

## **Promotion of the Right to Food and Nutrition in Zambia and accountability for grassroots communities in Kanchibiya and Masaiti Districts**

Zambia is a landlocked country surrounded by nine (9) neighbouring countries. It has a population currently estimated at 17 Million. Zambia enjoys a stable political, social, cultural and religious environment. Therefore, it has a good democratic record in Southern Africa and Africa in general as it has witnessed three regime changes since the introduction of plural politics in 1991.

Since the fall in the commodity prices (copper) in the period following Zambia's independence, the country has struggled to maintain a stable economic environment for its citizens. Lack of jobs, poverty, malnutrition, weak agriculture sector, weak processing sectors and an expensive cost of living and business have been a common face of Zambia.

Even though Zambia went through the Structure Adjustment Programme (SAP), received Debt cancellation, budget support and introduced various economic reforms such as liberalisation, this has done little to address the current and escalating levels of hunger, food shortages and poverty in general.

### **Hunger and Poverty**

Recent reports suggest that Zambia ranks as one of the Hungry Nations in the world. **Hunger** is rampant in Zambia and the majority of Zambians are hungry and under malnourished due to lack adequate food. This is as a result of a poor economic and social environment, weak policies, an inefficient agriculture sector, lack of adequate social protection. For instance, most rural communities depend on agriculture to provide their food and nutrition. However, the current agriculture practices which are being championed promote mono cropping for cash. This makes households vulnerable to nutritional deficiencies as a result on low income earned from one cash crop that is to say: Maize. Maize prices are controlled by the state and as such, prices are generally at the production cost margin leaving farmers with inadequate resources to provide for household's nutritional needs. In addition, most rural communities have lost their sovereignty over farming, have limited access to land due to the growing demand for land by huge corporations, and traditional and local knowledge and skills on seed production and preservation has been lost. Large corporations have taken over the seed market. These corporations offer seed which is patented and the new varieties cannot be regenerated. This forces farmers to procure seeds at every farming season, a practice that is very expensive and discouraging to most farmers. Although Urban Households are engaged in various economic activities, unfortunately the cost of living in Zambia is very high. This is caused mainly by the high food prices and the high cost of housing. It makes the situation difficult for most urban households to afford nutritional needs of their families.

### **Food systems**

Zambia's agriculture production system has lost its biodiversity due to the promotion of monoculture (Maize) by the government of Zambia, consequently food varieties which are locally produced have reduced. This situation has resulted in the need to import food

items and has made the cost of food items high in Zambia. Additionally, Zambia food distribution system is weak and problematic. To counter this issue, the Zambian government provides subsidies to control the prices of staple food crop (maize). Recent droughts have shown that most areas which have been affected do not have maize while areas which were not affected have maize. Unfortunately, the food system distributes a product of maize (mealie meal) to retail outlets in urban and semi urban areas and not to rural areas. Consequently, rural populations suffer from extreme hunger because of this redistribution system. Further, the food supply system is weak as its main interest is supply of high value cash crops. Food is a business mainly distributed by large market chains which are mostly foreign owned. These are concerned about their profit, leaving thousands of local nutritional indigenous varieties out of the food supply system.

### **Justifiability of RtFN in Zambia**

Zambia ratified the International Covenant on Economic Social and Cultural Rights (ICESCR) in 1984, and is legally bound to implement the ICESCR through domestic laws and policies. In addition, Zambia voted for the United Nations Declaration on the Rights of Peasants and other people working in Rural Areas (UNDROP) which was adopted by the General Assembly on 17<sup>th</sup> December 2018. The UNDROP provides a framework that is very important to advance the ESCR rights including the RtFN. However, Economic Social and Cultural Rights in Zambia such as the rights to health, housing, food, education, water and sanitation, are treated as “second class” rights although the Universal Declaration of Human Rights gives equal importance to the ESC rights, civil and political rights. Hence, in the Zambia Constitution, human rights are provided for in the Bill of Rights in the part III “Fundamental Rights and Freedoms of an Individual”. However, the complete ESCR are not provided for in the Bill of Rights but are mentioned in the part IX of the Constitution namely “Directive Principles of the State Policy”. These principles are meant to direct the State when enacting policies but do not have a legal binding nature. This means that the ESCR shall not be justiciable and shall not be legally enforceable in any court or tribunal. Therefore, justiciability of the RtFN becomes a big issue in Zambia. This is why through the UPR review in 2017; Zambia has been recommended to widen the scope of the 1996 Bill of Rights and include the ESCR rights which are essential specially to make the RtFN justiciable.

### **Problem Description**

Currently in Zambia and particularly in Masaiti and Mpika districts vis-à-vis the affected communities of Majariwa and Zampalm cases, suffer disproportionately from **poverty, hunger and malnutrition**.

This as a result of a number of factors among them (1) increasing number of peasants and other people working in rural areas forcibly evicted or displaced every year from their land, (2) the current agriculture productive system that promotes mono cropping at the expense of biodiversity, (3) the existing imbalances in policies and actions on economic empowerment, land acquisition, job opportunities for men and Women, (4) a weak and poor redistribution of food in the country particularly to rural and semi urban areas and (5) a legal system that do not give prominence and **justiciability to Economic Social and Cultural Rights (ESCR)** in Zambia. Large corporations and multinationals are currently

key players in the distribution of food in Zambia; because businesses are interested in profits, this has increased speculations on food prices, and unbalanced **food systems**. Further, the uneven power relation along the value chain impair the enjoyment of human rights to food and nutrition. As contained in the UNDROP it is stated that, State shall respect protect and fulfill the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the right set forth in the present declaration that cannot be immediately guaranteed. In Addition, as it has been also highlighted on 13 November 2017 by the UPR review process when the State of Zambia went through the human rights assessment, that the State of Zambia should:

- Accelerate the process of domestication of international human rights instruments to which it is a party
- Continue the efforts to widen the scope of the 1996 Bill of Rights to include economic, social and cultural rights
- Continue to promote economic and social sustainable development, raise people's standard of living and lay a solid foundation for the enjoyment of all human rights by its people.

However, the government of Zambia has not complied with the UNDROP and UPR recommendations. Hence, the current situation in Zambia is characterized by high levels of rural poverty, hunger and malnutrition, land and water grabbing, disappearance of peasant seeds and lack of RtFN justiciability and inadequate food systems.

## **Zampalm and Dangote: Cases of human rights violations**

### **Zampalm case**

Zampalm aims at production and processing of crude palm oil is expected to drastically reduce Zambia's dependence on the commodity, as well as edible oil imports. Zambia spends more than US\$70 million importing oil every year. Zampalm project currently has 409 506 palms planted over 2 873 ha in its main plantation. The main and pre-nursery is planted with 96 000 seedlings of palms.

Dr. Jacob Mwanza, Zambeef's Chairman, believes that involving the community in the project will help generate employment and sustainable economic growth in the area.

The palm is an efficient oil producing plant which can be harvested for 25 years. It provides farmers with an additional crop apart from the traditional cassava and maize. Palm oil is the world's most used and versatile vegetable oil.

### **BENEFITS FOR SMALLHOLDER FARMERS**

Zampalm promised an out-grower scheme will enable small-scale farmers to participate in the palm oil production industry, farmers will be provided with the seedlings, training and inputs required in managing their farms. The harvested fruit will then be sold back to Zampalm for processing at its crushing plant, providing a ready market.

However, some 45 households have reportedly been resettled and land conflicts are reported from this area. The affected populations were under customary land and they were promised with compensation and other opportunities (employment). This has not been the case consequently affected communities have been disadvantaged.

The land grabbing has affected the right to food and nutrition of the affected communities. These communities are exposed to hunger, malnutrition and poverty. Families are relocated to new settlement, which are further to social amenities, health facilities, education facilities, economic activities and water. Thereby creating social and economic inequalities. At the central of these human rights violations, women are most vulnerable as they have to walk long distances in search of clean and safe drinking water and firewood.

Women who are custodians of the household food and nutrition security have to spend considerable amount of time and resources to secure food for their families. Men are affected as they lose their source of income, they have to spend considerable time and stressful effort to find economic activities to provide basis requirements for their families.

ZAMPALM is now under a Private Public Partnership with ZAMBEEF and Industrial Development Corporation (IDC). IDC is a Zambian state agency that has been mandated to manage government companies. The change of the ownership from Zamplam to IDC has since placed the affected people of Zamplam in uncertainties as regards their compensation.

### **Dangote case**

This case involves a large cement investment in the Masaiti town in the copper belt region of Zambia. A cement company Dangote Cement Industries expressed interest to acquire land and invest in the region. In 2010, it was decided by Senior Chief Chiwala that 400 households in Majariwa village would be displaced to pave way for construction of the Dangote Cement Industries Zambia Limited. The Majariwa community members did not want to be relocated to other possible lands in Mutateshi, Katoniti and Chilengwa because they are unfertile and far from Ndola town where most farmers supply their produce. To date the land of 250 hectares belonging to 234 households and which was used for cultivation has been given to Dangote cement industries Zambia Limited to build the factory. So far, no compensation has been made and all 234 households do not have land to cultivate.

On August 3 2012, Dangote Industries (Zambia) Limited was granted a mining license with respect of land in extent of 10.20 square kilometers or 1020.3000 hectares by the Ministry of Mines and Minerals Development.

Dangote Quarries (Zambia) Limited and Dangote Industries (Zambia) Limited were granted in extent of 247.8010 hectares and 139.0000 hectares and certificates of title were on April 15, 2014 and July, 2011 issued to the companies by government.

The mining licence and certificates of title issued to Dangote Quarries (Zambia) Limited and Dangote Industries (Zambia) Limited were issued to them in form of land which was occupied and used as a residence and farming purposes by the communities and their generations before.

“Dangote Quarries (Zambia) Limited and Dangote Industries (Zambia) Limited were obliged to provide the plaintiffs’ compensation in accordance with the IFC-World Bank Guidelines Performance standard 5 on the Land Acquisition and Involuntary Resettlement Plan, the Great Lakes Region, which they have failed and neglected to do,” the villagers claimed.