

WOMEN: THE KEY TO FOOD SECURITY

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As long as women do not have the same rights in law as men, as long as the birth of a girl does not receive the same welcome as that of a boy, so long we should know that India is suffering from partial paralysis. Suppression of women is inconsistent with principles of ahimsa (non-violence).

Mahatma Gandhi, Harijan, August 18, 1940¹

The right to food is a fundamental human right.² Yet, millions of people suffer the “ravages of hunger and malnutrition or the consequences of food insecurity”.³ It is paradoxical that one of the most claimed fundamental of human rights is the one violated

¹ See Gita Gopal, *Empowering Women to Achieve Food Security Law and Legal Reform*, http://www.ifpri.org/2020/focus06/focus06_12.htm 1 (Aug. 2001).

² See UN, *Universal Declaration of Human Rights Res. 217 A (III) art. 25 § 1* (Dec. 10, 1948), U.N.T.S; see also FAO and WHO, *Final Report of the International Conference on Nutrition, World Declaration on Nutrition*, No. 1 Rome (1992); see also Pontifical Council Cor Unum, *World Hunger, A Challenge for All: Development in Solidarity*, http://www.Vatican.va/roman_curia/pontifical_councils/corum/documents/re_pc.corunun 2 (Oct. 4, 1996); see also Jacques Diouf, *The Right to Food, Message from the Director General FAO*, <http://www.fao.org/inside/dg/message.htm>. (last visited Oct. 23, 2001); see also FAO, *Rome Declaration on World Food Security and World Food Summit Plan of Action*, <http://www.fao.org/docrep/003/w3613E/w3613e00.htm> 1 (Nov. 13, 1996).

³ See Pontifical Council Cor Unum, *World Hunger, A Challenge for All: Development in Solidarity*, http://www.Vatican.va/roman_curia/pontifical_councils/corum/documents/re_pc.corunun 2 (Oct. 4, 1996).

more than any other right.⁴ As the 1980 Presidential Commission on World Hunger stated, without the right to food, “the protection of other human rights becomes a mockery for those who must spend all their energy merely to maintain life itself.”⁵

The Director General of the United Nations Food and Agriculture Organization (FAO) stated hunger’s extreme importance 5 years ago when he said, “Freedom from hunger remains a long-cherished goal; alongside peace, hunger is the most pressing of all issues.”⁶ The persistence of hunger threatens both national societies and the stability of the international community.⁷

This threat is still real and growing today. In a recent speech at the 2001 World Food Prize, Ian Johnson, Vice President of the World Bank, spoke of the necessity of ending poverty.⁸ It is no longer just a “moral imperative”, but a “survivability imperative”.⁹ And food and agriculture are central to the poverty issue. The interdependence of the planet is exemplified with both people and ideas moving across

⁴ See Goler Teal Butcher, *The Legal Faces of the Hunger Problem*, 30 HOW. L. J. 193, 198 (1987).

⁵ See Interagency Working Group on Food Security and Food Security Advisory Committee, *US Action Plan on Food Security*, available at <http://www.usda.gov> 7 (1999).

⁶ See Jacques Diouf, *The Right to Food, Message from the Director General FAO*, <http://www.fao.org/inside/dg/message.htm>. (last visited Oct. 23, 2001).

⁷ See FAO, *Rome Declaration on World Food Security and World Food Summit Plan of Action*, <http://www.fao.org/docrep/003/w3613E/w3613e00.htm> 2 (Nov. 13, 1996).

⁸ Ian Johnson, Speech, *Sustainable Agriculture for Food Security: Challenges and Opportunities in the 21st Century* (Des Moines, IA., Oct. 18, 2001)

⁹ *Id.*

boundaries.¹⁰ If we don't figure how to end food insecurity and poverty, "we will all suffer".¹¹

The goal of eradicating hunger will only be achieved if the voice of the silent majority of human kind is heard.¹² That voice belongs to women.¹³ "In the face of poverty, natural disaster and war, it is the resilience and ingenuity of women that enables families and communities to survive".¹⁴

Empowering women, who play the most important role as producers of food, is key to achieving food security.¹⁵ The legal system is an important tool for this empowerment, for it is the legal system that "is capable of establishing an equitable and transparent framework for the functioning of a civilized society and for protecting the rights of vulnerable groups including women".¹⁶ It is through law that mechanisms are structured for both the short-term approach to respond to hunger in a crisis and the long-

¹⁰ *Id.*

¹¹ *Id.*

¹² See UN Press Release, 'Women Feed the World' Theme of Special Commemoration to Mark World Food Day 1998 at Headquarters, <http://www.un.org/news/press/docs/1998/19981020.obv68.html> (Oct. 21, 1998).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Agnes R. Quisumbing and Ruth S. Meinzen-Dick, *Empowering Women to Achieve Food Security Overview*, http://www.ifpri.org/2020/focus/focus06/focus06_01.htm 1 (Aug. 2001).

¹⁶ Gopal, *supra* note 1.

term approach to respond to hunger with agriculture and development policies aimed at food self sufficiency.¹⁷

WORLD HUNGER

“Food security exists when all people, at all time, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”¹⁸

“Food security is fundamental to individual human dignity, growth, and survival. We all pay for widespread hunger and malnutrition through sacrificed human potential, lost economic opportunity, social tension, violence, and war. Global food security is essential to world peace and national security.”¹⁹

More than 800 million people do not enjoy the most fundamental of human rights: the right to food.²⁰ They suffer from chronic hunger and malnutrition. Of this 800 million, more than 200 million are children.²¹ These hungry people are not fulfilling their human potential as individuals, or as members of society.

A single country’s data is even more revealing. In Bangladesh:

¹⁷ See Butcher, *supra* note 4, at 193.

¹⁸ FAO, *supra* note 7, at 3.

¹⁹ Interagency Working Group on Food Security and Food Security Advisory Committee, *supra* note 5, at 5.

²⁰ See UN Press Release, *supra* note 12.

²¹ See *id.*

- Between 1993 and 1999, 56% of children were malnourished.²²
- In 2000, 55% of preschool-age children suffered from stunted growth. Fifty-six percent were underweight and more than 17% showed signs of wasting.²³
- In 1999, 71% of adult females were illiterate.²⁴
- In 1999, the average income was \$370 per person.²⁵

Or worldwide data reveals:

- Twenty-nine thousand children die every day, mostly from causes related to poverty and malnutrition.²⁶
- Twenty-nine percent of children worldwide are moderately or severely underweight²⁷
- Over 50 countries worldwide, mostly in Africa, do not produce enough food to feed their populations and cannot afford to purchase the necessary commodities²⁸

²²See International Food Policy Research Institute, *Food for Education: Feeding Minds Reduces Poverty, Facts on Hunger, Poverty and Education* (citing World Bank World Development Indicators 2001 Report)
http://www.ifpri.org/pubs/issuebrief/ib4/ib4_facts.asp (last visited Oct. 16, 2001).

²³ See International Food Policy Research Institute, *supra* note 22, (citing the World Health Organization).

²⁴ See International Food Policy Research Institute, *supra* note 22.

²⁵ See *id.*

²⁶ See International Food Policy Research Institute, *supra* note 22, (citing UNICEF State of the World's Children Report 2001).

²⁷ See Save the Children, *Food Security Program*, available at <http://www.savethechildren.org>.

²⁸ See *id.*

- Over 50% of the populations of Ethiopia, Angola, Mozambique, Haiti, Somalia, and the Central African Republic are hungry²⁹
- Two billion people live at risk of diseases resulting from deficiencies such as vitamin A, protein, iodine, and iron³⁰
- Approximately 600 million children – one out of every four – live on less than \$1 a day³¹
- Worldwide, more than 130 million children ages six to eleven are not attending school. Nearly 60% are girls.³²
- Educated females are more likely to have smaller families and healthier, more educated children, but two-thirds of the world’s 855 million illiterate adults are women.³³

“Hunger threatens not only people’s lives but also their dignity.”³⁴ Continual lack of food breaks down the body, generating apathy and a loss of social sense.³⁵ Whole groups of people waste away to death.³⁶

²⁹ See Interagency Working Group on Food Security and Food Security Advisory Committee, *supra* note 5.

³⁰ *See id.*

³¹ See Save the Children, *supra* note 27. Of course, \$1 per day should not be read using US standards for cost of living, but even in developing countries, \$1 per day is not enough.

³² See International Food Policy Research Institute, *supra* note 22 (citing UNICEF State of the World’s Children Report 2001).

³³ *See id.*

³⁴ See Pontifical Council Cor Unum, *supra* note 3, at 3.

³⁵ *See id.*

Historically, famines (often the work of nature) were the cause of whole populations being lost.³⁷ Today, most situations are human made.³⁸ The largest humanitarian disaster facing the world today is in Afghanistan.³⁹ Brought on by 23 years of war, this disaster has starved millions, has displaced millions, and has resulted in hundreds of thousands of orphans.⁴⁰ The situation is so grave, that 1 out of 4 Afghan children will die before their 5th birthday.⁴¹ Lack of food kills.

Poverty is a major cause of food insecurity.⁴² An individual's purchasing power affects food security as much as the physical availability of food.⁴³ Hunger stems simultaneously from economic policies (in both developed and undeveloped countries), structures and customs that are ineffective, and morally reprehensible conduct and corruption.⁴⁴ Socio-cultural factors can also increase hunger and the risk of malnutrition.⁴⁵ Food taboos, women's lack of status and influence, mother's lack of

³⁶ *See id.*

³⁷ *See id.*

³⁸ *See id.*

³⁹ *See* Save the Children, *Afghanistan Update*, <http://www.savethechildren.org> (Oct. 2001).

⁴⁰ *See id.*

⁴¹ *See id.*

⁴² *See* FAO, *supra* note 7, at 1; *see also* Pontifical Council Cor Unum, *supra* note 3, at 4.

⁴³ *See* Pontifical Council Cor Unum, *supra* note 3, at 4.

⁴⁴ *See id.*

⁴⁵ *See id.* at 7.

training in nutrition, widespread illiteracy, and work insecurity are all socio-cultural factors that can cause malnutrition and poverty.⁴⁶

Food is also used as a political and military weapon.⁴⁷ Whether it is humanitarian aid held hostage by conflict, a terrorist group forcing mass migration of the poor resulting in famine from abandonment of crops, or a food embargo imposed for political reasons, people starve.⁴⁸ Political actions can also take their toll when countries with surplus food export this food (for example wheat), to boost their own commodity prices, to countries whose staple food may be rice.⁴⁹ This can have very negative affects by both hurting and discouraging local farmers to produce more food, and at the same time altering local diets which are appropriate for the region.⁵⁰

Hartwig de Haen, Assistant Director General of FAO takes a different view of poverty and hunger.⁵¹ He recently stated that hunger is the cause of poverty, not poverty the cause of hunger, reversing the just discussed paradigm that poverty causes hunger.⁵² There is evidence of a hunger trap in which poor nutrition leads to a decrease in income productivity.⁵³ This hunger trap results in frequent sickness and increased mortality,

⁴⁶ *See id.*

⁴⁷ *See id.*

⁴⁸ *See id.* at 7-8; *see also* FAO, *supra* note 7, at 1.

⁴⁹ *See* Pontifical Council Cor Unum, *supra* note 3, at 8.

⁵⁰ *See id.*

⁵¹ Hartwig de Haen, Speech, *Trends in Reducing Global Hunger* (Des Moines, IA., Oct. 18, 2001).

⁵² *Id.*

⁵³ *Id.*

intergenerational transmission of malnutrition, poor school performance in children, and lower economic growth.⁵⁴ In other words, economic help will do little good if people are hungry.⁵⁵ The hunger must be addressed first.

WOMEN AND HUNGER

Women relate to hunger in a direct way. They are often the first to suffer malnutrition in the family.⁵⁶ This has repercussions on their health, their productivity, their quality of life, and their survival.⁵⁷

In the 1990's, the World Bank estimated that 450 million women were stunted in growth due to under nutrition during childhood.⁵⁸ Half of all adult women in developing countries are anemic.⁵⁹ This is scandalous, when the cure is simple iron supplements.⁶⁰ At least 120,000 women die each year in childbirth caused directly or indirectly from this preventable anemia.⁶¹

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See Pontifical Council Cor Unum, *supra* note 3 at 15; see also Stuart Gillespie, *Empowering Women to Achieve Food Security – Health and Nutrition*, http://www.ifpri.org/2020/focus/focus06/focus06_08.htm 1 (Aug.2001).

⁵⁷ See Pontifical Council Cor Unum, *supra* note 3 at 15.

⁵⁸ See Stuart Gillespie, *Empowering Women to Achieve Food Security – Health and Nutrition*, http://www.ifpri.org/2020/focus/focus06/focus06_08.htm 2 (Aug.2001).

⁵⁹ See *id.* at 3.

⁶⁰ See *id.*

⁶¹ See *id.*

A mother's malnutrition not only affects her own health, but the health of her children.⁶² In 2000, an estimated 25 million babies in developing countries were born malnourished.⁶³ This is a monumental global problem with profound consequences at all levels of society.⁶⁴ This malnourished infant, if she survives, is unlikely to catch up in lost growth, will likely experience developmental deficits, and will then most likely go on to have her own malnourished children.⁶⁵

The magnitude of female malnutrition and its enormous social, economic, health, and developmental consequences demands strong actions.⁶⁶ Actions need to focus on nutrients and energy intake, on disease prevention, and on strengthening the caring for women and adolescent girls.⁶⁷ Actions also need to focus on helping women produce more food for themselves and their families. These direct actions together will complement and help the struggle for achieving long-term goals of gender equity and women's empowerment.⁶⁸

⁶² *See id.* at 1.

⁶³ *See id.*

⁶⁴ *See id.*

⁶⁵ *See id.*

⁶⁶ *See id.* at 2.

⁶⁷ *See id.* at 3.

⁶⁸ *See id.*

WORLD RESPONSE TO HUNGER

In 1996 the United Nations World Food Summit was held in Rome.⁶⁹ The Rome Declaration, at the end of the summit, pledged an international commitment to reducing the number of undernourished people in half by the year 2015.⁷⁰

Women play an indispensable role in addressing this challenge of decreasing world hunger. At the World Food Summit, 186 countries “paid homage to the fundamental contribution made by women to food security”.⁷¹ Half a century of experience has taught the United Nations that “no enduring solution to society’s most threatening social and political problems” can be found without the “full participation and empowerment of women”.⁷²

To best play their role, women must fully participate in the economy. The World Food Summit Plan of Action promotes the introduction of legislation ensuring women equitable access to resources such as credit, land, water, and control over resources.⁷³ The specific commitments relative to the empowerment of women are:

COMMITMENT ONE

We will ensure an enabling political, social, and economic environment designed to create the best conditions for the eradication of poverty and for durable peace, based on full and equal participation of women and men, which is most conducive to achieving sustainable food security for all.

⁶⁹ See FAO, *supra* note 7 at 1.

⁷⁰ See *id.*

⁷¹ See UN Press Release, *supra* note 12

⁷² See *id.*

⁷³ See generally FAO, *supra* note 7 (explaining the Rome Declaration on World Food Security signed at the World Food Summit).

Objective 1.2

(b) Establish legal and other mechanisms, as appropriate, that advance land reform, recognize and protect property, water, and user rights, to enhance access for the poor and women to resources. Such mechanisms should also promote conservation and sustainable use of natural resources (such as land, water and forests), lower risks, and encourage investment.

Objective 1.3

To ensure gender equality and empowerment of women. To this end, governments will:

- (a) Support and implement commitments made at the Fourth World Conference on Women, Beijing 1995, that a gender perspective is mainstreamed in all policies;
- (b) Promote women's full and equal participation in the economy, and for this propose introduce and enforce gender-sensitive legislation providing women with secure and equal access to and control over productive resources including credit, land, and water;
- (c) Ensure that institutions provide equal access for women;
- (d) Provide equal gender opportunities for education and training in food production, processing and marketing;
- (e) Tailor extension and technical services to women producers and increase the number of women advisors and agents;
- (f) Improve the collection, dissemination and use of gender-disaggregated data in agriculture, fisheries, forestry and rural development;
- (g) Focus research efforts on the division of labor and on income access and control within the household;
- (h) Gather information on women's traditional knowledge and skills in agriculture, fisheries, forestry and natural resources management.

COMMITMENT TWO

We will implement policies aimed at eradicating poverty and inequality and improving physical and economic access by all, at all time, to sufficient, nutritionally adequate and safe food and its effective utilization.

Objective 2.1

(d) Pursue sound economic, agriculture, fisheries, forestry and land reform policies that will permit farmers, fishers, foresters and other food producers, particularly women, to earn a fair return from their labor, capital and management, and encourage conservation and sustainable management of natural resources including in marginal areas.

Objective 2.4

(c) Promote access to , and support for, complete primary education, including, where appropriate, school feeding programs, with particular attention to children in rural areas and to girls.

COMMITMENT THREE

We will pursue participatory and sustainable food, agriculture, fisheries, forestry and rural development policies and practices in high and low potential areas, which are essential to adequate and reliable food supplies at the household, national, regional and global levels, and combat pests, drought and desertification, considering the multifunctional character of agriculture.

Objective3.3

(c) Promote means to reduce women farmer's workload by supporting and facilitating access to appropriate and domestic labor saving technologies.

Objective 3.4

(f) Ensure that gender perspectives are integrated in research planning and implementation.

Objective 3.5

(h) Promote the development of rural banking, credit and savings schemes, where appropriate, including equal access to credit for men and women, micro-credit for the poor, as well as adequate insurance mechanisms;

(l) Promote the empowerment of small-scale family farmers, fishers and foresters, both women and men, to set up their own cooperatives and business undertakings, as well as farmers' and fishers' financial and mutual institutions.

COMMITMENT FOUR

We will strive to ensure that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a fair and market-oriented world trade system.

Objective 4.1

(b) Seek to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women's new and traditional economic activities towards food security.

COMMITMENT SIX

We will promote optimal allocation and use of public and private investments to foster human resources, sustainable food, agriculture, fisheries and forestry systems, and rural development, in high and low potential areas.

Objective 6.2

(j) Promote investment to benefit small-scale food producers, especially women, and their organizations, in food security programmes[sic]; strengthen their capacity to design and implement these programmes[sic].⁷⁴

In the first five years (1996-2001) of twenty (1996-2015), The Rome Declaration's international commitment to decrease the number of undernourished by 50% in twenty years, has not been met by the world.⁷⁵ According to Hartwig de Haen, Assistant Director General of the FAO, the world needs to decrease by 22 million per year the number of undernourished to meet its goal.⁷⁶ This is not what is happening.

⁷⁴ See FAO, *supra* note 7, at 5-27.

⁷⁵ Hartwig de Haen, *supra* note 51.

⁷⁶ *Id.*

EMPOWERING WOMEN TO ACHIEVE FOOD SECURITY

Fighting hunger needs a two-prong approach⁷⁷:

- Direct and immediate access to food for those who need it most
and
- Agricultural and rural development

Empowering women is a significant key to achieving food security in both of these prongs. Women produce half of the food grown.⁷⁸ In continents such as Africa, they not only produce 75 % of the food, but they play an essential role in the survival of whole populations.⁷⁹ Women are the ones who combine work in the fields and work at home to provide for the basic needs of the family.⁸⁰

To meet the first prong, the world needs stocks of staple foods to make it possible for provision of concrete food aid when there is a temporary crisis threatening a population with disaster.⁸¹ These stocks must be managed in such a way as to stave off any temptation to create a bureaucracy that opens the way to struggles for political and economic influence, corruption, and/or market manipulation.⁸²

⁷⁷ *Id.*

⁷⁸ See UN Press Release, *supra* note 12.

⁷⁹ See Pontifical Council Cor Unum, *supra* note 3, at 15; see also Margaret Plattner, *The Sesquicentennial of the 1848 Seneca Falls Women's Rights Convention: American Women's Unfinished Quest for Legal, Economic, Political, and Social Equality: The Status of Women Under International Human Rights Law and the 1995 UN World Conference on Women, Beijing, China*, 84 KY. L.J. 1249, 1269-70 (1995).

⁸⁰ See UN Press Release, *supra* note 12; see also Margaret Plattner, *supra* note 79.

⁸¹ See Pontifical Council Cor Unum, *supra* note 3, at 25.

⁸² See *id.*

School Feeding Programs are an example of successful short-term hunger programs which give children immediate access to food enabling them to learn.⁸³ In addition, some programs also offer the family food if the children attend school.⁸⁴ These programs are critical because most malnourished children live in abject poverty, have not had enough to eat since birth, and will likely not complete primary school without this type of program.⁸⁵ School Feeding Programs throughout the world successfully attract children to school and retain them by offering them what they would probably not get elsewhere: hot food or nourishing snacks.⁸⁶ This is especially important for girls who without this program would more likely than boys not be sent to school.

Empowering women can play a key role in agriculture and rural development - the second prong in fighting hunger. The laws and policies of developing countries regarding agriculture, credit, agricultural extension education, and distribution must reflect the importance of women.⁸⁷

Women's role in agricultural production throughout the developing world was first empirically documented in the 1970's by Ester Boserup.⁸⁸ Her work fostered the ideas behind the 'women in development' debate, which pinpointed the inequality

⁸³ See International Food Policy and Research Institute, *Food for Education: Feeding Minds Reduces Poverty*, http://www.ifpri.org/pubs/issuebrief/ib4/ib4_background.asp (last visited Oct. 16, 2001).

⁸⁴ See *id.*

⁸⁵ See *id.*

⁸⁶ See *id.*

⁸⁷ See Butcher, *supra* note 4 at 202.

⁸⁸ See Rekha Mehra, *Women, Empowerment, and Economic Development*, 554 ANNALS AM. ACAD. POL. & SCI. 136, 140 (1997).

between women and men across societies and began to view women as an untapped resource.⁸⁹ “The marginal status of women in development strategy was a ‘costly mistake that the planners could no longer afford to make.’”⁹⁰

In Sub-Saharan Africa, for example, it has been shown that when women obtain the same levels of education, experience, and farm inputs currently available to male farmers, they increase their yields by 22%.⁹¹

Strengthening women’s asset base is essential to their empowerment.⁹² Included in this asset base are:

- natural and physical capital
- human capital
- social capital
- financial capital.⁹³

Also needed by women is a legal and institutional framework to guarantee their control over these assets once they acquire them.⁹⁴

⁸⁹ See Katherine Spengler, Note, *Expansion of Third World Women’s Empowerment: The Emergence of Sustainable Development and the Evolution of International Economic Strategy*, 12 COLO. J. INT’L. L. POL’Y 303, 306-07 (2001).

⁹⁰ *Id.* at 307.

⁹¹ See Agnes R. Quisumbing, *Male-Female Differences in Agricultural Productivity*, 24 WORLD DEVELOPMENT 1579 (1996).

⁹² See Quisumbing and Meinzen-Dick, *supra* note 15, at 1.

⁹³ *See id.*

⁹⁴ *See id.*

The first asset needed by women is natural and physical capital, such as land, water, buildings and electricity. Natural and physical capital are tangible forms of assets which help in the production of food, security against difficult times, and conveyance of status and power within a community.⁹⁵ A natural capital example is land – an asset almost entirely controlled by men.⁹⁶ Women’s land ‘rights’ are usually only through a relationship with a man. If this relationship is ended, through divorce or death, a woman most often loses her right to the land.⁹⁷ This lack of control of natural and physical assets, such as land, significantly constrains women’s productivity.⁹⁸ Strategies are needed to increase women’s control over these assets of land, water, and livestock.⁹⁹

The Catholic Church has called for the promotion of family vegetable gardens.¹⁰⁰ Where people are hungry, schemes “must be designed and implemented to make available to the poorest people some corner of the earth.”¹⁰¹ With the small piece of land, necessary knowledge and minimum tools, these people can make great progress and “break out of their state of distress.”¹⁰²

In Ethiopia, where land reform has been part of the constitution since the 1960’s, there is still wide variety in how women receive land, whether from inheritance, divorce,

⁹⁵ *See id.*

⁹⁶ *See id.*

⁹⁷ *See id.*

⁹⁸ *See id.*

⁹⁹ *See id.*

¹⁰⁰ *See Pontifical Council Cor Unum, supra note 3, at 25.*

¹⁰¹ *See id.*

¹⁰² *See id.*

or the government.¹⁰³ As one moves from North to South in Ethiopia, women's status declines from more equalitarian to less equalitarian due to the wide diversity of cultures and patrimonial traditions.¹⁰⁴ Girls still rarely inherit from their parents, as do boys.¹⁰⁵ In addition, men receive allocated land from the state through Peasant Associations.¹⁰⁶ These reasons are why a man generally brings 10 times more assets to a marriage than a woman, which in turn results in the man likely controlling assets during the marriage and after.¹⁰⁷ Small changes are seen in the North, however, where a woman is becoming more likely to receive physical assets after the death of a spouse, especially if there are children.¹⁰⁸ In addition, with land reforms, a woman may receive land from the Peasant Associations if she is a single head of a household.¹⁰⁹ Change is slow, but women are gaining rights.

In the cocoa growing regions of Ghana, "gift" transfers have become increasingly important as a means for women to acquire land.¹¹⁰ Wives can acquire land as a gift in

¹⁰³ See Marcel Fafchamps and Agnes R. Quisumbing, *Control and Ownership of Assets Within Rural Ethiopian Households*, at <http://www.edu/econ/ied/neudc/papers/Quisumbing-final.pdf> 1-13 (Sept. 2001).

¹⁰⁴ See *id.* at 2.

¹⁰⁵ See *id.* at 13

¹⁰⁶ See *id.* at 14.

¹⁰⁷ See *id.* at 22-23.

¹⁰⁸ See *id.* at 18.

¹⁰⁹ See *id.* at 26.

¹¹⁰ See Agnes R. Quisumbing, et al., *Women's Land Rights in the Transition to Individualized Ownership: Implications for the Management of Tree Resources in Western Ghana*, FCND Discussion Paper 58 (1999).

return for helping their husbands establish cocoa farms.¹¹¹ The gift is easier for males to receive than females - men must plant only 20-25% of a parcel with cocoa trees to have the land transferred to them, whereas, women must plant 40-50% before acquiring the land as a gift.¹¹² Despite this inequity, the gift transfers are strengthening women's rights.¹¹³

But, these rights are coming ever so slow. At an October 2001 women's conference on land ownership in Africa, human rights activists warned, "Africa is sinking into a food insecurity crisis because women, the main agricultural producers, are denied access and control of land."¹¹⁴ Uganda's Prime Minister, Apollo Nsubambi, in speaking about land ownership reform to be included in the Domestic Relations Bill due before the Uganda Parliament soon, encouraged women to challenge the "die-hard patriarchal socio-political and economic structures which promote inequalities in land ownership."¹¹⁵

Also important with natural capital in the first asset base is physical capital. Women are empowered when they have available to them the use of physical assets of a country's infrastructure, such as roads. For example, good roads are extremely important because they help women market their agricultural products, seek health care, attend school, and network with other women.¹¹⁶

¹¹¹ *See id.*

¹¹² *See id.*

¹¹³ *See id.*

¹¹⁴ *See Women Warn of African Food Crisis at* <http://allafrica.com/stories/200110300010.html> (Oct. 30, 2001).

¹¹⁵ *See id.*

¹¹⁶ *See Quisumbing and Meinzen-Dick, supra* note 15, at 2.

The second area of the needed asset base for women is human capital. The investment in women's human capital is essential. This investment, more than any other, increases women's capabilities, expands women's opportunities, and empowers women to exercise their choices, greatly improving food security.¹¹⁷ Education of girls and women is one of the most important human capital strategies.¹¹⁸ With increased education of women there is increased agricultural production.¹¹⁹ In Kenya, where the amount of education women receive is extremely low, a year of primary education provided to all women farmers would boost maize yields by 24 percent.¹²⁰

With women's education, not only is there increased agricultural production, but also reduced poverty, lower fertility, lower child mortality, and better health, nutrition and educational outcomes for children.¹²¹ In Egypt, increasing the education level of mothers to completion of primary school reduces the proportion of the population in poverty by 33.7%.¹²² Similarly in Mozambique, increasing the number of adult females that have completed primary school in a household decreased by 23.2% those living in poverty.¹²³

¹¹⁷ *See id.*

¹¹⁸ *See id.*

¹¹⁹ *See* Quisumbing, *supra* note 91.

¹²⁰ *See id.*

¹²¹ *See* Quisumbing and Meinzen-Dick, *supra* note 15, at 2.

¹²² *See* G. Datt and D. Joliffe, *The Determination of Poverty in Egypt*, <http://www.cgiar.org/ifpri/divs/fcnd/dp.htm> (1998).

¹²³ *See* G. Datt et al., *The Determinants of Poverty in Mozambique*, <http://www.cgiar.org/ifpri/divs/fcnd/dp.htm> (1999).

When factors decreasing malnutrition were examined, increases in women's education accounted for 43% of the total reduction in child malnutrition, by far the largest contributor.¹²⁴ Improvements in food availability contributed 26% and improvements in women's status another 12% to the rate of malnutrition reduction.¹²⁵

To capitalize on education's significant anti-poverty effect, especially for women and girls, Bangladesh implemented the first-ever Food For Schooling Program.¹²⁶ Many children from poor families do not attend school either because their families cannot afford expenses, or because the children contribute to their family's livelihood and cannot be spared.¹²⁷ Under the Food for Schooling (FFS) Program, a free monthly ration of food grains becomes an income entitlement because the family can eat the grain or sell it to meet other expenses, thus enabling a child to go to school.¹²⁸

Recently evaluated, the Bangladesh Food for Schooling Program has been found to be a success by increasing primary school enrollment, promoting school attendance, and reducing dropout rates.¹²⁹ Enrollment for girls in FFS Program schools increased a remarkable 44% compared to 28% for boys in FFS Program schools, and a 7% average in

¹²⁴ See L. Smith and L. Haddad, *Explaining Child Malnutrition in Developing Countries: A Cross-Country Analysis*, Research Report 111 <http://www.cgiar.org/ifpri/divs/fcnd/dp.htm> (2000).

¹²⁵ See *id.*

¹²⁶ See International Food Policy and Research Institute, *Food for Education: Feeding Minds Reduces Poverty, Results of Evaluation: Food for Schooling in Bangladesh*, http://www.ifpri.org/pubs/issuebrief/ib4/ib4_results.asp (last visited Oct. 16, 2001).

¹²⁷ See *id.* at 2.

¹²⁸ See *id.*

¹²⁹ See *id.* at 2-3.

non – FFS Program schools.¹³⁰ Evaluation suggests combining the Food for Schooling Program with a School Feeding Program (discussed supra) would help even more to improve the nutritional status of children and their learning ability.¹³¹

Investing in women’s human capital also has intergenerational payoffs.¹³² This is most notable in the health and nutrition of women where nutritional status is cumulative over time and malnutrition during childhood, adolescence, and pregnancy has an additive negative impact on the next generation.¹³³

The third area of needed assets for women is social capital – the depth, breath, and quality of an individual’s link to other individuals and to groups. Women’s groups are an example of social capital that improves the status of women.¹³⁴ Micro-finance¹³⁵ is one type of financial capital program that works very well when administered through the social capital of women’s groups.¹³⁶

¹³⁰ *See id.* at 3.

¹³¹ *See id.* at 4.

¹³² *See* Quisumbing and Meinzen-Dick, *supra* note 15, at 2.

¹³³ *See id.*

¹³⁴ *See id.* at 1.

¹³⁵ Micro-finance programs, also known as micro-credit and micro-enterprise programs, extend small loans, generally \$50 to \$300, and other financial services to poor people to generate self-employment or other projects that will serve to generate income. Micro-finance programs often offer a combination of services and resources to their clients including saving facilities, training, networking, and peer support, so important to women. *See* Katherine Spengler, Note, *Expansion of Third World Women’s Empowerment: The Emergence of Sustainable Development and the Evolution of International Economic Strategy*, 12 COLO. J. INT’L. L. POL’Y 303, 346 n.22 (2001).

¹³⁶ *See* Quisumbing and Meinzen-Dick, *supra* note 15, at 2.

The fourth area of needed assets for women is financial capital. An example of financial capital is a safety net program needed to reduce women's vulnerability to unexpected changes in weather, prices, economy, health, or relationships.¹³⁷ Family and friends have historically provided a safety net, but it has often been inadequate.¹³⁸ In addition, pressures of migration are breaking down these institutions increasing the need for externally assisted programs, from governmental and non-governmental organizations, especially with provisions for women.¹³⁹

Safety net programs can be categorized as cash transfers (i.e.: pension schemes, child maintenance grants), in-kind transfers (i.e.: school feeding programs, food-for-work programs), commodity subsidies, and credit schemes (i.e.: micro-credit).¹⁴⁰ Programs have been designed to directly or indirectly target women because evidence shows that enhancing the woman's control of resources directly contributes to improvements in household and child welfare.¹⁴¹

An example of one such transfer program is PROGRESA (Programma de Educacion, Salud y Alimentacion) in Mexico.¹⁴² PROGRESA reaches over 2.6 million rural households and links cash benefits and nutritional supplements to mandatory

¹³⁷ *See id.*

¹³⁸ *See id.*

¹³⁹ *See id* at 2-3.

¹⁴⁰ *See* Michelle Adato and Shelley Feldman, *Empowering women to Achieve food Security – Safety Nets*, http://www.ifpri.org/2020/focus/focus06/focus06_11.htm 1 (Aug. 2001).

¹⁴¹ *See id.*

¹⁴² *See id.* at 2.

participation in health and education programs.¹⁴³ The program has several design features directly targeting women: 1) women are the designated beneficiaries of cash transfers; 2) the entire family is required to follow a schedule of health visits; 3) women receive month health education lectures; and 4) children must achieve an 80% rate of school attendance, with financial incentives higher for girls' attendance.¹⁴⁴

PROGRESA is having an impact in significant areas including: 1) improved health; 2) increased household food; and 3) increased women's control over the additional income.¹⁴⁵ At the same time, while PROGRESA has been operating there has been no decrease in level of private (family and friends) transfers.¹⁴⁶ PROGRESA shows that designing safety net programs to target women can combine short-term poverty reduction and health improvement with longer-term development of women's capabilities.¹⁴⁷

Finally, legal and institutional frameworks are the basis for women to legitimately lay claim to natural and physical assets, human assets, social assets, and financial assets.¹⁴⁸ Many countries have constitutions that state there will be equality before the law.¹⁴⁹ In addition, international conventions such as the Fourth World Conference on

¹⁴³ *See id.*

¹⁴⁴ *See id.*

¹⁴⁵ *See id.*

¹⁴⁶ *See id.*

¹⁴⁷ *See id.*

¹⁴⁸ *See* Quisumbing and Meinzen-Dick, *supra* note 15 at 3.

¹⁴⁹ *See id.*

Women in Beijing in 1995 play an important role in promoting women's legal rights.¹⁵⁰ However, such potentially powerful instruments of change still only weakly protect the rights of women because women often remain unaware of their rights, or are unable to seek the protection of the law.¹⁵¹ In addition, tradition, customs, and religious practices are often in direct conflict with these standards and laws.¹⁵²

When women are poor, uneducated, and often illiterate, they have little chance of economic independence.¹⁵³ In addition, leaving inequitable situations often has high social and economic costs, leaving women to choose options with lower social costs, but with less individual freedom in return.¹⁵⁴ This lessens the impact of egalitarian legislation.¹⁵⁵

If legal reform is to be effective, the reform needs to change both substantive law and legal procedures. In 1960, Ethiopia's Emperor, Haile Selassie influenced by French and Anglo American law, changed the Ethiopian substantive law, actually giving Ethiopian women more rights than their contemporaries in the United States.¹⁵⁶

¹⁵⁰ See *id.* at 2-3; see generally Margaret Plattner, *supra* note 79 (discussing the status of women under international human rights law and the Beijing Conference Plan for Action).

¹⁵¹ See Gopal, *supra* note 1.

¹⁵² See Plattner, *supra* note 79, at 1250.

¹⁵³ See Gopal, *supra* note 1, at 2.

¹⁵⁴ See *id.*

¹⁵⁵ See *id.*

¹⁵⁶ See Ugo Mattei, *The New Ethiopian Constitution: First Thoughts on Ethnical Federalism and the Reception of Western Institutions*, at <http://www.jus.unitn.it/cardoz/review/constitutional/mattei2htm> (1995); see also Gopal, *supra* note 1, at 2.

However, the civil code kept older men as arbitrators who continued to apply old customary laws.¹⁵⁷

The Ethiopian Constitution of 1995 continued to follow the American model of individual rights.¹⁵⁸ This constitution also brought problems as explained by Mattei, “A well developed rule of law based on individual rights can not live outside of a constant process of mediation, that in more advanced western societies is given by the legal culture. In Ethiopia at the moment there is no legal culture.”¹⁵⁹

As Gopal discusses, the problems of Ethiopia highlight how successful legal reform must build on positive traditional values.¹⁶⁰ Ethiopia needed to find a way of addressing the conflict between conservative customary laws and progressive egalitarian provisions of the Civil Code.¹⁶¹ To do this, the constitution revoked the abolition of the customary and religious laws.¹⁶² It then allowed the disputant to participate in determination of laws applicable to the dispute. In other words, parties can choose application of customary laws or Civil Code provisions.¹⁶³ Anecdotal evidence suggests arbitrators are rethinking the application of outdated customary laws out of fear that

¹⁵⁷ See Gopal, *supra* note 1, at 2.

¹⁵⁸ See Ugo Mattei, *The New Ethiopian Constitution: First Thoughts on Ethnical Federalism and the Reception of Western Institutions at* <http://www.jus.unitn.it/cardoz/review/constitutional/mattei2htm> (1995).

¹⁵⁹ See *id.*

¹⁶⁰ See Gopal, *supra* note 1, at 2.

¹⁶¹ See *id.*

¹⁶² See *id.*

¹⁶³ See *id.*

women may prefer to transfer the decision to the civil court, thereby weakening the customary bodies.¹⁶⁴

In Uganda and India, affirmative action programs, (where 33 percent of seats in local government councils are reserved for women), are increasing participation of women in political and social activities.¹⁶⁵ “A seat at the table is helping to catalyze the process of social change at the village levels.”¹⁶⁶ This has resulted in speedier and less costly legal decisions for women in Uganda.¹⁶⁷ But in the process, Uganda has had to initiate gender-sensitive, capacity building programs for both men and women counselors.¹⁶⁸

The message coming out of these promising reforms is the importance of including those who are governed (both men and women), in the legal reform.¹⁶⁹ These countries, even though stumbling, appear to be headed in the right direction.

Empowering women, by strengthening their control over the asset base described above, is critical for food security. It is this food security which will in turn enhance women’s welfare as well as the welfare of future generations.

¹⁶⁴ *See id.* at 2-3. The most current Ethiopian Constitution available on the Internet at <http://www.fiameta.net/constitution.htm#general>, addresses the issue of women’s rights to land and inheritance in Article 35: The Rights of Women: “[W]omen have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall enjoy equal treatment in the inheritance of property.”

¹⁶⁵ *See Gopal, supra* note 1, at 3.

¹⁶⁶ *Id.*

¹⁶⁷ *See id.*

¹⁶⁸ *See id.*

¹⁶⁹ *See id.*

CONCLUSION

We must aggressively work to raise public awareness and to mobilize political will at the highest level to provide universal food security. Numerous declarations and proclamations, which are legally binding and generally accepted internationally, must be followed with action. As stated by the Deputy Secretary of the United Nations, Ismat Kittani at the UN World Conference on Women in Beijing, “The challenge is how to make the existing laws take effect in the daily lives of women.”¹⁷⁰

We must recognize the critical contribution to food security that is made by women around the world. They have multiple roles and responsibilities in agriculture and the entire food chain. A combination of public policy, legal reforms, and implementation of existing laws regarding poverty reducing development, (especially addressed toward obstacles faced by women), will ultimately improve access to food by the poor and begin to eliminate chronic hunger and malnutrition.

¹⁷⁰ See Plattner, *supra* note 79, at 1250.