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Gender Dimensions of Food Security, the Right to Food and Food Sovereignty in Nepal¹

By Yamuna Ghale², Kailash Nath Pyakuryal, Durga Devkota, Krishna Prasad Pant, Netra Prasad Timsina

Abstract

The right to food is the right to life. Ensuring food security for all the citizens and their food sovereignty is the responsibility of the State. Currently, the need for food security, especially for marginalized and oppressed sections of society, including women in Nepal, is inadequately addressed. In this context, the main objective of this paper is to examine the gender dimensions in food policies and programs in Nepal. The paper explores five dimensions of food security, the right to food and food sovereignty, and analyzes gender inclusivity in food policies and governance in particular, since the advent of the sixth periodic plan (1980-1984) that included gender issues for the first time in the planning history. The paper, employing qualitative methods, recognizes that ensuring food governance is not only essential for equitable food security and the right to food, but also to the process of transforming discriminatory cultural norms and values into equitable ones and strengthening the psychological well-being of women. This paper argues that exclusion of women from decision-making processes leads to their psychological disempowerment. Women's participation in socio-cultural, economic, and political spheres directly impacts processes to identify and recognize their needs, preferences and priorities in food policies and programs. The article concludes, that since food security and the right to food impact women and men differently, a transformational process must respond to gender-differentiated interests, choices, preferences and entitlements. This paper proposes a framework to promote gender responsive food systems and concludes that gender responsive food policies, programs, institutional arrangements and behavioral change of individuals, families and communities are crucial to ensure the right to food for all.

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Keywords: Gender, Food governance, Food security, the Right to food, Food-sovereignty.

Introduction

The main aim of this paper is to examine gender responsiveness in food policies and programs in Nepal. It explains relationships between food security and gender equality in policies and programs. Recognizing that needs, priorities and preferences vary by gender is a matter of respecting the right to food for all. Article 25 of the Universal Declaration of Human Rights 1948, clearly explains the right to food as right to life (UN, 1948). The subsequent international covenants such as Article 12 of the International Covenant on Economic, Social and Cultural Rights 1966, specifically mentions the right to food (UNOHCHR, 1966). Likewise, the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) 1979, includes two articles in support of gender equality pertaining to food security: 14G the equal treatment in land and agrarian reform, and 14.2G pertaining to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes (UN, 1979).

In conformity with these international provisions, Nepal has ratified as many as 16 international human rights instruments in addition to the CEDAW, including the United Nations Convention on the Elimination of All forms of Discrimination against Women, the Convention on the Rights of the Child (CRC), the International Labor Organization (ILO) Convention 169 and the Convention on the Elimination of Racial Discrimination. Nepal has also committed to international agreements on targets (the Millennium Development Goals followed by the Sustainable Development Goals) set for food security and gender equality. All these efforts are to ensure gender justice (Gheaus, 2012). Robeyns (2007) argues that a gender-just society requires similar capability sets for women, removing gender-differentiated constraints on choices and resulting in equitable benefits for women and men.

Absence of access to adequate food impacts human growth. But access to adequate food for all is in question particularly for women as they are discriminated against with denial of certain entitlements. Even when women are responsible for farm activities, taking care of household responsibilities and managing food for all, they unfortunately suffer more from food insecurity within the household (Ghale, 2010). Moreover, food policies hardly address gender specificities related to all aspects of food security such as availability, accessibility, affordability, stability, and utilization. In addition, discriminatory socio-cultural norms, behaviors and practices hinder access to food for women. Hence, the gender dimension of a food system is also a matter of food governance. In the following sections, we present a conceptual analysis of the gendered dimension of Nepal's food system, to help women claim and enjoy their right to food.

Conceptual framework for gender and food security

Gender and food security

Gender-based entitlements are universal irrespective of nationality, culture and economic conditions (Singh, 2007). However, gender-differentiated entitlements prevail in State policies and practices according to the culture, religion and social norms established in society (Ghale and Pyakuryal, 2016). In understanding those policies, institutional frameworks and practices, it is equally important to have a thorough understanding of their conceptual genesis.

In this section, we discuss gender from the perspective of equal participation of women and men in economic, political and social spheres as well as decision-making in food security policies and development interventions related to food security and the right to food.

Differentiated impacts from gender disparities are the common concern of all, globally. Boserup (1970), in her seminal work, provided a fundamental conceptual basis for the participation of women in decision-making and for mainstreaming gender in economic development. Historically, with respect to international development, the gender concept focused on 'women in development' (WID), then 'women and development' (WAD) and subsequently, 'gender and development' (GAD) (Singh, 2007; Ghale, 2011; Iyer and Wright, 2016). The concept of 'women in development' treated women as a homogenous group and did not question on the structural causes of oppression and sub-ordination (Boserup, 1989). The WID approach too had limitations. Nevertheless, it sensitized the need of women's participation, and provided experiences, evidences and lessons for developing the conceptual approach of WAD (Razavi and Miller, 1995).

The next generational concepts WAD, further enhanced thinking about women's empowerment beyond WID. Within the WAD concept, women were counted, and opportunities for redistribution of burdens and benefits between women and men and opportunities were sought to challenge patriarchy (Singh, 2007). Razavi and Miller (1995) argue that the WAD approach provided the analytical and intellectual underpinning of the shift to GAD. Hence, the concept of GAD was introduced in order to focus on empowerment, to challenge unequal power relations between men and women, as well as access to resources and the value of women's multiple roles; their different identities and needs across societies (Ghale, 2010). By replacing women with gender, this new development framework also explores the dynamics of masculinity and the ways in which men and women interact in different socio-cultural, and politico-economic contexts.

Gradually, GAD came to shape various development sectors including within in food security and related areas (Patel, 2012).

Within gender analyses, however, the materialistic capability approach has been most widely applied. However, it is essential to go beyond such materialistic analysis when food systems are analyzed from a gender perspective, and instead, to use a holistic approach that incorporates legal provisions and customary practices, social norms and values, economic opportunities and political environments. Furthermore, it is quite essential to consider the psychological well-being of women, and their social function defined by specific local culture, values, norms, and practices in different

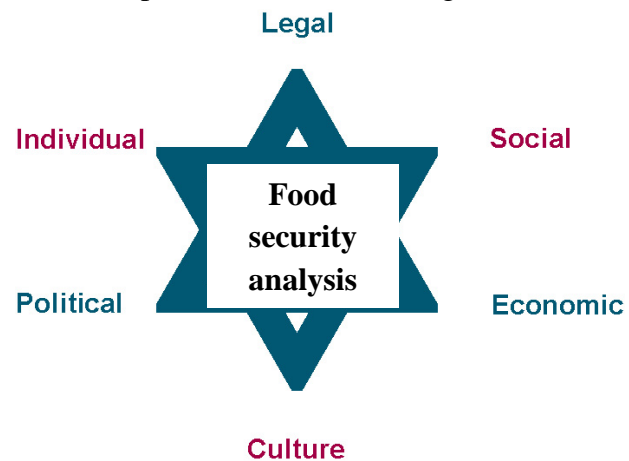


Figure 1: Five components of food security analysis

contexts (see figure 1). Therefore, merely a materialistic capability approach will not suffice to understand, analyze and respond to gender specific needs, preferences and priorities while claiming the right to food. Even though the issues discussed above are well known, their relevance and insights are reiterated in order to better explain the main thrust of this paper, in terms of the gender dimensions of food security, the right to food, and food sovereignty in Nepal.

Conceptualizing food security

Conceptually, food security encompasses availability, accessibility, affordability, stability and utilization through both production and supplies from imports (FAO, 2008). Similarly, the right to food mainly deals with human rights based on international standards, conventions and the right of individual citizens with a specific focus on the three pillars of respect, protection and fulfillment. Likewise, food sovereignty focuses on the local autonomy and alternate options to ensure food security (see Table 1).

Table 1. Three interrelated concepts of food security

S.N.	Concepts	Major elements
1.	Food security	<ul style="list-style-type: none"> deals with availability, accessibility, affordability, stability and utilization
		<ul style="list-style-type: none"> production as well as supplies from imports
2.	The right to food	<ul style="list-style-type: none"> human rights based on international frameworks and standards
		<ul style="list-style-type: none"> individual's rights counted
3.	Food sovereignty	<ul style="list-style-type: none"> local autonomy
		<ul style="list-style-type: none"> alternative options for food security

Hence, political leaders and key policy decision-makers who influence food policies and programs should consider all three concepts while making food related policies, regulations and implementation plans and programs. All three are equally important in establishing institutional mechanisms for gender responsiveness. In doing so, the State has the responsibility of responding to and aligning with the international instruments on food security, the right to food and protecting countries' mandates to food sovereignty.

Food security

The Food and Agriculture Organization (FAO) during the World Food Summit of 1996, defined food security as a condition in which: "Food security exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life" (FAO, 2008, p. 1).

The main pillars of food security are availability, accessibility, affordability, stability and utilization. a) Availability primarily deals with the 'supply side' of food security, which is largely determined by food production, stock, trade, and distribution; b) Accessibility describes the conditions required to achieve physical access and or supplies throughout the year including during emergencies and disasters. It is therefore important to assure that physically available food items are accessible by all people at the time they require them, at a fair price, including the amount and culturally accepted food preferences; c) Affordability explains the purchasing capacity of people within a conducive policy environment that facilitates employment, incomes, markets and price determinations; d) Stability is required to ensure regular supply of food even in adverse weather conditions, political instability, or economic upheavals with specific responsibility to vulnerable groups of people including women; and e) Utilization of available food as well as ensuring the nutritional status of food during preparation, and feeding practices with special attention to diversity of the diet (FAO, 2008) and intra-household distribution practices, such as taking care of gender-differentiated needs, preferences and priorities (Ghale, 2010).

Food security traditionally therefore, focuses on the technical aspects of food production, distribution and supplies. However, it is important to assert that gender-based differences in terms of needs, preferences and priorities, must be ensured by appropriate State policies, programs and institutional mechanisms (Upreti et al., 2016a & b; Ghale, 2010).

The right to food

The right to food is governed by the principle of human rights. The State as a duty bearer, has the responsibility to ensure the right to food for all citizens. Food is not only about responding to hunger situations, but must also address its interface with socio-cultural norms, values, and cultures (see Table 2).

Table 2: Three pillars of the right to food

Types of obligations to the member States in implementing the right to food		
<p>Respect: The State should not take any measures that result in preventing peoples' access to food</p>	<p>Protection: The State to ensure that enterprises or individuals do not deprive other individuals on their access to adequate food</p>	<p>Fulfillment: The State should engage proactively to strengthen people's access to food and means of livelihoods as well as to provide food for the needy as safety net provisions</p>

Source: Food and Agricultural Organization (FAO) Voluntary Guidelines on the Right to Food

Addressing the socio-cultural aspects of food security requires combining the material aspects of food with proper legal arrangements to ensure the psychological well-being of each individual by feeling food secure. The material aspect of the right to food encompasses the financial competencies to support the production and purchase of food from markets. However, when incorporating gender dimensions, attention is brought to variables beyond the materialistic aspect (Ghale, 2010; 2011). The right to food therefore requires the State to ensure provisions related to respect, protection and fulfillment of specific obligations as prescribed by the Food and Agricultural Organization (FAO) Voluntary Guidelines on the Right to Food as presented in table 2 above. The objective of the guidelines is to facilitate the member States and other concerned actors to develop a common understanding of the provisions and translating it into domestic policy frameworks (FAO, 2004). State therefore has to ensure accessibility of food when required as per needs, preferences and the priorities of different categories of people, especially women.

Social and cultural barriers often constrain the right to food for all, as some social norms are prohibitory in nature, some customary rules and practices are discriminatory and often uncritically taken as normal in society. For example, while visiting western parts of Nepal, one of the authors witnessed that women are denied consumption of milk and milk products during menstruation. Likewise, in the same area, women contaminated by HIV by their husbands, are expelled from their families once their HIVAIDS-affected husbands have died. Consequently, they are not able to afford nutritious food. Women consuming meals only after the male members of the family have eaten is the most common practice in rural areas, especially among members of the Brahmin and Chhetri castes. This leads to insufficient food resulting in under-nutrition and psychological inferiority of women belonging to said castes.

Hence, the implementation mechanisms of State policies and programs needs to encourage gender equality by working to remove all these barriers. When the State is indifferent, incapable or resistant to gender-differentiated needs, preferences and priorities of women, their vulnerability to food insecurity increases. This ultimately leads to exclusion and injustice resulting in the disempowerment of women (Ghale, 2011). Since the provision for the right to food is enshrined in the International Human Rights Framework documents, individuals as rights-holders can make legitimate claims against the State. States, as a duty-bearers, along with the support of other actors as responsibility bearers, can be held accountable for their acts or omissions in the policy frameworks and institutional arrangements. Therefore, proper articulation of policies with clear functions, functionaries and funds is quite crucial in fulfillment of the right to food to all people irrespective of gender differentiation.

Food sovereignty

Food sovereignty is a transformative and powerful concept in securing food for all. The concept of food sovereignty was first used by Via Campesina, a peasant's movement group, which stated, "Food sovereignty is the right of each nation to maintain and develop its own capacity to produce its basic foods respecting cultural and productive diversity. Food sovereignty is a precondition to genuine food security" (Lee, 2007 adapted from Via Campesina, 1996: 1).

According to Via Campesina (1996:1) food sovereignty has seven principles. They are: a) Food—a basic human right: everyone must have access to safe, nutritious and culturally appropriate food in sufficient quantity and quality to sustain a healthy life with full human dignity; b) Agrarian reform: genuine agrarian reform is necessary which gives space and scope for landless and farming people, especially women; c) Protection of natural resources: this entails the sustainable care and use of natural resources, especially land, water, seeds and livestock breeds, wherein women are the main custodians; d) Reorganizing food trade: national agricultural policies must prioritize production for domestic consumption and food self-sufficiency, wherein women have a major role to play in ensuring household food security; e) Ending the globalization of hunger: ensure that women are not vulnerable in and from privatized and competitive market-led food security system; f) Social peace: everyone has the right to be free from violence; and g) Democratic control: small holders mainly women farmers have the right to access accurate information and democratic decision-making. All these seven principles form a solid basis of good governance, accountability and equal participation of women in economic, political and social life, and free from all forms of discrimination in food systems.

Pimbert (2009) argues that moving towards food sovereignty is about reclaiming autonomous food systems for nation states. He further emphasizes that it is a transformative process, which aims to guarantee and protect peoples' space, ability and right to define their own models of food production, distribution and consumption patterns. Food sovereignty therefore recreates democratic realms and regenerates diversified autonomous food systems that lead to equity, social justice and ecological sustainability. The concept therefore works with four inter-related aspects: a) political, b) economic, c) social and d) ecological. One of the important contributions of localized autonomous food systems is the creation of jobs and employment opportunities for smallholders and women-led agriculture enterprises. Both gender equality and food security are socio-political constructs; therefore, they can collectively contribute to achieve an autonomous food system.

In this context of understanding food security, the right to food and food sovereignty, it is crucial to define and establish a sound food security governance system to establish interrelations

between the concepts themselves. The context clearly reveals that each concept has different historical connotation and scope. However, each of the concepts is evolving, dynamic and mutually inclusive. The food security governance system, therefore aim to ensure proper mechanisms to hold the State accountable to its people for progressive realization of the right to food without gender differentiations.

Methodology

In this section we discuss our research methodology. The paper uses part of the data collected for a larger study towards the lead author's Ph.D. dissertation. In the following paragraphs, we have elaborated study sites and methods of data collection as per the research questions and analysis. The data collection was focused on answering two research questions prepared for the purpose of this paper: a) what are the critical dimensions of gender relations in determining and implementing food security, the right to food and food sovereignty?, and b) how can food policies and programs be made gender responsive? The data analysis and presentation of this paper are based on the answers of these two research questions.

The data collected for the first question are related to state of art knowledge on the gender dimensions of food systems and the status of implementation of basic elements of: a) food security, b) the right to food, and c) food sovereignty as discussed in this paper. Similarly, the data collected for the second question focus on creating a framework required to develop gender sensitive food security systems that addresses gender-differentiated needs, preferences and priorities.

The lead author was engaged in a series of key informant interviews with legislators, policy makers, subject matter experts, leaders of cooperatives and individual entrepreneurs to obtain their perspectives and experiences on the content and process of food security policy- making in Nepal. Similarly, focus group discussions at Manthali and Namadi villages of Ramechhap districts in the hills of Nepal were useful in gaining insights on the implementation status and experience of the actual rights holders from the field. Furthermore, interactions with farmers, especially women from 12 field visits to different parts of the country were recorded. The information collected from different sources were triangulated to secure higher validity.

The information collected from the above methods was analyzed and findings are presented to respond to the two research questions presented in preceding paragraphs, and the conceptual framework presented in the latter sections of the article. The analysis and findings of the study are presented below.

Gender relations in food systems: Implementation status of food security, the right to food and food sovereignty

As discussed above, there are many different facets of gender related to food systems. Feminist analyses have contributed to awareness of these gender dimensions, and have largely been influenced by the capability approach (Sen, 1995; Robeyns, 2003; 2007). The capability approach as discussed by Robeyns (2007) referring to Amartya Sen (Sen, 1995), broadly focuses on social justice and inequality analysis. Robeyns also refers to Bina Agarwal (Agarwal, 1994) who considers the need for comprehensive gender analysis focusing on resources along with functioning and capabilities, important especially in assessing those policies that can reduce gender inequalities (Robeyns, 2003). During the analysis of data the researchers realized that there are

four (legal, psychological, material, and socio-cultural) critical dimensions of gender in relation to food systems, which are beyond the analytical scope of the capability approach. Fox (2016a & b) highlights that gender analysis has to learn and develop from the past to better plan and analyze for the future, covering broader issues ranging from gender based violence, women's access to markets, social status, and the labor market to empowerment of future generations of women and girls. Devkota and Pyakuryal (2017) argue that gender roles in relation to rural agriculture systems (source of rural food systems) should be addressed in decision-making, participation and implementation processes for rural agricultural development.

The interrelation between gender dimensions and food security are governed by the norms set legally or through the practices prevalent in customary rules (Ghale and Pyakuryal, 2016). Even when the legal provisions are strong and favor gender sensitive food security policies, they are not always effective. Many social norms, which could be prohibitory, discriminatory and influential in practice, shape gender-biased norms in society (Ghale, 2011). These discriminatory norms create stereotypes that reinforce gender related power imbalances and establish differentiated gender roles, behaviors and practices. As a result, women are often victims of internalized oppression, excluding themselves from making use of available spaces to express their needs, preferences and priorities. The costs of being ashamed and experiencing disapproval in public spaces is painful. In the long run, it influences women's behaviors, and they refrain from asserting their needs, preferences and priorities. Lack of recognition of women as equal members of the family and society discourages women from challenging existing discriminatory social norms, unequal societal structures and biased institutions (Ghale and Pyakuryal, 2016; Hoppel and Trivers, 2011; Chance and Norton, 2015). In the following section we analyze the three concepts: food security, the right to food and food sovereignty from a gender lens.

Food security from a gender lens

As per the requirements of the Constitution of Nepal, the government is in the process of creating food security policies and the Right to Food Act. Nevertheless, other policies such as the National Agriculture Policy 2004, the Agricultural Development Strategy (2015-2035), the Food and Nutrition Security Plan of Action (2013), and the Nepal Zero Hunger Challenge National Action Plan (2016-2025) directly or indirectly address food security concerns, but they are inadequate to deal with the comprehensive gender dimensions of food system.

Various Articles (33, 36, and 42) of the Constitution of Nepal have provisions of food security, the right to food and food sovereignty. Article 33 mentions the right to employment; Article 36 provisions every citizen with rights relating to food, the right to be safe from the dangers of food scarcity, and the right to food sovereignty by promulgating new laws. Article 42.4 mentions that every farmer shall have the right to access land for agricultural activities. Further, Article 51E provisions for scientific land reforms. Schedules 6.20 and 8.15 of the Constitution have provisions for agriculture and livestock development, agro-products management, and animal health management and cooperatives development. Similarly, Article 38.4 of the Constitution has specific provisions for women's participation in all bodies of the State on a proportional basis (NLC, 2015). Since there are several constitutional provisions on food security, the right to food and food sovereignty, as well as gender mainstreaming, it is an opportune moment to establish laws, program frameworks, and institutional arrangements with adequate human resource management, that are gender responsive.

The Government of Nepal (GoN) has incorporated gender issues into its periodic plans from the 6th plan since the 1980's. The 6th plan³ conceptualizes women's inclusion in development programs, which seeks the active participation of women with the provision of the 10% quota in the 7th plan⁴. The 8th plan⁵ visualizes women specific sub-programs, and the 9th plan⁶ realizes the need for women's participation in decision-makings. The 10th plan⁷ sought the mainstreaming of women in development programs through a specific focus on their capacity building. Thereafter, subsequent interim plans and approach papers⁸ have focused on inclusive developments as well as support through targeted programs, recognition of women's contributions in economic spheres through agriculture and other economic activities constituting 48.9% of the labor force, and a focus on women's empowerment strengthening their roles in economic, social and political spheres.

The Beijing Declaration and Platform for Action (BPFA) was adopted on September 1995 to achieve gender equality (UN, 1995). The Government of Nepal, as a signatory to the BPFA, has made several provisions and commitments that are included in policy instruments. The review of the plan of action shows that the government has made the following major achievements: a) increasing realization of gender equality as a key component of human development, poverty reduction and reflected in many different codes, laws, rules, discourses and practices; b) empowerment of women seen as an essential tool for gender empowerment and integrated in policies, action plans and programs; c) measures taken to empower women by increasing their access to resources; and d) women's access to employment, credits and wealth (MoWCSW, 2014). Now, since Nepal has legitimate, elected governments at federal, provincial and local levels, it is high time to implement these provisions into action and results.

The Government of Nepal, as a signatory to CEDAW, Beijing Plan of Action, Millennium Development Goals, and Sustainable Development Goals, has the responsibility of gender equality; it therefore introduced a Gender Responsive Budgeting (GRB) tool in 2000. In the preparation phase, between, 2000-2006 the government worked on modification of budget guidelines, establishing a GRB Committee (GRBC) within Ministry of Finance (MoF) and development of GRB policy guidelines for sectoral ministries. The second phase of the GRB application from 2007 onward introduced a GRB classification framework with five indicators namely: a) women's participation in formulation and implementation of programs; b) women's capacity development; c) women's share in benefits; d) support in employment and income generation for women; and e) quality reform in women's time use and minimization of their work load with 20 scores for each indicator. So far, Nepal has operationalized the GRB at a local level through the Local Body Gender Budget Audit Guidelines, 2008 and revised as the Gender Responsive and Social Inclusive Budget Formulation and Audit Guidelines 2012, with Local Resource Mobilization and Management Guidelines, 2012 with the use of 10% budget mandated for gender equality and women's empowerment (GEWE). Likewise, special attention was also given to the GRB in the post-disaster need assessment policy, 2015 and recovery framework, 2016. Now it is high time to translate all these provisions into action.

The Agriculture Perspective Plan (APP) 1995-2015, was implemented with the objective of transforming subsistence agriculture to commercial agriculture and improving women's

³ 1980/81-1984/85

⁴ 1985/86-1989/90

⁵ 1991/92-1996/97

⁶ 1998/99-2001/02

⁷ 2002/03-2006/07

⁸ 2007/08-2009/10; 2010/11-2012/13; 2013/14-2015/16; 2016/17-2018/19

participation to enhance agricultural productivity (GoN, 2007). Even when the focus of the State is on transforming subsistence to commercial agriculture, the reality is that Nepal's agriculture is still predominantly subsistent in nature. There are two divergent views prevalent in Nepal regarding this reality. The proponents of one view focuses on transforming Nepal's agricultural system from subsistence to commercial agriculture while the second group advocates protection and promotion of family farming for food sovereignty.

The National Agriculture Policy was promulgated with the objective of transforming subsistence agriculture into a professional and competitive system. It provisioned for 50% involvement of women in all programs where possible. The Nepalese government has established the Agro-business Promotion Policy with the objective of supporting commercial and competitive agriculture both for the internal market and for export. It has a specific focus on programs to support enterprises established and promoted by women.

Furthermore, there are both the Food Act (GoN, 1967) and the Consumer Protection Act (GoN, 1998) to ensure food safety and consumers' rights. However, the Food Act has no specific provision in relation to gender-differentiated responses; the Consumer Protection Act provisions for two women representatives nominated for the Consumer Council.

The Agriculture Development Strategy (2015-2035) has defined a specific flagship program on Food and Nutrition Security, among others (GoN, 2015). It aims to gain self-sufficiency in food grains and to have a surplus by 5% in 20 years, compared to the base year of 2010 with 5% deficit, and to reduce food poverty to 5% from a current status of 24% (GoN, 2015). Despite several efforts of the government, discussed in the preceding paragraphs, to mainstream gender in food security, the outcomes are yet to be realized due to the inadequate institutional capacity, commitment of the responsible authorities to translate policies and laws into action, and deep-rooted social barriers to change (Ghale and Pyakuryal, 2016).

The right to food from a gender lens

As earlier stated, the right to food has been incorporated in the Constitution. Article 36 of the Constitution provisions for food security as, a) every citizen has rights related to food; and b) the right to be safe from the danger of food scarcity. According this provision, the Government of Nepal is currently drafting the Right to Food Act.

Article 33.1 of the Constitution of Nepal states that every citizen shall have the right to employment. Likewise, Article 38.4 provisions for inclusive participation of women in all bodies of the State with the principle of proportional representatives, as well as Article 38.5 on women's special opportunity to employment and social security, on the basis of positive discrimination. Article 42.4 under the social justice provision states that every farmer shall have the right of access to lands for agricultural activities. Constitutional provisions on gender and the right to food are strong and the new challenges are to translate these provisions into laws and actions.

The government has provisioned for differentiated land rebate scales for different geographical areas. The rebate rates are fixed at 40% for high hill remote areas, 25% for other places, and 35% for widows, and a full waiver for landless women and men. In addition, the government has also introduced the provision of a nominal fee to convert single land ownership to joint ownership for spouses with a simple procedure of application in respective district headquarters. However, such provisions are only applicable for those who own land but not applicable to landless people, who are relatively more vulnerable to food security. For example, a landless woman from Bardibas of Mahottari District shared her painful experience with the researchers: A total of 75 landless households were cultivating on land owned by the school under

a lease arrangement, but they were forcefully evicted. She said, “We were asked to leave the land, our crops were destroyed, and were not provided rightful compensation” (Interview: 9 October 2017 Kathmandu). She raised two concerns: a) the right to information (why they were evicted) and b) the right to compensation. This case suggests that government policies have to consider ‘protection’, ‘promotion’ and ‘fulfillment’ (the three pillars of the right to food) to address gender discrimination, landlessness, food insecurity and poverty in a holistic manner.

In relation to fulfilling the right to food, the State has the responsibility to ensure supplies during times of deficit. In relation to the supply system, one of the Joint Secretaries of the Ministry of Agricultural Development shares his experience saying that:

“The food distribution system is faulty since it does not ensure supplies to the reach of needy households because of the large concentration at the District Head Quarters (DHQ). Supplied food is under elite capture and food is being politicized. The role of the National Food Corporation (NFC) could be transformational to facilitate supplies to the needy, women and powerless” (Interviewed on 22 September 2017 at Ministry of Agricultural Development, Kathmandu).

Food sovereignty from a gender lens

Article 36.3 of the Constitution mentions the right to food sovereignty, and it has to be further elaborated by promulgating the law in the spirit of the Constitution. The Peasant Coalition was quite active in ensuring that the provision of food sovereignty is well incorporated in the Agriculture Development Strategy (ADS) 2015-2035 led by Ministry of Agricultural Development (MoAD). The vision of the ADS states, “A self-reliant, sustainable, competitive and inclusive agricultural sector that drives economic growth and contributes to improved livelihoods and food and nutrition security leading to food sovereignty” (MoAD, 2015, p. 3). This document has provisions for formulating legislation related to the right to food and food sovereignty, consistent with the Constitution.

Professor Laya Uprety, a researcher in land, food and poverty shares his insights. He says, “The indigenous system is rapidly being replaced by a cash-based system. The capitalist model of economic growth is followed, which ignores the focus on strengthening farming communities by promoting local landraces” (Interview: 27 October 2017 Kathmandu). He further argues that no State can achieve prosperity without modernizing agriculture, taking into account the protection of smallholders and local food systems. In this context, the government needs to develop a comprehensive response to ensure self-sustaining strategies, as well as promoting export led agriculture to strengthen national food systems. In addition, former legislator and political analyst Mr. Hari Roka explains that:

“Overall policy-making processes are most often not informed by adequate evidence and analysis from a gender perspective. The interest groups influence the policy-making process to ensure their specific and sectoral interests. Consequently, the interests of the weaker sections of society such as women and smallholders are not fully incorporated into policies. Norms and values are mostly over-ruled by individual interests, so no fair trade rules are followed. Because of this, the weak sections of society become more vulnerable resulting in inequality. Hence, the State as a duty bearer has an important role to ensure the incorporation

of their concerns in the spirit of food sovereignty as provisioned in the Constitution” (Interview: 08 July 2016 Kathmandu).

The above discussion clearly shows that the government as a duty bearer has to commit and take appropriate measures to ensure coherence and effective governance mechanisms to implement food related programs by aligning with the principles of ‘food security’, ‘the right to food’, and ‘food sovereignty’. Applying good governance principles in the chain of production, distribution, supply and access is important, for which the following actions are required: a) ensuring meaningful participation of women and marginalized sections of society in policy and planning processes; b) creating and exchanging food security-related information (policies, decisions, practices etc.); c) setting standards and actively promoting the knowledge required to achieve food security goals; d) ensuring coherence among food security policies, strategies, rules and regulations; e) ensuring technical assistance and setting up food security projects and programs; and f) coordinating with international assistance during crises, disasters and food security emergencies. To ensure good governance in food security, the following principles of good governance have to be applied:

- i) **Accountability:** accountability of the State to respect, protect and fulfill the right to food of its people irrespective of gender differentiation and State to devise inclusive policies, establish functional mechanisms to ensure proper supplies and access to food for all without discrimination;
- ii) **Participation:** engage concerned stakeholders in policies and implementation to ensure informed participation, freedom of expression and interest of the people- especially gender based needs, preferences and priorities;
- iii) **Transparency:** the right to information on policies, programs and institutional mechanisms to ensure proper enforcement of established rules and regulations;
- iv) **Efficiency and effectiveness:** recognize potential and actual contributions made by women in food production, management and utilization; and
- v) **Rule of law:** inclusive, participatory and fair legal arrangements to enforce impartially, transparency, effectiveness and efficiency.

Further, complying with the right to social security, the State must ensure that the social protection measures are equitably available to all individuals, and in this respect, direct its attention to ensuring universal coverage, reasonable, proportionate and transparent eligibility criteria; affordability and physical accessibility of beneficiaries; and participation in and information about the provision of benefits as well as investing in rural agriculture and supporting small-holder farmers, harmonizing food safety standards and enabling market space.

Making gender responsive food policies and programs: looking ahead

The proposed framework is expected to serve as a conceptual basis for defining gender responsive policies, tools and techniques in implementation of food security programs, as they work to address gender specific needs, preferences and priorities.

Creating gender responsive food security

The important role of women in agrarian production in Nepal is being gradually acknowledged in policy discourses. The government of Nepal has to further strengthen its response to the issues and concerns of women such as access to resources, employment and incomes, ensuring their participation and representation in different structures and incorporating them into policies and programs. The government needs to further bring women in mainstream, broad-based economic growth including targeted measures through regular planning and budgets. The government introduced, Gender Responsive Budgeting (GRB) tool must further strengthen and promote the inclusion of women, with result monitoring.

Looking at the gender responsive impacts, an example is the 2015-16 Annual Report of the Ministry of Agricultural Development (MoAD), shows that women's participation in all major components of agriculture production, commercialization and extension services is above 40% (MoAD, 2016). According to the GRB classification, the MoAD programs are gender responsive. However, as discussed above, food security is not determined only by production by farmers but more importantly affected by accessibility, affordability, stability and utilization where MoAD must establish effective coordination with other actors to bring food security results. Moreover, the increasing dependency on remittance for food supplies is becoming another concern. The statement of women from the Community Awareness Centre (CAC) from Namadi village of Ramechhap district, explains that they face food insecurity despite their financial affordability and physical accessibility. The focus group discussion concluded in the following way:

“Since we have not produced enough from our own farms, we rely on the market to buy food items. We depend on remittances to pay our food bills at certain intervals. Though we know the prices and quality are different in different shops, we have to rely on the shop where we have an informal contract to buy food and to pay when our remittance is received. It really curtails our choices, though we have the capacity to pay for food” (Focus Group Discussion, 12 June 2016, Namadi village of Ramechhap district in Nepal).

As the above statement indicates, women have to compromise on their preferences due to their reliability on remittances, as a means of financial security. Hence, the role of State as duty bearer, has to ensure that all citizens of the country must have options per their preference for food crops, with proper understanding of the complexity of the food system.

Gender mainstreaming for the right to food

Ensuring rights to food requires collective efforts from the legislative, executive and judiciary. So far, there have been some valuable efforts in making responsive policy provisions to promote women's legal access to land resource. In Nepal, only 19% of women have land ownership certificates (CBS⁹, 2011). The percentage of women-headed-household (HHs) is 26, an increase from 11.87% in 2001 (CBS, 2011). However, all female-headed households do not have access to fixed assets (NEHRC, 2016). Women with no access to land ownership have constraints to access other services directly attached to legal ownership of land. Hence, it is important to ensure women's access to land ownership and other productive resources to ensure their right to food.

The situation during emergencies and disasters creates another form of gender specific vulnerabilities. The devastating earthquake of 2015 affected the food security of people from 14

⁹ CBS denotes Central Bureau of Statistics

hard-hit districts the most. The Post Disaster Needs Assessment (PDNA) Report (NPC, 2015) shows that there was massive damage and loss in the agriculture sector, worth USD 283.6 million. Croplands, physical infrastructure, livestock shelters, plastic tunnels, fishponds and raceways, office buildings and laboratories, as well as agriculture tools and machinery were heavily damaged and market services were disrupted. Production loss, seed stock loss and lack of cash and labor hit the women-headed households the most. Women became increasingly vulnerable to hunger and food insecurity (NPC, 2015). The hard hit districts suffered due to poor consumption practices affecting nutritional status especially of pregnant and lactating mothers: 135,000 were potentially negatively impacted. The report also confirms that the vulnerability of women increased because of their lack of access to agricultural land ownership, agricultural services and inputs, and livelihoods options. In such situations, the State is responsible to address the needs of vulnerable people, and to ensure livelihood security. Otherwise, poor and vulnerable people, many of whom were women, will have less access to disaster relief and recovery support. In this context, Ms. Sharu Joshi, Gender Expert for UN-WOMEN, Nepal explains, “elderly and women living with disabilities had less access to relief and recovery support after the earthquake of 2015. It seriously denied them of their right to food and livelihoods (Interview, 20 September 2017 Kathmandu). Similarly, the Nepal Development Update indicates that in the summer of 2017, floods had affected 28 districts and destroyed significant infrastructure, damaged crops and food stocks, affected the livelihoods of farmers and increased risks of food insecurity (WB, 2017). Thus the earthquake and flood disasters had serious gender specific impacts; therefore, the State needs to prepare for ensuring the right to food in disaster situations for which gender sensitive food security policy is indispensable.

When we look at the three pillars of the right to food, it is imperative that its promotion comes with an enabling environment so that businesses can improve employment and income. As an example, a bulb flower producer Ms. Basanti Pradhan, from Jhapa district shared her experience: “So far entrepreneur women like me are facing problems of securing enough land to expand commercial floriculture to export to the international market. The government should facilitate leasing public unused land for commercial farming. It would provide an opportunity to create more business, employment opportunities and income” (Interview, 17 November 2017 Kathmandu). The issue is again, the numbers of women who still need to get support from the State to better utilize productive resources in women-led enterprises. Hence, women should be targeted via gender mainstreaming—the GAD approach—for the right to food through policies and legislation as per the spirit of the Constitution of Nepal 2015.

Gender mainstreaming for food sovereignty

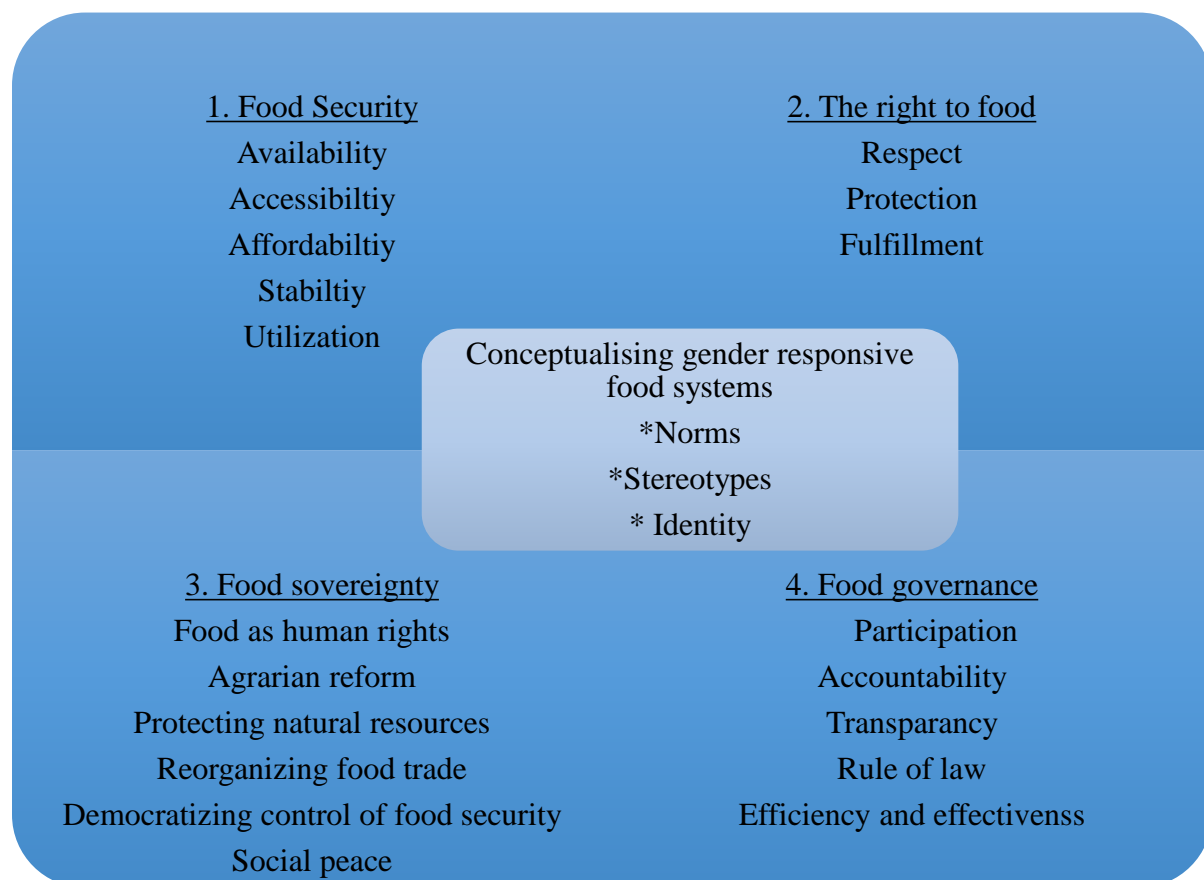
The Constitution of Nepal promulgated in 2015, has provided a broader framework for ensuring food sovereignty. The Constitutional provision of having women in at least one of the two executive positions of State structures (for example President and Vice-President, Mayor/Chair and Deputy Mayor/Vice Chairs etc.) encourages the implementation of different components of food sovereignty as discussed above. Further, new laws, policies and programs to be formulated by the Government of Nepal have to ensure gender mainstreaming for food sovereignty as per the spirit of the Constitution.

Recommended framework for gender responsive food policies and programs

Based on the discussion and analysis in the preceding sections, we have proposed a framework for gender responsive food policies and programs. The gender responsive framework helps to explain economic, political and social spheres, addresses the constraints women face and ensures entitlement to food accordingly.

This framework provides ways to promote a gender responsive food system and corresponds to the spirit of international instruments and national legal arrangements related to food security, the right to food and food sovereignty. The proper implementation of the concept of food governance presented in this framework helps to ensure in achieving the outcomes of three interrelated concepts of food security, the right to food and food sovereignty.

Figure 2. Conceptualizing gender responsive food systems



Source: Designed by authors with inputs from various sources

Gender targeting and mainstreaming in food policies and programs is inadequately addressed by the Government of Nepal, especially with respect to prohibitory gender norms and practices. Hence, concerted efforts from the State are needed to break the long rooted practice of gender discrimination. Furthermore, the State should facilitate the empowerment of women to participate, influence and claim their rights to food according to gender-differentiated needs, preferences and priorities. This gender responsive framework, if adopted would certainly better address the issues of food security, the right to food, food sovereignty and its governance.

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