national development constraints that need a robust policy, legal and institutional framework.

Uganda Food and Nutrition Policy

A progressive Food and Nutrition Policy (UFNP) adopted in 2003 provides a foundation for the right to adequate food. It makes explicit reference to the United Nations General Comment 12, and the International Bill of Rights provisions on this right, specifically Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social and Cultural Rights. In effect, this policy positions the right to adequate food and a rights-based approach as guiding principles in the implementation of its 12 areas of focus: food supply and accessibility; food processing and preservation; food storage, marketing and distribution; external food trade; food aid; food standards and quality control; nutrition; health; information, education and communication; gender, food and nutrition; surveillance; and research (GOU, 2003).

Despite the elaborate policy proposal for a multi-sectoral arrangement and legal framework to institute a Food and Nutrition Council as an apex organ to provide oversight and coordinate implementation of national programmes, the process had not been implemented despite 10 years after adopting the policy. The lack of supportive legislation has in effect caused a stalemate and constrained progress on implementation. A proposal for legislation on food and nutrition (GOU, 2009) that would support this policy seems not to be an immediate Government priority despite over one decade of drafting and consultations.

Uganda Nutrition Action Plan 2011–2016

As indicated in Table 3, Uganda adopted a five year Nutrition Action Plan (UNAP) for the period 2011–2016 (GOU, 2011). This plan is in line with the NDP of 2010–2015 (GOU, 2010a) and was an apparent response to the United Nations global Scaling-Up Nutrition (SUN) initiative; focuses on investing more resources towards improving nutrition in the first 1000 days of a child's life, that is, from conception to two years of age.⁵ This Uganda's plan for SUN is worth about 63 million United States dollars (USD); equivalent to an estimated 162 billion Uganda shillings. Whereas the right to adequate food is not explicitly dwelt upon in the plan, it highlights an array of international agreements on which this right is premised, including among others the International Covenant on Economic, Social and Cultural Rights (ICESCR). By design, the plan emphasises multi-sectoral interventions that will have the quickest impact on nutrition indicators. In particular, our study found interest in the third objective of this plan which strives to mitigate the impact of disasters on nutrition:

“Protect households from the impact of shocks and other vulnerabilities that affect their nutrition status”.

To achieve the UNAP objective on disaster mitigation, the Government pledges, in the plan, to commit about 18 million USD over a five year period. Of this planned expenditure, social assistance and social transfers have also been estimated to cost over 6 million USD (GOU, 2011).

Furthermore, the UNAP framework shifts the responsibility to coordinate food and nutrition policy from the line Ministries of Health and Agriculture, Animal Industry and Fisheries to the Office of the Prime Minister (OPM) under the Directorate responsible for policy implementation and coordination. However, this was done in a legal vacuum as there is neither legislation nor a budget framework in place to implement this process despite the financial implications of this added mandate to the OPM. In effect, concrete implementation had not yet taken off as three budget years had been lost without financial commitment towards the UNAP implementation. As one key informant said:

⁵ The UNAP does not directly target all vulnerable groups but emphasises women of reproductive age, infants and young children.

“This UNAP is a good initiative but it is externally driven and unrealistic because Government has not planned for such monies to implement it...we are still in the kitchen yet we should be half-way in implementation”.

Our analysis of the UNAP costs vis-à-vis the budget framework of the OPM also revealed a reality gap. The plan had seemingly high implementation costs without consideration of the national resource envelope and institutional budgets. For instance, the OPM and its affiliates, including the Ministry responsible for disaster preparedness and management, received an annual budget estimated at 56 million USD in the financial year 2010/2011 (OPM, 2012a), which is below the UNAP projected cost of 63 million USD (GOU, 2011). This plan's cost is also more than half the agriculture sector's budget estimated at 122 million USD (MFPED, 2013). In addition, the plan's budget for mitigating disasters is four times higher than the estimated four million USD that Government allocated towards relief for disaster victims in the financial year 2011/2012 (OPM, 2012a). It is therefore no wonder that the UNAP has consecutively missed out in the Government financial budgets over the years, including the most recent 2013–2014 budget (MFPED, 2013). In the current circumstances, we envisage that its implementation will be delayed unless the process is otherwise supported by external funding; indeed a test of the Government's will and commitment towards improving nutrition.

The National Policy on Disaster Preparedness and Management

Uganda has put in place an elaborate policy framework on disaster management. Two policies were found to be relevant: the National Policy for Internally Displaced Persons (NPIDP) adopted in August 2004 (GOU, 2004a) and the National Policy on Disaster Preparedness and Management (NPDPM) adopted in October 2010 (GOU, 2010b). Both policies are under the custodianship of the Directorate of Disaster Preparedness, Management and Refugees in the Office of the Prime Minister (OPM). They firmly recognise the International Bill of Rights as guiding principles for their implementation, and share various similar propositions on the institutional framework and sector roles for policy implementation.

In particular, the NPDPM has outlined the relevant human rights agreements to manage disasters but rests the primary responsibility of disaster risk reduction on the community and citizens, in contradiction of State obligations that emphasise the State as the primary duty bearer. It apparently provides a broader policy goal on vulnerability reduction that extends beyond human beings to include animals and plants:

“To establish institutions and mechanisms that will reduce the vulnerability of people, livestock, plants and wildlife to disasters in Uganda”.

This policy also sets out seven broad objectives focusing on the establishment of institutions; equipping institutions; integration of disaster management at all levels; promoting research and technology in risk reduction; dissemination of information on early warning; formation of public–private partnerships; and timely emergency response that is well coordinated at all levels. It further presents a detailed description of the nature and extent of disasters in the country and proposes policy actions, institutional roles and the required legal framework. However, the NPDPM does not make explicit reference to either the right to adequate food or the rights based approach and related State obligations in the context of disaster management. This may pose a challenge when demanding accountability on the right to adequate food during and after disaster situations.

With regard to internally displaced persons, the mission of the NPIDP (GOU, 2004a) was designed in observance of human rights:

“To ensure that internally displaced persons enjoy the same rights and freedoms under the Constitution and all other laws like all other Ugandans”.

Human rights are also included in the second objective of the NPIDP:

“To minimize the effects of internal displacement, by providing an enabling environment for upholding the rights and entitlements of internally displaced people”.

Furthermore, the NPIDP, unlike the NPDPM, lays out the institutional mechanisms needed to ensure food security of displaced persons. It places emphasises on establishing and maintaining grain reserves, provision of food throughout the period of resettlement for those affected, disseminating knowledge on the principles of nutrition, and the role of humanitarian and development agencies in providing support with relief (GOU, 2004a). Although the design of the NPIDP positively targets to mitigate hunger and food insecurity, it falls short of sustaining the progressive realization of the right to adequate food: it is silent on what should constitute adequate relief food, and the human rights obligations of the State as the primary duty bearer in the provision of adequate relief food.

Clearly, the framers of the two policy frameworks relevant to disaster management (GOU, 2004a, 2010b) seemed to have focused attention on the short-term prevention of hunger and starvation. They did not fully embrace the human right to adequate food and its related obligations, including the implementation approaches as provided under General Comment 12 (CESCR, 1999), and the Voluntary Guideline on the progressive realization of the right to adequate food in the context of national food security (FAO, 2005). This significant omission may imply a fragile policy commitment to the right to adequate food approach during disaster preparedness and management.

The National Policy on Orphans and Vulnerable Children

Our analysis also established that the National Policy on Orphans and Vulnerable Children adopted in 2004 has relevant suggestions supporting the right to adequate food of vulnerable children. Though it commits the relevant authorities of the State to provide adequate nutritious food to households caring for orphans and other vulnerable children during emergency situations (GOU, 2004b), there was no specific budget mechanism and road-map in place for that purpose.

The institutional framework for disaster preparedness and management

The institutional framework for disaster preparedness and management as envisioned in Uganda's policy frameworks is illustrated in Fig. 1.

Relevant institutions and their responsibilities

The Department of Disaster Preparedness and Management hosted by the Ministry responsible for Relief, Disaster Preparedness and Management in the Office of the Prime Minister (OPM) is the main institution responsible for disaster preparedness and management in Uganda. It was instituted in 1998 with political leadership of a Minister who is assisted by a Minister of State. This process followed a sector-wide restructuring of the Government in the period 1996–1997. Before then, disaster management was a mandate of the defunct Ministry of Rehabilitation. According to a former civil servant turned legislator:

“In 1996, that important Ministry of Rehabilitation was totally disbanded and its departments like relief, refugees, social welfare, probation, and child welfare were integrated into other Government Ministries”.

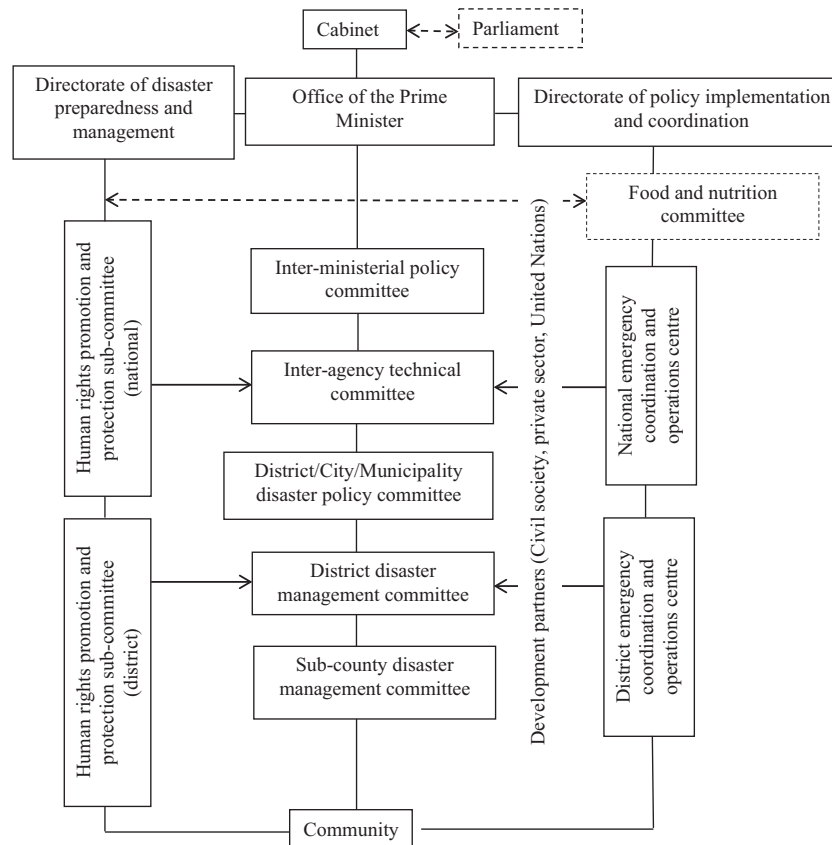


Fig. 1. The institutional framework for disaster management in Uganda as stipulated in the policy. In order to strengthen accountability for the human right to adequate food, we have proposed, in the dotted line borders, for the inclusion of a multi-sectoral food and nutrition committee and the Parliament within the current hierarchical reporting structure.

A multi-sectoral institutional approach at national and district level has been suggested in the two policies relevant for disaster management (GOU, 2004b, 2010b). Through a bottom-up hierarchical reporting, the suggested structures for disaster preparedness and management include: Sub-county Disaster Management Committee; District Disaster Management Committees; District Disaster Policy Committee; National Platform for Disaster Management, also referred to as the Inter-Agency Technical Committee; and the Inter-Ministerial Policy Committee which reports to Cabinet and the Head of State.

The Uganda Red Cross (URC) also plays a significant role in complementing Government efforts during emergency response and disaster management. It is a neutral auxiliary agency that works to complement the State and its function are recognised by national legislation (ROU, 1964). Depending on the magnitude of the challenge, the URC often addresses emergency rescue and response within a framework managed by the responsible Ministry under the OPM.

As indicated in Table 4, although procurement and distribution of relief food is the responsibility of the Ministry responsible for Relief, Disaster Preparedness and Management, the Ministry responsible for Agriculture, Animal Industry and Fisheries is the lead institution in combating shocks due to food insecurity, while the Ministry responsible for Water and Environment, and the National Environment Management Authority take lead on drought and landslides respectively.

Security agencies especially the Uganda People's Defence Forces – army and the Police are also part of the disaster preparedness and management institutional framework. Their operational role is centred along security, command, rescue and recovery (GOU,

2010b). This inclusion of security agencies in civil operations is an important milestone in enhancing national humanitarian response and rescue capabilities to protect human life and property. At the time of our study, we found the UPDF was in leadership at the National Emergency Coordination and Operations Centre (NECOC) in the OPM. The NECOC should have subordinate District Emergency Coordination and Operations Centres (DECOCs) but this was still to be institutionalized due to resource constraints. The National Incident Commander (NIC) had been appointed and was a senior military officer at the rank of Major General. According to him:

“The Commander in Chief is a committed person but efforts to institute an effective and independent centre have been slow due to budgetary constraints...we lack equipment and capability to prepare, predict and timely respond to disasters...relief food has not been enough yet nutrition should ideally constitute at least 40% of relief operations”.

Despite human rights considerations proposed in the disaster management institutional structure, we noted that the Human Rights Protection and Promotion sub-committees proposed at national and district level had not been instituted 10 years after adopting the policy that outlined their composition (GOU, 2004a). Furthermore, the policy commitment to put in place district and sub-county level committees on disaster management, and full-time civil servants in the position of District Disaster Preparedness and Management Coordinators (GOU, 2004a, 2010b), had not materialized. Our interaction with duty bearers in the two disaster-affected districts of Bududa and Kiryandongo

Table 4

Commonly occurring disasters described in Uganda's policy framework. Source: GOU (2010b).

Common disaster	Policy description of definition and most prone areas	Lead institution
Drought	• Prolonged shortage of water due to dry weather conditions • Most prone to areas along the cattle corridor stretching from western and central to mid northern and eastern	Ministry of Water and Environment
Food insecurity	• Severe food shortage that may lead to malnutrition and death • Drought is the common cause of food insecurity in the country mostly in Karamoja, Acholi, Lango, Teso and West Nile areas	Ministry of Agriculture, Animal Industry and Fisheries
Floods	• When large amounts of water build up slowly and cover a place that is meant to be dry. Mainly seasonal in the rainfall period • Common in low lying areas of Kampala city and north-eastern Uganda	Ministry of Water and Environment
Landslides and mudslides	• Rapid movement of a large mass of mud and rocks formed from loose soil and water • Mostly around Mount Elgon, Rwenzori and Kigezi regions	National Environment Management Authority

indicated there were no coordinators and functional structures in place, and there was no clear roadmap for this exercise in the near future. Given the financial implication of human resource deployment and the budget constraints faced by the responsible Ministry, it is likely that the aforementioned structures prescribed in policy are still absent in other districts across Uganda.

Although this study focused on the landslide disaster of 2010, the existing policy has elaborated on other types of disasters that are common to Uganda and in effect assigned sector-specific responsibilities within a multi-sectoral institutional framework (GOU, 2010b).

Resources in the management of disasters

Estimates from the United Nations Office for Disaster Risk Reduction and its affiliate agencies: International Emergency Disaster Database (EMDAT) and the World Health Organisation's Centre for Research on the Epidemiology of Disaster (CRED) show that Uganda suffers an annual economic damage of over two million USD, with drought having the most effect (UNISDR, 2013b). However our review of the complex Government budget architecture established that the Ministry responsible for Disaster Preparedness and Management has been receiving less than 1% of the national budget allocation (MFPED, 2013; OPM, 2012a). According to one of the leaders in the Ministry:

"Our biggest problem is lack of funds. Our ministry budget is too small compared to the challenge...we have been demanding an allocation of at least 1% of the budget but we are not yet there".

In essence, the vast issues of disaster relief may be receiving an estimated annual funding equivalent to approximately four million USD. Using the policy estimates of 200,000 disaster victims every year (GOU, 2010b), we computed a per capita allocation of about 20 USD per disaster victim per year as a ratio of the ministry budget allocation to the victims affected by disasters per year. However, given the complex nature of relief operations, this study could neither verify nor claim that this equivalent of disaster relief was actually received by any victim.

We also established in the OPM reports that the common staples of maize-corn flour (*Zea mays*) and beans (*Phaseolus vulgaris*) are what mainly constituted Government relief food (OPM, 2012a,b). Though corn and beans mostly supply a considerable quantity of calories and proteins and thus important for preventing hunger and starvation, other food varieties including ready-to-eat foods and milk, that are rich in vitamins and minerals and targeted to children and vulnerable groups, were not included in the Government budget for relief (OPM, 2012a). A disaster management officer said:

"We mainly provide maize and beans because it is the basic minimum that Government can afford. Besides, it is widely eaten in Uganda so it is more acceptable".

It is therefore evident that relief food distributed by the State is inadequate in nutrition quality and inconsistency with the right to adequate food. It was difficult to access detailed records on the quality of procured relief food, quality control, distribution and logistical capabilities thereby pointing to possible resource constraints in ensuring transparency and accountability. Although this study has not provided sufficient evidence for how relief food or funds were handled in the country, the extensive distrust of the disaster preparedness and management system could neither be ignored nor underestimated.

Whether relevant institutions have the required capacity

As illustrated in Table 5, most duty bearers reported that disaster management was not treated as a priority by the Government (52%). A majority (73%) informed us that the institutional framework for disaster preparedness and management was inadequate, and that the Parliament had not instituted the necessary measures to assure the right to adequate food of Ugandans during disaster situations (71%).

Our findings also point to a dual position of the Parliament as a State institution with both duty bearers and representatives of vulnerable rights holders. This creates a complex clash and conundrum of both human rights obligations on one hand, and responsibilities to claim and advocate for the rights of their electorate on the other hand. The practicability of this dual position of Parliament may in effect require further analytical exploration in human rights law and practice.

Another important capacity dimension observed in this study was the apparent high proportion (over 50%) of respondents who were non-committal on whether human rights principles, especially participation, accountability, non-discrimination, transparency and human dignity had been integrated into disaster management. Our observations indicated that most respondents either unwilling or uncomfortable answering questions regarding human rights. In effect, majority could not clearly affirm or deny if the principles were indeed integrated.

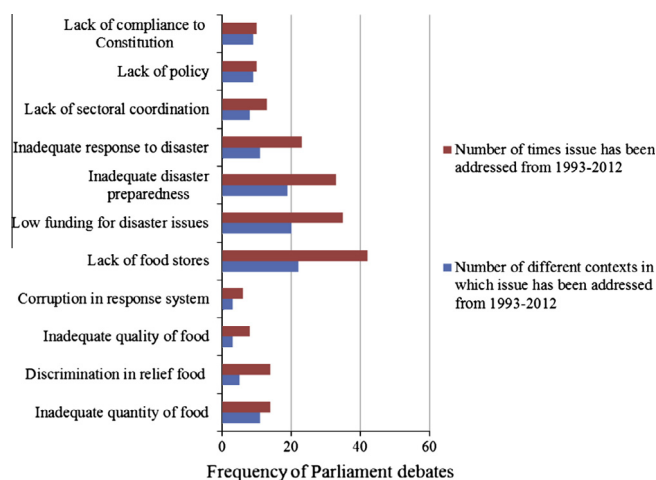
Fig. 2 shows how different issues related to disaster management had been debated in the national Parliament over the last decade. Although the debates were often broad in scope and beyond the context of natural disaster and landslides that was a focus in this study, our review indicated an increasing trend in debating matters related to disasters. Most debated issues in the period of review included lack of food stores, inadequate funding, and inadequate preparedness among others. Although we did not establish how the debated issues in Parliament had been addressed by Government, the Parliament's desire for improved disaster preparedness and management capabilities is implied.

Corruption and lack of accountability are also a serious concern in the disaster management sector in Uganda. This study coincided with the release of a special financial audit report by the Office of

Table 5

Responses on issues of disaster management and the right to food in Uganda.

Question to the duty bearers	Response (n = 52)		
	Yes (%)	No (%)	Do not know/not sure (%)
1. Whether disaster preparedness and emergency response was treated as a priority by the Government	25 (48)	27 (52)	0 (0)
2. Whether aware of existing policy on disaster management	40 (77)	2 (4)	10 (19)
3. Whether the institutional framework for disaster management was adequate	13 (25)	38 (73)	1 (2)
4. Whether Parliament had instituted measures to ensure the right to adequate food of Ugandans	11 (21)	37 (71)	4 (8)
5. Whether satisfied with Parliament's response to the March 2010 landslides that devastated Nametsi parish in Bududa district in eastern Uganda	10 (19)	37 (71)	5 (10)
6. Whether the following human rights principles are integrated in disaster management operations			
Participation	14 (27)	5 (10)	33 (63)
Accountability	4 (8)	22 (42)	26 (50)
Non-discrimination	10 (19)	5 (10)	37 (71)
Transparency	6 (12)	12 (23)	34 (65)
Human dignity	2 (4)	13 (25)	37 (71)

**Fig. 2.** Parliament debates on disaster related matters during the period 1993–2012 in Uganda.

the Auditor General (OAG) that highlighted a number of financial irregularities in the use of public and donor funds earmarked for disaster management in the Office of the Prime Minister (OAG, 2012). This revealing report also alleged that the process to develop the National Policy on Disaster Preparedness and Management of 2010 could have provided a basis for misappropriations of donor funds. Accordingly, corruption tendencies were further suspected in the process of procurement and management of relief food for disaster victims. The revelations led to a probe by the Parliament's Public Accounts Committee but the probe report had not been published after one year of investigations.

Remedy and recourse mechanism for the right to adequate food violations and abuses

Despite the concerns expressed by the Uganda Human Rights Commission (UHRC) with regard to the Government response to the landslide disaster of 2010 (UHRC, 2013), we did not find any examples in case law within Uganda's judiciary system where violations and abuses of the right to adequate food of disaster victims had been addressed. Such prospects for jurisprudence are further constrained by the absence, in the Constitution and in existing legislation, of relevant provisions to hold the State and other parties to

account when this right of disaster victims and other vulnerable Ugandans are violated, abused, or neglected.

Discussion

The results have shown that the Constitution of the Republic of Uganda provides the necessary legal foundation for minimising vulnerability to disasters, with firm provisions to ensure contingencies funding and establishment of relevant legal and institutional capabilities. However, the Government had not honoured existing legislation committing contingency funding in the annual budgets (ROU, 1962, 2003). It is uncertain whether contingencies proposed in the current Finance Bill of 2012, that is before Parliament (ROU, 2012), will deliver on effective disaster preparedness and management: though the Bill proposes an annual national budget portion of 3.5% for contingencies, of which 15% will be exclusively for disaster response, its design aims to address response and not preparedness capabilities, and it lacks specific contingency measures on food and nutrition security during disaster management.

Although relevant policy frameworks on food and nutrition and disaster preparedness and management exist, they have not been implemented fully and this may constitute a considerable problem for assuring the right to adequate food during disaster situations. The challenge is also compounded by provisions on the right to adequate food in the Constitution; Objective XIV and XXII, that it seems cannot be utilised to demand judicial remedy and recourse mechanisms when this right is violated or abused.

There is a reality gap between policy and practice demonstrated by the adoption of relevant policy designs that are not harmonised with actual resource availability and institutional budget capacity. In effect, the existence of well documented progressive policies in Uganda cannot be rightly interpreted as an expression of sincere commitment and investment by duty bearers. Implementation of relevant policies on food and nutrition (GOU, 2003, 2011), vulnerable children (GOU, 2004b), internal displacement (GOU, 2004a) and disaster preparedness and management (GOU, 2010b), is still below expectation and this may subsist for some time if implementation is not financed.

It also seems apparent that due to the desire for international support to complement Government's effort, the existing nutrition action plan was highly priced without clear mechanisms for domestic budgeting. This recently adopted 63 million USD plan

for the period 2011–2016 (GOU, 2011) also lacks a supportive legislation to appropriate the necessary budget resources to operationalize and coordinate interventions and has thus missed out on three consecutive national budgeting cycles. The apparent failure to fund national policy action plans in the domestic budget, due to anticipation of external assistance, casts a shadow on whether economic planning is sensitive to the challenges and consequences of undernutrition and disaster situations. This approach is in contrast to a human rights approach that seeks to position human rights perspectives and principles as a purposive guide during policy formulation, implementation, monitoring and evaluation (Stupar et al., 2012).

Delegation on matters of nutrition and disaster management has not been effectively tested within the current policy framework managed under the Office of the Prime Minister (OPM). There is no clear roadmap backed by legislation to institute an array of relevant disaster management institutions at national and district level as proposed in policy (GOU, 2004a, 2010b). On the other hand, we have shown that a proposed Bill for legislation on Food and Nutrition (GOU, 2009) to support implementation of the Food and Nutrition Policy (GOU, 2003) has been shelved for a number of years yet the current nutrition action plan has shifted the major responsibilities to the OPM. In the current circumstances, unclogging of the burden of responsibilities held by the OPM is necessary so that it delivers effectively on its prime mandate of monitoring and coordinating policy and governance. The system without delegation will be very slow and certainly complex; an emergency situation can even worsen before a decision on what to do can be taken and money provided to save people.

Owing to the meagre resources allocated for disaster preparedness and management in the country, a humanitarian relief approach risks being institutionalised. As observed by Dowler and O'Connor (2012), and Rideout et al. (2007), weak commitment by the State in ensuring its obligations against threats of hunger and food insecurity have created opportunities for humanitarian agencies to operate even in situations where the Government has the capacity, mandate and primary obligation. In Uganda, the Uganda Red Cross (URC), which is by legal design a neutral auxiliary agency, contributes a seemingly leading role in the Government during emergency response and relief operations across the country. Entrenching this approach may institutionalize humanitarian relief and potentially undermine the State's obligations and commitments to human rights, especially the right to adequate food.

Whereas the prevention of hunger and starvation threats often constitute the most critical and primary urgency for the State to intervene with relief food, this thesis argues that realizing the right to adequate food neither implies the mere availability and provision of food aid, nor the existence of policies and action plans that look ideal in design. It rather encompasses the establishment of concrete institutional arrangements, structures, legislation and implementable policies to ensure its realization in a dignified way (Kent, 2005; Oshaug et al., 1994). In a broader sense, prioritising this right in the wider domain of state obligations requires a moral legitimacy that is not equated to mere charity and humanitarian relief, but rather justice that comes with the deliberate structuring of political space to end the indignity of malnutrition (Andreassen, 2007; Dowler and O'Connor, 2012).

The uniqueness of this study's respondents and the diversity of information that was collected should be a ground for methodological exploration and further studies on this subject. However, a potential source of bias in our analysis could lie in the established non-probability and skewed nature of purposive sampling that may be weak in generating empirical conclusions. We also take cognisance that under the current system of multi-party political dispensation in Uganda, the duty bearer's response could be

influenced by ideological orientation of the Members of Parliament, collective responsibility of political party affiliates, and the oath of secrecy by Government officials. In addition, some duty bearers' misconception of human rights as being "political" rather than "technical" issues could have affected response. Insufficient conceptualisation of the right to adequate food in the broader realm of disasters, and the fear of reprimand when public officers expose ills of the state, could also be a likely source of bias.

Conclusion

Although Uganda is perceived among countries that have a constitution and policy framework that recognises the right to adequate food and the need for effective disaster preparedness and management, the system seems constrained to timely deliver on its promises. Policy is not matched with prudent legislation that appropriates finances and institutional investment to implement related obligations to vulnerable victims of disasters. The absence of preparedness capabilities may exacerbate the institutionalization of a minimum humanitarian approach of mainly short-term relief to prevent hunger and starvation at the expense of a desirable right to adequate food approach.

Durable measures to progressively realize the right to adequate food have not taken effect. Despite the adoption of a cross-cutting and multi-agency plan for improving nutrition, the lack of financing guarantees and delegation of power to decide constitute a weakness. Achieving complex operations and capabilities needed for disaster preparedness and management will demand sound legislation that appropriates financial and technical resource capabilities, and institutes human rights principles, at least participation, accountability, non-discrimination, transparency and dignity of rights holders. The United Nations General Comment 12 and the Voluntary Guidelines for the progressive realization of the right to adequate food in the context of national food security could have helped, but seem not to have been utilised. Apparently, relevant international agreements on disaster management have also not received the attention they deserve.

It is of imperative necessity that the responsible actors and relevant processes respond by investing considerable resources to strengthen national and institutional capabilities for rights-based early warning and surveillance, risk mitigation, and adequate relief food operations, among others.

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