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To cite this article: Joanna Bourke Martignoni (2021) A feminist methodology for implementing the right to food in agrarian communities: reflections from Cambodia and Ghana, The Journal of Peasant Studies, 48:7, 1459-1484, DOI: [10.1080/03066150.2021.1928642](https://doi.org/10.1080/03066150.2021.1928642)

To link to this article: <https://doi.org/10.1080/03066150.2021.1928642>



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Published online: 30 Aug 2021.



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A feminist methodology for implementing the right to food in agrarian communities: reflections from Cambodia and Ghana

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ABSTRACT

In Cambodia and Ghana, the promotion of women's equal rights to food and land has occurred in parallel with processes of trade liberalization and agricultural commercialization. This article considers how a feminist methodology that foregrounds the right to food and inter-related human rights could identify the inequalities engendered and sustained in rural communities through neo-liberal agricultural development. An explicitly feminist approach to the implementation of the right to food demands that we focus on dynamic, intersectional and contextualized relations of power to go beyond the top-down, apolitical and technical focus of mainstream laws and policies on gender and agriculture.

KEYWORDS

Right to food; feminism; Cambodia; Ghana; Neo-liberalism; equality

... international human rights, with its multiple manifestations as law, rhetoric, and practice, is fecund and stunningly diverse; it continues to evade those who would entomb its political potential. (Asare 2018, 16)

Introduction

International human rights frameworks are increasingly being called upon to provide solutions to the inequalities in access to food and land that have been intensified or created through neo-liberal models of agricultural development and resource extraction. The promotion and protection of human rights is viewed by many agrarian social movements as a core component in their strategies for socio-economic, political and legal change. Human rights discourses, along with constitutional and legislative provisions, rights-based indicators and accountability mechanisms have also been adopted by national governments and by international institutions concerned with food security, such as the UN Food and Agriculture Organisation (FAO). At the same time, the United Nations human

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rights mechanisms, as well as regional human rights bodies in Africa, Europe and the Americas, have begun to specifically refer to the experiences of people in rural areas – women, agricultural workers, peasants and indigenous peoples in particular – in their legal and policy instruments. In spite of this increased engagement with human rights processes and institutions by social, economic and political actors at various scales, the deployment of rights-based approaches in food security and agricultural development programmes remains contested and fraught with contradictions. Feminist constituencies within agrarian social movements wrestle with the paradox that their advocacy for the inclusion of women's rights within 'mainstream' economic, political, social and legal institutions and structures might actually serve to reproduce rather than to transform patriarchal power relations. Using examples from a longitudinal research project that examines gender equality and food security in Cambodia and Ghana, this article explores the ways in which a feminist right to food methodology could be applied to identify and challenge inequalities in rural communities undergoing processes of agricultural and land commercialization.

The growing use of rights-based strategies to observe and respond to various forms of injustice in rural areas comes at a time of introspection within the human rights community. Activists and scholars are gradually moving away from simple doctrinal analyses of human rights norms toward more far-reaching reflections concerning the potential and limitations of international human rights guarantees in identifying and redressing inequalities at different geographical scales (Marks 2011; Gonzalez-Salzberg and Hodson 2019). There is widespread agreement that human rights must go beyond a narrow focus on positive law (Kennedy 1999; Tasioulas 2018) and embrace a reflexive and critical inter-disciplinarity if they are to have a real impact in praxis (Korhonen 2017; Parisi 2017; Srikanth and Chowdhury 2018; Chadwick 2019). This broadening of the scope of human rights methodologies has been accompanied by an empirical turn in rights practice and scholarship whereby new measures for assessing, monitoring and allocating accountability for the realization of rights are being enacted (Rosga and Satterthwaite 2009; Marks 2011; Engle Merry 2016). Using extensive qualitative and quantitative data, Katherine Sikkink argues that there is 'evidence for hope' concerning the global realization of specific human rights objectives – including those connected to substantive gender equality in the realm of work – over the past half century (Sikkink 2017). Other scholars are more sceptical and assert that rights claims cannot drive the radical redistribution of power and resources that is required in order to fully realise their egalitarian and emancipatory promises (D'Sousa 2018; Moyn 2018; Whyte 2019). In fact, it has been suggested that international human rights law, far from being an equalizing force, actually plays an active part in the 'immiseration' of people around the world by reinforcing the structures that sustain globalized capital accumulation (Linarelli, Salomon, and Sornarajah 2018).

There is also disagreement within feminist circles about the capacity of human rights laws, policies and practices to effectively challenge and overturn patriarchal forms of structural oppression (Kouvo and Pearson 2011; Leroy 2017; Parisi 2017). Distinctively feminist approaches to human rights draw attention to the fact that in order to be truly universal, rights need to be defined through dialectical participatory processes and more firmly situated within specific social, cultural, political and economic contexts (Charlesworth and Chinkin 2000; Engle Merry 2006; Ackerly 2008). Indigenous, popular peasant and post-colonial feminist movements highlight the relationship between patriarchal oppression and neo-liberal rural development and argue that the struggle for women's equal rights is

integral to the achievement of food sovereignty and the right to food (Via Campesina 2017; CSM 2018; Conway 2018; FIAN 2019; Claeys and Edelman 2020). As Brooke Ackerly notes, 'Feminist activists have done the apparently impossible: they've shown us how to think about human rights as local, universal *and* contested.' (Ackerly 2008, 5)

In tandem with these debates concerning the function of human rights norms in redressing inequalities at different geographical scales have been numerous discussions about the need to better integrate or mainstream gender equality and human rights guarantees within international policies, laws and programmes on food security, nutrition, agriculture, trade, taxation and rural development (CWGL 2011; Conway 2018; Bourke Martignoni 2019; Oxfam 2019a and 2020). Gender equality and food security form key, inter-related components of the 2030 Sustainable Development Agenda and international, regional and national legal and policy frameworks. At a discursive level, it therefore appears that the realization of women's equal rights has been accepted as a crucial precondition for the fulfilment of the rights to food and nutrition (FIAN 2019).

Despite this seeming agreement concerning the centrality of gender equality within the global food security, right to food and sustainable development agendas, however, the pathways through which equality is to be defined, achieved and measured remain unclear (Bourke Martignoni 2019). Many of the justifications for the promotion of women's human rights that are put forward in international agricultural and food security policy frameworks are seemingly instrumental in nature and grounded in the assumption that increasing food production and market access will automatically lead to greater food security as well as a range of other desirable development objectives, including gender equality (Razavi 1997; CWGL 2011; Bourke Martignoni 2019; Prügl and Joshi 2020). The prevalence of 'myths' in connection with women's roles in agricultural and food systems, as well as the solutions that should be adopted to ensure food security for everyone are partly attributable to the marginalization of critical feminist research and activism in this field (Razavi 1997; Ackerly 2008; Doss et al. 2018). As a result, most international food security policies do not convincingly identify and confront the structural inequalities – including those related to gender and sex – that some commentators argue are inherent in neo-liberal capitalist development (Fraser 2016; D'Sousa 2018; Linarelli, Salomon, and Sornarajah 2018; Chadwick 2019; Federici 2019).

Methods and approach

The present contribution engages in a preliminary exploration of the potential application of feminist, rights-based approaches to food security in contexts of agricultural and land commercialization. In foregrounding the right to food and its inter-dependent relationship with a range of other economic, social, cultural, civil and political rights, the aim is to highlight the centrality of these rights to the daily lives of people within rural communities, and to provide insights into questions of power and inequality. To do this, the paper addresses the following research questions:

- (1) How have international human rights institutions engaged with Cambodia and Ghana concerning gender equality, agriculture and the rights to food and land? What are the issues that the human rights bodies deem to be of primary importance in connection

with these topics and which solutions are being promoted in order to address inequalities at various geographical scales?

- (2) What could a feminist approach to the right to food bring to discussions aimed at identifying and challenging inequalities in rural communities undergoing agricultural and land commercialization?

The analysis is grounded in a feminist reading of information and recommendations made by international human rights bodies to Cambodia and Ghana. The empirical approach is further informed by insights gleaned in each context through comparative constitutionalism (Appendix 2). In addition, findings from the DEMETER research which used quantitative household surveys, qualitative interviews and focus group discussions with a variety of different respondents on questions of agricultural and land commercialization, gender equality and food security provide examples of inequalities inherent in current food systems along with the ways in which these could be transformed (Joshi 2019, 2020; Adu-Ankrah et al. 2020; Dzanku and Tsikata 2021; Gironde et al. 2021).¹

The categories used to organize the information about what a feminist approach to the right to food might require are adapted from a number of different sources including: the Montréal Principles on Women's Economic, Social and Cultural Rights (2004), the CEDAW Committee General Recommendation no. 34 on the rights of rural women (UN CEDAW 2016), and a selection of the declaratory documents and research developed by peasant women and their social movement allies (Via Campesina 2013; CSM 2018 and 2017; FIAN 2019). These manifestos on the rights of rural and peasant women have consistently made linkages between gender-based discrimination and violence within the family and community and the broader policy, legislative and macro-economic trends that influence relationships between food, agriculture, labour, land and other natural resources (Via Campesina 2013; CSM 2018 and 2017; FIAN 2019). The connections between capitalist resource extraction, environmental degradation, climate change and gender inequality have long been made by agrarian social movements but these ideas have only recently found echoes in mainstream human rights discourses (Via Campesina 2017; CEDAW 2018; CSM 2018). Feminist groups have also underlined the need to reject essentialist stereotypes about gender roles in food and agriculture and to adopt an intersectional approach to the right to food that acknowledges that experiences of gendered inequalities in food systems will also be conditioned by factors such as socio-economic class, geographic location, ethnicity,

¹For further details concerning the DEMETER (gender, land and the right to food) project 2015–2021 please see <https://r4d-demeter.info>. In Ghana, in 2016 and 2017 and again in 2020, the research team collected comparative data from ten communities located in four districts—Asunafo North and Kwaebibirem districts in southern Ghana, and Garu-Tempane and East Gonja districts in northern Ghana. There were 138 interviews at the community level (24 focus group discussions and 114 in-depth and key informant interviews) and 27 at the district level. The survey sample size was 484 households across 10 communities. In Cambodia, the team conducted two rounds of qualitative and quantitative interviewing - in 2016/2017 and again in 2019/2020. The Cambodian research was carried out in the provinces of Kratie, Kampong Thom and Ratanakiri in Northeastern Cambodia. A total of 211 qualitative interviews were conducted in the first round - the bulk of which were with randomly selected household respondents in the three Provinces along with a series of approximately 90 interviews with local political authorities and civil servants and 10 focus group discussions. An accompanying quantitative survey interviewed 300 households in each round. The research also included qualitative interviews in 2016/2017 with 20 staff from civil society organisations, government ministries, political parties and inter-governmental organisations in Phnom Penh. For further details about the DEMETER project methodology, please see the papers by Dzanku and Tsikata and Gironde et al. in this Forum.

indigeneity, age, ability, marital status, gender identity and sexual orientation (CSM 2018; FIAN 2019).

Based on the literature and theoretical frameworks mentioned above, the elements that compose a feminist approach to the right to food in settings of agricultural commercialization include:

- An emphasis on women's autonomy, diversity and agency through the creation of processes to ensure debate and inclusive participation by a wide range of social groups in food and agricultural policies and decision-making at all levels from local through to national, regional and international institutions, along with accessible mechanisms to guarantee the accountability of actors in the public and private sectors;
- Legal and justice systems that foreground the promotion and protection of economic, social and cultural rights (ESCR). This means guaranteeing a suite of inter-related human rights including the rights to food, health, equal inheritance and ownership of land and property, social security, decent work, education, protection from violence and economic exploitation, freedom of assembly and association, and a healthy environment;
- Political, economic, legal and social institutions that recognize the negative impact that extractivist forms of rural development have on the achievement of equal rights to food and land. This requires that priority be accorded to the egalitarian (re)distribution of wealth and resources, the creation of adequately financed social security systems and women's rights institutions, as well as environmentally and socially sustainable approaches to agriculture, development and trade policy-making at the national, regional and international levels.

The article begins by briefly defining how the right to food has been developed through international and regional human rights mechanisms. The increasing attention being paid to questions of gender equality and non-discrimination within international laws and policies on food, agriculture and rural development is critically explored. The second section introduces the socio-economic, political and legal background of both countries and provides an overview of the relevant recommendations that have been made to each state by the international human rights system, which are illustrated in greater detail in the table in Appendix 1. In the third part, and in Appendix 2 on comparative constitutionalism,² the proposed feminist methodology is applied to a number of findings from the DEMETER research on the rights to food, land and agricultural development in rural communities in Cambodia and Ghana.

Agricultural commercialization, gender equality and the rights to food and land in international law

Sex or gender inequality is a problem experienced primarily by women. The systems and assumptions which cause women's inequality in the enjoyment of economic, social, and cultural rights are often invisible because they are deeply embedded in social relations, both

²The constitutional analysis in Appendix 2 is adapted from the tool developed by International IDEA (2016) for the assessment of women's rights provisions in national law.

public and private, within all states. (Montreal Principles on Women's Economic, Social and Cultural Rights 2004)

International laws and policies create responsibilities for states and other actors to ensure that good quality, safe and culturally acceptable food is available and physically and economically accessible for all people at all times (UN CESCR 1999, para 6; FAO 2004; UN General Assembly 2018). Human rights bodies have interpreted the core elements of the right to food as including equal access to and usufruct rights over land and other resources necessary for the production of food, as well as opportunities to engage in decent work and to benefit from social security entitlements to enable the purchase of adequate food (UN CESCR 1999, paras 12, 13, 15 and 20; Bourke Martignoni 2020).

Several international human rights instruments explicitly link gender equality with the realization of the right to adequate food (UN CESCR 1999, para 26; FAO 2004; CEDAW 2016). The accessibility element of the right to food includes duties for governments and non-state actors to adopt targeted programmes and measures to ensure that all right holders have equal access to food (UN CESCR 1999, para 18). The Convention on the Elimination of All Forms of Discrimination Against Women (1979) contains a number of provisions that are relevant to the right to food (UN CEDAW 1979, Arts. 2, 3, 11, 12 (2), 14, 15). The Committee on the Elimination of Discrimination Against Women (CEDAW) has issued several interpretive General Recommendations that address obligations under the Convention to implement the right to food on the basis of gender equality. In particular, the Committee's General Recommendation no. 34 on the rights of rural women interprets women's rights to food and nutrition as including equal rights to access, use and control agricultural land and natural resources (CEDAW 2016, paras 55–59). Other international human rights bodies, including the Human Rights Council and its Special Procedures have reiterated that gender equality is an essential part of the accessibility element of the right to food and that states and non-state actors, in particular agribusinesses and international organizations, have responsibilities to prevent and eliminate sex and gender-based discrimination in food systems (UN Human Rights Council paras. 6 and 7; Elver 2016; De Schutter 2012).

Documents that reference the right to food emanating from outside the UN human rights system, such as the FAO Right to Food Guidelines (2004) and the Voluntary Guidelines on Responsible Governance of Tenure of Land (2012), also provide that concrete measures should be taken to guarantee that women and men are equally able to enjoy the right to food and the means for its production through rights over land and natural resources, or purchase by way of adequate income from decent work and from universal social security entitlements (FAO 2004; FAO 2012, part 3B para. 4). Sustainable Development Goals 2 and 5 contain further injunctions to ensure that women and girls have access to adequate food and nutrition and that they are supported in their roles as farmers and food producers through targeted agricultural development programmes, land tenure reform and women's empowerment initiatives (FAO 2016).

Food security and the right to food

The concept of food security is closely related to the right to adequate food and the realization of the right to food is often viewed as a precondition for the achievement of food

security (FAO 2004, para. 19; UN FAO 2006a, 2006b). The UN FAO defines food security as being achieved

at the individual, household, national, regional and global levels when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. (FAO 1996)

Although food security – with its four pillars of availability, accessibility, utilization and stability – and the right to food are often used interchangeably in policies and discourses, there are some important differences between the two frameworks (Bessa 2019; Bourke Martignoni 2020). While a detailed examination of the distinction between these concepts is beyond the scope of this piece, commentators have drawn attention to the fact that food security paradigms are generally policy-based rather than focused on individual and collective right holders, binding legal obligations for duty bearers or public accountability mechanisms (Mechlem 2004; Duncan and Claeys 2018; Bourke Martignoni 2020). It has been argued that the food security framework concentrates on state obligations to fulfil (facilitate and provide) food and overlooks responsibilities to respect and protect the right to food (Mechlem 2004). The food security paradigm has further been critiqued from a feminist perspective on the grounds that it does not meaningfully engage with structural inequalities in food systems and therefore ‘naturalizes or ignores socio-political and economic problems.’ (Mupotsa 2016, 3)

Feminist interpretations of the right to food

Human rights-based gender equality demands have the potential to make visible and disrupt unequal power relations and provide a variety of mechanisms through which structural injustices in access to food, land and other natural resources might be observed and redressed. To date, the primary engagement of most rural development actors has been with the forms of discrimination and inequality that women face in accessing food in the ‘private’ and ‘local’ spheres of the family and community without convincingly connecting these to global inequalities in food systems (Agarwal 2003; Bourke Martignoni 2019). The prevailing gender equality paradigm being promoted through inter-governmental initiatives – including the UN Sustainable Development Goals – in connection with food and agriculture is ostensibly apolitical. However, scholars critical of neo-liberalism have pointed out that behind this ‘neutrality’ lies an agenda that implicitly privileges support for global capital accumulation (Linarelli, Salomon, and Sornarajah 2018). As a result, many of the suggested solutions to gender and sex discrimination in food systems adopt an approach that focuses on increasing the productivity of individual women in agriculture and integrating them into commodities and credit markets, rather than examining the systems of power and domination that create and reproduce these unequal gender relations within families, agribusinesses, markets and farmers’ organizations (Prügl and Joshi 2020). Another problematic aspect of mainstream food security discourses around gender in food, nutrition and agriculture is that they unquestionably reproduce and reinforce essentialist stereotypes about women as ‘virtuous’ mothers and food providers or as helpless ‘victims’ of poverty and disadvantage (Bourke Martignoni 2019; Prügl and Joshi 2020).

Feminist human rights-based initiatives focus on the broader dynamics of gender inequality, including the role of global trade relations, international financial institutions

and corporate actors in undermining the right to food (Bourke Martignoni 2019). The Montréal Principles on women's economic, social and cultural rights, which were adopted by a group of experts in 2002, identify a number of inter-connected structural barriers to women's equal exercise and enjoyment of human rights, which include: social norms and customs that legitimize women's inequality; failure to take account of women's distinct experiences when designing laws or measures to implement economic, social, and cultural rights; restrictions on access to legal or administrative remedies for rights violations; women's under-representation in decision making processes; the failure to recognize women's unremunerated work in the family and community; and the gender-differentiated effects of economic globalization (Montréal Principles 2004). In a similar vein, as mentioned above, in its interpretive General Recommendation no. 34 on the rights of rural women, the CEDAW also adopts some elements of a feminist approach to the right to food with its emphasis on inclusive political participation and the need to identify and challenge the discriminatory norms and institutions that influence food systems at different levels of governance. The General Recommendation specifically acknowledges the 'macroeconomic roots of gender inequality' and notes the obligations of states to address the 'negative and differential impacts of economic policies, including agricultural and general trade liberalization, privatization and commodification of land, water and natural resources, on the lives of rural women and fulfilment of their rights' (CEDAW 2016, paras 10–11). While the Committee's recommendations refer to feminist political economy and mention food sovereignty and agro-ecology as alternatives to the dominant agro-industrial food systems approach, the solutions that it proposes to address the 'root causes' of gender inequalities in relation to the right to food and sustainable access to natural resources remain conservative rather than transformative in nature (Linarelli, Salomon, and Sornarajah 2018; Bourke Martignoni 2019).

Peasant women and their allies within social movements have also repeatedly made linkages between gender-based discrimination within the family and community and the global political and economic trends that influence food, agriculture, labour and land. Unlike many of the inter-governmental institutions involved in the governance of food and agriculture, these peasant feminists call for a far-reaching overhaul of existing political, social, cultural and economic institutions (Via Campesina 2017; CSM 2018; FIAN 2019). The food sovereignty agendas envisioned by feminist members of la Via Campesina and other social movements encompass personal sovereignty, including bodily and sexual autonomy, and draw attention to the continuum of gender-based violence that extends from the home and community to corporate economic and environmental violence (Via Campesina 2013; Bellows et al. 2015; Bellows et al. 2016; Lentz 2018). These feminist voices within the food sovereignty movement have also underlined the need for an intersectional approach to the right to food that acknowledges that lived or immanent experiences of gendered inequalities in food systems will also be conditioned by factors such as socio-economic class, geographic location, ethnic identity, age, gender identity and sexual orientation (CSM 2018). The Declaration of the 5th Women's Assembly of la Via Campesina states:

We are building a feminism out of our peasant and popular identity ... The feminism that we propose recognises our cultural diversity and the very different conditions that we face in

each region, country and place. We are building it from the daily struggles which women across the planet fight. Struggles for our autonomy, social transformation, the defence and protection of peasant agriculture, and food sovereignty. (Via Campesina 2017).

In spite of this strong articulation of a feminist agenda by rural social movements, there is an awareness that feminism continues to be regarded by many people in agrarian communities as a radical and foreign concept (Via Campesina 2013). A lot of these fears are related to the idea that equality claims might destabilize the traditional small holder family farming unit, which forms an integral part of the peasant identity that has been constructed in opposition to the neo-liberal model of commercial agriculture. While some social movement actors have pushed for a more critical and inclusive approach to gender as a category of analysis within peasant organizing – in particular in relation to the rights of lesbian, gay, bisexual, transgender and queer (LGBTQ) persons – this has not, so far, achieved widespread support within la Via Campesina (ARROW 2019; FIAN 2019). In this regard, it has been noted that the relatively timid references to gender equality and the rights of rural women that were retained in the final version of the UN Declaration on the Rights of Peasants will need to be interpreted using an explicitly feminist and intersectional framing in order to ensure that the instrument fulfils its emancipatory promise (Moreno Cadena 2020, 61; Bourke Martignoni and Claeys 2021).

An overview of the socio-economic, political and legal context of Cambodia and Ghana

Since the 1990s, Cambodia and Ghana have actively pursued economic policies of agro-industrial growth through an expansion in investment in food and non-food commodity farming and increased integration into globalized agricultural markets (FAO 2019). The UN FAO classifies the countries as lower middle-income, although Cambodia is regarded as having a low commodity export dependence, while Ghana has a high level of commodity export dependence (FAO 2019). This policy focus on the development of commercial agricultural production has had measurable impacts on the environment, on social relations and on the human rights of smallholder farmers and agrarian communities in each country (Knoema 2020; Dzanku and Tsikata 2021; Gironde et al. 2021). Despite these common economic policies, the states are quite different in their political structure. In Ghana there is a multi-party, Westminster-style democracy (Asare 2018) while Cambodia formally functions as a Constitutional monarchy but is, in reality, a 'hegemonic authoritarian' régime (Beban, Schoenberger, and Lamb 2019; Morgenbesser 2019). As a result of these differences, each country displays varying degrees of institutional openness to human rights-based claims and social dialogue with civil society, with Cambodian authorities systematically and violently repressing any dissent including protests related to the ownership and control of land and natural resources (Brickell and Springer 2017).

The 2019 Global Hunger Index (GHI), developed by a civil society consortium, uses a 'hunger severity scale' to rank different countries and it situates Ghana in the 'moderate' hunger and malnutrition category with Cambodia falling on the 'serious' end of the scale (GHI 2019). In our case study communities in both countries, food security was similar for women and men with some seasonal shortages being reported in low income households as a result of either a lack of wage labour opportunities or an over-reliance on non-food

cash crops (Dzanku and Tsikata 2021; Gironde et al. 2021). The men surveyed in Cambodia and Ghana typically reported having access to a wider variety of food and to eating out much more frequently than women and many respondents also noted that women were more likely to cut back on their consumption of protein in times of food scarcity (Dzanku and Tsikata 2021; Gironde et al. 2021). In the rural areas that we studied in both countries, it is women who are overwhelmingly responsible for sourcing, preparing and cooking food for their families (Dzanku and Tsikata 2021; Gironde et al. 2021).

Women constitute at least half of the population engaged in agricultural production activities in Cambodia and in Ghana (UNDP 2012; Malapit and Quisumbing 2015; ADB 2018; FAO and ECOWAS Commission 2018). Both Cambodia and Ghana have recognized the inequalities that exist within food systems and have attempted to mainstream gender equality into agricultural, food and nutrition policies including through initiatives aimed at promoting the accessibility of extension services, credit and markets for women farmers (Maffii 2016; Ghana Ministry of Gender 2019). While gender equality in land mapping, titling and redistribution has been promoted in each country as a mechanism for poverty reduction, food security and economic development; in the main, women continue to have consistently fewer rights and less decision-making power over collective or communal resources and commercial farming land than men (Malapit and Quisumbing 2015; ADB 2018; Ghana Ministry of Gender, Children and Social Protection 2019; WFP and Women Deliver 2020). As in many other countries, women's rights to own, access and control land and other resources in Cambodia and Ghana are conditioned by factors including their ethnicity, socio-economic class, age and marital status, 'women who are in single occupancy households, widowed or divorced are more tenure insecure than men in the same circumstances' (Prindex 2019, 14; Dzanku and Tsikata 2021; Gironde et al. 2021). In both countries, women in rural communities continue to be siphoned into low-skilled, poorly remunerated agricultural jobs and the opportunities that they have to access paid farm employment tend to be more limited than those available to men (Dzanku and Tsikata 2021; Gironde et al. 2021).

Cambodia has a hybrid common and civil law legal system and Ghana has a common law system that also recognizes custom as a source of law, particularly in cases related to land inheritance and usufruct rights (Brickell and Springer 2017; Atudiwe 2014). Both Cambodia and Ghana have constitutional and legislative provisions that prohibit discrimination on the grounds of sex and/or gender and they have enacted policies and created institutions for the purposes of mainstreaming gender equality guarantees into different spheres of economic, social, cultural and political life (Appendix 2). The approaches taken to women's human rights in each country's constitution vary, in particular with regards to the way in which equal rights are reconciled with the notion of women's 'difference' and the measures that will need to be taken to identify and overcome gendered inequalities (Irving 2017). The Ghanaian constitution is facially neutral – although it does use the male pronoun throughout – aside from its Article 27 which states, *inter alia*, that pre-school child care be provided to 'enable women, who have the traditional care for children to realise their full potential.' In Cambodia, the constitution promotes formal gender equality while acknowledging a degree of female difference with an emphasis on women's roles as mothers and housewives. These different constitutional conceptions of gender and sex roles are reflected within national laws and policies on food, nutrition and agriculture, many of which continue to reinforce the idea of women's 'intertwined subjectivities' as

mothers and providers of food for their families and communities (Bellows et al. 2016; Bourke Martignoni 2019).

Both countries have ratified international human rights instruments that contain prohibitions on gender-based discrimination and protections for the right to food, however, these provisions have not necessarily found their way into domestic legal practice. In Ghana, most economic, social and cultural rights fall within the programmatic, 'social and economic objectives' section of the Constitution and as a result, the right to food must be inferred from provisions guaranteeing the right to life (Atudiwe 2014). In Cambodia, the right to food is also recognized tangentially in Constitutional guarantees of the right to social security and the right to an adequate standard of living. Despite the lack of a direct legal route for claiming the right to food, courts in Ghana have shown themselves to be more receptive to rights-based claims than those in Cambodia where there is no domestic jurisprudence on the right to food or on most other internationally-recognized human rights (Heilmann 2019; DEMETER 2020). The following section explores the way in which the international human rights mechanisms have analysed gender inequalities within food systems in Ghana and Cambodia and examines the solutions and remedies proposed by these bodies.

How have international human rights institutions engaged with Cambodia and Ghana on women's rights in relation to agriculture, food and land?

Cambodia and Ghana are parties to many international human rights instruments that contain guarantees of non-discrimination and the right to food.³ The UN treaty monitoring bodies and Special Procedures of the Human Rights Council have identified a number of issues and made recommendations to each of the countries with respect to gender equality and the rights to food, land and natural resources (see Appendix 1).

Many of the observations by international human rights institutions about gender inequality in both countries focus on the discriminatory impacts of customary and traditional laws and practices as well as statutory family laws in the area of inheritance. The solution that they suggest is to urge states to 'harmonise' their legal systems in line with human rights standards so that women can effectively exercise equal rights to access, control and use agricultural land and other property (Appendix 1). This diagnosis of the problem has also led to an emphasis on improving the accessibility of justice

³Cambodia and Ghana are parties to many of the core instruments that contain guarantees of non-discrimination and the right to food. See OHCHR, Status of ratification interactive dashboard. <https://indicators.ohchr.org>. In December 2019, Cambodia had ratified twelve of the core human rights treaties and Ghana had ratified thirteen of these instruments. Neither country has ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), however, both are parties to the Optional Protocol to the CEDAW Convention. These Optional Protocols allow individuals and groups to bring individual communications alleging violations of the obligations contained in the treaties to the relevant monitoring mechanisms thus providing an additional level of accountability. In addition, Ghana has ratified key African human rights treaties containing guarantees of gender equality and the right to food and is bound by the African Commission on Human and Peoples' Rights Resolution 431 on the Right to Food and Nutrition in Africa (2019). African Commission on Human and Peoples' Rights (2010). For Cambodia, located in the Asian region where there is a less well-institutionalized system of human rights protection than in Africa, the international monitoring bodies can potentially play a significant role in overseeing domestic implementation of rights guarantees and Cambodia has had a dedicated UN country Rapporteur since 1993 (www.ohchr.org/EN/HRBodies/SP/CountriesMandates/KH/Pages/SRCambodia.aspx). It should be noted that Article 28 of the ASEAN Human Rights Declaration (2013), which was adopted in Phnom Penh, Cambodia guarantees the right to "adequate and affordable food, freedom from hunger, and access to safe and nutritious food" for every person.

systems through the extension of legal aid and legal literacy programmes aimed at women (Appendix 1). The recommendations issued by CEDAW and other bodies to each country have evolved over the last two decades from initially being almost exclusively centred on formal gender equality and legal reform to now encompassing discussions of the underlying economic, social, cultural and political conditions that create and reinforce unequal power relations in food and agricultural systems. Conceptual linkages are increasingly made between gender inequality, violence against women, conditions of employment, social security and the right to food as well as the protection of land rights defenders and the accountability of corporate actors (Appendix 1).

Several international human rights bodies have drawn attention to the unsustainable and unequal nature of 'extractivist' models of neo-liberal development, even in cases where revenue from land-based investments has been used to finance social spending (De Schutter 2010; CEDAW 2016; Achiume 2019; UN Special Rapporteur on Cambodia 2019). During its 2013 visit to Ghana, the Working Group on Business and Human Rights pointed out that the government has obligations to regulate the activities of corporate agribusiness actors. The Working Group also noted that businesses are responsible for ensuring that they do not discriminate against female workers and that they develop appropriate grievance procedures as well as free, prior and informed consent processes in relation to agricultural development (Appendix 1; UN Working Group on the issue of human rights and transnational corporations and other business enterprises 2013). The issues of over-indebtedness and corruption in land and commodities markets have also been evoked by some of the human rights bodies, although there has not been any detailed attempt to explore the gender dimensions of these phenomena (Appendix 1). As a general rule, the international human rights institutions have not engaged in a systematic analysis of the role of private contract and investment law on the political economy of food systems (Chadwick 2019). Human rights bodies have also failed to convincingly make connections between the macro-economic structures that create and deepen gender and other inequalities and the ways in which these are replicated and reinforced at the level of the family and community (Marks 2011; Bourke Martignoni 2019).

While CEDAW and other human rights institutions are gradually moving towards a more nuanced and reflexive approach to the rights of rural women, their proposed solutions to gender inequalities within food and agricultural systems still tend to fall back on standardized, top down technical interventions that focus on the empowerment of individual women through family law reform, temporary special measures including public sector employment quotas, private land titling, and facilitated access to credit, markets and education (Collins 2018; CSM 2018; Bourke Martignoni 2019). Although international human rights bodies emphasize the importance of women's full participation in political, economic and social institutions in Cambodia and Ghana, the discussion tends to be limited to the ways in which women can be inserted into existing, unequal structures without examining the need for more radical, grassroots-led reforms (UN CEDAW 2013, 2015; UN CCPR 2016a, 2016b). The following section compiles observations from the DEMETER research in Cambodia and Ghana to highlight some areas in which a feminist perspective could potentially provide new insights into the impact of land and agricultural commercialization on the right to food and the processes and institutions that it may be necessary to establish in order to ensure that all people have sustainable access to adequate food at all times.

Using a feminist approach to the right to food to make visible different dimensions of inequality within settings of agricultural commercialization

A feminist approach to the right to food emphasizes the linkages between power relations at different geographical scales from the local to the transnational. It also draws attention to issues that are frequently overlooked in traditional human rights frameworks, such as the political economy of the agricultural and reproductive labour predominantly performed by women, as well as the ways in which late-stage capitalist modes of production rely upon and simultaneously undermine relations of care (Razavi 2009; Via Campesina 2017; Federici 2019). Another aspect of feminist engagement with systems of economic, social and political power is critical analysis of international and national law and the complex role that legal norms and institutions might play in reinforcing or challenging inequalities in a variety of settings (CSM 2018). The following section uses a feminist methodology to highlight the potential contribution that inclusive processes for public participation in the governance of food systems, economic, social and cultural rights guarantees and attention to (p)redistributive economic reforms might make to rendering visible and remedying the inequalities in access to adequate food that agricultural and land commercialization are producing in Cambodia and Ghana.

Popular participation in food policy-making

The participation of women's rights activists in food and agricultural policy-making is crucial both for revealing the ways in which gendered international, national and local institutions may violate the right to food, but also for ensuring that theories, norms and practices of rights are fully informed by diverse, contradictory and intersectional experiences 'from below' (Ackerly 2008; Monsalve Suárez 2013; Global Network for the Right to Food and Nutrition 2017; CSM 2018).

In Cambodia and Ghana, while there are policy frameworks that seek to mainstream gender equality into agriculture and nutrition, there are few institutionalized and transparent mechanisms for popular input into legislative and policy-making processes (Adu-Ankrah et al. 2020). In 2016, the drafting of the new agricultural law in Cambodia was opened up for consultations with civil society – including a number of women's rights organizations – but there has seemingly been no communication or public dialogue about the adoption of the legislation since that time (DEMETER 2020). In Ghana, the DEMETER research has highlighted the role that agri-business actors in the cocoa and oil palm sectors are increasingly playing in shaping agricultural policies at the District level, a phenomenon that appears at odds with the aim of expanded grassroots political participation that is at the core of the country's decentralization agenda (Adu-Ankrah, Tsikata, and Dzanku 2019). The absence of accessible and effective formal processes and institutions for smallholder farmers and agricultural labourers to influence the design, implementation and monitoring of policies and legislation has led to a reliance on social movements to bring issues related to inequalities in food systems onto local, national and international agendas.

There are civil society groups in each state that advocate for women's rights and, to a lesser extent, the right to food (Maffii 2016; Amoah-Boampong 2018; Adu-Ankrah, Tsikata, and Dzanku 2019). Over the last decade, women have been on the frontlines of protests

against land grabbing and large scale development projects in Cambodia (Park 2019, 44). Demonstrations, direct action and other more intimate forms of resistance to agricultural commercialization – including through practices such as homestead food production, foraging for wild vegetables or participation in labour exchanges – provide opportunities for the contestation of gendered social norms and give women a platform through which they can work collectively for greater equality and the right to food in rural communities (Maffii 2016; FIAN 2019). A wave of women’s rights activism during the 1990s led to the development by a national coalition of individuals and organizations of the Women’s Manifesto (2004) (Amoah-Boampong 2018). The Manifesto made crucial linkages between women’s political representation and their economic self-reliance through land rights, legislation and policies to eliminate violence against women and the more equal distribution of reproductive labour (Amoah-Boampong 2018). Since that time, while some of the demands contained in the Women’s Manifesto have been implemented by the government, it has proven difficult for women’s rights networks to maintain momentum for collective action on gender equality, particularly in rural areas (Amoah-Boampong 2018; DEMETER 2020). In both countries, our qualitative interviews indicate a widespread perception that women are more adept than men at negotiating peaceful settlements to conflicts over land and natural resources (DEMETER 2020). This view that women are less likely to intensify social conflict persists, in spite of evidence from Cambodia that the government frequently employs various forms of violence to suppress land rights claims from smallholder farmers, even when these are advanced by women (Beban, Schoenberger, and Lamb 2019; Park 2019; Joshi 2020).

In general, social resistance to agricultural and land commercialization in each country has tended to be *ad hoc* and localized in nature and has not yet served as a springboard for broader discussions at the national level, or even within communities and families, concerning gender equal rights to food and land (Adu-Ankrah et al. 2020; Joshi 2020). In Cambodia, government repression of civil society means that many forms of human rights-based organizing such as contributions to legislative and policy processes, legal challenges, peaceful protests and public debate are not available to women’s rights groups working on issues of food, land and natural resources (Lamb et al. 2017; Beban, Schoenberger, and Lamb 2019; DEMETER 2020). Although Cambodia and Ghana both have policy frameworks that seek to mainstream gender into the food and agricultural sectors, these have been largely developed through top-down technical processes with little reference to lived realities or to broader questions of socio-economic justice (Adu-Ankrah et al. 2020). The DEMETER research highlights the need to create formal and informal spaces and mechanisms to allow diverse voices to contribute in a variety of ways to food and agricultural policies, including through political discussion, as a key component of feminist food practice.

Revendicating the right to food in legal practice

... law is one of the means *par excellence* of exercising power, any people’s movement trying to change power relationships cannot avoid dealing with legal issues. (Monsalve Suárez 2013, 251)

The right to food is not explicitly recognized in constitutional law or in framework legislation in Cambodia and Ghana. This situation means that it is difficult to secure legal accountability for violations of the right to food in each country and that it is

also more onerous for civil society to pursue strategic litigation in order to demand its implementation (Monsalve Suárez 2013). Another consequence of the absence of direct legal recognition of most economic, social and cultural rights in Ghana and Cambodia is that there are relatively low levels of awareness of the right to food amongst local communities and civil society organizations working on other women's rights issues in each of our study countries (Adu-Ankrah et al. 2020). In Cambodia, litigation-based strategies for claiming human rights in domestic courts have proven dangerous, counter-productive or ineffective for people without connections to the ruling political élite (Adler and So 2012; Brickell and Springer 2017; Joshi 2020). In Ghana, while courts have recognized the rights of local communities to access fisheries and other food resources as a component of the right to life, these cases have not acted as catalysts for larger advocacy campaigns about gender equality in relation to food and land rights (Adu-Ankrah et al. 2020; Atudiwe 2014). A further issue that may hamper the use of law-based strategies in gender equality and right to food claims in both countries is an absence of accessible legal aid schemes and this situation is particularly acute for women living in poverty in rural areas (Appendix 1).

Agricultural commercialization and the land scarcity that has accompanied it have thrown traditional patterns of land inheritance and the allocation of usufruct rights into flux in many rural communities in Cambodia and Ghana (Gironde et al. 2021; Dzanku, Tsikata, and Adu-Ankrah 2020). Our research has shown that formal legal guarantees of equality in land ownership and presumptive joint titling schemes have not resulted in greater substantive equality for women in terms of their use and control of farming land and natural resources (Adu-Ankrah et al. 2020). In Ghana, commercial pressures on agricultural land have led to the remaking of matrilineal inheritance practices, which may be eroding some of the status that women in these communities previously held as land owners (Oxfam 2019b; Adu-Ankrah et al. 2020). These gendered inequalities in land ownership and use are even more marked for widowed and divorced women if they do not have strong family support structures (Baaz, Lilja, and Allison Östlund 2017; DEMETER 2020).

Negotiating plural legal systems in each of our case study areas has proved difficult in relation to the collective land rights of indigenous populations, as well as for many women in rural areas in connection with customary laws governing land and property inheritance, ownership and access rights (Adu-Ankrah et al. 2020). Traditional and customary legal norms may promote the recognition of collective use and ownership rights over common pool resources, however, these same norms can also be used to limit women's equal rights to inherit, own, control and use land and other resources (Atudiwe 2014; Bourke Martignoni 2019). Human rights bodies and the qualitative research carried out in the DEMETER project have demonstrated the ways in which customary law has been invoked in Ghana to restrict women's rights to inherit agricultural land and this situation has become even more critical in light of the new pressures on farming land occurring as a result of commercialization (Appendix 1; Adu-Ankrah et al. 2020). There is also evidence from Cambodia that shows that indigenous women are often excluded from participation in decision-making structures related to land and natural resources (Maffii 2016; Joshi 2019; Smith 2019). Importantly, however, a number of our interview respondents from indigenous families in Northeastern Cambodia that practice matrilineal land inheritance stated that despite the formal legal systems'

provisions on gender equal land inheritance, they were determined to continue with their existing customs that favour women's status as land holders (DEMETER 2020).⁴

Feminist strategizing around legal change to promote the realization of the right to food and other human rights should lead to critical reflection on the gaps and contradictions in international and national legal frameworks – including norms emanating from customary and other non-formal sources – as they relate to women's lived experiences (Ackerly 2008). This requires the building of alliances between social movements advocating for law reform in areas such as global trade and sustainable development, as well as a willingness to engage in debate about how human rights norms might be transformed through feminist practices of contextualizing and vernacularization, dialogue and critical enquiry (Claeys and Edelman 2020; Engle Merry 2006).

Socio-economic inequalities and gendered institutions

According to country-level indicators, poverty has decreased in Cambodia and Ghana over the past decade, however, intensive agricultural and land development along with periodic economic downturns appear to be accentuating inequalities in rural communities (FAO 2019; Dzanku and Tsikata 2021; Gironde et al. 2021). Trade and fiscal policies in each state, often designed on the basis of advice from International Financial Institutions (IFIs), are generally extractive in nature and favourable to private investors in the agricultural sector without providing mechanisms to ensure that local farmers and communities equally share in the benefits of rural development (Appendix 1; Adu-Ankrah, Tsikata, and Dzanku 2019). As noted above, the trade-offs that have been made by different authorities in each country interested in promoting land and resource commercialization as a development strategy have frequently resulted in conflicts over control of natural resources and the dispossession of smallholder farmers (De Schutter 2009; Alston 2018; Oxfam 2019a). Corruption, particularly in connection with commodities markets, food pricing, development planning, land and resource governance has been identified in Ghana and Cambodia as a barrier to the gender equal implementation of the right to food and related social security programmes, including conditional cash transfers (Economist Intelligence Unit 2019; Freedom House 2019; Transparency International 2019).

The Equal Measures 2030 index which tracks progress in the realization of the Sustainable Development Goals related to gender equality highlights the fact that Cambodia only spends a small amount (2.9%) of its GDP on social services, while in Ghana there is even less resource allocation to social expenditure (1.9%) (EM2030; Appendix 1). In each of our DEMETER study communities, respondents noted that the heavy burden of women's reproductive labour might be alleviated through effective social security systems and the provision of accessible child care, education and health services which would enable women to participate more fully in farming and other community activities (Adu-Ankrah, Tsikata, and Dzanku 2019; Joshi 2019). The low levels of funding available for sub-national and national governance institutions also undermines their potential

⁴In this context, one young man noted that 'in our country we follow the parents first and then the law but for other countries they comply with the law first and then parents', DEMETER, NVivo coded anonymised and transcribed interview data, March 2016, HH_065. On file with the author.

to improve the implementation and monitoring of human rights guarantees, including gender equality (Appendix 1; Adu-Ankrah, Tsikata, and Dzanku 2019). In Cambodia there are a number of civil society initiatives that seek to promote alternative, more equitable rural economies through the establishment of community farming associations, however, the development of these groups has been curtailed by arrests, threats and intimidation from government authorities and agribusinesses (Beban 2021). There are examples in our Ghanaian study areas of women serving in leadership roles in cocoa farming unions, although the sector still tends to be male-dominated and the bargaining power held by smaller farming cooperatives is dwarfed by large agribusiness actors (Adu-Ankrah, Tsikata, and Dzanku 2019).

Feminist approaches to economic, social and cultural rights – including the rights to food, land, decent work and social security – draw attention to their interdependence as well as their crucial importance in women's daily lives (Montréal Principles 2004; CSM 2018; la Via Campesina 2017). The DEMETER research in rural communities in Cambodia and Ghana highlights the gendered implications of neo-liberal rural development, including its exploitation of the unpaid reproductive and agricultural labour predominantly performed by women and the impact that this has on the realization of the right to food (Adu-Ankrah et al. 2020). By making these connections between multi-scalar systems of power and inequality, popular peasant feminism has the potential to make a significant theoretical and practical contribution to discussions about the practices of human rights locally and globally (CSM 2018; la Via Campesina 2017; Federici 2019).

Conclusions: harnessing feminist methodologies to guarantee the right to food

Feminist analyses of power relations within food systems at different scales render visible the political, social and economic dimensions of structural inequalities and insist upon the need for all right holders to be involved in defining and monitoring proposed solutions to the injustices produced through neo-liberal agricultural development (CWGL 2011; Masson, Paulos, and Beaulieu Bastien 2017). Policies and legislative instruments that promote and protect equal rights to food and land are a crucial part of the response to the gendered inequalities that land and agricultural commercialization are producing or exacerbating in various forms in countries such as Cambodia and Ghana. It is not sufficient, however, to simply insert individual women into existing, unequal power structures by providing them with credit, agricultural inputs, access to markets or education and training if attention is not paid to the ways in which gendered institutions must be transformed (CSM 2018). A feminist approach to the right to food and associated rights to natural resources, decent work and social security requires that these economic, social and cultural rights are given equal weight alongside civil and political rights.

Reclaiming the political potential of human rights is part of the feminist struggle to ensure that right discourses and practices are not merely performative but that they do, in fact, identify and challenge gendered power relations. The traditional human rights focus on legal reform and strategic litigation needs to be more clearly situated within a broader, critical social, political and economic agenda and include sustained reflections about the role of law in society, along with adequate space for debate and

contestation. These legal approaches to social change should complement rather than substitute or undermine radical political action and (p)redistributive economic reform (Linarelli, Salomon, and Sornarajah 2018).

Our survey of rural communities in Cambodia and Ghana shows that the presence of formal equality guarantees within national, regional and international laws, policies and institutions is not sufficient to ensure women's rights to food and land. In both countries, the expansion of the protection of the right to food has occurred in parallel with trade and investment policies that promote the intensification of export-driven industrial agriculture and resource extractivism, which increase various forms of inequality, including gender inequality, as well as food insecurity (De Schutter 2009; Alston 2018; Chadwick 2019; Oxfam 2019a; Adu-Ankrah et al. 2020). Human rights guarantees rely upon a number of, often unspoken, underlying determinants for their realization and these include; processes to enable meaningful democratic participation and debate in food policy-making, along with a political commitment to and resource base sufficient for underwriting comprehensive social security systems and egalitarian land reforms. Both Cambodia and Ghana have adopted discourses, legislation and policies aimed at gender mainstreaming in an attempt to redress sex and gender discrimination in food, nutrition and agriculture (Adu-Ankrah et al. 2020). This gender mainstreaming has generally been enacted as an apolitical, technical exercise with little reference to feminist analyses or practices that demand attention be paid to power relations and structural forms of inequality (Bellows et al. 2016; Leroy 2017; Masson, Paulos, and Beaulieu Bastien 2017; Lentz 2018; Lanz, Prügl, and Gerber 2019; Oxfam 2019a). The connections between global economic and political institutions that create and deepen gender and other inequalities in relation to the right to food and the ways in which these unequal power relations are reinforced at the level of the family and community are rarely analysed by international human rights bodies or reflected in national food and agricultural policies (Bourke Martignoni 2019; Oxfam 2019a). It is these linkages between patriarchy, neo-liberalism and colonialism that feminist constituencies within agrarian social movements have highlighted in their efforts to construct a transformative food sovereignty agenda that is built upon women's human rights and agroecological farming practices (Via Campesina 2017; CSM 2018; FIAN 2019).

For feminist approaches to the right to food to prevail within situations of agricultural and land commercialization, a plurality of legal and non-legal strategies that provide room for contesting and 'vernacularizing' existing human rights norms will have to be deployed (Engle Merry 2006; Lopez 2017; Kouvo and Pearson 2011; Claeys and Edelman 2020; Chadwick 2019). As Katherine Sikkink argues, this necessitates the development of a 'positive agenda for change' which emphasizes the forward-looking and networked responsibilities of both state and non-state actors for the realization of human rights (Sikkink 2019, 1330). To this end, human rights advocates will need to define more explicitly feminist approaches to food systems and reassert the disruptive, political power of rights.

Acknowledgements

The author would like to thank the anonymous reviewers and Elisabeth Prügl, Dzodzi Tsikata and Fenneke Reysoo for their kind and constructive comments on earlier drafts.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

The research is based on work conducted within the DEMETER project funded through the R4D research programme of the Swiss National Science Foundation and the Swiss Agency for Development and Cooperation. More information about the project is available at <https://r4d-demeter.info>

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Appendices

Appendix 1. Recommendations on gender equality and the rights to food and land in each country by selected international human rights monitoring mechanisms.

	Cambodia	Ghana
UN human rights treaty monitoring bodies	Committee on Economic, Social and Cultural Rights (2009): ensure the direct applicability of the Covenant provisions in its domestic legal order; adopt the draft Anti-Corruption Law; intensify its efforts to modernize and improve the work of the judiciary; review its policy regarding the conversion of protected zones into economic concessions; the granting of economic concessions take into account the need for sustainable development and for all Cambodians to share in the benefits of progress; implement the 2001 Land Law without further delay and ensure that policies on registration of communal lands do not contravene the spirit of this law; undertake effective measures to implement its legislation on discrimination against women; establish a universal minimum wage; strengthen its strategic interventions in response to the alarming situation of increasing food insecurity; take all necessary measures to combat the culture of violence and impunity prevalent in the State party, and for the protection of human rights defenders, including indigenous leaders and peasant activists.	Human Rights Committee (2016): step up its efforts to raise popular awareness of, and change, customary attitudes that are detrimental to women's rights; expedite the adoption of the legislation to regulate intestate succession and the property rights of spouses, with a view to guaranteeing equality between men and women; ensure that voluntary termination of pregnancy is available to individuals regardless of their means, for example by considering incorporation of abortion in to the national health insurance scheme; implement awareness-raising policies to combat stigmatization of women and girls who seek abortion, and ensure access to contraception and adequate and affordable reproductive health services for all women and adolescents; take the steps necessary to protect lesbian, gay, bisexual and transgender persons against all forms of discrimination, intimidation and violence; strengthen its efforts to prevent and combat all forms of domestic violence.
Committee on the Elimination of Discrimination Against Women (CEDAW)	CEDAW (2019): Develop a comprehensive legal aid scheme and ensure courts and tribunals are accessible to all women including those in rural areas; take steps to strengthen judicial independence and to combat corruption; ensure participation of civil society in the process of formulating gender equality policies; guarantee the rights of women human rights defenders, particularly those working on land and environmental issues; reallocate and redistribute land to ensure women have equal land ownership; increase economic opportunities for women including through quotas in rural areas; effectively	CEDAW (2014): Provide services to improve women's access to justice in rural areas and eliminate stigma against women who claim their rights; Ensure that obstacles to land ownership by women are removed and that national courts, including customary courts, enforce the land and property rights of women, in line with the provisions of the Convention; Ensure all discriminatory customary laws are repealed or amended; Expeditiously adopt the Property of Spouses Bill, 2009 so that equal distribution of property rights covers married women and women in de facto unions;

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	Cambodia	Ghana
Human Rights Council Special Procedures	<p>regulate financial institutions to eliminate exploitative lending practices and facilitate access to credit for women in rural areas.</p> <p>Special Rapporteur on Cambodia (2019): A clearer articulation of human rights in the Government's strategic development framework and practical actions will help to support the country's rapid development; Allow civil society organizations to undertake activities at the subnational level without harassment and surveillance or any undue restrictions; Consider adopting a comprehensive law on non-discrimination to help ensure that no one is left behind; Land rights have a marked gender dimension, with women especially vulnerable when land disputes arise; Land rights and security for small farmers is a particular issue; reports received suggest that pregnant workers experience discrimination and arbitrary dismissal; repeal provisions in marriage laws that discriminate on the basis of sex, age and income.</p>	<p>Expediently adopt the Intestate Succession Bill, 2009 and ensure its effective implementation throughout the State party.</p> <p>Special Rapporteur on Extreme Poverty (2018): take steps to address the high levels of poverty in agricultural regions and the slow rate of growth in the agricultural sector, discrimination against women in customary laws and practices on land inheritance and access rights, corruption, insufficient legal aid schemes, lack of systematic social protection coverage.</p> <p>Working Group on Business and HR (2013): guarantee business actors engage in meaningful consultations with all groups of stakeholders, particularly those whose rights to property may not be recognized under either formal or customary land tenure; undertake research and monitoring on the gender dimensions of land resettlement; adopt a 'zero tolerance' policy with respect to workplace discrimination; create accessible non-judicial grievance mechanisms</p>

Appendix 2. Constitutional gender equality assessment for each state.

Provisions chosen for analysis have been adapted from IDEA 2016.

	Cambodia	Ghana
Does the constitution use gender-neutral or gender-inclusive language?	Gender-neutral 'Khmer citizens'; King as head of state, Queen to 'assist'.	Uses male pronouns.
Is a commitment to gender equality stated as a value?	Art. 31	Art. 35 (5) as a 'directive principle'
Is there a specific section on women's rights?	Art. 45	Art. 27 focus is on women as mothers
Is discrimination on the basis of sex and gender prohibited?	Art. 31 + Art. 45	Art. 12 (2); Art. 17 (2)
Are there special measures to accelerate substantive equality between women and men?	No	Art. 17 (4) (a) not specific to gender equality
Does the constitution state that fundamental rights are applicable in both the public and private spheres?	No	Art. 12 (1)
Does the constitution state that customary norms must respect gender equality and non-discrimination?	Customary law not recognized as a source of law.	Art 39 (2) 'traditional practices injurious to health and well-being should be abolished'
Does the constitution specify that women have the right to equality all spheres of life?	Art. 45	Art. 36 (6) economic development
Is there a right to equal pay or equal remuneration for women?	Art. 36, also recognizes equal value of housework.	Art. 24 – not specific to women.
Are women's equal rights to own and inherit land and other property recognized?	Art. 44 – no explicit recognition of women's rights; limited to Khmer citizens.	Art. 18 (1); Art. 22 – equal rights of spouses.

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	Cambodia	Ghana
Is there a right to education? Are the rights of girls and women to education protected?	Art. 65–66.	Art. 25 general; Art. 27 specific to women; Art. 38 general
Is there a right to food?	Not explicitly. See Art. 75 on social security + Art. 46 on 'decent living conditions' for women.	Not explicitly. See Art. 36 (2) (e) 'basic necessities of life'.
Is there a right to health and/or a right to health care? Is there a specific right to reproductive health?	Art. 72 + Art. 73 on maternal health. Nothing on reproductive rights.	Art. 24 workers' health rights + Art. 34 on the right to good health care. Nothing on reproductive rights
Is pregnancy-related discrimination prohibited?	Art. 46 + paid maternity leave	Art. 27 paid maternity leave.
Is the right of women to be free from violence committed by the state and by non-state actors recognized?	Art. 38 generic prohibition on 'physical abuse'; Art. 46 on trafficking + exploitation of prostitution.	Art. 15 on protection of dignity, nothing on gender-based violence.
Can women and men acquire, change and retain citizenship on equal terms?	Art. 33.	Chpt 3.
Are basic rights protected for all people, not just citizens?	No, only Khmer citizens.	Yes
Provisions on women's participation in political parties?	No	No
Provisions that guarantee or facilitate women's participation and representation in the legislature?	No	No
Provision to facilitate women's appointment to the civil service?	No	Art. 35 (b)
Is the importance of having women in the judiciary recognized?	No	No
Does the constitution establish a national women's or gender commission?	No	No
Is it clear that human rights must be respected at all levels of government?	Art. 31	Art. 12 (1)
Do international human rights treaties take effect directly?	Unclear from Art. 31.	No