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FOOD AID TO CONFLICT AFFECTED POPULATIONS WFP EMERGENCY OPERATION - THE CASE OF EASTERN UKRAINE

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Abstract

The increase in the number of areas where humanitarian emergencies are brought about by armed conflicts, and the enduring nature of these situations, call for research aimed at clarifying the international legal framework for food-aid operations, taking into account the developments and practices in the fields of human rights, humanitarian law, environmental law, and cooperation for sustainable development.

In this article, therefore, the Author analyses the general problems of food aid in conflict areas, with a focus on a concrete situation, namely the crisis in Eastern Ukraine. The dramatic situation faced by some Ukrainian regions - where, since the spring of 2014, the World Food Programme (WFP), various other international organizations, the EU and some National Development Cooperations have been operating - underlines, in fact, the importance of reaching a clear understanding of all the different regulatory levels in the field of food aid security and safety.

Keywords: food aid; food safety; fundamental humanitarian principles; international law; Ukraine; World Food Programme; WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

1. Introduction

Little, or practically no, consideration has been given in scientific literature, to the legal issues related to food aid in areas of armed conflict and there is a lack of any systemic study on applicable principles, standards, guidelines, and their horizontal (different sectors of law) and vertical (different legal levels / systems) intersection. However, the increasing number of areas where humanitarian emergency is determined by armed conflicts, and the enduring nature of these situations, would make it very useful to carry out some research aimed at clarifying the international legal framework for food-aid operations, taking into account the developments and practices in the fields of human rights, humanitarian law, environmental law, and cooperation for sustainable development. The findings of this research should also allow a better evaluation of the EU food aid legal framework and related programmes.

The critical situation faced by some regions of Eastern Ukraine - where, since the spring of 2014, the World Food Programme (WFP), various other international organizations, the EU and some National Development Cooperations (the Italian Development Cooperation included), have been

operating - underlines the importance of reaching a clear understanding of all the different regulatory levels (international, EU, and national) in the field of food aid security and safety.

2. Analysis of research and publications

The Ukrainian Crisis began in November 2013, when the Ukrainian Government decided to suspend the signing of the Association Agreement with the EU. In March 2014, the Crimea declared its independence; referendum on the autonomy of the Eastern Regions were held in May [2,11].

The World Health Assembly approved the establishment of the Joint FAO/WHO Food Standards Programme with the Codex Alimentarius Commission as its principal organ in May 1963.

The evolution of international environmental law has progressively encompassed the theme of poverty eradication. Since the 1992 UN Rio Conference on Environment and Development (UNCED), combating poverty has become one of the fundamental objectives of international cooperation for sustainable development [19].

The HACCP protocol, designed in the '60s in the United States, was introduced in Europe with the EEC Directive no. 43/93, which provides for the

mandatory application by all food business operators. This legislation was replaced by EC Regulation no. 852/2004, which came into force on 1.1.2006. The EEC Directive 43/93 was implemented in Italy by Legislative Decree no. 155/1997, then repealed by Decree no. 193/2007 laying down sanctions for non-compliance with EC Regulation 852/2004.

The Food Aid Committee established under the 1995 Food Aid Convention decided to open the Convention for renegotiation following the Recommendations that WTO Ministers adopted in December 1996 at their Singapore Conference in respect of Least-Developed and Net Food-Importing Developing Countries [20].

On 15th February 2013 the Committee convened for its 1st formal Session at the Secretariat of the International Grains Council (ICG), acting as its initial Secretariat, see Summary Record of the 1st Session of the Food Assistance Committee, London [4].

3. The International Legal Framework

The international legal framework for food aid comprises some principles and standards affirmed in numerous acts of soft law, and a few internationally binding treaties. With regard to the former, the most important and widely recognized are the Codex Alimentarius adopted by the Food and Agriculture Organization (FAO) in 2006, the UN Millennium Declaration, and the Standard HACCP - hazard analysis and critical control points.

The Codex Alimentarius is a set of rules and regulations drawn up and updated by a Commission established in 1963 by the FAO and the World Health Organization (WHO) with the primary purpose of protecting the health of consumers and ensuring the fairness of international trade. The Codex is recognized by the World Trade Organization - WTO as an international reference document for the resolution of disputes concerning food safety and consumer protection.

The Millennium Declaration has become one of the most recurrent reference act for national and international, public and private bodies carrying out food aid [19]. It clearly prioritizes the eradication of extreme poverty and hunger among its Development Goals [21].

The HACCP is a systematic approach aimed at preventing the dangers of food contamination. It lays down seven principles: carrying out of a hazard

analysis, identification of critical control points, establishment of critical limits for each critical control point, establishment of critical control point monitoring requirements, establishment of corrective actions, establishment of procedures for ensuring the HACCP system is working as intended, establishment of record keeping procedures. These principles are now included in the international standard ISO 22000, which is a complete food safety and quality management system [9].

Moving to internationally binding treaties, we must mention, in the field of human rights, the 1966 UN International Covenant Economic, Social and Cultural Rights (Article 11) [7]. The right to adequate food affirmed by the Covenant and in various subsequent international acts [3] maintains, in our opinion, a definitely key importance.

The first Food Aid Convention, established on 5th December 1994 and amended on 13th March 1995, was brought into force in July 1995, as a constituent instrument of the 1995 International Grains Agreement. It was forged between 23 States with the aim of using grain surpluses to combat hunger in developing countries [15].

After a few years, it was replaced by a new Food Aid Convention, finalised on 13th April 1999 and brought into force on 1st July 1999 [20]. The objective of the new Convention was to contribute to world food security and to improve the ability of the international community to respond to emergency food situations and other food needs of developing countries (Article 1, Objectives). Donors pledged to provide annually specified minimum amounts or values of food aid in the form of grains and other eligible products. It is worth noting that the Convention stated: "All products provided as food aid shall meet international quality standards" (Article III, Quantities and quality, j).

The 1999 Food Aid Convention was replaced by the Food Assistance Convention, adopted on 25th April 2012 at London and entered into force on 1st January 2013 [22]. Parties to the Convention are 13 States [5] and the European Union. The 2012 Convention expands the traditional focus of the previous agreements to a broader toolbox of eligible activities and products, including cash and vouchers, and products intended for the protection of livelihoods. It also provides an important set of guiding principles for the Parties to follow in implementing their food assistance programmes.

The aim of the Convention is that of improving “the effectiveness, efficiency, and quality of food assistance in preserving the lives and alleviating the suffering of the most vulnerable populations, especially in emergency situations, by strengthening international cooperation and coordination” (Preamble, 2° al.). The Parties have agreed to make an annual commitment in monetary value of food assistance (“minimum annual commitment”), fixed in accordance with their own laws and regulations (Article 5, Commitment), and have established a Committee which provides a forum of discussion and may adopt, by consensus, rules to ensure that the provisions of the Convention are properly implemented (Article 7 - Food Assistance Committee) [4].

It is a framework Convention which reaffirms the primary responsibility of States for their own national food security, and recognize that the Parties themselves have their own policies regarding food assistance in emergency and non-emergency situations.

Another important treaty, to which Ukraine is a party, is the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) [29]. The SPS Agreement allows countries to set their own standards, based on scientific studies. These standards should be applied only to the extent necessary to protect human, animal or plant life or health, and they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

However, member countries are encouraged to use international standards, guidelines and recommendations where they exist and, for food safety, reference is made (Annex A, Definitions, 3. International standards, guidelines and recommendations, a) to the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice.

We may underline that the implementation of the food aid principles stated in the above mentioned acts requires an in-depth analysis of the concrete cultural, social and economic context of each given activity, and the adoption of flexible rules and procedures, so designed as to incorporate the various and evolving findings of that analysis.

4. International Bodies: The World Food Programme (WFP)

The FAO, the WFP, and the International Fund for Agricultural Development (IFAD) are the main international organizations with overseeing food safety among their statutory functions. But several other organizations deal with the right to food and the fight against hunger: the WHO, the WTO, the World Bank, the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children Fund (UNICEF) [6].

In this first analysis however, we will focus only on the WFP, which might be considered the food aid arm of the UN system.

The emergency operations of the WFP cover three main kinds of crises: sudden disasters: natural disasters which affect food access and/or cause population displacement, and which require special UN coordination procedures; slow-onset disasters: these are usually droughts and crop failures; complex emergencies: these can involve conflict, widespread social and economic disruption and large population displacement and usually involve UN coordination.

When there is an emergency, the WFP establishes - working with the UN Emergency Assessment Teams - how much food assistance is needed and the best way to deliver it to the hungry. On the basis of this assessment, a detailed plan of action and budget are drawn up. To cover immediate needs, the WFP Country Director in the country affected can borrow up to US \$ 500,000 from the WFP's Immediate Response Account (IRA). The use of the IRA funds is usually limited to the initial three months of an operation.

However, many disaster-hit communities need help for longer than three months. In such cases, the Country Director draws up an Emergency Operation or EMOP before making an appeal to the international community for funds and food aid. EMOPs can assist populations in need either by food distribution or by other projects. These are funded primarily by targeted donor contributions in response to a WFP appeal. EMOPs usually last for between 3 and 12 months. If further assistance is required, the WFP prepares a Protracted Relief and Recovery Operation.

5. Situation in Eastern Ukraine

The fighting in the summer months of 2014 had a significant impact on the economy, the functioning of basic services, and security in Eastern Ukraine, primarily in the cities of Luhansk and Donetsk (Donbass region). Industrial and agricultural production and processing were disrupted, affecting both income (cash availability) and local supply chains.

While many remained, thousands of families fled from their homes at short notice, often without any means for the journey [14]. As of 3rd October 2014 it was estimated that there were some 379,059 IDPs (including, according to the Government of Ukraine, about 17,000 from Crimea) [18]. Unfortunately, the need for assistance of those conflict affected populations who remained in the separatist areas has not yet been entirely quantified or addressed.

The three neighbouring oblasts of Dnipropetrovsk, Kharkiv and Zaporizhia have also been affected by the conflict as they received the bulk of the IDPs [14].

Despite a fragile ceasefire announced on 5th September 2014 [12] - and reaffirmed in the "Package of measures for the Implementation of the Minsk Agreements", adopted and signed on 12th February 2015 [23] - artillery, tank and small arms exchanges continue on a daily basis and civilians continue to die. In our opinion, this situation might be considered as a new frozen conflict [1,10,24].

Immediate assistance to IDPs was initially provided by the civil society, national foundations and NGOs, soon, however, reaching breaking point and becoming no longer sustainable.

Meeting the growing needs of the conflict affected population is a challenge for the Government as a result of budgetary restrictions and the lack of ad hoc legislation on support to IDPs, as well as the financial demands on the military front [14]. Notwithstanding this situation, the Government has not adopted any declaration of a humanitarian crisis, but - as we will illustrate - has appealed to the international community for gap-filling humanitarian support, especially during the winter months.

6. Government response

The State Emergency Services (SES), which leads the Inter-agency Coordination Unit for IDPs, together with the Ministry of Social Policy (MoSP), is the designated authority for coordinating humanitarian assistance in Ukraine, humanitarian aid from the international

community included. Under its mandate, the SES is directly responsible for civil protection in emergency situations and deals principally with life-saving and rescue activities.

Since early July 2014, the SES has coordinated and implemented humanitarian response operations in the country related to the conflict in the east. However, the capacity of the SES at regional and local levels is limited. In addition, it does not have its own resources to provide the humanitarian aid to IDPs and the affected population and, therefore, seeks to mobilize resources from other ministries/government agencies.

But compounding structural and financial limitations, and the lack of ad hoc legislation on IDPs, pose some barriers to allocating necessary resources from various ministries to meet the needs of the affected population. As a consequence, the assistance provided by the authorities is sporadic and lacks a systematic approach, limited to the provision of some temporary accommodation and transportation of IDPs from the railway stations to collective centres.

Recognising the unmet humanitarian needs, the Government launched an appeal to the humanitarian community for humanitarian assistance on 12th September 2014. In addition, on 2nd October 2014 the WFP received a letter from the Ukrainian Embassy in Italy requesting humanitarian, financial and technical support from the WFP.

On the other hand, on 1st December 2014, the Government issued a decree to cease financial services and access to social benefits in areas that are not under its control. Following that, the National Bank of Ukraine closed its branches and ceased its operations in non-Government controlled areas, further complicating access to cash and liquidity for conflict-affected people.

It is worth noting that in July 2015 the Ministry of Social Policy of Ukraine, the Crimea SOS Project, and the International Organization Stabilization Support Services launched a joint Project to support IDPs [8]. It provides a programme of advisers for IDPs within the Ministry of Social Policy in Central, Eastern, Southern and Western Ukraine. Advisers at the central level will act as a channel of communication to convey the problems of IDPs at the regional level to higher levels, providing support to their colleagues in the Ministry in responding to requests from IDPs, representatives of NGOs and representatives of vulnerable groups. At the regional

level, advisers will operate as a local contact point for IDPs and facilitate the exchange of information between the Social Policy Ministry and regions, which have the task of solving, together with police and local councils, the issues of the accommodation of IDPs.

7. UN Response - the WFP

The UN Country Team (UNCT) in Ukraine, comprising amongst others, UNHCR, UNICEF, WHO, IOM (International Organization for Migration) and UNDP, has been active in the country since the mid-1990s, mainly focusing on development assistance.

Following the crisis, the Office for Coordination of Humanitarian Affairs (OCHA) has established its presence in the country and has taken up the humanitarian coordination role. The key element of the coordination is harmonizing preliminary and ad hoc assessments to establish the numbers and needs of displaced individuals. One of the seven sectors set up deals with Food Security and Nutrition.

The UN has also established the Ukraine Humanitarian Country Team (HCT) to ensure that the activities of humanitarian actors are coordinated, and that humanitarian action in-country is principled, timely, effective and efficient, and contributes to longer-term recovery.

The WFP set up its office in Ukraine in March 2014 to assess and monitor emerging food security needs through an immediate response preparedness activity. It has been operating in close cooperation with the UNCT and chairs, together with UNICEF, the Food Security and Nutrition sector. In addition, it participates in four major coordination mechanisms: a) the EU / ECHO (European Commission's Humanitarian Aid and Civil Protection Department) Information Sharing Meeting, which brings together all humanitarian actors to update on plans and activities on a weekly basis; b) the Disaster Management Team, a bi-weekly coordination meeting chaired by the Resident Coordinator, and mainly attended by heads of agencies; and c) regular UN inter-sector meetings led by the OCHA and attended by sector lead agencies.

Following the request from the SES, the WFP launched an Immediate Response EMOP (IR-EMOP) for the period 15th August to 14th November 2014, valued at US \$ 1.4 million, to provide life-saving, time-critical food assistance to the most vulnerable groups amongst the IDPs, returnees, host families and those

trapped in conflict hotspots, mainly controlled by anti-government entities [25].

The WFP's intervention strategy varies in different geographical areas among the various population groups, depending on security and on who is primarily in control of the area (i.e., Government of Ukraine or anti-government groups). Focusing on the five conflict-affected eastern oblasts, the following three main contexts have been identified posing different challenges to food security: context A - calm areas, accessible, fully controlled by the Government of Ukraine, no fighting or destruction; food supplies consistent and regular, markets and prices stable; context B - tense areas, formerly sites of active conflict but currently controlled by the Government, some home and infrastructure destruction; improvement to regular supplies, quick recovery of markets; and context C - areas under active conflict, poor humanitarian access, ongoing infrastructure and market destruction/disruption.

The recommended intervention modalities for each context are as follows: context A - cash or vouchers; context B - cash or vouchers, and/or in-kind food according to the specifics of market/supply chains functioning and security in each location; context C - primarily in-kind food unless financial infrastructure as well as market/supply chains are restored (depending on security situation and safe humanitarian access). In substance, cash or vouchers are the preferred intervention modalities, to be used wherever feasible. In-kind food is distributed where vouchers are unsafe or inappropriate because supplies are unreliable.

IR-EMOP targeted 28,000 IDPs with a mixture of food and vouchers in the five eastern oblasts. Distributions of either in-kind food parcels, or food vouchers started in the first week of September. The mostly ready-to-eat food parcels for 18,000 individuals, valued at US \$ 291,112, were locally - procured. They were distributed in transit centres and public shelters in Donetsk and Luhansk. The total value of the food vouchers, for 10,000 IDPs, has been valued at approximately US \$ 450,000.

The WFP has been acting in close cooperation with the International Committee of the Red Cross (ICRC), as well as working together with three NGOs. In particular, for in-kind distributions, the WFP, in coordination with the SES, has been working with the Ukrainian Red Cross Society (URCS) and the Adventist Development and Relief Agency (ADRA).

The assisted have been mainly IDPs with serious medical conditions, pregnant women, nursing mothers, the elderly and large, vulnerable families. The voucher modality has been carried out through the NGO "People in Need" (PIN).

The Emergency Operation (EMOP) was built on IR-EMOP. The initial planning period of the EMOP was six months, from 1st November 2014 to 30th April 2015. The Operational Plan was aimed at providing food assistance to 120,000 amongst the most vulnerable IDPs, returnees, host families and those trapped in conflict hotspots, for the most part controlled by anti-government entities: 40,000 people were assisted with a one-off in-kind food distribution in insecure areas, while 80,000 people received three rounds of cash and vouchers assistance in calmer and more secure IDP hosting areas.

The Ukraine EMOP intends to contribute to the Millennium Development Goal 1, and is aligned with the WFP Strategic Plan (2014-2017) Strategic Objective 1: Save Lives and Protect Livelihoods in Emergencies by addressing the urgent food and nutrition needs of vulnerable people. The WFP has prioritized assistance to the food insecure people in the five conflict-affected oblasts, in both government and rebel held areas, as these are the most affected by the conflict and by population movement. In fact, it has been estimated that at least one million people living in the five affected oblasts are vulnerable to food insecurity, and, out of the total 380,000 registered IDPs, about 240,000 are placed in these oblasts.

The WFP have been working closely with the MoSP, UNHCR, as well as with NGO partners to identify the most vulnerable localities and individuals. Priority has been given to the vulnerable IDPs who have been completely cut off from the regular safety nets of the MoSP and thus cannot access their social benefits once displaced (often temporarily). Preference has been given to the elderly, the chronically ill, pregnant and lactating women, single-headed households, households with children aged 6-24 months, households with more than three children and those eligible for government social benefits but unable to receive them as a result of the crisis.

One round of locally-procured immediate response rations was distributed to 40,000 people to address the immediate food needs of those with limited to no food access/supply (mostly context C). Three rounds of C&V were used to address short-term food needs in

more secure IDP-hosting areas (mostly context A and B).

The EMOP was extended by 2 months, taking it up to the end of June 2015, maintaining food needs as a priority concern. Given that the supply and quality of food were dwindling, the WFP considered the provision of in-kind food assistance as the most appropriate delivery mechanism in non-Government controlled areas and planned to increase the number of rations from 40,000 to 108,000 [26].

The WFP also decided to establish itself in the east of the country by opening new offices.

It is now aiming to reach 387,000 additional people, thus scaling up its activity in Eastern Ukraine to provide 500,000 conflict-affected people in the region with food assistance until the end of the year (period July - December 2015) [27]. This is almost triple the number of people the food agency has been reaching since November 2014.

With the expansion of its assistance, the WFP will carry out food distribution in three additional regions: Kharkivska, Dnipropetrovska and Zaporizka ("oblast"). The WFP will continue to support IDPs in government-controlled areas through cash and voucher transfers and people in non-government controlled areas through food rations.

Furthermore, in this new phase of the operation, they will be supporting people in schools, orphanages, hospitals and other institutions in non-government controlled areas, as well as providing supplementary food to prevent and combat malnutrition among children under age two, who are identified as most at risk.

In conclusion, available reports and data confirm that the WFP's operation in Ukraine is a 'gap filling' response, aligned with the Government's plans and the UN Response Plan.

It must also be underlined that the WFP has reaffirmed its commitment to neutrality and has declared that accountability to affected populations remains a guiding principle of its action.

8. Main issues

Following the analysis carried out in the preceding paragraphs, it seems useful to make some observations on the main issues of food aid in Eastern Ukraine, with a focus on those of a legal nature or whose solution might be favoured through the adoption of legal measures. A first issue certainly is that of coordination among the various actors on the scene; on paper, there

are - as noted - a number of coordinating activities, but there is some evidence that mechanisms and procedures are weak, and do not ensure an effective coordination. The Food Assistance Convention does not alleviate the problem, because it does not establish any mechanism of coordination between donor States, on the one hand, and the WFP and the other international bodies, on the other hand.

Another issue is that of funding; the planned expanded assistance, and the implementation of the upgraded EMOP depend on the effective mobilization of new funding. In this regard, it is worth mentioning the fact that in 2014 Russia donated an extra US \$ 5 million to the WFP Foundation which was allocated for funding costs related to humanitarian aid to the Ukrainian people [13].

A third central issue is that there are a number of widely shared guiding principles, but the international legal framework remains incomplete, while the Food Assistance Convention recently entered into force has not yet been ratified by various States (Italy among them), and is not yet considered an act of reference, thus remaining of little help in facing the very complex legal and political situation characterizing conflict areas.

Fourth, the need for assistance of conflict affected populations who have remained in the separatist areas is not yet entirely quantified. This makes it difficult to assess ongoing food aid under the efficacy parameter.

Furthermore, this is closely connected, access to the conflict regions remains limited as a result of security challenges. Notwithstanding the UN Security Council has called all Parties to “Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism” [23], the UN agencies, as well as other humanitarian actors like the ICRC, the URCS, and Medicines Sans Frontiers do not have access to some of the rebel-controlled areas. For this reason, the Budget Revision adopted by the WFP has increased the level of other direct operational costs (ODOC) to enable the expansion of its operations in areas not controlled by the Government [17].

However, according to official data, three-quarters of all the food distributed by the WFP has been provided in areas outside government control [28]. But, and this is another important issue, there is certainly a lack of any reliable mechanism of monitoring of what,

in effect, is achieved by food aid international cooperation, and how it is achieved [16].

This seems to be of great importance considering the priority of in-kind food aid in the eastern regions, and the fact that the WFP is procuring food in local markets, while the Ukrainian legal system is still far from the international (and the EU) standards in the field of food safety.

9. Conclusions

Moving now to some final observations and provisional general recommendations, we may say that the UN response has been slow and limited because of the absence of a trigger for a humanitarian response (i.e., a declaration of a humanitarian crisis by the Government), but now the WFP, other international organizations, donor States, and NGOs are quite active in Eastern Ukraine.

The WFP is really trying to respect the principles of neutrality and operational independence, as is indirectly demonstrated by Russian funding, and directly confirmed by its decision to open its own offices in the conflict affected areas, dialoguing with current local authorities.

However, the WFP Operational Plan is aimed - as noted - at providing food assistance to 120,000 amongst the most vulnerable people, and it is consistently upgrading, but the completeness of food aid operation relies on the assumption that the remaining needs - not yet entirely evaluated - will be met by civil societies, NGOs and private foundations. This does not seem a proper approach to the issue. The current needs of conflict affected populations should be fully evaluated and food aid means - whatever their financial sources (those from civil society included) - should also be fully evaluated and commensurate with the assessed needs; this appears to be the only method which would guarantee completeness of food aid, and would also favour its impartiality. This might be pursued through the strengthening and improvement of current coordination mechanisms, but - in our opinion - requires the definition of new procedures at the treaty level.

Furthermore, we have noted the difficulties of access to the conflict areas, as well as the lack of effective monitoring mechanisms, which make it difficult to assess the effectiveness and efficiency of food aid.

In this regard, we may observe that the current international legal framework, and in particular the Food Assistance Convention, present various weak points when it comes to conflict affected areas. In fact, the Convention was elaborated as a donor state instrument, and does not contain general rules on access to conflict areas, nor on monitoring mechanisms. On the contrary, the “lesson” learned from the Eastern Ukraine case is precisely that of the prime importance of ad hoc recognized rules on access to conflict areas, and of reliable mechanisms to monitor on how food aid is effectively used.

Considering that it is not possible to establish such general rules without a large consensus in the international community, including that of potentially interested receiving or transitory non-donor states, in our opinion a new international treaty should be negotiated, possibly under the umbrella of the WFP and the other UN international bodies which have relevant food aid functions and activity. The possible accession to or ratification of the Food Assistance Convention by a larger number of States doesn't, in fact, seem to be of great importance.

The current restricted circle of the Parties to the Convention also contradicts both the rule according to which a request of the interested state is necessary to the launching of a food aid cooperation activity, and the principle of participation, which states that food aid must be carried out in the interest of beneficiaries and with a full involvement of all stakeholders.

Finally, with regard to food aid safety, we have noted how, within a highly volatile military and political context, the WFP maintains operational flexibility and provide food assistance through a mixture of locally-procured in-kind food and cash and vouchers. Given that Ukraine is a major food producer, the WFP procures the food parcels locally. The operation simply follows the standard WFP procurement procedures.

Therefore, also taking into account the analysis of activity reports, it seems that the Eastern Ukraine case shows that food quality principles and regulations receive little attention when it comes to food aid in conflict areas. The complexity of the context, the weakness of the international legal framework, and the lack of clear rules on issues such as access to relevant areas and monitoring, push food aid quality issues into the background. This is a further reason why we feel that it would be better to launch a new convention,

rather than to seek improvements, through amendments or annexes, to the existing one.

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Тамбуреллі Дж. Продовольча допомога населенню, яке постраждало від конфліктів (дії світової продовольчої програми) у випадку східної України

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Збільшення кількості територій із надзвичайною гуманітарною ситуацією спричинені збройними конфліктами і їх тривалістю потребують досліджень з метою уточнення міжнародно-правової бази для проведення операцій з надання продовольчої допомоги, звертаючи увагу на зміни й практику в сфері прав людини, гуманітарного права, екологічного права та співробітництва в інтересах сталого розвитку. Тому в цій статті Автор аналізує загальні проблеми продовольчої допомоги на території збройних конфліктів, зосереджуючи увагу на конкретному прикладі, а саме – кризі у Східній Україні. Драматична ситуація, від якої потерпають деякі області України - де, починаючи з весни 2014 року, діють *Світова* продовольча програма (СПП), різноманітні інші міжнародні організації, Європейський Союз і деякі національні об'єднання з розвитку – підкреслює наскільки важливим є досягти чіткого розуміння всіх нормативних рівнів в сфері охорони і безпеки продовольчої допомоги.

Ключові слова: безпека харчових продуктів; міжнародне право; продовольча допомога; Світова продовольча програма; Угода про застосування санітарних та фітосанітарних заходів СОТ (Угода СФЗ); Україна; фундаментальні гуманітарні принципи.

Тамбуреллі Дж. Продовольственная помощь населению, пострадавшему от конфликта (действия мировой продовольственной программы) в случае восточной Украины

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Увеличение территорий с чрезвычайной гуманитарной ситуацией вызвано вооруженными конфликтами и их длительным характером, требуют исследований, направленных на уточнение международно-правовой базы для проведения операций по оказанию продовольственной помощи, принимая во внимание изменения и практику в области прав человека, гуманитарного права, экологического права и сотрудничества в интересах устойчивого развития. Поэтому, в этой статье автор анализирует общие проблемы продовольственной помощи в районах вооруженных конфликтов, с акцентом на конкретной ситуации, а именно кризис в Восточной Украине. Драматическая ситуация, с которой столкнулись некоторые регионы Украины, где, начиная с весны 2014 года, действуют Всемирная продовольственная программа (ВПП), различные другие международные организации, ЕС и некоторые национальные объединения по развитию, подчеркивает, на самом деле, важность достижения четкого понимания всех нормативных уровней в области охраны и безопасности продовольственной помощи.

Ключевые слова: безопасность пищевых продуктов; Всемирная продовольственная программа; Соглашение о применении санитарных и фитосанитарных мер (Соглашение о СФМ); международное право; продовольственная помощь; Украина; фундаментальные гуманитарные принципы.

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