

# Human Rights and Transitional Justice Section

## Thematic Report on The Right to Food in Timor-Leste





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## Executive Summary

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1. Fulfilling the right to food is one of the main pillars for building a prosperous Timor-Leste. In Asia's youngest and poorest nation, where 80 percent of the population relies on the agricultural sector for both food source and income generation, food security<sup>1</sup> is one of the most crucial elements for ensuring that the right to food is realized and for achieving socio-economic stability. The Government, with the assistance of United Nations agencies, NGOs and the support of the United Nations Integrated Mission in Timor-Leste (UNMIT), has been closely monitoring the food security situation to prevent further deterioration. However, concerns remain as the country continues to battle chronic food problems and depends heavily on food imports to meet its needs. The situation is exacerbated by an increase in food prices in the global market. The Government, working to overcome these obstacles, has begun to take steps towards improving food security. Initiatives have included allocating nearly US\$17 million to the Ministry of Agriculture and Fisheries (MAF) for 2008, three times its 2005 budget, providing US\$7.5 million to the Ministry of Tourism, Trade and Commerce to purchase food stock for periods of crisis, and endorsing the National Recovery Strategy – a strategy, which includes a comprehensive framework on food security.<sup>2</sup>

2. Although promising, fully implementing these initiatives will be difficult as the country grapples with nearly half of the population being either food insecure or highly vulnerable to food insecurity. Among them are internally displaced persons (IDPs) and former IDPs who have returned to their homes. Moreover, the Government lacks proper mechanisms to support farmers to increase productivity and sell their surplus products. To address these and other challenges effectively, it is essential that the Government, with the support of international donors and national actors, continue to consolidate the positive steps taken thus far towards achieving the right to food. In this regard, the analysis and the recommendations contained in this report are intended to assist all those involved in promoting, protecting, and fulfilling the right to food in the country.

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<sup>1</sup>At the 1996 World Food Summit it was agreed that food security exists when: "all people, at all times, 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." (CFS, 1996)

<sup>2</sup>Additionally, other attempts made by Government include a US\$240 million Economic Stabilization Fund which received parliamentary approval and was earmarked for rice imports and market intervention. However, on 27 October 2008, the Court of Appeal ruled that the Economic Stabilization Fund was unconstitutional. The request for revision of the Fund came mainly from FRETILIN MPs.

## Introduction

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3. As a result of the violence in April and May 2006, which led to the breakdown of security institutions in Timor-Leste, the United Nations Security Council established the United Nations Integrated Mission in Timor-Leste (UNMIT) through resolution 1704 of 25 August 2006. Besides being tasked with assisting Timor-Leste in the areas of elections, democratic governance, a review of the security sector and law enforcement, UNMIT is mandated “to assist in further strengthening the national institutional and societal capacity and mechanisms for the monitoring, promoting and protecting of human rights and for promoting justice and reconciliation, including for women and children, and to observe and report on the human rights situation”.<sup>3</sup>

4. To support the implementation of the human rights mandate, the Economic, Social and Cultural Rights Unit (ESCR Unit) was established in October 2006 within UNMIT’s Human Rights and Transitional Justice Section (HRTJS). Research and policy advice developed by the Unit has been supported by field monitoring.

5. Recognizing that fulfilling the right to food<sup>4</sup> is a top national priority, and given the current global crisis in food prices, this report aims to provide an analysis of the food security situation by highlighting the multidimensional views and the different actions taken by various stakeholders. As such, it is important to first highlight the core content of the right to adequate food. The right to adequate food requires that food is available, accessible and adequate.<sup>5</sup> Availability means that food must be available either directly from productive land or other natural resources (e.g., fishery, hunting or food gathering) or through a well-functioning distribution, processing and market systems. Accessibility means that food must be economically and physically accessible, i.e., food must be affordable and accessible to everyone including physically vulnerable individuals, such as children, elderly, persons with physical disability and those who are terminally ill. Adequacy means that food satisfies dietary needs, taking into account individual status, such as age, living conditions, occupation and sex, and is safe and culturally acceptable.

6. This paper will focus on analyzing and assessing the first two conditions, availability and accessibility of food which are most relevant to the root causes encumbering the enjoyment of the right to food by the population of Timor-Leste, rather than aiming to cover whole aspects of the right to food. Chapter One gives a non-exhaustive overview of the current situation. Chapter Two of the report looks at the legal and institutional framework for the promotion and protection of the right to food in the country. Chapter Three provides an overview of the various initiatives and policies developed by the Government, while chapters Four and Five provide a conclusion and a list of recommendations.

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<sup>3</sup> United Nations Security Council resolution 1704 (2006), 25 August 2006. In accordance with this mandate, the HRTJS of UNMIT is engaged in capacity-building, monitoring, promoting transitional justice, and strengthening civil society organizations, including in the area of economic, social and cultural rights. The Chief of the HRTJS reports to the Special Representative of the Secretary-General for Timor-Leste, as well as to the United Nations High Commissioner for Human Rights.

<sup>4</sup> “The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”, United Nations Committee on Economic, Social and Cultural Rights, General Comment 12,

<sup>5</sup> CESCR General Comment No. 12 on the right to adequate food (E/CN.12/1999/5), paragraphs 7-13.



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# Overview of Current Situation



## I. Overview of Current Situation

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7. In spite of considerable efforts and some tangible successes, Timor-Leste still has a long way to go before its economic development is sustainable and before it has made significant inroads in terms of reducing poverty. The majority of the country's population lives in rural areas with subsistence-based livelihoods. Although dependence on international food aid and imports<sup>6</sup> has decreased since independence, domestic demand still can not be met by competitive supply on the domestic market. After the 2006 crisis, the Government began to rely heavily on food aid to assist nearly 15 percent of the population that became displaced. Weak infrastructure, poor pre- and post-harvest handling, shortage of reliable transportation, lack of roads to connect villages to local markets, and competition between local producers and cheap imports and food aid, are just some of the many challenges affecting the ability of the Government to fulfill its obligations towards the right to food.

### I. 1. Poverty

8. Timor-Leste is one of the world's least developed nations and is ranked as the poorest in Asia.<sup>7</sup> Half of the population lacks safe drinking water, six percent of all infants die before their first birthday, and life expectancy is 55.5 years.<sup>8</sup> According to the latest available data, malnutrition rates remain high, with half of all children chronically malnourished.<sup>9</sup> The Comprehensive Food Security and Vulnerability Analysis carried out by the World Food Programme (WFP) in January 2006 - the first ever nationwide baseline on food security and vulnerability - showed that 43 percent of the population is either food insecure or highly vulnerable to food insecurity, and that food insecure households are found throughout the country. Poverty in Timor-Leste increases from the eastern to the western districts. The three districts in the western region, Oecussi, Bobonaro and Covalima Districts, account for one quarter of the poor, although they only account for one-fifth of the national population. Conversely, the three districts of the eastern region, Baucau, Lautem and Viqueque Districts, account for one-quarter of the population, but less than one fifth of the poor.<sup>10</sup>

9. Efforts to improve the living and working conditions of the 80 percent of the population who rely on the agricultural sector for both food source and income generation is essential if Timor-Leste is to achieve food sustainability. Insufficient food in many districts from October to February, has been a contributing factor to seasonal migration by heads of families from rural areas to district capitals and Dili where migrants hope, among other things, to have short-term employment and better access to food.<sup>11</sup>

10. Meanwhile, in Dili increases in the price of rice, and real or perceived failure of the Government to adequately address this problem, has at times led to instability, sometimes even rioting. In early February 2007, the price of a 38 kilo sack of rice rose from US\$12 to a peak of US\$30, as rice imports decreased due to concerns among traders about continued violence in the capital. This led to the

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<sup>6</sup> Currently, Timor-Leste relies on imports to meet almost 60 percent of its rice needs.

<sup>7</sup> Human Development Report 2007, United Nations Development Programme.

<sup>8</sup> Timor-Leste 2004 Census.

<sup>9</sup> Timor-Leste 2003 Demographic and General Health Survey, Chapter 13, Nutrition and Anaemia, pp.16-26.

<sup>10</sup> Joint report of the Government of Timor-Leste, ADB, JICA, UNDP and the World Bank, Timor-Leste Poverty Assessment, April 2003, p 19.

<sup>11</sup> Moxham, Ben. 2005. 'Hungry Season in Timor-Leste', New Internationalist 378: pp. 34-36.

looting of warehouses in Dili, hoarding of rice and accusations of mismanagement leveled against the Government by political parties.<sup>12</sup>

11. There is a growing feminization of poverty. With predominantly male migration from rural areas, it is often women who are left to make their living from farming.<sup>13</sup> Women's marginalized status in ownership of land and property further contributes negatively to their decision making and participation in productive activities. The empowerment of female farmers must be considered as central to poverty reduction policies and programmes.<sup>14</sup> Although the National Food Security Policy (NFSP 2005) of Timor-Leste includes gender mainstreaming as one of its five principles, a responsive strategy does not exist to correspond to the NFSP's policy aim to address women's vulnerability. Female headed households, in particular, face many challenges which impede them from the full enjoyment of the Right to Food.<sup>15</sup> Furthermore, according to an ADB-UNIFEM Timor-Leste Country Gender Assessment in 2005, women face particular constraints in accessing opportunities in the public and informal sector, lack access to credit, education, and mobility, and are also limited by cultural factors and constraints due to their household work and reproductive responsibilities.<sup>16</sup>

## I. 2. Agriculture

12. The agricultural sector in Timor-Leste is characterized by institutional, structural and technological challenges. In terms of institutional challenges, it is recognized by MAF that improving the efficiency and effectiveness of government officials working in agricultural service delivery is crucial. In this respect, lack of institutional coordination, both within the ministry and inter-ministerial, insufficient funds for professional development, and low availability of educated and skilled staff with agricultural experience remain key obstacles. Lack of accountability for the effective implementation of programmes at the national and district level is also a key obstacle. Timor-Leste, prone to negative impact of ongoing climatic change and natural disasters, still does not have adequate resources, capacity and expertise to address large scale problems such as pest and disease outbreak in crops and animals, including locust infestation and avian influenza.

13. The lack of a land and property rights law is a main structural obstacle. Farmers sometimes are hesitant to use certain plots since they do not want to invest labor and time on a disputed property. As a result, some potential agricultural areas are not fully utilized, while land degradation increases due to the unsustainable use of forest resources. Most landholdings are small, and in upland areas holdings are often split in small land parcels, with thin top soil and low soil fertility, impacting negatively on output.<sup>17</sup> In addition, under customary law, men are generally favored to own land, leaving women with minimal prospect to gain equal social status, independence and access to land for agricultural investment.

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<sup>12</sup> Kammen, Douglas and Hayati, S.W. 2007. 'The Rice Crisis in East Timor', Counterpunch [www.counterpunch.org](http://www.counterpunch.org).

<sup>13</sup> Women interviewed in Baucau and Bobonaro Districts said that their husbands had temporarily left to Dili, while they stayed in their villages to look after the family and attend the small farming activities.

<sup>14</sup> Women and Food Security Report by Kanchan Lama, Gender Adviser to the MAF, 12 May 2008. Furthermore the report states '....If Timor-Leste wants to achieve sustainable food security, the issue of socio-political exclusion and marginalization of the female-headed households from deciding upon the benefits of the productive resources need to be addressed with urgency.'

<sup>15</sup> Initial periodic report of Timor Leste to CEDAW (CEDAW/C/TLS/1) 2008 points out that 70 per cent of women employed in agriculture do not receive payments for their services, compared to 46 per cent of women in non-agricultural employments.

<sup>16</sup> Asian Development Bank-United Nations Development Fund for Women, November 2005, Country Gender Assessment in Timor-Leste, 2005, p. 24.

<sup>17</sup> FAO/WFP Crop and Food Supply Assessment Mission to Timor-Leste, June 2007 p.5

14. In terms of technological obstacles, Timor-Leste currently faces serious deforestation to meet people's needs for arable land and firewood. It is estimated that of the total land area only a little over 11 percent is arable, of which less than a quarter is irrigated. Animals often are raised as asset, rather than a commodity. In the context of scarce water resources, the absence of an integrated and coordinated use of water among farmers, and the lack of focus on water harvesting and water resource management, is unsustainable.<sup>18</sup> Additionally, seeds for planting are of poor quality, and the use of high yielding varieties is low despite the potential for farmers to raise yields nationwide.<sup>19</sup> Further investment in quality inputs is therefore needed. Finally, with the increase in fuel prices, farmers face rising transportation costs, further limiting their access to local markets to sell their produce.

### **I.3. Marketing Infrastructure**

15. Almost 70 per cent of all infrastructure was destroyed during the 1999 conflict.<sup>20</sup> While the country has recovered in some areas, widespread and severe problems with water and electricity supply, road and other transport services and communication networks remain. Timor-Leste's roads are often in poor condition.<sup>21</sup> Secondary and feeder roads are rudimentary and often impassable during the rainy season.

16. A Food and Agriculture Organization (FAO) and WFP investigation into reports of chronic food insecurity in early 2007, concluded that limited marketing infrastructure and the lack of effective demand from both a non-monetized rural economy and impoverished urban dwellers, has caused agricultural production to retreat into subsistence level production. Trade in domestically produced rice is localized.<sup>22</sup> The consequence has been a profound disconnection between city and countryside: even during the harvest season the urban population buys readily available imported rice. This exacerbates the farmers' lack of purchasing power to buy imported rice during the lean season when they face food insecurity.<sup>23</sup>

17. Interviews with staff from the MAF in relation to agricultural policies also highlighted that one significant gap related to domestic and international trade of agricultural production. Domestic production is not sufficiently market oriented, as food processing capacity in rural areas is lacking, and most staples produced are marketed locally due to not being able to compete with imported food. There is also a lack of enterprises and traders with the requisite performance capacity to bring agriculture products to the main market. In addition, the country needs to adopt measures to oversee international trade of food commodities in order to strike a balance between ensuring immediate availability of foods through import of food and ensuring longer-term sustainability of food security by protecting domestic agricultural production. This would include ensuring access to markets and minimize dependency on imported food by subsistence farmers.

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<sup>18</sup> UNDAF Discussion Paper Working Group on Poverty Reduction, 2008.

<sup>19</sup> Concern's draft Timor-Leste Food Security Baseline Survey Report, 2008.

<sup>20</sup> World Bank. "Report of the Joint Assessment Mission to East Timor", presented to the International Donor Conference, Tokyo, December 1999

<sup>21</sup> It has been estimated that 63% of main village roads are in poor condition. FAO/WFP Crop and Food Supply Assessment mission to Timor-Leste, June 2007 p. 17.

<sup>22</sup> Oxfam. 2004. Overview of the Rice Sector in Timor-Leste: November 2003 to February 2004, Final Report April 2004. Dili Oxfam Australia.

<sup>23</sup> FAO/WFP Crop and Food Supply Assessment mission to Timor-Leste, June 2007.

## **I.4. Purchasing Power**

18. Purchasing power, the ability of the population to buy production inputs, as well as final products (outputs), is a crucial element for overall food security as it affects both the effectiveness of production and the ability of the population to fulfill basic nutritional needs. Under Indonesian rule, a village level co-operative network supplied inputs such as credit and subsidized fertilizer. Under this system, each of the country's 442 villages (sucos) had at least one extension officer in charge of providing technical assistance and direct support to local officials from the MAF throughout all districts.<sup>24</sup> This ended with the departure of the Indonesian authorities in 1999 but the MAF is currently reactivating it.<sup>25</sup> Providing extension workers should facilitate communication channels between farmers and the Government, eventually improving the purchasing power of farmers, strengthening technical assistance, and providing the central authorities in Dili with more accurate information about the situation, in particular concerning food security issues, in rural areas.

19. With minimal support from the Government, credit institutions are nearly non-existent, with some exceptions concerning micro-credit provided through local NGOs and small credit unions to agricultural related activities. The independent Microfinance Institution of Timor-Leste reports that of 28,320 loans granted since 2002, only 3,306 were approved for agricultural activities. Accounting for less than 10 percent of overall loans issued, less than two percent of this amount was provided to women in the sector. The Institution, with six branches throughout the country, was initially supported by donors. However, in a positive step, the Government allocated funds to the Institution in its 2008 budget. Furthermore, the MAF's Agribusiness Directorate supports farmers with information on micro-credit opportunities available to them. However to date, the Directorate could only highlight one case where a micro-credit was issued successfully. Some challenges raised by government officials interviewed for this report, point to at the high interest rates of loan and the lack of a cohesive government approach to making it feasible for a poor farmer to apply and qualify for micro-credit opportunities. The strengthening of such initiatives could be an important step towards enabling farmers to improve quality of inputs, and thereby farming yields, and in providing security in times of poor harvest.

## **I.5. IDPs and Food Security**

20. Since initially no proper registration was carried out, the Government, with significant support from the WFP and other agencies, provided food to around 75,000 people living in IDP camps. Two years on from the 2006 political unrest, approximately 20,000 persons who remain in IDP camps in Dili District continue to receive food assistance distributed by the Government. While in Dili food distribution to camps was comprehensive, camps in areas outside Dili were largely neglected. A prime example of the discrepancy between services provided in Dili and the rest of the country was the cessation of food distribution to IDPs in camps in the districts outside of Dili in May 2007.

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<sup>24</sup> Oxfam. 2004. Overview of the Rice Sector in Timor-Leste: November 2003 to February 2004, Final Report April 2004. Dili, Oxfam Australia.

<sup>25</sup> MAF is planning on recruiting extension workers for all districts. However training and technicalities, has been under discussions for nearly a year now. Moreover the National Food Security Policy for Timor Leste, 2005, highlights the need for extension workers.

21. During the crisis, an estimated 70,000 IDPs<sup>26</sup> went to live with host families, usually relatives or friends. This placed a significant burden on host families and communities, who, to date, have received no assistance from the Government. There is no mechanism in place to process potential requests for assistance from host families. Neither have any mechanisms been established to identify and provide food assistance to IDPs hosted in a community setting.

22. A September 2007 survey by the WFP concluded that food insecurity exists both in IDP camps and in the host communities.<sup>27</sup> Moreover, the survey also found those who were food insecure (IDPs and non-IDPs alike) would not necessarily need food aid but assistance in reviving their livelihood. Subsequently, initiatives were undertaken to shift the focus from provision of food based on IDP status, to assistance to the most food vulnerable. In February 2008, blanket food distributions for IDPs were halved from eight to four kilos of rice. Oil and beans were also provided to IDPs each month. From April 2008, as requested by the Government, in close coordination with and agreement from other United Nations agencies, donors and NGOs, the WFP cut blanket food aid entirely for IDPs. The Government then stepped in to provide food assistance to the IDPs, and is playing a lead role in the recovery phase of the safe and voluntary return of IDPs. As part of the return package, IDPs are receiving 16 kilos of rice per person.<sup>28</sup> While this will help prevent immediate food insecurity when IDPs return to their homes, there is some concern that it may lead to tensions between returnees and community members who did not go to camps, and who have not received any food assistance.

23. Several United Nations agencies are currently supporting the Government in formulating criteria for safety net programmes for the most vulnerable. As there are a number of obstacles to accurate identification of and effective distribution to the most food vulnerable, it is likely to take some time before a system is in place to provide the largest benefit to those who are in greatest need. Nevertheless, the move by all stakeholders to focus on overall food insecurity rather than only the IDP population is a positive one.<sup>29</sup>

## **I.6. Global and National Food Crises**

24. Timor-Leste is among the countries most affected in the region by the global increase in food prices, particularly for rice, which is one of the main staples in the country.<sup>30</sup> The increase in food prices worldwide is making food inaccessible to the most vulnerable, and is making it increasingly difficult for the Government to import rice at an affordable price.<sup>31</sup>

25. There are indications that this situation was predictable. Nearly a year ago, more than a dozen newspapers and wire services, nationally and internationally, warned that Timor-Leste was in urgent need of food aid due to drought which led to a decreased harvest output.<sup>32</sup> Recently, it has been reported

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<sup>26</sup> According to UNMIT's OCHA Office, this figure is a working figure/rough estimate of IDPs living with host families, as there is no real way to cross check or to source where the figure came from.

<sup>27</sup> World Food Programme, Dili Emergency Food Security Assessment, Timor-Leste, September 2007.

<sup>28</sup> Although the Government of Timor-Leste is providing this quantity of food, WFP will reimburse the rice to the Government as part of their commitment to assist the Government of Timor-Leste in the IDP resettling process.

<sup>29</sup> The WFP as well as national and international NGOs had some programmes already in place targeting food insecure and vulnerable groups prior to the 2006 crisis.

<sup>30</sup> Other traditional staple foods in Timor-Leste, such as maize and cassava, have been less affected by the soaring food prices

<sup>31</sup> Presently only Vietnam still exports rice, while India and Thailand are controlling their exports, hence increasing the price of exported rice.

<sup>32</sup> UNMIT daily media monitoring, Associated Press, Reuters, Voice of America, Timorese newspapers and many others highlighted impending food shortages as early as March 2007.

that food has become so inaccessible in some districts that people are shifting consumption patterns towards cheaper and less preferred products, including food collected from nearby forests.<sup>33</sup>

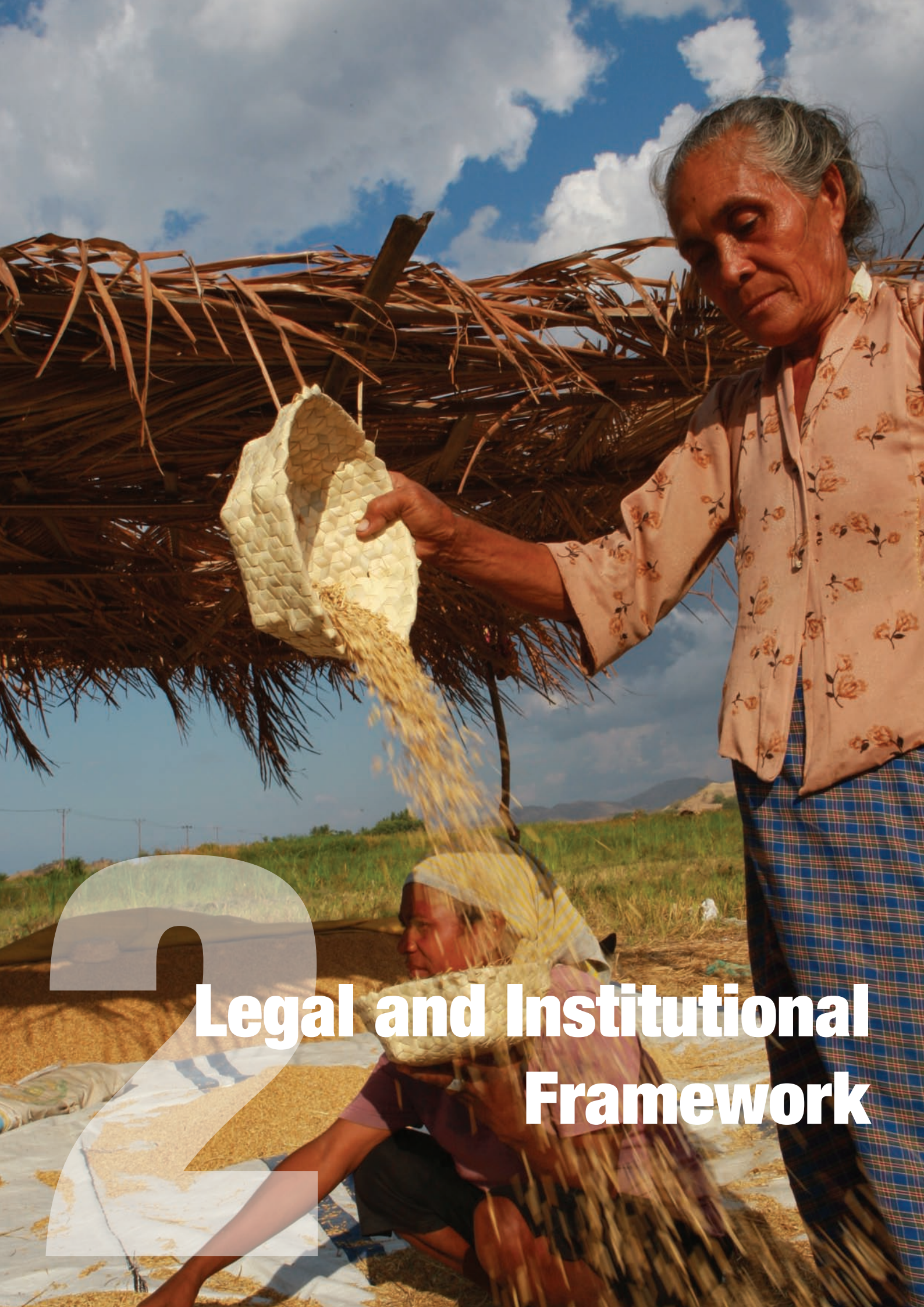
26. The Government's response to warnings of a national and international food crisis was initially slow. In February 2008, the Ministry of Tourism Trade and Commerce (MITC) initiated the process to purchase 16,000 tons of rice from Vietnam to offset the national shortage of rice. However, at the time of writing, the Government encountered problems with the shipment, price per ton and payment for the rice as Vietnam had considerably increased the price of rice. Meanwhile, to alleviate the impact on soaring food prices, the Government shifted its focus to subsidizing rice and selling it to pre-selected wholesalers. As a result, the import of subsidized rice has aggravated the private sector's inability to import rice and sell it at profit. The subsidized rice is sold at the fixed price of US\$15 per 35 kg bag to wholesalers who then expected to sell the rice to consumers at the fixed price of \$16 per 35 kg bag. The implementation of this policy has faced some challenges caused by a lack of sufficient logistical and commodity handling capacity in the Government. The policy does not guarantee access to rice for the most vulnerable population, as most wholesalers are based in district capitals.<sup>34</sup> Moreover, especially in the initial period, some of the rice was reportedly repackaged by local traders and sold at a higher price.

27. The Government needs to develop immediate and long term strategies to address the current situation, as well as to prevent such shortages from arising in the future. To support this effort, on 31 July, the United Nations, together with bilateral agencies prepared and presented preliminary suggestions to the Government on alternative policy options to complement the policy of subsidizing price of rice, for example through safety net programmes such as cash transfers or food vouchers, cash or food for work. These alternative options will require accountability mechanisms, including a process to enable rights-holders to file complaints in case the system does not work well.



<sup>33</sup> CONCERN's draft Timor Leste food security baseline survey report, 2008, p.4, highlights that in Manufahi and Lautem Districts, food insecurity is prevalent, and that households were found to be eating cheap/less preferred foods, reducing size and number of meals, eating wild foods from nearby bush/forests as well as papaya and pumpkin leaves as their main food.

<sup>34</sup> Monitoring by the HRTJS, June – August 2008.



# 2 Legal and Institutional Framework

## II. Legal and Institutional Framework

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### II.1. International Framework

28. The right to food is a human right. It is enshrined in the Universal Declaration of Human Rights (UDHR), adopted in 1948 and in the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted in 1966, and ratified by Timor-Leste in 2002. Article 2(1) of the ICESCR states that “Each State Party..undertakes to take steps...to the maximum of its available resources...[to achieve] **progressively** the full realization of the rights recognized in the present Covenant by all appropriate means”. The reference to progressive realization means that less developed countries are not expected immediately to ensure the same level of economic, social and cultural benefits as rich ones. However, the Committee on Economic, Social and Cultural Rights, which oversees the implementation of the ICESCR, has clarified that all state parties have an immediate obligation to provide a minimum essential level of economic, social and cultural rights and to take deliberate, concrete and targeted steps towards full realization of the rights.<sup>35</sup>

29. Other key international standards which address the Right to Food include the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In addition, in 2004, the Governing Council of the FAO unanimously adopted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.

### II.2. National Framework

30. There is no explicit mention of the right to food in the Constitution of the Democratic Republic of Timor-Leste. However, the Constitution does guarantee the right of every citizen to social security and assistance.<sup>36</sup> This would include access to social safety nets, including food assistance. In addition, being party to the ICESCR, the State has a legal obligation to fulfil or progressively realize the right to food. This is provided for in the Constitution, which states that “Rules provided for in international conventions, treaties and agreements shall apply in the internal legal system of East Timor following their approval, ratification or accession by the respective competent organs...”.<sup>37</sup>

31. The Government has made significant efforts to address key issues related to food security, and has prepared a number of national policies aimed at promoting the Right to Food. As a multidisciplinary approach is necessary to address food security in an effective and sustainable manner, various ministries and Government institutions have been involved in programme design and implementation.<sup>38</sup> These have included efforts to define and identify food vulnerable populations, introduce alternative crops for farmers, and support advocacy on nutritional needs in the most isolated areas of the country. The

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<sup>35</sup> Committee on Economic Social and Cultural Rights, General Comment 3, 1990.

<sup>36</sup> Constitution of the Democratic Republic of Timor-Leste, Title III, Section 56, 2002.

<sup>37</sup> Constitution of the Democratic Republic of Timor-Leste, Part I, Section 9.2, 2002.

<sup>38</sup> Ministries involved in food security, which are members of the National Food Security Committee, are: Ministry of Agriculture and Fisheries which provides overall support to the sector; Ministry of Health, which oversees programmes linking food and nutrition; The Ministry of Education, which ensure inclusion of food security aspects in the education and training curriculum; Ministry of Economic Development, which promotes private sector investment and cooperatives; Ministry of Tourism, Commerce and Industry, which promotes trade; Ministry of Social Solidarity which oversees employment and food security, and social safety nets for the most vulnerable; and the National University of Timor-Leste which conducts research and studies on food security.



national human rights institution, The Provedoria for Human Rights and Justice has also appointed an Economic, Social and Cultural Rights Officer, but the need for more resources and training has posed some challenges to the monitoring and reporting process. The key initiatives are explained below.

32. The **National Food Security Policy for Timor-Leste** is meant to serve as a complementary instrument to the Policy and Strategic Framework of MAF and for achieving the Millennium Development Goals. This policy also aims at implementing the Government's policy to eradicate hunger in all its forms, thus contributing to poverty reduction by 2020, as stated in the National Development Plan (NDP).

33. The **National Food Security Committee (NFSC) Technical Working Group**, is chaired by the Minister of Agriculture, with MAF's Food Security Office as Secretariat. The role of the NFSC Technical Working Group is to serve as a forum to exchange information, contribute to policy making and respond to issues of concern. The frequent absence of Government representatives, in particular from other ministries, prevent the NFSC from playing the central coordinating role regarding food security it is suppose to fulfil. The NFSC has proposed to formally constitute an Inter-Ministerial Food Security Task Force, but to date no formal decision has been taken. One activity underway, headed by the NFSC is the appointment of District Food Security Officers and Agricultural Extension Staff to monitor food security in the districts. This potentially very important initiative has not been fully implemented yet, as technical and logistical issues, such as training, transportation and allowances for staff need to be addressed. Another issue facing the initiative has been the disproportionate number of males hired as District Food Security Officers and Agricultural Extension Staff. Lack of gender balance in staffing may risk that services delivery overlook key role of women in food security and agriculture, such as in management of family resources.

34. **Hamutuk Hari'i Futuru / The National Recovery Strategy**, is a comprehensive strategy endorsed by the Office of the Vice Prime-Minister in December 2007, which proposes concrete programmes and operational plans to address the various consequences of the 2006 crisis, including food security needs. The Ministry of Social Solidarity, with the technical support of the National Food Security Committee and in collaboration with the Ministry of Economy and Development, is responsible for implementing plans to meet the food security needs of food insecure groups. Unfortunately, since June 2008, the group in charge of this specific action (*Hamutuk Hari'i Proteksaun*) has not met. Furthermore, before the strategy can be implemented, there is a need to strengthen the available institutional resources and technical knowledge within the responsible ministries to effectively respond.

35. The **2008 crop and food availability exercise**, which has started working in late March 2008, is aimed at gathering all key players<sup>39</sup> to get an overall view of the food security situation in Timor-Leste. In addition, the Mission plans to assist the staff of MAF with the establishment and maintenance of a database of crop yields and food requirements, to gather comprehensive data on food supply and demand and to develop an early warning system of food (in)security.<sup>40</sup>

36. In some cases, individual ministries have implemented or begun to implement programmes to address food insecurity. The current effort by the Ministry of Social Solidarity to establish social safety

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<sup>39</sup> Those involved in the assessment include MAF, The National Disaster and Management Directorate (NDMD), FAO, WFP, SoL, GTZ, Oxfam, CARE, CONCERN, Peace Winds, World Vision, UNTL.

<sup>40</sup> This assessment is crucial as the last similar assessment was carried out in 2002 by the WFP. WFP Timor-Leste's food aid distribution list only details vulnerable zones and not food secure areas.

nets for the most vulnerable populations is one such initiative. The Ministry of Health (MoH) launched a community outreach programme in December 2007, which includes information on the nutritional value of foods and specifically seeks to prevent malnutrition. However, although the programme is intended for all districts, it is only operational in Dili.<sup>41</sup> The MoH has made significant efforts to diversify people's diet, to assist in meeting the nutritional needs of children and pregnant women, and to minimize malnourishment.<sup>42</sup>

37. While the initiatives above constitute an important step towards designing and developing sound national policies that are based on human rights principles, further steps are needed. Some policies do not have defined objectives, established benchmarks, or identified resources available to meet the objectives. This means that it will be problematic to ascertain the relative success or failure of these policies. In addition, the highly centralized government structure in Dili often hinders the effective participation of district level officials. The lack of linkage with districts means that policies, designed in Dili, sometimes are not developed in a way which ensures input by those in the districts who have to implement them. In some cases, operational expenditures to enable staff to carry out their duties effectively, for example by traveling to the districts, are not budgeted. Demarcations between responsibilities, both within and between ministries, are not always clear. At times this has led to duplication of work, or of tasks not being completed.



<sup>41</sup>Through this programme, known as Servicio Integrado de Saude Comunitaria (SISCa), once a month, all health posts should facilitate an activity for community members to inform them of various health services available to them. The programme is only operational in Dili due to lack of budget approval from Parliament. Furthermore, the lack of road access to some areas as well as personnel has posed major challenges. Ministry officials have stated that the responsibility for dealing with the issue of nutrition should not be placed solely on the MoH, as other factors need to be considered, such as the environment, infrastructure and the political will to solve the many challenges.

<sup>42</sup> Mobile clinics and health posts are the frontline health delivery facilities in the villages, while community health centres are often located at sub-district headquarters.



# **Stakeholders' Initiatives**

## III. Stakeholders' Initiatives

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### III.1. International Stakeholders

38. The international community has provided technical and financial assistance to help the Government fulfill the right to food. From distribution of tractors<sup>43</sup> to seed and dissemination of technical skills, international NGOs and United Nations agencies<sup>44</sup> have provided support, including in areas outside Dili that Government efforts often do not reach.<sup>45</sup>

39. Collaboration between national and international actors is reflected in a recent Food Security Baseline Survey Report, which involved a dozen members, including Government, United Nations agencies, and national and international NGOs.<sup>46</sup> Headed by the Government, the baseline survey report aims to quantify the normal and emergency requirements of staple foods in Timor-Leste prior to the 2008/2009 harvest. It also collects data relevant for crop yields, crop areas, food stocks and food requirements on a (sub-)district basis. The analysis will assist MAF staff to establish and maintain a database of crop yields and food requirements, specified by type of crop and district. It is hoped that this will form the basis for a comprehensive database of food supply and demand in Timor-Leste and of an early warning system of food insecurity. Ultimately, the collective work and outcome of these assessments will be published in the form of a Food Supply and Demand Balance Sheet.<sup>47</sup>

40. The WFP has taken a lead role in a number of other food security relevant programmes relevant to food security, in partnership with other United Nations organizations, NGOs, and Government counterparts.<sup>48</sup> They include maternal and child health programmes, a school feeding programme<sup>49</sup>, and a “Food for Work” programme. To stimulate local production, the WFP is holding discussions with donors, the MoH and the private sector to explore options for purchasing products from local growers, and to process and fortify these into nutritious food for vulnerable people. Furthermore, the United Nations system, in collaboration with development and humanitarian partners, has created a food security task force to provide options to the Government in handling the impact of soaring food prices.

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<sup>43</sup> It is the policy of the MAF to give resources (i.e., tractors) to farmers free of charge. However, criteria for selection to receive free tractors could not always be applied, since farmers do not have the information available – which leads to application forms not being filled in. This raises concern over proper distribution mechanisms for tractors in the country.

<sup>44</sup> FAO carries out regular seed distributions in the districts.

<sup>45</sup> Based on United Nations documents, UNMIT Military Liaison Group Report in April 2008, Oecusse District had not benefited from seed distribution by the Government or NGOs. In spite of repeated requests for tractors, Covalima District is still waiting for tractors to arrive.

<sup>46</sup> MAF, NDMO, FAO, WFP, SoL, GTZ, Oxfam, CARE, CONCERN, Peace Winds, World Vision, UNTL

<sup>47</sup> In October 2008, HRTJS learned this initiative had been put on hold after Phase 1 yielded poor quantitative results. The Ministry has not yet proceeded with Phase 2 & 3 of the activity.

<sup>48</sup> National partners of WFP include FONGTIL (Dili), FINA, (Suai), Rede Lian (Bobonaro), Fraterna (Lautem), Matak (Lautem), Prospek (Lautem). International NGOs include Care International, Caritas, World Vision and Concern.

<sup>49</sup> Currently, WFP feeds about 108,000 primary school students in seven districts and the Ministry of Education feeds about 9,000 students in six districts. On 7 August, the Government of Japan donated rice to WFP for its regular programme, which WFP subsequently partly allocated to the school feeding activity and partly to the food-for-work activity under its portfolio.

41. The United Nations Development Programme (UNDP) has also implemented programmes to assist the most vulnerable in remote areas, including in Oecussi, one of the poorest districts of Timor-Leste. For example, the Oecussi Community Activation Programme (OCAP) of UNDP combines innovative farming technology, community mobilization techniques and micro-credit enterprises to facilitate sustainable development in areas affected by chronic poverty, social injustice and geographic isolation.

42. Presently, the leading executing agency for MAF is the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), which oversees the largest integrated rural development programme in the country. The programme, expected to last until 2013, aims to increase domestic productivity in the agricultural and fisheries sectors, particularly in the country's eastern region. One of the main aims is to educate the rural population to recognize sales potential and to develop concepts for the sustainable use of local agricultural resources. GTZ will also advise the state agricultural college in Natarbora as well as two agricultural extension centres, targeting the production, processing and marketing of agricultural produce. While much has been achieved and cooperation has been good so far, there is a need for the international community to continue to support this sector in the medium and long term.

### **III.2. National Stakeholders**

43. A wide range of national NGOs directly support agricultural activities, including through advocacy, promoting increasing livelihood opportunities, or engaging in gender-focused activities. The umbrella organization Hametin Agricultura Sustentabel Timor Lorosae (Rede HASATIL), is serving as a coalition for more than 30 of these NGOs. HASATIL is involved in grassroots activities in various districts, but primarily serves as a network to raise issues and lobby the Government to promote local production and rely less on imports. Among other things, NGOs have urged the Government to pay greater attention to the realization of the right to food, to focus on improving food quality, diversification of diet, access, and availability and to strengthen the livelihood of those who rely on agriculture. Additionally, they have expressed opposition to privatization of the sector and to subsidizing food assistance to public servants rather than local farmers.<sup>50</sup>

44. Some national NGOs face funding constraints to carrying out their activities. The complexity of the processes for obtaining funding from multilateral and bilateral agencies is a major hindrance. Consequently, many NGOs partly rely on private funds for their activities. Several difficulties were identified, including the separation of relief and development funds, inflexible funds, and overly technical, donor-driven approaches. An increasing number of partnerships are being created between national and international NGOs and United Nations agencies. More than half a dozen examples of collaboration by international NGOs supporting local NGOs were identified for this report. For example, in Baucau District, farmers are receiving support to work on their land from Caritas Baucau, through a Timorese partner of

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<sup>50</sup> The Ministry of Trade, Commerce and Industry distributes 35 kg of rice every month to the country's 717 military (F-FDTL) and 3,181 police (PNTL) personnel and its 17,000 public servants. This is strongly opposed by NGOs and many members of Parliament, who believe that rice distribution should focus on the most vulnerable.

the Catholic Agency for Overseas Development (CAFOD). The support by international NGOs and agencies to national NGOs is imperative for the long-term sustainability of food security, as many interviewed for this report stated that national NGOs would face serious restraints without such support.

45. Supporting national NGOs could yield a number of additional benefits. Strengthening national NGOs would provide the necessary pillars in the sector to ensure long-term sustainability and reduce dependency on indefinite support from international NGOs. In addition, national NGOs can reach the remote areas seldom visited by international NGOs or UN agencies, and their representatives have knowledge about the local situation, and local farming practices, environmental factors and challenges, which may not be apparent to international actors.





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**Conclusion**

## IV. Conclusion

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46. The agricultural sector suffers from inadequate institutional support. At the national level, the capacity to plan for sustainable agricultural and rural development is limited. Although 80 percent of Timor-Leste's population directly depend on agriculture for their livelihood, the budget of the MAF amounts to no more than four percent of the total Government budget. Agricultural research and extension training programmes are weak, lack coordination and are often detached from field implementation. Alternate sources of food and income are very limited in many farming areas. Distant and poorly developed market systems and inadequate road connectivity and public transport severely limit participation in market-based activities. The Government and the international community have shown increasing willingness to tackle some of the challenges. Nevertheless, such initiatives must be sustained and further strengthened in order for Timor-Leste to fulfill its obligations related to the right to food, in particular in a global context where it is predicted that food prices will remain high in the next decade, such initiatives must be sustained and further strengthened. In this regard, the recommendations below are offered.







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**Recommendations**

## V. Recommendations

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### To Ministries

- To the Ministry of Agriculture and Fisheries and Ministry of Trade, Commerce and Industry, take necessary steps, including review and adjustment of relevant policy, to enable people in Timor-Leste, in particular those most food insecure, to feed themselves in a sustainable manner. Such measures should include investing in domestic food production with focus on support to small hold farmers and facilitating the private sector's engagement in the purchase of locally produced food. The authorities may wish to consult with the FAO Right to Food Guidelines for practical guidance.
- To the Ministry of Agriculture and Fisheries and Ministry of Justice, take necessary steps to review the impact of food insecurity, particularly on female headed households and to review policies related to ownership of agriculture farm land by women.
- To the Ministry of Social Solidarity, urgently identify vulnerable populations and set up effective social support mechanisms. Assessment of vulnerability as well as development, implementation, monitoring and evaluation of social support programmes should ensure active and meaningful participation of the most affected and vulnerable populations, either directly or through their representative organizations, to the extent practicable. Accountability mechanisms should be put in place for social support mechanisms to monitor the implementation of the efforts and to provide remedies in case of policy failure.
- To the National Food Security Committee, set benchmarks for food and nutrition security to measure and monitor the progressive implementation of the Right to Food over time with active and meaningful participation by the affected groups either directly or through their representative organizations, to the extent practicable. The Committee may wish to consult with the CESCR General Comment No. 12 on the right to food and FAO Right to Food Guidelines (Guideline 17 on monitoring, indicators and benchmarks) and to utilize relevant tools such as human rights indicators being developed by OHCHR (HRI/MC/2008/3, available from <http://www2.ohchr.org/english/bodies/icm-mc/documents.htm>), or seek technical support from OHCHR and FAO.
- To the Ministry of Agriculture and Fisheries, strengthen the role of the National Food Security Policy Committee to ensure adequate policy-making and implementation monitoring, with an aim to protect and promote the enjoyment of the right to adequate food by people in Timor-Leste.
- To the Ministry of Agriculture and Fisheries, via the National Food Security Committee, to create mechanisms to ensure food security programmes are available in all districts and that policies and programmes focus on rural areas.<sup>51</sup>

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<sup>51</sup> At present there are no MAF assisted food security programs in Lautem and Manufahi Districts, based on information from a report produced by CONCERN, Timor-Leste Food security baseline survey report, May 2008.

- To the Ministry of Agriculture and Fisheries, to facilitate collection of data disaggregated by race, color, sex, language, age, religion, political or other opinion, national or social origin, property, birth and disability, as applicable in Timor-Leste and to the extent practicable, with respect to food production and consumption in Timor-Leste. Actively use the disaggregated data in order to identify and monitor the most food insecure segments of the population with attention to the potential impact of existing discrimination and social marginalization on people's access to food.
- To the Ministry of Agriculture and Fisheries, to protect and promote people's access to adequate food which meets their dietary needs, including through programmes that support crop-rotation, crop mixing and diversification of food habits.
- To the Ministry of Education, to develop and improve the school curriculum in order to address food security issues.
- To the Ministry of Social Solidarity, in conjunction with the National University of Timor-Leste and the Ministry of Economic Development, generate jobs and economic opportunities in processing, packaging and marketing of agricultural and rural production in all districts.
- To the Ministry of Social Solidarity, provide social safety-nets and social security services to vulnerable households. Such programmes should put in place accountability mechanisms to monitor the implementation of the efforts and to provide remedies in case of policy failure. Support should be complementary to the empowerment of those marginalized and affected and avoid undermining their ability to produce or obtain foods by themselves. When provided in the form of food aid, assistance should be provided in ways which do not undermine local producers and local markets and do not create dependency by the beneficiaries. Support should be targeted at the most vulnerable and goods and services provided should be safe, culturally acceptable and gender sensitive. The Ministry may wish to consult the CESCR General Comment No. 12 on the right to food and the FAO Right to Food Guidelines (Guideline 14: Safety nets and 15: International food aid).

### **To national Civil Society Organizations**

- Strengthen the technical and strategic capacity of national civil society organizations with regard to protection and promotion of the right to food and application of a human rights-based approach to food and nutrition security issues.

### **To the Office of the Provedor for Human Rights and Justice**

- Increase awareness among the general population on the right to food and other relevant human rights, and on how the population can participate in decision-making processes.
- Facilitate participation of the most affected and marginalized persons in assessment, development, decision-making, monitoring and evaluation of relevant national, district, and local policies, programmes and activities on food and nutrition security.

- Appoint staff to monitor closely and report on the right to food and support the Government to engage itself with the United Nations human rights mechanisms, such as the Special Rapporteur on the Right to Food, Human Rights Council Advisory Committee, Human Rights Council Universal Periodic Review, CESCR, CRC, and CEDAW, among others.

### **To international donors and NGOs**

- Continue to provide support to the implementation of the various strategies for food security in ways which respect the right to food of people in Timor-Leste. International donors and NGOs may wish to consult the CESCR General Comment No. 12 on the Right to Food and the FAO Right to Food Guidelines for practical guidance.
- Consider reviewing their assistance and programmes and, if necessary, making necessary adjustments so that they will not undermine people's enjoyment of the right to adequate food in Timor-Leste, for example, by undermining people's capacity to produce or procure foods by themselves.
- Contribute to the empowerment of the rural population, including women, through programmes including micro-credit, education and skills-training. CEDAW Art. 14 provides practical guidance on the empowerment of rural women.
- Work in partnership with national NGOs, in particular those operating outside of Dili, to strengthen their technical and strategic capacity.

## Acronyms and Abbreviations

|                  |  |
|------------------|--|
| <b>CAFOD</b>     | Catholic Agency for Overseas Development                                   |
| <b>CEDAW</b>     | Convention on the Elimination of all forms of Discrimination Against Women |
| <b>CFSAM</b>     | Crop and Food Supply Assessment Mission                                    |
| <b>CRC</b>       | Convention on the Rights of the Child                                      |
| <b>ESCR Unit</b> | Economic, Social and Cultural Rights Unit                                  |
| <b>FAO</b>       | Food and Agriculture Organization  |
| <b>GTS</b>       | Geutsche Gesellschaft für Technische Zusammenarbeit                        |
| <b>HASATIL</b>   | Hametin Agricultura Sustentabel Timor Lorosae                              |
| <b>HRTJS</b>     | Human Rights and Transitional Justice Section                              |
| <b>ICESCR</b>    | International Covenant on Economic, Social and Cultural Rights             |
| <b>IDPs</b>      | Internally displaced persons   |
| <b>MAF</b>       | Ministry of Agriculture and Fisheries                                      |
| <b>MoF</b>       | Ministry of Health   |
| <b>MTCI</b>      | Ministry of Trade, Commerce and Industry                                   |
| <b>NDP</b>       | National Development Plan  |
| <b>OCAP</b>      | Oecussi Community Activation Programme                                     |
| <b>UDHR</b>      | Universal Declaration of Human Rights                                      |
| <b>UNDP</b>      | United Nations Development Programme                                       |
| <b>UNIFEM</b>    | United Nations Development Fund for Women                                  |
| <b>UNMIT</b>     | United Nations Integrated Mission in Timor-Leste                           |
| <b>WFP</b>       | World Food Programme   |





