



BRIEFING PAPER

Justiciability Of The Right-To-Food For Farmers In Southeast Asia

JULY 2008

The Global Food Crisis and Justiciable Dimensions

The global food crisis in 2008 that overwhelmed the world recently has pushed more than 100 million people into poverty and brought on various calamities to people of all walks of life. The World Food Programme described the phenomenon of soaring food prices as a “massive violation” of human rights.¹

Throughout the 2008 food crisis, various individuals or groups have called for justice from governments and for them to adhere to and fulfil their obligations in ensuring right-to-food of their people. The question arises as to whether the right to food as a basic human right, recognized in national constitutions, regional instruments, international treaties and general principles of law, is justiciable for the victims of the global food crisis.

Justiciability

“... the existence of the governing legal framework, the rule of law and access to justice concerning the provision for right-to-food.”

To be justiciable, the claims arising from right-to-food violations must have legal standing and be liable to adjudication in a court of law.² Thus, *justiciability of right-to-food is about the existence of the governing legal framework, the rule of law and access to justice concerning the provision for right-to-food.*³ Accountability must be put into practice and stressed through the establishment of relevant institutions and processes to safeguard the interests on the right-to-food. This accountability identifies the pertinent duty bearers, involving political



and administrative accountabilities, judicial and quasi-judicial accountabilities, as well private organizations, and the society at large. The key requirement for justiciability of right-to-food rests upon the positive role of judicial and quasi-judicial bodies to protect and promote human rights values, including the right to food.⁴

As food is a basic requirement of life, *justiciability* is, therefore, important for right-to-food to be recognized as a legal right, bearing in mind that Article 8 of the Universal Declaration of Human Rights (UDHR) provides for justice to be served on right-to-food being a basic right.

“Everyone has the right to an effective remedy by the competent national tribunal for acts violating the fundamental rights granted him by the constitution or by law.”
(UDHR Article 8)

This briefing paper aims to provide civil society organizations or peoples’ organizations working with farmers’ groups or various Farmers’ Organizations in Southeast Asia with basic insights or overview into

1 Olivier De Schutter addressing the U.N. Human Rights Council in May 2008. <http://www.msnbc.msn.com/id/24434592/>

2 the ability of a text to take effect as a legal rule or to create legal effects. Not all statements contained in legal enactments will be justiciable. Some will be broad statements of intent that are too vague to create legal effects.

3 FIAN. Retrieved from <http://www.fian.org/programs-and-campaigns/justiciability-of-the-right-to-food>

4 FAO. IGWG RTFG/INF 7. October 2004.

the legal rights of farmers making claims for their right-to-food as justiciable. In order to determine the justiciability of farmers' right-to-food, it is, therefore, important to understand the legal instruments and recognize the obligations of duty bearers, as well as understand legal entitlements or provisions of right-to-food that could be violated.

Farmers' Right-to-Food Dimensions

The right to food is multidimensional. The recognition or realization of this right depends on many factors that involve personal capacities and external dynamics. Normally, aspects that interplay in the realization of right-to-food, first and foremost, rest on individual efforts to produce or procure the food needed. In order to have food, farmers in particular are heavily dependent on their accessibility to land and other productive resources. Additionally, workers who earn their living as hired labour depend on their wages to buy food. Unfortunately, there would be circumstances where some people are unable to provide for themselves, for reasons beyond their control. These circumstances may include situations such as unemployment, old age, sickness, disability, natural catastrophes and war. For these reasons, a universal instrument or a national or regional relief programme would be an expected alternative.

For the Southeast Asian population of around 570 million, more than half of the people dwelling in rural areas survive on subsistence farming and depend on agriculture-related activities to put food on their plates. Productive resources such as land, agrobiodiversity resources, labour and the ability to grow and sell their farm products are absolute necessities for these farmers. Not only farming families, but millions of urban populations in Southeast Asia are also dependent on the production of these small scale farmers.

Right-to-Food

The right-to-food has been formally enshrined in several instruments of international law, such as

the Universal Declaration of Human Rights (Article 25), the ICESCR Article 11; CEDAW, CRC (Principle 4) and others for which Southeast Asian countries are parties to, as presented in Table 1. All the ASEAN member states (Table 1) are members of the United Nations General Assembly that adopted the Universal Declaration of Human Rights (UDHR) in December 1948. The basic human rights is proclaimed through the UDHR People's Universal Rights Article 3, "Everyone has the right to life, liberty and the security of person". The Declaration was proclaimed in a resolution of the General Assembly on Dec 10, 1948, as the "common standard of achievement for all peoples and all nations" in respect of human rights. It lists numerous rights – civil, political, economic, social and cultural – to which people everywhere are entitled.

Table 1 also details the international commitments of the Southeast Asian nations on human rights-based treaties. The Philippines, in particular, has ratified related treaties that are particularly relevant to the interests of rights to food of men, women and children, through instruments such as CESC, CEDAW, CCPR, CRC, CMW and others⁵ that are not presented in Table 1. Essentially, the commitment through UDHR implies that the right to food, being the core of Article 3 of the UDHR, should make it possible for the people to attain *the right to life*. This right is further strengthened by Article 11 of CESC on "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". CESC General Comment 12 further reinforces the provision of human rights to adequate food being of "crucial importance for the enjoyment of all rights". The basic foundation for the right to adequate food, as drawn up by the CESC, entails "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances and acceptable within a given culture" and "the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights".⁶

⁵ For other international human rights instruments, please refer to <http://www2.ohchr.org/> and <http://www.unhcr.ch/pdf/report.pdf>

⁶ CESC General Comment 12 (8)

Table 1: Southeast Asian countries' commitments, either signatory (s), accession (a) or ratification (r), to selected United Nations human rights treaties.⁹

	UDHR*	CESCR	CCPR	CCPR OP	CERD	CEDAW	CEDAW OP	CRC	CMW
Cambodia	14 Dec 1955	26 May 92 (a)	26 May 92 (a)	27 Sep 04 (s)	28 Dec 83 (r)	15 Oct 92 (a)	11 Nov 01 (s)	15 Oct 92 (a)	27 Sep 04 (s)
Brunei Darussalam	21 Sep 1984					24 May 06 (a)		27 Dec 95 (a)	
Indonesia	28 Sep 1950	3 Feb 06 (a)	23 Feb 06 (a)		25 Jul 99 (a)	13 Sep 84 (r)	28 Feb 00 (s)	5 Sep 90 (r)	22 Sep 04 (s)
Lao PDR	14 Dec 1955	13 Feb 07 (r)	07 Dec 00 (s)		24 Mar 74 (a)	14 Aug 81 (r)		8 May 91 (a)	
Malaysia	17 Sep 1957					05 Jul 95 (r)		17 Feb 95 (a)	
Philippines	24 Oct 1945	03 Jun 74 (r)	23 Oct 86 (r)	22 Aug 89 (r)	15 Sep 67 (r)	05 Aug 81 (r)	12 Nov 03 (r)	21 Aug 90 (r)	5 Jul 95 (r)
Thailand	16 Dec 1946	05 Sep 99 (a)	29 Oct 96 (a)		28 Jan 03 (a)	09 Aug 85 (a)	14 Jun 00 (r)	27 Mar 92 (a)	
Vietnam	20 Sep 1977	24 Sep 82 (a)	24 Sep 82 (a)		09 Jun 82 (a)	17 Feb 82 (r)		28 Feb 90 (r)	
Singapore	21 Sep 1965					05 Oct 95 (a)		5 Oct 95 (a)	
Myanmar	19 Apr 1948					22 Jul 97 (a)		15 Jul 91 (a)	

* Date of admission as UN Member States, each is a member of United Nations General Assembly.

- UDHR : Universal Declaration of Human Rights adopted by the United Nations General Assembly in December 1948.
- CESCR : the International Covenant on Economic, Social and Cultural Rights
- CCPR : the International Covenant on Civil and Political Rights.
- CCPR-OP : the Optional Protocol to the International Covenant on Civil and Political Rights.
- CERD : the International Convention on the Elimination of All Forms of Racial Discrimination
- CEDAW : the Convention on the Elimination of All Forms of Discrimination against Women
- CEDAW-OP : the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- CRC : the Convention on the Rights of the Child which is monitored by the Committee on the Rights of the Child;
- CMW : the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

State and Private Sector Obligations and Accountability

In ensuring that the right to food is fulfilled, respected and provided, CESCR General Comment 3 highlights the obligations of State parties pursuant to Article 2 of the Covenant, which incorporates “*all appropriate means, including the adoption of legislative measures*”.⁷ CESCR General Comment 12 further states that any “*person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies*”.

Parties to CCPR are obliged to provide for venues to ensure the facilitation for the right to self-determination of the peoples (Article 1). Para 3 of Article 1 of the CCPR states that State parties (governments) have the duty to “*promote the realization of the right to self-determination, and*

shall respect that right, in conformity with the provisions of the Charter of the United Nations”⁸.

Notably, members of ASEAN are parties to one or more of these internationally-binding human rights instruments (Table 1). These legally binding instruments have made right-to-food a legal right of farmers to be justiciable. Therefore, victims of these violated legal rights could take their cases to a court of justice.

National Dimensions for Justiciability of Right-to-Food

The virtues of right-to-food stemmed from the basic human rights and also encompass the right to self-determination, indigenous rights to territory and the right of rural peoples to produce food for local and national markets.¹⁰ The people’s food needs, the role and contribution of food producers, and economically

7 CESCR General Comment 3 (3) 14/12/90

8 CCPR General Comment 12 (6) 13/03/84

9 Compiled and retrieved from <http://www2.ohchr.org/> and <http://www.unhcr.ch/pdf/report.pdf>

10 SEARICE. Retrieved from http://searice.org.ph/home/index.php?option=com_content&view=article&id=131:searice-lobbies-for-food-sovereignty-at-regional-food-security-forum&catid=51:temporary

equitable food systems are important features of this right to food.

Unfortunately, ASEAN countries have been struggling to attain respectful right-to-food in the region as it is also seen as a hindrance to trade agendas.¹¹ However, during the ASEAN Trade Ministers Meeting in May 2008, it was acknowledged that *“The ministers affirmed that access to adequate and reliable supply of rice, and stable prices, are fundamental to the region’s economic and social well being.”*¹² Unfortunately, while the right to food is justiciable in some countries, others have voiced doubts as to whether this right should generally be considered to be justiciable.¹³ The determinants for legal standing of right-to-food then fall upon the legal provisions of each nation-State.

National constitutions, laws, legislation and Executive Orders of the respective countries are the basis for legal standing to make right-to-food a justiciable claim. National Constitution is one of the most important points of reference for the legal rights entitled to every citizen of a country.

Under the Constitution of the Socialist Republic of Vietnam (SRV), Article 50, for example, states that the availability of food is to be facilitated by the right to feed oneself. In addition to the SRV Constitution, Article 1 of the Civil Health Protection Legislation also states that the adequacy of food also means meeting the people’s dietary needs. Similar provisions and references can also be made to the constitutions of other countries.

The 1987 Constitution of the Republic of the Philippines, Article XIII, Social Justice and Human Rights (Section 1), states *“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities and remove cultural inequities by equitably diffusing wealth and political power for the common good.”*¹⁴ In addition, Article II on the Declaration of Principles and State Policies, Section 10 of the Constitution also



obligates that *“The State shall promote social justice in all phases of national development.”* Article III, Bill of Rights Section 1, further states that *“No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws.”* And under Section 11, the people should be entitled to *“Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.”*

Article 27 (2) of the Constitution of Indonesia also proclaims that *“Every citizen has the right to work and to live in human dignity.”*¹⁵ In this context, the Indonesian people are granted all the basic human rights provided through the UDHR.

Violations of Farmers’ Right to Food

Relatively, there have been numerous occasions where the right to food of the farmers has been severely threatened, or even violated, contributing partly to the severity of the current food crisis. Recent neo-liberal international trade policies have directly and indirectly contributed to the food crisis, thereby violating the right-to-food of farmers in Southeast Asia and in many other parts of the world as well.

11 Retrieved from <http://www.foodsof.org/html/activities000005.htm>

12 ASEAN Trade Ministers Meeting May 2008. Retrieved from <http://www.msnbc.msn.com/id/24434592/>

13 See “Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to support the progressive Realization of the Right to Adequate Food in the context of National Food Security”, *Recognition of the Right to Food at the national level*, FAO Document IGWG RTFG/INF2, Rome 2004.

14 The 1987 Constitution of the Republic of the Philippines. Art XIII Social Justice and Human Rights¹⁵ The 1945 Constitution of the Republic of Indonesia. Chapter X. The Citizens Article 27

15 The 1945 Constitution of the Republic of Indonesia. Chapter X. The Citizens Article 27

Food vs Cash Commodities and Agribusiness

Potentially discriminating pursuits are emerging in countries where agriculture remains a way of life for millions people, including countries such as Indonesia, Thailand and Malaysia. The governments of these countries have made large-scale agriculture or agribusiness their key agenda for food security. Huge amounts of support and incentives have been provided for this sector to grow, all geared toward the export market.

Because this export-oriented agricultural economy often focuses on high value commodities such as palm oil and rubber, millions of small-scale farmers trying to make a living from food production are excluded from the agenda. The right of farmers to food has since been formally challenged by the unbalanced pursuits for agro-fuel or cash commodities that do not equitably ensure the sustainable livelihood of the farmers, and thus, food. Indirectly, the wages or earnings of workers or farmers of agro-fuel and cash crops can barely meet the soaring prices of food.

Indonesian Law No. 5/1999 on Prohibition against Monopolistic Practices and Unfair Business Competition requires “*that the development in economic sector must be directed toward the realization of public welfare based on Pancasila and the 1945 Constitution*”. Article 3(a) calls “*to maintain public interest and improve the efficiency of the national economy as one of the means to improve public welfare;*” and ... (c) “*to prevent monopolistic practices and/or unfair business competition by the entrepreneurs*”.

As the agribusiness pursuits in the region have been commonly associated with transnational investments, the Law on the Promotion and Management of Foreign Investment of the Lao People’s Democratic Republic, Law No. 1 Article 2, could possibly withstand the challenge as it specifically governs that: “*...Foreign investors may not invest in or operate enterprises which are detrimental to national security, the natural environment, public health or the national culture, or which violate the laws and regulations of the Lao PDR*”.¹⁶ Hopefully,

this law may provide venues for protecting the environment and the socio-economic well-being of the people of the Lao PDR.

Farming vs Private Business Development

In 2008, 53 farmers – freshwater fish rearers and vegetable cultivators – who have tilled the land for 30 years, faced eviction in order to allow the development of a quarry and cement factory in Malim Nawar in Perak, Malaysia.¹⁷ In 2007, about 40 pomelo growers accused of squatting illegally on 121 hectares of State government land were directed to move out, after 20 years of tilling the land, to facilitate a development project.¹⁸

Potential violations of farmers’ right-to-food indirectly requires impact assessments that relate to the Environmental Impact Assessment Order 1987¹⁹ of Malaysia, which affirms that “*before a project such as residential, commercial or industrial development is commenced, permit or approval must be obtained for the proposed quarrying of aggregate, limestone, silics, quartzite, sandstone, marble and decorative building stone within 3km of any existing residential, commercial or industrial areas, or any area for which a licence, permit or approval has been granted*”. Additionally, the utilization or conversion of land use is also regulated by various provisions under the National Land Code, Land Conservation Act and the National Land Code 1965, which reflect the controls on and management of land use.

Numerous calls have been made to the Government of Malaysia to establish an Environment and Sustainable Development Council to promote the integration of Federal-State policies and to incorporate environmental concerns and land management issues into developmental planning. Unfortunately, these efforts have continued to face challenges as land comes under individual State jurisdiction.

Likewise, the Indonesian city of Karawang has witnessed the transformation of 100 acres of rice fields into “*row houses and pastel-colored*

¹⁶ adopted by the National Assembly on 14 March 1994 Issued by Presidential Decree No. 23 of 21 April 1994 and Coming into force on June 1994

¹⁷ Hah Foong Lian. April 28, 2008. *Perak to check if eviction of 53 farmers was fair*. The Star.

¹⁸ KPerak. 2007. *Plodding On Despite Uncertain Future*. Retrieved from <http://www.kperak.com.my/index/news/152.html?res=475&vcid=35>

¹⁹ Application of Laws of Malaysia such as Environmental Quality Act 1974 (Act No. 127), amended by the Environmental Quality (Amendment) Act 1985 (Act No. A636), the Environmental Quality (Amendment) Act 1996 (Act No. A953) and numerous minor amendments



storefronts”. It is also reported that 100,000 acres of farmland “vanish” in the country every year as a result of rapid economic expansion.²⁰ One law of the Republic of Indonesia, No. 10 of 1992 on Concerning Population Development and the Development of Happy and Prosperous Families provides in Article 6 that “*The rights of persons in connection with the dimensions of the person including ... (c) the rights of a person as a citizen including recognition of equal dignity and status, the right to earn and maintain a livelihood*”. In this case, however, poor farmers were not “happy” and “prosperous” as they were still marginalized and their “rights to earn and maintain a livelihood” on their farms were sidelined and violated.

Increased Prices of Goods and Competitive Markets

In Cambodia, the lush paddy fields that used to be a common picture have become increasingly difficult to maintain. Paddy farmers face difficulty feeding their families as prices of goods have increased. The increase in cost of production as a result of the soaring cost of fuel pushing up prices of agricultural inputs have forced the villagers to send their children to find employment outside the village.

Article 62 of The Constitution of the Kingdom of Cambodia states that “*The State shall pay attention and help solve production matters, protect the price of products for farmers and crafters, and find marketplaces for them to sell their products.*”

During the period that had led to the food crisis of 2008, policies adopted by the government might have contributed to the failures of households to feed themselves. The inability to fulfil the obligation on the right to food is implied through The Constitution of the Kingdom of Cambodia, Article 32, which states that “*Every Khmer citizen shall have the right to life, personal freedom and security*”²¹, in which the difficulty to access food has compromised the “right to life”.

Similarly, Section 25 of the Act on Price of Goods and Service 1999 of Thailand states that “*The Commission*²² *shall undertake revision of the exercise of powers under paragraph one at least once a year in order to secure consistency with economic conditions by taking into account capital costs, production costs, import into the Kingdom, export from the Kingdom, purchase or distribution and the appropriate rate of profit, including the impact on investments to expand production capacity in the subsequent period, and if it considers that there has been an alteration or termination of economic conditions or facts forming the basis for the exercise of powers by the Commission, the Commission shall issue a Notification to alter or rescind such exercise of power without delay.*”

For Indonesia, where 70 per cent of its 230 million people are mainly farmers, the effect of the food crisis was severely felt. Making ends meet by farming has been a real challenge and many small scale farmers have experienced that producing food products is no longer profitable²³ because of stiff price competition from imported food products. As a result, many farmers abandoned their farms due to lack of incentives and support.

Shrinking and limitation in Agro-biodiversity

Agro-biodiversity is vital for farmers’ food security. On-farm diversity is shrinking fast due to the planting of commercial crop varieties claimed to respond better to environmental or climatic factors, fertilizers and

20 Wiseman, P. 2008. USA Today. Retrieved from http://www.usatoday.com/news/world/2008-06-30-asiafood_N.htm

21 The Constitution of the Kingdom of Cambodia promulgated on June 27, 1981. Chapter III The Rights and Obligations of Khmer Citizens.

22 Under this Act, the Central Commission, Provincial Commission, sub-committee, Secretary-General and competent official shall be competent officials under the Penal Code.

23 Dursin, K. 2001. Indonesia: 140 million farmers and not enough rice. Online Asia Times. Retrieved from http://www.jubileeresearch.org/worldnews/asia/indonesia_not_enough_rice.htm

pesticides. Lately, farmers' right-to-food is also being challenged by the aggressive trade liberalization regime that incorporates WTO-TRIPS²⁴ and TRIPS-Plus²⁵ provisions seeking ultimate control of biological resources. It is important to understand the magnitude of this threat as biodiversity is considered to be "food insurance" for farmers.

Republic Act No. 8371 of the Philippines enforces the recognition, protection and promotion of the rights of indigenous peoples, where *"The State shall protect the rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) to their ancestral domains to ensure their economic, social and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain"*²⁶. These rights apply to the safeguarding of agrobiodiversity that has remained crucial to the sustainability of the rural and indigenous communities.

Regrettably, in Malaysia, various laws such as the Natural Resources Ordinance 1949 or Protected Areas and Protected Places Act 1959 (Act No. 298, revised 1983) face continuing challenges for possible amendments and revisions to accommodate and facilitate new economic development that could possibly harm the future of agro-biodiversity or plant genetic resources.

Under the Constitution of Indonesia, Chapter XIV Article 33 (3), *"The land, the waters and the natural riches contained therein shall be controlled by the State and exploited to the greatest benefit of the people."* As such, for Indonesia, the policies and implementation process of the government, therefore, should reflect the providing of *"the greatest benefit of the people"*.

The Way Forward

In order to strengthen the justiciability of farmers' right-to-food, it is ultimately important to enhance awareness on the behaviours and policies of Southeast Asian governments, international

organizations, UN agencies and Bretton Wood institutions in their roles to match their Right-to-Food commitments, particularly for vulnerable groups such as small-scale farmers and producers, men, women and children. Their commitments could be disposed of through the different levels of obligations: to respect, protect, and fulfil (as to facilitate and provide) towards the right-to-food commitments.

Box 1: Some strategies to realize human rights:

- Periodic reports to the UN Committee – asking government to provide periodic reports on the status of HR in their country; where right-to-food (RTF) has been undermined,
- through a "naming and shaming" process - Exposing violations to international human rights NGOs and bodies
- Enlightening trade bureaucrats about their own governments' human rights commitments - government representative may be ignorant of international law related)
- Approach some other governments that are supportive of HR principles
- Coalitions of NGO's - Coordinating pressure with human rights NGOs in developed countries

(Adapted from Frankovits, 2008)

Human rights obligations would have little meaning if the duty bearers cannot be held accountable for violations of these legally binding legislations or treaties. Positive obligations of the relevant duty bearers must be addressed in order to ensure that individuals have access to food in all circumstances. The fulfilment of the legal right-to-food or access-to-food is to be recognized as justiciable.²⁷ This is more relevant in the light of the Millennium Development Goals to eradicate extreme poverty and hunger. Thus, considering that General Comment 12 of CESCR points out *"violations of the right-to-food can occur through the direct action of States or other entities insufficiently regulated by States"*²⁸, the right-to-food of each citizen is

24 WTO. Retrieved from http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm

25 Grain. Retrieved from http://www.grain.org/rights_files/trips-plus-where-2003-en.pdf

26 Philippines-The Indigenous Peoples Rights Act of 1997 SEC. 2 (b)

27 FIAN. Retrieved from <http://www.fian.org/programs-and-campaigns/justiciability-of-the-right-to-food>

28 UN. CESCR General Comment 12. The Right to Adequate Food (Art. 11):. 12/05/99. E/C.12/1999/5

justiciable. In order to realize right to food, Frankovits (2008)²⁹ puts forward some strategies that could be adopted by civil societies (Box 1). For instance, providing periodic reports or “shadow” reports on the country’s status of human rights could shed some lights on violations or commitment levels. And so, naming and shaming the parties involved would stir awareness and scrutiny by the public or international bodies.

The commitment of State parties to provide and facilitate means towards fulfilling the right-food-to food calls for attention to the FAO Voluntary

Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. The Guidelines serve to provide basic consideration, particularly in areas where more support for small scale farmers and rural farming communities is necessary to develop sustainable agricultural production. The right-to-food will face continuing challenge as existing laws, legislation and constitutions evolve and face amendments. However, it is important to realize that a court’s decision on the right-to-food cases stays valid even after a change in government³⁰.

RECOMMENDATION FOR FARMERS’ RIGHT-TO-FOOD

- Enhance awareness on farmers’ right to food to include mechanisms to protect natural resources and sustainable agriculture techniques
- Impact Assessment on the implemented agricultural and trade policies in the Southeast Asian region, and the in-depth and focused study on the possible consequences on policies or agreements newly pursued
- Include farmers in any discussion concerning food security proposals for agriculture at local, regional and national seminars or dialogues
- Encourage farmers to adopt sustainable farming practices and supporting people’s movements to claim their community and traditional rights to safeguard their future

RECOMMENDATIONS FOR FOOD SECURITY POLICIES

Guidance for the government, private bodies and the community to work together to ensure right-to-food and food security at household, regional and national levels:

1. to assure food supply and availability,
2. to manage and administer national land use, productive resources and regional planning,
3. to maintain stable food prices and accesibility,
4. to develop efficient food distribution,
5. to improve household’s access to food through fair income distributions or wage levels
6. to promote food diversification, but protect local specialities
7. to prevent and manage food and nutrition insecurity, and
8. provide conducive and sound food-related macro and trade policies.

(Adapted with modifications from Sudaryanto, 2008)³¹

29 Frankovits, A. (2008). *Agricultural Trade Policy and the Human Right to Food*. In: Proceedings of the Regional Food Security Forum: “People’s Response to the Food Crisis in Asia: Towards Sustainable Food Security for All”. Kuala Lumpur 28-29 July 2008. Southeast Asian Council for Food Security and Fair Trade (SEACON).

30 UN. CESCR General Comment 12. The Right to Adequate Food (Art. 11): 12/05/99. E/C.12/1999/5

31 Sudaryanto, T. (2008). *Ensuring Self-sufficiency and Food Security: Indonesian Food Security Policy*. In: Proceedings of the Regional Food Security Forum: “People’s Response to the Food Crisis in Asia: Towards Sustainable Food Security for All”. Kuala Lumpur 28-29 July 2008. Southeast Asian Council for Food Security and Fair Trade (SEACON).