The Right to Adequate Food in South Sudan

European Master’s in Human Rights and Democratisation

2010 / 2011

Alejandro del Águila Murphy

Supervisor: Dr. Vinodh Jaichand

Irish Centre for Human Rights, NUI Galway
Abstract

The human right to adequate food is a central part of the idea of a hunger-free world, where every infant, young or adult, female or male can supply himself or herself with sufficient food to live in dignity. It is accepted in international human rights regime in several documents including the Universal Declaration of Human Rights (UDHR) in Article 25(1), and in Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The new Republic of South Sudan entered the international arena in ecstatic celebration in July 2011, despite being one of the least developed countries in the world. South Sudan, a landlocked East African country, should respect the rights already recognised by the Republic of Sudan before the South’s independence, including the ICESCR fundamental human right to adequate food. The right to food in South Sudan is particularly being affected by the following factors: 1) inter-ethnic violence; 2) poverty (South Sudan faces intertwined problems when poverty exacerbates violence, but violence, in turn, is one of the primary causes of poverty); 3) absence of a clear demarcated border, that produces conflict among communities and blockages by the government of (North) Sudan; 4) IDP resettlement and the return of over 315,000 southerners who have previously residing in the north, and many more to come. These returnees put a strain in the meagre availability of resources; and 5) Land grabbing by foreign investors. A thorough analysis of these factors will help us prove to what extent the South Sudanese government is adhering to its obligations to respect, protect and fulfil the right to food as enshrined in international treaties, and consequently, propose possible recommendations to the Government and other actors to achieve as soon as possible the fulfilment of the right to adequate food for all South Sudanese people.
# Table of Contents

1. Introduction ........................................................................................................................................................................5
2. Background to Food Security in South Sudan ..........................................................................................................................8
   2.1. Description of the Country ...............................................................................................................................................8
       2.1.1. Geography and Demographics of South Sudan ...........................................................................................................8
       2.1.2. The Conflict in Sudan ..........................................................................................................................................10
   2.2. Causes of current food insecurity in South Sudan ............................................................................................................14
3. International and Legal Framework relating to the Right to Food .........................................................................................18
   3.1. The content and scope of the right to food under International Law ..................................................................................18
       3.1.1. Definition of the right to adequate food .........................................................................................................................18
       3.1.2 Domestic Obligations ...............................................................................................................................................20
       3.1.3. International Obligations ..........................................................................................................................................22
       3.1.4. Justiciability ...........................................................................................................................................................24
   3.2. Regional Human Rights Treaties .......................................................................................................................................24
   3.3. Conclusions ........................................................................................................................................................................26
4. National Legal and Institutional Framework relating to Food Security ...................................................................................27
   4.1. National Legal and Policy Framework ...............................................................................................................................27
       4.1.1 Ratification of International Treaties .............................................................................................................................27
       4.1.2. The Constitution .......................................................................................................................................................28
       4.1.3. Land Act ....................................................................................................................................................................30
       4.1.4. Water Policy .............................................................................................................................................................33
       4.1.5. Local Government Act ............................................................................................................................................34
       4.1.6. Investment Promotion Act .......................................................................................................................................34
   4.2. Institutional Framework .......................................................................................................................................................35
       4.2.1 Human Rights Commission ........................................................................................................................................37
   4.3. Conclusions ........................................................................................................................................................................38
5. Large-scale Land Acquisitions in South Sudan ........................................................................................................................40
   5.1 What are Large-scale Land Acquisitions or Land Grabs? .....................................................................................................40
   5.2. LSLAs and the Right to food from a global perspective ......................................................................................................43
   5.3. South Sudan and LSLAs ....................................................................................................................................................47
       5.3.1. Description of land grabbing in South Sudan ................................................................................................................47
5.3.2. Human Rights concerns in LSLAs................................................................. 50
5.4. Recommendations to the South Sudanese Government ........................................ 54
6. The North-South Border ......................................................................................... 60
  6.1. Border Demarcation ......................................................................................... 60
  6.2. Abyei ................................................................................................................. 63
  6.3. Southern Kordofan and Blue Nile .................................................................... 65
  6.4. Conclusions and recommendation to both Governments ................................. 66
7. Conclusions ........................................................................................................... 68
Bibliography ............................................................................................................ 73
Annex 1 ................................................................................................................... 81
Annex 2 ................................................................................................................... 82
Annex 3 ................................................................................................................... 87
Annex 4 ................................................................................................................... 88
2011

The right to adequate food in South Sudan

Aguila Murphy, Alejandro : del

https://doi.org/20.500.11825/840

Downloaded from Open Knowledge Repository, Global Campus’ institutional repository