

Niger:

Agricultural trade liberalization and women's rights

August 2006

Executive Summary

1. Niger is experiencing the residual effects of 2005's food emergency, which are expected to persist for a number of years regardless of a return to normal harvests. Underlying and exacerbating the recent crisis is Niger's structural food insecurity, which perennially leaves 32 percent of the population undernourished¹ and 40 percent of children under five chronically malnourished.² Social and cultural patterns of conduct contribute to women's overrepresentation among the poorest and most vulnerable groups in Niger. Women face a perpetual crisis of access not only to food, but also to income with which to buy food and essential services for themselves and their children. Trade rules currently under negotiation could further exacerbate the discrimination experienced by Nigerienne women, particularly rural women.

2. Niger, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), has an obligation to take measures to respect, protect, and fulfil women's equal rights to work and to health under Articles 11 and 12. These rights and obligations must be understood both in the context of the particular problems faced by rural women as elaborated in Article 14, and as interpreted by the Committee on the Elimination of Discrimination against Women's General Recommendations Nos. 13 (1989), 16 (1991), and 24 (1999).³ In Niger's agriculture-based economy, *the right to work implies an obligation to ensure that farm work in particular is remunerative, on a basis of equality of men and women.* The Committee has additionally specified that *the right to health includes women's fundamental human right to nutritional well-being throughout their lives by means of secure food supply.*

3. CEDAW expresses the conviction that, *in order to contribute significantly to gender equality, the international economic order must be based on equity and justice.*⁴ However, Niger's ability to combat food insecurity and realize human rights is threatened by agricultural trade liberalization, particularly as food insecurity affects women disproportionately. Niger has instituted liberalization programs such as privatization of State agricultural agencies and services, and reduction of import and export tariffs in response to conditionalities imposed by creditors at the International Financial Institutions (IFIs)—primarily the World Bank and International Monetary Fund (IMF)—and commitments made at the World Trade Organization (WTO) and other trade agreements. Resulting loss of public revenues, decreased basic service provision, and declining real incomes have serious implications for the realization of human rights, particularly those of women. Of particular concern are trade negotiations currently underway on an Economic Partnership Agreement (EPA) between the European Union (EU) and Economic Community of West African States (ECOWAS), of which Niger is a member.

4. The EU – ECOWAS EPA is one of six EPAs that the EU is concurrently negotiating with regional groupings of African, Caribbean, and Pacific (ACP) States, and the EU-run EPA process has elicited considerable concern amongst both Nigerien and international civil society since negotiations began.⁵ These organizations have urged ACP governments to challenge any EPA draft provisions

that could undermine their ability to ensure food security or to protect agricultural livelihoods. Unless governments, intergovernmental organizations and others speak out strongly, it is likely that the EU's vision of EPAs as free trade areas, which largely ignore development disparities between trading partners, will ultimately prevail. For Niger and other countries, an EPA would build on IFI structural adjustment programs and further gut public revenues. It could also undermine achievements within the WTO, where developing countries have obtained 'special and differential treatment' (SDT) that permits countries to impose certain limits on trade when food and livelihood security are threatened, and also permits other exceptions from trade liberalization commitments.

5. A human rights approach to trade liberalization focuses on protecting vulnerable individuals and groups. Therefore, it is important that the government of Niger, through a process of meaningful public consultation with stakeholders including women subsistence farmers and others most affected by food insecurity, adopt a human rights- and development-driven approach to trade designed to ensure that trade policies serve the development and livelihood needs of all the country's inhabitants. Niger should strongly remind its trading partners that they too have obligations under CEDAW, and develop economic and trade rules grounded in human rights principles. This is particularly important in the EU – ECOWAS EPA negotiations, given that all EU member States are also parties to CEDAW. At a minimum, before entering into any new trade agreement, an independent impact assessment of the effect of proposed commitments on women's rights should be carried out. This is in keeping with CEDAW General Recommendation No. 6 (1988), that States parties establish effective national machinery, institutions, and procedures to advise on the impact on women of all government policies.⁶

6. 3D → Trade - Human Rights - Equitable Economy (3D) is a not-for-profit organization based in Geneva, Switzerland, working to ensure that trade rules are developed and applied in ways that are consistent with human rights. Mechanisms such as CEDAW can play a valuable role in ensuring that trade rules are consistent with States' human rights commitments, both by reminding States parties that international financial and trade policies cannot justify non-compliance with human rights obligations, and by ensuring that trade rules do not result in discrimination against vulnerable groups, in this case women. This submission to the Committee on the Elimination of Discrimination against Women outlines 3D's main concerns relating to the impact of agricultural trade liberalization on the enjoyment of women's rights in Niger.

7. The next page of this submission sets out specific issues of concern that members of the Committee might raise with the government of Niger. The following pages contain the facts and analysis underpinning the issues of concern.

Niger: issues of concern

Right to work (Art. 11 CEDAW, as interpreted by Art. 14 (1) CEDAW and General Recommendations Nos. 13 (1989) and 16 (1991))

Questions: Has the government of Niger assessed the impacts on the right of rural women to remunerative work of its current trade-driven approach to development, particularly in the framework of ongoing EU-ECOWAS Economic Partnership Agreement negotiations?

Has it reminded its trading partners, particularly the EU, of their obligation under human rights law to undertake such assessments?

Recommendations: The government of Niger should undertake impact assessments of the effects of agricultural trade liberalization on access to food and women's enjoyment of the right to work, and should only proceed with new trade commitments if assessments demonstrate that they do not risk undermining the enjoyment of women's right to work.

The government of Niger should remind its trading partners, particularly the EU, of their obligations under human rights law to ensure assessment of the effects on human rights of new trade agreements, and to ensure that new trade agreements do not result in undermining human rights.

Right to health (Art. 12 CEDAW, as interpreted by Art. 14 (1) CEDAW and General Recommendation No. 24 (1999))

Question: Has the government of Niger taken measures to ensure that 'special and differential treatment' for developing countries gained in agricultural trade fora are matched at the national level with implementation of poverty alleviation strategies that provide for rural women's physical and economic access to productive resources, in furtherance of their right to health?

Recommendation: The government of Niger should develop a holistic, rights-based approach to development and trade that seeks to integrate domestic and international policy affecting access to food and other basic goods and services, so as to better ensure the full realization of women's human right to health. It should seek technical assistance to this end from relevant United Nations agencies, particularly the Office of the High Commissioner for Human Rights or UNIFEM.

Right to participate (Art. 7 (b) and 14 (2) (a) CEDAW)

Question: Has the government of Niger facilitated public education and consultations, with women as well as men, on trade negotiations, agricultural trade liberalization, and their impacts on human rights in Niger?

Recommendation: The government of Niger should ensure access to information and public participation without discrimination in trade decision-making, taking particular steps to ensure that women are informed and able to participate.

Right to temporary special measures (Art. 4 CEDAW)

Question: Has the government of Niger considered that a human-rights approach to agricultural trade could require 'special and differential treatment' for developing countries as a means of fulfilling Article 4's requirement of 'temporary special measures' to end gender discrimination?

Recommendation: The government of Niger should seek, together with its trading partners, means of applying SDT and other pro-development trade rules as part of its implementation of temporary special measures to accelerate de facto equality for women.

I. Food security

8. Niger is a Least-Developed Country (LDC) and a net food-importer, with agricultural products constituting 21.6 percent of total goods exports and 37.4 percent of total goods imports.⁷ Large-scale cultivation of cash crops for export at the expense of domestic food production dates from the French colonial administration, which used forced labour and coercive tax policies to reallocate agricultural land use and ensure a stable flow of Nigerien peanuts and cotton to French processing industries.⁸ Post-colonial agricultural policy has maintained this narrow export focus on the basis of continued strong economic ties to France (later incorporated into the EU), with the added influence of IFI loan conditionalities and WTO trade commitments that prioritize aggregate economic growth, but pay inadequate attention to distributional inequities.

9. Export sectors are often weakly linked to the rest of the economy, and Niger's strategy has generated very few formal sector jobs; most Nigeriens are concentrated in subsistence farming and herding, often on small plots of less desirable land that is increasingly threatened by desertification. Niger's domestic food production has for decades been outpaced by population growth, which at an annual rate of 3.3 percent is now the fastest in the world.⁹ This has encouraged an upwards trend in the demand for imported foodstuffs, though the gap between food production and needs, and the ability to purchase supplemental food on the market, varies markedly among households. Upwards of 678,000 subsistence farmers deemed chronically food-insecure by the United Nations World Food Programme, for instance, produce only enough food to live on for three months beyond the harvest, with income for subsequent food purchases heavily reliant upon remittances, aid, gifts, and begging.¹⁰

10. In late 2004, drought accompanied by locust attacks reduced domestic food production still further, occasioning a dramatic spike in food prices. The price of a 100 kilogram sack of millet, enough to feed a typical family for 20 days,¹¹ on average jumped from FCFA10,000 in late 2004 to FCFA30,000 by early July 2005.¹² Rural families, which comprise 82 percent of all Nigeriens,¹³ had to spend fully one-third of their average annual income in order to make this small purchase; in other words, one year's income only purchased 60 days' worth of food.¹⁴ Food essential to supplement inadequate harvests thus proved widely inaccessible despite continued availability on the commercial market. By mid-2005, Niger was experiencing a food emergency that affected one-third of the population, resulting in widespread acute malnutrition and starvation.¹⁵ Depletion of State grain reserves through belated food aid distributions, large losses of livestock due to inadequate fodder and slaughter for meat, and significant increases in farmer indebtedness indicate that the effects of the 2005 crisis will persist for years after harvests return to normal levels.

II. The status of women in Niger, as affected by trade liberalization

11. It is estimated that more than 89 percent of all women in the Nigerien labour force¹⁶ and 97 percent of women in the country's rural economy¹⁷ are working in agriculture, yet women continue to wield little or no economic power in Niger.¹⁸

12. As women are concentrated in subsistence agriculture, they are disproportionately impacted by trade liberalization, which favours export promotion at the expense of food production for domestic consumption. Women are largely excluded from the production of cash crops for export because of gender-based constraints on access to credit, extension services, technology and transport facilities, marketing channels, and vocational training.¹⁹ Further, where subsistence crops such as the millet produced by women in Niger are replaced by cash crops (in this case largely onions and cowpeas), malnutrition increases across the board,²⁰ yet disproportionately impacts women due to social and cultural patterns of conduct that restrict women's access to food beyond what might be expected from actual food shortages.

13. Indeed, discrimination against women in marriage and family relations is pervasive, with men hoarding meagre resources for personal use and even cutting off female family members from external sources of assistance,²¹ thus further exacerbating women's particular vulnerability to both episodic and structural food insecurity. Since women's property rights predominantly derive from their status as wives, mothers, or wards rather than as individuals, Nigerienne women face losing their rights when their status within a household changes through marriage, divorce or repudiation, or widowhood.²² This directly affects women's ability to access food.

14. Women face a triple burden in that they are also responsible for the food security of children, as well as being the primary caregivers. Niger's very high rate of population growth translates into 7.8 births for the average Nigerienne, rising to over 8 births for the poorest 20 percent of women,²³ meaning that women must spend large amounts of time in child-rearing that cannot be spent on food or income production.

15. In addition to child-rearing, women disproportionately bear the burden of household work and elder and community care, which imposes a tremendous burden on women's time, health, and morbidity even apart from issues of inadequate nutrition.²⁴ As noted below, liberalization-induced decreases in State tariff revenues result in reductions in the provision of basic public services, and women are the first to compensate by expanding their role as caregivers, even further increasing their workload.

16. In sum, and as discussed in more detail in the next sections of this briefing, the discrimination which Nigerienne women face is exacerbated by trade liberalization.

III. Debt and loan conditionality

17. LDCs facing structural economic problems like Niger's are often forced to turn to the International Monetary Fund (IMF) and, more recently and to a lesser extent, the World Bank for loans. Poor countries have accumulated staggering amounts of International Financial Institution (IFI) debt, commonly taking out fresh loans to help repay older ones. The IFIs systematically attach conditions to loans that require, *inter alia*, deregulation, privatization, and trade liberalization. Thus the IFIs have played a crucial role in shaping the modern—liberalized—international trade system. WTO membership then 'locks in' liberalization measures that formerly existed as private contractual terms between the creditor and the debtor country. More recently, a proliferation of bilateral and regional trade agreements – such as the EU – ECOWAS EPA currently under negotiation – are further ratcheting up liberalization commitments.

18. As specialized agencies of the United Nations, IFIs should respect ECOSOC standards, including those on human rights. Yet IFIs continue to rely on neoliberal orthodoxy despite its record of not only failing to deliver development, but inducing regression of economic and social standards in developing countries.²⁵ Niger first undertook IFI-mandated liberalization measures in the mid-1980s, and is considered to be an exemplary client with a substantially open economy, yet between 1990 and 2004 the percentage of Nigeriens living on less than a dollar a day increased from 40 to 66 percent. Thus, impermissibly, the IFIs frustrate ECOSOC's mandate to promote higher standards of living, full employment, conditions of economic and social progress and development, and universal observance of human rights.²⁶

19. During his visit to Niger in 2001, the Special Rapporteur of the Commission on Human Rights on the right to food found that the IFI-mandated privatization of government services had exacerbated food insecurity and undermined related human rights.²⁷ One of several examples is the privatization of the Office des Produits Vivriers du Niger (ONPVN). ONPVN is charged with maintaining food stocks and distributing food aid and seeds in emergencies,²⁸ but privatization of ONPVN's truck fleet has meant that many remote villages are no longer supplied.²⁹

20. The Special Rapporteur specifically cites Niger's privatization-induced withdrawal from agricultural and pastoral extension services as a root cause of 2005's food emergency.³⁰ Even after the immense scale of the crisis became apparent, the Nigerien government continued to echo IFI insistence on the primacy of the commercial market,³¹ basing a refusal to distribute free food on arguments that such distribution would cause aid dependency and market distortion, but omitted any consideration of its human rights obligations.³² The modest grain subsidies the government was willing to utilize were inadequate in terms of the quantity available compared to actual needs and were unaffordable for poor households,³³ prompting the Special Rapporteur to insist that cost-recovery policies did not make sense in an extreme emergency and that food should immediately be distributed free of charge particularly to women and children in the country's neediest areas.³⁴

IV. Trade agreements and trade negotiations

21. Niger has been a Member of the WTO since 1996. The WTO and specifically its Agreement on Agriculture (AoA)³⁵ formally recognize the vulnerable position of LDCs, primarily through the AoA's provisions on special and differential treatment (SDT) for LDCs and other developing countries. Though these provisions have proven difficult to invoke in the past, WTO Members have committed to making SDT operationally effective. In particular, Members have committed to instituting new flexibilities in how the AoA can be applied, in order to protect food security and rural development.³⁶ For instance, in the WTO's 'July Framework' of 2004, developing countries secured an SDT commitment called the Special Safeguard Mechanism (SSM). The SSM permits tariffs increases, either when prices of commodities important for food security, livelihood security, and rural development fall below a set price, or when import quantities rise above certain predetermined levels.³⁷ Although WTO talks were informally suspended in July 2006, the technical work of SSM implementation and further elaboration of the SDT principle is expected to continue when talks resume.

22. Niger is also a party to EPA negotiations between the EU and ECOWAS. In the past, former EU colonial territories, now known as the ACP States, benefited from nonreciprocal, formally unrestricted access to EU markets. This was in recognition of colonial ties and as a supposed corrective to massively imbalanced EU-ACP trade. Even today, for instance, the EU is by far Niger's largest trading partner, accounting for 43.9 percent of Nigerien exports and 27 percent of its imports,³⁸ while Nigerien trade has only a nominal impact on the EU. Yet these trade preferences for ACP countries go against WTO principles which require a Member to extend to all other WTO Members any trade preference granted to any one country or group of countries. The WTO has thus deemed the EU preferences for ACP States illegal, and given the EU and ACP States until 2008 to phase them out. The EU-ACP Cotonou Agreement³⁹ forms the baseline for negotiations on the EU – ECOWAS EPA as well as five other ACP sub-regional free trade areas with the EU.

23. The free trade areas are likely to culminate in strictly reciprocal market access arrangements unaccommodating of SDT, even though both the EU and its ACP partners have said that they are committed to respecting and operationalizing SDT in the WTO, and the EU-ACP Cotonou Agreement also formally recognizes this principle. If EPA negotiations stick to the current free trade area framework, tariffs on almost all trade between the two blocs will be cut to zero, even for Niger and the other LDCs that rely on tariffs for crucial government revenue. Although SDT exempts LDCs from the WTO's tariff cut requirements, Niger has bound its tariffs at a low rate through its membership in the West African Economic Monetary Union (WAEMU), an arrangement that has been built into Niger's many IFI loan conditionalities. The EPA is likely to further entrench tariff reductions or elimination.

24. Locking in tariff reductions or elimination would eviscerate Niger's already very low public revenues, further exacerbating the discrimination that Nigerienne women experience, in three main ways. First, lower tariff revenues would heighten the exposure of women in the agricultural sector to food insecurity by reducing the funds available for much-needed agricultural investment and provision of agricultural-related services. Moreover, tariffs utilized in the manner of the WTO's

SSM are often the primary, if not the only, trade instruments open to developing agricultural economies to safeguard farmers' livelihoods in the face of sharp price swings or surges in imports,⁴⁰ but free trade areas like the proposed EPAs do not permit safeguard duties, or allow only for transitional safeguards at such low levels as to strip out any meaningful safeguard function. It is even possible that if Niger applied a WTO-permissible SSM if high levels of subsidized EU produce flooded the Nigerien market and displaced local production, Niger could face economic sanctions for violation of EPA rules. Thus, the EPA in the form it is likely to be adopted, would make it difficult for Niger to comply with CEDAW, in particular its Articles 11, 12 and 14.

25. Second, lower tariffs would imperil the distribution of emergency food supplies. Thirdly, liberalization-induced decreases in State tariff revenues translate into reductions in the provision of basic services. The State's reduced capacity to fulfil social obligations has serious implications for its ability to uphold human rights.⁴¹ Women are the first to be required to compensate, for instance by expanding their role as caregivers, even further increasing their workload.

V. Participation in EPA negotiations, and impact assessment

26. Lack of participation in the EU – ECOWAS negotiations has two dimensions. First is the difficulty for LDC States such as Niger to participate in the negotiations, and to defend their country's interests given the unequal negotiating power between the two parties. Indeed, ACP States have repeatedly communicated that they do not have sufficient negotiating capacity to participate in the WTO and to discuss EPAs with the EU simultaneously.⁴² Compounding this built-in power inequity is the fact that ACP States are largely beholden to EU official development aid and trade preferences: Niger's most important donors are the EU and France.⁴³ The EU has used its concurrent EPA negotiations to unilaterally set the agenda for talks, employing a divide-and-conquer strategy that effectively marginalizes ACP concerns.

27. The second is the lack of public information about the negotiations, and the consequent lack of civil society participation. EPA negotiations have been strongly criticized by civil society groups in Niger and internationally⁴⁴ for their lack of transparency. Niger has signed on to the Nairobi Declaration on Economic Partnership Agreements, which details the common African Union negotiating blueprint and calls for a civil society role in the formal, multi-tiered EPA assessment and evaluation due in 2006,⁴⁵ but this is a poor substitute for public access to information and meaningful stakeholder participation in the development of a truly human rights-driven approach to trade. Although all EPAs are scheduled to be finalized in January 2008, the public has at the time of writing still been unable to access any information on draft provisions, contrary to human rights principles that require public access to information and participation in governmental decision-making.

28. Thus, human rights principles of accountability, access to information, and public participation are respected neither in trade negotiations, nor in IFI loan discussions. In this respect, it should be recalled that Niger, as well as EU members, all of whom are States parties to CEDAW, have an obligation to ensure the equal right of women to participate in the formulation of government policy and its implementation under CEDAW Article 7 (b), as interpreted by General Recommendation No. 23 (1997) and with particular regard to the elaboration and implementation of development planning at all levels under Article 14 (2) (a).

29. Niger could also rely on its human rights obligations as a 'shield' against new liberalization commitments that IFIs or trading partners may seek to impose. Indeed, as noted by the Special Rapporteur on the right to the highest attainable standard of physical and mental health Paul Hunt, formerly member of the Committee on Economic, Social and Cultural Rights, "[The International Covenant on Economic, Social and Cultural Rights] has become a device that signals which international and other policies impacting upon the poor in a particular state party are legitimate and which are not. In this way, the Covenant has become a shield that state parties may

use to protect their poor from international policies that would otherwise cause avoidable hardship to vulnerable individuals and groups.”⁴⁶ CEDAW could also serve as a ‘shield’ in a similar way.

30. At present, there has been no assessment of the impacts of the EU – ECOWAS EPA on human rights, nor on vulnerable groups such as women. At a minimum, before Niger enters into any new trade agreement, it should ensure that an independent impact assessment be carried out, measuring the effect of proposed liberalization commitments on food security and the enjoyment of women’s human rights to work and to health. This is in keeping with CEDAW General Recommendation No. 6 (1988), that States parties establish effective national machinery, institutions, and procedures to advise on the impact on women of all government policies.⁴⁷ It is also in keeping with the Working Group on the Right to Development recommendation that States be encouraged to undertake independent impact assessments of trade agreements on the right to development.⁴⁸ The Special Rapporteur on violence against women, its causes and consequences, referring specifically to preventable malnutrition as a form of violence against women, has further stated that gender impact assessments should be mandatory with regard to the planning of economic and social policies, and that these impact assessments should have an important effect on decision-making.⁴⁹

Conclusion

31. Economic and trade rules relating to agriculture currently promote a system based on the compulsion to supply the world market at the expense of food production for domestic consumption, with no consideration of the effect on human rights or on women’s rights.⁵⁰ Basing growth and development of Nigerien agriculture on exports and external markets is not meeting the challenge of either feeding the domestic population or ensuring sustainable opportunities for decent income generation.⁵¹

32. Niger’s ability to ensure food security, which is a necessary condition for the State party to fully realize women’s rights to work and to health, faces numerous challenges from agricultural trade liberalization. The Office of the High Commissioner for Human Rights (OHCHR) has supported the use of human rights norms and standards as a “legal framework to protect the social dimensions of economic globalization,” and has specifically pointed to the need for a human rights approach to trade rules.

33. A human rights-driven approach to trade would reassess the very obvious tradeoffs currently made in assuming the costs of new trade measures. Implementation costs not only substantially reduce the expected benefits of individual trade measures, but detract significantly from the State’s ability to meet other human rights obligations: the World Bank estimates that in order to implement just three of the WTO’s numerous Multilateral Agreements on Trade in Goods, it has on average cost developing countries USD\$150 million, or the equivalent of a year’s development budget for many LDCs.⁵²

34. Given the difficulty for LDCs such as Niger to participate as equals in trade negotiations and negotiations with IFIs, it is import to recall the shared responsibility of the parties in ensuring that trade commitments do not adversely impact human rights. CEDAW can play a particular role in this regard, as noted by the Commission on Human Rights’ Working Group on the Right to Development in 2006, when it stated that “human rights treaty bodies have a responsibility within their respective mandates to work with States parties and their trading partners in order to ensure coherence between trade commitments and States’ human rights obligations in general.”⁵³ The Committee on the Elimination of All Forms of Discrimination against Women could play a significant role in ensuring trade liberalization policies do not worsen the situation of women in Niger by encouraging Niger to invoke CEDAW as a ‘shield’ to strengthen its ability, in international trade and financial negotiations, to uphold its development interests and the need of its inhabitants, and particularly women.

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Endnotes:

- 1 Food and Agriculture Organization of the United Nations (hereinafter 'FAO'), *Prevalence of Undernourishment in Total Population* (10 Feb. 2006), available at <http://www.fao.org/faostat/foodsecurity/Files/PrevalenceUndernourishment.xls>
- 2 United States Fund for UNICEF (hereinafter 'UNICEF'), *News Analysis: Niger Crisis has Deep Roots* (23 Aug. 2005), available at http://www.unicef.org/infobycountry/niger_28030.html
- 3 *General recommendation No. 13: Equal remuneration for work of equal value*, in REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (hereinafter 'CEDAW Committee'), 8TH SESSION, A/44/38 76 (1990); *General recommendation No. 16: Unpaid women workers in rural and urban family enterprises*, in REPORT OF THE CEDAW COMMITTEE, 10TH SESSION, A/46/38(SUPP) 1 (1992); *General recommendation No. 24: Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women – women and health*, in REPORT OF THE CEDAW COMMITTEE, 20TH AND 21ST SESSIONS, A/54/38/Rev.1 3-7 (1999). The full text of all General Recommendations is available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html> Further, CEDAW Article 11, 12, and 14 rights are located within the framework of rights stipulated in Articles 6, 7, 11, 12, and 13 of the underlying International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Niger is also a State party. CEDAW Article 23 (b), in combination with the principle of indivisibility, interdependence, and interrelatedness of rights, prescribes that the content of CEDAW's rights to work and to health not take a step backwards that originally set forth in the ICESCR. See Aída González Martínez, *Human Rights of Women*, 5 WASH. U. J.L. & POL'Y 157, 169-170 (2001), available at <http://law.wustl.edu/journal/5/p157%20Martinez.pdf>
- 4 CEDAW, preamble.
- 5 Network of Peasant Organizations and Producers in West Africa (hereinafter 'ROPPA') *et al.*, *African and European farmers say no to EPAs and no to a WTO agreement in HKG*, (1 Dec. 2005), available at http://www.bilaterals.org/article.php3?id_article=3185; Third World Network-Africa *et al.*, *A Global Call for Action to Stop EPAs*, joint statement (30 Mar. 2006), available at http://www.twnafrica.org/news_detail.asp?twID=892.
- 6 *General recommendation No. 6: Effective national machinery and publicity*, in REPORT OF THE CEDAW COMMITTEE, 7TH SESSION, A/43/38 110 (1988). For the General Recommendation's full text, see *supra* note 3.
- 7 World Trade Organization (hereinafter 'WTO'), *Trade Profiles – Niger* (March 2006), available at <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=NE>
- 8 Jeremy Swift, *The Problems in the Sahel*, SCIENCE 211, 473 (30 Jan. 1981).
- 9 United Nations Development Programme (hereinafter 'UNDP'), *Human Development Report, Demographic trends* (2005), available at <http://hdr.undp.org/statistics/data/indicators.cfm?x=40&y=1&z=1>
- 10 United Nations World Food Programme (hereinafter 'WFP'), *Excerpts from the Niger Comprehensive Food Security Vulnerability Assessment 7*, 1 (Apr.-May 2005) available at <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp073376.pdf>
- 11 United Nations Office for the Coordination of Humanitarian Affairs Integrated Regional Information Networks (hereinafter 'IRIN'), *Mali: No risk of famine says government, but aid workers disagree* (26 July 2005), available at http://www.irinnews.org/report.asp?ReportID=48308&SelectRegion=West_Africa&SelectCountry=MALI
- 12 United States Agency for International Development Famine Early Warning Systems Network, *Monthly Food Security Update for the Sahel and West Africa* (31 Aug. 2005), available at <http://www.fews.net/centers/innerSections.aspx?f=r1&m=1001734&pageID=monthliesDoc>
- 13 United Nations Division for the Advancement of Women (hereinafter 'UNDAW'), *Replies to Questionnaire on the Implementation of the Beijing Platform for Action – Niger § II* (4) (revised 24 May 2002), available at <http://www.un.org/womenwatch/daw/followup/responses/Niger.pdf>
- 14 UNICEF, *supra* note 2. The cited figure of US\$170 was equivalent to FCFA92,240 on 1 July 2005, with an exchange rate of 542.7086 FCFA to the dollar.
- 15 United Nations Economic and Social Council (hereinafter 'ECOSOC'), *Report of the Special Rapporteur on the right to food*, E/CN.4/2006/44 para. 14 (16 Mar. 2006).
- 16 FAO, *Gender and Food Security Statistics: Female labour force economically active in agriculture as percentage of total female labour force*, available at <http://www.fao.org/Gender/stats/MAP3.htm>
- 17 International Development Association and International Monetary Fund, *Niger: Decision Point Document under the Enhanced Heavily Indebted Poor Countries Initiative* para. 33 (6 Dec. 2000), available at <http://www.imf.org/external/np/hipc/2000/ner/niger.pdf>.
- 18 UNDAW, *supra* note 13, at § II (2).
- 19 Third World Network Africa, *The WTO Agreement on Agriculture and Food Security for Small Scale African Farmers from a Gender Perspective* (Oct. 2002), available at <http://www.twnafrica.org/print.asp?twID=267>

- ²⁰ *Ibid.* at 61.
- ²¹ Women Living Under Muslim Laws, *Niger's women and children starve as men hoard food* (18 Aug. 2005), available at [http://www.wluml.org/english/newsfulltxt.shtml?cmdf\[157\]=x-157-312100](http://www.wluml.org/english/newsfulltxt.shtml?cmdf[157]=x-157-312100) Though Niger has expressed reservations with regard to CEDAW Articles 2 (d) and (f), 5 (a), and 16 (1) (c), on the grounds that “they are contrary to existing customs and practices which, by their nature, can be modified only with the passage of time and the evolution of society and cannot, therefore, be abolished by an act of authority,” the CEDAW Committee has found that Articles 2 and 16 are core provisions of the Convention and that reservations to Article 16 are impermissible. Further, Niger’s stated rationale for these reservations is undermined by aid workers’ observations that the “extraordinary situation [of men hoarding food] appears to be peculiar to Niger. Neighbouring countries caught up in the crisis caused by droughts and plagues of locusts—Mali, Mauritania and Burkina [Faso]—are also predominantly Muslim with patriarchal cultures. Yet there, aid workers say, women are not sidelined to anything like the same degree.” *Ibid.*
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