

THE HUMAN RIGHT TO FOOD IN BOLIVIA



REPORT OF AN INTERNATIONAL FACT-FINDING MISSION



Droits et Démocratie
Rights & Democracy

Centre international des droits de la personne et du développement démocratique
International Centre for Human Rights and Democratic Development



THE HUMAN RIGHT TO FOOD IN BOLIVIA

Report of an International Fact-finding Mission



Droits et Démocratie
Rights & Democracy

Centre international des droits de la personne et du développement démocratique
International Centre for Human Rights and Democratic Development



Rights & Democracy

1001 de Maisonneuve Blvd. East, Suite 1100
Montreal (Quebec) H2L 4P9 Canada
Tel: 514-283-6073 / Fax: 514-283-3792
Web: www.dd-rd.ca

Rights & Democracy is a non-partisan, independent Canadian institution created by an Act of Parliament in 1988 to promote democratic development and to advocate for and defend human rights set out in the International Bill of Human Rights. In cooperation with civil society and government in Canada and abroad, Rights & Democracy initiates and supports programmes to strengthen laws and democratic institutions, principally in developing countries.

Coordinadora de Integracion de Organizaciones Economicas Campesina de Bolivia

Calle Beni # 285, esquina Departamento Pando
(Zona Challapampa - Terminal de Buses de La Paz)
Casilla 11156, La Paz, Bolivia
Tel / fax: (591-2) 214-5050
Web: www.cioecbolivia.org

The Coordinating Network for Rural Economy Organizations in Bolivia (CIOEC Bolivia) is an institution that brings together the associations of peasant and indigenous producers in Bolivia. CIOEC Bolivia represents small producers engaged in sustainable production and economic development of the rural sector in order to achieve food sovereignty.

© Rights & Democracy (International Centre for Human Rights and Democratic Development), 2011

This report may be freely excerpted, provided credit is given to Rights & Democracy.

Ce rapport est aussi disponible en français.

Este documento está disponible en español.

Mission coordination: Lauren Ravon, Rights & Democracy

Report writing: Carole Samdup, Rights & Democracy

Translation: Mireille Bonhomme, Jorge Carrigan

Cover Photo: Heather J. Nelson

ISBN: 978-2-923539-53-9

Printed in Canada

Legal Deposit: Bibliothèque et Archives nationales du Québec, 2011

National Library of Canada, fourth quarter, 2011

TABLE OF CONTENTS

ACRONYMS.....	6
MESSAGE FROM THE UN SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD	9
INTRODUCTION.....	11
MISSION OVERVIEW	13
Site Visits, Interviews and Public Engagement	13
Civil Society Seminar	15
METHODOLOGY	17
Maximum Available Resources and Progressive Realization	18
Human Rights Indicators.....	19
Operational Procedure	20
HUMAN RIGHT TO FOOD IN BOLIVIA	21
A New Political Context.....	21
Positive Steps: Political Commitment to End Hunger	26
The Challenge of Implementation: Matching Words with Action.....	36
Cross-cutting Issues	47
CONCLUSION.....	51
RECOMMENDATIONS.....	53
ANNEX 1: Delegation members	57
ANNEX 2: Interviews in La Paz.....	58
ANNEX 3: Site visits	60
ANNEX 4: Pre-mission interviews.....	62

ACRONYMS

ACOBOL	Association of Councillors and Mayors of Bolivia (Asociación de Concejalas y Alcaldesas de Bolivia)
AIPE	Association of Institutions for the Promotion and Education in Bolivia (Asociación de Instituciones de Promoción y Educación Bolivia)
APG	Assembly of the Guarani People
APROCOP	Association of Pocoata potato (oca) producers (Asociación de productores de oca de Pocoata)
BID	Inter-American Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDLA	The Centre for the Study of Labour and Agriculture (El Centro de Estudios para el Desarrollo Laboral y Agrario)
CELADE	Latin American and Caribbean Centre for Demographics (Centro Latinoamericano y Caribeño de Demografía)
CESCR	UN Committee on Economic, Social and Cultural Rights
CIDOB	Federation of Indigenous Peoples of Bolivia (Confederacion de Pueblos Indigenas de Bolivia)
CIOEC	(Coordinadora de Integracion de Organizaciones Economicas Campesina de Bolivia)
CIPCA	Centre for Research and Promotion of the Peasantry (Centro de Investigación y Promoción del Campesinado)
CONAMAQ	National Council of Ayllus and Marcas Qullasuyu (Consejo Nacional de Ayllus y Markas del Qullasuyu)
CONAN	National Council on Food and Nutrition (Consejo Nacional de Alimentacion y Nutricion)
CRC	Convention on the Rights of the Child
CSO	Civil Society Organizations
CSUTCB	Confederation of Rural Labour of Bolivia (Confederacion Sindical Unica de Trabajadores Campesinos de Bolivia)
DdP	Office of the Ombudsman (La Defensoría del Pueblo)
EMAPA	State Company to Support Food Production
ESCR-Net	International Network for Economic, Social and Cultural Rights (Red Internacional para los Derechos Económicos, Sociales y Culturales)
EU	European Union
FAM	Federation of Municipal Associations of Bolivia (Federación de Asociaciones Municipales de Bolivia (FAM))
FAO	UN Food and Agriculture Organization

FIAN	Foodfirst Information and Action Network
GoB	Government of Bolivia
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDB	Inter American Development Bank
IDH	Direct Tax on Hydrocarbons
IFFI	Training Institute for the Integration of Women (Instituto de Formación Femenina Integral)
ILO	International Labour Organization
IMF	International Monetary Fund
INRA	National Institute for Agricultural Reform (Instituto Nacional de Reforma Agraria)
LAC	Latin America and the Caribbean
LMAD	Law on the Framework of Autonomy and Decentralization (Ley Marco de Autonomías y Descentralización)
MAS	Movement towards Socialism (Movimiento al Socialismo-Instrumento Político por la soberanía de los Pueblos)
NCPE	New Political State Constitution
NGO	Non-governmental organizations
OAS	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights
OP	Optional Protocol
PASA	Support Program for Food Security
PND	National Development Plan
PROBIOMA	Productivity and Biodiversity (Productividad Biosfera y Medio Ambiente)
PSSA	Rural Development for Food Sovereignty and Security Policy
RTF	Human Right to Food
TAN	National Agrarian Tribunal
TCO	Community Lands of Origin (Tierras Comunitarias de Origen)
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNI	Integrated Nutrition Unit of Colquechaca (Unidad de Nutrición Integral de Colquechaca)
VAT	Value Added Tax
WFP	World Food Program
WHO	World Health Organization
WTO	World Trade Organization



The international fact-finding mission travelled to Bolivia from February 5-14, 2011 to assess hunger and food insecurity from a human rights perspective and recommend strategies to help eradicate hunger. PHOTO CREDIT: Rights & Democracy.

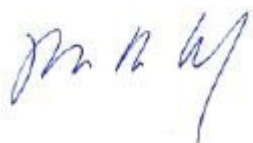
MESSAGE FROM THE UN SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD

As we enter 2011, more than a billion people suffer from persistent hunger and chronic malnutrition. These are man-made phenomena and they have a lifetime impact on individual health and community development. This silent tragedy occurs daily in a world overflowing with riches.

Today I send my best wishes and encouragement to the delegation of Bolivian and international experts as they begin a fact-finding mission to better understand the face of hunger in Bolivia. The mission is important because it will highlight the ways in which the human rights framework can provide practical assistance to states as they implement strategies to eradicate hunger within their jurisdictions. I am confident that the mission findings will be a useful contribution to our common struggle.

I look forward to reading the mission report and to discussing its final conclusions and recommendations with a representative of your delegation. I have no doubt that these findings will also be useful to the Bolivian authorities, with whom I hope to pursue exchanges about the results of the mission, in a spirit of constructive dialogue and cooperation. Until then, be assured that my thoughts and best wishes are with you.

In solidarity,



Olivier De Schutter
United Nations Special Rapporteur on the Right to Food
February 5, 2011



Source : Map No. 3875 Rev. 3 UNITED NATIONS, August 2004

INTRODUCTION

Almost a billion people around the world experience hunger every day. This is more than before the food price crisis of 2008 and significantly higher than when hunger-reduction targets were set during the World Food Summit in 1996. Those targets envisioned a reduction, by half, in the number of hungry people by 2015. Not only is the international community failing to achieve its modest goal, it is now confronting a setback that compels us to ask where we have gone wrong.

Bolivia is a country that boasts a government dedicated to social advancement. It also enjoys increasing state revenues from oil and gas and enough productive land to feed its population. And yet, the United Nations reports that Bolivia still records the highest level of hunger in South America. Rights & Democracy hopes that this report will offer some useful reflections on the causes of hunger in Bolivia and about how a human rights perspective might offer some solutions.

The assessment mission to Bolivia was the fourth in a series undertaken by Rights & Democracy. The goal of the mission series was two-fold: first, to assess hunger and food insecurity in Bolivia from the human rights perspective; and second, to make practical recommendations for both government and civil society.

This report was written as a collaborative effort. Deepest appreciation is extended to the members of the mission delegation and their organizations, both international and national. We wish especially to acknowledge the contribution of our partner organization, the Coordinadora de Integración de Organizaciones Económicas Campesinas de Bolivia (CIOEC), without whom the mission could not have taken place. We also extend sincere thanks to Fundación Tierra which coordinated the Santa Cruz site visit and to the Instituto de Formación Femina Integral which organized the Cochabamba site visit. The Right to Food Unit at the UN Food and Agriculture Organization (FAO) provided technical support to the mission.

Members of the assessment mission wish to extend their special thanks to the many individuals and communities interviewed during our time in Bolivia. Their generosity and insights have inspired this report. Rights & Democracy sincerely hopes that the mission results will serve as a useful contribution to the valuable work already being done by the Government of Bolivia, its international partners and the many civil society organizations engaged in the service of their country.



Members of the international fact-finding mission met with families and village associations in isolated communities to learn how social and agricultural support programs in the area have improved sustainable access to adequate food. PHOTO CREDIT: Rights & Democracy.

MISSION OVERVIEW

An international fact-finding mission visited Bolivia from February 5-14, 2011. The mission was the fourth in a series of country studies undertaken by Rights & Democracy as a means of promoting the advantages of a human rights framework for the eradication of hunger.¹ The mission was undertaken in cooperation with the CIOEC.²

Mission objectives were to assess hunger and food insecurity in Bolivia from a human rights perspective and to make recommendations for policy and program development. This included attention to issues of governance structures (laws, policies and institutions), access to land, and budget allocations. The mission delegation was comprised of representatives of both national and international organizations. The full list of mission delegates and interviews is provided as an annex to this report.

Site Visits, Interviews and Public Engagement

The mission consisted of three elements: site visits to communities affected by hunger in Potosi, Cochabamba and the Chaco region of Santa Cruz; interviews with representatives of government ministries, donor and UN agencies, international financial institutions, social movements, and civil society organizations in La Paz; and a public seminar in collaboration with the *Defensoría del Pueblo* where preliminary findings of the mission were presented.

Site visit to Potosi

The site visit team visited communities in the northern region of the department of Potosí, specifically in the municipalities of Llallagua, Colquechaca, Pocoata and Macha. This region is one of the poorest in Bolivia with high rates of child malnutrition. The land is arid and rocky and the weather conditions are harsh. The primary objective of this site visit was to assess whether the

1 See reports of previous missions to Malawi, Nepal and Haiti at www.dd-rd.ca

2 The mission was organized and funded by Rights & Democracy. CIOEC provided in-country expertise, coordination, and advisory services.

communities were benefiting from national agricultural support programs and social services. In Llallagua, the team met with representatives of the mining cooperatives at the *Mina Siglo XX* and with widowed women working outside the mine, known as *palliris*. In POCOATA, the team had the opportunity to speak with many women selling food in the town market and to meet with members of the Municipal Council (*Consejo Municipal*). In the municipality of Colquechaca, the team met with the Mayor and members of the Municipal Council (*Consejo Municipal*), visited the municipal health center (*Unidad de Nutricion Integral – UNI*) and met with men, women and children in the small rural communities of Pati Pati and Tamy Kuri. The visit ended with interviews at the largest agricultural fair in the region, the *Feria de Pampa Colorada*.

Site visit to Cochabamba

The team visited four communities in the municipality of Tapacari in the mountainous western region of the Cochabamba department: Antakahua, Palcoma, Chaupirancho, and Kjarkjas. The objective of the site visit was to meet with families and village associations in isolated communities in order to learn how social and agricultural support programs in the area have improved sustainable access to adequate food. Meetings with the communities were facilitated by the indigenous organization de *Consejo Nacional de Ayllus y Markas del Qollasuyu* (CONAMAQ). The delegation also visited the largest regional market fair in Confital where informal interviews were held with local farmers who use a bartering system to exchange local products. Finally, the delegation met with Isabel Dominquez Meneces, a former member of the constituent assembly who now runs a boarding school for children in the area (*Internado de jovenes de Pongo*).

Site visit to Santa Cruz

The site visit team visited Guarani indigenous communities in the Chaco region of Santa Cruz including Karaparacito, San Isidro and Yaiti in Alto Parapeti. These communities were among the first to benefit from Bolivia's land reform policy which has prioritized the return of land to indigenous people who for generations had been working the land in conditions of servitude. Santa Cruz is characterized by large agro-industrial estates as well as substantive oil and gas reserves. The primary issues addressed during this site visit were land reform, access to national programs and budget execution at the municipal level. The delegation also met with officials of the local office of the National Institute for Agrarian Reform (INRA)³, local civil society representatives and indigenous leaders including the local *Capitania*, the Assembly of the Guarani People (APG) and the *Confederacion de Pueblos Indigenas de Bolivia* (CIDOB).

3 Sp. Instituto Nacional de Reforma Agrarian.

Interviews with officials in La Paz

The mission members met with a range of stake-holders in Bolivia's capital city, La Paz.⁴ Meetings with government officials including the Ministers of Justice, Rural Development, Finance, Planning and Health as well as the heads of national institutions such as the National Council for Food and Nutrition (CONAN)⁵, *Defensoria del Pueblo*, the State Company to Support Food Production (EMAPA)⁶ and INRA. In La Paz, mission members were fortunate to also meet with representatives of the United Nations in Bolivia, including the Office of the High Commissioner for Human Rights, the World Food Program (WFP), the FAO, and with representatives of international financial institutions including the World Bank and Inter American Development Bank (IDB). Among donor countries, the delegation met with representatives of the governments of Canada, the European Union (EU), and Spain. Additional meetings were organized with local and international non-governmental organizations (NGO).

Civil Society Seminar

At the conclusion of the fact-finding mission, the delegation hosted a public seminar in La Paz in collaboration with *La Defensoria del Pueblo*. The purpose of the seminar was to disseminate preliminary findings of the mission and to encourage discussion about the usefulness of the human rights framework for addressing persistent hunger in Bolivia and for taking concrete actions to confront challenges related to the recent rise in food prices. A delegate of each site visit team shared highlights of the experience and representatives from Rights & Democracy and CIOEC presented the preliminary findings of the mission. More than 80 people attended the seminar.

The seminar featured presentations by a representative of the Minister of Rural Development and a keynote address from the *Defensor del Pueblo de Bolivia*, the Honourable Dr. Rolando Villena. In his presentation, Dr. Villena called for a renewed focus on rural development in Bolivia based on traditional practices and in conformity with Article 405 of the Constitution. Dr. Villena said:

Bolivia provides the example of a country which has recognized the right to food in its constitution and harmonized it with the rights of indigenous peoples. Together they constitute important pillars upon which to develop food and nutrition policies contained within the National Development Plan.⁷

4 See Annex 3.

5 Sp. Consejo Nacional de Alimentación y Nutrición

6 Sp. Empresa de Apoyo a la Producción de Alimentos

7 Unofficial translation. Original Spanish is as follows: Bolivia es un ejemplo por reconocer constitucionalmente la inclusión del derecho a la alimentación y la armonización entre los derechos de los pueblos indígenas que constituyen pilares importantes para desarrollar las políticas de alimentación y nutrición del Plan Nacional de Desarrollo.

Following the presentations, a lively discussion took place among seminar participants regarding the appropriate role of the state in national food production, and the challenges of ensuring state accountability for right to food violations.



The delegation presents preliminary findings during a public seminar held at the Defensoria del Pueblo on February 14, 2011. PHOTO CREDIT: Rights & Democracy.

*“The rights-based approach is far from being merely a theory or an ideal. It is utterly practical: the non-realization of human rights is not only a frequent result of poverty but also one of its major causes, which means that working to realize these rights is vital for combating poverty.”*⁸

METHODOLOGY

When the United Nations Charter was adopted, it called upon nations to “pledge universal respect for and observance of human rights” (Article 55). Further it required that states take “joint and separate action” to implement those rights. Subsequently, the United Nations adopted in 1948, the Universal Declaration of Human Rights as a statement of principles which were soon protected in international law by two governing covenants – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The ICESCR recognizes the right to an adequate standard of living, including the right to food which is described as the right to be “free from hunger.” One hundred and sixty states are currently party to the ICESCR, representing an international consensus upon which cooperation between states can be built.⁹

In 2004, the FAO adopted the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (The Guidelines).¹⁰ The Guidelines offer a practical tool to assist states as they develop programs and policies designed to implement their right to food commitments pursuant to the ICESCR. Since adopting the Guidelines, the FAO has elaborated a companion “toolbox” of methodological manuals including most notably the *Guide on Elaborating Framework Law for the Right to Food*, the *Guide to Conducting a Right to Food Assessment* and *Budget Work to Advance the Right to Food*.¹¹

All human rights are governed by an over-arching set of common principles: human rights are universal and should be enjoyed without discrimination; human rights are indivisible, interdependent and inter-related; states are accountable for human rights implementation and must ensure access to effective remedies when human rights violations occur.

8 The Right to Food in Practice - Implementation at the National Level, FAO, 2006, p.3

9 For a list of ratifications, see: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en

10 To consult the Guidelines: http://www.fao.org/righttofood/en/highlight_51596en.html

11 See the toolbox at www.fao.org/righttofood/publi_02_en.htm

Following the World Food Summit in 1996, the UN Committee on Economic, Social and Cultural Rights (CESCR), a treaty monitoring body, was mandated to further articulate the human right to food by means of a “General Comment.” Although general comments are not legally binding, they are considered to be authoritative interpretations of specific rights or principles governing rights. General Comment 12 was adopted by the UN Commission on Human Rights in 1999.

The General Comment provided a typology for monitoring the different levels of state obligations under the ICESCR.¹² The typology – to *respect*, to *protect* and to *fulfil* – is now generally applied to all economic, social and cultural rights. The obligation to *respect* refers to the state’s commitment not to undermine enjoyment of human rights either through action or failure to act; the obligation to *protect* requires the state to ensure that persons living within its jurisdiction do not suffer human rights violations at the hands of non-state actors; the obligation to *fulfil* requires the state to provide a legal and institutional framework to ensure that rights can be effectively enjoyed in practice (to facilitate, and in cases of natural disaster or emergency to provide).¹³

Maximum Available Resources and Progressive Realization

Article 2 of the ICESCR affirms that each state party must undertake steps “... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant...”. Although these principles are sometimes understood as limitations on state responsibility, the CESCR offers some guidance in its General Comment 12. The CESCR reminds states that as parties to the covenant, they have an immediate obligation to take concrete steps to “move as expeditiously as possible” towards realization of the right to food.¹⁴ Moreover, these steps taken must be non-discriminatory in nature and in their application.

Progressive realization can be understood both as a concept for evaluating outcomes of steps already taken or as a benchmarking tool for the sequencing of new policies and programs. The ICESCR explains that realization of the right to food should progress in accordance with *the maximum of available resources*. In

12 See Asbjorn Eide, The Right to Adequate Food and to be Free from Hunger, Updated study on the right to food, Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNCHR 51st session, doc. E/CN.4/Sub.2/1999/12, 1999.

13 It is helpful to read General Comment 12 in relation to other general comments issued by the CESCR. General Comment 2 on International Technical Assistance, General Comment 3 on the Nature of State Obligations, General Comment 9 on Domestic Application of the Covenant and General Comment 15 on the Right to Water are available on the website of the Office of the High Commissioner for Human Rights at www.ohchr.org/english/bodies/cescr

14 General Comment 12, “The right to adequate food (Art. 11),” CESCR, Geneva, 20th session, 1999, para 14.

simple terms, increased state revenue should result in improved or expanded programs to end hunger and in a reduction in the number of hungry people. Even without revenue increases, however, the first obligation of states is the implementation of human rights and budget choices should be made accordingly.

Human Rights Indicators

Standard development indicators are insufficient for the measurement of human rights. Human rights indicators are not limited to the measurement of aggregate outcomes – for example, the number of hungry people or the number of landless farmers. Instead, they emphasize both structural and process inputs and they require disaggregated data to describe outcomes.

Structural inputs refer to the legal, policy and institutional infrastructure (framework) of the country. For example, are the rights of indigenous peoples protected in the national constitution? Does the government have a national food security policy? *Structural* indicators also include attention to corresponding governance institutions such as national human rights institutions, courts or ombudsmen.

Efforts to track how structural inputs are implemented require *process* indicators, or flow indicators. They reflect the indivisibility of rights by monitoring civic participation, access to remedy and non-discrimination. For example, how do individuals and groups access information about food security programs in Bolivia? Process indicators also illustrate progressive realization. Once land reform legislation was enacted, what steps did the government take to implement the legislation? Did it allocate a sufficient budget for implementation? Did it establish a monitoring process to identify violations and ensure remedy?

The purpose of human rights *outcome* indicators is to monitor the results of structural and procedural inputs. They capture the degree of enjoyment of the right at a particular moment. On their own, however, outcome indicators (for example, the number of hungry people) do not provide information about human rights progress because they do not address the conditions in which the outcome was achieved. Moreover, outcome indicators must be disaggregated according to vulnerabilities so that conclusions about discrimination can be drawn.

Operational Procedure

There are many useful and clear guides on how to conduct a thematic or country assessment including numerous academic papers on the use of indicators, the *FAO Guide to Conducting a Right to Food Assessment* and the excellent training manual for human rights monitoring produced by the Office of the High Commissioner for Human Rights.¹⁵

This assessment mission on the right to food in Bolivia based its procedural approach on lessons learned from the experiences of previous similar missions. The substantive approach relied heavily on General Comment 12 on the Human Right to Food. For example, in the pre-mission development of guiding questions for interviews, attention was given to the normative principles of the right to food (adequacy, accessibility, availability/sustainability) in their relation to the different levels of state obligation (respect, protect, fulfil). The questions developed were reviewed and adjusted as the mission proceeded. Delegation members attempted throughout to apply the over-arching human rights principles of universality, indivisibility, and accountability. Despite the methodological challenge this approach naturally entailed, common observations did evolve from the process although these were primarily qualitative in nature.

Interviews were conducted with affected communities that had made reports to local organizations about particular violations or threats to the enjoyment of their human right to adequate food. Situation-specific questionnaires were developed during a pre-mission workshop in La Paz and interviews were scheduled in advance by local partner organizations. Site visits discussions were conducted in Spanish or indigenous languages with interpretation to Spanish.

Although the interview and follow-up questions differed between site visits according to context, the basic research methods used remained the same. Interviews with communities called upon individuals to describe their situation in their own words and to introduce issues they felt were most relevant to human rights and food insecurity. Interviews with government and international agency officials sought to clarify information obtained during site visits and to better understand the challenges from the perspective of duty bearers.

Some of the facts and figures provided in this report were obtained through online research and post-mission inquiries. With the time and resources available, it was not possible to verify all points of view with the people who expressed them and therefore comments have not generally been attributed to specific individuals.

15 *Training Manual on Human Rights Monitoring*, Office of the High Commissioner for Human Rights, 2001. www.ohchr.org/english/about/publications/docs/train7_a.pdf

HUMAN RIGHT TO FOOD IN BOLIVIA

The Plurinational State of Bolivia is the fifth largest country in South America with a population of almost ten million.¹⁶ Approximately 62% of the population identifies itself as indigenous, making it the country with the highest proportion of indigenous peoples in the Americas.¹⁷ Bolivia is comprised of almost 40 different ethnic groups and the New Political State Constitution (NCPE), adopted in 2009, recognizes 38 official languages including Spanish.

Bolivia is divided into nine administrative units or departments (*departamentos*): Beni, Chuquisaca, Cochabamba, La Paz, Oruro, Pando, Potosi, Santa Cruz and Tarija. Geographically, the country is divided almost perfectly along a north-west by southeast axis by a series of large mountain ranges. The western half of this axis is dominated by impressive peaks, some higher than 6000 metres, and extensive rugged highlands and valleys. The climate in this part of the country is semi-arid and cool. The eastern half of this axis comprises lowland plains of the Amazon basin as well as the Chaco region with its rolling hills and dense forests and a climate varying between tropical and humid to more savannah-like. Most of Bolivia's petroleum and natural gas reserves are found in this eastern half of the country.

A New Political Context

Bolivia's history since independence in 1825 has been marked by coups, dictatorships, massive social protest and economic dependence. The last ten years have been particularly iconic and have resulted in two significant events: the election of the Movement toward Socialism (MAS) party to a majority government headed by President Evo Morales in 2005; and the adoption by referendum of the *New Political Constitution of the State* (NCPE) in 2009. Evo Morales is the first indigenous president in Bolivia's history, and his election marks an historic moment for the country's indigenous majority which has long endured discrimination and marginalization.

16 9.862 million, United Nations Population Division. 2009. <http://data.worldbank.org/country/bolivia?display=graph>

17 CELADE, Centro Latinoamericano y Caribeño de Demografía, División de Población de la CEPAL Fondo indígena, 2008. <http://www.risalc.org/portal/indicadores/ficha/?id=20>. It is difficult to distinguish between indigenous and non-indigenous in Bolivia. The NCPE refers to "Indígena Originario Campesino" as a comprehensive term that includes all nations and peoples who were present in Bolivia before the colonial era and who may now claim specific collective rights as described within the NCPE. The "campesinos", or peasant farmers, are not conceived as part of this group although on an individual basis, they are often of indigenous origin.

Among Morales' first actions as president was to convene, in 2006, a Constituent Assembly to draft the new constitution. The Government of Bolivia (GoB) has been heralded internationally for making the process highly participative across various sectors of Bolivian civil society. In January 2009 the NCPE was finally adopted with 60.4% of the people voting in its favour.¹⁸ In December 2009, Evo Morales' was re-elected as president by a wide margin as his MAS party achieved a two-thirds majority in both the Senate and Chamber of Deputies.

International treaty commitments

Bolivia has signed and ratified core international and regional human rights instruments including the two International Covenants, the ICCPR and the ICESCR. It has signed the Optional Protocol (OP) to the ICESCR and recently announced its intention to ratify.¹⁹ Other agreements ratified by Bolivia include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples. At the regional level, Bolivia is a member of the Organization of American States and a party to the San Salvador Protocol of the American Convention on Human Rights.²⁰

With respect to international trade, the MAS has been critical of bilateral and regional free trade agreements but has nevertheless negotiated trade cooperation agreements with Cuba, Venezuela and most recently with Mexico. Bolivia is a member of the World Trade Organization, the Andean Pact, and an associate member of Mercosur, the common market agreement between Brazil, Argentina, Paraguay and Uruguay.

Hunger and vulnerability

According to the UNDP Human Development Report 2010, Bolivia is classified as a medium-developed-country, ranking 95th of 166 countries surveyed for the report.²¹ When the MAS assumed power in 2006, Bolivia ranked 113 out of 177 countries. Despite this improvement, Bolivia is still amongst the poorest countries in the Latin American and Caribbean (LAC) region with an estimated 56% of the population living below the national poverty line and 33% living in

18 Corte Nacional Electoral. "Referéndum Nacional Constituyente 2009". <http://www.cne.org.bo/ResultadosRNC2009/wfrmDirimidor.aspx>

19 The OP provides an international complaint mechanism when access to justice is denied or otherwise not available at the national level. For more information, see www.escr-net.org/resources/resources_show.htm?doc_id=431553

20 This protocol explicitly protects ESCRs including the right to food. The full treaty can be found at www.oas.org

21 The Changes behind the Change: Inequalities and Social Mobility in Bolivia, Synopsis, National Human Development Report, UNDP, 2010, p.6. http://idh.pnud.bo/usr_files/informes/nacional/INDH2010/capitulos/sinopsis%20english.pdf

extreme poverty. Furthermore 12% of Bolivians survive on less than US\$1 per day.²² The highest concentrations of poverty are found in rural and indigenous communities.

Bolivia has not made significant progress in overcoming hunger during the past two decades. According to data published by the FAO, 24% of the total population was undernourished in 1992. Ten years later, in 2002, the percentage had decreased to 22% but by 2007 it had risen again to 27%. In actual numbers the 2007 figure represents approximately 2.5 million people, an increase from 1.9 million in 1992.²³ The hungry are highly concentrated in the western and southern parts of the country (Potosí, Chuquisaca, Beni and Pando) and especially in the most remote rural communities.

Information received during the mission interview with the World Food Programme (WFP) office in La Paz indicates that increased food prices in 2010 hampered government efforts to curb persistent hunger in Bolivia. WFP surveys shared with the mission delegation show that the cost of food increased at a significantly higher rate than other prices in Bolivia due in part to floods and drought during the first part of 2010. Basic food products, including wheat flour, sugar and maize, increased more than 40% over the previous year. According to the WFP, such increases have reduced the amount of food consumed by families in vulnerable municipalities, both rural and urban.

The Government of Bolivia has made laudable efforts to resolve such difficulties and to uplift traditionally excluded groups, particularly women and indigenous peoples. Still, Bolivia remains one of the most unequal countries in the LAC region in terms of gender, ethnicity and place of residence (rural versus urban). Inequality has meant that hunger is more prevalent among indigenous communities, afro-Bolivianos and the rural poor. Within these communities, children under the age of five are most at risk from deprivation. World Health Organization (WHO) 2008 figures indicate that 27.2% of children under the age of five suffer from chronic malnutrition in Bolivia compared to 15.8% regionally in LAC.²⁴ According to the World Bank, an estimated 80% of children between six and twenty-three months of age suffer from anaemia.²⁵ Among children, a distinct gap exists between indigenous and non-indigenous with 28% of indigenous children experiencing chronic malnutrition compared with 16% of non-indigenous children.²⁶

22 <http://apps.who.int/nutrition/landscape/report.aspx?iso=bol>

23 All data sourced from FAO statistics division, Rome. FAOSTAT (2010): <http://www.fao.org/economic/ess/ess-publications/ess-yearbook/ess-yearbook2010/yearbook2010-welfare/en/>

24 <http://apps.who.int/nutrition/landscape/report.aspx?iso=bol>

25 Bolivia: Towards a new social contract, a country social analysis, World Bank, 2006 at http://siteresources.worldbank.org/BOLIVIA/Resources/Bolivia_CSA_Report.pdf

26 Report of the Special Rapporteur on the right to food, Jean Ziegler: Mission to Bolivia 2008, Human Rights Council, United Nations, January 2008, p.5.

Economic renewal leads to increased state revenue

When the MAS first assumed power in 2006, the Bolivian economy suffered high levels of debt and was dependent on foreign aid. In June 2006, the government announced a program of economic reform and launched a five-year national development plan which anticipated an increase in GDP to 7.6% by 2007 as well as a 50% reduction in the percentage of Bolivians living in poverty and zero malnutrition for children under the age of two.²⁷

As a cornerstone of the economic reform package, foreign-owned oil and gas companies were subjected to a new royalty and tax system, known as the *Direct Tax on Hydrocarbons* (IDH), amounting to 50% of production value. As a result, state revenues from hydrocarbons increased to US\$ 1.3 billion in the first year alone, more than quadrupling 2004 levels and doubling 2005 levels.²⁸ The IDH has provided an enormous amount of extra resources and has significantly increased the capacity of the central government to undertake social programming, including for the realization of economic and social rights. At the same time, however, distribution of these resources to departments and municipalities has been an ongoing source of conflict between the central government and the oil and gas producing departments. The amount of IDH revenue transferred directly to the department and municipal (sub-national) levels of government is increasing year by year.

Rise in resources generated from hydrocarbon tax



Source: Fundación Jubileo²⁹

27 Programa desnutrición www.conan.gov.bo

28 Mark Weisbrot and Luis Sandoval, *The Distribution of Bolivia's Most Important Natural Resources and the Autonomy Conflicts*, January 2009, p.2 at www.cepr.net/documents/publications/Bolivia-hydrocarb-update-2009-01.pdf

29 www.jubileobolivia.org.bo

Available resources also increased because of a significant drop in external debt, both as a percentage of GDP and as a number figure. Shortly after adopting its economic reform policy in 2006, the GoB succeeded in negotiating significant debt relief from both the World Bank and Inter-American Development Bank (IDB). In 2003 Bolivia's external debt peaked at 95.4% of the GDP amounting to US\$ 7.7 billion. The most recent statistic from 2008 shows a drastic reduction to 35.5% of the GDP representing a much reduced dollar figure of US\$ 5.8 billion.³⁰ This opened the doors for negotiation of new loan agreements from the international financial institutions in support of development projects proposed in the five-year development plan - primarily road infrastructure, irrigation and electricity.

The delegation noted that development assistance to Bolivia has also increased in recent years - despite the fact that the government's own revenues have significantly improved to the extent that it is now classed as a middle-income country. The total annual amount of development assistance received in 2009 was US\$ 725.85 million, compared with US\$ 643.06 in 2005.³¹ According to representatives of donor agencies interviewed in La Paz, the justification for increases is the growing disparity between rich and poor in the country. In fact, government statistics report the gini-coefficient in rural areas measures 0.64 while in urban centres it is 0.57.³²

Impact of climate change

Bolivia is one of the most bio-diverse countries in the world and home to 20% of its tropical glaciers. The topology of Bolivia is also diverse comprising Andean mountain ranges, Amazon jungle and the Chaco desert. In recent years, Bolivia has experienced increased incidents of natural disaster linked to climate change.³³ The loss of glaciers has had an impact on weather patterns resulting in shorter rainy seasons, soil erosion and desertification.

The 2010 drought has had a devastating effect on food production in remote communities. In Potosi for example, communities interviewed by the mission delegation reported that approximately 40% of their potato production had been lost during this growing season. In Santa Cruz, community representatives emphasized that crop loss due to drought would have impacts far beyond 2010. They explained that without a harvest there are no seeds for the following year. They questioned whether or not small-scale agriculture would ever again be

30 ECLAC 2009 Statistical Yearbook for Latin America and the Caribbean, http://websie.eclac.cl/anoario_estadistico/anoario_2009/eng/

31 <http://stats.oecd.org>

32 National Institute of Statistics of Bolivia, 2008.

33 Climate Change, Poverty and Adaption in Bolivia, Oxfam International, 2009 <http://www.oxfam.org/sites/www.oxfam.org/files/bolivia-climate-change-adaptation-0911.pdf>

viable in Bolivia. During the 2010 drought many indigenous and small farmers had actually sold their animals, abandoned their fields, and migrated to urban centres for work.³⁴

In response to climate change, on April 20, 2011 (after the mission) the Government of Bolivia adopted legislation that places the rights of nature on an equal pedestal with human rights. The *Law of Mother Earth* is the first such legislation anywhere in the world. Yet questions are already raised about its consistency with other government initiatives. For example, only two days earlier the government had announced that it would reactivate more than 4000 mines lying idle across the country. This followed an announcement that cash incentives would be given to companies that discover new hydrocarbon deposits.

Positive Steps: Political Commitment to End Hunger

Since coming into power, the MAS government has moved forward with an ambitious plan to reduce disparity and end poverty in Bolivia. For example, the new constitution includes a range of human rights protections including the human right to food. This political commitment is complemented by a wide-ranging suite of policies and programs designed to end hunger in the country. Moreover, Bolivian representatives have been outspoken and distinguished advocates of human rights within the United Nations system - most notably in support of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). This section of the report describes laws, institutions and policies which the delegation felt best illustrate the positive steps taken by the Government of Bolivia to promote and defend the human right to food.

National legislation

The 2009 constitution defines Bolivia as a “multinational state made up of indigenous groups”. As such it promises a stronger voice for indigenous people and their institutions, assigns new responsibilities at the departmental and municipal levels, and creates new indigenous autonomous areas. Importantly, the constitution contains no less than 16 references to food in various articles related to food security, food sovereignty, the human right to food, and models of agricultural production. Specifically on the right to food, Article 16.1 states that “Everyone has the right to food and to water”.³⁵ Further commitment is provided in Article 16.11, “The state has the obligation to guarantee food security, comprising a diet that is healthy, adequate and sufficient for the whole population.”³⁶

34 Farmers Abandon Land as Drought Spreads Hunger, World Food Program media release, Sept.1, 2010. <http://www.wfp.org/stories/drought-bolivia-drives-farmers-their-fields>

35 Translated from the original Spanish: “Toda persona tiene derecho al agua y a la alimentación”

36 Translated from the original Spanish: “El Estado tiene la obligación de garantizar la seguridad alimentaria, a través de una alimentación sana, adecuada y suficiente para toda la población”

Given the far-reaching changes between the old and new constitution, the National Congress of Bolivia (parliament) is now tackling the daunting task of drafting and adopting legislation to enforce the new guarantees. Significant progress has been made and five structural laws (“leyes estructurales”) have been adopted. The Autonomy and Decentralization Law (Ley Marco de Autonomías y Descentralización); the Law Establishing the Constitutional Court (Ley del Tribunal Constitucional Plurinacional); the Judicial Framework Law (Ley del Órgano Judicial); the National Electoral Law (Ley del Órgano Electoral Plurinacional); and the Electoral Regime Law (Ley del Régimen Electoral). In 2010, the state adopted a series of “social security” laws related to safety nets including pensions. Stated objectives for 2011 prioritize “economic” laws which will address regulation of the economy and national production. Food security, conceived as an issue of production, is included within this category.

A Draft Bill on the Human Right to Adequate Food has been debated though it has not yet received substantial support from the MAS or the country’s main social movements. A Draft Bill on Food Sovereignty has received more attention and is championed by the Ministry of Agriculture but it does not provide mechanisms of accountability, a key dimension of the human rights framework. Nor does it create mechanisms for protection of the most vulnerable. Certain indigenous organizations supported the Draft Bill on a Productive Decade (renamed the Community Production Revolution Bill and adopted in June 2011) which foresees government support for agriculture given directly to communities rather than to private entities or cooperatives alone.

Within the ensemble of national laws designed to improve secure access to adequate food in Bolivia, the 2006 law on land reform reflects an important commitment of the state to rectify injustices of the past. The law, which extends 2006 legislation to 2013, differentiates rural land from urban in terms of its purpose, regulation and administration. The law requires that rural land provide a social or economic function, that it provide employment respectful of labour rights, and that it adhere to the established ceiling regulation of 5000 hectares. In this way, the state has taken important steps to ensure that agricultural land remains a productive resource for the people of Bolivia.

Autonomy and Decentralization

The process of decentralization and the creation of autonomies within the Bolivian state began in 1994 when the government launched an ambitious program including transfer of funds to sub-national levels of government with a requirement that local civic organizations participate in spending decisions. In 1995, the Administrative Decentralization Law was adopted increasing autonomy to Bolivia's nine departments although key officials were still appointed by the central government.

In May and June of 2008 – in part as a protest against the MAS policy of indigenous empowerment - the departments of Santa Cruz, Beni, Pando and Tarija held referendums on the question of departmental autonomy. While the majority in each department voted in favour of autonomy, the results were deemed invalid and unconstitutional by the government with the Organization of American States (OAS) siding with the central government.³⁷ Nevertheless, the 2009 constitution includes provisions to decentralize even more power and resources to the departments, municipalities and indigenous autonomies. Accordingly, in 2010 the Framework Law for Autonomy and Decentralization (*Ley Marco de Autonomía y Descentralización*) was adopted by parliament. Under the new law, each autonomous unit is required to draft its own “organic charter” or local constitution. It remains unclear if the organic charters will require consistency with the human rights commitments of the Bolivian state.

Institutions

As it strives to enforce constitutional commitments through the adoption of new laws, the Government of Bolivia is also taking important steps to create or reform institutions to implement them. Of the institutions that might implement the state's commitment to the human right to food, the delegation interviewed representatives of the *Defensoria del Pueblo*, INRA, the CONAN and EMAPA. The delegation also met with Bolivia's Minister of Justice to better understand institutions of accountability and in particular, the new Constitutional Court.

Defensoria del Pueblo

The office of the *Defensoria del Pueblo* (ombudsman) functions as a national human rights institution. Established by law in 1997, the *Defensoria* enjoys an independent mandate to receive and investigate complaints related to violations of human rights – both individual and collective - or other state abuses of power.

37 MercoPress, May 2008. <http://en.mercoPress.com/2008/05/03/oas-supports-bolivia-unity-in-eve-of-crucial-autonomy-vote>

The mandate extends to the department and municipal levels and now includes indigenous autonomies. The Ombudsman, who is elected by the Legislative Assembly, also makes recommendations to various governmental bodies regarding the protection of human rights in the country with an emphasis on the human rights of indigenous people and of women.

In his presentation to the delegation and others participating in the public seminar that closed the mission, the *Defensor* expressed a strong commitment to the promotion of the right to food which he understands to be a key component of the government's development plan and an important dimension of the rights of indigenous people. The *Defensor* reported that in December 2010, his office participated in a right to food workshop hosted by the government in collaboration with the FAO. The workshop also included the participation of parliamentarians working to promote framework legislation on the right to food.³⁸ The *Defensoria* will be formulating a new strategic plan for 2012-2016.

The National Council for Food and Nutrition (CONAN)

The Consejo Nacional de Alimentación y Nutrición was created in 2003 and reformed in 2006 to its present form and responsibilities. It is funded by a grouping of international donors including Canada, Belgium, France and Spain.

CONAN describes itself as the government institution mandated to implement the human right to food.³⁹ In their testimony before the UN Committee on Economic, Social and Cultural Rights during Bolivia's periodic review, GoB representatives described the work of CONAN this way: "...the Council is now responsible for promoting the new national food security policy, encouraging and coordinating the participation of public-sector institutions and civil society in the formulation and dissemination of and follow-up to sectoral food and nutrition policies, and promoting the drafting of a national food security policy aimed at eliminating malnutrition among children under the age of five."⁴⁰

The strength of CONAN is its coordination function enabling several ministries to come together under the guidance of the Ministry of Health and leadership of the President of Bolivia. Together they design and deliver programs and projects aimed at providing vulnerable segments of the population with access to sufficient food. Participating ministries include the Office of the President, the Ministry of Finance, the Ministry of Development, the Ministry of Rural

38 *Los Derechos Económicos, Sociales y Culturales en Bolivia : Derecho a la alimentación*, speech delivered at public seminar on the right to food held at the *Defensoria* on February 14, 2011. On file.

39 Sistematización de las Experiencias de Consejos de Alimentación y Nutrición en Bolivia, CONAN, 2010. http://www.fao.org/righttofood/publi10/bolivia_report2010_sistematizacion_conan.pdf

40 E/C.12/BOL/Q/2/Add.1, page 47, available at <http://www.unhcr.org/refworld/country,,STATEPARTIESREP,BOL,,48d0c36c2,0.html>

Development and Land, the Ministry of Justice, and the Ministry of Education. A flagship initiative of CONAN is its Zero Malnutrition (*Desnutricion Cero*) program, which seeks to improve nutrition among pregnant women and children under the age of five. The program reaches 176 priority municipalities identified as most at risk but does not include the active participation of civil society.

Although the delegation did not find that CONAN programs were rights-based in practice, staff had received training about the human right to food and were enthusiastic about its potential value-added for their work. CONAN representatives also said that the agency plans to strengthen conceptual linkages between nutrition and agricultural production policies. To that end they intended to work more closely with the Ministry of Rural Development.

State Company to Support Food Production (EMAPA)

The Empresa de Apoyo a la Produccion de Alimentos is a government institution created in 2007 as a means to manage food supplies and stabilize prices. Its stated goal is to provide loans and services to farmers with less than 50 hectares of land – many with less than 2 hectares - so that the country is better able to achieve self-sufficiency in food. Part of EMAPA's work plan is to increase the amount of land available for agriculture (*ampliación frontera agrícola*) in Bolivia to enable increased production of basic commodities.

In some ways, the EMAPA functions as a state-run contract farming institution. It finances the acquisition of inputs and guarantees the purchase of wheat, rice, and corn at the time of harvest. EMAPA stores reserves in La Paz, processes grain into food product, and sells to low-income families in urban centres as needed, at slightly less than market prices. At the time of the mission, EMAPA was active in six departments (Tarija, Chuquisaca, Santa Cruz, Cochabamba, Potosi and Beni).

National Institute for Agrarian Reform (INRA)

The *Instituto Nacional de Reforma Agraria* is a public agency created in 1996 under the direction of the Ministry of Rural Development and Land. INRA's mandate is to create a land administration system for rural land based on titling and supportive of food sovereignty and biodiversity. At the present, INRA is engaged in a nation-wide initiative to verify all existing titles and to ascertain if land is being used according to the criteria established in the revised land reform law of 2006. In cases where it is not, INRA reclaims land that does not comply with the law and re-assigns it to small farmers and indigenous communities. According to INRA officials met in La Paz and in the department of Santa Cruz, some land may also be given to the state for production of basic food commodities. The philosophy guiding the INRA program is that once land tenure is secure, small farmer and indigenous communities will enjoy improved access to credit, be better able to invest in their land, and thereby will increase national food production and improve food security.

In December 2010, INRA oversaw the first transfer of land to indigenous communities in the Chaco region of Santa Cruz. This case, involving the Guarani people, is described later in the report.

Judiciary

In Bolivia, the judiciary consists of a Supreme Court, an independent Constitutional Tribunal (yet to become operational), a Supreme Electoral Tribunal, and a body of lower courts. Disputes related to the administration of the land reform law are resolved by the National Agrarian Tribunal (TAN) but its decisions can be appealed in lower and national level courts.

In 2010, the National Congress approved legislation that provides a separate and independent justice system for indigenous communities, including independent judicial systems. Its goal is to expedite justice in rural communities where the state is commonly absent and also to increase the autonomy of indigenous peoples in Bolivia. While it remains unclear how efficiently the two systems of justice will co-exist and how effectively indigenous justice will address human rights including the rights of women, the delegation recognized the important role that an indigenous system of justice could play in reducing systemic discrimination experienced by indigenous people within the mainstream legal system.

Policies and programs

Accompanying changes to the Constitution, adoption of new laws, and strengthening of democratic institutions, the Government of Bolivia has taken notable concrete steps towards fulfilling its human right to food obligation through the creation of a wide range of programs dedicated to the improvement of nutrition and sustainable access to food. For the purpose of our mission and this report, the delegation looked at programs within two policy areas – human rights and economic development.

National Human Rights Action Plan

In 2009, based on the constitutional framework, the Ministry of Justice elaborated a five-year National Human Rights Action Plan (*Plan Nacional De Acción de Derechos Humanos*) to “guarantee and promote the fulfillment of State’s obligations with respect to human rights.”⁴¹ The plan was drafted in consultation with civil society through a series of round tables and workshops held across the country. The action plan details all the human rights that the state is responsible for based on international and national commitments. Each right is addressed separately with an explanation of the specific challenges, actions to be

41 See Bolivia’s human rights action plan here: www.ops.org.bo/multimedia/cd/2010/sri-2010-4/files/docs/3_doc_nacionales/12_PNADH2009-2013.pdf

taken, by whom and how much budget is to be allocated for that specific action. Chapter 7 of the plan is dedicated to the “human right to food security” (*derecho a la seguridad alimentaria*) and is accompanied by a budget proposal totalling 1,810,000 Bolivianos (approximately CAD 250,000).

Implementation of the plan is the responsibility of Bolivia’s National Human Rights Council, inaugurated in 2010. The Council operates under the supervision of the Under-Secretary for Human Rights within the Vice-Ministry of Justice and Fundamental Rights and consists of state bodies, civil society and indigenous organizations. The Bolivia office of the High Commissioner for Human Rights participates in Council meetings as an observer. The Council’s purpose is to serve as a coordination mechanism between various ministries and other actors, much in the way that CONAN coordinates nutritional programs across ministries.

National Development Plan (PND)

Presented in 2006 at the beginning of the MAS’s first mandate, the National Development Plan is a five year plan that includes four components: development with social inclusion; decentralization and community-based social empowerment; transformation of the industrial and export system; and a change of focus for international relations. Food sovereignty is included as a fundamental aim of the PND and therefore many of its policies and programs directly or indirectly contribute to the progressive realization of the human right to food in Bolivia.

The PND guides attention to Bolivia’s model of agricultural production with the stated objectives of ensuring national self-sufficiency in food, protecting the environment, and promoting small-scale agriculture. Falling under the responsibility of the Ministry of Rural Development and Land, agricultural programs include financial support in the form of subsidies and credit as well as the development of local markets. The plan also aims to increase the amount of land designated for agricultural production through the government’s land reform initiative.

The PND policy on Rural Development and Food Sovereignty and Security (PSSA) is implemented through the Food Security Support Program (PASA). The PASA is funded by international donors and in 2010 had an operating budget of 79 million Bolivianos (approximately CA\$ 11 million).⁴² Another key program is the Zero Malnutrition Program (*Desnutricion Cero*) implemented through CONAN under the authority of the Ministry of Health. Although lacking an explicit commitment to the human right to food, the PSSA notably includes attention to the empowerment of citizens to claim their human rights through development of transparency and accountability mechanisms at the local level.⁴³

42 www.pasa.org.bo/spp/nacional.php

43 Replies by the Government of Bolivia to the list of issues to be taken up in connection with the consideration of the combined second, third and fourth periodic reports of Bolivia concerning the rights referred to in articles 1-15 of the ICESCR, para 143. <http://www.unhcr.org/refworld/country,CESCR,BOL,48d0c36c2,0.html>

Best practice - Programs empower municipalities to tackle malnutrition

In 2008, the Association of Female Mayors and Municipal Councilwomen of Bolivia (*Asociación de Alcaldesas y Concejales de Bolivia – ACOBOL*) set up a partnership with the CONAN in an effort to municipalize the implementation of the *Desnutrición Cero* program. With support from UNICEF and the Canadian International Development Agency, ACOBOL worked with municipalities throughout the country to ensure that a human rights and gender analysis informed the fight against malnutrition at the local level.

During the initial phase of the project, ACOBOL provided municipal councilwomen with training on how to ensure that the *Desnutrición Cero* program was prioritized within their municipalities' planning and budgeting processes. ACOBOL's members then worked on raising awareness among their male colleagues on the importance of tackling child and maternal malnutrition within their communities. Thanks to their efforts, the *Desnutrición Cero* program firmly took root at the local level and elected officials in some of the most food insecure municipalities of the country made the fight against hunger a priority.

Through ACOBOL, municipal councilmen and women were able to share their experiences with other municipalities throughout the country. ACOBOL succeeded in building political will and momentum for the implementation of the *Desnutrición Cero* program at the local level, which is where the fight against malnutrition must ultimately be won.

Land reform, renewed

Efforts to correct problems associated with extreme land concentration have long been a feature of Bolivian politics. In 1953, the government enacted the Agrarian Reform Law that sought to eliminate bonded labour through enforcement of the principle that land belongs to those who work it. Approximately 60 million hectares were distributed but only 10% went to poor families, mostly indigenous and peasant farmers in the western Andean part of the country. Almost 90% was allocated to private interests including foreign investors.⁴⁴ In fact, between 1953 and 1992 some 7.7 million hectares of agricultural land were handed out free of charge to only 402 corporate entities or persons, much of it in the eastern areas bordering Brazil.⁴⁵

In 1996, parliament adopted a revised Agrarian Reform Law that theoretically at least, allowed indigenous communities in the eastern Amazon departments to gain legal title to their land. However, implementation programs were not efficient and a 2005 study reported that 100 families held title to 12.5 million acres of land while more than 2 million families survived on 2.5 million acres.⁴⁶ An evaluation review in 2006 showed that only 10% of the planned redistribution had been completed.

In 2006, the newly-elected MAS government extended the reform initiative for seven more years, promising to complete the work by 2013. The extended law, based on constitutional provisions, requires that land must serve a social and economic purpose, abide by labour law and not exceed a ceiling of 5000 hectares. Implementation of the law has confronted a myriad of problems associated with conflicting land claims and incorrect records. Therefore a nationwide program was launched under the Ministry of Rural Development and Land, in which all land would be surveyed, demarcated, and existing titles would be verified then reissued. As a result of this program, indigenous communities have been given title to land totalling 7.5 million acres with promise of another 50 million acres to be transferred by the end of 2011.

School feeding programs

In addition to programs administered by the central government, municipalities working in cooperation with civil society have launched local economic development initiatives to improve nutrition in their communities including through school feeding. Funding is included in municipal budgets but is often supple-

44 <http://ipsnews.net/news.asp?idnews=31029>

45 Fundación Tierra 2010, Concentración y extranjerización de la tierra en Bolivia. <http://www.ftierra.org/ft/>

46 Conflict, Inequality and Dialogue for Conflict Resolution in Latin America: The Cases of Argentina, Bolivia and Venezuela. Helen Barnes, 2005, as quoted in Bolivia: Political and Economic Developments and Relations with the United States, Congressional Research Service, 2007.

mented by donor contributions, for example by the WFP. Initiatives also include efforts to support local producers by sourcing food from farming communities where the schools are located. In one example provided by the WFP, farmers were encouraged to cultivate peanuts. Women in the community were trained to process peanuts into peanut butter. The peanut butter supplied school feeding programs and the surplus provided cash income for the women.

The CIOEC has been working closely with municipal governments to promote local purchases from farmer cooperatives to supply school feeding programs.⁴⁷ In fact, it has proposed a national law that would require such an approach (where possible) in order to reduce reliance on imported food, to better ensure nutritious and fresh food within the school-feeding program and to encourage self-sufficiency in rural communities.

The Indigenous Fund and “Bonos”

As part of its nationalization process, the Government of Bolivia imposed a direct tax on the oil and gas industry. Revenue from the IDH helped to create a fund specifically for the needs of indigenous people (*Fondo Indígena*). It also supports a series of subsidies or cash vouchers (*bonos*) to benefit other vulnerable groups. For example, the *Bono Juana Azurduy* (created in 2009) targets child mortality and malnutrition by providing economic assistance to all pregnant women and women with children under the age of two. The World Bank has given a 17 million dollar loan to Bolivia to implement this program in the western part of the country.⁴⁸ The *Bono Juancito Pinto* provides subsidies for school fees. The *Renta Dignidad* provides annual financial support to all people over the age of 60. Each of these measures has contributed to poverty reduction and as a result has had a positive impact on the ability of Bolivians to access adequate food.

During the mission site visit to Potosi, the *bonos* appeared to reach those in need even in the most isolated rural municipalities. Moreover, communities interviewed reported that *bonos* were effective in reducing chronic hunger, at least temporarily. However, in other regions the reach of the *bonos* was uneven. For example in Cochabamba, communities interviewed had not benefitted from the *Bono Juana Azurduy*, although it was unclear whether they had simply not understood how to access it. Orphaned children had also been excluded when they had no adult to complete the bureaucratic process on their behalf.

47 See *Desayunos Escolares: Aporte de las OECAs a la soberanía alimentaria* at www.cioecbolivia.org

48 See <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35011326> or <http://siteresources.worldbank.org/NU-TRITION/Resources/281846-1271963823772/Bolivia.pdf>

The Challenge of Implementation: Matching Words with Action

As described in the previous chapter, the mission delegation documented numerous positive steps taken by the Government of Bolivia to end hunger and malnutrition. These positive steps demonstrate political will to fulfill the right to food progressively and to the maximum of available resources. Nevertheless, the delegation also observed significant obstacles that have slowed realization of the right to food in Bolivia. This section of the report highlights these obstacles by grouping observations within three policy areas: laws, policies and programs; budgetary resources; and land reform.

Laws and policies lack coherence and effective implementation

The elaboration of strategies should begin with a careful assessment of existing national legislation, policy and administrative measures, current programmes, systematic identification of existing constraints and availability of existing resources. States should formulate the measure necessary to remedy any weakness, and propose an agenda for change and the means for its implementation and evaluation.

Voluntary Guidelines on the Right to Food, art. 3.2

In her 2010 report on Bolivia, the High Commissioner for Human Rights called upon the Government of Bolivia to ensure greater coordination and cooperation between state bodies implementing the National Development Plan and the National Human Rights Plan.⁴⁹ Certainly, the delegation found in its interviews with both state authorities and international donors that the problem of hunger and malnutrition in Bolivia is understood as primarily a challenge of economic development or as the result of bad policies of the past rather than a matter of human rights, including the human right to food.

Insufficient implementation of National Human Rights Action Plan

The delegation was confronted by a distinct lack of information regarding implementation of the National Human Rights Action Plan. For example, although the plan itself proposed budget allocations for each right in 2009, it appeared that actual allocations have not yet been made. Moreover, interviews suggested that the government's vision of human rights is largely limited to civil and political rights, while economic, social and cultural rights are considered within different conceptual frameworks.

⁴⁹ Report of the United Nations High Commissioner for Human Rights on the activities of her office in the Plurinational State of Bolivia, para 120, March 2011. www.bolivia.ohchr.org

The delegation also observed confusion about which body within government has overarching authority for implementation of the Human Rights Action Plan. Although technically the plan falls under the authority of the Ministry of Justice, the Minister told delegation members that the section on the right to food was not her responsibility. According to the Minister, implementation of the plan is decentralized throughout various government ministries with the right to food falling under the Ministry of Rural Development and Land. In the delegation's interview with the Minister of Rural Development and Land, however, the Minister appeared unaware that the right to food was a responsibility of his Ministry. Neither Minister referred to the National Human Rights Council which theoretically coordinates implementation of the plan.

It should be noted here that the delegation observed similar confusion around pending framework legislation on the right to food. The Minister of Justice explained that the government's priority is alternate legislation on food sovereignty that will include the right to food. Local non-governmental organizations reported, however, that the food sovereignty legislation as it currently stands, omits key human rights principles such as universal application, civic participation and legal accountability mechanisms.

Legal accountability was emphasized in the 2008 report to the United Nations by the Special Rapporteur on the Right to Food, Jean Ziegler. In his observations, the rapporteur noted that the *Defensoria* lacked institutional capacity to monitor, document and report right to food violations. He therefore recommended the creation of a "right to food unit" within the *Defensoria*.⁵⁰ The recommendation had not been implemented at the time of our mission.

The Human Rights Action Plan includes an objective to provide access to justice for human rights violations (*objetivo 6.5*) but the mission delegation was disappointed by the apparent inability of the judicial system to respond. Procedural delays in the appointment of judges have resulted in a large number of vacancies and a growing backlog of more than pending 5000 cases including cases with human rights dimensions. In its most recent report on the human rights situation in Bolivia, the Office of the High Commissioner for Human Rights urged competent authorities to accelerate the transparent selection of judges in order to reduce the backlog.⁵¹ The lack of judicial appointments has also delayed establishment of the Constitutional Court. The delegation was told during its interview with the Minister of Justice that judges would be elected in the spring

50 Report of the Special Rapporteur on the right to food, Jean Ziegler: Mission to Bolivia 2008, Human Rights Council, United Nations, January 2008, p.20.

51 Report of the United Nations High Commissioner for Human Rights on the activities of her office in the Plurinational State of Bolivia, March 2010, A/HRC/13/26/Add.2 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-26-Add2.pdf>

of 2011 and that the court would be functional by summer the same year.⁵² Lack of a functional constitutional court has delayed land reform. Appeals against expropriation orders linger without judgement while indigenous communities wait to receive legal title to land on which they are living and growing food.

Definition of terms

Much has been written about the relationship between food security, food sovereignty and the right to food.⁵³ Although we cannot reflect all the various dimensions of this discussion in the small space available here, it is important in the Bolivian context to clarify the basic elements of each concept.

Food Security: An aggregate vision of food supply at the global, regional or national levels. Food security is a policy objective and does not include empowerment concepts of legal obligation or state accountability. The primary focus of a food security objective is access to food (rather than *how* food is accessed). NGOs and social movements have criticised this objective as too limited because it does not address structural constraints such as systems of production and distribution.

Food Sovereignty: A policy framework developed by civil society to defend the rights of peoples, communities or states to determine their own food and agricultural policies in an era of globalization. Food sovereignty prioritizes the rights of small-scale or peasant farmers, emphasizes localized food systems, control over natural resources including land, and ecologically sustainable production. Food sovereignty does not explicitly include universal application, a requirement to identify the most vulnerable, or the concept of legal accountability of the state.

Right to Food: A legally binding commitment by states, defined and protected in international law, and contained within the International Bill of Human Rights. The right to food guarantees a minimum core requirement of food for all without discrimination. The right to food requires that the state take specific steps, to the maximum of its available resources, to progressively eliminate hunger. It emphasizes state accountability including through the provision of effective remedies for victims of right to food violations.

52 Delegation interview with Nilda Copa, Minister of Justice, February 5, 2011. As the report is written, the judges have not yet been elected.

53 For example, see *Food Sovereignty: Towards Democracy in Localized Food Systems*, Michael Windfuhr and Jennie Jonsen, FIAN International, 2005.

Conflicting messages regarding the agricultural model

The Government of Bolivia has adopted a policy of “three economies” functioning together within the state but serving different objectives. In relation to food production the communitarian economy is based in agro-ecological practices and comprises mostly indigenous communities, the private economy serves large-scale agro-industrial production but also includes small-scale peasant farming, and the state economy envisions a role for state-owned production. A law to articulate the “plural economy” (*ley de economía plural*) has been proposed to ensure balance and equity between the three competing models. In the view of the delegation, however, there are important differences between these three visions that have not been reconciled by legislators or government policy makers.

Much of Bolivia’s state and private economy is at odds with the PND objective of food sovereignty or national self-sufficiency objectives. During the delegation’s interview with the Minister of Planning, it was explained that Bolivia’s food sovereignty strategy rests upon two axes: support to small producers; and creation of internal demand through the *bonos* and other similar programs. Despite such claims, the delegation found a lack of budget execution to support the “sector productive campesino” which raised concerns about the seriousness of the government’s promise to promote food sovereignty via small scale agriculture. Over the course of interviews and site visits, it became clear that support to small producers does not necessarily mean promoting food for local consumption but increasingly it refers to growing food for export.

An example is the increasingly rapid pace of deforestation including intentional clearing of land for expansion of export-oriented agriculture. Described as the “forest to food” policy, the primary method used to create new land is slash and burn (approximately 80% of new land is created this way). Between 1990 and 2010, Bolivia lost an average of 279,950 hectares of forest cover per year.⁵⁴ According to information provided to the delegation during interviews in Santa Cruz, the rate of deforestation has increased significantly in the past five years. In 2010 alone, more than 500,000 hectares were cleared to expand the agricultural frontier.⁵⁵ Other estimates put the current rate of deforestation in Bolivia at more than 800 hectares per day although at least part of this is the result of climate change and drought.⁵⁶ The biggest beneficiaries of new land are the large-scale producers of export crops such soy and corn. These producers typically rely upon the use of genetically modified seeds and chemical-intensive techniques which result in loss of soil fertility requiring new land to be cleared.

54 <http://rainforests.mongabay.com/deforestation/2000/Bolivia.htm>

55 <http://ipsnews.net/news.asp?idnews=55710>

56 <http://tropicalforestgroup.blogspot.com/2010/12/bolivias-rates-of-deforestation-highest.html>

Even in terms of the government's commitment to Mother Earth, the mission delegation observed that many of the ecological challenges faced by rural communities and small farmers in Bolivia are the result of state policies that favour industrial agriculture and the extractive sector. In some cases, these policies appear to be in direct conflict with claims that the government prioritizes environmentally-sustainable small-scale agriculture. Following the mission and as this report is being written, social movements from across Latin America have launched a campaign to protest Bolivia's proposed new law endorsing production of GM crops. Such a law, they say, would conflict with constitutional commitments of the state⁵⁷ and open the door for production of biofuels, including sugar and palm oil, on land currently producing food.⁵⁸

Similar examples were provided during interviews with farmers about support received from EMAPA. They claimed that EMAPA had required that they purchase harmful chemical fertilizers from India or China because they were the least expensive. But EMAPA representatives told the delegation that this was not true and that farmers could purchase inputs as they wished and still be reimbursed. The farmers also worried that recent EMAPA statements suggested it would begin selling its reserves in rural markets, competing with the very producers it is supposed to be helping.

Failure to address hunger as a whole-of-government concern

While the Government of Bolivia has created laudable inter-departmental processes designed to coordinate efforts to fight hunger and malnutrition – particularly via the CONAN - it nevertheless lacks a whole-of-government approach that conceives the right to food as a multi-dimensional challenge that extends beyond agricultural development and nutritional health. An appropriate government response to hunger, from a human rights perspective, would include attention to access to justice, the elimination of discrimination, fiscal policies, environmental policies, labour laws, international trade and foreign investment. Theoretically, such an approach should be pursued within the National Human Rights Council, but it is not.

CONAN, for example, is the interdepartmental agency created to coordinate nutritional programs and it also claims responsibility for implementation of the human right to food. While theoretically CONAN's strategies and policies are developed together by participating ministries, the Ministry of Justice (responsible for the National Human Rights Action Plan) does not prioritize its in-

57 According to Latin American Network against GMOs media release dated June 8, 2011, the Law of Productive Community Agricultural Revolution (sp. Ley de Revolución Productiva Comunitaria) contradicts Constitutional commitments as described in articles 255 and 459.

58 The production of palm oil has been controversial in other countries, particularly in Indonesia and Malaysia. For a compilation of news articles, visit http://www.mongabay.com/borneo/borneo_oil_palm.htm

volvement in CONAN and told the delegation that the human right to food was the responsibility of the Ministry of Rural Development. The Ministry of Rural Development explicitly includes food security and food sovereignty in its mandate but not the human right to food. Moreover, neither the Ministry of Rural Development nor CONAN administers programs to combat hunger and malnutrition in urban centres. The *Defensoria*, also with human rights responsibility, is not even a member of CONAN.

At the sub-national level, decentralization has led to a number of coordination problems. For example, implementation of PASA by the Ministry of Rural Development bypasses municipalities creating a separate layer of administrative bureaucracy. Communities interviewed in Santa Cruz reported that information about the application process was opaque and that project approval could take as long as three years. Interviewed later in La Paz, the Ministry spokesperson explained that it was the municipalities that were slow and ineffective and therefore the Ministry preferred to “get the job done” itself. The delegation also found that municipal authorities were sometimes unclear about what their responsibilities actually were especially in relation to budget allocations coming from the IDH. There is little doubt that better coordination between levels of government will improve efficiency, eliminate duplication of effort, and enhance progressive realization of the right to food.

Budget expenditures do not prioritize the human right to food

Regional and local authorities are encouraged to allocate resources for anti-hunger and food security purposes in their respective budgets... States should ensure transparency and accountability in the use of public resources, particularly in the area of food security.

Voluntary Guidelines on the Right to Food, Art. 12.1 and 12.2

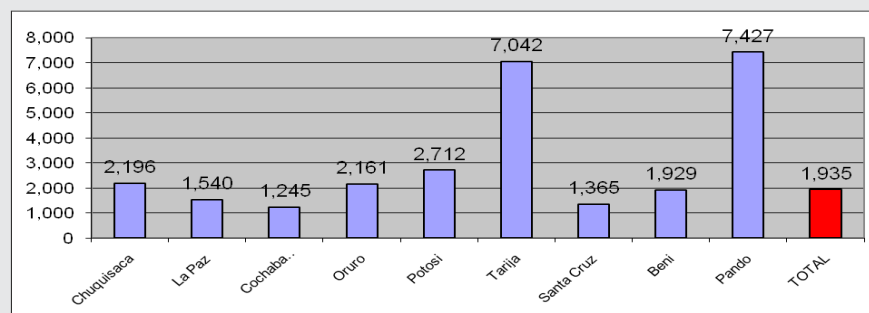
When looking at a national budget from the perspective of human rights, it is necessary to ensure that the budget cycle integrates basic principles of participation, non-discrimination, transparency in information, and accountability. Also, given that the realization of economic and social rights is subject to the limitation of “a maximum of available resources”, budget analysis can help to determine whether the government is making sufficient resources available for prioritized programmes. This requires a study not only of revenue generation, but also of expenditures. This section of the report summarizes observations about how poor budget execution has limited the effectiveness of policies and programs designed to meet minimum core obligations and progressively realize the human right to food.

Lack of capacity to execute the maximum of available resources

The rapid rise in government revenue has encountered difficulties related to absorption capacity, particularly at the municipal level. According to delegation interviews with government representatives and civil society organizations, an accumulation of approximately US\$ 1.4 billion of government revenue currently remains undisbursed, mostly (but not only) at the municipal level. With respect to expenditures of the central government, the delegation found that IDH income is generally spent in ways that contribute to realization of the right to food particularly through the *bono* programmes (although these also receive funding support from the World Bank and are therefore not exclusively an output of the IDH). The *bonos* do, in effect, help to reduce hunger and malnutrition even though their primary objective is to increase school attendance. Unfortunately, however, they are not accessible to everyone in need, particularly the old and infirm as well as families who are unable to travel long distances to collect them from government offices.

At the level of departmental governments, in terms of average expenditures across the departments, a large proportion (47%) of expenditures is dedicated to the construction and maintenance of roads. Approximately 19% is spent on agriculture although it is not always directed to small-scale agriculture. In fact, the focus of departmental expenditures tended to emphasize larger scale agricultural projects. The graph below shows departmental budgets for each of the regions. Given the new distribution formula contained within the Law on Autonomy, revenue sharing is now determined by a set of criteria that does not necessarily give priority to the poorest or most food-insecure departments. The graph shows, for example, the richest regions of Tarija and Pando have far higher budgets per capita than poorer regions such as Potosí. Of course, this is the result of political negotiations to resolve autonomy demands in these departments as described earlier in this report.

2011 Budget transfers by department (per capita, in Bolivianos)



Source: Fundación Jubileo

At the level of municipalities, the delegation observed an acute problem in the ability of authorities to spend their full budgets. With unspent money accumulating yearly, authorities had not directed adequate resources towards agricultural development or other initiatives that might promote food sovereignty or long term food security for the poorest farmers engaged in small-scale sustainable agriculture. Over a series of interviews with officials in all three site visits, it emerged that this was due partly to a misunderstanding about what the resources could be allocated for. Several municipal representatives told the delegation that financial resources could not be transferred to the private sector including small farmers. The Minister of Finance, however, told the delegation that this was incorrect. He suggested that municipal authorities are not well informed about the rules for disbursement of funds because elections had taken place only six months before and were still learning the job. The Minister added that they may also be concerned about new corruption laws.

Nevertheless, when the mission delegation met with the Mayor and members of the Municipal Council (*Consejo Municipal*) in Colquechaca (Potosi), other limitations were highlighted. While Council members had allocated some budget resources to support small-scale agriculture, particularly for irrigation projects, they also conceded that the investment was comparatively low due to the lack of technical experts to design projects. Experts, they explained, could not be hired because of a restriction that no extra funds could be spent on salaries in the municipality. Donor representatives in La Paz also referred to municipal level restrictions on salaries for technical assistance in agricultural development programs.

Concerns related to revenue generation

In relation to revenue generation from taxes, the delegation found that with the exception of the hydrocarbon tax, revenues remain low and are generated largely through consumption taxes, particularly VAT which is charged at a rate of 12.5% on services and 15.6% on products. This is problematic from a human rights perspective because the burden of consumption taxes falls disproportionately on the poor. At least half of government tax income is generated through these regressive consumption taxes.

The delegation was concerned by the government's dependence on the oil and gas sector for its social spending. These are not renewal sources of energy and therefore tax revenues derived from oil and gas are not sustainable. This puts at risk the long term commitment required for social programs to be successful. Delegation members felt that the government must therefore make additional efforts to diversify its sources of income.

Land reform on its own is insufficient

States should take measures to promote and protect the security of land tenure...advance land reform to enhance access for the poor and women... promote conservation and sustainable use of land. Special consideration should be given to the situation of indigenous communities.

Voluntary Guidelines on the Right to Food, Article 8.10

As recently as 2008 the UN Committee on Economic, Social and Cultural Rights observed that land ownership in Bolivia was still highly unequal with 70% of all land owned by only 7% of the population.⁵⁹ Members of the delegation were impressed by the government's commitment to land reform and by the significant steps taken by INRA, the Ministry of Rural Development and others to reduce inequality. The delegation also observed a number of challenges resulting from complexities of the issue and the sheer volume of work to be done in clarifying the status of existing land demarcation and related titles. At the same time, however, the delegation felt that the government too often conceived land reform as an end on its own, rather than as one step towards ending hunger and guaranteeing the human right to food.

Progress despite obstacles

Current responsibility for the land reform process in Bolivia is divided among various institutions. Political decisions are made by the Vice Ministry of Land (under the Ministry of Rural Development and Land). The Authority of Forests and Land is responsible for establishing the economic value of specific land – that is, assigning a dollar value for the purpose of compensation. Demarcation, expropriation and titling are carried out by INRA, although INRA does not currently have the mandate to survey land used for export production. Resolution of conflicts related to expropriation and redistribution are considered by the Agrarian Tribunal. Appeals pursuant to decisions of the Tribunal go to department-level Supreme Courts and for those related to constitutional provisions, to the Constitutional Court (not yet operational at the time of writing).

The adoption of a procedure for land reform did not come without a political cost for the national government in La Paz. Landowners in Bolivia's eastern "half moon" departments of Santa Cruz, Beni, Pando and Tarija opposed the policy, sometimes with physical violence. In Santa Cruz, the mission delegation received several testimonies about armed attacks by landowners on human rights defenders, community leaders and even on visiting government authorities including the Vice Minister of Lands. During subsequent interviews in La Paz, these reports were confirmed by the authorities involved.⁶⁰

59 "Concluding observations of the Committee on Economic, Social and Cultural Rights", CESCR, 2008, observation no.23 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/435/89/PDF/G0843589.pdf?OpenElement>

60 A highlighted case of violence and claims of servitude involved an American rancher. See <http://www.nytimes.com/2008/05/09/world/americas/09bolivia.html>

It is a credit to the government's steadfast commitment that more than 50% of land in Bolivia has now undergone a verification process. During interviews with INRA representatives, delegation members were told that the target completion date of 2013 will be met. Such promises were questioned by civil society who questioned the reliability of government statistics and raised concerns about reduced transparency and difficulties obtaining information. One example given was a delay in the publication of annual statistics by INRA. INRA officials told the delegation members that a "Memoria" (annual report) summarizing progress during the past year would be issued before the end of March 2011. At the time of writing, however, it is still not available.⁶¹

A priority on indigenous land – rectifying injustices of the past

Most of the current discourse about land reform in Bolivia refers to the long-overdue reversion of traditional land to indigenous communities. The 1994 Constitution first introduced the concept of Community Lands of Origin (TCOs) (*Tierras Comunitarias de Origen*) as a means to correct inconsistencies between collective land ownership and private ownership of land. Now Bolivian law reflects an understanding of "indigenous land" derived from ILO Convention 169 and the UN Declaration on the Rights of Indigenous People.

In 2009 at the request of the Government of Bolivia, the United Nations Permanent Forum on Indigenous Issues conducted a fact-finding mission to the Chaco region of Santa Cruz where it visited communities in the vicinity of those visited by the Rights & Democracy delegation. The Permanent Forum delegation issued a lengthy report documenting, among other issues, evidence of servitude that it had observed in the large land-holdings.⁶² The report also cited violations of both the old and new constitution, the Bolivian Criminal Code and 19 UN conventions.

The delegation members heard many complaints about government foot-dragging related to land reversion to indigenous communities. In one case example, all necessary procedural and administrative steps had been completed more than a year before but the land in question remains in limbo. Involving some 80 properties covering 180,000 hectares in Chuquisaca, the expropriation order had been based on evidence of servitude. The landlords did not protest the expropriation order and agreed to sell their land to the state. The central government allocated a budget to cover the cost of compensation (for the landlords) but at the time of writing, the land had still not been given to the indigenous communities. In subsequent interviews with officials in La Paz, no clear response was provided.

61 June 2011.

62 The report is available in English at http://www.un.org/esa/socdev/unpfi/documents/UNPFII_Mission_Report_Bolivia%20_EN.pdf

Land but no food -The case of the Guarani

The Chaco region of Santa Cruz is characterized by large landholdings crisscrossed by oil pipelines. This is traditional territory of the Guarani people located amidst rolling hills and pristine valleys. Over the past decades, the Guarani worked as agricultural labourers within the *haciendas* in conditions defined by the Permanent Forum's 2008 mission as "servitude" or "debt bondage".

On December 6, 2010, the Government of Bolivia assigned 21,000 hectares of expropriated land to the Guarani people in Alto Parapeti. According to officials at INRA, the successful outcome had not been achieved without difficulties. Landlords denied accusations of servitude and actively disrupted government efforts to demarcate the land in question, sometimes with violence. They pursued their cases in court but eventually lost at each level. A final appeal is now pending in the yet-to-be operational constitutional court. As a result, even though the Guarani communities are slowly receiving land, they remain without legal titles while the cases linger in judicial process.

The mission delegation visited several communities which had been the beneficiaries of land redistribution in the Alto Parapeti. Although the communities expressed hope for the future, they also expressed concerns about the lack of adjustment programs from the government, including training, credit and input subsidies. Moreover, it was clear that increased state revenue from the IDH had not reached these communities and the indigenous fund appeared to have no district level mechanism to which they could apply for assistance. As a result, the communities had engaged in direct negotiations with the oil companies in order to solicit infrastructure funding, particularly for roads.

The mission delegation concluded that land redistribution on its own is not a sufficient guarantee for indigenous people to enjoy their human right to food. Extension services and production support are also required to ensure that Bolivia's land reform initiative contributes to ending hunger. The situation is particularly acute in this current year, aggravated by the 2010 drought which has led to failed crops and lack of seeds for replanting. Without immediate assistance, these communities are at considerable risk of increased hunger and malnutrition in the coming year.

Cross-cutting Issues

States should promote democracy, the rule of law, sustainable development and good governance, and promote and protect human rights and fundamental freedoms in order to empower individuals and civil society to make demands on their governments, devise policies that address their specific needs and ensure the accountability and transparency of government and state decision-making processes in implementing such policies.

Voluntary Guidelines on the Right to Food, Article 1.2

All human rights are governed by a set of principles that always apply. Broadly speaking, these principles comprise the basic elements of a democratic system of governance. They include participation and transparency, non-discrimination and substantive equality, monitoring and accountability. During the mission, the delegation observed a trend across interviews indicating that these principles are not sufficiently respected.

Limits on political participation and access to information

Although current levels of participation are unprecedented in Bolivian history, the delegation nevertheless received numerous reports of limitations placed on political participation and the free expression of dissent. There also appeared to be a trend to restrict access to information. Land rights activists complained that up-to-date statistics about land reform progress are not available to the public. Similar complaints were received regarding malnutrition statistics.

In terms of political participation, the budget process provides an illustrative example. The International Budget Partnership (IBP) has produced an “open budget index” which ranks Bolivia with a score of 13 out of 100 in terms of openness.⁶³ The low ranking “makes it virtually impossible for citizens to hold the government accountable for its management of the public’s money” according to the IBP. A broad reaching survey, conducted by the IBP with Bolivian partner organizations interviewed during the mission, concluded that even Bolivia’s National Congress lacks powers to hold public hearings during budget debates or to change budget proposals once they have been presented to parliamentarians for consideration.

Although budget information is published and made available, civil society organizations raised particular concerns about the credibility and transparency of the published data. For example, current expenditures are not published by sector making it difficult to analyze budgets in relation to stated policy goals such as human rights or food sovereignty. In another example, military expen-

63 See www.openbudgetindex.org

ditures are not public, making it difficult to determine whether the maximum of available resources have been allocated first to meeting the state's minimum core human rights obligations. It should be added, however, that the delegation found that the process was relatively more participatory at the municipal level where communities reported that they had been consulted regarding local expenditure priorities.

Beyond the budget process, international donors indicated unease that donor program evaluations are carried out by the Government of Bolivia without sufficient participation of civil society or sub-national levels of government. In the specific example of the PASA evaluation, undertaken in cooperation with the Ministry of Rural Development and Land, donors doubted a constructive outcome because of inadequate stakeholder participation, lack of central government presence at the local level, and a failure to include municipal authorities in the evaluation of national programs.

Discrimination and lack of targeting

Non-discrimination is a basic human rights principle. It requires specific steps to uplift the most vulnerable. This is the reason that a right to food assessment seeks to identify those most affected by hunger and to identify the causes of their vulnerability.

Previous assessment missions conducted by Rights & Democracy found that hungry people are often located in food surplus districts.⁶⁴ In food deficit areas, hunger is often caused by structural issues including remoteness or chronic drought. In food surplus areas however, hunger is most often the result of social exclusion, ethnic discrimination or political affiliation. Standard food security targeting procedures often miss the hungry in food surplus areas because vulnerability mapping is determined by geographically-based aggregate data.

The delegation found a distinct lack in the availability of disaggregated statistics in Bolivia that would enable a different approach. Although many programs were designed specifically for the benefit of historically disadvantaged groups such as indigenous communities, the delegation noted that even within indigenous communities vulnerabilities existed based on gender or political affiliation. Programs are not generally designed to respond to such distinctions. For example, CONAN focuses its interventions in 176 municipalities deemed to be most vulnerable but it does not look within the municipalities for groups particularly at risk. Similarly, the Zero Malnutrition program reaches the poorest municipalities successfully but those living in the most isolated communities within the municipality do not necessarily have access to it.

64 See The Human Right to Food in Nepal: Report of an international fact-finding mission, 2007, page 35, www.dd-rd.ca

In relation to land reform policies, in both Cochabamba and Potosi, we were told that women generally didn't have access to land titles. The government's land reform program does not address this lack of tenure security for women even though it has a direct impact on their ability to produce food for themselves and their children. In the Cochabamba and Potosi, women interviewed were at additional risk because they lacked personal identification documents and independent access to government programs.

Widowed women turn to mining to survive

In the town of Llallagua in the northern district of Potosi, two women sit outside the *Mina Siglo XX* sifting through rocks and dust late one Sunday afternoon. They are the only women in sight. In this community, the women who work in the mining sector are known as *pailliris* – widowed and elderly women for whom mining is the only means of survival. Despite their hard work in grim conditions, the *pailliris* often live in poverty and receive little support from the State.

Primitiva, a very dignified elderly woman, works six and a half days a week outside the *Mina Siglo XX* collecting bits of rock and minerals that male miners have dropped on their way out of the underground mine. She then sells whatever pieces of raw tin she has been able to glean to the mining cooperative. Primitiva plans on working until the days she dies. She has no family to care for her and the old age pension that she receives from the State (*Renta dignidad*) is too small to survive on. Although she has free housing from the State, she has no access to clean water and her two daily meals are comprised of potatoes and maize. When asked what other foods she eats, Primitiva laughs genuinely and says that she cannot recall the last time she has eaten anything else – fruit, vegetables, meat and milk are out of reach.

Silveria sits besides Primitiva with a young child on her back. Although she is only in her thirties, Silveria looks much older and has lost many of her teeth due to poor nutrition. After her husband passed away, Silveria took his place working as a member of the cooperative in the underground mine but earns less than what he used to make. She has no other choice but to bring her youngest child along with her into the mine, although she fears for the child's health because of all the dust inhaled. Lack of clean water means that her children often get sick and suffer from diarrhea. While Silveria is aware of nutritional programs for women and their children, she is unable to benefit from these services due to lack of time and affordable transportation. The state housing she and her children live in is far from the town and from municipal services. Silveria has learned to rely only on herself.

Testimony of two women miners in Llallagua

Lack of monitoring and accountability procedures

Associated with lack of participation in decision-making, flagship policies and programs in Bolivia lack transparent monitoring procedures. In fact, the basic tools for effective monitoring were not available to the delegation including recent population and agricultural census information, and disaggregated statistics.

Moreover, the delegation found that outcome indicators designed to monitor progressive realization of the right to food had not yet been developed. During the interview with CONAN, the delegation was informed that the FAO had conducted training on human rights monitoring but the training had not resulted in a monitoring procedure. Nor is there a monitoring plan for the Human Rights Action Plan. Civil society organizations have filled in where the government has failed to take appropriate steps. AIPE, which participated as a member of the mission delegation, has undertaken an extensive monitoring exercise on the human right to food based on the FAO Guidelines.⁶⁵

It was also observed that several recommendations by UN monitoring procedures had not been implemented and it was unclear which government office was responsible for ensuring follow-up. For example, in his 2008 report, the Special Rapporteur on the right to food recommended that the state adopt framework legislation on the right to water and that the *Defensoria* create a right to food unit. These recommendations have not been implemented.

In terms of legal accountability, the absence of judicial capacity to handle claims related to violations of economic, social and cultural rights, delays in the establishment of the constitutional court, and concerns about independence of the judiciary, all render state accountability for the right to food illusory.

65 AIPE uses an electronic database to record the current status of right to food indicators (ISDHAA). See www.aipe.org.bo

CONCLUSION

The government of Bolivia has made a political commitment to end hunger across the country and it has taken many positive steps to implement that commitment. The delegation was impressed by efforts undertaken to reduce malnutrition and ensure greater self-sufficiency in food production. These policies contribute to progressive realization of the right to food. Nevertheless, on their own, they are not sufficient to fully realize the human right to food for all Bolivians and the delegation was concerned by the many obstacles still faced daily by the communities met with during the mission.

With respect to structural issues such as laws, policies and institutions, the delegation observed lack of coherence, insufficient capacity to implement, and a lack of cooperation between the central government, departments and municipalities. In addition, the delegation was disappointed that the government failed to express clear support for the right to food as an overarching policy framework for coordination between ministries and for the development of long term strategies against hunger. Despite the recent adoption of the Bill on Community Production Revolution, the government's stated policy framework of food sovereignty does not adequately support peasant farmers.

When looking at the budget process, the delegation observed that key stakeholder groups were excluded from the process and that budget information was not sufficiently transparent. There is too much reliance on income from the IDH for social programming which is not a sustainable source of revenue. In terms of budget execution, problems with capacity particularly at the municipal level have resulted in delays and an accumulation of significant amounts of un-used financial resources.

The redistribution of land to indigenous communities in the lowlands (east) has not been accompanied by sufficient support services including extension, input subsidies or other social programs. Many of these communities are now isolated and at risk of hunger as they struggle to produce food for their families. In the highlands (west), land plots are excessively small and of such poor quality that they cannot produce adequate food for families that depend on farming.

The delegation notes with concern that cross-cutting human rights principles are increasingly disregarded in Bolivia, including participation, state accountability, and attention to the most vulnerable.

RECOMMENDATIONS

To the Government of Bolivia

Adopt a whole-of-government approach (national framework) to achieve full enjoyment of the human right to food:

- Adopt a formal process to improve coherence between Bolivia's human rights, environmental, fiscal, and development objectives;
- Implement the National Human Rights Action Plan by strengthening the National Human Rights Council and allocating dedicated budget resources;
- Take steps to ensure that municipalities include an explicit commitment to respect the state's human rights commitments within their organic charters;
- Provide training and information about the human right to food to government agencies operating at the national, departmental and municipal levels;
- Initiate a participatory consultative process with civil society on the pending framework legislation on the human right to food;
- Ensure that the new strategic plan for the *Defensoria del Pueblo* (2012-2016) includes a mandate to defend and promote ESCR including the right to food;
- Encourage participation of small producers and the *Defensoria del Pueblo* in the CONAN process;
- Ensure that orphaned children are able to access the *Juana Azurduy bono*.

Create procedures to facilitate access to effective remedies, either through judicial or administrative processes:

- Increase space for public debate and respect the voices of dissent;
- Ensure the timely appointment of judges for the Constitutional Court;

- Ensure that a national census and agricultural census are both completed at the earliest opportunity;
- Improve access to information including through publication of disaggregated data;
- Conduct a formal evaluation of the Alto Parapeti land reversion project;
- Include civil society in the Performance Evaluation Framework of PASA.

Increase the pace of land reform and ensure that it is accompanied by agricultural support programs:

- Ensure that land reform includes progressive realization of the RTF as its objective;
- Take steps to increase women's ownership of land as part of Bolivia's land reform initiative;
- Ensure that land allocation is accompanied by adequate technical and financial assistance to begin food production;
- Ensure that municipal councils fully execute their budgets and increase support for the agricultural projects of small holders;
- Increase the permissible municipal budget allocation for salaries of technical experts;
- Eliminate obstacles to providing legal titles to communities receiving new land;
- Expedite the land transfer program in the Chaco department of Chuquisaca.

Take steps to ensure efficient execution of the national budget:

- Publish budget expenditures by economic sector and not only by geographic region;
- Take steps to ensure execution of budgets at the sub-national level;
- Ensure that sub-national governments have the explicit right to allocate budget resources to support peasant farming;
- Use IDH revenue to diversify the economy and become progressively less dependent on the extractive sector;
- Allow direct funding to producer and community associations for disbursement to their members;

Fulfill recommendations in the UN Special Rapporteur's report of 2008:

- Adopt framework law on the right to water;
- Create a right to food unit within the *Defensoría del Pueblo*;
- In cooperation with the Ministry of Education, develop and implement a national education campaign on the right to food;
- Allocate a percentage of IDH revenue to nutritional programs;
- Increase the budget allocation for investment in small-scale agriculture.

To Civil Society***Coordinate efforts across political affiliations in order to promote the right to food in Bolivia:***

- Build partnership with the *Defensoría del Pueblo* to promote the right to food in particular within the formulation of its new five year plan (2012-2016);
- Create dialogue networks for enhanced collaboration between social movements and civil society;
- Reinforce the Alliance for Food Sovereignty and Nutrition (ASSAN);
- Advocate for national legislation to protect the human right to food.

Document violations and report them to competent regional and international organizations:

- Provide training for community activists to identify and properly document right to food violations;
- Write and submit shadow reports for UN treaty body review processes;
- Establish partnerships with the *Defensoría* and the Office of the High Commissioner for Human Rights in order to seek remedy for violations;
- Track budget allocations and expenditures in order to identify failures of the state to prioritize right to food obligations;
- Identify a specific case for litigation at the national level.

To the International Community

Reinforce and encourage efforts by the Government of Bolivia to meet its human rights obligations:

- Support projects that contribute to human rights including the human right to food;
- Support capacity of the government to collect disaggregated data related to hunger and malnutrition;
- Require civil society participation in the design of donor-funded programs;
- Support projects that encourage independence of the judiciary and training of judges in human rights law, emphasizing economic and social rights including the human right to food.

Support programs designed specifically to address hunger and the right to food in Bolivia

- Provide support for incentive programs targeting small farmers who are the primary producers of basic food for national consumption;
- Provide support to government initiatives aimed at addressing climate change including water supply and management policies;
- Prioritize programs that address economic disparity including attention to racial or ethnic discrimination and provide required technical assistance to enable collection of disaggregated statistics;
- Provide training at the municipal level to improve capacity in expending budget resources.

ANNEX 1: Delegation members

Lorenza Quispe Alejandro, Confederación Nacional de Mujeres Campesinas
Indígenas Originarias de Bolivia (Bartolina Sisa)
Bolivia

Priscilla Claeys, Doctoral student, Catholic University of Louvain
Foodfirst Information and Action Network (FIAN)
Belgium

Gonzalo Colque, Fundación Tierra
Bolivia

Liza María Covantes Torres, Centro de Estudios para el Desarrollo Rural
Sustentable y la Soberanía Alimentaria de la Cámara de Diputados
Mexico

Nicholas Lusiani, Red Internacional para los Derechos Económicos, Sociales y
Culturales (ESCR-Net)
United States of America

Ricardo Montero, Coordinadora de integración de organizaciones económicas,
campesinas, indígenas y originarias (CIOEC)
Bolivia

Julio Prudencio, Consultant
Bolivia

Virginia Quezada, Instituto de Formación Femenina Integral (IFFI)
Bolivia

Lauren Ravon, Rights & Democracy
Canada

Aida Ruegenberg, Asociación de Instituciones de Promoción y Educación
(AIPE)
Bolivia

Carole Samdup, Rights & Democracy
Canada

Sally-Anne Way, Center for Economic and Social Rights
Spain

ANNEX 2: Interviews in La Paz

Defensoría del Pueblo

Dr. Rolando Villena, Defensor del Pueblo

Federación de Asociaciones Municipales de Bolivia

Ramiro Suazo, Director de planificación y proyectos

Asociación de Concejalas y Alcaldesas de Bolivia

María Eugenia Rojas Valverde, Gerente General

Modesta Benito Anti, Secretaria del Directorio

World Bank

Oscar A. Avasse, Representante Residente

Embassy of Canada

Andrew Scyner, Consejero y Jefe de Cooperación

Marianela Montes de Oca, Consultora especialista en gobernanza

Bernardo Peredo Videa, Analista Político, Unidad Andina para la

Gobernabilidad Democrática

Vice Ministerio de Desarrollo Rural

Germán Gallardo, Director general de producción agropecuaria y soberanía alimentaria

Food and Agriculture Organization

Gonzalo Flores, Representante Asistente

Ministerio de Justicia

Nilda Copa, Ministra de Justicia

Miriam Campos Bacarreza, Coordinadora Nacional Pueblos Indígenas y

Empoderamiento

Vice Ministerio de Micro Empresa

Abdon Vasquez, Jefe de la Unidad de organizaciones económicas campesinas, comunitarias y cooperativas

Instituto Nacional de Reforma Agraria

Juan Carlos, Director Nacional (via telephone)

Juan de Dios Fernández, Secretario General

European Union Delegation in Bolivia

Amparo González Díez, Oficial de Programas Sección de Cooperación

Embassy of Spain

Carmen de Diego Fonseca, Responsable de Programa de Cohesión Social

Mercedes Alonso Segoviano, Responsable de Programa de Desarrollo

Económico y Empresarial

Office of the High Commissioner for Human Rights

Maria Andrea Echazú, Coordinadora Unidad de Cooperación Técnica
Inés Carrasco, Especialista en Promoción de Derechos Humanos

World Food Program

Victoria Ginja, Representante
Sergio Torres, Jefe de Unidad de Programa

Inter-American Development Bank

Baudouin Duquesne, Representante del BID en Bolivia

Fundación Jubileo

René Martínez, Analista de presupuestos
Javier Gómez Aguilar, Director ejecutivo

Ministerio de Economía y Finanzas

Luis Alberto Arce Catacora, Ministro de Economía y Finanzas

Consejo Nacional de Alimentación y Nutrición

Ana Maria Aguilar, Secretaria Ejecutiva
Ciro Kopp, Coordinador Técnico - Programa Multisectorial Desnutrición Cero
Luis Rico, Comité técnico
Olga Soto

Fondo para el desarrollo de los pueblos indígenas

Elvira Parra, Directora

Instituto Prisma

Ronald Grebe Lopez, Coordinator

Confederacion Sindical Unica de Trabajadores Campesinos de Bolivia

Julian Jala Flores, Secretario General
Rodolfo Machaca Yupanqui, Secretario Tierra y Territoria

Coordinadora de Integracion de Organizaciones Economicas Campesina de Bolivia

Carlos León Chachahuayna, Presidente
Juan Carlos Choque Lopez
Tomas Fernandez Rodriguez

Ministerio de Salud y Deportes

Nila Heredia Miranda, Ministra de Salud y Deportes

Ministerio de Educación

Winston Canque Aramayo, representante de la Jefatura alimentación escolar

Ministerio de Planificación del Desarrollo

Elba Viviana Caro Hinojosa, Ministra de Planificación del Desarrollo

El Centro de Estudios para el Desarrollo Laboral y Agrario

Javier Gómez Aguilar, Director Ejecutivo

ANNEX 3: Site visits

POTOSI

Municipio de Llallagua

- Alicia Soliz, President of the *Socias de la cooperativa de mujeres palliris El Carmen*
- Victor Ordoñez, Representative of the *Federación de cooperativas de Norte Potosí*
- Benito Vilca, President of the *Asociación de productores de oca de Pocoata (APROCAP)*

Municipio de Pocoata

- Interviews with women selling produce in the town square
- Meeting with members of the Municipal Council (*Consejo municipal*)
- Individual interviews in the Huancarani community
- Sonia Meri UCLA Lascano & Noemi Portilo (peach growers)
- Director of town school and three teachers

Municipio de Colquechaca

- Tomay Kuri community (including a meeting with representatives of the *Comité cívico* and the *Asociación de productores de Charque Tomay Kuri*)
- Pati Pati community
- Carmen Ticona, President of the *Asociación de producción y transformación de cereales de Colquechaca*
- Seratin Romero, Mayor of Colquechaca
- members of the Municipal Council (*Consejo municipal*)
- Visit of the *Unidad de nutrición integral de Colquechaca (UNI)*

Municipio de Macha

- Meeting with representatives of the *Proyecto agropecuario y salud de Chayanta*
- Meeting with representatives of a cooperative: *Artesanías nativas Korusa Llawe*
- Visit to an agricultural fair: *Feria de Pampa Colorada*

SANTA CRUZ

Municipio de Camiri

- Eufronio Toro and Mauro Hurtado, CIPCA Cordillera
- Celso Padilla, Chairperson, Asamblea del Pueblo Guarani
- Dimetrio Yapa Rico Pena, Capitania del Alto Parapeti

TCO of Alto Parapeti

- Group meeting - Comunidad de Karaparacito
- Group meeting - Comunidad de San Isidro
- Group meeting - Comunidad de Yaiti

City of Santa Cruz

- Aldopho Chavez, President; Ernesto Sanchez, Secretary for Economic Development; Ernesto Suarez, Manager of Communications - Confederacion de Pueblos Indigenas de Bolivia (CIDOB)
- Miguel Angel Crespo, Director; Rosa Virginia Suarez, Coordinator - Productividad Biosfera y Medio Ambiente (PROBIOMA)
- Diego Marquina Mofina, Regional Director - Instituto Nacional de Reforma Agraria (INRA)

COCHABAMBA

Municipio de Tapacari

- Group meeting - Comunidad de Antakaua
- Group meeting – Comunidad de Palcoma
- Group meeting – Comunidad de Chaupirrancho
- Group meeting – Comunidad de Kjarkja
- Isabel Domínguez Meneces, Confederación Nacional de Mujeres Campesinas Indígenas Originarias de Bolivia (Bartolina Sisa)
- Visit to the local agricultural fair: *Feria de Confital*

ANNEX 4: Pre-mission interviews

Cesar Flores, Mennonite Community (Santa Cruz)

Jonathan Laine, Canadian International Development Agency (Ottawa)

Serina Pepino, Food and Agriculture Organization (Rome)

Ana Maria Suarez, FIAN International (Geneva)

The right to food can only be fully realized where both national and international obligations are complied with: national efforts will often remain of limited impact in combating malnutrition and food insecurity unless the international environment, including not only development assistance and cooperation but also trade and investment regimes or efforts to address climate change at a global level, facilitates and rewards these national efforts; conversely, any efforts by the international community to contribute to these objectives will depend, for their effectiveness, on the establishment of institutional and legal frameworks at the national level, and on policies which are effectively geared towards the realization of the right to food in the country concerned.

Olivier de Schutter, UN Special Rapporteur on the Right to Food