

MASTER'S DEGREE IN PUBLIC NUTRITION 2013

# Safeguarding the right to adequate food in disaster preparedness and emergency response

Policy, legislation and institutions in Uganda

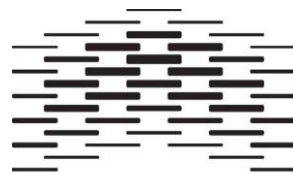
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## **List of abbreviations**

CESCR	Committee on Economic, Social and Cultural Rights
CRC	Covenant on the Rights of the Child
DDMTC	District Disaster Management Technical Committee
DDPM	Department for Relief, Disaster Preparedness and Management
DDPMR	Directorate of Disaster Preparedness, Management and Refugees
DECOC	District Emergency Coordination and Operations Centre
DPER	Disaster Preparedness and Emergency Response
DPM	Disaster Preparedness and Management
DPMC	Disaster Preparedness and Management Commission
DPMP	National Policy for Disaster Preparedness and Management
FAO	Food and Agriculture Organization of the United Nations
FNB	Food and Nutrition Bill
GC 12	General Comment 12 of the ICESCR
GOU	Government of Uganda
HFA	Hyogo Framework for Action
HiOA	Oslo and Akershus University College of Applied Sciences (Høyskolen i Oslo og Akershus)
HR	Human Rights
ICCPR	International Covenant on Civil and political Rights
ICESCR	International Covenant of Economic, Social and Cultural Rights
IDP	Internally Displaced Person
IDPP	National Policy for Internally Displaced People
IFRC	International Federation of the Red Cross and Red Crescent Societies
IMPC	Inter-Ministerial Policy Committee (IMPC)
INGO	International Non- Governmental Organization
LG	Local Government
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MDG	Millennium Development Goal
MFPED	Ministry of Finance, Planning and Economic Development
MGLSD	Ministry of Gender, Labour and Social Development
MOH	Ministry of Health
MP	Member of Parliament
MS	Ministerial Statement
MWE	Ministry of Water and Environment

NDP	Uganda National Development Plan
NDPMC	National Disaster Preparedness and Management Committee
NECOC	National Emergency Coordination and Operations Centre
NEMA	National Environment Management Authority
NGO	Non- Governmental Organization
NOVPC	National Orphans and Other Vulnerable Children's policy
OAG	Office of the Auditor General
OHCHR	Office of the High Commissioner for Human Rights
OPM	Office of the Prime Minister
PFAA	Public Finance and Accountability Act
PhD	Doctor of Philosophy
PRU	Parliament of the Republic of Uganda
REK	Regional Ethics Committee for Medical and Health research, Norway (Regional Etisk komité)
Res	Resolution
RtF	Human Right to Adequate Food
SUN	Scaling Up Nutrition
UDHR	Universal Declaration of Human Rights
UDHS	Uganda Demographic and Health Survey
UFNC	Uganda Food and nutrition Council
UFNP	Uganda Food and Nutrition Policy
UGX	Ugandan Shilling
UHRC	Uganda Human Rights Commission
UiO	University of Oslo
UN	United Nations
UNAP	Uganda Nutrition Action Plan
UNCST	Uganda National Council of Science and Technology
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
URCS	Uganda Red Cross Society
VG	Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security
WFS	World Food Summit

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<sup>1</sup> The map was retrieved from: [https://www.cia.gov/library/publications/the-world-factbook/maps/ug\\_largelocator\\_template.html](https://www.cia.gov/library/publications/the-world-factbook/maps/ug_largelocator_template.html)



## **Abstract**

The rising incidence of natural disasters has severe impacts on vulnerability, and this increases the burden of malnutrition in Uganda. As a State obligation there should be institutional frameworks and mechanisms to ensure the human right to adequate food (RtF) in the context of disaster preparedness and emergency response (DPER).

The main objective of this study was to analyse the recognition of the right to adequate food in Uganda's system for DPER, hereunder relevant policy-, institutional- and legal frameworks.

The study design was cross-sectional and descriptive, and the approach was predominantly qualitative. Study respondents were purposively selected by their position of authority as duty bearers in the Ugandan DPER-system. Interviews were conducted with a semi-structured questionnaire, and further data collection involved literature reviews of policy, legislation, budgets and reports. Methods of analysis applied were data triangulation, cross-validation, real-time- and content analysis as well as coding and patterning of interview responses. Statistical analysis was conducted for descriptive purposes.

The most relevant policy for the RtF in Uganda is the Uganda Food and Nutrition Policy of 2003. No legislation is currently in place to implement the policy, as the proposal for a human rights- based Food and Nutrition Bill has been awaiting Cabinet approval since 2005. Other national legislation essential for ensuring the RtF in emergencies has not been implemented, such as the Constitutional provision for the establishment of a Disaster Preparedness and Management Commission with the mandate to establish a national contingency fund for emergencies. Legislation to support the implementation of the National Policy for Disaster Preparedness and Management (DPMP) is also lacking, although this policy provides for leadership and coordination in emergencies. Important duty bearers within the DPER- system were unaware of the obligations assigned to them in the DPMP, and only 16 % knew the policy- content. Respondents did in general not recognize or appreciate their State obligation to realize the right to adequate food.

Safeguarding the right to adequate food in disaster preparedness and emergency response is a prerequisite for fighting malnutrition in Uganda. As State Party to the International Covenant on Economic, Social and Cultural Rights, the Government of Uganda has an obligation to progressively realize this human right, even in times of disaster. This realization entails the capacity to make freedom from hunger a national priority by constructing and implementing a human rights based framework for DPER.

# 1. INTRODUCTION

## 1.1 Background

The human right to adequate food (RtF) is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement (CESCR, 1999). Human rights are inalienable and equal for every individual (UN, 1948), and as State Party<sup>2</sup> to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Government of Uganda (GOU) has an obligation to progressively realize the right to adequate food for all Ugandan citizens.

Although referred to as the food basket of the East African region, Uganda faces a burden of chronic malnutrition<sup>3</sup>. The most recent Uganda Demographic and Health Survey estimated that an average of 10 % of Ugandan children born from 2005-2010 had low birth weight (< 2.5 kg), and 33 % of children under the age of five were stunted<sup>4</sup> (UBOS, 2012a; 2012b). This makes Uganda among the countries in the world with the highest prevalence of childhood stunting (IFRC, 2011b). Inadequate intake of iron, vitamin B12 and other nutrients were estimated to be the primary causes of anaemia<sup>5</sup>, leading to cognitive deficits and increased risk of maternal and child mortality (UBOS, 2012a; Bhutta, 2007; SCN, 2000). Constraints in food access due to seasonality factors, poverty and wealth inequalities have hampered development in Uganda, affecting all regions of the country. A high overall proportion of households are moderately food insecure<sup>6</sup>, meaning that they are vulnerable to increased food prices, reduced income and crop failure (FANTA, 2010; IFPRI, 2004).

From 2002-2011, close to six million people had reportedly been affected by disaster<sup>7</sup> in Uganda (IFRC, 2012). In situations of such natural or man-made disaster the enjoyment of human rights in an already vulnerable population is severely affected. The Uganda Human Rights Commission (UHRC, 2011) has reported on the adverse effects these disasters have on

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<sup>2</sup> State Party refers to a State that has ratified a Human Rights Convention.

<sup>3</sup> Malnutrition is a physiological condition caused by consistently deficient or excessive intake of energy, proteins, vitamins and/or minerals. As such, it refers to all forms of under- and over nutrition (FAO, 2009b). In this study, malnutrition persistently refers to under nutrition.

<sup>4</sup> Stunting is defined by UNICEF (undated) as height-for-age below -2 standard deviations from the median of the reference population. Stunting is an indicator for chronic under nutrition (UBOS, 2012a).

<sup>5</sup> Anaemia is a condition of abnormally low levels of blood haemoglobin (Wood & Ronnenberg, 2006).

<sup>6</sup> Food security exists when all people, at all times, have physical and economic access to safe, sufficient and nutritious food, to meet their dietary needs and food preferences for an active and healthy life (FAO, 2005). Food insecurity indicators include proportion of undernourished, under-five underweight-for-age, under-five mortality rate, low height-for-age (stunting) and low weight-for-height (wasting) (FAO, 2010c).

<sup>7</sup> Disaster is 'the occurrence of a sudden or major misfortune which disrupts the basic fabric and normal functioning of a society or community' (GOU, 2011).

peoples' enjoyment of the right to adequate food, as livelihoods are destroyed and food aid tends not to reach the most vulnerable groups.

In the Bududa district at the foot of Mount Elgon, in the Eastern part of Uganda, a period of prolonged and heavy rainfall triggered the most severe landslide<sup>8</sup> in Uganda's history on March 1<sup>st</sup> 2010 (IFRC, 2010). This study has used the Bududa landslide of 2010 as a point of reference for analysing the recognition of the human right to adequate food in the context of disaster preparedness and emergency response (DPER). This study was concerned with duty bearers'<sup>9</sup> capabilities to meet their right to food - obligations, and the extent to which human rights principles<sup>10</sup> were integrated in the framework for DPER.

## **1.2 Collaboration**

This study was an integrated part of a Doctor of Philosophy (PhD) project titled 'Analysis of Uganda's disaster preparedness and emergency response system for ensuring the right to adequate food' by Peter Milton Rukundo, a research fellow at the Faculty of Medicine, University of Oslo (UiO). The PhD project was designed with a wider scope of involving both a quantitative survey of rights holders and qualitative interviews with duty bearers involved in DPER. This study focused on the latter with regard to their obligations on the human right to adequate food. As such, Mr. Rukundo has been a co-supervisor of this study, while the main supervisor was Professor Arne Oshaug from Oslo and Akershus University College of Applied Sciences (HiOA).

## **1.3 Study limitations**

In exploring the legal framework for ensuring the RtF in disaster, this study was limited to Ugandan legislation, international human rights instruments and international guidelines. It did not deal with the complexity of international humanitarian law, such as the Geneva Conventions. Accordingly, although the study applies to both natural and man-made disaster, this study has used the 2010 Bududa landslide as a main point of reference, and has not gone in depth on man-made disasters such as war and conflict.

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<sup>8</sup> Landslides are gravitational movements of masses of rock, earth and debris down slopes, that may be triggered by natural causes, such as rains, floods and earthquakes, as well as human-made causes, such as deforestation and excessive development (Claudion, Paulo et al. 2010; USSARTF, undated).

<sup>9</sup> The State is the primary duty bearer with obligations under international human rights law (See Chapter 3.1.1).

<sup>10</sup> Human rights principles: Participation, Accountability, Non-discrimination, Transparency, Human dignity and the Rule of law. These principles are widely recognized by UN agencies such as the OHCHR and the UNDP (See Chapter 3.1.2), and have been referred to as the PANTHER-principles by the FAO.

The core content of the RtF is implied in General Comment (GC) 12 of the ICESCR<sup>11</sup>. Adequate food should be available, safe and culturally acceptable; it should meet individual dietary needs in quality and quantity and be economically and physically accessible in a sustainable way (CESCR, 1999). In this particular study, the primary focus will be on issues concerning food availability, accessibility, quality and quantity<sup>12</sup>.

A majority of this study's references are authored by institutions. To be in compliance with the APA-style, the HiOA recommends that the full name of the institution is presented the first time the reference appears in the text. This has been avoided as to ensure a more fluent text, considering the number of institutions that are referred to in this study. As such, the text shows only the abbreviated names of the institutions. These are traceable in the reference list, where the full name of the institution is provided.

## **2. RESEARCH OBJECTIVES**

The main assumption of this study was that duty bearers with obligations within the Ugandan system for DPER did not fully recognize the human right to adequate food, and as such this human right was not sufficiently considered in contingency planning and disaster response. This in turn was assumed to have negative consequences for the affected populations' nutrition situation. The study sought to explore the extent to which the RtF was integrated in the existing DPER- system, as to identify possible entry points for this recognition in the future.

The study further assumed that an understanding of the current recognition of the RtF in the DPER- system, could be attained by exploring the actions of the relevant duty bearers, through their policy work, legislations, budgeting and institutions. As such this study had the following objectives:

### **2.1 Main objective**

The main objective of this study was to analyse the recognition of the human right to adequate food<sup>13</sup> in Ugandan policy, legislation and institutional frameworks for disaster preparedness and emergency response.

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<sup>11</sup> General Comments are expert interpretations of human rights treaties or covenants, issued by the supervising treaty bodies ( Eide & Kracht, 2005). The full version of GC 12 is provided in Annex 1.

<sup>12</sup> This study has not undertaken food quality assessments, as this will be part of the wider PhD project conducted by Mr. Rukundo (See Chapter 1.2).

<sup>13</sup> GC 12 elaborates on the core content of the human right to adequate food: The food is available, safe and culturally acceptable; it meets individual dietary needs in quality and quantity, and it is economically and physically accessible in a sustainable way (CESCR, 1999). The full version of GC 12 is provided in Annex 1.

## 2.2 Specific objectives

The specific objectives of the study included to:

- 1: Explore the Ugandan policy framework supporting the human right to adequate food in DPER.
- 2: Explore the Ugandan legal framework supporting the human right to adequate food in DPER.
- 3: Describe the existing institutional structures supporting the human right to adequate food in DPER in Uganda.
- 4: Identify financial capabilities for contingency planning, supporting the human right to adequate food in DPER in Uganda.

## 3. THE HUMAN RIGHT TO ADEUQATE FOOD: THE IMPACTS OF DISASTER

### 3.1 The study's human rights framework

The Universal Declaration of Human Rights (UDHR), as a '*common standard of achievement for all peoples and all nations*,' recognizes the equal and inalienable rights inherent in every human being by virtue of his or her human dignity (UN, 1948).

Human rights (HR) are paramount moral rights that are recognized in international law and define the relationship between the individual and the State (Donnelly, 2007; Nowak, 2005). Human rights conventions are legally binding for the States that ratify them (Eide, 2007), and thus they might be defined as the protection of human dignity by means of law (Hadaiprayitno, 2010).

#### 3.1.1 Rights holders, duty bearers and State obligations

International human rights law recognizes the State Party as the principal duty bearer with obligations to respect, protect and fulfil (facilitate and provide)<sup>14</sup> the human rights of its citizens<sup>15</sup>, who are recognized as rights holders. 'Other actors,'<sup>16</sup> such as the family, the community, private corporations and Non- Governmental Organizations (NGOs) are also

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<sup>14</sup> Known as the tripartite approach to State obligations, introduced to the international community by Asbjørn Eide in the 1980s (Eide, 2007).

<sup>15</sup> Obligations of the State that go beyond ensuring the rights of its' own citizens, such as extraterritorial obligations (ETOs), will not be considered in this study.

<sup>16</sup> Ljungman refers to the preamble of the UDHR, stating that '*every individual and every organ of society shall strive to promote respect for these rights and freedoms*' (UN, 1948). Several scholars have argued for this broad definition of duty bearers, incorporating non-State actors such as individuals and trans- national corporations (TNCs) (Andreassen, 2010; Jonsson, 2005). The Ugandan MGLSD has defined duty bearers as '*individuals, institutions, and or authorities responsible for the progressive realisation of a specific right; they acquire responsibility by designation, position or election*'.

recognized as moral duty bearers (Ljungman, 2004). The State obligation to respect human rights involves the concept of non- interference; the State must not reduce or interfere with peoples' current enjoyment of their human rights. The obligation to protect entails State protection of the citizens from interruption or violations of human rights by a third party. The obligation to facilitate means that the State must actively engage in facilitating activities to promote an enabling environment so that people are empowered to ensure their own rights. Finally, the State is obliged to provide for people who, for reasons beyond their control, are not in a position to provide for themselves (Eide, 2001).

### **3.1.2 A human rights based approach**

A human rights based approach (HRBA) is a way of integrating human rights standards, principles and aspirations into all development planning and programming with equal emphasis on process and outcome (Boesen & Sano, 2010; Jonsson, 2005). HR- standards are defined by Jonsson (2005) as benchmarks for the minimum acceptable level of an outcome and the HR principles as criteria for an acceptable process to achieve the outcome. In addition to complying with the human rights standards and principles, the common understanding<sup>17</sup> of a HRBA is that it should further the realization of human rights, contribute to the development of duty bearers' capacity<sup>18</sup> to fulfil their obligations and of rights holders' capacity to claim their rights (Boesen & Sano, 2010; Jonsson, 2005; Ljungman, 2004).

Ljungman (2004) distinguishes between a HRBA and a human rights perspective. A human rights perspective, embracing all or some of the human rights principles, is not the same as actually applying a HRBA, which requires that institutions and organizations are capacitated to operationalize the approach. She further argues that the HR perspective can be an important step in the process towards a full- scale application of the HRBA.

The most important value- added of the HRBA is that it defines the relationship between the rights holder and the duty bearer. For a human rights claim there is always a corresponding obligation, and as such the approach increases accountability of the duty bearers (Boesen & Sano, 2010; Jonsson, 2005). The HRBA will be mentioned, but not extensively discussed in relation to the findings of this study.

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<sup>17</sup> The Common Understanding was reached by participating agents at the Stamford meeting in Princeton in 2002, arranged by a UN informal working group, led by the UNDP and UNICEF (Jonsson, 2005).

<sup>18</sup> Capacity can involve all the following aspects: motivation, authority, economic, human and organizational resources, communication- and decision making capabilities (Engesveen, 2005).

### 3.1.3 The human right to adequate food

The first provision for the right to adequate food can be found in article 25 (1) of the Universal Declaration of Human Rights, which was adopted by the United Nations (UN) in 1948: *‘Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care’*.

The ICESCR was adopted by the UN in 1966, and ratified by Uganda in 1987. Article 11 recognizes ‘the right of everyone to *adequate food* ‘and ‘to be *free from hunger*’.

The Covenant on the Rights of the Child (CRC), adopted by the UN in 1989 and ratified by Uganda in 1990, obliges the State to “*take appropriate measures to diminish infant and child mortality*” (Article 24.2). Article 27 recognizes “*the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development*” and obliges the State to “*provide material assistance and support programs, particularly with regard to nutrition, clothing and housing,*” in case of need.

The 1996 World Food Summit (WFS)<sup>19</sup> expressed the need for a clarification of the content of the right to adequate food, and The Code of Conduct on the Human Right to Adequate Food<sup>20</sup> was the first initiative. GC 12 of the ICESCR defines the right to adequate food as “*realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement*” (CESCR, 1999).

GC 12 recognizes hunger and malnutrition, not as a result of food shortage, but as a consequence of limitations in food access mainly due to extensive poverty. Therefore the Committee on Economic, Social and Cultural Rights (CESCR) interprets the core content of the right to adequate food as the *availability* of food in sufficient quality and quantity to meet individual dietary needs, free from adverse substances and culturally acceptable; and the physical and economic *accessibility* of such foods in a sustainable manner that does not interfere with the enjoyment of other human rights.

GC 12 focuses on the accessibility of food for vulnerable groups, such as infants and young children, the elderly and the disabled, women and indigenous people. Articles 6 and 13 give special attention to victims of disasters:

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<sup>19</sup> The WFS of 1996 was an international response to the intolerable situation of hunger and malnutrition, convened by the FAO and attended by some 180 member States. The Summit resulted in the Rome Declaration on World Food Security with the ambition to reduce by half the number of undernourished by 2015, and the WFS Plan of Action (Wernaart, 2010; WFS, 1996a, 1996b).

<sup>20</sup> The Code of Conduct was drafted by NGOs in 1997, led by the Food First Information and Action Network (FIAN). The Code was never fully adopted by the international community (Eide & Kracht, 2005).

*States have a core obligation to take the necessary action to mitigate and alleviate hunger as provided for in paragraph 2 of article 11 (of the ICESCR), even in times of natural or other disasters (Article 6).*

*Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food (Article 13).*

The three levels of State obligations, described in chapter 3.1.1, are established in the GC 12 for the progressive realization of the right to adequate food; the obligation to respect the right to food by not interfering with people's existing access to food; the obligation to protect individuals from the interference or deprivation of food access by a third party; the obligation to actively engage in facilitating activities to strengthen people's ability to ensure their own livelihood; and finally, the obligation to provide the right to adequate food directly for people who cannot provide for themselves for reasons beyond their control (CESCR, 1999; Eide, 2010). *"This obligation also applies for persons who are victims of natural or other disasters"* (CESCR, 1999).

Uganda is State Party to the African Charter of the Rights and Welfare of the Child of the Organization of the African Union (OAU)<sup>21</sup>. The Charter establishes the right of the child *"to enjoy the best attainable state of physical, mental and spiritual health"*, hence obliging the State to pursue the full implementation of this right, and in particular take measures *"to ensure the provision of adequate nutrition and safe drinking water"* (OAU, 1999).

The obligation of the State to take steps to the maximum of its available resources to progressively realize the rights of the convention is spelled out in Article 2 (1) of the ICESCR. As a minimum level of requirement, the GC 12 obliges the State to ensure that everyone is free from hunger. Failing to meet this requirement is considered a violation of the Covenant.

### **3.2 The impacts of disaster on malnutrition - a conceptual model**

Poverty and inequity are the main causes of inadequate diets and inadequate health (Burns, Friel & Cummins, 2007). Millions of young children worldwide go to bed hungry every night and suffer the dire consequences of malnutrition (IFRC, 2011b). In children under the age of five, an estimated 165 million were stunted and 101 million were underweight<sup>22</sup> in 2011 (AU,

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<sup>21</sup> The OAU was the initiative preceding the African Union (AU). The AU was launched in 2001 (AU, undated).

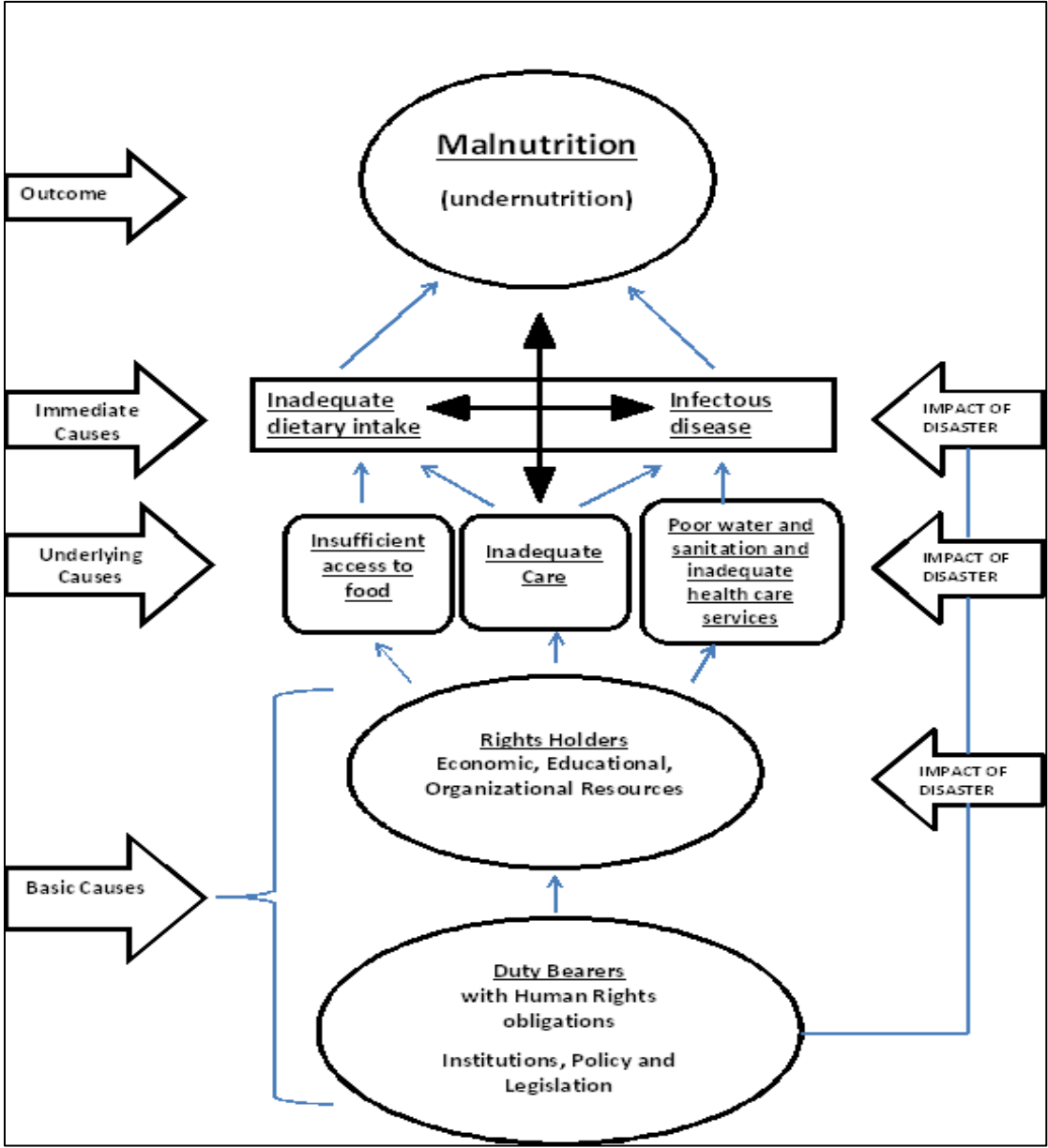
<sup>22</sup> Underweight is defined by UNICEF (undated) as a weight-for-age below -2 standard deviations from the median of the reference population. Cut-offs can be found in the WHO child growth standards (WHO & UNICEF, 2009).



2009; UNICEF & WHO, 2012). At the same time, there has been international recognition for the increase of natural disasters all over the world as the United Nations High Commissioner for Refugees (UNHCR, 2008) estimated that natural disasters related to climate change had doubled over the last two decades.

This study has utilized the UNICEF conceptual model for the basic, underlying and immediate causes of child malnutrition to emphasize the potential impact of disasters on nutritional status (Figure 1).

Figure 1: A conceptual model for the impact of disaster on malnutrition



**Source:** The model was derived from The State of the World’s Children (UNICEF, 1998), conceptualizing the basic, underlying and immediate causes of malnutrition; modified by researcher to include the possible impact of disaster on malnutrition at all levels.

Basic causes of malnutrition can be the existence of political, social and economic structures that somehow limit the use of society's potential resources, or educational and human constraints. The basic causes affect the underlying causes which are limitations in food access; inadequate care; poor water and sanitation; and inadequate health care services. The underlying causes in turn affect the immediate causes; inadequate dietary intake and infectious disease with the outcome being malnutrition and potentially death. This model illustrates how disasters can affect malnutrition at all levels, *e.g.* by destroying societal structures, limiting access to food and health care services, and directly depriving people of an adequate diet. For this study, the State is incorporated as duty bearer at the basic level, responsible for the potential political and economic resources to limit the effects of disaster on malnutrition. This potential lies in its institutions, policy framework and legislation for disaster preparedness and management, and in its obligation to ensure the right to adequate food for all Ugandans.

### **3.3 Disasters globally: responses from the international community**

Climate change increases the incidence of disasters, and as such can be assumed to have impacts on malnutrition. Over the last two decades, the number of reported natural disasters have doubled worldwide, 90 % of occurrences being climate related (UNHCR, 2008). Hydro-meteorological disasters, such as flooding, typhoons, mudslides and hurricanes, make up a major cause of displacement, and climate conditions can be important triggers of such disasters (IFRC, 2011b; Ngecu, Nyamai, & Erima, 2004; UNHCR, 2008). According to the International Federation of the Red Cross and Red Crescent Societies (IFRC, 2012) nearly 7.000 disasters, natural and man-made, were reported worldwide from 2002-2011, of which up to 1.702 occurred on the African continent. Over these 10 years, in Africa alone, an average of over 4.300 people were killed and close to 30 million people were affected each year by disasters, severely hampering human and economic development, displacing millions of people across and within borders. Hunger and malnutrition weaken people's capacity and in effect increase their vulnerability to crisis (IFRC, 2011b).

The international community, under UN- leadership, reacted to the increasing human and economic losses due to natural disasters with a resolution (Res)<sup>23</sup> by the General Assembly (GA) in 1987, designating the 1990's as the International Decade for Natural Disaster Reduction. This led to several initiatives such as the 1<sup>st</sup> World Conference on Disaster Reduction in Yokohama, Japan, in 1994, that resulted in the endorsement of the Yokohama

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<sup>23</sup> UN (1989) GA Res 44/236

Strategy and Plan of Action for a Safer World<sup>24</sup> (UNIDNDR, 1994). Succeeding the International Decade of the 1990s was the International Strategy for Disaster Risk Reduction<sup>25</sup>, followed by the 2<sup>nd</sup> World Conference in Hyogo, Japan, in 2005. The Hyogo Framework for Action (HFA) 2005-2015 was adopted, building on experience and lessons learned from the implementation of the Yokohama Strategy (UNISDR, 2005). The purpose of the framework was to further develop an international environment enabling states to build disaster resilient nations and communities. The work was followed up by the Global Platform for disaster risk reduction in Geneva in June 2007 (UNISDR, 2007), and the 3<sup>rd</sup> World conference is planned for 2015 (UNISDR, 2012b)<sup>26</sup>.

**Table 1: International initiatives relevant for the right to adequate food in disaster**

<b>International tool</b>	<b>Description</b>
The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (VG)	The 19 VG were constructed to guide States in the implementation of the right to adequate food. VG 16 advises the State to ensure the RtF in disasters and put in place mechanisms to reduce the nutritional impacts of disasters. The VG draw parallels to humanitarian law.
Guide to Conducting a Right to Food Assessment	Advices the State/NGO on how to analyse the right to food situation in the country, and how to design human rights based policy and legal framework for ensuring the right to adequate food, including during disasters.
Guide to Legislate on the Right to Food	Guides States in designing a legislative framework that considers human rights and the right to food, including in national disaster legislation
VG Information Papers and Case Studies	Provides information and discusses food aid in relation to the right to adequate food in disasters
Methods to monitor the human right to adequate food Vol. I & II	Guides States in designing and implementing monitoring mechanisms for the right to adequate food.
Disaster Reduction in Africa	Guide to drought risk reduction through a holistic policy framework and early response mechanisms. The guide recognizes the state as primary duty bearer for meeting the ‘food needs’ of the citizens.
IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters	Guide for humanitarian agencies on how to conduct a human rights based emergency response
The Sphere project humanitarian charter and minimum standards in emergency response	A framework for humanitarian response that promotes dignity in the humanitarian process, designed by IFRC and other NGOs.
The right to adequate food in emergencies	Elaborates on State obligations on the right to adequate food in emergency situations, drawing parallels to humanitarian law

**Sources:** (FAO, 2009a, 2009b, 2009c, 2009d, 2005, 2002; IASC, 2011; SCHR, 2004; UNISDIR, 2012a)

<sup>24</sup> UN (1994) GA Res 49/22A

<sup>25</sup> UN (1999) GA Res 54/219

<sup>26</sup> More information on the International Strategy for Disaster Risk Reduction can be accessed at <http://www.unisdr.org/>.

Table 1 is included as an overview of relevant international tools and guidelines to support the States in their efforts to reduce the risk of disaster. These are tools and guidelines to construct and implement relevant policies, plans and legislation for disaster preparedness and emergency response (DPER). Of significance to this study are the tools that also integrate the aspects of the progressive realization of the right to adequate food in disaster preparedness and management. “The guide to conducting a right to food assessment” and “the guide on legislating for the right to food” are used as analysis tools in this study (See methodology Chapter 4.2).

### **3.4 Trends of disasters in Uganda**

Uganda is highly susceptible to natural disasters, including drought, flooding, landslides, severe storms and earthquakes, as well as human and animal epidemic diseases and food security- related hazards (UNOCHA, 2011). Six drought events have occurred in Uganda since 1982, causing challenges of chronic food insecurity and malnutrition, and a persisting need for food, agriculture and livestock assistance in some regions of the country<sup>27</sup>.

The burden of refugees and Internally Displaced Persons (IDPs) from both armed conflict and natural disasters is also a massive humanitarian and developmental challenge for Uganda (UNOCHA, 2011). After years of stable refugee – influx, Uganda experienced a surge of refugees fleeing violence in the Democratic Republic of the Congo from mid- 2011 to mid-2012. By end August 2012, Uganda hosted more than 190.000 registered refugees and asylum- seekers, and was expected to host a total of 380.000 refugees, asylum- seekers and IDPs by January 2013 (UNHCR, 2013).

Bududa and its neighbouring districts have been classified as an area with high population density and high land pressure at least since the population census in 2002 (NEMA, 2010). The landslide that hit Bududa on March 1<sup>st</sup> 2010 buried two whole villages in the Nametsi Parish and left local communities devastated (IFRC, 2011b). Some 300 people were killed and 8.000 more were in need for resettlement (UNOCHA, 2010, 2011, 2012). Resettlement leads to major challenges, forcing people to adapt to new environments, putting them at risk of social exclusion, discrimination and loss of dignity in several ways (IFRC, 2012).

Inadequate land for resettlement and inadequate facilities to ensure basic human needs and rights in the new locations were some of the challenges addressed by the UHRC (2011) in the

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<sup>27</sup> This is true in particular for Teso and Karamoja sub- regions who have endured both severe droughts and floods. In Karamoja climate change, plant- and animal disease and conflicts contribute to the prolonged situation of food insecurity. In the Teso sub- region floods, drought, famine have contributed to the sub- region remaining one of the poorest areas in the country (UNOCHA, 2011, 2012).

aftermath of the Bududa landslide. The Elgon sub-region still suffers from poverty, poor infrastructure and limited access to basic social services, and continues to be affected by natural disasters (UNOCHA, 2012). On June 25<sup>th</sup> 2012 a new deadly landslide struck in Bududa, illustrating that measures carried out in 2010 were not adequate to safeguard the vulnerable population.

These occurrences of landslides in Bududa serve as points of reference to how disasters can disrupt peoples' livelihoods. In their annual report (2011) the UHRC expressed their concerns on violations of human rights, including on the right to food that had taken place during humanitarian operations in Bududa. The report addressed the lack of consideration for vulnerable groups, especially women and children. Misanya (2011) undertook a case study in the Nametsi Parish after the 2010 landslide, examining the role and application of community based knowledge in disaster management. Her findings as well indicated that vulnerable groups such as the injured, elderly or disabled who themselves could not collect the relief items were not given special consideration in the operations.

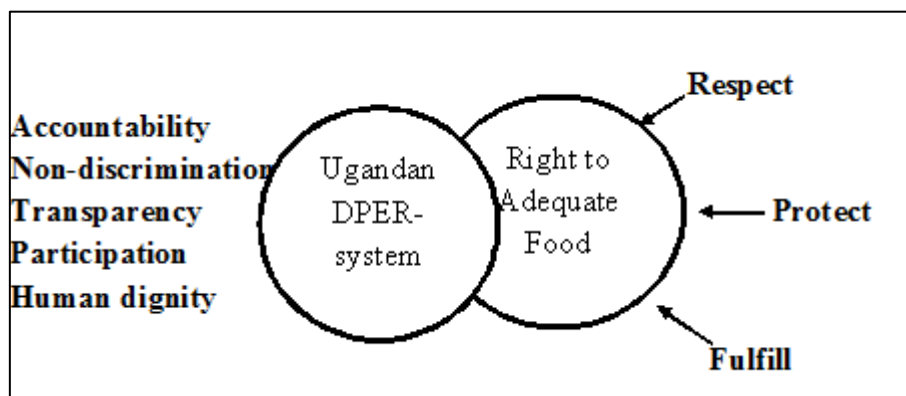
As of 2012, the humanitarian concerns related to disasters were still grave in Uganda. Only floods affected more than 15.000 households and 80.000 people, mostly in Eastern Uganda in 2011 (IFRC, 2012). The Uganda Humanitarian Profile (2011) reported that violence against women and children increased in disaster situations, highlighting the need to address the wider scope of challenges arising from these disaster events. Despite the efforts of local Governments (LG) and humanitarian actors, the United Nations Office for the Coordination of Humanitarian Action (UNOCHA, 2012) reported that the country's disaster risk reduction activities were still inadequate. Although the National Platform for Disaster Risk Reduction was established by the Government in 2008, in line with Priority 5<sup>28</sup> of the HFA, the Platform consists mainly of UN agencies and international non-Governmental organizations (INGOs), leaving the national structures non-functional due to capacity and resource gaps.

Figure 2 is a conceptualization of the main objective of this study, as it (the study) seeks to analyse the recognition of the human right to adequate food in Ugandan policy, legislation and institutional frameworks for disaster preparedness and emergency response. In this context, the study is concerned with duty bearers and their obligations to respect, protect and fulfil human rights, in particular the right to adequate food.

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<sup>28</sup> Priority 5 in the Hyogo Framework for Action is to 'Strengthen disaster preparedness for effective response at all levels'.

Figure 2: **Illustration of the study’s main objective: to analyse the recognition of the RtF in Uganda’s DPER- system**



Source: Constructed by the author

## 4. METHODOLOGY

### 4.1 Study design

The study design was cross-sectional and descriptive with emphasis on qualitative techniques. It employed a deductive approach with the pre-assumption that the right to adequate food was not integrated in Uganda’s system for DPER (Hesse-Biber & Leavy, 2011; Saldana, 2011).

### 4.2 Study research questions, indicators and data sources

Table 2 provides an overview of the study research questions with their corresponding indicators and methods of data collection. The research questions are linked to the four specific objectives presented in chapter 2.2.

*The Right to food methodological toolbox*<sup>29</sup> consists of five tools constructed by the FAO to guide States in the implementation of the voluntary guidelines to support the progressive realization of the right to adequate food (VG) (See Table 1 in Chapter 3.3). Two of these tools, the ‘Guide to conducting a right to food assessment’ and the ‘Guide on legislating for the right to food’ provide a comprehensive framework for assessing a country’s right to food-environment, hereunder the legal-, policy- and institutional environment. The indicators linked to research questions 1, 2 and 3 (Table 2) have been derived from these tools as to provide established criteria for analysing the extent to which Uganda’s existing DPER-system contributes to the progressive realization of the right to adequate food<sup>30</sup>. The

<sup>29</sup> The methodological toolbox is accessible at: <http://www.fao.org/righttofood/knowledge-centre/right-to-food-methodological-toolbox/en/>

<sup>30</sup> It is important to emphasize that the methodological toolbox is comprehensive, and that this study has only derived some of the assessment criteria which were found most relevant and manageable for the purpose of answering this study’s research questions.

indicators will be referred to in this study as FAO standards or FAO criteria. For research question 4, the indicators have not been directly derived from the toolbox, but are constructed with its inspiration.

**Table 2: Research questions, indicators and data sources**

Research Questions	Indicators	Data sources
1.1 To what extent is national policy supporting the right to adequate food in DPER? (Linked to objective 1)	a) Existing policy frameworks for DPER: Accordance with FAO standards: (1) embedded the right to adequate food (2) the identification of duty bearers' obligations (3) focus on vulnerable groups (4) focus on participation and (5) focus on sustainability	<ul style="list-style-type: none"> <li>• Document analysis of existing policy frameworks in Uganda</li> <li>• Literature reviews</li> <li>• Semi- structured interviews with duty bearers</li> </ul>
2.1 To what extent is national legislation supporting the right to adequate food in DPER? (Linked to objective 2)	a) Existing legislation for DPER: Accordance with FAO standards: - <i>Constitution</i> : (1) recognition of the right to adequate food and its implications - <i>National legislation</i> : (2) establish the right to adequate food and freedom from hunger (3) establish the obligations of the State (4) give provisions for emergencies, including financial (5) establish a national organ responsible for the realization of the right to adequate food	<ul style="list-style-type: none"> <li>• Document analysis of existing legal frameworks in Uganda</li> <li>• Literature reviews</li> <li>• Semi- structured interviews with duty bearers</li> </ul>
3.1 To what extent are existing institutional structures in Uganda supporting the right to adequate food in disaster and emergency situations? (Linked to objective 3)	a) Existing institutional framework for DPER: Accordance with FAO standards: (1) key institutions relevant for ensuring the right to adequate food (2) clearly defined mandates for ensuring the right to adequate food (3) institution and staff are aware of their task as duty bearer (4) existence of interaction and coordination among institutions	<ul style="list-style-type: none"> <li>• Document analysis of institutional structures and functions</li> <li>• Literature reviews</li> <li>• Semi-structured interviews with duty bearers</li> </ul>
4.1 How are Uganda's financial capabilities for contingency planning supporting the right to adequate food in DPER? (Linked to objective 4)	(1) Existence of a budget framework supporting the right to adequate food in disaster (2) Existence of contingency funding supporting the right to adequate food in disaster	<ul style="list-style-type: none"> <li>• Budget reviews of relevant sectors involved in food security and disaster management</li> <li>• Literature reviews</li> <li>• Semi- structured interviews with duty bearers</li> </ul>

### 4.3 Study participants

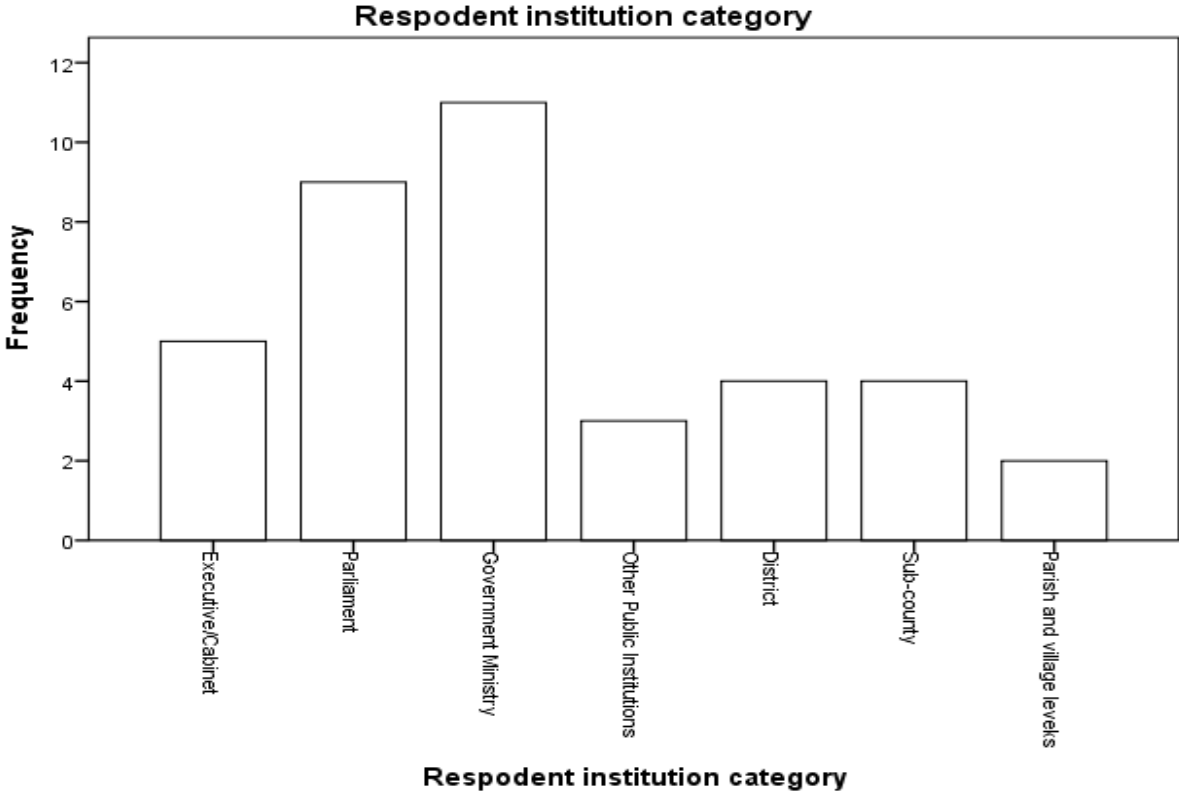
The study participants were 38 duty bearers purposively selected from relevant Ministries, institutions, districts and the Parliament of the Republic of Uganda (PRU) (Hesse-Biber & Leavy, 2011; Robson, 1993). Respondents were selected by virtue of their positions of

authority in relation to the right to adequate food and disaster management in Uganda. Out of 50 duty bearers invited to participate, 38 responded to this study. Figure 3 illustrates the number of participating respondents by institution.

**4.4 Data collection methods**

Data was collected using semi- structured interviews, document analysis, budget reviews and literature reviews. *Methods triangulation*, the mixed use of qualitative and quantitative methods<sup>31</sup>, allowed the attainment of both qualitative and quantitative<sup>32</sup> results, and as such a more comprehensive set of data. *Data triangulation*, the collection of data through multiple sources, was a principal part of the study approach to enhance validation of the results (Hesse-Biber & Leavy, 2011; Robson, 1993; Saldana, 2011).

Figure 3: Interview respondents categorized by institution



**4.4.1 Primary data from semi- structured interviews**

The semi- structured questionnaire presented in Annex 3 was used in this study. The first draft of the questionnaire was sharpened by pilot testing of five subjects, resulting in a final version

<sup>31</sup> Although data collection was primarily qualitative, quantitative results could be obtained by using a semi-structured questionnaire and by reviewing the literature systematically.

<sup>32</sup> Quantitative results were not tested for significance, due to the skewed nature of purposive sampled data and the limited number of respondents.



with 14 questions on the following themes; the system for DPER in Uganda, the response to the Bududa landslides in 2010, the Parliament's role in fighting hunger and malnutrition in Uganda and finally, on Human Rights Principles and the Human Right to Adequate Food. The questionnaire was designed with a focus on the multi- sectoral dimension of the right to adequate food and disaster management. As such, duty bearers from various institutions were targeted (Figure 3).

Purposively selected respondents were identified and presented with a letter of invitation to participate in the study, along with the necessary attachment; ethical clearance letters and declaration of informed consent as provided in Annex 4. After seven days of waiting for feedback to the interview request, physical and telephone follow- up was undertaken. Given the busy schedules of most duty bearers, on average an interview appointment was secured following at least two weeks of follow- up and waiting. Flexibility and patience was thus vital in securing interviews with duty bearers.

The doctoral researcher was present at all interviews, together with this study's author or on some occasions a research assistant<sup>33</sup>. As one researcher asked the questions, the other colleague took the notes. This method made it possible to avoid using a recorder and as such, reduce the risk of reporting bias.

#### **4.4.2 Secondary data from reviews of policy, legislation and budgeting**

The study identified national and international policy and legislation relevant for linking disaster preparedness and management to the right to adequate food. Uganda's National Policy for Disaster Preparedness and Management (GOU, 2011) provides the institutional framework for DPER and has served as a starting point to identify and explore relevant institutions. Other relevant policies, strategies, legislation and research publications relevant to the right to adequate food were also reviewed.

Budget framework papers, output budgets and annual performance reports were reviewed to get an overview of allocations to the relevant institutions, especially the Directorate of Disaster Preparedness, Management and Refugees (DDPMR) in the Office of the Prime Minister (OPM). Other budgets reviewed were those of the food and nutrition relevant sectors, ministries and departments; the health sector and the Ministry of Health (MOH), the Water and sanitation sector and the Ministry of Water and Environment (MWE), the agriculture sector and the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF).

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<sup>33</sup> The assistant was recruited as part of a data collection team for interviews with rights holders on the PhD project by Mr. Rukundo (See Chapter 1.2).

Finally, proceedings and actions of the PRU were accessed from the Hansard which is the record of Parliamentary proceedings<sup>34</sup>. The Hansard was systematically reviewed by key words to find debates concerning disasters, the right to food and nutrition. Discussions linking disasters and aspects of the right to adequate food were further examined to see to what extent this right was debated and considered in disaster situations. An overview of the debates identified as relevant to this study is provided in Annex 5.

#### **4.5 Data analysis**

*Real-time analysis*, the analysis of data during the course of data collection, gives way for additional data collection based on the real-time findings (Robson, 1993). The qualitative and multiple-source nature of this study made real-time analysis essential, as the data collection process provided new information that was valuable for the further course of the study.

*Content analysis* is the systematic reading of a body of text in order to make replicable and valid inferences (Krippendorff, 2012). Content analysis was applied to all secondary data with the use of indicators (See table 1). The use of indicators enabled the systematic data analysis targeting the research questions.

Interview responses were subject to *coding* and *patterning/clustering* as described by Robson (1993) and Saldana (2011). This process conducted a mixed inductive-deductive approach; inductive in the sense that it involved using pre-constructed codes/indicators; deductive in the sense that it involved using new codes that emerged underway in the process (Hesse-Biber & Leavy, 2011).

*Statistical analysis* with the computer based Statistical Package for Social Scientists (SPSS) version 19 was utilized for describing the quantifiable data from the interviews. Due to the purposive sampling, and the skewed nature of non-probability sampling, statistical significance was not tested.

*Microsoft Excel* was used for the systematisation, analysis and presentation of budget data.

*Cross-validation* of findings was deployed throughout the study as an important measure to enhance validation and reduce risk of systematic bias and subjective conclusion (Hesse-Biber & Leavy, 2011).

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<sup>34</sup> The Hansard is publicly accessible from the website of the PRU: [www.parliament.go.ug](http://www.parliament.go.ug).

#### **4.6 Ethical consideration**

As this study was conducted as an integrated part of a PhD- project by research fellow Peter Milton Rukundo, it applied all ethical regulations and approvals for research at Oslo and Akerhus University College of Applied Sciences (HiOA), while respecting all established guidelines of the UiO, in accordance with Norwegian rules, regulations and laws. The master thesis was supervised by Professor Arne Oshaug (HiOA), who is also a co- supervisor on Rukundo's doctoral project. Research clearance and the declaration of informed consent forms as presented in Annex 4, were constructed as part of the PhD project, and they equally applied to this study.

The PhD study proposal was approved by the Uganda National Council of Science and Technology (UNCST) and the Office of the President of the Republic of Uganda (OOP) in accordance with existing legislation in Uganda. The approval by UNCST and the Communication from OOP were submitted together with the PhD study proposal to the Regional Ethics Committee for Medical and Health Research (REK) in Norway. Fieldwork commenced with the approval from REK. Based on approval of the PhD study proposal by the UNCST and REK, the research proposal for this study was approved by the HiOA.

Eligible respondents were approached with a letter of invitation to participate in the study, together with the research clearance letters and a letter of informed consent. In this way, respondents had the opportunity to study the consent form and seek sufficient clarification prior to the interview. Respondents were not coerced to participate in the study, and caution was taken to ensure that they responded without fear or favour.

The study team rehearsed, pre- tested and sharpened the questionnaire to ensure that all attempts were undertaken to fully conceptualize the aspects of the interview process. Confidentiality and respect was maintained at all levels, and no respondents were identified in this thesis. All participants were allowed to withdraw from the study at any time.

#### **5. RESULTS AND FINDINGS**

This study has identified and explored national policy, legislation, institutions and financial capabilities, relevant for ensuring the right to adequate food in disaster preparedness and emergency response (DPER), and used FAO standards to analyse the recognition of the human right to adequate food (RtF) in national policy, legislation and institutional framework. This chapter provides the study findings in accordance with the specific study objectives provided in chapter 2 and the methods described in chapter 4.

## **5.1 Policy framework supporting the right to adequate food in DPER in Uganda (specific objective 1)**

### **The National Development Plan 2010 – 2015**

In 2010 the Uganda National Development Plan (NDP) replaced the Poverty Eradication Action Plan (PEAP)<sup>35</sup> as the primary Government planning tool for development (GOU, 2010; MFPEd, 2004). The NDP guides resource allocation and implementation of sectoral and Governmental programmes for socio- economic transformation and sustainable development. The NDP outlines clear objectives, strategies and interventions for enhancing preparedness and response mechanisms to disaster. Relevant strategies identified by this study include the establishment and implementation of the national contingency fund for disasters and the development and operationalization of a legal framework for the implementation of the National Policy for Disaster Preparedness and Management (DPMP).

### **FAO standards for a policy framework in compliance with the RtF**

Five standards were derived from the FAO (2009d) methodological toolbox to explore the extent to which the Ugandan policy environment for DPER contributes to the progressive realization of the right to adequate food (See Chapter 4.2). The standards entail that (1)<sup>36</sup> the policy has embedded the human right to adequate food, (2) that it has identified duty bearers' obligations, and that it focuses on (3) vulnerable groups, (4) participation and (5) sustainability. The following policies and plans, as presented in table 3, were identified by this author as relevant for ensuring the RtF in DPER; the Uganda Food and Nutrition Policy (2003), the National Policy for Internally Displaced Persons (2004), the National Orphans and Other Vulnerable Children Policy (2004), the National Policy for Disaster Preparedness and Management (2011) and the Uganda Nutrition Action Plan (2011). The policies were identified on the basis of containing objectives and strategies linking the right to adequate food and DPER<sup>37</sup>, and have been further analysed in light of the abovementioned FAO standards.

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<sup>35</sup> The Poverty Eradication Action Plan (PEAP) was implemented in two phases; PEAP 1 from 1996/97 – 2002/03 and PEAP II from 2003/04 – 2008/09.

<sup>36</sup> The numbers correspond with the indicators provided in Table 2 in Chapter 4.2.

<sup>37</sup> Annex 6 provides a more detailed overview of relevant goals and strategies for each of the identified policies.

Table 3: **Linking DPER and RtF- relevant policies**

<b>Policy/Framework</b>	<b>Overall Policy Goal</b>	<b>Goals and objectives linking DPER and the right to adequate food</b>
The National Development Plan (NDP) <sup>38</sup> , 2010/11-2014/15	A transformed Ugandan Society from a peasant to a modern and prosperous country within 30 years.	Reduce the social, economic and environmental impact of disasters on people and the economy.
The Uganda Food and Nutrition Policy (UFNP), 2003	To ensure food security and adequate nutrition for all the people in Uganda	<i>Food Supply:</i> Ensure an adequate supply of, and access to, good quality food at all times <i>Food Storage:</i> Promote the availability of and access to, affordable, safe and nutritious foods. <i>Food Aid:</i> Restrict aid to alleviating temporary food crisis and to ensure its safety for human consumption.
The Uganda Nutrition Action Plan (UNAP), 2011	Improve the nutrition status of all Ugandans, with special emphasis on women of reproductive age, infants, and young children.	Protect households from the impact of shocks and other vulnerabilities that affect their nutritional status.
The National Policy for Internally Displaced People (IDPP), 2004	To establish Institutions for managing IDP situations; specify roles and responsibilities	Minimize the effects of internal displacement by providing an enabling environment for upholding the rights and entitlements of the IDPs
National Orphans and Other Vulnerable Children's Policy (NOVPC), 2004	To achieve the full realization of the rights of orphans and other vulnerable children	Providing adequate nutritious food to households caring for orphans and other vulnerable children in emergency situations;
The National Policy for Disaster Preparedness and Management (DPMP), 2011	Create an effective framework through which DPER is entrenched in all aspects of development processes.	Establish institutions and mechanisms to reduce the vulnerability of people, livestock, plants and wildlife to disasters in Uganda.

<sup>38</sup> The NDP was not subject to analysis by FAO standards.

## 5.1.1 National policy frameworks supporting the right to adequate food in Uganda

### a) The Uganda Food and Nutrition Policy 2003

The human right to adequate food was found embedded in the Uganda Food and Nutrition Policy (UFNP), starting with establishing that “*adequate food is a human right*” (p. 5) in its’ guiding principle. The policy referred to international human rights instruments recognizing the right to adequate food, such as article 25 of the UDHR and article 11(2) of the ICESCR, and initiatives such as the UN World Food Conference of 1974<sup>39</sup>. The policy emphasizes the core content of the GC 12 in its goals and strategies; accessibility and availability of good quality food at all times, and also refers to State obligations. A specific objective of the UFNP is “*to ensure food security in times of disaster*” (p. 7). The policy focuses on sustainable food supply, food availability and safety, and has several links to disaster preparedness and management, thus making it relevant for ensuring the right to adequate food in disaster. Table 4 provides a summary of the author’s analysis of the UFNP.

Table 4: **The UFNP compliance with FAO standards**

<b>FAO standard:</b>	<b>Policy: UFNP</b>
(1) Embedded the RtF	YES
(2) Identification of duty bearers and their obligations	YES
(3) Focus on vulnerable groups	YES
(4) Focus on participation	YES
(5) Focus on sustainability	YES

### b) The Uganda Nutrition Action Plan 2011-2016

The Uganda Nutrition Action Plan (UNAP) 2011-2016 was formed within the context of the NDP, and is a guide for implementing the UFNP and other relevant policies that aim at improve nutrition in Uganda. The UNAP’s ultimate goal is to reduce malnutrition among women of reproductive age, infants and young children. The policy adopts a Life cycle approach<sup>40</sup>, emphasizing the nutritional window of opportunity<sup>41</sup>. The policy strongly focuses on the impacts of malnutrition on economic development, emphasizing that progressive social

<sup>39</sup> The World Food Conference was convened by the UN General Assembly, and was attended by 135 State representatives (UN, 1975). The conference resulted in the Universal declaration on the eradication of hunger and malnutrition (Wernaart, 2010; WFC, 1974).

<sup>40</sup> The Life Cycle Approach means emphasizing the link between foetal- and early childhood malnutrition and health risks later in life (SCN, 2000).

<sup>41</sup> The nutritional window of opportunity is the period from the conception until the child is 24 months of age. This is emphasized because poor foetal growth or stunting in the first two years of life can lead to irreversible health impairment that might also affect future generations (Bryce, 2008; Victora et al., 2008).

and economic development does not go hand in hand with malnutrition. Inadequate dietary intake and a high burden of infectious disease are recognized as immediate causes of childhood malnutrition, while household food insecurity, inadequate maternal and child care and poor access to health care are recognized to be underlying factors. The UNAP recognizes nutrition as essential for achieving both the Millennium Development Goals (MDGs)<sup>42</sup> and the goals of the NDP.

The author found that the UNAP recognized the Government's constitutional obligation "*of ensuring food and nutrition security for all Ugandans*", and "*adequate nutrition*" was recognized as a "*prerequisite for human development and socioeconomic well-being*". It encompassed several of the implications of the GC12 on the human right to adequate food:

*"Ensuring that all Ugandans are well nourished and able to live long, healthy, active, and creative lives requires that every Ugandan has access to a high- quality and sufficient diet, good health services, clean water, adequate sanitation, and, perhaps most importantly, proper knowledge on how to provide for the nutritional needs of themselves and those that they care of"* (p. iv).

The UNAP claimed to be guided by the "*attention to human rights*", although human rights were not further discussed in the plan. It did however refer to International human rights instruments such as the ICESCR and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)<sup>43</sup>. The Scaling- Up Nutrition (SUN) initiative<sup>44</sup> served as a framework for the plan.

Despite these efforts, the author did not find that the UNAP shared the solid human rights foundation of the UFPN, for which it was constructed to support. Except from mentioning preparedness plans for shocks, the UNAP did not recognize the huge impact that disasters have on the Ugandan society and on malnutrition. It did not commit on food stores as outlined as a specific goal in the NDP as vital for ensuring the right to adequate food. Table 5 provides a summary of the author's analysis of the UNAP.

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<sup>42</sup> The eight Millennium Development Goals were set and adopted by world leaders in 2000 together with the UN Millennium Declaration, as a commitment to address peace, security, human rights and fundamental freedoms (UN, 2011; Wernaart, 2010; WHO, 2010).

<sup>43</sup> The CEDAW was ratified by Uganda in 1985.

<sup>44</sup> The SUN was an initiative by the United Nations Standing Committee on Nutrition to construct a framework for action to address under nutrition and mobilize support for nutrition interventions (UNSCN, 2010).

**Table 5: The UNAP compliance with FAO standards**

<b>FAO standard:</b>	<b>Plan: UNAP</b>
(1) Embedded the RtF	NO
(2) Identification of duty bearers and their obligations	YES
(3) Focus on vulnerable groups	YES
(4) Focus on participation	NO
(5) Focus on sustainability	YES

### **c) The National Policy for Internally Displaced Persons 2004**

The National Policy for Internally Displaced Persons (IDPP) of 2004 claimed to be built on international humanitarian law, human rights instruments and national law. The policy mission is to ensure the rights and freedoms of IDPs, emphasizing equality and non-discrimination. The author found a commitment by the Government to protect citizens from displacement and facilitate return and resettlement, and the policy establishes a committee to monitor and actively ensure the human rights of IDPs, hereunder their right to food. Further obligations of the State were however not established. The policy referred to international human rights instruments such as the ICESCR, the International Covenant on Civil and Political Rights (ICCPR)<sup>45</sup>, the CEDAW and the CRC. The policy did not specifically mention participation, but had objectives to involve all relevant stakeholders, especially at the local level. In its chapter on health, the policy focused on non-discrimination and emphasized health care for women.

The policy's chapter on food security obliges the Government through the OPM/DDPMR to establish and maintain grain stores and provide food stuffs for ensuring a minimum nutritional and caloric intake for the IDPs. Table 6 provides a summary of the author's analysis of the IDPP.

**Table 6: The IDPP compliance with FAO standards**

<b>FAO standard:</b>	<b>Policy: IDPP</b>
(1) Embedded the RtF	NO
(2) Identification of duty bearers and their obligations	NO
(3) Focus on vulnerable groups	NO
(4) Focus on participation	NO
(5) Focus on sustainability	YES

<sup>45</sup> The International Covenant on Civil and Political Rights was ratified by Uganda in 1995.



#### **d) The National Orphans and other Vulnerable Children’s Policy 2004**

The National Orphans and other Vulnerable Children’s Policy (NOVCP) of 2004 is concerned with ensuring the rights of orphans and other vulnerable children. The author found that the policy applied a human rights based approach (HRBA) (See Chapter 3.1.2) by focusing on vulnerability, gender equity, community empowerment, participation and non- discrimination. The policy recognized international human rights instruments, and had strong implications on health, care and adequate nutrition, and also appointed the Ministry of Gender, Labour and Social Development (MGLSD) as duty bearer with “*the mandate to ensure the rights of all children*” (p. 4). The policy focus was ensuring rights, the policy vision to fulfil the rights of all orphans and vulnerable children. Table 7 provides a summary of the author’s analysis of the NOVCP.

**Table 7: The NOVCP compliance with FAO standards**

<b>FAO standard:</b>	<b>Policy: NOVPC</b>
(1) Embedded the RtF	NO
(2) Identification of duty bearers and their obligations	YES
(3) Focus on vulnerable groups	YES
(4) Focus on participation	YES
(5) Focus on sustainability	NO

#### **5.1.2 National policy frameworks for disaster preparedness and management in Uganda**

##### **a) The National Policy for Disaster Preparedness and Management 2011**

The National Policy for Disaster Preparedness and Management (DPMP) was approved by the Parliament of the Republic of Uganda (PRU) in May 2011, more than a year after the fatal Bududa landslide. This was the first approved framework for Disaster Preparedness and Management (DPM) in Uganda, although this study found that the need for such a framework had been recognized for a long time. The policy emphasizes risk reduction and preparedness and recognizes that inadequate planning, more than natural conditions, contributes to magnify the disasters. The policy establishes the institutional framework and the organizational structure for the country’s ideal DPER- system, and defines roles, responsibilities and policy actions. By including all relevant institutions and stakeholders, the policy provides a multi-sectoral approach for streamlining DPER from central to local Government and down to community to individual level

As seen in table 3, the policy goal related to the right to adequate food is *“to establish institutions and mechanisms that will reduce the vulnerability of people, livestock, plants and wildlife to disasters in Uganda”* (p. 51). The DPMP recognized the importance of considering vulnerable groups, and pledged to integrate human rights by way of avoiding all forms of discrimination and dehumanization. It mentioned sustainable development, poverty reduction and good governance as mutually supportive objectives to disaster risk reduction. The author found that in considering regional and international human rights instruments, the ICCPR being one, the DPMP failed to recognize the ICESCR, and further failed to establish the obligations of the State, as it read: *“The primary responsibility for disaster risk management rests with the citizens. Government plays a supportive role”* (p. 1).

In the DPMP, the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) was assigned with the overall objective *“To ensure that adequate food is produced for all areas of Uganda”* (p. 51), hereunder encourage the construction of food storage facilities and develop adequate food security systems. Table 8 provides a summary of the author’s analysis of the DPMP.

**Table 8: The DPMP compliance with FAO standards**

<b>FAO standard:</b>	<b>Policy:</b>	<b>DPMP</b>
(1) Embedded the RtF		NO
(2) Identification of duty bearers and their obligations		NO
(3) Focus on vulnerable groups		YES
(4) Focus on participation		YES
(5) Focus on sustainability		NO

Table 9 summarizes the author’s analysis of the policies that have been considered in this chapter and their compliance to FAO standards for a framework contributing to the progressive realization of the right to adequate food.

Table 9: Summary of relevant policies and their compliance with FAO standards

FAO standard:	Policy:	UFNP	UNAP	IDPP	NOVPC	DPMP
(1) Embedded the RtF		YES	NO	NO	NO	NO
(2) Identification of duty bearers and their obligations		YES	YES	NO	YES	NO
(3) Focus on vulnerable groups		YES	YES	NO	YES	YES
(4) Focus on participation		YES	NO	NO	YES	YES
(5) Focus on sustainability		YES	YES	YES	NO	NO

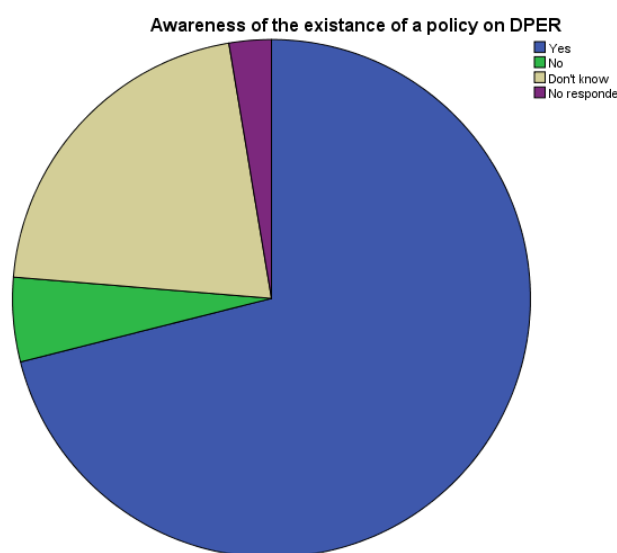
Sources: (GOU, 2011a, 2011b; MAAIF & MOH, 2003; MGLSD, 2004; OPM, 2004)

### 5.1.3 Duty bearers' awareness of the DPMP

Although the DPMP was approved in 2011, it seemed not to be popular among the duty bearers interviewed in this study. As illustrated in Figure 4 below, 70 % of the duty bearers were aware of the existence of a national policy on disaster preparedness and management. However, only six of the 23 respondents who were aware of the policy could to some extent elaborate on its content, which means that 16 % of all respondents were familiar with the policy.

Of the eight respondents who did not know whether or not a policy existed, seven were local Government (LG) representatives<sup>46</sup>. The respondent from the MOH did not know whether a policy existed, all though MOH is the lead institution on epidemics and pandemics and very much included in theory in the institutional framework.

Figure 4: Duty bearers' awareness of the DPMP



Yes: 71 %; No: 5 %; Don't know: 21 %; No response: 3 %

<sup>46</sup> LG representative refers to a respondent from district-, sub-county-, parish- or village- level (See Figure 3 in Chapter 4.3)

## **5.2 Legal framework supporting the right to adequate food in DPER in Uganda (specific objective 2)**

Article 2 (1) of the ICESCR states that:

*Each State Party to the present Covenant undertakes to take 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 by all appropriate means, including particularly the adoption of legislative measures.*

As State Party to the ICESCR, the Government of Uganda (GOU) is obliged to adopt legislative measures to progressively achieve the full realization of the right to adequate food.

### **FAO standards for a legislative framework in compliance with the RtF**

Five standards were derived from the FAO (2009a; 2009d) methodological toolbox to explore the extent to which the Ugandan legislative framework for DPER contributes to the progressive realization of the right to adequate food. According the FAO standards, a legal framework contributing to the progressive realization of the RtF should (1)<sup>47</sup> recognize the RtF and its implications in the constitution, further supported by national legislation. National legislation needs to (2) establish the RtF and freedom from hunger, (3) establish the State obligations, and it has to (4) contain provisions for emergencies, including financial, in order to strengthen institutions dealing specifically with nutrition. Equally important is (5) the establishment of a national decision-making organ responsible for the progressive realization of the RtF (CESCR, 1999; FAO, 2009a). The author identified national legislation relevant for ensuring the RtF in DPER, and analysed them with the above mentioned FAO standards.

#### **5.2.1 National legislation on the right to adequate food in Uganda**

A human right can be recognized in the Constitution explicitly, as a directive principle of State policy, or implicitly through the broader interpretation of other human rights. The explicit Constitutional recognition of the right to adequate food provides the strongest possible basis for this right, as the Constitutional norm would prevail in a case of conflict between laws (FAO, 2009d). Analysis found that in the 1995 Ugandan Constitution the human right to adequate food was not directly recognized as an obligation of the State, but food security and nutrition were included as directive principles of State policy (Table 10).

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<sup>47</sup> The numbers correspond to the indicators in table 2 in Chapter 4.2

**Table 10: Provisions supporting the right to adequate food in DPER**

<b>Constitution</b>	<b>Relevance to the right to adequate food in disaster</b>
The Ugandan Constitution, 1995, Objective XIV	The State shall endeavour to fulfil the fundamental rights of all Ugandans, in particular ensure that:  (2) all Ugandans enjoy access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits
The Ugandan Constitution, 1995, Objective XXII	The State shall  (a) take appropriate steps to encourage people to grow and store adequate food  (b) establish national food reserves
The Ugandan Constitution, 1995, Objective XXIII	The State shall institute effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life.
The Ugandan Constitution, 1995, Sixth Schedule.	Functions and Services for which Government is responsible. 26. Control and management of epidemics and disasters
The Ugandan Constitution, 1995, Article 157	Contingencies Fund.  Parliament shall make provision for the establishment of a Contingencies Fund and shall make laws to regulate the operations of that fund.
The Ugandan Constitution, 1995, Article 249	Disaster Preparedness and Management Commission.  (1) There shall be a Disaster Preparedness and Management Commission for Uganda to deal with both natural and man-made disasters.
<b>Framework law</b>	<b>Relevance to the right to adequate food in disaster</b>
The Public Finance and Accountability Act of 2003 <sup>48</sup>	Preliminary 10. Contingencies fund.  (1) There shall be a Contingencies Fund for national emergencies into which shall be paid all sums appropriated by Parliament for the purposes of the fund.
The Red Cross Act of 1964 <sup>49</sup>	The objects of the Society shall be:  (a) the furnishing of aid to the sick and wounded in time of war and to non-belligerents and to prisoners of war and civilian sufferers from the effects of war; and  (b) the improvement of health throughout the world without any distinction based on race, nationality, class, religion or political opinions.

**Sources:** (the Constitution of the Republic of Uganda, 1995; the Public Finance and Accountability Act, 2003; the Red Cross Act, 1994).

<sup>48</sup> The PFAA was not analysed with FAO standards.

<sup>49</sup> The Red Cross Act was not analysed with FAO standards.

Constitutional objective XIV obliges the State to “endeavour to fulfil the fundamental rights of all Ugandans”, hereunder “Food Security (b)”. Objective XXII on food security and nutrition obliges the State to “take appropriate steps to encourage people to grow and store adequate food (a); establish national food reserves (b); and encourage and promote proper nutrition through mass education and other appropriate means (c)”.

**Table 11: The proposed FNB compliance with FAO standards**

<b>FAO criteria for a right to food framework law</b>	<b>Compliance with FAO criteria in the draft FNB, 2005</b>
(2) Establishment of the right to food and freedom from hunger: <b>YES</b>	3 (1) The object of this Act is to recognize, promote, protect and fulfil the right to food as a fundamental human right 5 (1): Every person has a right to food and to be free from hunger and under nutrition
(3) Establishment of State obligations: <b>YES</b>	5 (3): For the enjoyment of the right to food, the State shall ensure -respect for the right to food -the availability, accessibility and affordability of food by all people in Uganda -the provision and maintenance of sustainable food systems and protect the right to food from encroachment by any public authority or any person.
(4) Provisions for emergencies: <b>YES</b>	27. The Council shall at all times comply with the Public Finance and Accountability Act, 2003 36 (1) The Council shall (...) galvanize and strengthen the capacity to respond to food emergencies and food aid. 36 (2) supporting the development of disaster management plans and implementing organs 36 (3) establishing a rights based early warning system; 36 (4)The Ministry responsible for disaster preparedness shall establish a national emergency coordinator to - supervise and coordinate without discrimination, the distribution of food aid provided by Government or through international assistance - ensure that the food aid is procured free from ecologically and culturally sustainable food systems.
(5) Establishment of organ responsible for ensuring the right to adequate food: <b>YES</b>	9. There is established a Council to be known as the Uganda Food and Nutrition Council  10. The main object of the Council is to ensure that Uganda meets its national and international obligations on the right to food and to ensure food security and adequate nutrition

An important Food and Nutrition Act is non-existent in Uganda, as the proposed draft Food and Nutrition Bill (FNB) from 2005 is yet to be tabled in Parliament by the Executive. As shown in table 11, the author found that the draft FNB is in compliance with the FAO standards for a national framework law<sup>50</sup> persistent with the progressive realization of the RtF. Unfortunately it has remained a draft, leaving the Uganda Food and Nutrition Council (UFNC)<sup>51</sup> without a legislative framework.

### **5.2.2 National legislation on disaster preparedness and management in Uganda**

Objective XXII of the Ugandan Constitution, as a directive principle of State policy, obliges the State to “*institute effective machinery for dealing with any hazard or disaster*” (Table 10). In the Sixth Schedule it is clear that “*Control and management of disasters*” is a function for which Government is responsible. Article 157 and 249 in the Bill of Rights provide for the establishment of a contingency fund and for a Disaster Preparedness and Management Commission (DPMC), respectively. Since 2003 a contingency fund for emergencies has been enshrined in the Public Finance and Accountability Act (PFAA). The study found that neither the DPMC nor the contingency fund has yet been implemented.

International Disaster Response Law in Uganda (IFRC, 2011a) is an analysis of Uganda’s legal preparedness for regulatory issues in international disaster response. The analysis has established the Red Cross Act of 1964 as inadequate as the Act does not cover all the areas in which the Uganda Red Cross Society (URCS) is involved in the DPER-system. This author equally found that the Red Cross Act was not comprehensive and was primarily concerned with situations of war and conflict and not natural disasters.

When asked whether a legislative framework for DPER would help ensure the right to adequate food, three of the interview respondents emphasized the importance of legislation to clarify roles and responsibilities in the preparedness for and handling of disaster. Others were of the opinion that “*with or without it, we must be responsible*”, implying that obligations exist regardless of legislation, and that legislation was not necessarily the problem. 42 % of duty bearers emphasized the failure with implementation of policy and legislation, and 25 % did not think legislation could make any difference. One MP answered:

*We do not need a law to do things. Laws are made for bad leadership.*

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<sup>50</sup> A framework law can be seen as an operational policy framework with clear benchmarks, indicators and time-framed goals (Khoza, 2007).

<sup>51</sup> The UFNC was established by Government in 1987 (MAAIF & MOH, 2003).

This attitude was underpinned by statement by another MP when asked whether a legal framework would be helpful:

*No! Law cannot do much. Law is a joke.*

In sum, the author found that the right to adequate food was not explicitly recognized in the Ugandan Constitution, neither was food security included in the legally binding Bill of Rights Section but included as directive principles to guide Government policy. As such, the Constitution did not comply with the FAO standards. The author was not able to identify legislation for supporting the Uganda Food and Nutrition policy (UFNP), but analysed the proposed FNB, and found that it meets the FAO standards for contributing to the progressive realization of the RtF (Table 11). Legal provisions for a contingency fund are found in the Constitution's article 157 and in the PFAA of 2003. The Constitution's article 249 provides for a DPMC (Table 10). The study found that none of these provisions have yet been implemented.

### **5.3 Institutional structures supporting the right to adequate food in DPER in Uganda (specific objective 3)**

The DPMP establishes the institutional structure for disaster preparedness and management. The policy outlines the structure and hierarchy of the system and points to lead institutions responsible in different types of disasters. The overall goal of the institutional framework as outlined in the DPMP is the establishment of efficient mechanisms for integrating disaster preparedness and management into the development planning processes at national and LG levels (GOU, 2011).

#### **FAO standards for an institutional framework in compliance with the RtF**

The author derived the following four standards from the FAO (2009d) methodological toolbox to describe the existing institutional structures for DPER and its contribution to the progressive realization of the RtF: (1)<sup>52</sup> the existence of key institutions relevant to human rights in the structure, (2) clearly defined mandates for ensuring the right to adequate food, (3) institution and staff aware of their task as duty bearer and (4) the existence of interaction and coordination among institutions. This chapter outlines the institutional framework for DPER in Uganda and explores the framework in light of the FAO standards. The chapter further presents results from analysis of interesting debates from the PRU regarding the right to food in emergencies. A summary of the framework's compliance with the standards, according to the author, is provided in table 15 at the end of the chapter.

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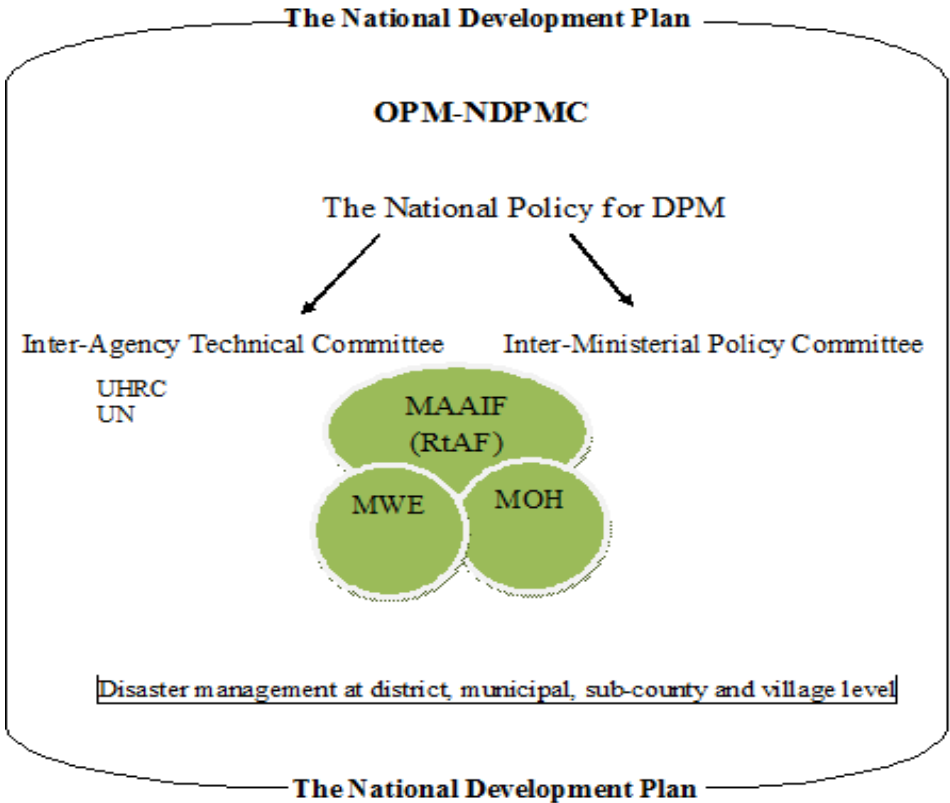
<sup>52</sup> The numbers correspond with the indicators presented in table 2 in Chapter 4.2.



**5.3.1 The institutional framework for disaster preparedness and management**

The Directorate for Disaster Preparedness, Management and Refugees (DDPMR) in the Office of the Prime Minister (OPM) is lead coordinator in DPER, together with the DPMC. Although this commission is not yet in place, the DPMP outlines its functions and responsibilities. Key ministries have seats on the Inter- Ministerial Policy Committee (IMPC) and on the Inter- Agency Technical Committee (IATC), responsible for mainstreaming DPER into sectoral policies, plans and budgets. The NDP serves as the overarching framework for all Government policy planning and implementation, and is also the framework under which the DPMP is constructed. Figure 5 provides a conceptualization of the institutional framework for national disaster preparedness and management in Uganda. It is constructed with emphasis on the institutions most relevant for ensuring the right to adequate food.

**Figure 5: Institutional framework supporting the right to adequate food in DPER in Uganda**



**Source:** The figure was constructed by the author with information provided by the DPMP.

The framework corresponds with the NDP, emphasizing the mainstreaming of DPER as an important step to enhance the performance of the DPER- system. The IATC has representatives from the UN, the UHRC and the Amnesty Commission that should help bring

human rights issues forward. For ensuring the right to adequate food, the MAAIF, the MOH and the MWE are the most relevant, the MAAIF with the objective to “ensure that adequate food is produced for all areas of Uganda”. Annex 7 provides an overview of all the lead institutions and their area of responsibility as outlined in the DPMP.

A prerequisite for the implementation of an efficient DPER- system is the mainstreaming of DPER- activities into all line ministries. Table 12 is an overview of the lead institutions identified in this study as most relevant for ensuring the right to adequate food and their mandate in the DPMP. It further shows how the right to adequate food in DPER is currently enshrined in their Sectoral Strategic and Investment Plans.

**Table 12: Sectoral responsibilities to support the right to adequate food in disaster**

Institution	Key functions/mandate relevant to the RtF in DPER	Main Policy, Plan	Sector Responsibility on the RtF in DPM
OPM; Directorate of Disaster Preparedness, Management and Refugees (DDPMR)	To ensure effective preparedness and response to disasters; relief to disaster victims; the repatriation and resettlement of refugees and internally displaced people (GOU, 2012)	The National Policy for Disaster Preparedness and Management, 2011	The OPM/DDPMR is the lead agency responsible for disaster preparedness and management.
		The National Policy for Internally Displaced Persons, 2004	The OPM/DDPMR will be the lead agency for the protection and assistance of IDPs.
OPM; Department of Relief, Disaster Preparedness and Management (DDPM)	To ensure effective preparedness and response to disasters; the coordination of the clearance of mined and contaminated areas; the provision of relief to disaster victims (GOU, 2012)	The National Policy for Disaster Preparedness and Management, 2011	(Is under the DDPMR, but has no distinct mandate in the policy)
MAAIF	Control and manage epidemics and disasters, and support the control of sporadic and endemic diseases, pests and vectors (MAAIF, undated)	The National Policy for Disaster Preparedness and Management, 2011	To ensure that adequate food is produced for all areas of Uganda
		Agriculture Sector Development Strategic and Investment Plan 2010/11-2014/15 (MAAIF, 2010)	Program 3: Improving the Enabling Environment for the Agricultural Sector  Sub- Program 3.2: Planning and Policy Development at MAAIF -Enhance food and nutrition security planning -Prepare and disseminate bi-annual Early Warning Bulletins indicating the food and nutrition security status in the country

MWE (Directorate of Water Resource Management)	To manage and develop the water resources of Uganda in an integrated and sustainable manner (MWE, 2010)	The National Policy for Disaster Preparedness and Management, 2011	Ensure that disaster events do not damage the environment
		MWE Strategic Sector Investment Plan (SSIP) 2009-2035 (MWE, 2010)	Improving water security and emergency response to water related disasters in the country
MWE (Department of Meteorology)	To monitor weather and climate, exchange data/information and products and issue advisories to clients (MWE, 2012)	(Does not have a specific mandate in the MWE Strategic Sector Investment Plan	To provide accurate and timely weather and climate information and to promote its application for safety and improved productivity (MWE, 2012)
MOH; (Dept of Community Health)	Provision of nationally coordinated services such as epidemic control (MOH, 2010)	The National Policy for Disaster Preparedness and Management, 2011	Provide adequate and timely health services which prevent unnecessary loss of life when a disaster strikes and restore productive capacity.
		Health Sector Strategic Investment Plan 2010/11-2014/15 (MOH, 2010)	Cluster 1: Health Promotion, Environmental Health, Disease Prevention and Community Health Initiatives, including epidemic and disaster preparedness and response -Prevent, detect early and promptly respond to health emergencies and other diseases of public health importance
Uganda Red Cross Society (URCS)	To be a leading humanitarian agency in Uganda in saving lives, supporting livelihoods and promoting human dignity (URCS, 2011b)	The National Policy for Disaster Preparedness and Management, 2011	Provide emergency support services to the local communities
		URCS Strategic Plan, 2011-2015 (URCS, 2011c)	Strengthen community resilience and institutional capacity to ensure disaster risk reduction, response and impact reduction

As the table above shows, there exist mandates for the relevant sectors in the DPMP; however these are not very explicit. The MWE and the MOH have mandates for DPER- activities in their sectoral plans; the extents to which these activities are implemented have not been established by this study.

Most duty bearers interviewed (84 %) answered that their institution was involved in DPER in some way, which was natural as they were purposively selected. Representatives from MWE (2), MAAIF (3), MOH (1) and MGLSD (1) were interviewed in this study, none of who

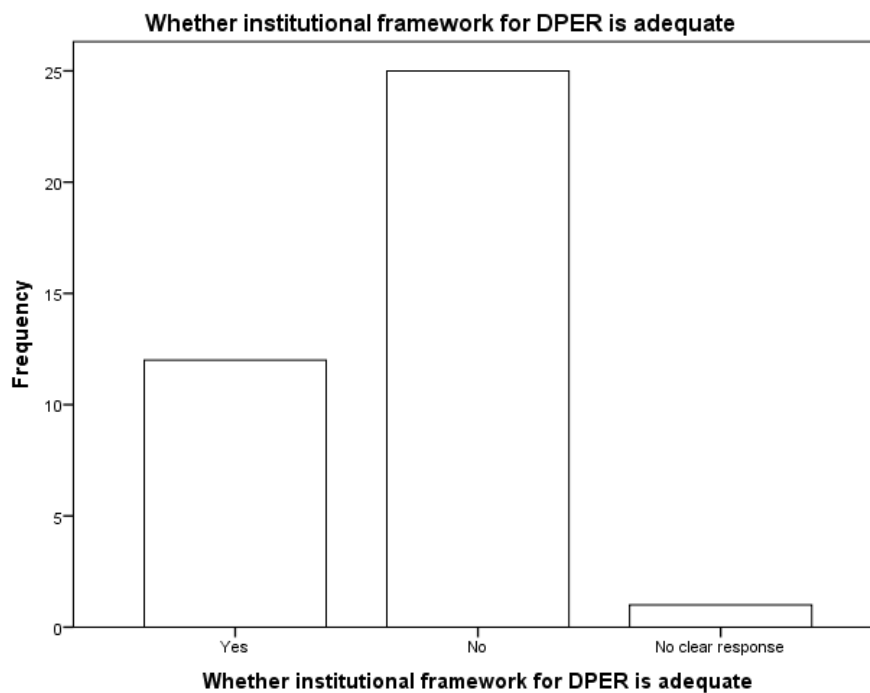
mentioned their role as lead institution when asked how their institution was involved in DPER. Out of the remaining 16 % of duty bearers that responded that their institution was not very much involved, four respondents were from LGs. The representatives from MOH and MGLSD also replied that they were not very much involved in DPER, although both MOH and MGLSD are lead institution in several disasters according to the DPMP.

MOH is the institution that holds the nutritionists. However, the duty bearer from MOH claimed that their nutritionists were not consulted on food procurement nor consulted on emergency relief food:

*MOH is only involved in disease and not consulted on rations, quality and quantity of the food. The OPM is single headedly managing and not involving other sectors.*

Figure 6 illustrates the respondents' perception of the adequacy of the institutional structures for DPER. Problems with implementation of policy and legislation were referred to by all respondent groups.

Figure 6: **The adequacy of Ugandan institutional structure for DPER**



### **5.3.2 The framework for disaster management**

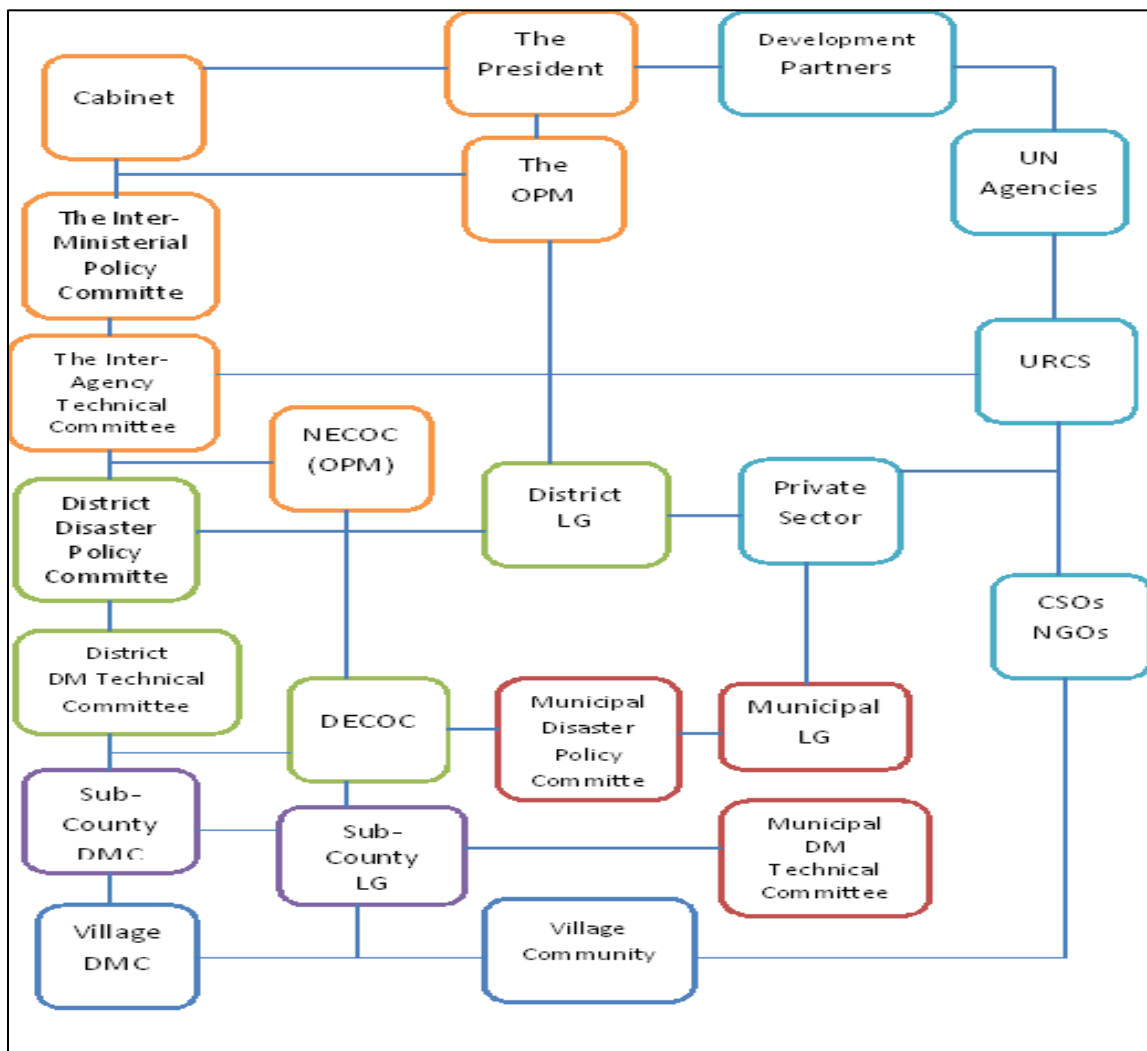
The National Emergency Coordination and Operations Centre (NECOC) within the OPM is responsible for the coordination of sudden onset emergencies. The District Emergency Coordination and Operations Centre (DECOC) is the Government's lead coordinating body at district level, responsible for the coordination of DPER- activities (GOU, 2011; UNOCHA, 2012). A simplified framework for the whole DPER- system and channels for response is provided in figure 7. The figure is included to provide an understanding of the complexity of the national DPER- system.

The District Disaster Management Technical Committees (DDMTCs) have broad spectres of responsibility in the DPMP. Priority or capacity to establish the DPER- structures at district level seemed to vary between districts. Some LG respondents reported of not having either a DDMTC or plans for disasters in their district while others claimed to have functioning systems. According to OPM output budgets there is progress in the establishment of DDMTCs, although the pace is slower than planned for. The extent to which these structures were functioning was not established by this study, although review of Parliamentary debates indicates confusion about the procedures to follow in emergencies.

The URCS reported on close to 30.000 households affected by disaster in Uganda in 2010, approximately 2500 in the Bududa district affected by landslides (URCS, 2011a). The author found that the URCS had detailed plans for all aspects of DPER- activities for the communities to be educated, sensitized and trained for disaster (URCS, 2011c). The role of the URCS was however not explicit in the DPMP, as the DPMP points to the Red Cross Act of 1964 which deals primarily with the role of the URCS in armed conflicts (See Chapter 5.2.2). Although the URCS is mainly responsible for camp management and distribution of non- food relief items, it is worth noticing that the URCS did not have a nutritionist in their health department, according to respondents to this study.

As earlier mentioned, the figure is included to show the complexity of the DPER- system, as to understand the challenges that might arise within these structures, as multiple duty bearers and stakeholders at different levels need to be coordinated.

Figure 7: **Framework for disaster preparedness and management**



**Source:** The DPMP; modified/simplified by the researcher. NECOC: National Emergency Coordination and Operations Centre; DECOC: District Emergency Coordination and Operations Centre; LG: Local Government; DM: Disaster Management; CSO; Civil Society Organization; NGO: Non- Governmental Organization; URCS; Uganda Red Cross Society.

The institutional framework does exist, but as there is no legislation or action plan to support the DPMP, the institutional mandates are not very explicit or elaborate. The MAAIF has the mandate to ensure that adequate food is produced for all of Uganda, but the obligation of the State to realize the right to food is not recognized. Study findings suggest that duty bearers are not aware of their responsibilities, and that there are substantial challenges in sectoral coordination. Findings presented in the following chapter on the role of the Parliament, further enhanced the author’s impression of weak coordination in the DPER- system.

### 5.3.3 Parliament's role in promoting the right to adequate food in DPER

In reviewing Parliamentary debates related to DPER from 1993-2012<sup>53</sup>, this study found that the right to adequate food as a human right had only been addressed in one debate in relation to disasters, implying that the human rights discourse is yet to be adopted. However, matters that directly or indirectly affect the right to adequate food have been frequently debated, the most prominent discussions related to the drought of 1999, the resettlement of IDPs in 2007, food- insecurity and famine in 2009 and the Bududa landslides of 2010. Tables 13 and 14 show Ministerial Statements (MS), reports and motions presented in Parliament from 1993-2012, identified by this study as relevant for the right to adequate food in DPER. These debates as well as the debates presented in Annex 5 provided the data for the findings presented in this chapter.

Table 13: **Ministerial statements and reports relevant for the RtF in DPER**

<b>Date</b>	<b>Statement by</b>	<b>Topic</b>
05.01.2011	The Minister of Health	The outbreak of Yellow Fever in Northern Uganda
13.10.2010	The Minister of Relief and Disaster Preparedness	Early warning on expected drought and famine
10.03.2010	The Minister of Relief and Disaster Preparedness	Comprehensive report on the situation in Bududa District after the landslides
02.03.2010	The Minister of Relief and Disaster Preparedness	Report on the situation in Bududa District after the landslides
14.10.2009	Vice- Chairperson on the Committee on Agriculture, Animal Industries and Fisheries	The famine situation in Teso sub-region
08.07.2009	Teso Parliamentary Group	The Famine Situation in Teso Region
24.06.2009	The Minister of Relief and Disaster Preparedness	The food situation in Uganda
28.11.2008	The Minister of Relief and Disaster Preparedness	Influx of Congolese refugees to Uganda
07.08.2008	The Minister of Relief and Disaster Preparedness	Crop failure and food crisis in the North and North Eastern parts of Uganda
28.02.2008	The Minister of State/The Minister for Disaster Preparedness, Management and Refugees	The floods of 2007 and the challenges of food insecurity and recovery

<sup>53</sup> At the time of data analysis, the latest Hansard accessible online was from June 2012.

18.09.2007	The Minister for Disaster Preparedness, Management and Refugees	The flood situation in the North and North East
19.04.2007	Chairperson of Uganda Parliamentary Forum for Children	Report on the situation of children in Northern Uganda
07.12.2006	Minister of State for Relief & Disaster Preparedness	El Nino Rains and Floods
22.06.2004	Chairperson on Select Committee on Humanitarian Affairs in the War Affected Areas	Report on humanitarian situation in Uganda
13.11.2003	First Deputy Prime Minister and Minister for Disaster Preparedness, Management and Refugees	The IDP situation in the North, particularly in Lira and Kaberamaido
19.02.2003	The Second Deputy Prime Minister and Minister for Disaster Preparedness, Management and Refugees	The food situation in the Northern Region
27.11.2002	The second Deputy Prime Minister/The Minister for Disaster Preparedness and Refugees	Early warning on El Nino rains and floods
14.08.2002	The second Deputy Prime Minister/The Minister for Disaster Preparedness and Refugees	Malnutrition among IDPs in the North
08.12.2000	The Minister of State in charge of Luwero	MS on persistent earthquakes, civil strife and drought in the region
01.08.2000	The Minister of Disaster Preparedness, Management and Refugees	MS on drought situation in the country and famine in Karamoja
20.10.1999	The Minister of Disaster Preparedness and Refugees	MS on drought and food insecurity in the country

**Table 14: Motions relevant for the right to adequate food in DPER**

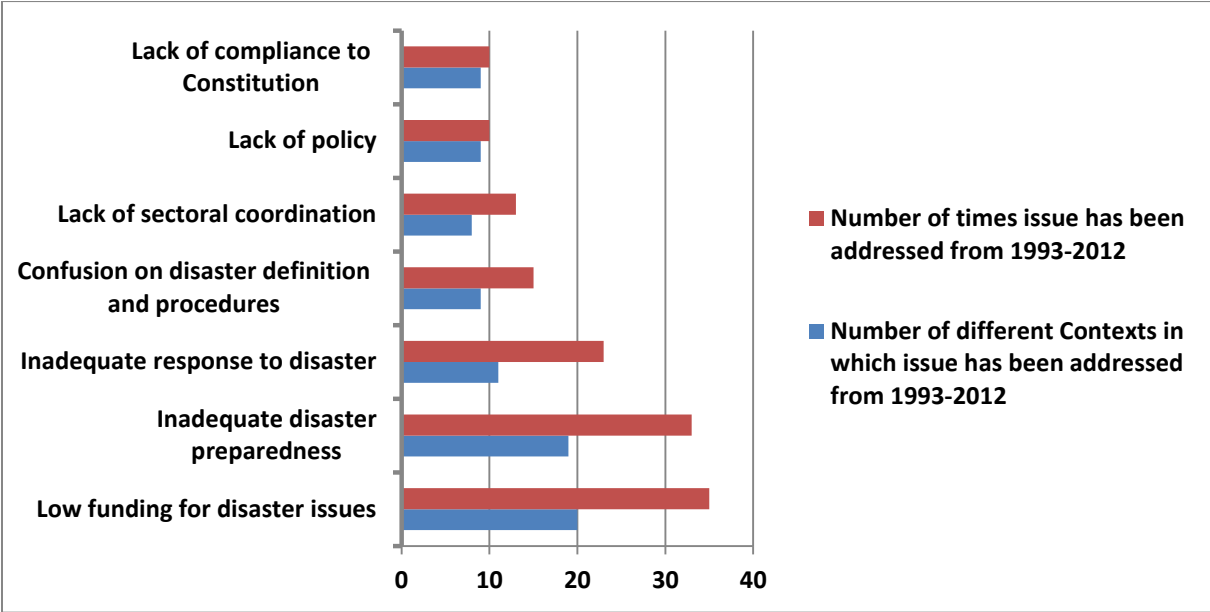
<b>Date</b>	<b>Motion</b>
15.05.2012	Motion for a resolution to declare areas in Uganda affected by the Nodding Disease Syndrome a humanitarian emergency area.
02.04.2008	Motion for the presentation, consideration and adaptation of the Report of the Committee on Agriculture, Animal Industry and Fisheries Report on the quality of seeds distributed by the OPM.
24.02.2004	Motion to declare areas affected by war as humanitarian disaster areas.



**Debates on DPER with indirect implications for the right to adequate food**

Figure 8 below shows the most frequent issues debated in Parliament indirectly concerning the right to adequate food in DPER. The figure illustrates how these issues have been addressed in several contexts, and also the total number of times the issues have been brought up. All issues reflect disaster preparedness and the capacity to respond to emergencies, which are closely linked to the ability of the State to respect, protect and fulfil its obligations on the RtF. Apparently these issues have been recurrently brought up in Parliament over the years, low funding and inadequate preparedness being the most frequent topics.

**Figure 8: Issues addressed in Parliament indirectly concerning the RtF in DPER**



Confusion about the definition of a disaster, implications of ‘a state of emergency’<sup>54</sup> and what procedures to follow, was expressed 15 times in nine different debates, from 1999 until 2011. In a debate 23.06.1999, during the drought disaster, an MP expressed his frustration over the lack of a policy and clear procedures in disaster situations:

*If there is a disaster, which vote is it in? Disaster is not very clear. We do not know whether it is in the Prime Minister's office, whether it is in Ministry of Finance or whether it is in Lands.*

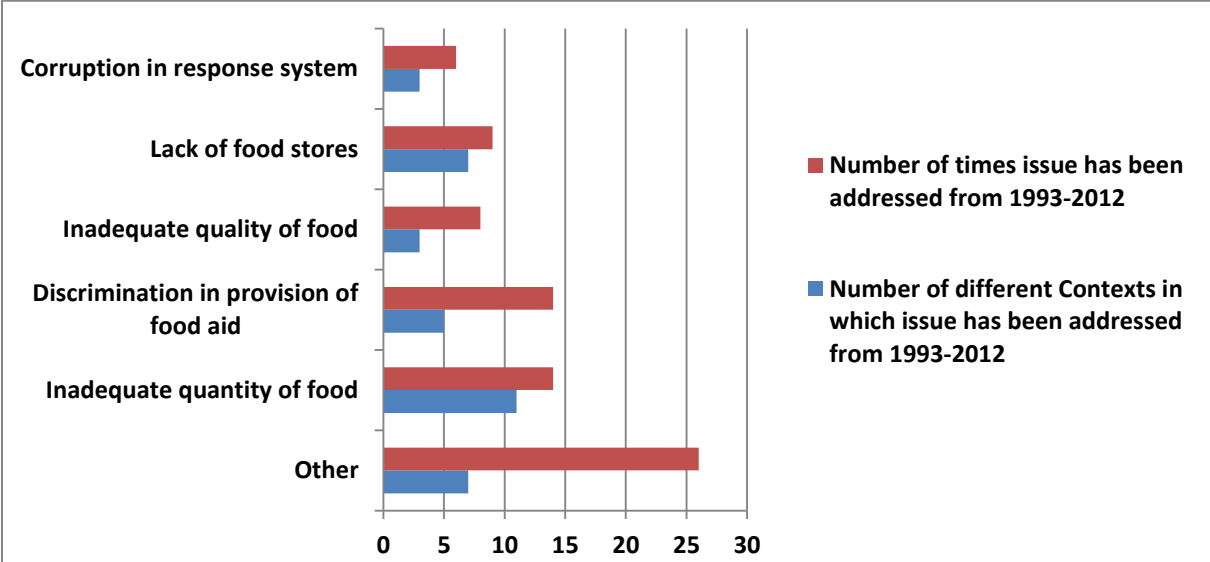
<sup>54</sup> A state of emergency can be declared by the President, in consultation with the Cabinet, if Uganda is threatened by war or external aggression or if security or economic life is threatened by insurgency or natural disaster, to the extent that it requires measures for securing public safety, for the defense of Uganda, or for the maintenance of public order, supplies and services essential to the life of the community (the Constitution of the Republic of Uganda, 1995).

It was the impression of this author that in 2011 there was still confusion on procedures to follow when disaster strikes. It seemed to be common for MPs to raise awareness of disasters in their own constituency through Parliamentary debates. On several occasions it seemed like relevant Ministries had not heard about these disasters prior to the Parliamentary sessions.

**Debates on DPER with direct implications for the human right to adequate food**

Further review of the Hansard found that inadequate quality and quantity of food, the lack of food stores and discrimination in food aid were the most recurrent topics directly concerning the right to adequate food in disaster. Discrimination in the provision of food aid was experienced between individuals, between families and between districts. Figure 9 is an illustration of the frequency of RtF- aspects addressed in Parliament that were identified in this study.

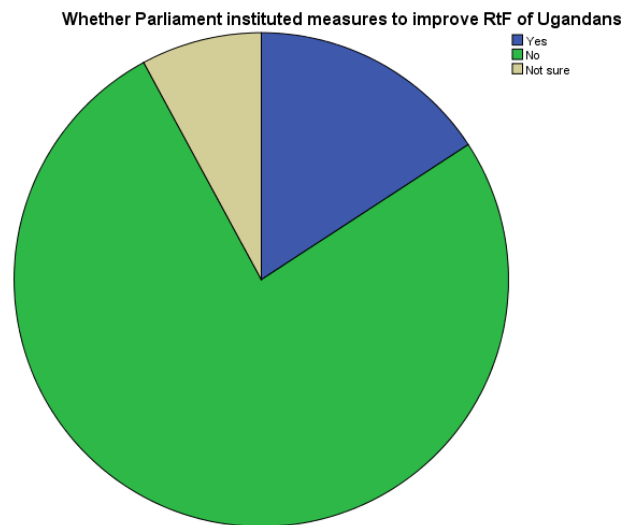
Figure 9: Issues addressed in Parliament directly concerning the RtF in DPER



**Duty bearer’s perception of Parliament’s role in ensuring the right to adequate food**

Despite the fact that issues affecting the right to food in disaster have been addressed in Parliament time and time again, the interview respondents were not convinced that Parliament had sufficiently promoted the RtF in Uganda. Figures 10 and 11 below show duty bearers’ perceptions of Parliament’s involvement to ensure the right to adequate food in Uganda.

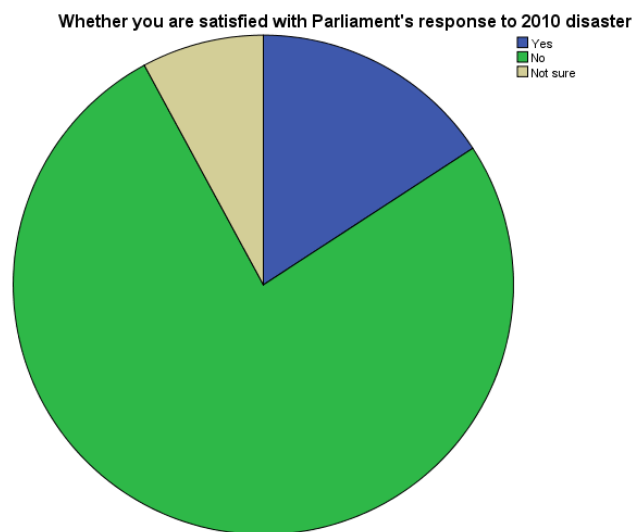
**Figure 10: Duty bearers' perception on whether Parliament has instituted the necessary measures to promote the right to adequate food of all Ugandans**



Yes: 16 %; No: 76 %; Not sure: 8 %

76 % of duty bearers interviewed did not believe that “Parliament had instituted the necessary measures to ensure the right to adequate food of all Ugandans” (Figure 10). Some of these were of the opinion that Parliament was not to blame, as *“It is the people’s responsibility to demand their rights”*, and that there were many (other) pressing issues that Parliament had to prioritize. Others answered that Parliament had not done its job when it came to food-issues, emphasizing the crucial role of Parliament in the budget process and their influence on resource allocations.

**Figure 11: Duty bearers' satisfaction with the PRU's to the Bududa landslide of 2010**



Yes: 16 %; No: 76 %; Not sure: 8 %

When asked about their satisfaction with Parliament’s response to the 2010 landslide in Bududa, 76 % of respondents answered that they were not satisfied (Figure 11). Responses from interviews with the Parliamentarians were twofold. Some meant that the PRU supported Government, but “*some (other) actors may have not done their part*”. Others answered that “*not enough has been done in response*” and “*there is no passion for some of these things*”, indicating that Parliamentarians were not dedicated enough on issues concerning food.

Table 15 summarizes the author’s analysis of Uganda’s institutional framework for ensuring the RtF in DPER.

**Table 15: The institutional framework’s compliance with FAO standards**

<b>FAO standard:</b>	<b>Outcome</b>
(1) Existence of key institutions relevant to human rights	YES
(2) Clearly defined mandates for ensuring the right to food	NO
(3) Institution and staff aware of their task as duty bearer	NO
(4) The existence of interaction and coordination among institutions	Not sufficient

#### **5.4 Financial capabilities for contingency planning and preparedness in Uganda (specific objective 4)**

According to the DPMP, line ministries are responsible for mainstreaming disaster risk reduction- activities through their sectoral budgets. The author reviewed and analysed national and sectoral budgets in order to identify financial capabilities for the key institutions to prepare for and respond to disasters. This was done in order to identify (1)<sup>55</sup> a budget framework supporting the right to adequate food in disaster and (2) contingency funding supporting the right to adequate food in disaster. Subject to the analysis were the key institutions presented in chapter 5.2 and their corresponding sectors: the Public Sector Management sector (PSM) that holds the OPM with the DDPMR; the agriculture sector that holds the MAAIF; the health sector that holds the MOH and the water and sanitation sector that holds the MWE.

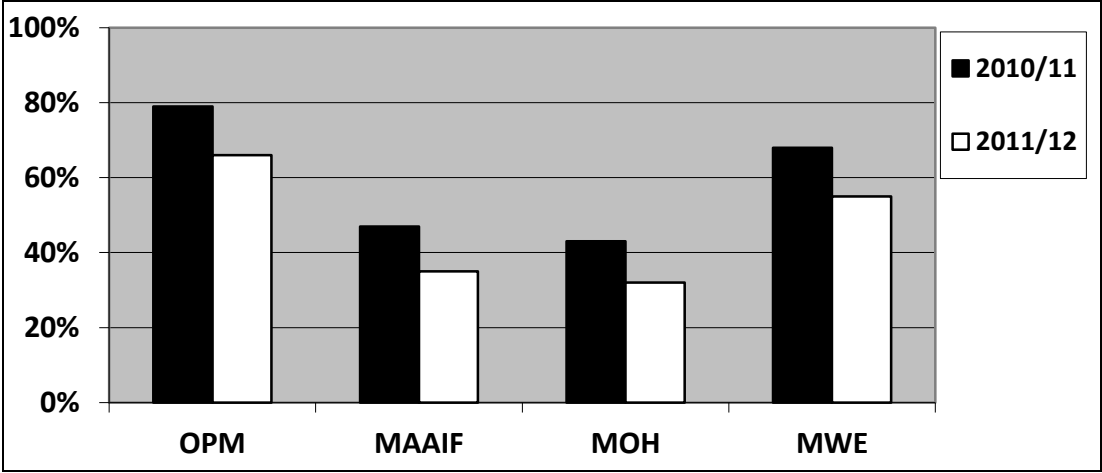
##### **5.4.1 Budget framework for DPER**

Budget reviews found that all relevant sectors had lower relative budget releases and lower spending rates for fiscal year 2011/12 than they had previous years. An exception was the release to PSM in 2009/10, when supplementary releases to the DDPMR succeeding the Bududa landslide, led to the spending of 131 % of the approved budget (MFPED, 2009a,

<sup>55</sup> The numbers correspond with the indicators presented in table 2 in Chapter 4.2.

2010, 2011, 2012). Figure 12 illustrates that for the OPM and the key Ministries relevant to this study, the budget releases, as percentage of the approved budgets, decreased from 2010/11 to 2011/12.

Figure 12: OPM and relevant Ministries’ budget release as percentage of approved budget: fiscal years 2010/11-2011/12



Sources: (MFPED, 2011, 2012)

Apart from the DDPMR, the OPM has the following responsibilities: Policy Coordination, Monitoring and Evaluation; Management of Special Programs, Luwero & Karamoja and Administration and Support Services.

Table 16 is an overview of approved budget, released budget and actual spending in the OPM for 2010/11 and 2011/12. OPM spent only 59 % of approved budget in 2011/12 compared to 85% in 2010/11.

Table 16: OPM: approved budget, budget released and actual spending

	Fiscal year: 2010/2011	2011/2012
Approved Budget (UGX Bn)	140	175
Released Budget (UGX Bn)	110	115
Released Budget (%)	79	66
Expenditure (UGX Bn)	119	103
Expenditure (% of release)	108	89
Expenditure (% of approved Budget)	85	59

Sources: (MFPED, 2011, 2012)

Emergency mitigation is defined by the FAO (2009d) as the percentage of the executed budget destined for social emergency situations. Emergency mitigation is used as an essential indicator for the budget's right to food- priority. The indicator denotes Government's attention to protect people in emergency situations, hereunder ensuring the RtF. Table 17 shows budgetary allocations to the DDPMR, compared to the number of people affected by disaster. The calculation is included to give an impression of the financial capabilities of the DDPMR when disasters strike in Uganda. The numbers are from 2009, a year where 750.000 people were reportedly affected.

**Table 17: Approved budget for the DDPMR, divided by number of people reported affected by disaster in Uganda in 2009**

<b>Approved budget for DDPMR 2009/10</b> (incl.donor)(UGXsh)	9 800 000 000
Number of people reported affected by disaster, 2009	750 000
<b>Budget per person affected by disaster</b> (UGXsh)	<b>13 067</b> <sup>56</sup>

**Sources:** (IFRC, 2010; OPM, 2009)

The budget to the DDPMR covers the Department of Relief, Disaster Preparedness and Management (DDPM) as well as the Department of Refugees. As such it is not only providing for emergency situations, but is supposed to cover all of the Directorate's activities for disaster preparedness, disaster management and the resettlement and other needs of IDPs and refugees. In Annex 8 priorities and allocations for the DDPMR can be seen in more detail for fiscal year 2009/10. The study was not able to find specific plans for the procurement of relief food items in the budgets. There were general budget- posts for "the supply of food- and non-food items to disaster victims". In the output budgets, the procurement of maize and beans were the only food items identified.

#### **5.4.2 Contingency funding for emergencies**

The author found that the Constitutional provision for an emergency fund was not yet established although it is outlined in the NDP as an intervention for ensuring the sustainable financing of disaster response, and it is a demand in the DPMP.

As a Government Contingency Fund does not exist, the OPM relies on supplementary releases from the Ministry of Finance, Planning and Economic Development (MFPED) when

<sup>56</sup> One UGX is 0.00221 NOK, which makes this less than 39 NOK per person affected by disaster.

a disaster occurs, also referred to as frontloading<sup>57</sup> (MFPED, 2009b; UNOCHA, 2012).

Proposed in the DPMP is ‘the National Disaster Preparedness and Management Fund Act’.

The DPMP urges MFPED/OPM to develop and present to Parliament a DPM- Fund Bill that shall provide for an allocation of 1.5 % of the annual approved budget to the National Disaster Preparedness and Management Fund.

Although the Ugandan Government does not have contingency fund in place, some external funding mechanisms exist that might be released for a rapid response to disaster:

- The Central Emergency Response Fund, established by the UN, is funded by voluntary member states, private businesses, foundations and individuals. The fund can be released for rapid disaster response or in support of under- funded emergencies (UNOCHA, 2012).
- The Disaster Relief Emergency Fund is established by the IFRC and supports the Red Cross/Red Crescent in their response to disaster (UNOCHA, 2012).
- The Emergency Response Fund was established as part of the UNOCHA Transition Strategy and allowed NGOs to access funding for projects in Uganda. Towards the fund’s closure in 2011 it was expanded to address Government’s promotion of Disaster Risk Reduction activities (UNOCHA, 2011).
- The Flash Appeal is a tool for humanitarian response in large- scale emergencies. The Flash Appeal can be launched by the humanitarian community in consolidation with the United Nations Resident Coordinator during a State of Emergency (UNOCHA, 2012).

In sum, it was the impression of the author that there was no multi- sectoral budget framework for DPER to include all relevant institutions and their DPER- activities. The OPM with the DDPMR had their budget framework, but all the sectors were responsible to mainstream DPER- activities through their sectoral budgets, which means that DPER- activities for the lead institutions is not necessarily prioritized. The budgets of the OPM and the DDPMR had vast areas to cover, and in the absence of a contingency fund, these budgets did not in the author’s opinion seem adequate to cover acute onset emergencies.

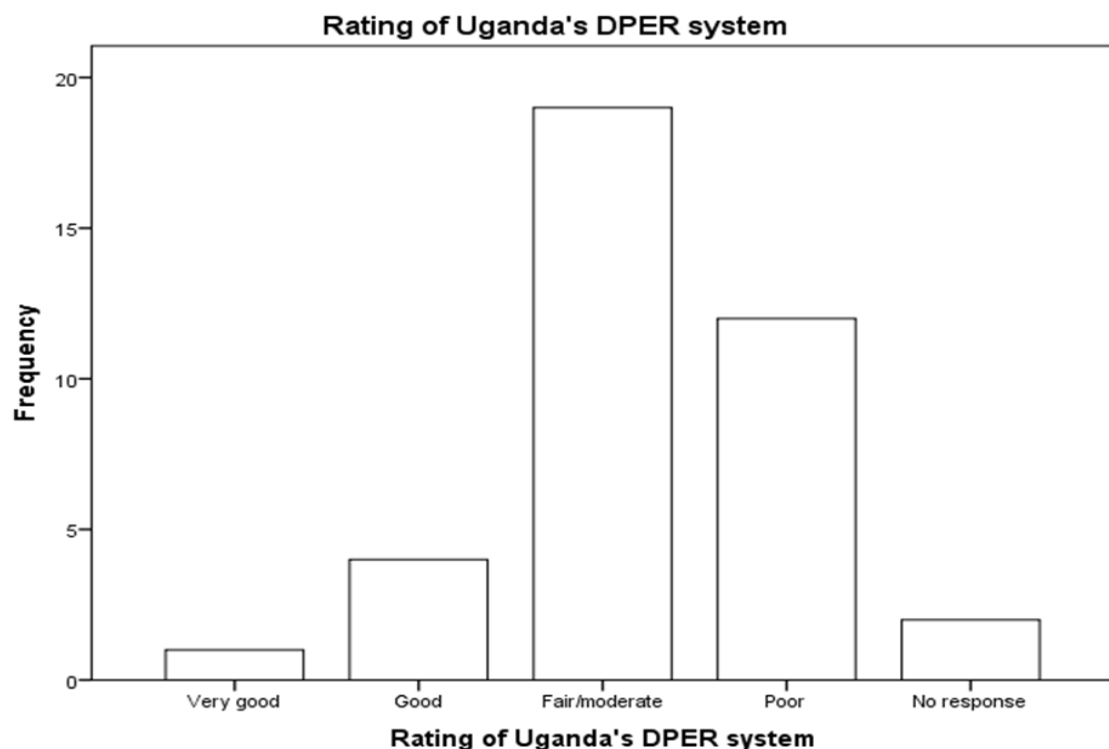
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<sup>57</sup> The term ‘frontloading’ was used by the MFPED to describe early budget releases or reallocations of resources from one budget post to another.

### 5.5 The Ugandan DPER- system - duty bearers' perceptions

Figure 13 illustrates that most duty bearers did not think the system for DPER was adequate. The lack of funding, inadequate coordination and inadequate disaster preparedness were common arguments for this perception. Some were unsatisfied with the OPM's management of disasters, and some expressed the need for a whole ministry for DPER, as they felt that the OPM lacked capacity to deal with all of its responsibilities.

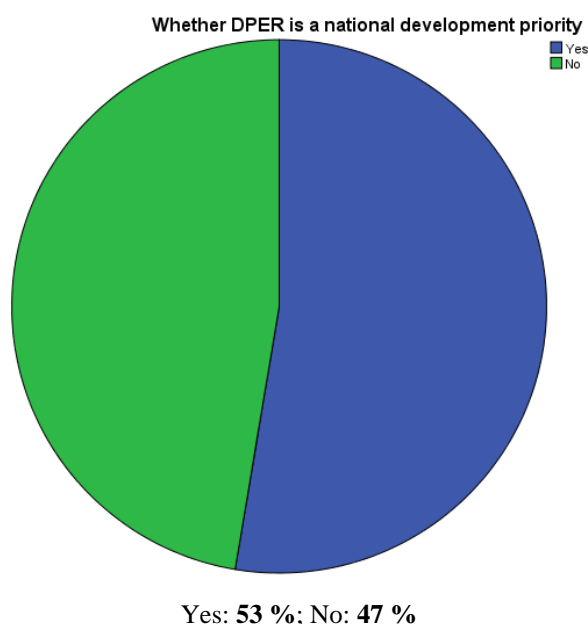
Figure 13: Duty bearers' rating of the Ugandan system for DPER



80 % of duty bearers responded that the DPER- system was either 'fair' or 'poor' (Figure 13). Still, more than 50 % answered that DPER was a priority in national development planning and programming (Figure 14). This might be related to a general impression by duty bearers that the Government recently had started to prioritize DPER.



Figure 14: **Duty bearers' perception of DPER as a national priority**



### 5.6 The human right to adequate food - duty bearers' perceptions

It was the author's impression that the right to adequate food was not commonly recognized or appreciated by most duty bearers consulted in this study although there were a few exceptions. Nor did the idea of the State being obliged to ensure this right for all Ugandans seem very popular. This impression was highlighted by the absence of a human rights discourse in the Parliamentary debates and the failure by interview respondents to establish the right to food, the human rights principles and their own obligations as a State representative. It became clear to the author that some of the duty bearers perceived human rights as constraints to a developing economy. A statement underlining this impression was that of a LG representative:

*A human rights based approach is easier said than done. The country is not yet prepared.*

When asked about the State compliance with human rights principles, a representative from the OPM expressed that:

*The Government is not under obligation on food, people need to be empowered to produce food.*

It seemed like this statement was representative for an attitude among respondents that people were responsible for ensuring their own livelihoods. One Government official went further in claiming that:

*Government is committed, but the communities are a problem. Communities are violating the rights of the Government.*

Duty bearers supported the State obligation to invest in facilitating activities, such as agriculture to support economic development. Although some were reluctant, most respondents also recognized the obligation of the State to provide food for people who were not able to provide for themselves. Nevertheless, the obligation to provide adequate food was by central Government representatives generally characterized by resentment towards people who did not want to work and expected Government to provide. The LG respondents seemed to be more than central Government representatives about Government's obligations to help the vulnerable, especially in the context of disaster preparedness and management. The author was however uncertain of whether they considered themselves as a part of this Government with obligations.

### **5.7 On- going work of relevance to the study**

A report on the registration, assessment and mapping of households at very high risk of landslides in the Bududa District was submitted by the OPM in August 2012 (OPM, 2012). The report identified areas with cracks in the mountain, registered households in high risk areas and identified land for relocation of people at risk, but actions were yet to be undertaken by the end of 2012.

Around the same time, a report by the Auditor General (AG) on the accountability for financial transfers during the Bududa humanitarian operations of 2010 addressed major discrepancies in allocation of resources to the operation, including accountability gaps of the financial accounts reviewed (OAG, 2012). This report led to suspension of development assistance and financing from Uganda's bilateral partners among others Ireland, Norway, the United Kingdom and Denmark. An on- going investigation by the Public Accounts Committee of the PRU will serve to identify further challenges in the DPER- system most certainly affecting the right to adequate food.

In their 2012 report, the UNOCHA reported that the OPM was working on an implementation strategy for the DPMP, and that the GOU collaborated with the UN office for Disaster Risk Reduction. It is hoped that this will create a rapid assessment tool. However, this study was not able to detect results of these on- going efforts.

Uganda is currently part of an FAO project aimed at mainstreaming the right to adequate food into sub-national plans and strategies (FAO, 2010a), and a member of the SUN- movement<sup>58</sup>. These engagements might prove favourable for the future mainstreaming of food and nutrition-considerations and for the realization of the human right to adequate food.

## **6. DISCUSSION**

The analysis of policies and political decisions can provide important learning about how social, cultural, economic and political conditions affect the fulfilment of human rights (Andreassen, 2007). The power dynamics in shaping public policy is complex, and it involves a range of stake- holders, including donors, with interests in the course of action pursued by the Government (Lang, Barling, & Carher, 2009). Substantial influence can be imposed by these stakeholders and as such, all Government planning cannot be interpreted as an expression of sincere commitment (Darnton- Hill & Chopra, 2007). These aspects might be useful to consider while discussing the extent to which the Government of Uganda (GOU) has instituted the necessary measures to respect, protect and fulfil the human right to adequate food (RtF) in its system for disaster preparedness and emergency response (DPER). In this chapter, key findings from the chapter immediately above will be discussed in light of the study objectives presented in chapter 2.

### **6.1 Policy framework supporting the right to adequate food in Uganda's DPER- system (linked to specific objective 1)**

The National Development Plan (NDP) has clear goals for disaster preparedness and management, which shows that the Government of Uganda (GOU) recognizes the fact that disasters will continue to affect Uganda in the future, and that steps need to be taken to mitigate their severe economic and human impacts. Despite this recognition in the NDP, it is the impression of the author that the policies, action plans and legislative measures needed to support these goals have been on hold for some time, postponing the implementation of a strong framework for DPER and thereby negatively influencing the nutritional situation in the country.

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<sup>58</sup> More on the SUN-movement can be found at <http://scalingupnutrition.org/>.

### **6.1.1 Compliance of the policy framework with the FAO standards**

As demonstrated in table 9 (Chapter 5.1.2), the author found that the policy framework<sup>59</sup> relevant for ensuring the RtF in DPER did not measure up to all of the FAO standards for contributing to the progressive realization of the RtF. As the National Policy for Disaster Preparedness and Management (DPMP) came into force in 2011, the need for such a policy had been debated and acknowledged for many years. The close link between disaster and the right to food is internationally recognized, and the policy should as such have had strong human rights implications and clearly established the RtF. However, the DPMP did not undertake a HRBA although it mentioned the principles of participation, accountability and non-discrimination.

### **The Uganda food and nutrition policy and the Uganda nutrition action plan**

The use of human rights as guiding principles can potentially make national policy more consistent with international commitments, and contribute to a more coherent multi -sectoral framework (Berthelot, 2007). The Uganda Food and Nutrition Policy (UFNP) was a result of the global process starting with the World Food Summit (WFS) of 1996 that called for the operationalization of the right to adequate food and nutrition (Omara, 2007). The UFNP is still the most relevant policy for realizing the RtF in Uganda as it was the only existing policy (identified by this study) interpreted to be in full compliance with the FAO standards for a policy contributing to the progressive realization of the right to adequate food (see Table 4 and Chapter 5.1.1).

Although the UFNP was found to be in compliance with the FAO standards; as Ljungman (2004) argues, the HRBA requires more than the acknowledgement of the HR- principles. It requires plans and capacitated institutions to fully implement the approach. As such, the UFNP can be said to apply to a human rights perspective, which according to Ljungman, could be a first step towards implementing the HRBA. However, the failure by the Government to implement a nutrition action plan until 2011 and the persistent failure to provide legislative measures to support the UFNP, gave the impression that the policy has not been taken seriously. In the author's opinion, this seems consistent with the duty bearers' low confidence in the system and the seemingly low ability of responsible actors to implement policy and legislation. This in turn might be linked to the duty bearers' unawareness of their obligations, as was exemplified in the case of the DPMP in chapter 5.1.3.

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<sup>59</sup> In this chapter the term 'policy framework' includes all the policies identified and analysed in this study. Some of the policies (UFNP, UNAP and DPMP) will be discussed alone, while others (IDPP and NOVCP) only as part of the policy framework.

### **Accountability and participation in the DPER- framework**

To comply with the human rights principles, accountability in particular, a policy needs to be clear on the obligations of the State (FAO, 2009d). Analysis of the DPMP indicated that there had been reluctance to establish the State obligations; firstly in the establishment of the citizen as primarily responsible for disaster risk management. Interestingly, an earlier draft of the DPMP stated the opposite; namely that the responsibility for disaster risk management rested with the State. As such, the author got the impression that the establishment of State obligations was an issue that had actually been considered in the process of drafting the DPMP. Sadly, this did not result in the necessary commitments by the GOU. The establishment of the citizen as primarily responsible was found to contradict the Ugandan Constitution that clearly states that Government is responsible for the control and management of disasters (See Table 10 in Chapter 5.2.1). Although participation from the citizens is necessary and desirable, the State needs to be ultimately accountable.

Secondly, the DPMP claims to emphasize participation and integration at all levels. It seemed fair to question whether this adherence to the principle of participation was more a disclaimer of State obligations by pushing responsibility over on the local communities, rather than sincere commitment to human rights. This impression was enhanced by a Government official's opinion that volunteerism by citizens would provide the most efficient basis for a disaster alert system. For the DPMP to adhere to the principle of participation, resources need to be provided so that local structures with obligations in the DPMP are capacitated to sustainably establish and maintain relevant activities.

The author found it surprising that the DPMP was yet so uncommon among duty bearers with important obligations within its framework. Most duty bearers from local Government (LG) and some from central Government did not even know about the existence of the DPMP under which they clearly had obligations. This might have been a result of the policy not being explicit on specific responsibilities of the respective institutions (FAO, 2009d).

As the Uganda Nutrition Action Plan (UNAP) was finally adopted in 2011 after on- going efforts to construct such a strategy, there is now a tool in place for the implementation of the UFNP. The National Policy for Internally Displaced Persons (IDPP) and the National Orphans and Other Vulnerable Children's Policy (NOVCP) are as well relevant policies for the right to food in DPER, as they are constructed to protect IDPs and children respectively, both groups highly vulnerable, especially in times of disaster. The DPMP provides the institutional framework and mechanisms for all aspects of disaster preparedness and response.

The IDPP provides especially for IDPs, while the NOVCP, the UFNP and the UNAP establish the right to adequate food, the State obligations and pay special attention to women and children. Despite their lack of compliance with the FAO right to food standards, as concluded in chapter 5.1, some relevant aspects of all the above- mentioned policies should be included in a more holistic policy- , legislative and institutional framework for DPER.

Evidence from this study implied that the State did not fully recognize the right to adequate food in its policy framework for DPER, nor were the human rights principles and the obligations of the State popular among duty bearers. The relevant policy framework that *did* recognize the right to adequate food according to FAO's standards, the UFNP and (partly) the UNAP, have not yet been fully implemented, and in the author's opinion, the Ugandan Government has by omission failed to respect and facilitate the human right to adequate food in Uganda. As the UNAP and the DPMP are relatively new, and the author found that duty bearers were in general under the impression that disaster preparedness had recently become more prioritized by the Government, there could be reason to be optimistic about the possibility of the policies being embraced, improved and implemented with time, hopefully supported by an action plan for DPER.

## **6.2 Legal framework supporting the right to adequate food in Uganda's DPER- system (linked to specific objective 2)**

Uganda ratified the ICESCR in 1987 and is thereby obliged to progressively realize the right to adequate food for all Ugandans. Progressive realization entails the adoption of a national strategy to ensure food and nutrition based on State parties' obligations and good governance<sup>60</sup>, and as a minimum, States need to ensure that everyone is free from hunger (CESCR, 1999).

### **6.2.1 Compliance of the Constitution with the FAO standards**

The author found that the Ugandan Constitution did not explicitly recognize the right to adequate food, and nutrition was not included in the legally binding Bill of Rights section, but as directive principles of State policy (Objective XIV, XXII and XXIII). As argued in chapter 5.2.2, the Constitution did thus not comply with the FAO standards for the strongest legal basis for progressively realizing the right to adequate food.

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<sup>60</sup> Governance refers to the process of decision-making and implementation. Widely accepted quality dimensions of good governance include accountability, participation, transparency and the respect for the rule of law (FAO, 2011b).

The Constitutional objective XXII requires the State to establish national food reserves. This is equally an objective in the NDP, the UFNP and the DPMP. The DPMP mentions food storage as a prerequisite to effective disaster risk management, and encourages the construction of appropriate storage facilities at local and household levels. It also calls for the Government to establish and maintain adequate grain stores for emergencies, especially in famine prone areas. Although silos for such food storage exist in Uganda, a sustainable system for their function and maintenance has not been implemented, and the silos have gradually lost their national importance (Rukundo, Kakafunda & Oshaug, 2011). As illustrated in figure 9 (Chapter 5.3.3), the lack of food stores was found to be one of the issues with direct implications for the RtF, most frequently addressed in the PRU, and the author agrees that the implementation of the Constitution's objective XXII is an important step in preparing Uganda for disasters.

Article 157 of the Ugandan Constitution obliges the Parliament to make provisions for the establishment of a national contingency fund. Article 249 provides for the establishment of a Disaster Preparedness and Management Commission (DPMC) (See Table 10 in Chapter 5.2.1). Neither a fund nor a Commission is yet established, and the Ugandan Government has been criticized for failing to implement these provisions. In their annual reports, the Uganda Human Rights Commission (UHRC, 2010, 2011) has recommended the establishment of the DPMC together with an increase in budget allocations to disaster risk reduction activities and the promotion of research and technology on the DPM- field. The DPMP determines the Commission's members, responsibilities and functions, including the responsibility for establishing and managing a national contingency fund for disasters, in compliance with the Constitution and the Public Finance and Accountability Act (PFAA) of 2003.

### **6.2.2 Compliance of framework law with FAO standards**

Khoza (2007) argues that a human rights based framework law is a useful tool for the coordination and implementation of Government policy and strategy. According to Omara (2007) such a law is crucial for a HRBA to succeed and in order to have an effective guarantee against food insecurity.

The study found that there was no legislation supporting the UFNP, and as such no strong legal framework for ensuring the RtF in Uganda. The analysis of the proposed Food and Nutrition Bill (FNB) found that it met all FAO requirements for a legislation contributing to the realization of the RtF (See Table 11 in Chapter 5.2.1); it establishes the RtF and sets out strong State obligations. The FNB would provide clear roles and responsibilities for the

Uganda Food and Nutrition Council (UFNC) and it gives provisions for emergencies. Unfortunately, the FNB has remained a proposition since 2005. This fact makes it difficult for the UHRC to hold the GOU accountable for failure to fulfil the human right to food (Omara, 2007), and in the author's opinion, this serves to further underpin the reluctance from the State to establish its international human rights obligations.

The NDP and the DPMP are both clear on the need for a legal framework for DPER. A National DPM- Act and a National DPM Fund- Act are demands outlined to enforce the implementation of the DPMP. The author views the establishment and management of a contingency fund, easily accessible to relevant institutions in emergency situations, as likely to have direct positive consequences for the RtF in disasters. The legislative measure for the emergency fund was found to be in place in the PFFA of 2003. Nevertheless, 10 years after the enforcement of this Act, the emergency fund is yet to be established, and the Government relies on budget frontloading when a disaster occurs. This has proven to lead to massive over-spending in disasters, as argued in chapter 5.4.1, and the allocation of resources from other budget posts is likely to affect other important plans and programs. Disasters occur in Uganda annually, and in the opinion of the author, frontloading is not a sustainable solution for managing these disasters.

This study has shown that existing legal provisions for implementing the DPMP are the Ugandan Constitution and the PFAA, but these provisions have not been implemented. The DPMC, with the mandate to establish and manage the contingency fund, is not yet enacted, and in effect, the contingency fund is not established. The author finds it appropriate to assume that this failure to implement important legislative measures for DPER have had, and will continue to have negative impacts for people's enjoyment of the human right to adequate food.

In 2004 the Inter- Governmental Working group on the VG<sup>61</sup> conducted a right to food case study in Uganda (FAO, 2004). The group was optimistic about the work on a human rights based nutrition action plan and a food and nutrition bill for implementing the UFNP of 2003, and believed in the possibility of a Constitutional change to fully recognize the right to adequate food. Eight years later, this study found that the right to adequate food was still not explicitly recognized in the Constitution and the proposed FNB was yet to be approved by the Cabinet. The UNAP was finally adopted in 2011, but did not, according to this study analysis,

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<sup>61</sup> The VG refers to the Voluntary Guidelines to support the progressive realization of the right to adequate food, described in table 1 in chapter 3.3.



as carefully as the UFNP comply with FAO standards for the progressive realization of the RtF (See Table 5 in Chapter 5.1.1).

In the analysis and report by the IFRC (2011a) of Uganda's International Disaster Response Law, it was called for a comprehensive framework legislation considering all aspects of disaster management, including import of food and other relief items and a simplification of documentation requirements for disaster relief providers. According to the IFRC, the current bureaucratic procedures and the costs of registration for NGOs operating in emergencies in Uganda had negative impacts on the operations. The report pointed to several issues that have also been brought up in this study. For example the fact that Uganda, despite ratifications of international and regional HR -instruments, has yet to come up with national legislation to comply with these obligations. It furthermore emphasized that objectives of the Ugandan Constitution concerning effective disaster risk management, need to be implemented, and recommended a more comprehensive mandate and legislative framework for the Uganda Red Cross Society. This recommendation was supported by the author of this study, based on the findings presented in chapter 5.2.2 on the incomprehensive legislation for the URCS.

#### **Legislation for ensuring the right to adequate food - duty bearers' perceptions**

25 % of the interviewed duty bearers did not believe that legislation could help ensure the right to adequate food. Some were even of the opinion that law did not make a difference. Some of the duty bearers' statements on legislation for ensuring the RtF, presented in chapter 5.2.2, were perceived by the author as feelings of resignation, as laws were there, but not implemented, of which the PFAA was the perfect example.

In sum, the GOU has neither put in place the appropriate framework law for ensuring the RtF, nor for and adequate DPER- system, in accordance with international obligations, FAO standards, the Ugandan Constitution, the DPMP and several recommendations from the UHRC and IFRC. The legal provisions that do exist in the Constitution and in the PFAA have not been implemented. Not only has the State as such failed to comply with the Constitution and national customary law. It is the view of the author that Ugandan Government has failed to take steps to the maximum of its available resources to meet its international obligations to facilitate the human right to adequate food.

### **6.3 Institutional structures supporting the right to adequate food in Uganda's DPER-system (linked to specific objective 3)**

In order to obtain sustainable food security, efforts to create opportunities for the hungry to improve their livelihoods, and efforts to enhance their immediate access to food, need to be considered simultaneously (FAO, 2011b). This approach<sup>62</sup> goes hand in hand with the HRBA that focuses on both structural and immediate causes of problems (Ljungman, 2004). In the case of the right to adequate food, the approach corresponds with the State's obligations to both facilitate and to provide. This study found that the institutional framework for DPER was not sufficiently contributing to the progressive realization of the RtF by FAO standards.

#### **6.3.1 The right to adequate food – a battle of the mighty**

Targeted food aid can be a crucial contributor to the realization of the right to food, especially considering children who might suffer irreversible damage if they are deprived of food for a sufficient period of time (FAO, 2006a).

The Office of the Prime Minister (OPM) was found to be the lead coordinator in emergencies in Uganda and responsible for the procurement of food relief to disaster victims. Maize and beans were the only relief foods identified by this study that had been provided by the OPM in emergency response, and this cannot be said to be adequate for every affected individual according to GC 12. This study was not able to identify clear plans for procurement of the food in the budgets, nor was it obvious who was in charge of these procurements. Interview responses indicated that food items were not targeted to ensure individual dietary needs; nutritionists from the MOH were not even involved in the needs assessment or procurement process. Figure 9 (Chapter 5.3.3) illustrates that inadequacy of food, both in quality and quantity, were frequently pronounced in the context of DPER, both in Parliamentary debates and by interview respondents. In a Parliamentary debate succeeding the Bududa landslide in 2010, an MP described the distribution of food aid as "*a battle of the mighty*", referring to disaster victims fighting over relief food that was not provided in sufficient quantity. It is however important to emphasize the vital role of the Uganda Red Cross Society (URCS), which will be discussed later in this chapter. It was the impression of the author that the RtF-situation of the disaster- affected population would be substantially worse without the contribution from the URCS.

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<sup>62</sup> The approach refers to FAO's twin-track strategy to reduce hunger and poverty.

### **6.3.2 The Inter-Agency Technical Committee - an entry point for human rights influence**

As figure 5 (Chapter 5.3.1) illustrates, the Inter-Agency Technical Committee should be an important entry point for human rights influence in the DPER-system, as the committee holds UN-, Amnesty- and UHRC representatives. The current status of the IATC was not established by this study. In theory however, a complete and functioning committee should be able provide an opportunity for the human rights actors to monitor State compliance to human rights principles and hopefully improve the human rights situation in disasters. It should also be able to serve as an arena of influence for relevant NGOs, and most certainly, a nutritionist should be involved from the MOH to ensure that relief food is planned for and targeted to meet individual dietary needs as spelled out in GC 12, and as such contribute to the realization of the right to adequate food.

### **6.3.3 Accountability of duty bearers**

In order to ensure accountability of the responsible institutions, which is essential for the institutions to function adequately, there need to be clear mandates, awareness of obligations and resources available to fulfil these obligations (FAO, 2009d). Ljungman (2004) believes that the realization of human rights require the knowledge and understanding of human rights as universal and inalienable. Leathers and Foster (2009) argue that the belief in food as an inherent human right might increase the motivation of Government actors to work towards ensuring this right regardless of personal motives.

The DPMP has outlined the institutional structure for DPER at all levels. As demonstrated in table 12 (Chapter 5.3.1), the author identified the sectoral mandates and goals of the relevant institutions that were related to DPER, and found that for all institutions there was a need for more specific mandates in the DPER-system. A disaster preparedness and management plan or -strategy would be likely to specify these roles and responsibilities, but such a plan has not yet been adopted.

In persistence with the lack of clear sectoral mandates, it became obvious when we spoke with interview respondents, that highly relevant duty bearers from institutions with key functions in the framework for DPER were not aware of the responsibilities assigned to them in the DPMP. It is worth noticing that only three out of the 10 LG representatives were even aware of the existence of the DPMP. Some of the LG representatives also reported that they did not have district disaster committees or plans for disaster in their district, which points to different practices and priorities locally. Accountability seemed unattainable as institutions

and individuals were clearly not aware of their obligations, and as such could not be expected to perform according to their responsibilities under the DPMP (FAO, 2010b).

Rights holders affected by the 2010 landslide in Bududa pointed to possible corruption by officials in charge of disaster management (Misanya 2011). This concern was shared by several respondents to this study, as well as being a recurrent topic in the Parliamentary debates (See Figure 9 in Chapter 5.3.3). The special report by the Auditor General (2012), presented in chapter 5.7, found a number of irregularities in the registrations of and payments to the food procuring companies working with the OPM during the Bududa landslide in 2010. Although this study did not provide evidence for how food procurement or funds were handled in Bududa, the extensive distrust by the duty bearers of the DPER- system, could not be ignored.

#### **6.3.4 Emergency relief efforts**

##### **The role of the Uganda Red Cross Society**

With the growing work load of Governmental institutions, local NGOs have increasingly become lead agencies for humanitarian and relief efforts (Buergethal, Shelton & Stewart, 2009). The GC12 states that NGOs have responsibilities in the realization of the right to adequate food, although the State is ultimately accountable. Misanya (2011) reported that the URCS was the first agency on the disaster site to carry out needs assessments after the 2010 landslide, and respondents were under the impression that the URCS had the role as lead coordinating agency throughout the operations. The case study (2011) further found significant disconnections between relief agencies, Government agencies and communities in the perception of their responsibility in disaster management. This impression was supported by this study's findings, as roles and responsibilities of relevant institutions in DPER were found to be unclear and unknown, as argued in chapter 6.1.1.

It became clear to the author that the URCS played a vital role in Uganda's DPER- environment, as the it had a broad policy mission and comprehensive plans and strategies for disaster risk reduction activities, capacity building, monitoring and disaster management in the local communities, as demonstrated in chapter 5.3.2 (URCS, 2009, 2010, 2011a).

However, as table 10 (chapter 5.2.1) shows, the Red Cross Act of 1964 did not cover many of these activities, and the mandate of the URCS in the DPMP was limited compared to the actual contribution of the URCS to the DPER- activities in Uganda (See Table12 in Chapter 5.3.1). As such, the author supports the request by the IFRC (2011a) for a more

comprehensive mandate and legislation to clarify the responsibilities of the URCS in the Ugandan DPER-landscape.

For the case of the RtF, it is important to take notion of the fact that the URCS as a leading agency on site did not have a nutritionist on its team. As previously discussed, neither were there nutritionists involved earlier in the process from the MOH. The author is therefore under the impression that it is unlikely that the RtF is sufficiently considered and safeguarded in DPER in Uganda. The details of the procurement process were not found to be easily accessible to this study, nor did relevant duty bearers seem aware of these details; facts that further enhance this impression.

### **Coordination in emergency response**

To the World Conference on Disaster Risk Reduction in Hyogo, Japan in 2005, the Directorate for Disaster Preparedness, Management and Refugees (DDPMR) reported that Uganda had well -developed early warning systems for landslides and floods, and that the disaster prone areas had contingency plans in place. However, considerable coordination issues in disaster preparedness and management were identified in an FAO (2004) case study in Uganda and equally in this study. The lack of sectoral coordination was one of the recurrent issues both in Parliamentary debates and among interviewed duty bearers, as illustrated in Figure 8 (Chapter 5.3.3). The framework has been said to be '*only on paper*', and it was the impression of the author that there were substantial challenges in coordination between sectors and between levels of authority.

Furthermore, figure 8 illustrates the author's findings on the confusion in Parliament about the definition of a disaster, about the implications of 'a state of emergency' and on what procedures to follow. These issues were frequently expressed, which gave the impression that the DPMP and its' framework was not commonly known and not mainstreamed. This impression was consistent with the interview responses, as some very relevant duty bearers demonstrated little or no insight into the DPMP. Ekotu (2012) conducted an assessment of household vulnerabilities, resilience and coping mechanisms to landslides in Bududa, and found that the absence of warning was a key factor for household vulnerability to landslides. The author got the impression that MPs regularly inform the DDPMR through Parliament on disasters in their constituencies, a finding that was quite alarming and implied that the emergency response system outlined in the policy was not functioning adequately. Interview respondents as well agreed that the DPER -structures were not fully functioning, despite efforts by central and local Governments, the URCS and other NGOs. As such, the confusion

and coordination –challenges seemed to be linked to the lack of awareness of responsibilities; but as well to the complexity of the DPER- system, as illustrated in figure 7 (Chapter 5.3.2). In the view of the author all these issues seemed very likely to delay the response to disasters and to further jeopardize the right to adequate food of the people affected.

The institutional framework for disaster preparedness and management does exist in theory, although the DPMC is not yet established. A substantial challenge lies in making sure institutions at all levels are aware of their responsibilities and are capacitated to perform accordingly. The framework is relatively new, and its implementation is most vital for enabling communities to prepare for and respond to emergencies, and make sure people are provided for if they are unable to provide for themselves.

## **6.4 Financial capabilities for contingency planning supporting the right to adequate food in Uganda's DPER-system (linked to specific objective 4)**

### **6.4.1 Budgetary allocations**

Funding can severely affect the enjoyment of human rights, and reviewing budgetary allocations to different sectors can provide implications on the level of priority the sector is being given (Fundar, 2004). The OPM's DDPMR is the main coordinating institution in DPER in Uganda. As the budgets are policy driven, the budget for the OPM and the DDPMR should ideally reflect the objectives of the DPMP (FAO, 2009d). The DDPMR was found to have a vast area to cover; IDPs, refugees, disaster preparedness and emergency response.

As explained in chapter 3.3, climate change has severe consequences for the disaster frequency. In its strategic investment plan (2010), the MWE estimated that continued low funding would reduce Uganda's preparedness to deal with the effects of climate change. The lack of funds to prepare for and respond to disaster was one of the challenges the author found to be most frequently pronounced among duty bearers both in interviews and in Parliamentary debates. The budget analysis presented in chapter 5.4.1, however, revealed that all the relevant sectors and Ministries had low budget releases and low actual spending of their approved budgets. Releases showed a downward trend for all institutions and sectors and were especially low for the MOH and the MAAIF, and the OPM spent only 60 % of approved budget in 2011/12. This study has not established the cause of these low spending rates, but suggests that failure in budgeting, planning and accountability might be contributors. The IFRC (2011b) has also pointed to Uganda as an example of a country in which only 1/3 of the budget for agriculture is spent each year due to institutional inefficiency.

The Inter-Ministerial Policy Committee (IMPC) is responsible for making sure line ministries budget for disaster risk reduction in their sectoral budgets. One emerging question is to what extent these ministries, if they are already inefficient, are capable of handling the additional responsibilities that are assigned to them by the DPMP. Findings indicate that increased funding is not sufficient, as these resources seem never to be spent. As such, a reformation towards more efficient institutions, as implied by the IFRC, might be equally important to progressively realize the human right to adequate food, than merely increasing the sectoral budgets.

#### **6.4.2 Contingency funding**

Effective response to and management of disaster is essential in order to prevent hunger, malnutrition and the loss of life, and this requires funds that are easily accessible to relevant stakeholders when disaster strikes. An important principle of the NDP with regards to the RtF in disaster is the establishment and implementation of a contingency fund for emergencies. The author found that the budget release to Public Sector Management was 131 % of approved budget in 2010. This over-spending, a result of managing the Bududa landslide, was interpreted by the author as further evidence of the need for a contingency fund to handle disaster situations. As shown in chapter 5.4.1 and more detailed in Annex 7, the budget to the DDPMR covers all aspects of disaster preparedness and management, including IDPs and refugees and relief to disaster victims. When disaster strikes financial resources are reallocated from these important posts to cater for the immediate needs of disaster victims. The study found that within the current system, the resource allocation needs to go through Parliament and the MFPED, a process that seemed unnecessary and time-consuming in emergencies where lives are at stake.

As argued in chapter 6.2.2, a contingency fund is Constitutional and further legislated through the PFAA of 2003. The omission to put in place an emergency fund, 10 years after the PFAA came into force is, in the author's view, a failure by the State to facilitate the right to adequate food; in turn leading to the failure to provide adequate food for Ugandans in emergency.

The lack of capacity to push right to food -relevant policies, plans and legislation through to Parliament and the reluctance to implement policy and legislation that are already in place, might be linked to the lack of awareness and recognition among duty bearers of their State obligations to respect, protect and fulfil human rights, and is in the author's opinion definitely slowing down the process of preparing Uganda for disasters.

## **6.5 Methodological challenges**

This study has involved data from a wide spectre of sources, which has led to considerable methodological challenges.

### **6.5.1 Primary data**

Due to the respondents' prominent positions, it was natural to consider the possibilities of reporting bias. I considered two main aspects as possible sources of reporting bias by the respondents; the fear of criticizing Government or relevant actors in the DPER-system, enhanced by the on-going corruption investigations in the OPM at the time, and the feeling of being examined on human rights and thereby trying to find 'the right answers' instead of speaking their minds. In order to reduce the risk of respondent reporting bias, the interviews were conducted without a recorder and respondents were informed in advance that the study was anonymous. Efforts were made throughout the interviews to facilitate a continuous dialogue as to make respondents feel comfortable to elaborate on their opinions. This was enabled by applying a rehearsed interview guide with key words, rather than the whole questionnaire, as to avoid 'ticking boxes' during the conversations. Although reporting bias cannot be excluded, the results show that critical responses were obtained from a high proportion of the duty bearers.

This study got 38 respondents out of 50 eligible duty bearers invited to participate. It is unlikely that the non-respondents had specific features that would systematically affect the results of the study as this challenge was rather associated with the respondents' busy work schedules. The remaining 12 duty bearers will be followed up in the PhD- study by research fellow Peter Milton Rukundo.

Researcher reporting bias was reduced by conducting a routine debrief after the interviews to cross -validate the impressions and discuss the results. As I was not present at all interviews, the analysis process required close communication, and a common understanding of the interview situation as to avoid misinterpretations. This was obtained as far as possible by my engagement in a substantial number of interviews in the early phases of data collection.

### **6.5.2 Secondary data**

This study has used secondary data, such as reports and budgets by the Government of Uganda and statistics from the UN agencies and the IFRC, to mention some. Methods of data collection differ for these different data sources, and they are not necessarily comparable, as they face various methodological challenges in different ways. In effect, the information extracted from them need to be considered as estimations and not facts.



The standards derived from the FAO methodological tool box utilized as indicators in this study were primarily constructed for States and NGOs to assess the right to food -situation at country level and mainstream the right to food into policies, legal- and institutional frameworks. As such, this study has analysed the recognition of the right to adequate food on a smaller scale by using fragments of this comprehensive framework. Some of the indicators required subjective interpretation by the author (for example whether a policy has '*embedded the RtF*'). It was therefore important to use the tools persistently on all relevant data. As with the semi-structured questionnaire, the standards were used in order to conduct a structural analytical approach, to enhance study reliability and to enable a similar approach to analysis in later research. In total, I think this led to a study with less error than could have been the case without conducting such a structural approach.

The topics concerning the right to adequate food in disasters, derived from the Parliamentary debates, represent the debaters' subjective statements, experience and interpretations of the situations in the country, and the author's interpretation of the statements' relevance for the RtF based on GC 12. This information can as such not be considered as facts but as implications of the level of interest and priority these issues are given in Parliament.

## **6.6 Challenges with data collection**

Interviews with duty bearers were undertaken in Kampala and in the relevant districts. The main challenge was to accomplish all the interviews within the time frame of data collection, mainly due to lack of response from duty bearers. This process delayed, but as this project was integrated in the PhD project of Mr. Rukundo, who stayed in Uganda for a longer period of time, it was possible to extend the data collection process, which increased the number of respondents to this study significantly.

Challenges experienced with the collection of secondary data were primarily associated with limited access to information, especially in the collection of comparable budget data. The latest Hansard available was from June 2012, which limited the access to potentially interesting debates, and the access to the PRU website and the Hansard was unpredictable throughout the study, which made research more time consuming than planned for.

## 7. CONCLUSION

Disasters are major contributors to food insecurity and malnutrition in Uganda. Based on the findings of this study it seems clear that there is a need to recognize that the right to adequate food is a human right, to which all Ugandan citizens are entitled, even in times of disaster.

The foundation for a DPER-framework does exist in Uganda, although it is weak in the recognition of international human rights obligations, and does not measure up to the FAO standards for contributing to the progressive realization of the RtF. Vital action plans and legislation to clarify institutional mandates and responsibilities are missing, and existing legal provisions essential for ensuring the RtF in emergencies have not been implemented. The framework's shortcomings leave duty bearers unaware of their obligations within the DPER-system, which in turn makes it challenging, if not impossible, to ensure accountability.

In conclusion, this study recommends the following measures by the Government of Uganda in order to create an effective machinery for safeguarding the right to adequate food in disaster preparedness and emergency response:

- ❖ With the foundation in the existing DPER-framework, construct and implement a holistic framework in compliance with international standards for human rights, the Constitution of the Republic of Uganda and the National Development Plan, hereunder:
  - Ensure accountability at all levels by implementing a DPER-strategy with explicit mandates for responsible actors in disaster planning and emergency response. The strategy needs to be based on capacity analysis of relevant institutions as to ensure their abilities to meet their obligations.
  - Establish the Disaster Preparedness and Management Commission in accordance with article 249 of the Ugandan Constitution to carry out its' mandate in the DPMP; this includes the establishment and management of a contingency fund for national emergencies, in accordance with the Constitution's article 157 and the Public Finance and Accountability Act of 2003.
  - Include nutritionists and nutrition units from relevant Government sectors throughout the DPER- processes, as to ensure that adequate nutrition is considered in the planning process and that relief-food is targeted to meet individual dietary needs in nutritional quality and sufficient quantity, as spelled out in General Comment12.

- ❖ The Government needs to fast-track the enactment of the proposed Food and Nutrition Bill which is still in Cabinet. This will secure a human rights based legal framework for implementing nutrition programs within the context of the Uganda Food and Nutrition Policy.

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## **Annexes**

### **Annex 1: General Comment 12 on the Right to Adequate Food**

#### **CESCR General Comment No. 12: The Right to Adequate Food (Art. 11)**

*Adopted at the Twentieth Session of the Committee on Economic, Social and Cultural Rights, on  
12 May 1999 (Contained in Document E/C.12/1999/5)*

#### **Introduction and basic premises**

1. The human right to adequate food is recognized in several instruments under international law. The International Covenant on Economic, Social and Cultural Rights deals more comprehensively than any other instrument with this right. Pursuant to article 11.1 of the Covenant, States parties recognize “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”, while pursuant to article 11.2 they recognize that more immediate and urgent steps may be needed to ensure “the fundamental right to freedom from hunger and malnutrition”. The human right to adequate food is of crucial importance for the enjoyment of all rights. It applies to everyone; thus the reference in article 11.1 to “himself and his family” does not imply any limitation upon the applicability of this right to individuals or to female-headed households.

2. The Committee has accumulated significant information pertaining to the right to adequate food through examination of State parties’ reports over the years since 1979. The Committee has noted that while reporting guidelines are available relating to the right to adequate food, only a few States parties have provided information sufficient and precise enough to enable the Committee to determine the prevailing situation in the countries concerned with respect to this right and to identify the obstacles to its realization. This general comment aims to identify some of the principal issues which the Committee considers to be important in relation to the right to adequate food. Its preparation was triggered by the request of Member States during the 1996 World Food Summit for a better definition of the rights relating to food in article 11 of the Covenant, and by a special request to the Committee to give particular attention to the Summit Plan of Action in monitoring the implementation of the specific measures provided for in article 11 of the Covenant.

3. In response to these requests, the Committee reviewed the relevant reports and documentation of the Commission on Human Rights and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the right to adequate food as a human right; devoted a day of general discussion to this issue at its seventh session in 1997, taking into consideration the draft international code of conduct on the human right to adequate food prepared

by international non-governmental organizations; participated in two expert consultations on the right to adequate food as a human right organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in Geneva in December 1997, and in Rome in November 1998 co-hosted by the Food and Agriculture Organization of the United Nations (FAO), and noted their final reports. In April 1999 the Committee participated in a symposium on “The substance and politics of a human rights approach to food and nutrition policies and programmes”, organized by the Administrative Committee on Coordination/Sub-Committee on Nutrition of the United Nations at its twenty-sixth session in Geneva and hosted by OHCHR.

4. The Committee affirms that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all.

5. Despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate food, a disturbing gap still exists between the standards set in article 11 of the Covenant and the situation prevailing in many parts of the world. More than 840 million people throughout the world, most of them in developing countries, are chronically hungry; millions of people are suffering from famine as the result of natural disasters, the increasing incidence of civil strife and wars in some regions and the use of food as a political weapon. The Committee observes that while the problems of hunger and malnutrition are often particularly acute in developing countries, malnutrition, under-nutrition and other problems which relate to the right to adequate food and the right to freedom from hunger also exist in some of the most economically developed countries. Fundamentally, the roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food, inter alia because of poverty, by large segments of the world’s population.

#### **Normative content of article 11, paragraphs 1 and 2**

6. The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The *right to adequate food* shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The *right to adequate food* will have to be realized progressively. However, States have

a core obligation to take the necessary action to mitigate and alleviate hunger as provided for in paragraph 2 of article 11, even in times of natural or other disasters.

### **Adequacy and sustainability of food availability and access**

7. The concept of *adequacy* is particularly significant in relation to the right to food since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible can be considered the most appropriate under given circumstances for the purposes of article 11 of the Covenant. The notion of *sustainability* is intrinsically linked to the notion of adequate food or food *security*, implying food being accessible for both present and future generations. The precise meaning of “adequacy” is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while “sustainability” incorporates the notion of long-term availability and accessibility.

8. The Committee considers that the core content of the right to adequate food implies:

The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;

The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

9. *Dietary needs* implies that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Measures may therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake.

10. *Free from adverse substances* sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain; care must also be taken to identify and avoid or destroy naturally occurring toxins.

11. *Cultural or consumer acceptability* implies the need also to take into account, as far as possible, perceived non-nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

12. *Availability* refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

13. *Accessibility* encompasses both economic and physical accessibility:

Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programmes.

Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened.

### **Obligations and violations**

14. The nature of the legal obligations of States parties is set out in article 2 of the Covenant and has been dealt with in the Committee's general comment No. 3 (1990). The principal obligation is to take steps to achieve *progressively* the full realization of the right to adequate food. This imposes an obligation to move as expeditiously as possible towards that goal. Every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.



15. The right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to *respect*, to *protect* and to *fulfil*. In turn, the obligation to *fulfil* incorporates both an obligation to *facilitate* and an obligation to *provide*.<sup>\*</sup> The obligation to *respect* existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to *protect* requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to *fulfil (facilitate)* means the State must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to *fulfil (provide)* that right directly. This obligation also applies for persons who are victims of natural or other disasters.

16. Some measures at these different levels of obligations of States parties are of a more immediate nature, while other measures are more of a long-term character, to achieve progressively the full realization of the right to food.

17. Violations of the Covenant occur when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. In determining which actions or omissions amount to a violation of the right to food, it is important to distinguish the inability from the unwillingness of a State party to comply. Should a State party argue that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such access, the State has to demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations. This follows from article 2.1 of the Covenant, which obliges a State party to take the necessary steps to the maximum of its available resources, as previously pointed out by the Committee in its general comment No. 3, paragraph 10. A State claiming that it is unable to carry out its obligation for reasons beyond its control therefore has the burden of proving that this is the case and that it has unsuccessfully sought to obtain international support to ensure the availability and accessibility of the necessary food.

18. Furthermore, any discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.

19. Violations of the right to food can occur through the direct action of States or other entities insufficiently regulated by States. These include: the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food; denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is proactive; the prevention of access to humanitarian food aid in internal conflicts or other emergency situations; adoption of legislation or policies which are manifestly incompatible with pre-existing legal obligations relating to the right to food; and failure to regulate activities of individuals or groups so as to prevent them from violating the right to food of others, or the failure of a State to take into account its international legal obligations regarding the right to food when entering into agreements with other States or with international organizations.

20. While only States are parties to the Covenant and are thus ultimately accountable for compliance with it, all members of society - individuals, families, local communities, non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities in the realization of the right to adequate food. The State should provide an environment that facilitates implementation of these responsibilities. The private business sector - national and transnational - should pursue its activities within the framework of a code of conduct conducive to respect of the right to adequate food, agreed upon jointly with the Government and civil society.

### **Implementation at the national level**

21. The most appropriate ways and means of implementing the right to adequate food will inevitably vary significantly from one State party to another. Every State will have a margin of discretion in choosing its own approaches, but the Covenant clearly requires that each State party take whatever steps are necessary to ensure that everyone is free from hunger and as soon as possible can enjoy the right to adequate food. This will require the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks. It should also identify the resources available to meet the objectives and the most cost-effective way of using them.

22. The strategy should be based on a systematic identification of policy measures and activities relevant to the situation and context, as derived from the normative content of the right to adequate food and spelled out in relation to the levels and nature of State parties' obligations referred to in paragraph 15 of the present general comment. This will facilitate coordination between ministries and regional and local authorities and ensure that related policies and administrative decisions are in compliance with the obligations under article 11 of the Covenant.

23. The formulation and implementation of national strategies for the right to food requires full compliance with the principles of accountability, transparency, people's participation, decentralization, legislative capacity and the independence of the judiciary. Good governance is essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all.

24. Appropriate institutional mechanisms should be devised to secure a representative process towards the formulation of a strategy, drawing on all available domestic expertise relevant to food and nutrition. The strategy should set out the responsibilities and time frame for the implementation of the necessary measures.

25. The strategy should address critical issues and measures in regard to all aspects of the food system, including the production, processing, distribution, marketing and consumption of safe food, as well as parallel measures in the fields of health, education, employment and social security. Care should be taken to ensure the most sustainable management and use of natural and other resources for food at the national, regional, local and household levels.

26. The strategy should give particular attention to the need to prevent discrimination in access to food or resources for food. This should include: guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology; measures to respect and protect self-employment and work which provides a remuneration ensuring a decent living for wage earners and their families (as stipulated in article 7 (a) (ii) of the Covenant); maintaining registries on rights in land (including forests).

27. As part of their obligations to protect people's resource base for food, States parties should take appropriate steps to ensure that activities of the private business sector and civil society are in conformity with the right to food.

28. Even where a State faces severe resource constraints, whether caused by a process of economic adjustment, economic recession, climatic conditions or other factors, measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable population groups and individuals.

### **Benchmarks and framework legislation**

29. In implementing the country-specific strategies referred to above, States should set verifiable benchmarks for subsequent national and international monitoring. In this connection, States

should consider the adoption of a *framework law* as a major instrument in the implementation of the national strategy concerning the right to food. The framework law should include provisions on its purpose; the targets or goals to be achieved and the time frame to be set for the achievement of those targets; the means by which the purpose could be achieved described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations; institutional responsibility for the process; and the national mechanisms for its monitoring, as well as possible recourse procedures. In developing the benchmarks and framework legislation, States parties should actively involve civil society organizations.

30. Appropriate United Nations programmes and agencies should assist, upon request, in drafting the framework legislation and in reviewing the sectoral legislation. FAO, for example, has considerable expertise and accumulated knowledge concerning legislation in the field of food and agriculture. The United Nations Children's Fund (UNICEF) has equivalent expertise concerning legislation with regard to the right to adequate food for infants and young children through maternal and child protection including legislation to enable breastfeeding, and with regard to the regulation of marketing of breast milk substitutes.

### **Monitoring**

31. States parties shall develop and maintain mechanisms to monitor progress towards the realization of the right to adequate food for all, to identify the factors and difficulties affecting the degree of implementation of their obligations, and to facilitate the adoption of corrective legislation and administrative measures, including measures to implement their obligations under articles 2.1 and 23 of the Covenant.

### **Remedies and accountability**

32. Any person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition. National Ombudsmen and human rights commissions should address violations of the right to food.

33. The incorporation in the domestic legal order of international instruments recognizing the right to food, or recognition of their applicability, can significantly enhance the scope and effectiveness of remedial measures and should be encouraged in all cases. Courts would then be

empowered to adjudicate violations of the core content of the right to food by direct reference to obligations under the Covenant.

34. Judges and other members of the legal profession are invited to pay greater attention to violations of the right to food in the exercise of their functions.

35. States parties should respect and protect the work of human rights advocates and other members of civil society who assist vulnerable groups in the realization of their right to adequate food.

## **International obligations**

### **States parties**

36. In the spirit of Article 56 of the Charter of the United Nations, the specific provisions contained in articles 11, 2.1, and 23 of the Covenant and the Rome Declaration of the World Food Summit, States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food. In implementing this commitment, States parties should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate access to food and to provide the necessary aid when required. States parties should, in international agreements whenever relevant, ensure that the right to adequate food is given due attention and consider the development of further international legal instruments to that end.

37. States parties should refrain at all times from food embargoes or similar measures which endanger conditions for food production and access to food in other countries. Food should never be used as an instrument of political and economic pressure. In this regard, the Committee recalls its position, stated in its general comment No. 8, on the relationship between economic sanctions and respect for economic, social and cultural rights.

### **States and international organizations**

38. States have a joint and individual responsibility, in accordance with the Charter of the United Nations, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons. Each State should contribute to this task in accordance with its ability. The role of the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR), and

increasingly that of UNICEF and FAO is of particular importance in this respect and should be strengthened. Priority in food aid should be given to the most vulnerable populations.

39. Food aid should, as far as possible, be provided in ways which do not adversely affect local producers and local markets, and should be organized in ways that facilitate the return to food self-reliance of the beneficiaries. Such aid should be based on the needs of the intended beneficiaries. Products included in international food trade or aid programmes must be safe and culturally acceptable to the recipient population.

### **The United Nations and other international organizations**

40. The role of the United Nations agencies, including through the United Nations Development Assistance Framework (UNDAF) at the country level, in promoting the realization of the right to food should be maintained to enhance coherence and interaction among all the actors concerned, including the various components of civil society. The food organizations, FAO, WFP and the International Fund for Agricultural Development (IFAD), in conjunction with the United Nations Development Programme (UNDP), UNICEF, the World Bank and the regional development banks, should cooperate more effectively, building on their respective expertise, on the implementation of the right to food at the national level, with due respect to their individual mandates.

41. The international financial institutions, notably the International Monetary Fund (IMF) and the World Bank, should pay greater attention to the protection of the right to food in their lending policies and credit agreements and in international measures to deal with the debt crisis. Care should be taken, in line with the Committee's general comment No. 2, paragraph 9, in any structural adjustment programme to ensure that the right to food is protected.

\* Originally three levels of obligations were proposed: to respect, protect and assist/fulfil. (See *Right to adequate food as a human right*, Study Series No. 1, New York, 1989 (United Nations publication, Sales No. E.89.XIV.2)). The intermediate level of "to facilitate" has been proposed as a Committee category, but the Committee decided to maintain the three levels of obligation.

Annex 2: **Research time schedule and study expenses**

Activity	Month												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Writing of Research proposal	■												
Research Clearance by UNCST		■											
Approval of Proposal by HiOA			■										
Preparation for Field Work		■	■	■									
Data Collection			■	■	■	■	■	■	■	■	■		
Data analysis				■	■	■	■	■	■	■	■		
Writing					■	■	■	■	■	■	■	■	
Draft to supervisors							■	■	■	■	■	■	
Submission of final thesis												■	
Defence of thesis													■

**Study Expenses (NOK)\***

Travel Expenses (field work)	7000
Accommodation (field work)	6000
Printing of thesis	500
<b>Total</b>	<b>13500</b>

\*Expenses were covered by the researcher.

Annex 3: Questionnaire for duty bearers

Ministry/institution: \_\_\_\_\_

Respondent ID

Position held by respondent: \_\_\_\_\_

Sex

Date: \_\_\_\_\_

1. Is disaster preparedness and management among Uganda's priorities in national development planning and programming?

Yes

No

1(a) How/Why? \_\_\_\_\_

2. How do you rate Uganda's disaster preparedness and emergency response system?

Very good

Good

Fair

Poor

2(a). Why? \_\_\_\_\_

3. Does Uganda have a policy on disaster preparedness and emergency response?

Yes  Do not know

No

If YES

3(a). What does it emphasize? \_\_\_\_\_

4. Is your institution involved in disaster preparedness and emergency response in Uganda?

Yes  4(a). How? \_\_\_\_\_

No  4(b). Why? \_\_\_\_\_

Don't Know



5. In your view, is the institutional framework for disaster preparedness and management in Uganda adequate?

Yes  5(a). How? \_\_\_\_\_

No  5(b). Why? \_\_\_\_\_

Don't know

6. How did the Bududa landslides of March 2010 affect the right to adequate food of the people in that area? \_\_\_\_\_  
\_\_\_\_\_

7. In your opinion, was it desirable to resettle people from Bududa in Eastern Uganda to Kiryandongo district in western Uganda?

Yes  No

7 (a) Why? \_\_\_\_\_

8. How could the existence of a legal framework on disaster management ensure the right to adequate food during situations of disasters? \_\_\_\_\_  
\_\_\_\_\_

9. Do you think the Parliament has promoted the necessary measures to ensure the right to adequate food of all Ugandans?

No  Yes

9 (a) Why/how? \_\_\_\_\_  
\_\_\_\_\_

10. Are you satisfied with how Parliament responded to the 2010 landslides in Bududa?

Satisfied

Not satisfied

10 (a) Why? \_\_\_\_\_

11. What is your perception of the State obligations to realise the right to adequate food of all Ugandans? \_\_\_\_\_  
\_\_\_\_\_

12. How should the State ensure the realization of the right to adequate food during disasters?

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13. In your opinion, were the human rights principles of Participation, Accountability, Non-discrimination, Transparency and Human Dignity considered in response to the 2010 landslide disaster in the country?

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14. What is your overall impression of the right to adequate food in Uganda?

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**Thank you for the interview.**

Annex 4: **Letter of informed Consent form and research clearance letters**

**Peter Milton Rukundo,**  
Faculty of Medicine, University  
of Oslo, and Lecturer at  
Kyambogo University, Uganda  
[p.m.rukundo@studmed.uio.no](mailto:p.m.rukundo@studmed.uio.no)  
Tel (Mob): +256782425076

Dear Respondent,

**Re: Declaration of informed consent to participate in this study on the human right to adequate food in disaster preparedness and emergency response in Uganda**

I am humbled to seek your consent to participate in this study. There will be two researchers. Peter Milton Rukundo is a Ugandan student at the Institute of Basic Medical Sciences (IBM), Faculty of Medicine, University of Oslo (UiO), Norway. The project is part of a capacity building collaboration with Kyambogo and Makerere University in Uganda. In accordance to existing legal requirements in Uganda and Norway, the study has sought ethical approval and research clearance from the Uganda National Council of Science and Technology (UNCST) and Regional Ethical Committee (REC) on Medical and Health Research in Norway.

Your participation will include being interviewed on issues regarding the human right to adequate food with an aim of establishing the extent to which this right has been considered in Uganda's disaster preparedness and emergency response system. All details will be kept confidential and will only be used for purposes of this study. Academic articles and a Doctor of Philosophy dissertation will be published as an outcome of the study.

The study team will appreciate your participation. You have a right to withdraw from the study before the commencement of data analysis on 2<sup>nd</sup> January 2013. Further enquiries can be made through the above address or the following study supervisors:

1. Per Ole Iversen, Professor at IBM, UiO. [p.o.iversen@medisin.uio.no](mailto:p.o.iversen@medisin.uio.no)
2. Arne Oshaug, Professor at the Faculty of Applied Health Sciences, Oslo and Akershus University College. [arne.oshaug@hioa.no](mailto:arne.oshaug@hioa.no).
3. Joyce Kikafunda – Kakuramatsi, Professor at the Makerere University School of Food Technology, Nutrition and Bio-Engineering. [joycek@agric.mak.ac.ug](mailto:joycek@agric.mak.ac.ug).
4. ByaruhangaRukooko, Associate Professor, Makerere University School of Liberal and Performing Arts, Kampala. [brukooko@arts.mak.ac.ug](mailto:brukooko@arts.mak.ac.ug).
5. Bård Anders Andreassen, Professor at the Norwegian Centre for Human Rights, Faculty of Law, UiO. [b.a.andreassen@nchr.uio.no](mailto:b.a.andreassen@nchr.uio.no).

Thank you very much for your cooperation.

**Respondent ID #:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Uganda National Council for Science and Technology

(Established by Act of Parliament of the Republic of Uganda)

Our Ref: SS 2885

20 July 2012

Mr. Peter Milton Rukundo  
Kyambogo University,  
Department of Human Nutrition and Economics  
P O Box 1  
Kyambogo

Dear Mr. Rukundo,

**RE: RESEARCH PROJECT, "ANALYSIS OF UGANDA'S DISASTER PREPAREDNESS AND EMERGENCY RESPONSE SYSTEM FOR ENSURING THE RIGHT TO ADEQUATE FOOD"**

This is to inform you that the Uganda National Council for Science and Technology (UNCST) approved the above research proposal on **14 June 2012**. The approval will expire on **14 June 2013**. If it is necessary to continue with the research beyond the expiry date, a request for continuation should be made in writing to the Executive Secretary, UNCST.

Any problems of a serious nature related to the execution of your research project should be brought to the attention of the UNCST, and any changes to the research protocol should not be implemented without UNCST's approval except when necessary to eliminate apparent immediate hazards to the research participant(s).

This letter also serves as proof of UNCST approval and as a reminder for you to submit to UNCST timely progress reports and a final report on completion of the research project.

Yours sincerely,

Jarle Nabbuto

for: Executive Secretary

**UGANDA NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY**

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*LOCATION/CORRESPONDENCE*

Plot 6 Kimera Road, Ninda  
P. O. Box 6884  
KAMPALA, UGANDA

*COMMUNICATION*

TEL: (256) 414 705500, (256) 312 314800  
FAX: (256) 414-234579  
EMAIL: [info@uncst.go.ug](mailto:info@uncst.go.ug)  
WEBSITE: <http://www.uncst.go.ug>



THE REPUBLIC OF UGANDA

## OFFICE OF THE PRESIDENT

PARLIAMENT BUILDING P.O.BOX 7168 KAMPALA, TELEPHONES: 254881/6, 343934, 343934, 343926, 343943, 233717, 344026, 230048, FAX: 235458/256143

ADM 154/212/01

July 17, 2012

- ✓ The Resident District Commissioner, Kampala District
- ✓ The Resident District Commissioner, Bududa District
- ✓ The Resident District Commissioner, Kiryandongo District

This is to introduce to you **Mr. Rukundo Peter Milton** a Researcher who will be carrying out a research entitled "**Analysis of Uganda's disaster preparedness and emergency response system for ensuring the nutrition and right to adequate food**" for a period of **02 (two) months** in your district.

He has undergone the necessary clearance to carry out the said project.

Please render him the necessary assistance.

By copy of this letter **Mr. Rukundo Peter Milton** is requested to report to the Resident District Commissioners of the above districts before proceeding with the Research.

Alenga Rose  
**FOR: SECRETARY, OFFICE OF THE PRESIDENT**

Copy to: Mr. Rukundo Peter Milton

<b>Region:</b>	<b>Saksbehandler:</b>	<b>Telefon:</b>	<b>Vår dato:</b>	<b>Vår referanse:</b>
REK sør-øst	Hege Holde Andersson	22845514	03.10.2012	2012/1435 REK sør-øst B
			<b>Deres dato:</b>	<b>Deres referanse:</b>
			21.08.2012	

Vår referanse må oppgis ved alle henvendelser

Per Ole Iversen  
Universitetet i Oslo, Avd. for ernæringsforskning

#### 2012/1435b En analyse av Ugandas katastrofeberedskap med vekt på retten til mat

Vi viser til søknad om forhåndsgodkjenning av ovennevnte forskningsprosjekt. Søknaden ble behandlet av Regional komité for medisinsk og helsefaglig forskningsetikk i møtet 12.09.2012.

**Forskningsansvarlig:** Universitetet i Oslo, Avd. for ernæringsforskning  
**Prosjektleder:** Per Ole Iversen

#### Prosjektomtale

*Formålet ved studien å analysere katastrofeberedskap og responstid for å sikre retten til riktig mat når en katastrofe som jordras, skjer i Uganda. Jordraset som skapte katastrofen i Bududadistriktet i 2010, er referansepunktet for denne studien. Studien tar utgangspunkt i at uhensiktsmessig forberedhet av katastrofer og responstid, kan føre til økt underernæring hos befolkningen i de rammede områder. Godkjenning er gitt av de ugandiske myndigheter.*

#### Komiteens vurdering

Hovedformålet med denne studien er å studere katastrofeberedskapen i Uganda og sikre retten til mat når en katastrofe inntreffer.

Prosjektet har et formål som gjør det den faller utenfor helseforskningslovens virkeområde som er å fremskaffe ny kunnskap om helse og sykdom. Prosjektet er dermed ikke fremleggingspliktig for REK.

#### Vedtak

Prosjektet faller utenfor komiteens mandat, jf. helseforskningsloven § 2. Prosjektet kan gjennomføres uten godkjenning av REK.

Komiteens vedtak kan påklages til Den nasjonale forskningsetiske komité for medisin og helsefag, jf. helseforskningsloven § 10, 3 ledd og forvaltningsloven § 28. En eventuell klage sendes til REK sør-øst B. Klagefristen er tre uker fra mottak av dette brevet, jf. forvaltningsloven § 29.

Komiteens avgjørelse var enstemmig.

Vi ber om at alle henvendelser sendes inn via vår saksportal: <http://helseforskning.etikkom.no> eller på e-post til: [post@helseforskning.etikkom.no](mailto:post@helseforskning.etikkom.no). Vennligst oppgi vårt referansenummer i korrespondansen.

Med vennlig hilsen

Grete Dyb

Besøksadresse:  
Nydalen alle 37 B, 0484  
Oslo

Telefon: 22845511  
E-post: [post@helseforskning.etikkom.no](mailto:post@helseforskning.etikkom.no)  
Web: <http://helseforskning.etikkom.no/>

All post og e-post som inngår i saksbehandlingen, bes adressert til REK sør-øst og ikke til enkelte personer

Kindly address all mail and e-mails to the Regional Ethics Committee, REK sør-øst, not to individual staff

## Annex 5: Key words and interesting debates derived from the Hansard

Key words that provided results for the study	Number of hits	Interesting debates identified and utilized in the study
Adequate food	14	<i>08.07.2009</i> <i>07.08.2008</i> <i>06.07.2004</i>
Right to Food	8	<i>14.10.2009</i> <i>24.06.2009</i> <i>14.07.2004</i>
Disaster + Preparedness + Food	278	<i>15.05.2012</i> <i>13.10.2010</i> <i>10.03.2010</i> <i>02.03.2010</i> <i>28.02.2008</i> <i>07.12.2006</i> <i>22.06.2004</i> <i>08.04.2004</i> <i>24.02.2004</i> <i>13.11.2003</i> <i>27.11.2002</i> <i>14.08.2002</i> <i>20.10.1999</i> <i>10.05.2012</i> <i>08.09.2011</i>
Disaster Preparedness	345	<i>29.11.2011</i> <i>25.08.2011</i> <i>12.04.2011</i> <i>05.01.2011</i> <i>03.11.2010</i> <i>18.05.2010</i> <i>14.09.2009</i> <i>02.09.2009</i> <i>01.09.2009</i> <i>16.06.2009</i> <i>28.11.2008</i> <i>03.04.2008</i> <i>02.04.2008</i>



		<i>18.09.2007</i> <i>23.05.2007</i> <i>19.04.2007</i> <i>11.07.2006</i> <i>14.02.2005</i> <i>27.08.2004</i> <i>07.07.2004</i> <i>01.07.2004</i> <i>30.06.2004</i> <i>29.06.2004</i> <i>24.06.2004</i> <i>23.06.2004</i> <i>06.05.2004</i> <i>24.03.2004</i> <i>25.02.2004</i> <i>11.09.2003</i> <i>28.08.2003</i> <i>19.02.2003</i> <i>05.09.2002</i> <i>03.09.2002</i> <i>16.05.2002</i> <i>14.08.2001</i> <i>08.12.2000</i> <i>01.08.2000</i> <i>02.10.2000</i> <i>18.07.2000</i> <i>08.09.1999</i> <i>25.08.1999</i> <i>23.06.1999</i>
Drought	240	<i>08.07.1999</i>

## Annex 6: Relevant policies and the link between the right to food and DPER

### The Uganda Food and Nutrition Policy: linking DPER and the right to adequate food

<b>The Uganda Food and Nutrition Policy 2003</b>	
<b>Overall Policy Goal</b>	To ensure food security and adequate nutrition for all the people in Uganda
<b>Right to food relevant guiding principles</b>	<ul style="list-style-type: none"> <li>→ Adequate food and nutrition is a human right; 2.3.1</li> <li>→ The policy seeks to provide a legal basis; 2.3.5</li> <li>→ A rights based approach will be adopted; 2.3.9</li> </ul>
<b>Goals and strategies linking DPM and the right to adequate food</b>	<p><b>Food Supply and accessibility</b></p> <p><b>Goals:</b> Ensure an adequate supply of, and access to, good quality food at all times; 3.1.1</p> <ul style="list-style-type: none"> <li>→ to those who have no access to food due to circumstances beyond their control; 3.1.1 (xii)</li> <li>→ in times of disaster; 3.1.1 (xiii)</li> </ul> <p><b>Strategies:</b></p> <ul style="list-style-type: none"> <li>→ Promoting the establishment and maintenance of food reserves at all levels to boost disaster preparedness; 3.1.3 (iv)</li> <li>→ Mechanisms to ensure that food is accessible to those who cannot feed themselves for reasons beyond their control; 3.1.3 (ix)</li> </ul> <p><b>Food Storage</b></p> <p><b>Goals:</b> Promote the availability of and access to, affordable, safe and nutritious foods; 3.3</p> <ul style="list-style-type: none"> <li>→ Increase the coverage of adequate and appropriate storage facilities; 3.3.2 (i)</li> <li>→ Support the establishment and maintenance of minimum strategic food reserves; 3.3.2 (ii)</li> </ul> <p><b>Strategies:</b></p> <ul style="list-style-type: none"> <li>→ Promoting household food reserves; 3.3.3 (i)</li> <li>→ Establishing the overall storage requirements for strategic food reserves; 3.3.3 (iii)</li> <li>→ Encouraging the construction of appropriate storage facilities; 3.3.3 (iv)</li> </ul> <p><b>Food Aid</b></p> <p><b>Goals:</b> Restrict aid to alleviating temporary food crisis and to ensure its safety for human consumption; 3.5.1</p> <ul style="list-style-type: none"> <li>→ Alleviate food shortages during periods of food crises; 3.5.2 (i)</li> <li>→ Ensure the good quality and safety of donated food; 3.5.2 (ii)</li> <li>→ Provide food to those who cannot feed themselves for reasons beyond their control; 3.5.2 (iii)</li> </ul> <p><b>Strategy:</b></p> <ul style="list-style-type: none"> <li>→ Monitor the inflow and quality of donated food; 3.5.3</li> </ul>

Source: (MAAIF & MOH, 2003)

## The Uganda Nutrition Action Plan: linking DPER and the right to adequate food

<b>The Uganda Nutrition Action Plan 2011</b>	
<b>Overall Policy Goal</b>	Improve the nutrition status of all Ugandans, with special emphasis on women of reproductive age, infants, and young children
<b>Right to food relevant guiding principles</b>	<ul style="list-style-type: none"> <li>→ Improve maternal, infant, and young child nutrition and health; 1</li> <li>→ Increase the target populations' consumption of diverse nutritious foods; 2</li> <li>→ Mitigate and respond to the impact of acute malnutrition by providing nutrition care for children and mothers who are ill and providing nutrition services in emergencies; 3</li> <li>→ Strengthen the legal and institutional frameworks and the capacity to effectively plan and implement nutrition programs; 4</li> <li>→ Advocate for increased resources for scaling up nutrition interventions; 5</li> </ul>
<b>Goals and strategies linking DPM and the right to adequate food</b>	<p><b>Objective 3:</b></p> <ul style="list-style-type: none"> <li>→ Protect households from the impact of shocks and other vulnerabilities that affect their nutritional status.</li> </ul> <p><b>Strategies:</b></p> <ul style="list-style-type: none"> <li>→ Develop preparedness plans for shocks; 3.1</li> </ul> <p><b>Interventions:</b></p> <ul style="list-style-type: none"> <li>→ Develop, promote, and implement in a comprehensive package of nutrition services and food items to provide during emergencies and recovery periods.</li> <li>→ Make integration of nutrition in all disaster management programs mandatory</li> <li>→ Carry out sensitization programs for communities to raise their awareness of prevention, mitigation, and response to risks of malnutrition during shocks</li> </ul>

Source: (GOU, 2011)

## The National Policy for Internally Displaced Persons: linking DPER and the right to adequate food

<b>The National Policy for Internally Displaced Persons 2004</b>	
<b>Overall Policy Goal</b>	To establish Institutions for managing IDP situations; specify roles and responsibilities
<b>Right to food relevant guiding principles</b>	<p>→National and local authorities shall take into account international and regional instruments ratified by the government</p> <p>→Internal displacement matters shall be addressed in a manner that harmonizes sectoral and cross- sectoral plans and integrates IDP issues into all aspects of development</p>
<b>Goals and strategies linking DPM and the right to adequate food</b>	<p><b>Objective:</b> To alleviate the effects of internal displacement</p> <p><b>Strategies:</b> →Establish appropriate structures and procedures designed to ensure that the rights and entitlements of IDPs are upheld through all phases of displacement →Coordinate government ministries, humanitarian agencies and other stakeholders</p> <p><b>Objective:</b> The OPM/DDPMR will supervise and ensure the effective and timely protection and provision of assistance to IDPs in Uganda</p> <p><b>Strategy:</b> →Harmonize and integrate all efforts in the protection and provision of assistance to IDPs in Uganda</p> <p><b>Objective:</b> To coordinate at all levels multi-sectoral planning mechanisms to effectively address the protection and provision of humanitarian assistance of IDPs</p> <p><b>Strategy:</b> →The various committees will develop an integrated approach to managing and mitigating the effects of internal displacement</p> <p><b>Objective for the Human Rights Promotion and Protection Sub- Committee:</b> Monitor and ensure the rights of IDPs</p> <p><b>Function:</b> →In collaboration with the UHRC, monitor the rights of IDPs, including the right to food</p> <p><b>General Provisions:</b> →Government through the OPM/DDPMR shall establish and maintain adequate grain stores for IDPs and other emergencies →Provide food stuffs to displaced persons from they return until they harvest their first crop.</p>

Source: (OPM, 2004)

**The National Orphans and Other Vulnerable Children’s Policy: linking DPER and the right to adequate food**

<b>National Orphans and Other Vulnerable Children’s Policy, 2004</b>	
<b>Overall Policy Goal</b>	To achieve the full realization of the rights of orphans and other vulnerable children
<b>Right to food relevant guiding principles</b>	<ul style="list-style-type: none"> <li>→Build on a rights based approach to programming; 2.1</li> <li>→Making the family and community first line of response;2.2</li> <li>→Reducing vulnerability;2.4</li> <li>→Facilitating community participation and empowerment; 2.5</li> <li>→Promoting gender equity; 2.6</li> <li>→Treating recipients with respect; 2.8</li> <li>→Reducing discrimination and stigmatization; 2.8</li> <li>→Ensuring social inclusion of marginalized groups; 2.9</li> <li>→Strengthening partnerships; 2.11</li> <li>→Delivering integrated and holistic services; 2.12</li> </ul>
<b>Goals and strategies linking DPM and the right to adequate food</b>	<p><b>Food and nutrition security</b></p> <p><b>Interventions: 5.2</b></p> <ul style="list-style-type: none"> <li>→Providing adequate nutritious food to households caring for orphans and other vulnerable children in emergency situations;</li> <li>→Establishing community-based early warning food security systems and mechanism</li> </ul> <p><b>Mitigating the impact of conflict; 5.4</b></p> <ul style="list-style-type: none"> <li>→Strengthening community resilience to mitigate the negative impact of conflict.</li> </ul>

Source: (MGLSD, 2004)

## Annex 7: Lead institutions in the DPER-system

<b>Lead Institution</b>	<b>Natural Hazards</b>
Ministry of Water and Environment	Drought, Floods, Heavy Storms
Ministry of Water and Environment - National Environment Management Authority (NEMA)	Landslides/Mudslides, Environmental Degradation
Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)	Famine/Food Security, Pests infestation, Crop and animal Epidemics
Ministry of Health (MoH)	Epidemics, Pandemics
Ministry of Energy and Mineral Development	Earthquakes
<b>Lead Institution</b>	<b>Human Induced Hazards</b>
Uganda Police	Transport related accidents
Ministry of Internal Affairs-Fire Brigade	Fires
Ministry of Internal Affairs- Uganda Police Force	Cattle Rustling
Ministry of Internal Affairs	Internal Armed Conflicts and Internal Displacement of Persons
OPM-Department of Disaster Preparedness and Management	Mines and Un-Exploded Ordinances (UXOs)
Ministry of Local Government	Land Conflict
Ministry of Defense	Terrorism
Ministry of Gender, Labor and Social Development	Industrial and Technological Hazards, Other Retrogressive Cultural Practices (female genital mutilation, child sacrifice, forced early marriages and ritualized defilement)

Annex 8: Budget allocations within the DDPMR

<b>Vote Function 1302: Disaster Preparedness, Management and Refugees (UGX bn)</b>	
<b>Approved for 2009/10</b>	
<b>Output: 130201</b>	
Effective preparedness and response to disasters	
<b>Output Cost (excl. Donor)</b>	1,469
<b>Output Cost (incl. Donor)</b>	1,98
<b>Output: 130202</b>	
The clearance of mined and contaminated areas coordinated	
<b>Output Cost (excl. Donor)</b>	0,064
<b>Output Cost (incl. Donor)</b>	-
<b>Output: 130203</b>	
IDPs returned and resettled, Refugees settled and repatriated	
<b>Output Cost (excl. Donor)</b>	3,397
<b>Output Cost (incl. Donor)</b>	4,23
<b>Output: 130204</b>	
Relief to disaster victims	
<b>Output Cost (excl. Donor)</b>	2,188
<b>Output Cost (incl. Donor)</b>	-
<b>Output: 130205</b>	
IDPs livelihoods improved	
<b>Output Cost (excl. Donor)</b>	0,201
<b>Output Cost (incl. Donor)</b>	1,034

<b>Output: 130206</b>	
Refugees and host community livelihoods improved	
<b>Output Cost (excl. Donor)</b>	0,083
<b>Output Cost (incl. Donor)</b>	-
<b>Output: 130251</b>	
Grant of asylum and repatriation refugees	
<b>Output Cost (excl. Donor)</b>	0,023
<b>Output Cost (incl. Donor)</b>	-
<b>Output: 130275</b>	
Purchase of Motor Vehicles and Other Transport Equipment	
<b>Output Cost (excl. Donor)</b>	0,198
<b>Output Cost (incl. Donor)</b>	-
<b>TOTAL Output Cost (excl. Donor)</b>	<b>7,621</b>
<b>TOTAL Output Cost (incl. Donor)</b>	<b>9,799</b>

Source: (OPM, 2009)