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FAO LEGISLATIVE STUDY

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Pro-poor legal and institutional frameworks for urban and peri-urban agriculture

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by
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for the
Development Law Service
FAO Legal Office

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FOREWORD

Urbanization is one of the key drivers of change in the world today as the world's urban population will almost double from the current 3.5 billion to more than 6 billion by 2050. It is a challenge not only for urban areas but also for rural areas. Supporting the most vulnerable groups in an urbanizing world demands discussions on food, agriculture and cities in the context of rural-urban linkages. Policies need to address a very wide range of issues in order to link urbanization, food and nutrition security and livelihoods: how and where to produce enough food for urban dwellers? What infrastructure is needed? How can cities preserve the surrounding ecosystems?

The "Food for the Cities" multidisciplinary initiative of the Food and Agriculture Organization of the United Nations (FAO) promotes a food system approach supported by a great variety of areas such as urban and peri-urban agriculture (UPA) and forestry, support to small producers in urban and peri-urban areas, land tenure, food supply, nutrition education, school gardens, waste management and re-use of wastewater. All stakeholders from the public sector, the private sector and the civil society need to work together at global, national and local levels, and FAO seeks to bring these stakeholders together and serve as a neutral forum for international discussions.

Specifically regarding urban and peri-urban agriculture (UPA), FAO has in recent years, through the Growing Greener Cities initiative, provided assistance to policy makers worldwide in the implementation of systems to strengthen urban and peri-urban horticulture (UPH). By supporting governments in formulating policies, removing barriers, establishing incentives and promoting capacity building of urban farmers and producers, the FAO programme, and similar ventures by other organizations, has demonstrated through case studies undertaken in Africa and Latin America that UPA provides an effective and viable solution to address food and nutrition security in poor urban populations (FAO, 2010).

This legislative study aims to promote an understanding of the key elements and issues to be addressed by a pro-poor legal and institutional framework for the practice of urban and peri-urban agriculture. Several case studies from Argentina, Brazil, Canada, Cuba, Ghana, and Uganda are included to this end. It is hoped that this study will provide guidance to national legislators,

ministers and administrations, mayors and other municipal officials, as well as lawyers involved in drafting legislation and regulations or advising on, or advocating for, better legal frameworks for urban and peri-urban agriculture.

The Development Law Service commissioned the study from the Development Planning Unit, University College London (DPU/UCL) and it was undertaken by Professor Yves Cabannes, in collaboration with a number of others noted in the acknowledgements.

The preparation of the study was supervised by Margret Vidar, Legal Officer, Development Law Service, FAO. Thanks is given to Victoria Aitken and Graham Hamley, legal interns, for their assistance in the review, as well as Jane O'Farrell for her editorial expertise.

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Chief
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Prof. Yves Cabannes
Development Planning Unit
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List of selected acronyms and abbreviations

AMA	Accra Metropolitan Assembly
CSO	Civil Society Organization
CC	Climate Change
DPU	Developing Planning Unit
EPA	Environmental Protection Agency (USA)
ESD	Environment and Sustainable Development
FAO	Food and Agriculture Organization of the United Nations
GLA	Greater London Authority
GM	Genetically Modified Food
GNAU	National Group for Urban Agricultures
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDRC	International Development Research Centre
IPES	International Promotion of Sustainable Development
IWMI	International Water Management Institute
LA&C	Latin American & the Caribbean
NGO	Non Governmental Organization
PNUD	United Nations Development Program
RUAF	International network of Resource Centres on Urban Agriculture and Food Security
STERRI	Science and Technology Policy Research Institute
TNC	Transnational Companies
UA	Urban Agriculture
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPA	Urban and Peri-Urban Agriculture
VFPC	Vancouver Food Policy Council

INTRODUCTION

The objective of this legislative study is to provide an analysis of the texts and the issues that need to be considered to primarily understand the legal and institutional frameworks that facilitate the agricultural practices of poor urban farmers. Special emphasis is also given to the instruments and frameworks that increase access to food for those living in urban poverty and who do not have access to nutritious food.

The study is divided into four sections. Section 1 of this report provides technical definitions of what is urban and peri-urban agriculture (UPA) and the extent to which UPA can address the global food insecurity prevailing in cities today.

Section 2 provides a set of international instruments such as declarations, special comments, action plans and guidelines that support the development of an enabling legal framework and strategies from national to local levels intended to respect, protect and fulfil people's human rights, achieve progressive steps towards food security, and support UPA implementation. This section highlights the principle that the creation of an enabling legal framework is one of the fundamental steps towards appropriate and efficient implementation of UPA.

Section 3 presents examples of good pro-poor practices from cities in different global regions where policies and supportive legal frameworks have been developed and implemented. These instruments are organized into three major inter-connected fields, being: (a) policies; (b) legislation and regulations; and (c) incentives at national, state, and municipal levels. Furthermore, a series of key issues and recommendations for the development of safe and sustainable urban and peri-urban agriculture are presented based on the practical experience gained by various local governments in the last few years.

Section 4 examines national and municipal institutional frameworks that are necessary to implement the policies and legal instruments. They draw on the experience of Cuba, Rosario in Argentina and Belo Horizonte in Brazil.

The cases have been selected from a wide literature review, combined with first-hand knowledge of the research team who participated in the study.

Cases have been selected that deal with key aspects necessary for creating an enabling environment for urban and peri-urban agriculture. Issues are addressed such as land and security of tenure for land, increased accessibility to safe water and facilitation of small business and tax regimes, and overall, the cases share a focus on *pro-poor* legal and institutional frameworks.

I

DEFINITION OF URBAN AND PERI-URBAN AGRICULTURE AND ITS CONTRIBUTION TO FOOD SECURITY

Contents

1.1 Technical definitions of urban and peri-urban agriculture

Definitions of urban and peri-urban agriculture are relatively recent. Mougeot (see Box 1) was one of the first to provide a holistic definition that goes beyond the limiting notion of "backyard gardening" and incorporates the diversity of local situations.

BOX 1
One broad definition, coined by Luc Mougeot[1]

"Urban agriculture is an industry located within, or on the fringe of a town, a city or a metropolis, which grows and raises, processes and distributes a diversity of food and non-food products, re (using) largely human and material resources, products and services found in and around that urban area, and in turn supplying human and materials resources, products and services largely to that urban area."

This definition is interesting because it contemplates two important characteristics of UPA practices. Firstly, in terms of location, urban agriculture is generally not only *intra-urban* and tends to take place on the fringes of expanding cities as *peri-urban* agriculture. The tension between expanding cities eating up part of their food base and new or traditional urban agriculture activities is precisely what policies and legal frameworks have to regulate.

Secondly, the definition alludes to the spatial and land use dimension of urban and peri-urban agriculture. It is important when setting up a pro-poor institutional and legal framework to take account of the huge variety of spaces where the urban agriculture industry is taking place. These include: (i) houses, on terraces and balconies; (ii) private plots, even if without property title, around the home; (iii) along highways, railways or pathways; (iv) public parks and open spaces; (v) non urbanized patches of land within and on the fringes of the city; (vi) areas where construction should not be taking place, such as along water beds and other risk-prone lands; and (vii) institutional properties (for instance schools, hospitals or large enterprises).

1 Mougeot L. (2005). Agropolis. The social, political and environmental dimensions of urban agriculture. Earthscan, London.

1.1.1 Wide variety of economic actors and productive systems

Van Veenhuizen[2] proposes the following definition:

Van Veenhuizen's definition is similar to Mougeot's. However he expands on another important challenge for policy and legal UPA frameworks by highlighting the variety of possible productive systems ranging from family based to fully commercial enterprises that involve difference social and economic actors.

This definition that will be used along with Mougeot's in this study encompasses FAO's 2001 comments[3] on what makes peri urban agriculture specific in relation to urban agriculture, as it includes other productions systems than semi or fully commercial farms that are taking place in peri-urban areas through the formal or informal expansion of cities:

> *"Peri-urban agriculture happens on farm units close to town that operate intensive semi- or fully commercial farms to grow vegetables and other horticulture, raise chickens and other livestock, and produce milk and eggs.*

This study, however, selectively focuses on pro-poor solutions and therefore primarily on household and informal groups of producers based levels to small scale agro-business enterprises and cooperatives levels, as they are generally the kind of activities in which poor urban farmers are more active.

1.1.2 Social diversity of producers

A large proportion of people involved in UPA in developing regions of the world are the urban poor. Contrary to the belief that those involved in UPA are essentially recent migrants from rural areas, UPA is practiced generally by

2 Van Veenhuizen R. (ed), Cities Farming for the Future, Urban Agriculture for Green and Productive Cities. 2006, Leusden, Netherlands, p. 2.

3 FAO, Urban and Peri Urban Agriculture. A briefing note for the successful implementation of urban and peri-urban agriculture in developing countries and countries of transition, July 2001, 84 pages.

poor people who have been living in the city for one or more generations and have had time to access urban land, water and other productive resources.[4]

A gender perspective is also important when designing legal frameworks as women constitute an important percentage of urban producers (up to 65 percent) It is more difficult for women to get skilled jobs in industrial areas or in the city but they are able to combine their processing and selling activities with household activities.[5]

1.1.3 From seed to plate: diversity of activities along the supply chain

Both definitions do not limit UPA to the mere cultivation of vegetables or the raising of small animals. UPA is a complete value chain that encompasses the supply of inputs, production, agro-processing, distribution through various marketing channels and the management of the waste produced all along the value chain. It draws from the material and human inputs (primarily being seeds, compost, water, land, labour, services or knowledge) that are necessary to produce food outputs such as vegetables, flowers, livestock, fruits, meat or fish.

Therefore a legal framework for UPA cannot focus on only one of the stages of the chain, but should, of course, consider it in its totality. It is particularly important for pro-poor legal frameworks to focus on more than the production stage, and to give attention to the provision of inputs (land, seeds, water, pesticides, etc.) and to the transformation and marketing stages. The cases in section 3 were selected because of their effort to consider the whole chain, or concentrate on the ones least considered such as the distribution of transformed products.

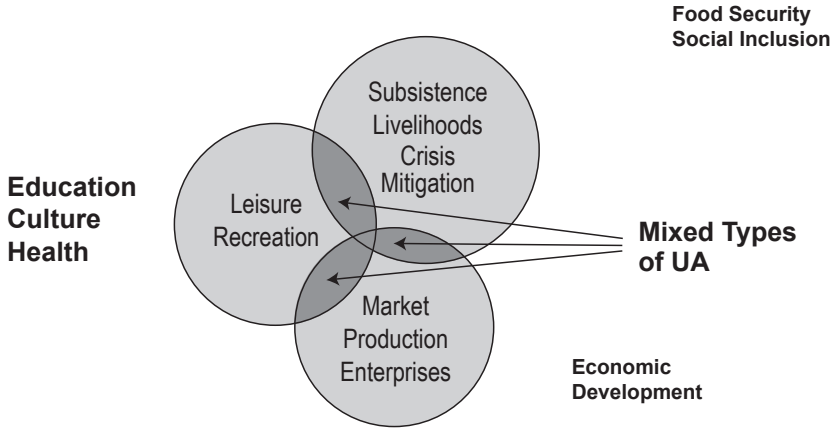
4 Dubbeling M., de Zeeuw H. and van Veenhuizen R. (2010), Cities, poverty and food. FUAF Foundation. Practical Action Publishing Ltd, UK.

5 Mougeot L., 2005, *op cit.*

1.1.4 Different types of urban agriculture

Cabannes[6] (see Box 2), established a typology of UPA practices that enables a better understanding of the wide variety of situations that might be found in the same city, region or country.

BOX 2
Typology of urban agriculture practices



Cabannes, Y 2004a.

The most common of the UA practices (subsistence livelihoods and crisis mitigation) refers to UA as a way by which the urban poor and, to a lesser extent, middle class, make their living. In this case, UA plays a part in a *subsistence economy*, generally family based, and is seldom monetary. This activity does not generate a cash surplus but provides food or medicinal plants that reduce the expenses of the family and improve diet and access to medicine.[7]

6 Cabannes Y., Financing and Investment for Urban Agriculture, Chapter 4, pp. 87–123, In: Cities Farming for the Future, Urban Agriculture for Green and Productive Cities. Edited by René van Veenhuizen, 2006, Leusden, Netherlands.

7 Cabannes Y., *Agriculture Urbaine pour l'assainissement et la création de revenus dans l'agglomération de Fortaleza, Brésil. Rapport de synthèse, CIRD, Centre International de Recherche pour le Développement*, *Toronto, Canada, Janvier 1997*.

A second practice (market production enterprises) is related to *market oriented activities*. They can be individual or family based through micro-enterprises or through larger cooperative or producer associations. They refer to the whole food chain from the production of vegetables, milk, fruit, and other products to the agro-processing activities and marketing. In those *market oriented activities*, the products are sold by the producers directly at markets or through intermediaries. To a lesser extent, products are sold through formal distribution channels, such as supermarkets and greengrocers.

A third practice refers to agriculture as occasional or permanent *leisure and recreational activities*. They are practiced more in developed than in developing countries. In some cities, they are seen as a way to maintain the link between urban citizens and nature, raising awareness on environmental issues and allowing urbanite children to understand the cycles of life and food.

Mixed forms are a *combination of two or three of the previously described practices*. For instance, a family practicing UA for its own consumption can also sell its surplus locally, providing extra, occasional cash. In a similar way, European farmers practicing UA as a recreational or health related activity cultivate products that can occasionally reduce their expenses.

A pro-poor legal and institutional framework must be tailored to the characteristics of the city or region concerned, and will therefore most likely be able to deal with only some of the practices and have to disregard others. It is therefore essential to understand these significantly different practices and how they compete for scarce resources, primarily land and water.

1.2 Contribution of urban and peri-urban agriculture to urban food security in cities

The most important contribution – actual and potential – of UPA to food security is the *provision of nutritious food* to city dwellers. It improves the availability of nutritious food to the urban poor who lack purchasing power, and primarily to those practising survival and subsistence urban agriculture. UPA can provide, under certain circumstances, from 20 to 60 percent of food requirements at household level. It not only provides food for self-consumption, but also improves other city dwellers access to fresh and affordable food.

Despite the lack of accurate numbers, it is estimated that 15 to 20 percent of the food consumed in the world is produced in cities. According to the Chinese Academy of Sciences, Beijing Metropolitan Area contributes to 40 percent of the fresh food consumed by its 17 million inhabitants.[8]

It is, however, important to highlight that UPA tends to complement rural agriculture: UPA normally produces fresh, nutritious food usually not otherwise accessible by the poor and the middle classes whereas rural agriculture plays an unchallenged role in terms of rice, wheat, corn, soy or sugar.

A second direct contribution of UPA to food security is that it tends to facilitate *social inclusion* of disadvantaged groups such as people with disabilities, HIV, migrants, women, unemployed and partially employed persons or refugees and promote social development through confidence building, community capacity development and skills training.

It reduces the expenditure on food by urban poor (which usually represent around 50 to 60 percent of overall cash expenses). This reduction can be either because food is self produced or because it is locally bought and costs much less than food that is transported from rural areas or imported. Additionally, the practice of UPA and other related activities such as composting, simple transformation of agricultural products, packaging, transport or selling on markets provide an essential income to poor urban dwellers, improving their purchasing power for other essentials such as health and education.

UPA also reduces the dependence on imported food for low-income countries, saving on foreign exchange and reducing vulnerability to food price fluctuations and availability. These benefits are not directly linked to food security but have an impact on the conditions that affect the urban food security system and urban metabolism.

UPA contributes directly to a healthier environment through the possibility it offers to recycle organic waste to produce compost, and to convert wastewater into an irrigation source, once the water is – partially – treated. The spaces cultivated tend to improve bio-diversity and eliminate carbon dioxide.

8 Interview by the author May 2011.

And last but not least, cultivating along river banks that might be flooded or on high gradient risky areas not only contributes to food self sufficiency but also reduces urban areas vulnerability to severe droughts and floods. In this way, UPA contributes positively to climate change mitigation and adaptation.

1.3 Challenges ahead for urban and peri-urban agriculture

Despite its growing contribution to food security and well-being in cities, UPA still remains out of the mainstream. In an urbanizing world with unprecedented numbers for poverty and food insecurity, it is imperative that the role and benefits of UPA are acknowledged and there is **a legal framework** that supports its practice.

The development of an enabling legal framework including policies, incentives, regulations and legislation requires a **multi-actor and multi-sector approach**. It should therefore include the following elements[9]:

- **a social dimension** which emphasises subsistence-oriented urban agriculture that has strong impacts on food security and social inclusion of disadvantaged groups; but also broader community capacity development, leadership training, skill building and community resilience;
- **an ecological dimension** which takes into account the ecological roles of UPA, such as organic and diverse agriculture methods, productive re-use of urban wastes, city greening, adaptation to climate change by reducing energy use, enhancing storm water infiltration and capturing carbon dioxide;
- **an economic dimension** which enhances the productivity and economic viability of urban agriculture by improving urban farmers' access to subsidies and credits, technical assistance and markets;
- **a political dimension** which enables the empowerment and organisation of urban farmers, who are usually voiceless, into organisations and federations;

9 This sub–section borrows some ideas to Dubbeling *et al*, 2010, *op cit*; Van Veenhuizen (coord), *op cit*, and Redwood, M. (2009). Agriculture in urban planning: generating livelihoods and food security. IDCR. Sterling VA: London.

- **land and water policies** which facilitate the formal acceptance of UPA as a part of urban land use and planning, and enable urban farmers access to vacant open urban spaces and water supply and security of tenure over land they use for urban agriculture; and
- **research** for the development of appropriate technologies such as non-soil production, productive green roofs and façades, waste-efficient management or wastewater treatment for safe irrigation.

It is critical that governments and international organizations consider a rights-based approach to food security as a framework for UPA. A rights-based approach recognizes the interdependence among basic human rights such as food, water, health and education and fundamental principles such as participation, non-discrimination and accountability. The next section will examine in detail the international instruments that apply in relation to food security and UA.

II

INTERNATIONAL FRAMEWORK

Contents

There is no international legal instrument that deals specifically with *urban and peri-urban agriculture*. However some international declarations, primarily at the regional level, and international commitments, such as the Habitat Agenda might bring some influence on this relatively recent issue on the development agenda. The position of the *right to food* is significantly different as it is protected under international human rights law.

This section presents an overview of the different treaties, covenants, declarations and other international instruments which have emerged over the last decades and that focus directly, or have some influence on the development of strategies and legal frameworks, related with food as a right and UPA. It reviews first the international framework on food security and the right to food (section 2.1) and subsequently on urban and peri-urban agriculture (section 2.2). The last section (2.3) provides some comments and concluding remarks on both international frameworks, with special emphasis on their relationship.

2.1 The right to food[10]

The human right to adequate food is recognized in a number of international instruments, most fully in the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), which has 160 state parties. The right is recognized as part of the right to an adequate standard of living (art. 11.1), and also separately as the fundamental right to be free from hunger (art. 11.2).

The Committee on Economic, Social and Cultural Rights (CESCR), which has the role of monitoring compliance with the Covenant, issues authoritative statements of interpretation in the form of "General Comments". General Comment 12 (CESCRS, 1999) is about the right to adequate food and provides valuable insights into the nature of the right to food. Thus, the right to food is "indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights" (para 4). The CESCR identifies some essential aspects of the right to food and its realization, namely availability, accessibility, adequacy and sustainability of food (paras 7–13).

10 This sub-section was largely contributed by Margret Vidar, Legal Officer, FAO. See www.fao.org/righttofood for ample material on food security and the right to food.

The legal content of the right to food derives largely from FAO's food security work. The FAO definition of food security (which is a technical and policy concept) stipulates that:

> *"Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are* ***availability, access, utilization and stability****"*. (FAO, 2005).

Ziegler (see Box 3) was the first United Nations Special Rapporteur on the right to food, and coined a useful legal definition of the right to food on the basis of General Comment 12. This is the definition that will be used in this paper.

BOX 3
Ziegler's contribution to defining the human right to food

The right to food is "the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear." (UN, 2001)

"The right to food is a human right**.** It protects the right of all human beings to live in dignity, free from food insecurity, hunger and malnutrition. The right to food is not about charity, but about ensuring that all people have the capacity to feed themselves in dignity." (Ziegler[11], 2011)

11 Jean Ziegler is member of the UN Human Rights Council's Advisory Committee, working as an expert on economic, social and cultural rights, including the right to food. During the period 2000–2008, he was the UN Special Rapporteur on the Right to Food. See www.righttofood.org.

By ratifying the ICESCR, states undertake obligations to take steps towards the progressive realization of the right to food, using the maximum of available resources (art. 2). They also undertake the obligation not to discriminate between people on the grounds of sex, race, religion, language or other such grounds. The CESCR explains that there are different levels of state obligations, namely to respect, protect and fulfil the right to food. The first obligation is thus not to interfere with people's efforts to feed themselves, the second, to protect people from third parties' interference with the right, and then to take steps to facilitate and provide for the enjoyment of the right to food. These obligations also apply to sub-national and local authorities.

According to the Vienna Declaration and Programme of Action of the World Conference on Human Rights, all human rights are "universal, indivisible and interdependent and interrelated" (UN, 1993, para 5). This means that for the realization of socio-economic rights, civil and political rights (such as freedom of assembly and of expression, right to information and the right to participate) are of utmost importance. Conversely, civil and political rights have little practical meaning for those who suffer from hunger.

The Vienna Declaration recognizes that economic, social and cultural rights (ESCR) are deeply connected with civil and political rights and seeks to highlight that the most vulnerable people should be empowered through promoting *the real and effective participation of the people in the decision-making processes* (paragraph 37). At the same time it *urges the full and equal enjoyment by women of all human rights and that this to be a priority for governments and for the United Nations as they are usually the most disadvantaged in the development process* (paragraph 36).

The human rights framework is therefore by definition pro-poor. The focus is on those who do not currently enjoy socio-economic rights and on empowering the marginalized to become active members of society. The notion of non-discrimination, for instance, does not mean that everyone should receive equal assistance and service, but that one should seek to redress the lot of those who currently suffer from discrimination. The Office of the UN High Commissioner for Human Rights explains:

> "The human rights approach underlines the multidimensional nature of poverty, describing poverty in terms of a range of interrelated and mutually reinforcing deprivations, and drawing

> attention to the stigma, discrimination, insecurity and social exclusion associated with poverty. The deprivation and indignity of poverty stem from various sources, such as the lack of an adequate standard of living, including food, clothing and housing, and the fact that poor people tend to be marginalized and socially excluded" (OHCHR, 2006, page 4).

Within FAO, the right to food has been recognized a number of times throughout the years. Its constitution states in the preamble that "ensuring humanity's freedom from hunger" is the ultimate goal of the organization. A major milestone for FAO was the adoption by its Council in 2004 of the "Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security", or *Right to Food Guidelines* in short. The guidelines constitute the consensus amongst FAO members about what needs to be done to realize the right to food, and they offer a comprehensive and useful set of strategies to progressively achieve the right to food in practice. This document emphasizes that without liberty of expression, association and empowerment of people to demand their rights, the right to food cannot be realized. This means that the exercise of human rights requires processes that ensure the empowerment of people on an equal basis to exercise the practice of their rights (Herrera, 2008).

Furthermore, good governance, participative and democratic multi-stakeholder processes are identified as keys to the progressive realization of the right to adequate food. The guidelines cover a wide range of strategies along the food supply chain, which include: strengthening local-regional markets, supporting small farmers, developing agricultural sustainable practices, implementing supportive regulatory frameworks, improving access to natural resources for food production and financial resources, and implementing international actions to ensure fair prices in trade for all countries.

FAO encourages and supports governments at all levels to take an integrated view of human rights and apply a human rights based approach, which includes applying the human rights principles of participation, accountability, non discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER). Those principles should guide institutions at all levels in promoting pro-poor urban and peri-urban agriculture and all other

measures related to the implementation of the overall strategy against hunger in urban areas.

Providing an enabling legal framework for pro-poor urban agriculture is one strategy for implementing the right to food. At the same time, using a human rights framework for action implies that governments at all levels should prioritize the needs of the most vulnerable and ensure that they are empowered to participate in decisions and can hold government accountable for their actions.

2.2 Urban and peri-urban agriculture (UPA) international instruments

Over the past fifteen years, there has been increased recognition of the benefits of supporting and implementing urban and peri-urban agriculture with the result that a number of international declarations with a specific focus on UPA have been formulated and agreed. They provide a better identification and understanding of different elements and primarily: (a) main benefits; (b) principal challenges and constraints; (c) different components of the supply chain; and (d) diversity of actors required to turn UPA strategies into practice. Significantly, a wide range of actors participated in the development of UPA declarations including local authorities as well as NGOs, national, regional and international institutions. These are discussed below.

2.2.1 The Habitat Agenda (1996)

The United Nations Human Settlements Program (UN-Habitat), is the specialized program within the United Nations system mandated to promote socially and environmentally sustainable towns and cities with adequate shelter for all. One of the main documents outlining its mandate is the *Habitat Agenda Goals, Principles and Commitments and the Global Plan for Action* agreed to at the 2nd UN Conference on Human Settlements, Habitat II, 1996, in Istanbul, Turkey. The Habitat Agenda provides some guidelines for the improvement of food security and urban agriculture practices as fundamental components of its objective to improve the quality of urban settlements in response to unprecedented urban population growth.

The Habitat Agenda states that land dedicated to agriculture and the protection of green areas within the city are just as important as the provision of land

for housing, industry, commerce, infrastructure and transport, and that this needs to be included in the planning of urban and peri-urban areas. The Habitat Agenda also directly refers to the formulation and implementation of food security policies and access to essential inputs for UPA, land and credit (explicitly for people living in poverty, including those who work in the informal sector, family enterprises and small scale enterprises).

Paragraph 113(a) provides that governments at the appropriate level (including local authorities) "should establish, as appropriate, legal frameworks to facilitate the development and implementation, at the national, subnational and local levels, of public plans and policies for sustainable urban development and rehabilitation, land utilization, housing and the improved management of urban growth".

Paragraph 116(a) adds that governments at the appropriate level should "formulate and implement human settlements development policies that ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; employment and livelihood; basic health care services; safe drinking water and sanitation; adequate shelter; and access to green spaces and land for urban agriculture, giving priority to the needs and rights of women and children, who often bear the greatest burden of poverty;"

Finally, paragraph 118(f) states that those governments should "ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and that they have the opportunity to participate in decision-making in a policy and regulatory environment that would enable them to benefit from employment and economic opportunities;" [12]

2.2.2 Quito Declaration 2000: Urban Agriculture in 21st century cities[13]

The Quito Declaration remains a milestone as the first international declaration to refer directly to Urban Agriculture (UA). It involved a broad spectrum of

12 Available at ww2.unhabitat.org.

13 Available at www.ruaf.org.

participants from international, national and local level spheres,[14] thus giving it legitimacy.

This declaration is remarkable as it clearly points out the essential role of urban agriculture in improving life conditions of poor people in cities through: (i) increasing their food intake; (ii) improving their urban environment; and (iii) generating income and jobs for vulnerable urban populations.

National and local governmental entities were motivated to commit to consolidate and support the implementation of urban agriculture in the Latin American and Caribbean region through the following inducements: (i) execution of training programs for urban farmers to improve urban agriculture; (ii) regular dissemination and exchange of experiences in the region to strengthen efforts and reduce costs of urban agriculture programs; (iii) inclusion of UPA by state and national governments in poverty alleviation and food security strategies; and (iv) provision of technical and financial cooperation from international agencies.

Finally, worth mentioning, was the commitment and determination from the actors present to improve urban management through urban agriculture in Latin America and the Caribbean. There was agreement to produce and disseminate methodology tools, guidelines, practices and learning experiences and report on different aspects of the food supply value chain: urban planning, land use, reuse of solid organic wastes and waste water, financial support for UPA, transformation processes and marketing.

2.2.3 City based declarations from 2002 to 2007[15]

Since the Quito Declaration in 2000 there have been a number of declarations which have contributed to consolidating UA and UPA as part of the urban development agenda of various cities. They are: the Hyderabad Declaration 2002,

14 Representatives of municipal governments (agriculture, ecology, mayors) from Lima, Uruguay, Argentina, Brazil, Dominican Republic, Colombia, Ecuador, Mexico and Honduras; (ii) international participants from UN-Habitat and its Latin America & the Caribbean Coordination of the Urban Management Program, FAO, IDRC, IPES; (iii) around 50 representatives from local governments from 9 Latin American countries.

15 Most of these declarations are available from www.ruaf.org.

the Nyanga Declaration 2002, the Villa Maria Triunfo Declaration 2002, the Harare Declaration (2003) and the La Paz Declaration 2007. They developed further on the Quito Declaration and contributed greatly to the consolidation of urban agriculture as part of the urban development agenda. They have contributed to the UPA policy, legal and institutional changes that have been occurring since the year 2000 in various cities worldwide.

Hyderabad Declaration, India (2002)

The Hyderabad Declaration on Wastewater Use in Agriculture focused on the use of wastewater as a resource, particularly in UPA. It recognizes the importance of using wastewater to improve livelihoods, food security and the quality of the environment. It also recognizes that improper management of wastewater puts the health of people and the environment at risk. The declaration identifies the importance of continuous research to improve the cost-effective and appropriate treatment of wastewater and of training and awareness programmes about its appropriate use in UPA.

Clause 4 of the declaration also strongly urges "policy-makers and authorities in the fields of water, agriculture, aquaculture, health, environment and urban planning, as well as donors and the private sector to safeguard and strengthen livelihoods and food security, mitigate health and environmental risks and conserve water resources by confronting the realities of wastewater use in agriculture through the adoption of appropriate policies, and the commitment of financial resources for policy implementation".

Nyanga Declaration, Zimbabwe (2002)

The Nyanga Declaration on Urban and Peri-urban Agriculture in Zimbabwe re-affirms the contribution of UPA to poverty alleviation, food security, creation of employment and local economic and social development and protection of urban and peri-urban biodiversity. It urges local authorities to promote UPA in their cities by: (i) introducing UPA into urban planning and land use and other local government programmes and operations; (ii) developing appropriate policies and incentives for UPA growth; and (iii) promoting the collection and dissemination of information on UPA activities within their territorial areas.

The Nyanga Declaration also urges the national Government of Zimbabwe to include UPA in its programmes to alleviate poverty, NGOs and international donors to provide financial and material support for UPA projects, and the private sector to invest in urban and peri-urban agro-businesses.

Villa Maria de Triunfo Declaration, Lima, Peru (2002)

This declaration highlights gender as critical in the development and implementation of UPA. It states that women are often the most disadvantaged in access to loans, land and knowledge. The declaration insists that legal frameworks, land reform and institutions need to foster gender equity and opportunities for women.

Harare Declaration, Zimbabwe (2003)

The Harare Declaration of Urban and Peri-urban Agriculture in Eastern and Southern Africa recognizes that although UPA is practiced informally within the region, it already plays a significant role in improving food security, health, nutrition and income generation for urban dwellers. Given this fact, the declaration reinforces the urgency to develop policies and other appropriate instruments to regulate UPA and create an enabling environment to integrate UPA into the urban economy

La Paz Declaration, Bolivia[16] *(2007)*

The La Paz Declaration illustrates the progressiveness of the Latin America and Caribbean (LAC) region in consolidating strategies and plans towards UPA. In fact, this declaration states: *"we take into consideration and reaffirm our commitments in the Quito Declaration (2000) and agree to make the recommendations and directives for the policies of the urban and peri-urban agriculture of the region"*. Important differences show advances in the way UPA is being consolidated in the region towards a more participatory approach including a wide range of stakeholders, among them the producers themselves. Other key recommendations relate to the necessary multi-stakeholders approach, connection that UA programmes should have with city planning and to the gender perspective:

16 Source: www.ruaf.org.

> "We recommend the promotion of a multi-stakeholder approach for the formulation and implementation of urban and peri-urban agriculture projects, programs and policies.
>
> The integration of holistic and participatory and gender sensitive models for the formulation and implementation of projects, programs and policies. They should consider diagnosis combining participatory instruments and quantitative approaches, and link up with strategic planning, operational plans, monitoring and evaluation."[17]

The La Paz Declaration is the most comprehensive so far, covering benefits, challenges and specific recommendations for UPA implementation for the whole supply chain: production, agro-processing, distribution, marketing and consumption. It reaffirms the necessity to consider crucial aspects such as: waste management, improvement of research and technology, gender, and the development of supportive legal frameworks and incentives.

2.2.4 Recent civil society declarations and mechanisms

Resolution on the Future of Allotment Gardens in Europe[18] (2008)

The International Office du *Coin de Terre et Jardins Familiaux* is an international NGO founded in 1926 and is the main European association of national allotment and leisure garden federations, focusing on the promotion of gardens for leisure, recreation and the ecological production of low cost food for home consumption. Its members are the national allotment and leisure federations of 14 European countries and it has more than 3 000 000 affiliated leisure gardeners and leisure garden families from those countries. It also enjoys a participative status at the Council of Europe.

Representatives from the 14 national federation members met at the Associations' 35th congress in 2008 in Poland and signed the Declaration on the Future of Allotments Gardens in Europe. By signing the Resolution, they affirmed *that the idea of allotment gardening is still relevant and that the allotment gardens*

17 La Paz declaration (*Declaración de La Paz,* translated by the author), 2007, p. 2.

18 Available from *Office International du Coin de Terre et des Jardins Familiaux asbl, 20, Rue de Bragance, L-1255 Luxembourg.*

continue to be necessary for the future generations…that is essential to protect the allotment gardens by law…that a state and government policy aiming at supporting allotment gardens is necessary. They called upon the *European institutions for protection of allotment gardens in all member states* as well for *creating political and legal conditions for the preservation and development of these gardens*.

Their claims clearly highlight the inadequacy of existing European and national legal frameworks and policies to support and preserve the urban gardens in Europe.

Declaration from the CSO – Civil Society Organizations Parallel Forum to the World Summit on Food Security (2009)

A parallel forum to the World Summit on Food Security (2009) gathered "people from 450 organizations of peasant and family farmers, small scale fisher folk, pastoralists, indigenous peoples, youth, women, urban people, agricultural workers, local and international NGOs, and other social actors"[19]. One of the innovative aspects of the declaration was to introduce, define and demand "Food Sovereignty" in contrast to the NOTION of food security used by the World Summit on Food Security that was taking place at the same time.

The Declaration states :*"Food sovereignty entails transforming the current food system to ensure that those who produce food have equitable access to, and control over land water, seeds, fisheries and agricultural biodiversity. All people have a right and responsibility to participate in deciding how food is produced and distributed. Governments must respect, protect and fulfil the right to food as the right to adequate, available, accessible, culturally acceptable and nutritious food"*[20].

As for the Summit Declaration itself, no explicit reference to UPA is made. However some of its proposals could be transferred to cities.

International Food Security and Nutrition Civil Society Mechanism

The Committee on World Food Security (CFS), the apex organ of the United Nations on Food Security and Nutrition, officially *"acknowledged the document CFS: 2010/9 "Proposal for an International Food Security and Nutrition Civil Society*

19 Declaration from the CSO, 2009, p. 1.

20 *Ibid.*

Mechanism for Relations with CFS"[21]. Interestingly, this mechanism, which is regionally based with representatives from grassroots organizations, which elect representatives to make inputs to CFS processes and documents, also has a set of global representatives from different sectors, including the urban sector. These representatives participate at CFS annual plenary meetings in Rome to provide their inputs. They also participate in the CFS Bureau Advisory Group and in working groups and task teams established by CFS during inter sessional periods to address key issues.

The inclusion of the urban poor as one of the constituencies, along with "smallholder family farmers, artisanal fisher folk, herders/pastoralists, landless, agricultural and food workers, women, youth, consumers, Indigenous Peoples, NGOs"[22] is particularly important to have the voice of urban and peri urban farmers heard and establish a communication bridge between them and the CFS.

2.3 Comments and final remarks

Limited explicit links between right to food and food security instruments on the one hand and UPA on the other.

So far, two bodies of instruments exist with limited connectivity: On the one hand, international UPA instruments only tangentially deal with the right to rood and food security. Explicit references are rare. On the other hand, international human rights treaties, covenants, comments or declarations rarely refer to UPA as a contributor to food security and most of them lack references to urban issues specifically. However, drawing on the principles of the human rights framework and from the UPA instruments, it is possible to map a pro-poor and human rights based way forward. The examination of national and local legal and institutional frameworks in the next chapter seeks to build a bridge between both fields.

21 CFS 36 Final Report, paragraph 32, 2010. Rome.

22 CFS 36, *op cit*, paragraph 14.

Pro-poor instruments

As mentioned above in section 2.1, poverty is considered a human rights challenge. However, poverty as such is rarely explicitly mentioned in human rights instruments. Some of them, such as the Vienna Declaration, identify specific strategies that promote the inclusion of the poor and women in processes of development to assure food security. Other UN documents have a much stronger focus on poverty. The Habitat Agenda, for instance, establishes an explicit link between urban agriculture policies and the urban poor. The few commitments and recommendations related to UPA are essentially pro-poor. More importantly for UPA, most of the international declarations examined in this report, with the exception of the European one, were targeting the urban poor producers in the first hand, and – to a lesser extent though – the urban poor consumers that are not growing food.

The right to food is recognized to different degrees in national legal frameworks. In many countries, international human rights treaties are deemed to form part of the legal order, and a number of countries also recognize the right to food implicitly or explicitly in their constitutions, and have adopted framework laws on food security (FAO. Knuth and Vidar, 2011). However, such legal instruments do not tend to address structural inequality of access to, and availability of resources for a rapidly growing poor population, especially in urban settlements.

In the same vein, none of the international human rights declarations acknowledge the fact that realizing the right to food will require a fundamental change to the current industrial-base food system. A more resilient system that is able to cope with crisis and facilitate long-term sustainability, requires more localized and ecological systems offering greater consideration of family based and small scale farming systems and agro-processing. This is where UPA can bring an added value, with the additional benefit that those involved in urban production, transformation and distribution chains are fundamentally the poor.

UPA: Limited international coverage and a work in progress

Notwithstanding advances in the international framework for UPA, the declarations have been formulated and promoted primarily by central and local governments, international agencies, NGOs and professional networks and to a much lesser extent by informal and formal urban farmers and producers' organizations. In addition, some regions, such as Asia and North America, have not adopted UPA declarations (although in the case of North America, some cities have developed targets and goals for UPA, and other tools to promote UPA).

Declarations on UPA and their implementation processes are still undergoing evolution, maturation, experimentation and learning. It is encouraging to observe that different organizations and stakeholders at local, regional and national levels have recognized the key role of the practice of UPA in the improvement of livelihoods, health, food security and the surrounding environment for the most vulnerable people living in urban areas.

There is an on-going need for meaningful multi-actor approaches involving civil society organizations and the private sector. Overall, a significant effort towards operationalizing and legitimizing UPA is still required, and the integration and accountability of actors, strategies and legal frameworks are essential in its advancement.

Limited monitoring of UPA international instruments use and impact

Currently, no monitoring is done on the implementation of the UPA declarations. In many cases, declarations were signed primarily on the basis of personal commitment and interest, and not necessarily on the basis of institutional commitments and organizational capacity to implement them. This means that implementation and enforcement can lapse following staff turnover or changes in political leadership. In addition, UPA declarations are not widely disseminated both within the organizations signing them and publicly, which negatively impacts their effectiveness.

Final remarks

The pro-poor UPA policies, legislation, regulations and incentives designed and put into place by national and local governments constitute a unique field of experimentation contributing to the realization of the right to food for all, and starting with those suffering from food insecurity and hunger. The examples that will be introduced in the next section offer lessons that will assist in developing and implementing pro-poor UPA.

III

POLICY AND LEGAL FRAMEWORK AT NATIONAL AND MUNICIPAL LEVELS

Contents

3.1 Public policy instruments

3.1.1 Municipal food charters

Municipal food charters have been promoted in certain parts of North America, including the Canadian cities of Toronto and Vancouver. Food charters express key values and priorities for developing more resilient food systems. Typically, they combine vision statements, principles, and broad action goals pointing towards a coordinated municipal food strategy, which usually includes UPA.

Vancouver is the eighth largest city in Canada with a population of 578 000 (2006 census). It covers 114.7 sq. km and is part of Metro Vancouver, the third largest metropolitan area in Canada, with a population of 2.1 million (2006 census). The percentage of Vancouver residents whose first language is English is 49.1 percent and Chinese is 25.3 percent (City of Vancouver, 2010). The food charter, adopted by the City Council in 2007, was spearheaded by a citizen's group: the Vancouver Food Policy Council. It defines a vision and five guiding principles for Vancouver's food system (see Box 4).

BOX 4
Guiding principles of Vancouver's Food Charter

Community Economic Development: Locally based food systems enhance Vancouver's economy. Greater reliance on local food systems strengthens our local and regional economies, creates employment, and increases food security.

Ecological Health: A whole-system approach to food protects our natural resources, reduces and redirects food waste, and contributes to the environmental stability and well-being of our local, regional, and global communities.

Social Justice: Food is a basic human right. All residents need accessible, affordable, healthy, and culturally appropriate food. Children in particular require adequate amounts of nutritious food for normal growth and learning.

> *Collaboration and Participation:* Sustainable food systems encourage civic engagement, promote responsibility, and strengthen communities. Community food security improves when local government collaborates with community groups, businesses, and other levels of government on sound food system planning, policies and practices.
>
> *Celebration:* Sharing food is a fundamental human experience. Food brings people together in celebrations of community and diversity.
>
> Source: *Vancouver Food Charter.*

Vancouver's Food Charter is significant in advancing UPA policies and goals for at least two reasons.

First, not only was it developed by a municipally affiliated citizen group (the Vancouver Food Policy Council) with extensive experience organizing at the community level, but it was also used by the Food Policy Council as a *tool for community engagement and consultation* for over a year before it was presented to Vancouver City Council for approval. This allowed the Vancouver Food Policy Council to produce a document reflecting numerous perspectives and goals, as well as engaging diverse groups in conversation around a range of UPA and food system issues. In this way, the inclusive, consultation-based *process* of formulating the Food Charter was just as important as the final *product,* the Food Charter itself.

The second reason that the Food Charter is significant in advancing UPA policies and goals in Vancouver, is its role as a foundational policy statement that reflects and advances a municipal commitment to food policy and sustainability goals. Specifically, the creation of the Vancouver Food Charter was facilitated because it built upon a municipal food policy mandate to "create a just and sustainable food system" that was passed by City Council in 2003, and numerous complementary "sustainability" policies that were already endorsed by the city government. In this way, the Food Charter became an evolution of pre-existing policy commitments (food policy, urban greening, sustainability) that were strengthened and further validated by incorporating a wide range of citizen views through direct consultation. One of the key

professional staff involved in the process, observed that the Charter remains a guiding instrument to legitimize further UPA and food system policies and stated that: *"Vancouver's Food Charter is used regularly in the city's policy work to justify new policies and developments related to urban agriculture and Food security. This is highly impressive for a document spearheaded by a citizen group"*[23].

Overall, this case shows that: (1) different types of policy instruments are necessary in advancing UPA and other food policies; (2) attention should be paid to connections between policy instruments and, in particular, the potential for mutually reinforcing policies; and (3) participatory *processes* in policy formulation are just as valuable as their *outcomes* (the policies themselves) in terms of policy legitimacy, citizen engagement, education, awareness and direct participation.

3.1.2 Municipal policy for UPA

History shows that urban agriculture tends to expand during periods of crisis, emergencies or wars. For instance, the number of cultivated plots more than doubled during the Second World War in France and the United Kingdom.

In Rosario, Argentina and Havana, Cuba, urban agriculture emerged as a result of specific crises that affected dramatically the availability of food, primarily for the poor. The continuing economic blockade by the United States and the collapse of the Soviet Union caused an economic crisis in Cuba , and the collapse of the Argentinean economy in 2001 resulted in a deep political crisis. Immediate solutions to feed the population of each country were required. In both cases urban agriculture was an immediate response with positive results.

UA usually becomes less prevalent once an emergency is over or is less pressing. However, what is interesting in the case of both Cuba and Rosario, is that they have been able to maintain their programs, build on them, and transform them into powerful policies that have become international references. (Rosario received a Best Policy award by the United Nations in 2005 for their urban agriculture program.)

In both cases, UPA evolved from a strategy to cope with crisis to a fully institutionalized practice with different governmental entities taking

23 Dr Wendy Mendes, interview, October 2010.

responsibility for UPA implementation. UPA is part of each government's budget allocation, resulting in policies, regulations and legislation at the municipal level in Rosario and national level in Cuba-. Moreover, in both cities incentives including tax exemption, financial support and microcredit, and, inputs (seeds, tools, etc.) and educational programs have been provided. The use of incentives has been key in enabling the successful implementation of UPA.

The following narratives on Havana and Rosario are illustrative of unique processes that emerged to mitigate crises, but over time became long term policies.

The experience of the city of Havana, Cuba

Havana is a city of 2.2 million inhabitants, representing 20 percent of the Cuban population. The unemployment level of the city is 1.8 percent, after a peak of 9 percent in 1993 in the wake of the economic crisis of Cuba. The contribution of urban agriculture to employment is quite significant, as 17 percent of the working population of the city is engaged in urban agriculture, which is equivalent to 384 000 people[24].

The practice of urban agriculture in Havana is characterised by the following components: (a) extensive government involvement; (b) the provision of secure land tenure; (c) technical expertise; (d) material and financial resources; and (d) an established legal framework. Very soon after the launching of the program, the levels of production reached significant output levels. As soon as 1989, i.e, five years after the crisis, Cuba was producing over 1 kg of vegetables per capita per day.

Another significant feature of Cuban UPA is the increase of productivity attained through research, experimentations and intensive cultivation methods called "*organoponicos*" that bear numerous similarities with permaculture. As a result, yields increased from 1.5 kg/square meter in 1994 to 25.8 kg/square meter in 2001 represents a seventeen-fold increase[25]. As a result of land under cultivation (by 1998 Havana had more than 26 000 urban gardens) and the

24 Koont S. (2008). The Urban Agriculture of Havana, in Monthly Review. Available at monthlyreview.org.

25 Koont, *op cit.*

increase of productivity, Havana feeds its inhabitants with nearly 90 percent of its fresh vegetables produced locally. It was estimated that in 1998, 540 000 tonnes of fresh vegetables were locally produced.[26]

The experience of the city of Rosario, Argentina

Rosario is located in the Santa Fe province in the north of the country. It is the third most populated city of Argentina with 1.2 million inhabitants. By the end of 2001 when the economic crisis hit, poverty levels in Rosario had increased by 25 percent, and nearly 130 000 of the city's inhabitants resided in 91 informal settlements [27]. In addition, the price of basic products, such as food (which is what the poorest sectors spend up to 60 percent of their incomes on) increased (*Ibid*).

In response, the practice of urban and peri-urban agriculture took on great importance, not only because of the production of food it generated but also because it has allowed the integration of poor people into the economic activities of the city, earning a salary that is the same or better than their previous employment. Over time, Rosario has become a model demonstrating that UPA can contribute significantly to the alleviation of poverty and employment generation through supporting commercial urban agriculture, marketing, and agro-industrial processing.

Urban farmers in Rosario are women and men between 21 and 50 years old. More women than men are urban farmers[28] and most of the women are young as they are the ones responsible for supporting children and caring for their nutrition. In the case of men, most are older than 41 indicating that they have likely turned to UPA after losing their jobs in other sectors. Younger people also participate, particularly those classified as socially at risk (e.g. jobless or with problems of drugs or alcoholism).

Currently, there are 97 gardens of 2 500 m^2 integrated into a system of production and commercialization, most of which are located throughout

26 Sorzano A. (2009). *Impacto de la Agricultura Urbana en Cuba, in Revista Novedades en Población*, Vol 5, No. 9.

27 Mazzuca A., M. Ponce, R. Terrile (2009). Urban Agriculture in Rosario: balance and perspectives. IPES (Promotion of Sustainable Development), Peru.

28 Sixty-five percent of urban farmers in Rosario are women.

the peri-urban zones of Rosario. The following types of urban agriculture are practiced under the city's unique policy in those locations: (i) ecological production of fruits and vegetables; (ii) ecological production of aromatic and medicinal plants; (iii) production of ornamental flowers; (iv) agro-industry of vegetables; (v) agro-industry of natural cosmetics; and (vi) management of open fairs[29].

Conclusion

The cases of Rosario and Cuba show how UPA policies can be developed with enough agility to allow for their evolution from one desired outcome (e.g. response to crisis) to a more systematic and regular practice once a crisis period is over. This approach reinforces the importance of ensuring that decisions about the type and scale of UPA policies and interventions adopted are matched with desired outcomes, contributions to the UA sector, and to overall development goals.

3.1.3 Municipal food policy incorporating UPA within a broader food system and sustainability policies

Vancouver, already mentioned in the present study, is an innovative and rather exceptional case that illustrates how the outcomes of UPA can be multiplied by embedding it within broader food systems and sustainability goals. This case contributes both practically and conceptually as it demonstrates the policy instruments that are necessary to construct stronger bridges between UPA, right to food and food security. This contrasts with the much weaker linkages in the international instruments discussed in section 2.

The city's experience with food policy[30] began on 8 July 2003, when the city council approved a motion supporting the development of a "just and sustainable food system." A just and sustainable food system is defined by the city council as one in which food production, processing, distribution and consumption are integrated to enhance the environmental, economic, social and nutritional health of the city (City of Vancouver, 2003). To

29 Mazzuta *et al*, *op cit.*

30 This narrative on Vancouver draws from a set of reports and in particular City of Vancouver Policy Report (2005), Mendes, 2008, Vancouver Food Policy Council, 2008.

provide leadership in achieving this goal a Food Policy Task Force was initiated. The Food Policy Task Force was made up of two city councillors, one Vancouver School Board trustee, one Vancouver Board of Parks and Recreation commissioner, representatives from Vancouver Coastal Health, the Greater Vancouver Regional District (now called Metro Vancouver), and representatives from approximately 70 community groups (many of which had been developing and delivering food-related programs and services in Vancouver for over a decade).

Once the council motion was passed in July 2003 and the Food Policy Task Force formed, the first of two major consultation processes were initiated. The outcome of the first round of consultation was the formulation of a Food Action Plan that was presented to Vancouver City Council for approval in December 2003. The Action Plan focused on areas where City of Vancouver has the jurisdictional power to act in support of goals identified. In recognition of the fact that many food system issues must be addressed on a regional or national basis (and in many cases beyond borders), opportunities for collaboration with other municipalities, levels of government, and stakeholders were identified. The Action Plan was made up of a recommendation to create a citizen-based Food Policy Council (FPC)that had official ties to the municipality and an interim work plan. The interim work plan included the following five action items (many of which relate to UA): (a) a city-wide food system assessment; (b) rooftop gardens; (c) community gardens; (d) farmers' markets and coordinated food processing; and (e) a distribution facility for low income citizens.

Staff support to implement the Food Action Plan

In December 2003, Vancouver City Council approved the proposed Food Action Plan pending 2004 budget decisions. On July 14, 2004, the Food Policy Task Force, as its final act, elected members of Vancouver's first municipally-affiliated Food Policy Council. The Vancouver Food Policy Council met for the first time in September 2004 to develop a detailed work plan that would integrate and build upon the projects and goals identified in the Food Action Plan. By early in 2005, the VPFC had identified a number of priority work areas including: a) creating a Food Charter for the City of Vancouver; b) increasing access to groceries for the residents of Vancouver; c) creating an

institutional food purchasing policy; and d) developing a coordinated effort for food recovery.[31]

Since 2005, a number of advances have been made that show how urban agriculture has been enabled through its integration into broader food system and sustainability policies and city processes. For example, the city's UPA policies and programs have expanded to encompass support for farmers markets, urban apiculture (hobby beekeeping), backyard hens, urban orchards, edible landscaping and street food vending. All of these activities are within the city's sustainability and "greenest city" policy commitments.

Furthermore, in 2009 a staff committee called the Urban Agriculture Steering Committee (UASC) was established. The UASC is made up of representatives from a range of city departments including Social Policy, Planning, Engineering, Development Services, Parks and Real Estate. The purpose of the committee is to take a coordinated approach to UA and other food system and sustainability policies and projects undertaken by the City of Vancouver. In this way, all affected departments are involved in collaborative decision-making on initiatives that typically involve many parts of the organization and span a number of policy priorities.

3.1.4 Instruments to monitor and evaluate UPA policies

In general, several factors contribute to policies being less effective than anticipated. The most frequent are: (a) lack of clear objectives and strategies with related output indicators; (b) poor representation of end users in the policy formulation process; (c) poor dissemination of the policy itself; (d) poor coordination; and (e) insufficient qualified staff and funding to implement the identified activities. It is therefore crucial that these elements are addressed in policies or legislation establishing a UPA framework.

In addition, relatively little attention has been paid to the issue of monitoring, which is emerging as a weakness in policy development, implementation and policy longevity. To monitor the effectiveness of policies and programs, clear outputs and expected impacts must be identified (for example, realistic numbers

31 Aspects of this overview have been adapted from a workshop paper written by Wendy Mendes and presented at an IDRC Cities Feeding People Workshop held 29 August – 2 September 2004, in Toronto, Canada.

of farms to be set up; expected production outputs; envisaged contribution to income generation and employment creation). Very few existing UPA policies, however, set such targets. Regular monitoring and auditing activities are therefore proving to be quite difficult. In addition, baseline studies, producing accurate and realistic statistics, are seldom used as a basis for strategy and policy formulation, thus also inhibiting the possibility to monitor changes.

However some exceptions are emerging that allow evaluation and, to a lesser extent, regular monitoring. The Brazilian Government has institutionalized a monitoring and evaluation system as part of the policy and legal measures mentioned in sub-section 3.2.1. In Vancouver, Canada, baseline studies on the city's food system were produced in 2006, 2009 and 2010 and in Cuba, data on urban food production are produced regularly.

3.2 National legislation and regulations

There is significant variation between national legal systems. The form of legislation required to implement and to promote UPA will therefore vary accordingly. Nonetheless, Box 5 gives an indication of laws that may affect the establishment and smooth functioning of pro-poor legal frameworks for UPA (some of which are discussed in this section).

BOX 5
Laws that may affect UPA

Laws that may impact on or require amendment for the implementation of UPA frameworks may include laws that deal with the following:

- Civil code;
- Compulsory acquisition of property;
- Dispute resolution;
- Environmental protection;
- Food production and safety;
- Sale of food products;
- Land management and spatial planning;
- Land tenure, including leases;
- Laws on state (or municipal) land management;
- Management of waste water and organic waste;
- Business regulation; and
- Public and environmental health.

3.2.1 National decree on food security policy strengthening urban agriculture at local level in Brazil

One innovative aspect of the National Food and Nutritional Security Policy in Brazil (Decree 7.272, 25 August 2010) is the institutionalization, not so much of the policy, but of multi-stakeholders channels and forums that enable participation by the public and civil society. As Articles 6 and 7 of the decree stipulate, management and implementation of the policy is the joint responsibility of: (i) the National Conference of Food and Nutritional Security; (ii) the National Council for Food and Nutritional Security; (iii) the Inter-ministerial Chamber for Food and Nutritional Security; and (iv) Agencies from the federal executive, state and municipal levels.

Article 17 of the decree provides for mechanisms for social participation, primarily of the groups involved in the program. In addition, and this is rare enough to be mentioned, an evaluation system is put into place through Article 21.V that is to take into account the following: (i) food production; (ii) availability of food; (iii) living conditions and income; (iv) access to adequate and healthy food and water; (v) health, nutrition and access to related services; (vi) education; and (vii) related food and nutritional programs and action.

Explicitly, the decree aims to strengthen family-based as well as urban and peri-urban production of food (art. 22. V). It probably constitutes one of the best examples of where UPA is expressly included as part of a national food security strategy to tackle hunger and poverty. Other provisions of the decree that offer support to UPA and family based production include the following:

- Mechanisms for guaranteeing prices for family based and socio-biodiversity products (art. 22. VII);
- Access to water of good quality for consumption and production (art. 22. XII); and
- Food and nutritional security for indigenous people, *Quilombolas*[32], and other traditional national groups and communities (art. 22. XIV).[33]

32 Name given to Afro-Brazilian communities.

33 This article is particularly important for an UPA pro-poor policy, as Indigenous and Afro-Brazilian communities are not only limited to rural or forest areas but a significantly large proportion lives in cities (most of whom are poor).

3.2.2 Food safety and human health

In order to ensure that food is safe for consumption, it is necessary to ensure hygienic production methods and handling of agricultural products (including minimizing contact between foodstuffs and harmful substances) and regulating the use of fertilizers and pesticides, whether the food production takes place in rural, peri-urban or urban areas.

However, excessive regulatory controls present a serious threat to the viability of agricultural practices, particularly in poor urban communities where lack of financial resources may render compliance impractical or impossible. Nonetheless, while overregulation is undesirable, a sufficient degree of control is necessary to protect human health. This is especially valid in cases where excess harvest may be sold at local markets. It is therefore crucial that legislation (at a national, sub-national or municipal level, includes provisions that at least promote the adoption of basic sanitary measures. For example, as quoted in Box 7 below, by-laws in Accra, Ghana, require that food products for sale at a market must be raised a minimum height above the ground.

Improper use of fertilizers and pesticides can present a serious threat to human health, and may lead to the release of carcinogenic and toxic substances into groundwater that is used for drinking. Dangerous residues may also be left on the surface of agricultural produce.[34] It is therefore also important that legislation regulates the use of such products by imposing quantitative restrictions upon their purchase, or by prohibiting the use of certain substances. Additionally, the use of punitive measures may be appropriate in certain circumstances (such as cases of negligent or deliberate misuse of specified substances or products).

In most cases, improper use of potentially harmful substances arises through lack of awareness of the risks involved and unawareness of the correct procedures for their use. Accordingly, potential risks may be minimized through the hosting of capacity building programs to inform urban farmers on the correct use of fertilizers and pesticides, and inform them of potential risks involved in their use.

34 FAO 2002, World agriculture: towards 2015/30 – summary report, p.76.

3.2.3 Environmental protection

In addition to threatening human health, the use of fertilizers and pesticides can also impact negatively upon the environment. Their excessive or improper use may render groundwater or waterways dangerous for animals and plants. The enrichment (eutrophication) of water bodies with nutrients from fertilizers can also lead to algae blooms that smother surrounding plants and animals. Furthermore, the destruction of indigenous plants and insects has implications for the wider ecosystem.

The conversion of 'green' spaces, which help to clean the air, into agricultural land may inhibit the reduction of air pollution and even, depending upon the form of agriculture, actively contribute to the level of air pollution. Agriculture is a major source of ammonia, which is a primary cause of acid rain and increased acidification of soil and water bodies, which may for threaten biodiversity.[35] It is therefore important that such issues are taken into account in the formulation of policy and legislation for UPA. Of course, the potential impact of small-scale activities in the context of pro-poor UPA will be minimal, and should also be weighed against the expected improvements in food security and livelihoods.

Finally, it must be acknowledged that a legal framework on the subject of UPA cannot function in isolation, and must necessarily interact with existing and future laws and legal frameworks. Box 5 identifies several legal instruments that may impact upon the implementation of UPA frameworks.

3.3 Municipal Ordinances and other legal instruments

One of the vulnerabilities of UPA policies are changes in political administrations. Many UA policies are spearheaded by a mayor or a "*champion*". In most cases, once they are no longer in office, policy gains can be lost. For this reason, it is important that certain safeguards be put in place to ensure policy longevity and "institutional anchoring.". Examples of strategies to achieve policy stability are included in the following sections.

35 FAO 2002, World agriculture: towards 2015/30 – summary report, p.76.

3.3.1 Municipal Ordinance to legalizing UPA

In Kampala, Uganda, UA was viewed as *"illegal, economically insignificant and a threat to public health"*[36].[37] until June 2005 when Kampala City Council (KCC) and the Mayor of Kampala formulated and approved five ordinances that legalized UA in Kampala[38].

The five Ordinances, whose purpose is to ensure the health and safety of both farmers and consumers, regulated: (i) urban agriculture; (ii) meat; (iii) fish; (iv) milk; and (v) livestock and companion animals. All the Ordinances require farmers to obtain a permit to engage in any form of UA. A distinction is made between private UA and commercial UA: farmers farming for private consumption are required to register with the KCC and commercial farmers are required to apply for a commercial license. Officials visit the farm site of each farmer to examine that all the health and safety standards are met[39].

The legalization of UPA was an important step in recognising its value for the urban food supply. The significance of the Kampala ordinances is that that they demonstrate that awareness about the importance of UPA has grown, and control and regulation of the practice has been shown to be more effective than its prohibition. The ordinances implicitly recognize urban farming as a *legal* urban activity that is an important livelihood component for many of the urban poor .

However, the Kampala by-laws remain basically restrictive and regulatory in nature, and focus on a punitive approach. Some regulation and permits are needed in order to protect human health and the environment. It might be questioned, however, whether creating positive incentives and support structures would not have a more positive impact on the situation of the poor

36 Maxwell D. (1994). Internal Struggles for Resources, External Struggles for Survival: Urban Women and Subsistence Household Production, African Studies Association. Available online.

37 Extracted from Ending Urban Poverty through Urban Agriculture, Environment Alert publication, Kampala, (available at www.envalert.org), n.d.

38 ILRI & ODI (2006). Description of Policy Shift, Process and Partnership for Pro-Poor Policy Change Project. Available online.

39 KUFSALCC & Urban Harvest (2005). The Kampala City Urban Agriculture Ordinance: A Guideline. Available online.

and development of UPA. Greenbelts, parks and wetlands are not designated for UPA, yet, wetland areas appear to be widely used for urban farming in practice (as well as other activities: enforcement of these measures would result in loss of access to land for some stakeholders.[40]

As Lee-Smith[41] cautions, while the provision by the KCC of a legal framework for UPA could provide new opportunities for the urban poor of the city to feed themselves and develop commercial enterprises, whether in practice it will actually facilitate UPA, or increase restrictions on UPA and food handling activities, will need to be evaluated over time. She further notes that: "*The level of understanding of the changes, especially those regarding temporary permits and commercial licences, among lower level operatives of the Council and the public, may mean continued corruption and patronage systems in the implementation of the Ordinances*".[42] This suggests that the Council may prefer to provide licenses to agro-businesses, for example large poultry farms. Azuba and Cans[43] report that there has been resistance amongst urban farmers over the issue of paying for the permits.

The measures adopted in the Kampala City Urban Agriculture Ordinance (KCUAO), which is one of the five relevant ordinances in force, focuses overall upon the protection of consumer health, and to a lesser extent, upon protection of the environment. There is little in the measures under the Ordinance that would tackle key constraints that UPA producers, processors and retailers are facing such as access to adequate water, natural fertilizers or pesticides. The major contribution of the Ordinance, though, is the recognition of agriculture as a legal form of land use under certain conditions, and access to legal land is usually a key obstacle urban farmers are facing.

Thus, the KCUAO mainly focuses on restricting unwanted behaviour by establishing a system of licences, regulations, controls and sanctions. It is not clear how the ordinances are combined with more development-oriented measures to support and stimulate the sector (training, marketing support, access to land etc.), and it may thus be questioned how and when the original

40 A review of news items (available at www.earthwire.org) shows that in recent months, there has been strong controversy implicating the mayor as well, over land titles being issued to developers for areas of Kampala wetlands.

41 Lee-Smith, 2005.

42 Lee-Smith, 2005, p. 20; Kiguli *et al.* (2003, cited in Foeken, 2005).

43 Azuba and Cans, 2006.

focus on poverty alleviation will in fact be achieved. These observations may feed the discussion in Kampala, since policy and programme development are on-going processes.[44]

A relevant aspect of the Kampala experience is that the ordinances cover a broad spectrum of urban agriculture activities. The shift from a one-sector approach to a more comprehensive one, detailing the various dimensions of UA, indicates more wide-reaching, sustainable solutions. Another positive development is that the ordinances are part of a broader policy and legislative framework that enables the urban agriculture environment.

From this case study, it becomes evident that the incorporation of UPA into a legal framework gives the practice a form of legitimacy, and facilitates the pursuit of long-term UPA policies that may survive changes in political administrations. However, it is also crucial to avoid creating obstacles to the practice of UPA in poor urban communities, through the excessive use of regulation. Accordingly, the objective of legislation should be to remove (and not to create) unnecessary obstacles.

3.3.2 Municipal Ordinance (decree) for comprehensive pro-poor UPA policy

It is important that UPA is not treated in isolation but as part of or closely connected with development policy frameworks that deal with urban development (for example land use or housing), environmental protection, sustainability or other comprehensive development plans. The result is a demonstrated increase in "multiplier effects" of UPA by making connections to complementary development goals. The following case illustrates this approach.

The municipality of Villa Maria del Triunfo is located at the southern outskirts of Lima, Peru, and has a population of almost 360 000. Over 57 percent of residents live in poverty, and 15 percent of the population suffers from malnutrition, with children mainly affected. Villa Maria has poor soil quality and an annual rainfall of only 25mm per year. Despite these difficult growing conditions, over 500 family and community gardens have been established and

44 Wilbers and de Zeeuw, 2006.

are supported by an urban agriculture program. In addition, many landless families living in the city's poor hillside settlements keep small animals for occasional sales or home consumption. The production of the vegetables, birds, guinea pigs, rabbits and pigs provides a source of food and income, which is vital to these low-income families.

In 1999, the municipality started an urban agriculture program to improve urban food security. The authorities of Villa Maria del Triunfo incorporated urban agriculture within the city's Integrated Development Plan (2001–2010) and created a Municipal Urban Agriculture and Environmental Protection Program (PAU). However, the plan did not provide adequate guidelines for its implementation. In response, a municipal ordinance was formulated and approved in 2007 (Decree, 021/2007/MVMT, 26 August 2007) that had the following effects:[45]:

- Recognizing urban agriculture as a permanent and legitimate activity in the district, and explicitly making it part of an anti-poverty strategy which contributes to food security;
- Allowing for a permanent allocation of financial and human resources to a municipal sub-department for urban agriculture;
- Providing for the inclusion of urban agriculture into land use plans; and
- Specifying that technical assistance is to be provided to producers.

3.3.3 Regulatory framework for land use planning[46]

Urban agriculture should be included in land use plans applying in municipalities and sub-municipal or district areas.

45 RUAF, 2007.

46 This section is fully extracted from A policy guidelines for land management and physical planning designed by the author for local governments: Cabannes, Yves with Dubelling, Marielle (2003). Guidelines for Municipal Policymaking on Urban Agriculture. No. 3. March. "Urban Agriculture: Land Management and Physical Planning". IDRC, IPES, UNDP, UN-Habitat and Urban Management Program.

Inclusion of UA in municipal land use plans

Land use plans for municipalities need to be studied to determine if spaces can be allocated for cultivation, aquaculture, animal husbandry, and forestry, among other activities. Depending on the country, these municipal plans can be part of strategic plans, urban development plans, or land use plans. As a result of a consultation process in Quito (Ecuador), UA was included as "use of urban soil" in the General Plan for Municipal Land Development (2000–2010).

Inclusion of UA in sub-municipal/local land use plans

Land use plans should not only apply at the overall municipal level, but also at lower levels, such as neighbourhood improvement plans, subdivision plans, district development and urban renewal plans. They should include elements of micro-planning to delineate spaces that could potentially be used for UA.

Municipal land use regulations

The national legal framework should provide for the development of both municipal and local land use plans. These should provide for the following:

Urban, peri-urban, and rural–municipal zoning

1) Urban, peri-urban, and rural–municipal zoning makes it possible to adapt the current planning standards and norms to the necessities of urban growth. The Provincial Directorate of Physical Planning in Havana (Cuba) seeks to create territorial and urban land use conditions conducive to achieving the goals of agricultural operations and production. As part of this objective, the Directorate has identified the areas in which cultivation and animal husbandry can take place, as well as the location of agro-industrial complexes.

Rules and standards for districts and agricultural areas

2) These districts are not usually included in regulatory frameworks. They must be designed to facilitate intensive production, with the use of treated wastewater and integrated spaces for food processing, storing, and marketing. These areas can be managed as public, shared, or private schemes.

Standards for parks and public spaces

3) A percentage of municipal parklands or neighbourhood land should be reserved for farming purposes and s the type of activities allowed should be specified.

Standards for new lot assignments and urban renewal

4) A percentage of land should also be reserved for UA, with clear rules concerning use, density, etc. These should take into account mixed use of parcels (e.g., residential and agricultural). In this context, experiences such as those of neighbourhood gardens in Goiania (Brazil), or with city gardens may be useful.

3.3.4 Security of land tenure for poor urban farmers

The lack of *security of tenure*[47] of urban land is a main obstacle to the development of UPA. Another major obstacle is lack of *access* to potentially cultivable land. A key element of a facilitating legal framework is to allow access to land suitable for UA under arrangements that give secure tenure. Despite difficulties, some cities have successfully addressed this issue.

Municipal councils (where they have the authority to do so, otherwise the appropriate political entity) need to approve legal instruments and regulations to increase both the access to vacant land or to bodies of water (for fish farming) that are cultivated or could be made productive, and at the same time guarantee the security of tenure over such areas.

Temporary land lease and right of use

Temporary land leases and rights of use for a specified period of time may be granted to urban famers. While there is some diversity of legal modalities for this, generally, leases are used. Leases for a number years may be particularly

47 Tenure refers to the rules invented by societies to regulate behavior. The rules of tenure define how rights to land and other natural resources are assigned within societies. They define how access is granted to rights to use, control and transfer these resources, as well as associated responsibilities and restraints. In simple terms, tenure systems determine who can use what resources of the land for how long, and under what conditions (FAO, 2009a).

appealing to urban farmers who will in most cases need to restore the land, improve the soil and make investments to be able to obtain decent crops.

Temporary arrangements also provide the necessary flexibility for government to react to change land use according to urban development and public needs. In some cities, if the municipality or other government entity needs the leased land for a public purpose before the lease expires, the farmer will be guaranteed another piece of land, of similar value, or else adequate compensation so that farmer is placed in the same or similar position as prior to the acquisition. He or she should receive the value, either in cash or embedded in new land he receives, that compensates the investments in cash and in labour, and any unrealized profit, from the leased land.

In some cases the leases are indefinite, as for instance, between 1998 and 2001, the Municipality of Teresina (Brazil) conceded 92 hectares of municipal and institutional land for an indefinite period of time to some 2 300 poor families who did not own land or have stable employment".[48]

In other cases, the lease is given on a family basis for a very long period of time. This is for instance the case of the *"baux maraichers"* (urban farmer lease) practiced in Senegal that give secure tenure during the lifetime of an urban farmer. Once the farmer passes away, their descendants need to renew the lease in their favour, exclusively for urban agriculture purpose. If they do not do so, the lease is lost for the family.

More recently in Sierra Leone, the Freetown Urban and Peri Urban Agriculture Forum, involving key political institutions and farmers, has designed an innovative instrument for the city for the allocation of valleys, slopes and low lands for UPA use. Land is allocated to registered and functioning farmers groups for five years for a token rent, provided that they abide by the Agreement regulations[49]. In order to make this possible, two instruments were designed:

The first one is a tripartite *"Agreement on mapping and allocation of land for urban and peri-urban agriculture",* signed by representatives from the Ministry of Land Country Planning and Environment (MLCPE), the Ministry of Agriculture,

48 Cabannes Y. with Dubelling M., Policy making in support of land use management and physical planning, *op cit.*

49 Serena M., 2011, ETC / RUAF, interview by the author.

Forestry and Food Security, and Freetown City Council (FCC). Through this agreement the parties commit themselves to: "*(i) Identify and map land currently used and/or land not used but suitable for urban and peri-urban agriculture in Freetown and Western Area, starting from lowlands and valleys; (ii) Officially designate the identified sites for urban and peri-urban agriculture use; (iii) Give the rights of use of the identified sites to groups registered with the Ministry of Agriculture, Forestry and Food Security and FCC or WARDC for a fixed renewable period of five years*".

The second instrument is a Land Use Agreement that is signed by the Freetown City Council, the Western Area Rural District Council, and a representative of the Community Group of urban farmers.

Private, community and cooperative land ownership or use

Among the legal instruments that exist in urban areas to guarantee private, collective or cooperative rights to land, including the various modalities of right of use such as *usucapião* in Brazil or leaseholds, very few of them have been extensively to secure land for urban and peri-urban farming. A measure that has been used successfully to guarantee the right of use for farmers on a long-term perspective are *Community Land Trusts* (see Box 6 for definition)[50]. This legal instrument is still in place in Letchworth, United Kingdom, the first Garden City, over one hundred years after the Trust was constituted.

BOX 6
What is a Community Land Trust (CLT)?

A community land trust (CLT) is a not-for profit community controlled organization that owns, develops and manages local assets for the benefit of the local community. Its objective is to acquire land and property and hold it in trust for the benefit of a defined locality or community in perpetuity.

A CLT separates the value of the land from the buildings that stand on it and can be used in a wide range of circumstances to preserve the value of any public and private investment, as well as planning gain and land appreciation

50 Diacon, Clarke and Guimaraes (2005). Redefining the Commons, Locking in Value Through Community Land Trusts. The Building and Social Housing Foundation, Leicestershire, UK.

for community benefit. Crucially, local residents and businesses are actively involved in planning and delivering affordable local housing, workspace or community facilities. CLTs use a variety of legal structures and carry out a wide range of activities to meet local needs. Typically there is a strong emphasis on local community empowerment and the democratic stewardship of the assets.

Source: Diacon, Clarke and Guimaraes (2005). *Redefining the Commons, Locking in Value Through Community Land Trusts*. The Building and Social Housing Foundation, Leicestershire, UK.

Over the last 30 years CLTs have expanded, primarily in the USA. Burlington, Vermont remains probably the most advanced case. Usually CLTs manage land for housing and economic activities. However, in Burlington, the model has expanded toward the management and the provision of urban land to local farmers that are feeding the city and beyond. The *Intervale Centre*[51], which is run as a trust, leases or buys land from the government and leases or sub-leases that land to farmers to allow them to start their farming businesses. The farmers will operate either individually or as a collective entity (for example a co-operative). Once the farmers start making profits (usually after three or more years) they start paying for the use of the land.

3.3.5 Municipal land bank for poor urban farmers

The city of Rosario (Argentina) decided as part of its urban agriculture program to create an innovative municipal land bank (see Box 7). The land obtained is then leased on a temporary basis to urban farmers. In order to understand how this unique change in the legal framework was put into place, it is necessary to examine its evolution from 1989 up to 2003.

The City of Rosario has a legal framework[52] that has enabled the enactment of rules for urban and peri-urban agriculture for the concession of land, development of productive spaces, implementation of ecological production and monitoring of the adequate use and maintenance of the spaces assigned

51 Intervale Centre, www.intervale.org.

52 Source: *Marco normativo y legal para la agricultura urbana*, 2004, available at: www.pqualc.org. Translated and adapted from Spanish version, Yáñez, 2010.

for urban agriculture. There are two main ordinances that establish different rules for the use, access and allocation of vacant land for the practice of UPA.

Under Ordinance 1.4713/89, for the first time it was established that public and private lands could be used for the practice of urban agriculture. This ordinance encourages landowners to allow use of their lands for a minimum of two years for productive purposes in exchange for tax reductions. Additionally, the ordinance also specifies five other important points:

i) *"Land can only be conceded to the most vulnerable people, to those who are unemployed, retired people, secondary and high school students, drug-dependents, etc.*

ii) *The minimum land for urban agriculture is 100m², while 500m² per person are considered optimal size for commercial purposes per person.*

iii) *The municipality of Rosario is responsible not only to provide access to land, but also for appropriate basic training, seeds, basic infrastructure and tools.*

iv) *The practice of UPA needs to be done under ecological conditions with the use of organic fertilizers.*

v) *Food producers should be able to get food for themselves, and at least 20 percent should be distributed for public purposes (selling or donation of product)".*

In 2002, after the crisis that hit the country as a whole, a complementary ordinance was created: Ordinance 7.341/02. The objective of this ordinance is to increase the commercialisation of products to generate income for producers rather than simply access to food. It also promotes parallel businesses such as composting and production of tools, which open new opportunities for employment. This ordinance also supports the provision of adequate training in commercialization and processing of products to add value to fresh food. The key points of this ordinance are:

i) *"Generate and establish local models of production, transformation and commercialization of vegetables, fruits and aromatic plants. Thus, it also included the production of bio-fertilizers, compost and tool production.*

ii) *Promote community farms and cooperatives of producers to allow farmers a sustainable, minimum and continuous income.*

iii) Provide capability in the production and commercialization of ecological vegetables and others.

iv) The municipality is responsible for the supply and financial support for resources for the establishment of local production, transformation and commercialization models such as: technical support, education, equipment, transportation, packing, warehouse, etc.

v) Facilitate the opening and establishment of spaces within the city for markets where locally produced food is promoted.

Building on the above framework, the municipal land bank was established in 2004 by Ordinance, which is summarized in Box 7.

BOX 7
Ordinance 2561 (2004) related to establishment and management of a municipal land bank for poor urban farmers Rosario, Argentina (extracts)

ARTICLE 3: The Urban Agriculture Program will administer a Land Bank, with all of the lands belonging to the Municipality of Rosario, to be used for the activities established in Art. 1 of this Decree. In order to be used for these ends they shall be ceded by the entity holding the land by specific resolution for a minimum period of two years. In order to access the use of public lands that are the property of the Province, the Nation or other entity apart from the Municipality of Rosario, specific land grant agreements shall be established.

ARTICLE 4: The Urban Agriculture Program will administer a bank of private lands, held by individuals, businesses, institutions, foundations, etc. which voluntarily donate these lands. A land registry of these properties will be opened.

3.3.6 European legal framework for community gardens

Community gardens are common in most European countries and generally operate under well-established legal frameworks. The illustrative case chosen refers to the *allotments* (the name given to community gardens) in the United

Kingdom, and specifically in Metropolitan London where they are protected by the 1963 London Government Act. Remarkably, thanks to the legislation and the regulations in place, is that a large number of plots have been preserved, despite the dramatic pressure on some of the most expensive lands on the planet.

In London from 1987 to 1997, the number of allotments for urban agriculture decreased from 796 to 737. The 737 allotments amount to 33 000 cultivated plots of approximately 250m^2 each and the number of plots varies from one allotment to another. It is important to note that 31 000 of the 33 000 plots are located in outer London. The allotments are categorized as temporal, private or statutory lands. Statutory lands are protected by the London Government Act of 1963 and cannot be used for a purpose other than UA (but allotments on temporal or private land can be). Although that Act has had effect for decades, a significant number of allotments have been lost as its legislative safeguards have not been sufficient to protect statutory land and temporal and private land are not protected by the Act.[53]

The significance of the allotment movement in the UK is that it not only provided an important amount of food in the war period – up to 50 percent of vegetables – but it has also represented an opportunity for members of the lower classes to interact with nature and participate in food production.[54] Today the allotments are also important for immigrants who can grow culturally appropriate food and enjoy opportunities for recreation and for unemployed, retired or persons living with illness or disability to have access to spaces for leisure, social inclusion and community cohesion.

3.3.7 Revision of municipal by-laws to enable and develop UPA

Among the strategies to implement pro-poor UPA and contribute to the realization of the right to food are the revision and adaptation of municipal by-laws in a number of sectors. Two cases that illustrate the extent of revision and adaption of municipal by-laws that is required for implementing pro poor UPA will be briefly discussed.

53 GLA, Greater London Authority, (2006). A lot to lose: London's dissipating allotments. Environment Committee. London, GLA City Hall.

54 Crunch D., Ward (1988). The allotment, landscape and locality: ways of seeing landscape and culture. Anglia College of Higher Education. UK.

Learning from the experience of Vancouver

In 2003 and 2004, as a part of the process of strengthening urban agriculture and expanding its food policy mandate, the City of Vancouver made an inventory of relevant by-laws, policies, guidelines and decisions that pertain to the food system. As the document claims: "*The document contains summaries of City of Vancouver by-laws, policies, guidelines, and decisions related to various elements of the food system... It is intended to provide reference information on existing city policies that may have a bearing on future food policy initiatives*".[55]

The inventory was significant for at least two reasons: First, it identified a wide range of by-laws not previously thought to have connections to UA and other food system issues. These include: zoning and development; health; water rationing; street trees; untidy premises; park controls; distribution and marketing; street vending; and farmers' markets.

Secondly, it helped identify policy areas where opportunities existed to revise or update by-laws that would advance food policy and urban agriculture goals. These included the following city policies and programs: Community Services, Land Use and Development Policies and Guidelines: Agricultural Land Reserve Policies; Park Board Community Gardens Policy; Regional Context Statement, Official Development Plan; Engineering Department Green Streets Program; Planting, Maintenance, and Safety Guidelines for Street Gardens; Waste and recycling; Action Plan for Creating a Just and Sustainable Food System for the City of Vancouver.

Learning from the experience of Accra, Ghana

The analysis of the amendments proposed to the existing agricultural by-laws of Accra Metropolitan Area represent an excellent case to illustrate the benefits of analysing and updating city by-laws to enable UPA. The difference from the previous case is that in Accra UPA is treated in its different dimensions, whereas in Vancouver, UPA is part of an integrated urban approach. Both approaches are valid.

55 For additional information regarding city programs related to food policy, refer to the City of Vancouver inventory of food-related programs, projects and services available at: www.city.vancouver.bc.ca.

BOX 8
Proposed amendments* to Accra Metropolitan Assembly (AMA) on some agricultural by-laws

Food for sale to be raised from the ground

9. No occupier of any space or selling site shall offer for sale any bread, prepared food or any other articles of food, unless the articles are placed on a table or support raised at least [one meter] seventy five centimetres or in the case of certain bulk food for wholesale, twenty five centimetres from the ground.

Cattle / Domestic Animals to be slaughtered in slaughter houses

1) No person shall slaughter any cattle or other animal for human consumption in the Accra Metropolis or within the area of authority of the Accra Metropolitan Assembly in any place except designated public / private slaughter houses or any other place approved by the Assembly.
2) No person shall sell or offer or expose for sale the flesh of any domestic animal which has not been slaughtered in a public / private slaughter house or other place approved by the Assembly.
3) All persons seeking to work at any slaughter house/slab shall subject themselves to regular periodic medical examinations before being authorized to provide service.

* Proposed amendments underlined in the text.

Box 8 illustrates the kind of amendments that are needed to implement Accra's action plan and policy to enable UA and UPA in and around the city. The various subject areas revised by the amendments and still waiting to be approved are listed below:

- Swine, cattle, sheep & goats to be kept by permit;
- Control of poultry in dwelling houses;
- Growing and sales of crops: (i) requirements and registration; (ii) watering and irrigation; (iii) infected persons; (iv) sales of crop; (v) crops unfit for sale;
- Control of dogs;

- Public markets : (i) articles of food to be raised from the ground; (ii) food to be protected from exposure;
- Slaughter house/slabs: (i) cattle/domestic animals to be slaughtered n slaughter houses; (ii) provision of slaughter houses/slabs; (iii) care of animals to be slaughtered; (iv) method of slaughter; (v) singeing of carcasses; (vi) treatment and handling of effluent from slaughter houses;
- Stray animals: (i) housing of animals; (ii) unaccompanied roaming, walking, loitering disallowed; (iii) impoundment of stray animals (fines); and
- Live (wet) animal markets.

3.4 Incentives

3.4.1 Incentives at national level

The best approach for incentives is when they occur at each step of the value chain. The Cuban experience, because of its comprehensive approach, provides a good example of offering incentives to encourage success and proliferation of urban agriculture in Havana. This section discusses the incentives offered by the Cuban Government at the inputs, production and distribution stages.[56]

Inputs: Promotion of stores for seeds, compost, tools, etc.

The first incentive relating to provision of inputs for UPA is progressive access to land, of which a recent example is the authorization of individuals to cultivate idle state land. The urban farms (*granjas urbanas)* and urban shops (which produce and sell seeds and other products) offer free access to the seeds and other inputs. They also provide technical services and advice free of charge. Another incentive is the availability of organic compost from the Organic Material Centres.

56 Narrative drafted by Ramos A., 2010, based primarily on Koont *op cit,* Sorzano, 2009, *op cit,* Premat A. (2005), Moving between the Plan and the Ground: Shifting Perspectives in Urban Agriculture in Havana, Cuba in Mougeot Luc. J.A. (ed.) 2005 'Agropolis: The Social, Political, and Environmental Dimensions of Urban Agriculture', Earthscan/ IDRC. pp 153–185.

Production: credits for cooperatives, research development and training in organic agriculture for society

Access to credit for securing productive resources, such as equipment, to improve methods of production was allowed with the creation of *Service and Credit Cooperatives* (CSS). This incentive was given to small units composed of organized groups of urban farmers working collaboratively.

In order to develop capacity to improve methods of production, urban farms (about one per municipality) offer free training to producers. Capacity development has also taken the form of strong support from the state for scientific research and international partnerships (between research institutes, universities and other organisations) to transfer knowledge among scientists, traditional agriculturalists, the recipients and the citizens who are undertaking urban agriculture at the municipal, provincial and state level. It involves the producing and disseminating videos, bulletins, magazines, books and manuals, delivering courses and seminars and teaching urban agriculture in elementary and secondary schools. The intention is to reach all segments of society, and to support the long-term sustainability of the project, as women, young people and senior citizens are encouraged to work in urban agriculture.

Individual and group motivational incentives are granted to producers with high productive units. It is provided by the GNAU (National Group of Urban Agriculture) and is known as the *Excellence Grant*.

Distribution: lower taxes for local market access

Under a programme legalized in October 1994, selling prices in local markets allow for profit. In order to facilitate their access or urban farmers, low taxation was applied to locally produced food : 5 percent for Havana and 15 percent in the rest of the country. As a result urban farmers were encouraged to use this facility. The profits made on the sales are distributed among the producers, and is quite substantial in Cuban standards as, urban farmers selling through local markets on average end up earning more than the average wage for state employees.

3.4.2 Incentives at municipal level

In the case of Rosario, Argentina, most of the incentives are offered by the city government. The key incentives are financial in nature. However, the city has emphasized different kinds of incentives: economic, fiscal and educative,[57] and has chosen an integral approach that focuses on stimulating the behaviour of different actors along the whole urban agriculture value chain.

Inputs, production and transformation

The first incentive is the economic support focused on improving and providing inputs for the practice of urban agriculture such as seeds, equipment and training. This economic support comes from the municipality of Rosario, but it is important to remark that this has been allocated through the process of *participatory budgeting,* allowing producers to decide on budgetary priorities and channel public investments according to their identified needs. As a result, in a relatively short period of time, various projects were formulated by urban farmers and subsequently funded such as cultivation of medicinal plants or expansion of "agro-industries" transforming the local products into cosmetics or semi-processed food.

The second incentive is supported by the INTA (National Agricultural Technology Institute) through Pro-Huerta, a national program. Under the program the institute provides the seeds and basic training for producers with no previous experience in agricultural practices. The Rosario Municipality covered the salaries of the coordinators from NGOs involved in the program and therefore increased its outreach.[58]

The third incentive is a fiscal measure established under the ordinances of the Municipality of Rosario. It gives a tax reduction to the owners of land within the municipality who lease their land to urban producers.

57 This narrative draws on direct observation, on Mazzuca *et al* and on Dubbeling *et al,* 2010, *op cit.*

58 Mazzuca *et al, op cit.*

Distribution and marketing

Another kind of incentive offered by the city is related to the distribution of products within the city. This focuses on facilitating the organization of the urban farmers to commercialize what they produce.

From 2003, which incidentally is the same year that the municipal program of development of organic agriculture became official (Decree 7341/03), the municipality made available four public spaces for fairs for trading organic food and handicrafts (Decree 0808/03). Most of these public spaces were located in middle and upper class neighbourhoods and stalls were made available for free by the municipality to urban farmers belonging to the organized urban farmers movements. The municipality provided trucks for collecting and delivering the crops to these markets. Direct marketing provides a significant income to producers, as high as 40 to 60 percent of their income.

Consumption

Another strong incentive has been through encouraging consumers to buy healthy and ecologically produced food to create a market for locally produced fresh food. The municipality invested in media promotion and supported school garden programs to encourage children to become familiar with fresh and nutritious food, especially fruit and vegetables.[59]

Budgetary and fiscal incentives

Even if limited in value, UA enjoys a permanent budgetary line in the city's annual budget that allows support for a wide range of actions, and reinforces the inclusionary vision of the policy approved in 2003 and its focus upon pro-poor agriculture. The budget allows a permanent team, composed in 2009 of 36 persons, including field workers, to support the various types of UA practices in Rosario. The table below shows that the Municipality of Rosario is providing significant financial support to UA development.

59 Dubbeling *et al, op cit.*

TABLE 1 **Budgetary resources for the Urban Agriculture Program** **Rosario, Argentina**			
Origin per year	**2004 (USD)**	**2005 (USD)**	**2006 (USD)**
Municipal budget	135 million	177 million	215 million
Dept of social promotion	11 million	17 million	18 million
UA Program	183 000	261 000	333 000

An original feature of incentives in Rosario is that urban agriculture related projects became eligible within the participatory budgeting resources. Participatory budgeting is a process by which citizens decide directly upon the allocation of a portion of the city budget. In some districts of Rosario, because of the mobilization of the urban farmers, various projects were prioritized on a fully subsidized basis.

Fiscal incentives were introduced in 2002 under the Decree 7341 referred to previously. Through this decree, owners who temporarily transfer their land to the municipality for authorized leases to urban farmers are exempted from land tax for the duration of the transfer.

Another incentive was put into place one year later through the Decree 2004/25610. Under the decree, the transfer of land to be cultivated was simplified, and the minimum size of plots eligible to be transferred was reduced to as low as 100 square meters for a community garden that could be cultivated by various persons for self consumption. This reduction in size of eligible land for a community garden meant that quite small plots of land could be turned into cultivated spaces. For commercial urban agriculture activities the minimum size for an eligible plot of land was 500 square meters for one urban farmer.

3.4.3 Incentives for the supply of affordable local food

As one of its food policy programs, the municipality of Belo Horizonte, Brazil, focuses on supplying affordable, healthy food to low-income neighbourhoods located at the periphery of the municipal territory. One of the key incentives

60 Source: Rosario Municipality, in Mazzuca *et al, op cit.*

developed in Belo Horizonte is the provision of land for the construction of small scale and medium sized grocery stores. These private investors, in exchange for receiving subsidized land from the municipality, commit to sell approximately 50 basic food products at a controlled price. They are permitted to sell all other items at a market rate. So far the experience has been successful. In this way, the municipality brings together private investors and public departments in charge of land, with the result of increased food availability of affordable food for the urban poor.

Learning from Belo Horizonte experience[61]

The city started its food security program in 1993, with a particular focus on the poorest sectors of the population. The program has had a very positive impact on reducing the number of hungry people in the city. The incentives under the program have been concentrated on improving the availability, distribution and consumption of local, affordable and healthy food, including through the promotion of UPA. Belo Horizonte has geared its policies towards the right to food, and has promoted the integration of the supply chain, namely, bringing food closer to producers and consumers and, at the same time, ensuring more sustainable use of natural resources through the technical support for the practice of organic agriculture.

Under that program, Belo Horizonte created the Secretariat for Food Policy and Supply that included a 20 member council of citizens, workers and business leaders from all sectors within the city involved with food supply. The Secretariat's mandate was to find ways to increase access to healthy food for all as a measure of social justice and at the same time to increase the income of urban and peri-urban farmers through fostering a demand for fresh locally produced food. The measures implemented are described below.

61 Source: Aranha A., *op cit.*

Subsidized food sales

Nutritious meals are offered at very low cost and under strict quality control through:

i) Popular restaurants. These are the most famous component of the program, offering healthy and balanced meals at very low cost through government subsidies (strict purchase from the government of locally produced food). Four restaurants have opened since 1994 that serve between 3 000 and 8 000 meals a day, to up to 700 people at a time. Eighty-five percent of its customers are poor but the services is available to all citizens in order to avoid stigmatization; and

ii) Popular food baskets. They contain subsidized, non-perishable food items and can be purchased at 26 specific points of sale in poor areas regularly serviced by small trucks. This component is restricted to registered low-income families that receive a magnetic card.

Supply and regulation of food markets

Access to nutritious and quality food is improved for all by increasing the number of outlets supplying healthy basic food articles at lower prices. This is mainly done through the implementation of:

i) Food outlets. In key regions of the city, certain food outlets are licensed to private operators on the condition that 25 quality-controlled products are sold at set prices (about 20–50 percent below market price). Also, in exchange for the profitable selling spot, vendors are required to serve low-income periphery areas on the weekends, where they can also sell additional produce at their own prices;

ii) Organic and conventional fairs. These fairs are held on public venues provided for free by the city. In 2008, the city operated 49 conventional and 7 organic fairs, benefiting 97 small producers from the surrounding areas of Belo Horizonte who could sell directly and without intermediaries to the urban customers; and

iii) Basic food basket research. The city compiles weekly price lists of 45 basic household consumption items (mostly food) found in 60 supermarkets around the city. The lists are posted at bus stops and

printed in newspapers and also accessible by phone and the Internet. Consumers are thus informed of the lowest prices, which encourage competition among bigger commercial establishments.

Technical support for UA and consumers education

The city promotes participatory community involvement and the use of agro-ecological, sustainable methods in growing fruits, vegetables and medicinal plants in the urban area. By 2008 there were 44 community and 60 school gardens in the city. During that year the city distributed over 1 600 seedlings for fruit trees and offered 62 workshops for planting in alternative spaces. City workshops, manuals, posters and courses on the Internet provide training and information to consumers on the safe handling and storage of food, cooking and healthy diets to address all forms of malnutrition: hunger, micronutrient deficiencies and obesity. Three thousand five hundred people were reached directly in 2007, primarily potential trainers, or "multipliers", such as teachers or staff implementing other parts of the program.

In 2009, Belo Horizonte was given the Future Policy Award by the World Future Council for having the most comprehensive policy for the abolition of hunger. The award is made annually and celebrates policies around the world that create better living conditions for current and future generations.

3.4.4 Land taxation and tax exemptions

Fiscal policy should provide clear rules for taxation related to holding and using land within urban and peri-urban areas and to poor urban and peri-urban farmers. The value of taxes and exemptions are important instruments to promote an inclusive urban land policy. Tax exemption rules should also be introduced or licenses granted for access and use of public land at a nominal price. In Brazil, several municipalities apply a partial tax exemption for urban land used for agricultural and forest production. Properties to which the exemption applies are being identified and classified.

IV

INSTITUTIONAL FRAMEWORK

Contents

The previous section of this study referred to the vulnerability of UPA policies and policy frameworks when they rely on the support of individual "champions" to ensure their sustainability. Institutional anchoring of UPA responds to this and other vulnerabilities by integrating UPA decision-making within "regular" government responsibilities. This section primarily addresses the institutional "anchoring" of UPA policy and legal frameworks. From a policy perspective, institutionalization (or "anchoring") refers to long-term, stable regulatory tools, processes and mechanisms that embed UPA within regular procedures and norms of local or national governments.

A number of factors have been identified as influencing the success of UPA institutionalization and anchoring in general terms. These include: community self-organization prior to the adoption of official UPA policies; the location of UPA processes and mechanisms within a government bureaucracy (e.g. department of environment, social development, economic development, etc.); appropriate levels of staff and budget support; sufficient degree of integration into normative and regulatory mechanisms; participation of external consultants; "champions" supporting UPA, overall leadership and management; and, the extent of public participation.[62]

The issue of institutionalization and anchoring is complex, not only because it directly impacts the longevity and stability of UPA, but equally because it raises the question of "equilibrium points".[63] As noted earlier in this report, although UPA is a dynamic policy area, there is much work to be done in securing legal status at the national, regional and municipal levels that protects UPA while enabling broad participation and citizen inclusion in decision-making about UPA. The question is how best to achieve "the equilibrium point" - what to institutionalize and what not to – in finding a locally appropriate balance between ordinances "from above" and flexible citizen dynamics "from below."

Additional complexities include decisions about the organizational location of UPA within a local government bureaucracy. Should it form part of a single department? If so, which one? Should it be housed within a high level political office (e.g. the mayor)? What types of inter-departmental or inter-agency

62 Mendes, 2008, *op cit*.

63 Cabannes, Yves. Participatory Budgeting: Conceptual Framework and Analysis of its Contribution to Urban Governance and the Millenium Development Goals. Concept Paper. Quito, 2004, Working paper 140, UMP-LAC, UN-HABITAT, UNDP.

links should be established (e.g. the Vancouver Urban Agriculture Steering Committee)?

Another question is how to address the necessary links between municipal, state and national UPA policies. UPA is necessarily cross-jurisdictional as it can have connections to state or national social, agricultural, environmental or economic policies. How are these connections best forged, and conflicts avoided?

In this way, the anchoring of UPA within city governments emerges not as a set of "right" or "wrong" decisions, but rather as a set of strategic choices that can affect UPA in all stages of development and implementation.

As in previous sections, this section will address some of these questions through case studies that will illustrate different approaches. The purpose of these cases is not to provide prescriptive solutions, but to illustrate ways in which different municipalities continue to evolve their administrative organisation within new legal and institutional frameworks.

The section is organized into three parts.

The first one presents institutional arrangements and processes to formulate an UPA policy at municipal level. The second one looks at institutional frameworks at municipal level using the cases of Rosario, Argentina; Kampala, Uganda; Belo Horizonte, Brazil and Accra, Ghana. The last one looks at the integration of UA at the national government level and the institutional links between national and municipal levels. Examples used in this section are the national UPA programs of Cuba and Brazil.

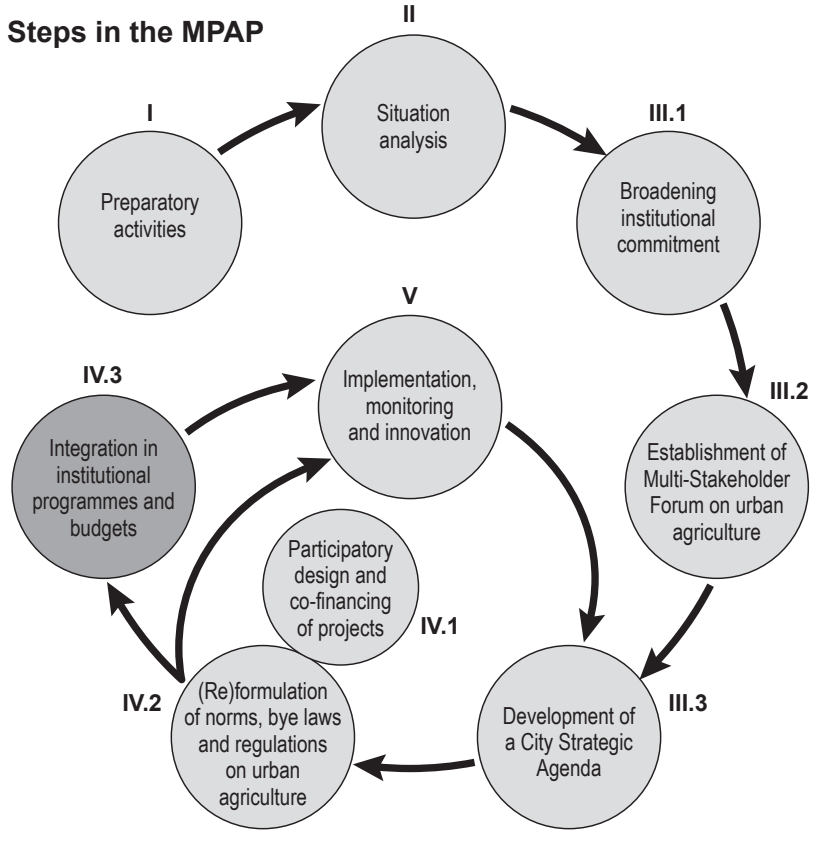
4.1 Institutional arrangement for formulating an UPA policy and action plan – local level

The Multi-stakeholder Policy Formulation and Action Planning (MPAP) method has been tested successfully in a large number of cities around the world. The main output of a MPAP *"is the joint development of a city strategic agenda on urban and peri-urban agriculture. The Agenda will have to be operationalized into a series of operational plans regarding the design and planning of the various projects prioritized in the Strategic Agenda as well as the revision or development of new norms, bye-laws and regulations on (peri) urban agriculture".*[64] Such an agenda outlines policy objectives and key issues in urban agriculture that the city wants to advance. It also describes proposed policies and intervention strategies needed for further development of safe and sustainable urban agriculture.

While MPAP is recognized as a specific method in its own right, it draws from the city consultation approach that was developed by urban management, primarily in Latin America, to develop action plans and priority actions programs. Interestingly, the consultation method was adapted, tested and systematized to define strategic agendas for urban and peri-urban agriculture. The experience of Accra, Ghana, illustrates the various phases of the process and the outcomes that have been achieved in each. A salient feature of the approach is that it is clearly pro-poor, finding ways and means for those excluded from typical city processes to participate and benefit from the policy and the actions that are prioritized.

64 RUAF, Guidelines for MPAP, Working paper series, 2007.

BOX 9
Multi-stakeholder Policy Formulation and Action Planning Method[65]



MPAP follows various steps that allow the delivery of concrete products through time. In the case of Accra, Ghana, the establishment of a local forum for urban agriculture composed of representatives from eight different groups, and the revision of metropolitan by-laws for urban agriculture resulted directly from this process.

65 *Ibid.*

One of the most decisive moments in the process of guaranteeing the long term success and implementation of the vision is the situation analysis (step 2, Box 9). This phase is organized into four different actions and can be developed by four different commissions: (i) inventory of the different types of UPA that are practiced in the city, and identification of constraints on and potential for practicing UPA in the city; (ii) land use mapping of all cultivated and cultivable land; (iii) stakeholder mapping by identifying current and potential actors and their roles (which will be the basis on which the local multi-stakeholder forum can be established); and (iv) revision of the existing policies of the sectors or departments that impact upon the development of UA. Reviewing those policies will enable identification of the policy elements that must be changed to achieve security of urban farming land tenure, access to water, development of family based business, pro-poor incentives and other aspects necessary for safe and sustainable UA and UPA.

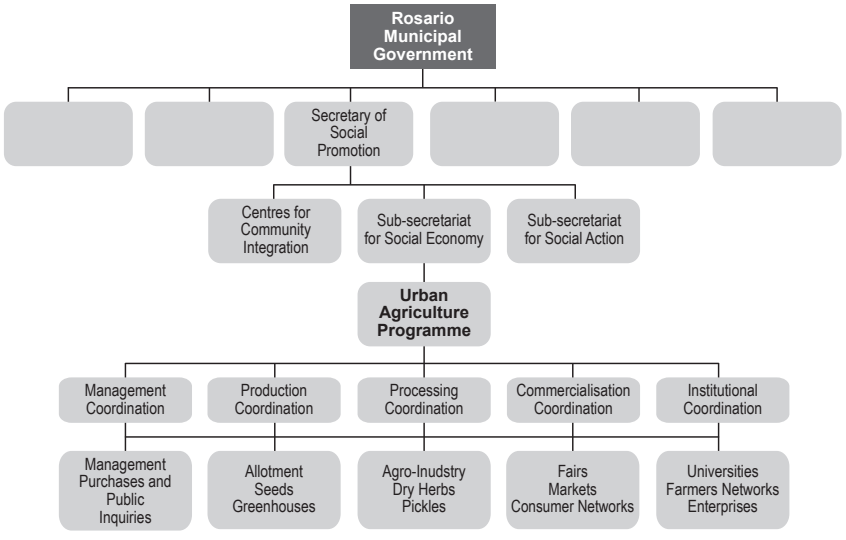
This case shows how a participatory approach to UPA can be systematized and applied to jurisdictions where the notion of UPA as a legitimate activity may not be familiar to local governments, and capacity among community stakeholders may be low. The MPAP approach provides a systematic process that allows for information gathering, learning, and gradual implementation of UPA policies and action plans that combine knowledge and input from government and non-government stakeholders.

4.2 Social Action Directorate anchoring – municipal level

The experience of Rosario, Argentina

The Rosario UA program started as an emergency policy with a clearly "social" mandate. At the beginning of the program, UA was institutionalized within the Department of Social Action. The clear social "anchor" of the program brought many comparative advantages such as a strong gender perspective, and a clear focus on the inclusion of the poor and other marginalized groups. It is important to remember that the program started as the National Pro-Huerta Program, making UA part of an inclusionary policy.

BOX 10
The Urban Agriculture Program, organizational chart – Rosario Municipality, Argentina[66]



Over time, as socio-economic conditions changed in Rosario, so too, did the focus of the program. While the program initially focused primarily on social and nutritional outcomes of UA, it expanded to include environmental and economic dimensions. These shifts raise the questions of the need for continual strategic thinking about focused anchoring. Specifically, while the Department of Social Action was initially the most effective location for the UA program, it may now require a different set of arrangements or partnerships with, for example, planning or environmental protection.

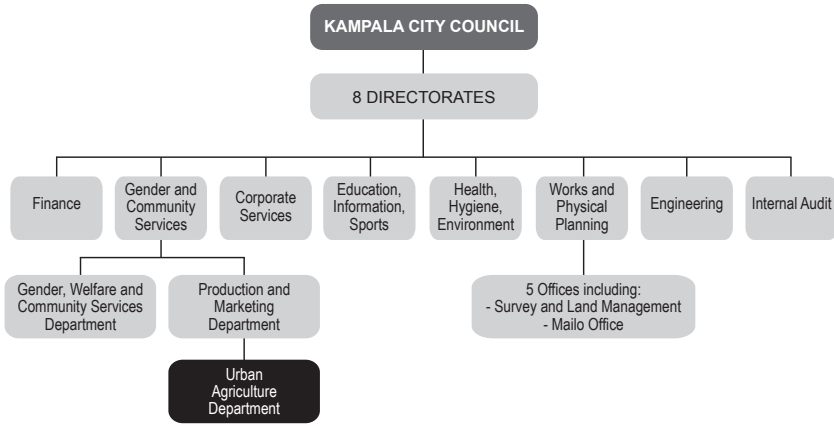
The experience of Kampala, Uganda

The case of Kampala, Uganda, shares similarities with Rosario in that it occupies an official location within Kampala's city structure. Kampala's Urban Agriculture Department is part of the Production and Marketing

66 Source: Mazzuca *et al*, 2009, Elaboration Yañez K. and Cabannes Y.

Department, which falls under the Directorate of Gender and Community Services (see Box 11). Like Rosario, this focus clearly stresses the community dimension of the program, while at the same time, linking it to economic outcomes, through production and marketing. Kampala's program is located at a relatively high level within the hierarchy of the municipality, and just as in Rosario, its endurance through time is in part due to a solid anchor within the permanent municipal structure.

BOX 11
UPA organizational chart – Kampala, Uganda[67]



This being said, the question arises as to how UA is operationalized in relation to the other departments and directorates that compose Kampala City Council. The multi-dimensional nature of UA requires an integrated cross-departmental approach. Kampala's case, like Rosario's, suggests that cross-directorate or cross-departmental mechanisms would allow for the most benefits and multi-faceted outcomes of UA.

67 Elaboration: Giorgio Talocci, Francesca Demuro, Timo Falkenberg, 2010.

4.3 Multi-stakeholder Forum – municipal level

An important aspect of anchoring UPA policies and programs at municipal level is the establishment of multi-actor committees that not only formulate municipal plans and priority action programs, but through time become permanent groups where the key actors involved in UPA will maintain a fruitful dialogue and maintain meaningful mechanisms for communication with local governments.

The experience of Accra, Ghana, and its Advisory Working Group on Urban and Peri-Urban Agriculture (AGWUPA)

AGWUPA, the Advisory Working Group on Urban and Peri-Urban Agriculture, was set up as part of the **Multi-stakeholder Policy Formulation and Action Planning** process, which was launched in the year 2004. It started with 15 members from various sectors:

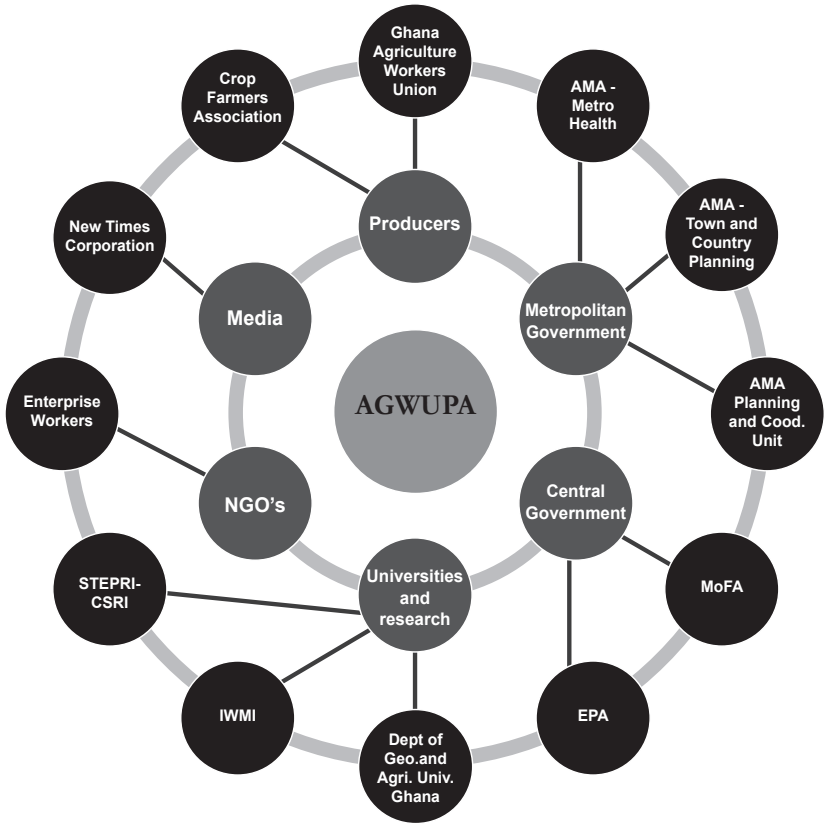
- Public sector: local representative of the ministry of agriculture; health, town and county planning and planning and coordination;
- Universities and research: International Water Management Institute (IWMI) and Department of Geography and Agriculture University of Ghana; and
- Producers: Ghana Agriculture Workers Union and Crop Farmers Association. The participation of the producers groups was extremely innovative in the context of Accra. It contributed greatly to a small scale, pro-poor component in the Action Plan.

A significant aspect of AGWUPA has been its capacity to maintain its activity once the Action Plan was approved and also to expand and diversify the number of its members. Importantly, the urban farmers have continued to participate through representation by three Vegetable Farmers Associations, one crop farmer representative, and one delegate from an Association of Livestock Farmers.

By May 2010, the number of active members had increased to 28, with representatives from different sectors: producers; Accra Metropolitan Government; central government; universities and research; NGOs and the media. The media was not originally represented and joined during the policy

formulation and action plan process. The graph in Box 12 illustrates the current situation.

BOX 12
Advisory Working Group on Urban and Peri-Urban Agriculture (AGWUPA) Accra, Ghana[68]



A key advantage of multi-actor anchoring, i.e. the participation of all stakeholders, from within and from outside the municipal bureaucracy, is that

68 Source: AGWUPA, internal notes and fieldwork by author. Elaboration Yañez K. and Cabannes Y.

it provides much greater legitimacy to the institution. The multi-stakeholder groups also played an important role in holding local governments accountable to their commitments, while at the same time generating debate and ideas about emerging issues that related to UPA. The processes for the revision of the existing municipal by-laws which for many of them either obsolete or an obstacle to the development and modernization of UA further greatly benefited from the multi-stakeholder perspectives.

The changes that were introduced to the original by-laws (which were detailed in section 3.3.7) show clearly that a strong multi-actor anchoring can be a powerful means to generate new legal frameworks, and open up a debate within the municipal council beyond party politics divide and interest. However the changes in the by-laws have not been voted yet by the city council. This clearly highlights how difficult changes in legal frameworks might be.

4.4 Anchoring a food distribution policy at the municipal level

The experience of Belo Horizonte, Brazil, is exceptional. Through the last 15 years, a solid and well-institutionalized program that is focused on food supply and distribution of local products has been gradually put into place, and has gained national and international recognition. As mentioned in the previous chapter, the city was awarded the Future Policy Award in 2009, granted by the World Future Council that promotes exemplary public policies around the world. Belo Horizonte was recognized as having the most comprehensive policy on the abolition of hunger. The focus on a pro-poor policy makes this single case particularly attractive. The question then emerges: Where is it anchored and what is its administrative structure?

Belo Horizonte has three main departments under the Municipal Secretariat for Food Policy and Supply that are responsible for the implementation of its policies:

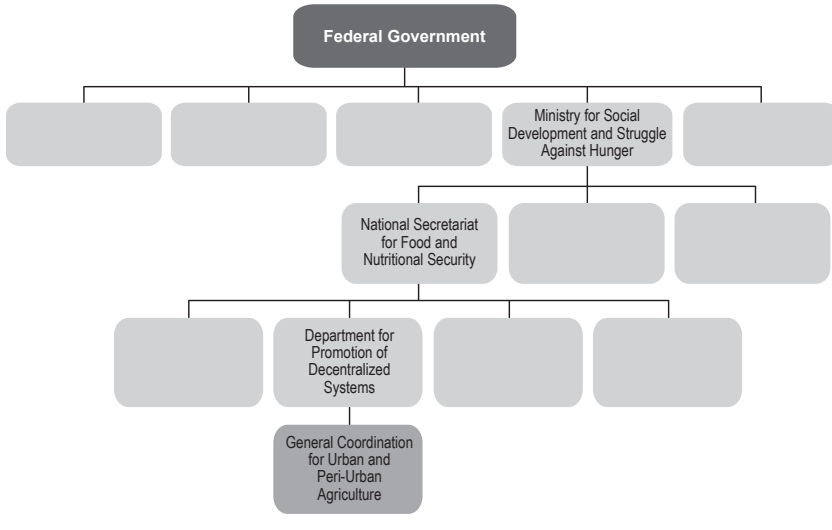
- *The Department for Promotion of Food Consumption and Nutrition* which is responsible for education on healthy eating and distribution of food supplements to groups at risk from or suffering malnutrition.
- *The Department for Administration of Food Distribution* which supports access to food staples, including fruit and vegetables to low income families by working in direct partnership with food vendors in order to improve both affordability and quality.

- *The Department for Incentives to Basic Food Production* **which p**rovides technical and financial support to encourage local production of fruits and vegetables by small and low-income farmers, to connect producers and consumers and to promote urban agriculture.

4.5 Urban agriculture institutional arrangement to address hunger and food security – national level

Since the beginning of the presidency of Lula da Silva in 2005, UPA in Brazil has been coordinated and institutionalized as an administrative unit at the federal government level. The Brazilian model is unique for at least two reasons.

BOX 13
Anchoring urban and peri-urban agriculture coordination within the Brazilian Federal Government[69]



69 Source: National Secretary for Food and Nutrition Security, 2010. Elaboration Yañez K. and Cabannes Y.

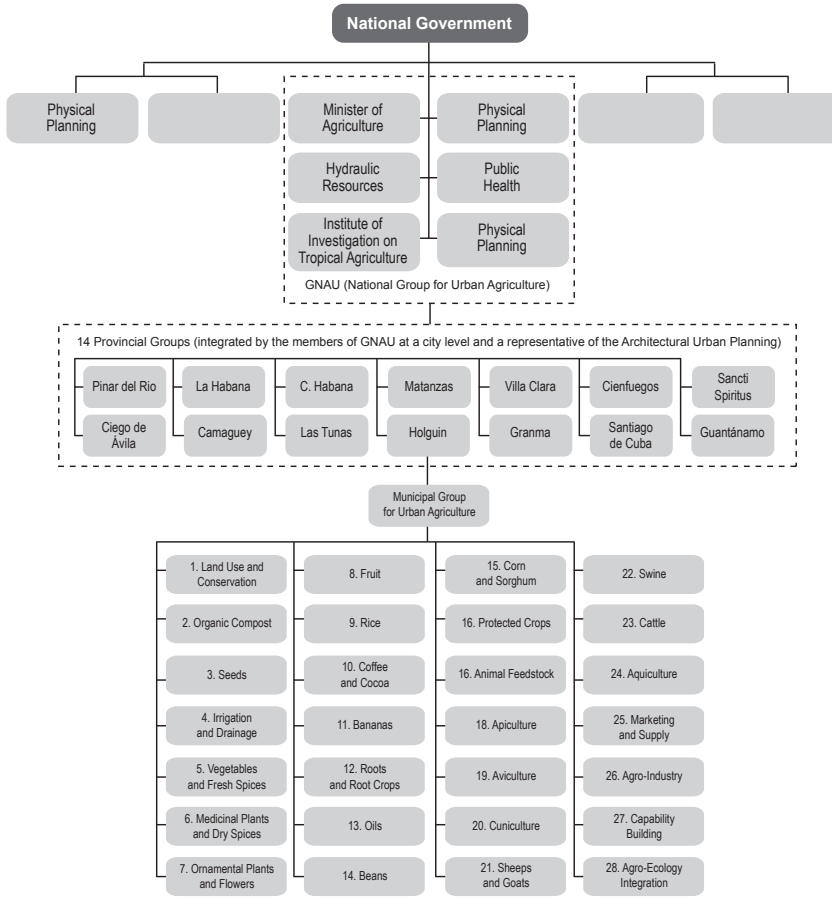
The first reason for its uniqueness is that coordination of UPA is part of the National Secretariat for Food and Nutrition Security, which comes directly under a ministry. In relation to the declarations introduced in the first chapter of this study that link food security and UPA as a means to increase food security, Brazil is at the forefront, not only in terms of national policy, but equally in terms of the strength of its institutional anchoring.

The second salient aspect of Brazil's model is the anchoring of the National Secretariat for Food and Nutritional Security (and therefore UPA) within the powerful Ministry for Social Development and Struggle against Hunger. This location indicates a strong pro-poor agenda.

4.6 Integrated governance model – national level

The Cuban organizational chart presented in Box 14 is one of the most elaborate governance models existing for the promotion of urban agriculture. It has three salient aspects that make it unique both in terms of vertical governance (referring to the relation and the coherence between the various tiers of the government) and horizontal governance (referring to the quality of links and connectivity among various public bodies at the same tier of government.

BOX 14
UPA organizational chart – Cuba[70]



Urban agriculture in Cuba is politically led and spearheaded by the **National Group for Urban Agriculture (GNAU)**, an inter-ministerial body composed of the key ministries necessary for efficient implementation of the policy.

70 Source: Herrera (2008) available at www.cedem.uh.cu, Wright (2009) & Grupo National of Agriculture in Cuba report, 2004. Elaboration Yáñez K.

The following six ministries themselves compose the GNAU: (i) Agriculture (which leads the implementation process); (ii) Physical Planning; (iii) Hydraulic Resources; (iv) Public Health; (v) Fishery Resources (which clearly indicates that aquaculture is an integral part of UPA); and (vi) the Institute of Investigation for Tropical Agriculture (which makes a scientific input).

In each one of the Republic of Cuba's 14 provinces, a **Provincial Group for Urban Agriculture** in turn promotes and translates the national policies and orientations into provincial policies. Each one of these provincial groups is composed of the provincial representatives of the ministries that compose the GNAU, and a representative from the regional division of the Ministry of Architecture and Urban Planning.

Each one of the provincial groups have their own **Municipal Group for Urban Agriculture** that is composed of two separate councils, a state council on the one hand, and a private enterprise council. The main objectives of the municipal groups are threefold:

- Develop guidelines to support and consolidate the activities of each one of the 28 units;
- Monitor continuously the overall system and ensure its quality control; and
- Define the production objectives for each one of the 28 basic components (called sub-groups) that are the basic units for the implementation of the policy.

The 28 sub-groups comprise the most comprehensive and integrated organizational set up so far. They are listed in the organizational chart, but refer clearly to each one of the different steps of the UA chain introduced in the definition:

- Production of inputs necessary for UPA, such as organic compost (group 2), land use and conservation (group 1), seeds (group 3) or irrigation and drainage (group 4);
- Production itself of the various vegetables, fruit, staples, small animals and ruminants that enter into a very broad definition of agriculture (see groups 5 to 24 in the chart);

- Processing of the agricultural products (group 26 Agro-Industry); and
- Marketing and trading (group 25).

In addition, and this is very rare in most organizational charts, there are two specialized units in each city that deals with capacity building for all of the sub-groups (unit 27) and with agro-ecology integration (unit 28).

Final remarks

Anchoring UPA in the city structure is important, however, broad multi-stakeholder groups are the key to sustaining the projects and programs that are put in place. Consolidated and strong multi-stakeholder groups are better equipped to speak clearly and in unison with local authorities and to overcome inevitable changes in the level of political support for urban agriculture. The *fora* in Villa Maria del Triunfo or in Accra proved vital space to sustain the multi-stakeholder planning process when political changes took place after municipal elections.

V

CONCLUSION

Urban and peri-urban agriculture presents a viable method to address malnourishment and hunger within poor urban populations. Ultimately it contributes to the realization of the right to food and to the achievement of food security. Specifically, the potential benefits include: the availability of nutritious food; reduced expenditure on transport of food from rural areas and reduced dependence upon imported foods, social inclusion; and reduced vulnerability to climate variability, droughts and floods caused by global climate change. Already, UPA is being practiced to achieve those ends with positive results (as demonstrated by the above-mentioned case studies).

Nonetheless, it should not be perceived as a panacea for food insecurity. To achieve maximum benefit it must be developed in conjunction with other approaches, in particular support to rural agriculture. In order to strengthen the role of UPA, there are a number of measures that must be taken. There must be: greater provision of community capacity building and skill building; greater access to subsidies, credits and technical assistance; strengthening of urban farmers through the formation of organizations and unions; provision of vacant land for UPA, and further research to identify suitable technologies that would support pro-poor UPA.

In recent decades there has been increasing recognition of the importance of UPA. It is referred to in numerous international legal instruments concerning urbanism (such as the Habitat Agenda, 1996, which recognizes its importance in realizing the right to food). Nonetheless, there remains, to date, no legally binding global agreement that deals specifically with the subject of UPA.

There are numerous case studies from which lessons can be drawn on how to implement pro-poor systems for UPA. Such systems must be grounded in both policy and legislation, and should be supported by clear objectives and verifiable targets. Despite variation in national legislative practices, it is crucial that UPA legislation establishes minimum requirements to protect human health and the environment (such as quantitative limits on the use of fertilizers and pesticides) without overregulating to the extent that small farmers can no longer operate. It must also facilitate access to land and security of tenure. Achievement of the latter will require the incorporation of UPA into wider urban planning systems. Where appropriate, land may be made available through community land funds and land banks. In addition, in order

to maximize the benefits in terms of food security, UPA must be incorporated into broader food and development frameworks.

In addition to the establishment of national policies, objectives and legislation, it is also crucial that UPA be anchored within local, municipal and national institutional frameworks. Given the nature of UPA, such frameworks must be cross-departmental, and must provide for broad and effective stakeholder participation and a multi-actor approach. This may be best facilitated through the establishment of multi-stakeholder advisory groups, as is currently used in Accra, Ghana.

Even if progress has been made to design and implement pro-poor facilitating legal and institutional frameworks, there is the need to take one step further along the decentralization process and localize urban and peri-urban agriculture at community and neighbourhood levels. As G. Kent rightly suggests, "People ought to live in well-managed small communities, whether in cities or in rural areas. From this perspective, the primary unit of analysis would be the small community or neighbourhood, not the municipality. This is related to the concept that *a more resilient system that is able to cope with crisis and facilitate long-term sustainability, requires more localized and ecological systems offering greater consideration of family based and small scale farming systems and agro-processing*"[71]. To address more specifically these issues, further studies considering pro-poor legal and institutional frameworks for integrated neighbourhood developments are necessary.

Finally, it is important to *facilitate* UPA by the development and implementation of supporting legal and policy frameworks. However, in order to maximize its utility as a means to address malnourishment and food insecurity, mechanisms must also be implemented to *incentivize* the practice of UPA. Moreover, incentives must be provided for all stages of the production process, including inputs, processing, and distribution. This may be in the form of free or subsidized access to inputs (seeds, fertilizers, etc.), the provision of free technical support, the imposition of tax advantages for urban produce or for individuals that lease their land for UPA, or the introduction of dedicated infrastructure to facilitate the distribution of urban produce.

71 Prof George Kent, University of Hawai, correspondence, 28 April 2012. Food for Cities web dgroup.

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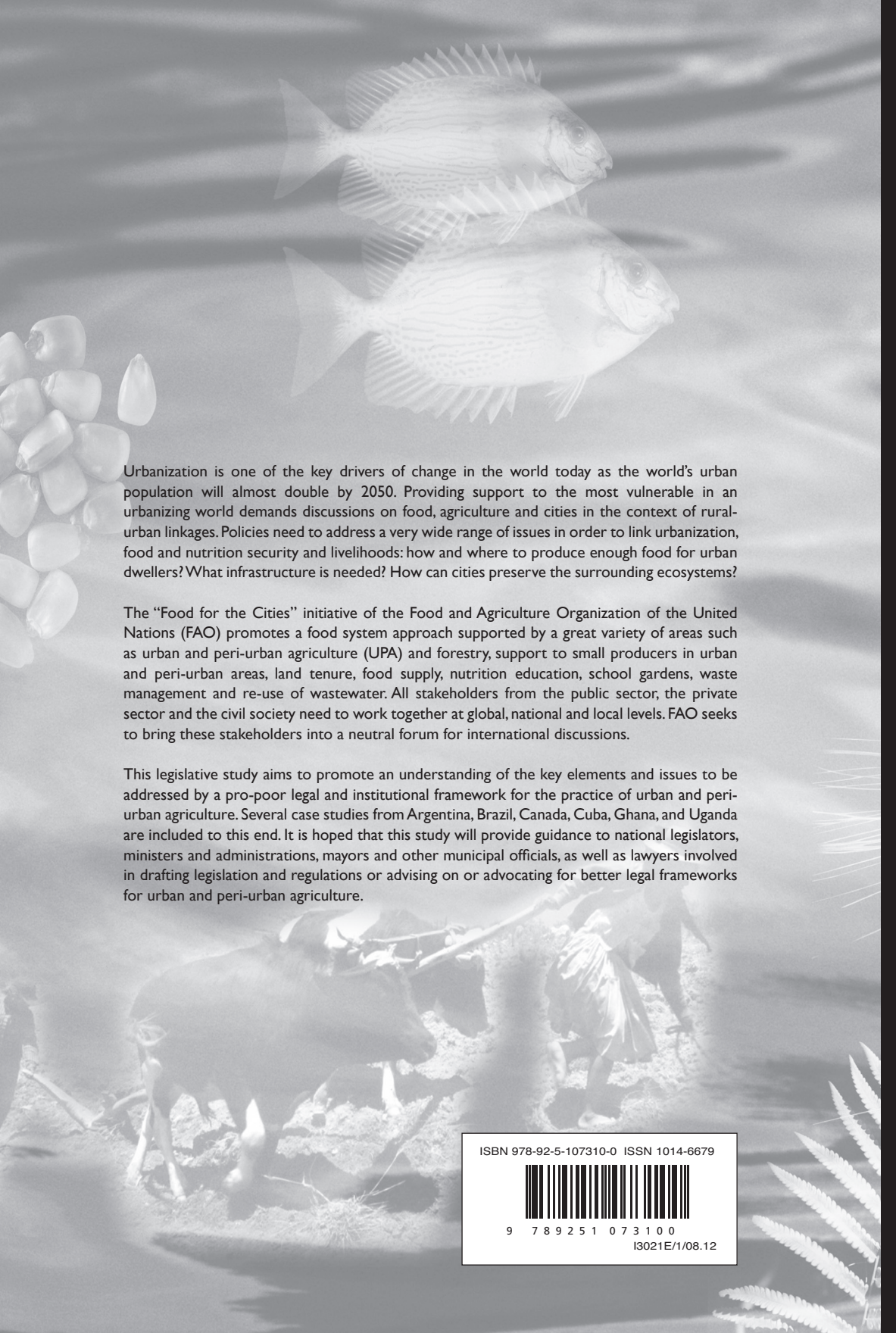

Urbanization is one of the key drivers of change in the world today as the world's urban population will almost double by 2050. Providing support to the most vulnerable in an urbanizing world demands discussions on food, agriculture and cities in the context of rural-urban linkages. Policies need to address a very wide range of issues in order to link urbanization, food and nutrition security and livelihoods: how and where to produce enough food for urban dwellers? What infrastructure is needed? How can cities preserve the surrounding ecosystems?

The "Food for the Cities" initiative of the Food and Agriculture Organization of the United Nations (FAO) promotes a food system approach supported by a great variety of areas such as urban and peri-urban agriculture (UPA) and forestry, support to small producers in urban and peri-urban areas, land tenure, food supply, nutrition education, school gardens, waste management and re-use of wastewater. All stakeholders from the public sector, the private sector and the civil society need to work together at global, national and local levels. FAO seeks to bring these stakeholders into a neutral forum for international discussions.

This legislative study aims to promote an understanding of the key elements and issues to be addressed by a pro-poor legal and institutional framework for the practice of urban and peri-urban agriculture. Several case studies from Argentina, Brazil, Canada, Cuba, Ghana, and Uganda are included to this end. It is hoped that this study will provide guidance to national legislators, ministers and administrations, mayors and other municipal officials, as well as lawyers involved in drafting legislation and regulations or advising on or advocating for better legal frameworks for urban and peri-urban agriculture.

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