

Legislative measures relating to food security in South Asia

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Presented at
Regional Consultation on Food-Related Legislation in South Asia
30-31 July 2013, Kathmandu

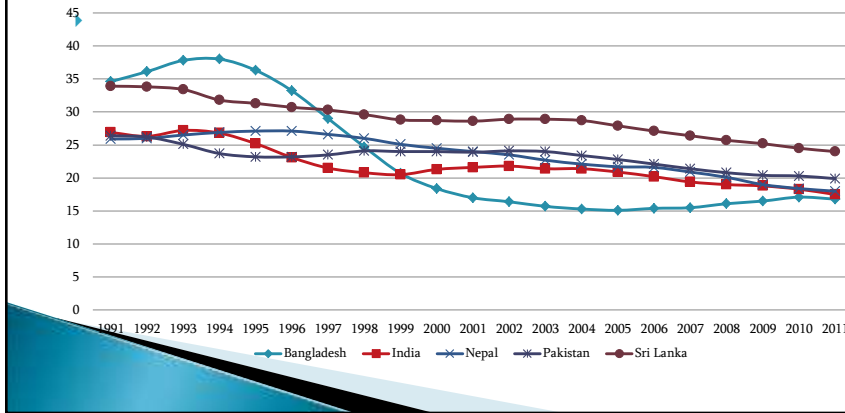
Presentation outline

- ▶ State of food (in)security in South Asia
- ▶ Major reasons for food insecurity in South Asia
- ▶ Food-related legislation: Best practices/regional benchmark
- ▶ Some missing elements
- ▶ Conclusions

State of food (in)security in South Asia

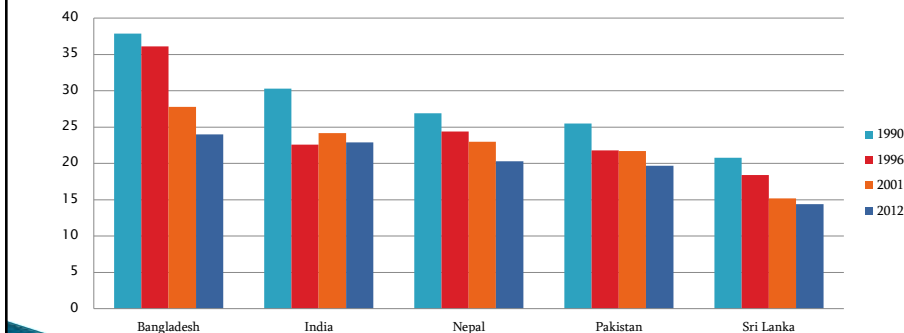
- ▶ According to FAO, South Asia hosts the highest number (304 million) of the world's undernourished population.
- ▶ Although declining, percentage of under-nourished people in South Asian countries is still very high (Figure 1)

Figure 1: Percentage of under-nourished population in SA, 1991-2011



- ▶ If we look at alternate indicator of food (in)security, i.e., Global Hunger Index of the International Food Policy Research Institute (IFPRI), the results are almost the same
- ▶ Despite significant progresses in the past two decades, Bangladesh, India and Nepal's food (in)security situation is still considered "alarming" although Pakistan and Sri Lanka's situation fall into the "serious" category

Figure 2: Global Hunger Index of South Asian countries, 1990-2012



Major reasons for food insecurity in South Asia

- ▶ Production/productivity-related:
 - Access to and affordability of agricultural inputs
 - Limited use of technology and local seeds
 - Migration and unavailability of labour
- ▶ Consumption/distribution-related:
 - Limited real disposable income
 - Anti-competitive practices
 - Post-harvest losses
 - Non-existent/non-functional PDS
 - Intra-household distribution
- ▶ Environment-related:
 - Disaster and climate change
 - Genetic erosion
- ▶ Cooperation-related
 - Limited regional cooperation
 - Declining food aid

**Emerging challenges,
which can reverse past
achievements**

Food and fuel price
volatility

Economic and financial
crises

Water scarcity

Food-related legislation:
Best practices/regional
benchmark

1. Food aid

- ▶ Highly controversial aspect of food security law
- ▶ It is vital to note that universal distribution system may not be adequate
- ▶ Food aid can be tailored according to the need or availability of resources, e.g., PDS in India prior to the Food Security Ordinance and Pakistan's food aid mechanisms
- ▶ Food aid mechanisms demand that the laws are in place to ensure effective and transparent public distribution system.
- ▶ Need to devise additional cooperative methods to sustain food aid. e.g., compulsory deposit of food grains as provided in the Land Act of Nepal or voluntary food storage system under the Village Grain Bank Scheme of India.

2. Agriculture infrastructures including seed and fertilizers security

- ▶ All the South Asian countries' legislation have tried to ensure seeds and fertilizers are available to the farmers at reasonable price
- ▶ This is likely to assume increased salience in the context of climate change emerging as a major threat for the availability of these inputs – including privatization and corporatization
- ▶ Innovative mechanisms need to be developed in order to provide unhindered flow of seeds and fertilizers

3. Resource allocation and management

- ▶ Appropriate resource allocation among the population can not only allow people to access food directly but also ensure stability in the food security system.
- ▶ Land reform that defines land ceiling and redistributes surplus land among the landless and the poor is the most common form of resource allocation in South Asia.
- ▶ Additional ways of resource management and allocation include access to agriculture finance at favorable terms is crucial.
- ▶ Similarly, incentives and authorization to use water resources, forests, sea, etc. in order to ensure maximum utilization of resources

4. Food Safety and Quality of Food

- ▶ All South Asian countries have tried to regulate quality and safety standards of food stuffs by providing substantive rules governing food standard as well as authorizing respective administrative agencies to monitor and enforce the standards in the market
- ▶ In some countries there is a multi-stakeholder mechanism for monitoring
- ▶ Generally, the legislation relevant in regard to food safety are, consumer rights law, seed law, food safety law, etc

5. Market regulation

- ▶ Market distortions, in addition to adversely affecting the distribution system, can impede the prospects of passing benefit of resource allocation, trade policy and food aid to the people
- ▶ Regulatory mechanisms make distribution system credible and effective
- ▶ In this regard, South Asian countries have chosen competition law, laws against black marketing and consumer protection laws to regulate their markets

6. Agricultural sustainability

- ▶ Climate change, farmers unfriendly intellectual property rights regimes, lack of agricultural infrastructure etc. can adversely affect sustainability in agricultural productivity
- ▶ Legislative and policy efforts to counter the threats of climate change, protection of farmers rights and plant variety, development of agricultural infrastructure, environmental protection and conservation of biodiversity can assist in sustaining agricultural productivity
- ▶ Ensuring farmers' right to access genetic resources, protection of plant variety rights, access to agricultural infrastructures, seed, fertilizers, promotion of local seeds and technology are all important

7. Government response to food scarcity and insecurity

- ▶ Legislative frameworks should address sudden food scarcity brought about by natural disasters, low agriculture production, diseases, sudden rise in demand and price, etc.
- ▶ Legislative framework during situation of sudden food scarcity has to be able to provide relief within a relatively shorter time frame
- ▶ Examples: Nepal's Essential Commodities Act and food storage systems under Nepali and Indian law

Some missing
elements

Climate change

- ▶ Climate change remains a major challenges in ensuring food security in the region
- ▶ Countries have devised climate change policies, however clear rules governing risk transfer and adaptation and mitigation methods can be secured only through various legal instruments
- ▶ The legal instruments that can be relevant in regard to mitigating the effects of climate change and ensuring food security may include provisions for climate insurance, emergency funds transfer, and early warning mechanisms
- ▶ Climate insurance rule should at the least be based on public private partnerships based solutions as opposed to mostly private insurance that is normal in other areas of insurance

Intra-household food security

- ▶ Access to food is also determined by cultural practices and intra-house power relations
- ▶ Women – being last ones to eat in many households in several pockets of South Asia – not only get less calorie, but also get less nutritious food compared to their male counterparts
- ▶ In some parts of South Asia, at the time of crisis, women eating less is a common form of “coping mechanism”
- ▶ Malnutrition-related deaths are higher amongst women than men

Regional cooperation mechanism

- ▶ South Asia has put in place collective mechanisms for ensuring food security:
 - SAARC Food Bank: Already in operation
 - SAARC Seed Bank: Agreement signed and ratified by India and other countries might follow suit
- ▶ These mechanisms need several improvements to act as genuine cushions to help countries in the region meet their food security needs
- ▶ However, none of the countries in the region have enacted enabling legislation to give effect to SAARC Food Bank

Conclusions

- ▶ Apart from laws relating to food aid, South Asian countries have, broadly, similar legislative framework that relates to food security
- ▶ However, majority of those legislation are not food based legislation
- ▶ Legislation such as food supply, distribution related laws, emphasize government regulation over rights based approach to food law
- ▶ Extent and scope of resource allocation depends upon each country's economic strength and needs
- ▶ The necessity of allocating large amount of resources may become difficult for some of the South Asian countries

- ▶ Instead of scattering various food security related provisions in different laws it will be far more effective and predictable to have a umbrella food security legislation that covers provisions relating to:

Conventional issues

- Access to food
- Access to and allocation of resources
- Market regulation, monitoring and control
- Quality standard
- Distribution related rules

Emerging/unaddressed issues

- Climate change
- Intra-household inequality
- Regional cooperation framework
- Land grabbing (?)
- Use of bio-technology in agriculture (?)
- Any other (?)

- ▶ There is no use of laws that are neither implemented nor can be enforced
- ▶ Understanding reasons for their non-implementation should be the logical next step for organizations working actively on food security issues

Thank you