

FOOD SECURITY AND NUTRITION IN MALAWI: POLICY REFORM WITHIN THE CONTEXT OF SUPRA-NATIONAL FRAMEWORKS AND RECENT DOMESTIC DEVELOPMENTS

FULL REPORT

By

Nic J.J. Olivier, Elizabeth Mkandawire, Francette Gouws, Nico Olivier, Elmarie van der Schyff and
Anél Gildenhuys



Food Security Policy *Research Papers*

This *Research Paper* series is designed to promptly disseminate research and policy analytical outputs generated by the USAID funded Feed the Future Innovation Lab for Food Security Policy (FSP) and its Associate Awards. The FSP project is managed by the Food Security Group (FSG) of the Department of Agricultural, Food, and Resource Economics (AFRE) at Michigan State University (MSU), and implemented in partnership with the International Food Policy Research Institute (IFPRI) and the University of Pretoria (UP). Together, the MSU-IFPRI-UP consortium works with governments, researchers and private sector stakeholders in Feed the Future focus countries in Africa and Asia to increase agricultural productivity, improve dietary diversity and build greater resilience to challenges that affect livelihoods, such as climate change.

The papers are aimed at researchers, policy makers, donor agencies, educators, and international development practitioners. Selected papers will be translated into French, Portuguese, or other languages.

Copies of all FSP Research Papers and Policy Briefs are freely downloadable in pdf format from the following Web site: <https://www.canr.msu.edu/fsp/publications/>

Copies of all FSP papers and briefs are also submitted to the USAID Development Experience Clearing House (DEC) at: <http://dec.usaid.gov/>

AUTHORS

Prof Nic J.J. Olivier is a senior consultant and part-time researcher with the Institute for Food, Nutrition and Well-being at the University of Pretoria, and Professor Extraordinary at the Faculty of Law, North West University, South Africa.

Dr Elizabeth Mkandawire is a postdoctoral researcher with the Institute for Food, Nutrition and Well-being at the University of Pretoria, South Africa.

Ms Francette Gouws is an advocate of the High Court of South Africa and part-time research associate with the Institute for Food, Nutrition and Well-being at the University of Pretoria.

Mr Nico Olivier is a policy consultant and part-time research associate with the Institute for Food, Nutrition and Well-being at the University of Pretoria, South Africa.

Prof Elmarie van Schyff is a professor at the Faculty of Law, North West University, South Africa.

Dr Anél Gildenhuys is a senior lecturer at the Faculty of Law, North West University, South Africa.

Authors' Acknowledgment:

This research was made possible by the generous support of the American people through the United States Agency for International Development (USAID) through funding to the Feed the Future Innovation Lab for Food Security Policy. The contents are the responsibility of the authors and do not necessarily reflect the views of USAID, the United States Government, Michigan State University or the University of Pretoria.

The research team is grateful for the opportunities afforded us by the International Food Policy Research Institute and ReSAKSS to participate in the NAIP Task Team activities. The research team also thanks Patricia Johannes of MSU for editorial and document preparation assistance.

This study is made possible by the generous support of the American people through the United States Agency for International Development (USAID) under the Feed the Future initiative. The contents are the responsibility of the study authors and do not necessarily reflect the views of USAID or the United States Government

Copyright © 2018, Michigan State University and the University of Pretoria. All rights reserved. This material may be reproduced for personal and not-for-profit use without permission from but with acknowledgment to MSU and the University of Pretoria.

Published by the Department of Agricultural, Food, and Resource Economics, Michigan State University, Justin S. Morrill Hall of Agriculture, 446 West Circle Dr., Room 202, East Lansing, Michigan 48824, USA

EXECUTIVE SUMMARY

Within the context of the FSP Component 3 Activity 4 focus on policy change in the realm of food security and nutrition (FSN) in Malawi, the aim of this research paper is to determine the extent to which Malawi's current constitutional, policy, legal and administrative FSN framework (including, amongst others, the Malawi's National Agriculture Investment Plan II (NAIP2), the Malawi Growth and Development Strategy III (2017 – 2023) and the 2018 Malawi National Planning Commission) has succeeded in domesticating the FSN-related obligations and commitments entrenched in key international (global) regional (African) and sub-regional (SADC) instruments. It also aims at identifying gaps and formulating implementable recommendations that may be considered by the Malawi Government in order to increase the probability that Malawi will be in a position to deliver fully and timeously on its (a) commitments made in respect of both the 2014 AU Malabo Declarations and the UN Sustainable Development Goals (SDGs), and (b) other key FSN-related international, regional and sub-regional obligations and commitments.

As regards the methodology applied, a comprehensive desktop study enriched with focused discussions with key Malawi Government officials was implemented. The supra-national FSN context contextualised the discussion. Key international, regional and sub-regional FSN-related legally binding instruments and non-legally binding declarations and agreements creating commitments were analysed with the aim of extracting FSN-related obligations and commitments. The manner in which the right to food is entrenched in the Constitution of Malawi initiates the overview and analysis of the current Malawi national FSN context. The conclusion contains a number of focused findings and concomitant implementable recommendations.

The analysis of key aspects of the Malawi domestic FSN framework (the Malawi Constitution, the policy, legislative programme and institutional frameworks, as well as of three specific focus areas (gender, children, and health)) does not provide evidence of adherence to the sequential nature of the policy loop. In several instances, annual implementation (work) plans are not preceded by sectoral policies, sectoral legislation and/or medium-term sectoral implementation strategies. In addition, binding constitutional provisions are not, or not fully, embodied in the current Malawi constituent elements of the policy loop. Furthermore, detailed provisions relating to both an overarching M&E framework (structure and systems) and concomitant customised sub-sector M&E frameworks (structure and systems), are often lacking. The analysis also indicates that there is a plethora of, amongst others, policies, statutory instruments, medium-term strategies, annual implementation (work) plans, institutions and M&E indicator sets. These are often unconnected, incoherent and contradictory, and to a large extent uncoordinated - and consequently ineffective.

As regards compliance with, and domestication of, FSN-related obligations created by global (international), African (regional) and SADC (sub-regional) conventions, treaties and protocols, the vast majority of instruments referred to in this section do not give evidence of such alignment. In many instances, no reference is made to the existence of the universal right to be free of hunger and such obligations. As far as commitments made by the Government of Malawi by it being a signatory to key FSN-related global, African and SADC declarations and agreements, very few Malawi instruments contain any references thereto. The recent (2018) Malawi NAIP forms an exception: although not dealing with all instances of Malawi's FSN-related obligations and commitments, it does contain references to a number of such documents and, importantly, attempts alignment.

Finally, there is a significant lack of coherence at both the intra-departmental and the inter-departmental levels as regards the policy elements discussed (medium-term growth and development

strategy; sectoral policies; sectoral legislation; medium-term sectoral strategies; annual implementation (work) plans, and M&E structures and systems (including indicators)). From a coordination perspective, evidence of across-the-board effective intra-departmental and inter-departmental coordination mechanisms has not been found. Although the existence of supra-departmental coordinating mechanisms (at the political level chaired by the President or Deputy President, and at the administrative level by the most senior Malawi servant (i.e. the Director-general in the Office of the President and Cabinet (OPC)) should go a long way in ensuring effective coordination, oversight and intervention, such well-functioning mechanisms do not presently exist.

In addition to the above, a number of key findings can be made. These include, but are not limited to, the following:

- i. The absence of a comprehensive database of international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party, and institutions responsible for compliance with these instruments, as well as of annual and/or other reports submitted to the relevant international, regional and sub-regional entities.
- ii. None of the analysed instruments (policies, legislation and/or strategic plans/programmes) provide any significant evidence of any departmental or other institutional mandate focusing on the compulsory incorporation in existing frameworks of and/or substantial alignment with the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.
- iii. At a structural (and related systems) level, the absence of an appropriate supra-departmental entity that is tasked with the effective coordination and oversight of all FSN-related international, regional and sub-regional obligations and commitments, as well as of Malawi domestic programmes, plans and activities.
- iv. The absence of recent policy documentation in a number of functional domains. This may take the form of the absence of policies in the narrow sense of the word, legislation and/or strategies.
- v. As regards the second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2), key identified gaps include:
 - Insufficient attention to the key roles of, amongst others, Agenda 2030 (SDGs), Agenda 2063, the First Ten Year Implementation Plan (2014 – 2023); the 2014 FAO Voluntary Guidelines, and the SADC Food and Nutrition Security Strategy (FNSS) (2001-2025).
 - Insufficient recognition of the key overarching framework role of the Malawi Growth and Development Strategy 2017-2022 (MGDS III) and the need to ensure that the NAIP 2 is fully aligned with and coherent with the MGDS III.
 - No explicit discussion of the need to establish a strong representative coordinating entity at a supra-departmental level.
 - The absence of an explicit recommendation that all existing Malawi policies, legislation, medium-term strategies, annual work plans as well as all existing institutional frameworks and M&E structures and systems should be reviewed and rationalised.
- vi. In respect of the Malawi National Planning Commission the following gaps were identified:
 - No detailed work plan with activities, deliverables and timelines as regards the operationalisation of its priorities has been published.
 - The NPC has not decided (and publicised) on how it is going to structure its coordinating role (both at the planning and oversight levels).

- No measures have been put in place by the NPC relating to the duty of other government entities to comply with, adhere to, and implement both (a) the provisions of all external instruments to which Malawi is a party, and (b) instruments developed by the NPC.
- vii. With reference to the Malawi Growth and Development Strategy III (2017 to 2023), it needs to be noted, amongst others, that:
 - No explicit reference is made to the crucial role of the external framework nor to the need to review all policies, statutory frameworks, strategies, institutional frameworks and M&E structures and systems in order to ensure alignment to the provisions of the MGDS III.
 - No explicit discussion is given of the policy formulation sequencing process illustrated by the so-called policy loop.

Given the vast powers of the autonomous Malawi National Planning Commission (NPC), it should provide guidance and oversight as regards compulsory compliance by all government departments with the policy loop. This has a number of implications, two of which are that:

- i. The NPC should take responsibility for:
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the next Malawi long-term development plan (the successor to the current Vision 2020);
 - Amending the current Malawi Growth and Development Strategy III (MDGS III) to ensure full alignment with the next Malawi long-term development plan; and
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the Malawi Growth and Development Strategy IV (MDGS IV).
- ii. The NPC should ensure that all government departments and entities:
 - Review, amend and rationalise or, where appropriate, replace existing inter-sectoral and sectoral policies, legislation, medium-term strategic frameworks and annual implementation (work) plans with a view on aligning said documents with both the next Malawi long-term development plan and the above-mentioned amended MDGS III. This also applies to the review and alignment of the Malawi NAIP II; and
 - After the approval of the MDGS IV, review, amend and rationalise or, where appropriate, replace then existing inter-sectoral and sectoral policies, legislation, medium-term strategic frameworks and annual implementation (work) plans with a view on aligning said documents with both the next Malawi long-term development plan and the above-mentioned amended (MDGS III).

It is suggested that the NPC, by exercising its oversight role, is empowered to compel all government entities to ensure both the domestication of, and compliance with, FSN-related:

- i. Obligations created by global (international), African (regional) and SADC (sub-regional) conventions, treaties and protocols; and
- ii. Commitments made by the Government of Malawi by it being a signatory to key FSN-related global, African and SADC declarations and agreements.

Reference has been made to the overarching research finding that there is an urgent need to rationalise all Malawi FSN instruments and institutions, and replace same with an overarching FSN framework that is fully aligned to:

- i. The international, African and SADC obligations and commitments framework and the Malawi Constitution; and

- ii. The Malawi long-term development plan (currently Vision 2020) and the Malawi Growth and Development Strategy III (MDGS III) (both of which also require alignment with the above-mentioned obligations and commitments framework and the Malawi Constitution),

and which satisfies the requirements of coherence and effective coordination. It is suggested that the NPC should, as an inherent part of its statutory mandate, take the responsibility to initiate and manage this rationalisation process as a high priority.

In addition, a number of key recommendations (related to each of the above-mentioned key findings) can be made. These include, but are not limited to, the following:

- i. The establishment of a comprehensive database of international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party, and institutions responsible for compliance with such instruments, as well as of annual and/or other reports submitted to the relevant international, regional and sub-regional entities.
- ii. All Malawi domestic government instruments (policies, legislation and/or strategic plans/programmes) must provide significant evidence of every department's or other government entity's mandate focusing on the compulsory incorporation in their existing frameworks of, and/or substantial alignment with, the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.
- iii. The establishment and operationalisation, as a high priority, of an appropriate supra-departmental entity that is tasked with the effective coordination and oversight of all FSN-related international, regional and sub-regional obligations and commitments, as well as of Malawi domestic strategies, programmes, plans and activities.
- iv. In addition, in a coordinated manner, addressing the current absence of recent policies, legislation and/or strategies.
- v. The gaps identified as regards the second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2) should be addressed as follows:
 - The recognition of the key roles of, amongst others, Agenda 2030 (SDGS), Agenda 2063, the First Ten Year Implementation Plan (2014 – 2023); the 2014 FAO Voluntary Guidelines, and the SADC Food and Nutrition Security Strategy (FNSS) (2001-2025).
 - Full recognition of the key overarching framework role of the Malawi Growth and Development Strategy 2017-2022 (MGDS III) and the need to ensure that the NAIP 2 is fully aligned with and coherent with the MGDS III.
 - Locating the coordinating role for all FSN-related planning, implementation and supervision in a supra-national body.
 - The establishment, on an urgent basis, of a strong representative coordinating entity for FSN-related planning, implementation and supervision at a supra-departmental level.
 - The drafting and implementation, as a high priority, and concomitant execution of a government and/or NPC decision, of a detailed implementation plan relating to the need to review and rationalise all existing FSN-related policies, legislation, strategic frameworks and annual work plans, as well as existing institutional frameworks and M&E structures and systems, within the context of, and aligned with the:
 - International (global), regional (African) and sub-regional (SADC) obligations and commitments;
 - Malawi Constitution;
 - Successor to Vision 2020;

- Malawi Growth and Development Strategy III (2017 – 2022); and
 - Key roles, powers, functions and duties of the Malawi National Planning Commission.
- vi. In respect of the Malawi National Planning Commission, the following recommendations should be implemented:
- The drafting and publication of a detailed work plan with activities, deliverables and timelines as regards the operationalisation of its initial priorities.
 - A decision by the NPC (and publication of such decision) on how the NPC is going to structure its coordinating role (both at the planning and oversight levels).
 - The putting in place of measures by the NPC relating to the duty of all other government entities to comply with, adhere to and implement the provisions of all external instruments to which Malawi is a party, and instruments developed by the NPC.
- vii. The Malawi Growth and Development Strategy III (2017 to 2023) needs to be reviewed and amended in order to:
- Specify the crucial role of the external framework and the need to review all policies, statutory frameworks, strategies, institutional frameworks and M&E structures and systems in order to ensure alignment to the provisions of the MGDS III; and
 - Explicitly provide for the operationalisation of a new sequenced approach to policy formulation. This process can best be illustrated by reference to the so-called policy loop, which indicates that the political manifesto of a ruling party is translated into long-term policies (national development plan or Vision); the amendment of an existing or the formulation of a new policy; the drafting of legislation in accordance with such policy; the drafting of a five year strategic plan (medium-term strategy) and annual work (performance); as well as of an appropriate institutional framework and a comprehensive monitoring and evaluation structure and system. The following diagram provides a graphic representation of the policy loop.

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	4
LIST OF TABLES	11
LIST OF FIGURES.....	11
ACRONYMS	12
1 INTRODUCTION.....	15
2 METHODOLOGY.....	16
3 THE RIGHT TO FOOD (INCLUDING NUTRITION) AS A BASIC HUMAN RIGHT ...	17
4 SUPRA-NATIONAL CONTEXT	20
4.1 The right to food.....	20
4.2 Key international (global) instruments.....	20
4.2.1 Binding instruments and related obligations.....	20
4.2.2 Non-binding international declarations and commitments.....	22
4.3 Key regional (African) instruments	32
4.3.1 Binding instruments and related obligations.....	32
4.3.2 Non-binding regional (African) declarations and commitments	33
4.4 Sub-regional (SADC) instruments	37
4.5 Conclusion.....	38
5 MALAWI: THE NATIONAL CONTEXT.....	39
5.1 Introduction	39
5.2 Constitution	41
5.3 Malawi domestic framework.....	42
5.3.1 Introduction.....	42
5.3.2 Malawi FSN-related policy framework.....	42
5.3.3 Malawi FSN-related legislation	64
5.3.4 Malawi FSN-related government programmes	72
5.3.5 Malawi FSN-related institutional framework.....	75
5.3.6 Specific FSN-related focus areas	91
5.4 Key recent domestic developments.....	104
5.4.1 Malawi Growth and Development Strategy III (2017-2022)	104
5.4.2 Second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2)	106
5.4.3 National Planning Commission	112
5.5 Conclusion.....	113
6 CONCLUSION	116
6.1 Key findings	116

6.2	Key recommendations.....	118
REFERENCES.....		122

LIST OF TABLES

TABLE	PAGE
1. Institutions and the policies, legislation and plans for which they are responsible	80
2. Policies, legislation and plans and their implementing institutions	86
3. Ministry of Gender's share in national budget	98
4. NAIP II Intervention Areas.....	108

LIST OF FIGURES

FIGURE	PAGE
1. The Policy Loop	39
2. Key events and documents that have guided gender progress	94
3. Organisational structure of the Ministry of Gender, Children, Disability and Social Welfare.....	95

ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AfDB	African Development Bank
ART	Antiretroviral Treatment
ASWAp	Agriculture Sector Wide Approach
ASWG	Agricultural Sector Working Group
AU	African Union
AUC	African Union Commission
AUDA	African Union Development Agency
CAADP	Comprehensive African Agriculture Development Programme
CAETS	Controller of Agricultural Extension and Technical Services
CAP-F	Country Agribusiness Partnership Framework
CAS	Controller of Agricultural Services and Institutions
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CGIAR	Consultative Group on International Agricultural Research
CHAM	Christian Health Association of Malawi
CMAM	Community-based Management of Acute Malnutrition
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DAPS	Department of Agricultural Planning Services
DCAFS	Donors Committee on Agriculture and Food Security
DHS	Demographic and Health Surveys
DPs	Development Partners
DRM	Disaster Risk Management
DSHNHA	Directorate of School Health, Nutrition, HIV and AIDS
ECD	Early Childhood Development
EHP	Essential Health Package
EMC	Executive Management Committee
FAO	Food and Agriculture Organization
FIRP	Food Insecurity Response Plan
FISP	Farm Input Subsidy Programme
FNSS	Food and Nutrition Security Strategy

FSN	Food Security and Nutrition
GC	General Comment on the Right to Food
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
HSA	Health Surveillance Assistance
IA	Intervention Area
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFAD	International Fund for Agricultural Development
LA	Lead Agency
M&E	Monitoring and Evaluation
MDG	Millennium Development Goal
MDGS	Malawi Growth and Development Strategy
MESIP	Malawi Education Sector Improvement Project
MHSSP	Malawi Health Systems Strengthening Project
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
MoGCDSW	Ministry of Gender, Children, Disability and Social Welfare
NAIP	National Agriculture Investment Plan
NAMIS	National Agriculture Management Information System
NAP	National Agriculture Policy
NCD	Non-communicable Disease
NCST	National Care Support and Treatment
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental Organisation
NIP	National Irrigation Policy
NIPDS	National Irrigation Policy and Development Strategy
NNSP	National Nutrition Strategic Plan
NPC	National Planning Commission
NSAs	Non-state Actors
NSP	National Strategic Plan
OHCHR	Office of the High Commissioner of Human Rights
PFP	Private for-Profit
PLHIV	People Living with HIV
PMTCT	Prevention of Mother-to-Child Transmission
PPPC	Public Private Partnership Commission

PS	Permanent Secretary
QA	Quality Assurance
QI	Quality Improvement
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SDG	Sustainable Development Goal
SMT	Senior Management Team
TWG	Technical Working Group
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNFCCC	United Nations Framework Convention on Climate Change
UNICEF	United Nations Children's Fund
VHC	Village Health Committee
WDIs	World Development Indicators
WHO	World Health Organization

1 INTRODUCTION

Food security and nutrition have many facets. It entails more than food availability, access to food, and the stability of food prices. Utilisation remains a problem even where availability and access no longer present problems. “Hidden hunger”, as a specific instance of poor utilisation of food sources, remains a threat to many African countries. Anderson-Smith (2014) describes “hidden hunger” as a form of undernutrition that “occurs when the intake or absorption of vitamins and minerals (such as zinc, iodine, and iron) is too low to sustain good health and development.”

To prevent and treat hidden hunger and address food insecurity, coordinated action is required from the global-international, to the regional, sub-regional and national level. Diverse sectors need to be involved in the solution-seeking processes. These sectors include, amongst others, agriculture, health, water and sanitation, social protection, education and empowering women. Anderson-Smith draws attention to the fact that in order to address food insecurity, both the 2014 Global Hunger Index and State of the World of Food Insecurity reports recommend:

- Sustained political commitment to tackling hunger and food security, including recognising the right to food as a fundamental human right and supporting it through appropriate actions and legal frameworks;
- Enhanced accountability and continuity of policies with expanded monitoring, research, and evidence base to increase accountability;
- Comprehensive multi-sectoral policies and approaches and improved coordination across government and other sectors; and
- Investing in human capacity building and allocate the necessary funds to build expertise and capacity in nutrition and food security at all levels (Anderson-Smith 2014).

This study seeks, amongst others, to determine to what extent global (international), regional and sub-regional instruments aimed at eradicating food security and malnutrition have been integrated into Malawi’s national policy, legal and administrative frameworks, with specific reference to the formulation of Malawi’s National Agriculture Investment Plan II (NAIP2). Within this context, the extent of the incorporation of the four above recommendations will also be determined.

Without the sustained political commitment to address food insecurity on a national, sub-regional and regional level, legal frameworks will not properly be developed; when governments are not held accountable by their constituencies, commitments will remain empty promises; without multi-sectoral collaboration, no institutional commitment will be evoked; and without investing in human capital, measures aimed at bringing about food security will not result in long-lasting deep-reaching change.

The aim of this research paper is to indicate to which extent Malawi’s current policy, legal and administrative food security and nutrition (FSN) framework has succeeded in domesticating and implementing commitments in terms of the FSN-related obligations entrenched in key international, regional (African) and sub-regional (SADC) instruments. It also aims at identifying gaps and formulating implementable recommendations that may be considered by the Malawi Government in order to increase the probability that Malawi will be in a position to deliver fully and timeously on its (a) commitments made in respect of both the 2014 AU Malabo Declarations and the UN Sustainable Development Goals (SDGs), and (b) other key FSN-related international, regional and sub-regional obligations and commitments.

2 METHODOLOGY

The supra-national food security and nutrition context provides the framework for the discussion. Key international, regional and sub-regional FSN-related legally binding instruments and documents creating commitments are analysed with the aim of extracting FSN-related obligations and commitments. The manner in which the right to food is entrenched in the Constitution of Malawi will initiate the discussion on the national context. The extent to which the international, regional and sub-regional obligations and commitments are domesticated in Malawi's national context is then be addressed by providing an overview of current FSN-related policy and statutory frameworks. The impact of gender as well as accompanying theme-specific obligations relating to FSN is discussed. In conclusion, the last section contains a number of findings and focused implementable recommendations that may be considered by the Malawi Government in order to increase the probability that Malawi will be in a position to deliver fully and timeously on its:

- i. Commitments made in respect of both the 2014 AU Malabo Declarations and the UN Sustainable Development Goals (SDGs), and
- ii. Other key FSN-related international, regional and sub-regional obligations and commitments.

3 THE RIGHT TO FOOD (INCLUDING NUTRITION) AS A BASIC HUMAN RIGHT

The right to food is a human right recognised under international law. Human rights are traditionally categorised in three ‘generations’ of rights and such is used in both the national and international discourse (Viljoen 2012:5). The right to food is recognised as a socio-economic right, being a second generation right and refers to rights “whose purpose is to assure that human beings have the ability to obtain and maintain a minimum decent standard of living consistent with human dignity” (Condé 2004:55 & Viljoen 2012:6). Messer and Cohen (2009) concisely explained how the “legal, political, and cultural concept of the human right to food” evolved as a set of universal norms for the United Nations community. If this development is closely scrutinised it is evident that the historical and political background of this right involves the “development of the notion of access to food as a right” (University of Minnesota 2000).

The right to food is enshrined in several international human rights and treaties.¹ One of the key international instruments is the International Covenant on Economic, Social and Cultural rights (ICESCR). It is stated in article 11(2) of the ICESCR that the “right to an adequate standard of living includes food, housing clothing”. Article 11(2) recognizes the “fundamental right of everyone to be free from hunger”. It is noteworthy that the right to freedom from hunger is the only right in the Covenant characterised as “fundamental” (Künnemann 2002).

A detailed General Comment on the Right to Food (as contained in the ICESCR) has been produced by the United Nations Committee on Economic, Social and Cultural Rights in 1999 (UN 1999). Herein the core content of the right to adequate food was described in the following manner:

“[C]ore content of the right to adequate food implies:

- [a] The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; [and]
- [b] The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.”

From this General Comment (GC12) it can be deduced that the normative content of the right to adequate food entails more than freedom from hunger. It is stated in GC12 paragraph 6 that “every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement” and cautioned that “The right to adequate

¹ The following declarations and resolutions relate, amongst other to the right to food: article 25 of the Universal Declaration on Human Rights of 1948; principles 4 and 8 of the Declaration of the Rights of the Child of 1959; The Universal Declaration on the Eradication of Hunger and Malnutrition of 1974; The Declaration on the Protection of Women and Children in Emergency and Armed Conflicts of 1974; Headline 2 of the World Employment Conference of 1976; the Protocol Additional to the Geneva Conventions, and Relating to the Protection of Victims of International and Non-International Armed Conflicts of 1977; the fourth statement of the World Food Programme of 1977; article 1 of the Declaration of Principles of the World Conference on Agrarian Reform and Rural development of 1979; article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women of 1979; Article 1 of the Food Aid Convention of 1986; Convention of the Rights of the Child of 1989; article 2 of the Codex Alimentarius Commission of the Code of Ethics for International Trade 1992; principles 1 and 8 of the Rio Declaration on Environment and Development of 1992; chapters 3, 6, 12 and 14 of Agenda 21, 1992; the International Conference on Nutrition (ICN) World Declaration on Nutrition of 1992; paras 31 and 98 of the Vienna Declaration on Human Rights of 1993; chapters ii, iii and iv of the International Conference on Population Development, 1994; article 58 of the Beijing Declaration and Platform for Action of 1995; chapters II and IV of the Istanbul Declaration on Human Settlements, 1996; article 1 of the Rome Declaration on World Food Security of 1996; Objective 7.4 of the Plan of Action of the World Food Summit of 1996; Convention on the Rights of Persons with Disabilities of 2006.

food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients."

States' obligations pertaining to the right to adequate food are defined in GC12, paragraph 15 as "the obligations to respect, to protect and to fulfil". The first two obligations deal with the prevention of the eradication of existing access to food. The state's obligation to respect access to adequate food merely embodies the obligation not to deprive people of existing access to food or food-producing resources. The obligation to protect access to adequate food has been described as the obligation to actively prevent third parties from depriving people of their existing access to food or food-producing resources (Künnemann 2002). The third obligation, the fulfilment-bound obligation requires that the State must proactively take steps to guarantee "people's access to and utilisation of resources and means to ensure their livelihood, including food security (Vidar 2003)."

The right to food requires that food is at all times available, accessible and adequate for everyone without discrimination (SAHRC n.d.). Wenaart consequently explained that it is not possible to attribute "one single undisputed content" to the right to adequate food (Wenaart 2010). The right is interlinked with, and interdependent on the realisation of other basic human rights.² (It is in particular the link with the right to health that emphasises the nutrition component inherent to the right to food (Aguirre 2015). Due to this complexity the right to adequate food and nutrition are addressed in different contexts in a large number of UN instruments and declarations within "civil-political, economic-social-cultural, development, indigenous, women's and children's rights constructions" (Messer & Cohen 2009). As a result, a large number of International institutions that function with their own mandates and within their own competences are involved in furthering the right to food (Wenaart 2010).

The right to food and food security are closely linked but should not simply be regarded as synonyms. Hospes, Van Dijk and Van der Meulen (2010) explained that food security is "governed by law, politics and the right to food". Food security, in turn, is a precondition for full realisation of the right to food (OHCHR 2008). As a concept food security is fluid, with more than 200 definitions attributed to the concept (Maxwell & Smith 1992). Where earlier definitions of the concept focused mainly on the volume and stability of food supplies (UN 1975), more complex definitions later emphasised the multi-dimensional characteristics of the concept of food security (FAO 2013). The definition adopted at the 1996 World Food Summit illustrated the complexity of the concept:

"Food security, at the individual, household, national, regional and global levels [is achieved] 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).

The 1996 Rome Declaration on World Food Security defined the fundamental right of everyone to be free from hunger with reference to two related rights, namely the right of access to safe and nutritious food, and the right to adequate food, as is provided below:

"[T]he right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger".

² E.g. The right to health, the right to life, the right to water, the right to education, the right to work and to social security, the right to information.

Food security is, however, not a legal concept *per se* nor does it create entitlements or impose obligations on states (OHCHR 2008).

4 SUPRA-NATIONAL CONTEXT

4.1 The right to food

As explained in paragraph 2 above, the right to food has been recognised in a number of international legal instruments. In this section the focus will fall on specific obligations that are contained in key international, regional and sub-regional instruments.

With regard to the international (global), regional (African) and sub-regional (SADC) conventions, treaties, protocols, declarations and resolutions focusing on food security and nutrition, it is necessary to draw a distinction between those instruments that are binding and thus create obligations, and those that are non-binding and effectively create commitments:

- i. Binding instruments: By means of a process of ratification and domestication, these international, African and/or regional (e.g. SADC) instruments have become part and parcel of the Malawian legal framework. Hereby binding obligations are imposed on governments, which are both enforceable and justiciable. Some of these instruments require governments to regularly submit reports on compliance, implementation and progress.
- ii. Non-binding instruments: The Malawian Government has supported and endorsed these instruments by means of participating in a specific resolution of an international organisation such as the United Nations General Assembly or a specific declaration of a regional organisation (e.g. African Union) and/or a Southern African regional organisation (e.g. SADC). Despite being non-binding, these instruments hold significant moral persuasive force, and, in general, the relevant state parties are expected to comply with commitments made in such instruments. Due to their non-binding nature, these commitments can neither be enforced nor adjudicated upon. Nevertheless, several of these non-binding instruments require participating states to regularly submit reports on compliance, implementation and progress.

4.2 Key international (global) instruments

4.2.1 Binding instruments and related obligations

The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly on 10 December 1948 (UN 1948). Article 25 of the Universal Declaration of Human Rights contains the provision which relates to food security and nutrition, and states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and social services”.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) may justifiably be regarded as the key binding international law instrument dealing with food security as the content of the right to food and the main obligation are primarily contained in articles 2 and 11 thereto (Vidar 2003). The fundamental right to be free from hunger in the ICESCR creates a legal obligation under international law to state parties to the Covenant. Malawi, as a state party who acceded to the Covenant on 22 December 1993 are thus obligated by article 2(1) “to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.” The nature of this obligation has been clarified by the ICESCR in General Comment 3 of 1990. In addition to the adoption of legislative measures, paragraph 5 of GC3 requires that states must provide for judicial remedies which may in accordance with the

national legal system be considered justiciable when obligations are not met. Justiciability of the human right to food implies that every person without access to adequate food would be able to sue the state, or the community of states, and through the court's injunction acquire access to adequate food. In addition, other measures which may also be considered "appropriate" for the purposes of article 2(1) through which the right to food may be realised include, but are not limited to, administrative, financial, educational and social measures (UN 1990).

It was proposed in GC12 that state parties should consider the adoption of framework law as a major instrument in the implementation of their national strategy towards realising the right to food.

"The framework law should include provisions on-

- its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets;
- the means by which the purpose could be achieved described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations;
- institutional responsibility for the process; and the national mechanisms for its monitoring; as well as possible recourse procedures."

Specific criteria is also provided in GC12 paragraphs 2-28 pertaining to the criteria that a national strategy towards the realisation of the right to adequate food must meet: (a) Its formulation and implementation should comply with human rights principles, such as accountability, transparency and participation; (b) It should be based on a systematic identification of policy measures and activities derived from the normative content of the right to adequate food and the corresponding State obligations; (c) It should give particular attention to preventing and eliminating discrimination in access to food or resources for food and to the needs of the marginalised population groups. This requires a systematic analysis of disaggregated data on the food insecurity, vulnerability and nutritional status of different groups in society; (d) It should address all aspects of the food system, including production, processing, distribution, marketing and consumption, as well as other relevant areas, such as health, water and sanitation, education, employment, social security, and access to information; (e) It should clearly allocate responsibility for implementing the necessary measures and lay down a precise time frame; (f) It should define institutional mechanisms including the coordination between relevant ministries and between the national and subnational levels of government; (g) It should also identify the resources available to meet the objectives and the most cost-effective way of using them, including in times of severe resource constraints; (h) It should identify steps to ensure that activities of non-State actors are in conformity with the right to food" (OHCHR 2008).

The Convention of the Elimination of all Forms of Discrimination against Women (CEDAW) was adopted by the UN General Assembly in 1979. It essentially defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination (UN 1979). In the Convention's preamble, it is stated that "in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs".

The UN General Assembly adopted the Convention on 20 November 1989. Article 24 relates to Health care and the provisions of sub-article 2(c) states the following:

"States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and

through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;”

4.2.2 Non-binding international declarations and commitments

Several non-legally binding international human rights instruments, sometimes referred to as soft-law instruments, are relevant to the right to food. These include recommendations, guidelines, resolutions and declarations. The *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (FAO 2005) (hereafter the **Right to Food Guidelines**) is a detailed and direct soft law instrument. The complexity of the notion of food security is evidenced by the detailed nature of the **Right to Food Guidelines**. The Right to Food Guidelines is a practical tool to help implement the right to food. It provides practical recommendations for ensuring the realisation of the binding norms discussed in paragraph 3.2.1 above. Although specific targets may be extracted from the respective guidelines, the reader is referred to the Right to Food Guidelines for a comprehensive account of the Guidelines:³

- i. Guideline 1: Democracy, good governance, human rights and the rule of law
 - Democracy, the rule of law, sustainable development and good governance must be promoted in order to provide stable an enabling economic, social, political and cultural environment in which individuals have dignified, free and adequate access to food and are accorded equal protection under the law; and
 - States may consider assisting individuals to have access to legal assistance to better assert the progressive realization of the right to adequate food.
- ii. Guideline 2: Economic development policies
 - States should promote broad-based economic development that is supportive of their food security policies, and establish policy goals and benchmarks based on the food security needs of their population;
 - The economic and social situation, including the degree of food insecurity and its causes, the nutrition situation and food safety should be assessed in consultation with key stakeholders;
 - Stable supplies of safe food through a combination of domestic production, trade, storage and distribution should be promoted;
 - A holistic and comprehensive approach to hunger and poverty reduction should be adopted;
 - Inclusive, non-discriminatory and sound economic, agriculture, fisheries, forestry, land-use, and, as appropriate, land-reform policies should be pursued. These should permit farmers, fishers, foresters and other food producers, particularly women, to earn a fair return from their labour, capital and management, and encourage conservation and sustainable management of natural resources, including in marginal areas; and
 - States should focus on sustainable agricultural and rural development through measures to improve access to land, water, appropriate and affordable technologies, productive and financial resources, enhance the productivity of poor rural communities, promote the participation of the poor in economic policy decisions, share the benefits of productivity gains, conserve and protect natural resources, and invest in rural infrastructure, education

³ The discussion of guidelines is generally quoted from the Right to Food Guidelines but in order to facilitate reading no quotation marks are used.

and research, and promote stable employment especially in rural areas and investment aimed at enhancing the livelihoods of the urban poor.

iii. Guideline 3: Strategies

- States should consider adopting a national human-rights based strategy for the progressive realization of the right to adequate food in the context of national food security as part of an overarching national development strategy, including poverty reduction strategies;
- A thorough assessment of existing national legislation, policy and administrative measures, current programmes, systematic identification of existing constraints and availability of existing resources should precede the adoption of the national strategy;
- Strategies should address all aspects of food security and could include objectives, targets, benchmarks and time frames; and actions to formulate policies, identify and mobilise resources, define institutional mechanisms, allocate responsibilities, coordinate the activities of different actors, and provide for monitoring mechanisms. The needs of vulnerable and disadvantaged groups as well as special situations such as natural disasters and emergencies should particularly be addressed;
- States should consider adopting, or reviewing, a comprehensive national poverty reduction strategy, and national strategies for development;
- Wide public participation involving all possible stakeholders should precede the development of strategies; and
- Strategies should be transparent, inclusive and comprehensive, cut across national policies, programmes and projects, take into account special needs of vulnerable groups. It should be implemented in a participatory and accountable manner.

iv. Guideline 4: Market systems

- The functioning of markets, in particular agricultural and food markets and the development of small-scale local markets and regional trade should be promoted in accordance with national law and priorities;
- Legislation, policies, procedures and regulatory and other institutions should be developed to ensure non-discriminatory access to markets and to prevent uncompetitive practices in markets;
- Corporate social responsibility and the commitment of all market players and civil society towards the progressive realisation of the right of individuals to adequate food in the context of national food security; should be encouraged;
- Consumers should adequately be protected against fraudulent market practices, misinformation and unsafe food; and
- WTO agreements should be respected.

v. Guideline 5: Institutions

- States should assess the mandate and performance of relevant public institutions. To this end, States may wish to ensure the coordinated efforts of relevant government ministries, agencies and offices. They could establish national inter-sectoral coordination mechanisms to ensure the concerted implementation, monitoring and evaluation of policies, plans and programmes;
- States may consider entrusting a specific institution with overall responsibility for overseeing and coordinating the application of these guidelines;

- Relevant institutions must provide for full and transparent participation of the private sector and of civil society, in particular representatives of the groups most affected by food insecurity; and
 - Anticorruption policies and legislation should be included in the food sector and in the management of emergency food aid.
- vi. Guideline 6: Stakeholders
- States are encouraged to apply a multi-stakeholder approach to national food security to identify the roles of and involve all relevant stakeholders, encompassing civil society and the private sector.
- vii. Guideline 7: Legal Framework
- Provisions that facilitate the progressive realisation of the right to adequate food in the context of national food security, including constitutional and legislative review, should be considered to be included in domestic legislation;
 - Where a right to adequate food has been established under a state's legal system the general public should be informed of all available rights and remedies to which they are entitled; and
 - Domestic law and policies should be strengthened to accord access by women heads of households to poverty reduction and nutrition security programmes and projects.
- viii. Guideline 8: Access to resources and assets
- Sustainable, non-discriminatory and secure access and utilization of resources should be facilitated;
 - The rights of individuals regarding resources such as land, water, forests, fisheries and livestock should be respected and promoted;
 - Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists, indigenous people and members of vulnerable, marginalized and traditionally disadvantaged groups and their relation to natural resources;
 - Agricultural research and development should be promoted and access by medium- and small-scale farmers to research results enhancing food security should be encouraged;
 - States should promote women's full and equal participation in the economy and introduce, and implement gender-sensitive legislation providing women with the right to inherit and possess land and other property. States should also provide women with secure and equal access to, control over, and benefits from productive resources, including credit, land, water and appropriate technologies;
 - Measures to encourage sustainable development in order to provide opportunities for work that provide remuneration allowing for an adequate standard of living for rural and urban wage earners and their families, and to promote and protect self-employment should be developed;
 - Access to the labour market should be improved by enhancing human capital through education programmes, adult literacy and additional training programmes, regardless of race, colour, gender, language, religion, political opinion, national or social origin, property, birth or other status;
 - States should take measures to promote and protect the security of land tenure, especially with respect to women, and poor and disadvantaged segments of society, through

legislation that protects the full and equal right to own land and other property, including the right to inherit;

- States should consider establishing legal and other policy mechanisms, consistent with their international human rights obligations and in accordance with the rule of law, that advance land reform to enhance access for the poor and women. Such mechanisms should also promote conservation and sustainable use of land. Special consideration should be given to the situation of indigenous communities;
- States should strive to improve access to, and promote sustainable use of, water resources and their allocation among users;
- States should consider specific national policies, legal instruments and supporting mechanisms to prevent the erosion of and ensure the conservation and sustainable use of genetic resources for food and agriculture;
- Ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased, sustainable food production for present and future generations, the prevention of water pollution, the protection of the fertility of the soil, and the promotion of the sustainable management of fisheries and forestry should be addressed in specific national policies and legal instruments; and
- An enabling environment and strategies to facilitate and support the development of private and public sector initiatives to promote appropriate tools, technologies and mechanization in the provision of relevant services to enable more efficient food production by all farmers, in particular poor farmers, and to address local constraints such as shortage of land, water and farm power should be created.

ix. Guideline 9: Food safety and consumer protection

- States should take measures to ensure that all food, whether locally produced or imported, freely available or sold on markets, is safe and consistent with national food safety standards;
- Comprehensive and rational food-control systems that reduce risk of food-borne disease using risk analysis and supervisory mechanisms to ensure food safety in the entire food chain including animal feed should be established;
- Institutional procedures for food control and food safety at national level should be streamlined and gaps and overlaps in inspection systems should be eliminated;
- Scientifically based food safety standards should be adopted. This should include standards for additives, contaminants, residues of veterinary drugs and pesticides, and microbiological hazards, and to establish standards for the packaging, labelling and advertising of food;
- Action should be taken to prevent contamination from industrial and other pollutants in the production, processing, storage, transport, distribution, handling and sale of food;
- States must consider establishing a national coordinating committee for food to bring together both governmental and non-governmental actors involved in the food system and to act as liaison with the FAO/WHO Codex Alimentarius Commission;
- States should assist farmers and other primary producers to follow good agricultural practices, food processors to follow good manufacturing practices, and food handlers to follow good hygiene practices;
- States are encouraged to consider establishing food safety systems and supervisory mechanisms to ensure the provision of safe food to consumers;

- Education on safe practices must be made available for food business operators and consumers; and
 - States are encouraged to cooperate with all stakeholders, including regional and international consumer organisations, in addressing food safety issues, and consider their participation in national and international fora where policies with impact on food production, processing, distribution, storage and marketing are discussed.
- x. Guideline 10: Nutrition
- States should take measures to maintain, adapt or strengthen dietary diversity and healthy eating habits and food preparation, as well as feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply do not negatively affect dietary composition and intake;
 - Steps should be taken through education, and information and labelling regulations to prevent overconsumption and unbalanced diets that may lead to malnutrition, obesity and degenerative diseases;
 - All relevant stakeholders, in particular communities and local government, should be involved in the design, implementation, management, monitoring and evaluation of programmes to increase the production and consumption of healthy and nutritious foods, especially those that are rich in micronutrients;
 - States may also consider adopting regulations for fortifying foods to prevent and cure micronutrient deficiencies, in particular of iodine, iron and Vitamin A;
 - The specific food and nutritional needs of people living with HIV/AIDS or suffering from other epidemics should be addressed;
 - Breastfeeding should be promoted and encouraged but issues regarding breastfeeding and human immunodeficiency virus (HIV) infection must be considered on the basis of the most up-to-date, authoritative scientific advice and referring to the latest WHO/ UNICEF guidelines;
 - States may wish to disseminate information on the feeding of infants and young children that is consistent and in line with current scientific knowledge and internationally accepted practices and to take steps to counteract misinformation on infant feeding;
 - Parallel action in the areas of health, education and sanitary infrastructure should be invited and intersectoral collaboration promoted;
 - All kinds of discriminatory practices, especially with respect to gender, should be eradicated in order to achieve adequate levels of nutrition within the household;
 - Individuals' practices, customs and traditions on matters related to food should be taken into account; and
 - States should take into account the cultural values of dietary and eating habits in different cultures and should establish methods for promoting food safety, positive nutritional intake including fair distribution of food within communities and households with special emphasis on the needs and rights of both girls and boys, as well as pregnant women and lactating mothers, in all cultures.
- xi. Guideline 11: Education awareness raising
- States should support investment in human resource development such as health, education, literacy and other skills training, which are essential to sustainable development, including agriculture, fisheries, forestry and rural development;
 - Primary education opportunities, agricultural and environmental education on primary and secondary levels and higher education in all its different guises should be encouraged;

- States should promote awareness of the importance of human rights;
 - Civil society must be empowered through capacity building; and
 - Officials responsible for the implementation of the progressive realisation of the right to adequate food should be properly trained.
- xii. Guideline 12: National Financial resources
- Regional and local authorities are encouraged to allocate resources for anti-hunger and food security purposes in their respective budgets;
 - Transparency and accountability in the use of public resources, particularly in the area of food security must be guaranteed;
 - States are encouraged to promote basic social programmes and expenditures, in particular those affecting the poor and the vulnerable segments of society, and to protect them from budget reductions, while increasing the quality and effectiveness of social expenditures;
 - States should strive to ensure that budget cuts do not negatively affect access to adequate food among the poorest sections of society;
 - An enabling legal and economic environment should be established to promote and mobilise domestic savings and attract external resources for productive investment, and to seek innovative sources of funding, both public and private at national and international levels, for social programmes; and
 - Strategies aimed at promoting the efficient use of the remittances of migrants for investments that could improve their livelihoods, including the food security of their families should be developed and promoted.
- xiii. Guideline 13: Support for vulnerable groups
- Consistent with the World Food Summit commitment, States should establish Food Insecurity and Vulnerability Information and Mapping Systems (c, in order to identify groups and households particularly vulnerable to food insecurity along with the reasons for their food insecurity;
 - States should develop and identify corrective measures to be implemented both immediately and progressively to provide access to adequate food;
 - States are invited to systematically undertake disaggregated analysis on the food insecurity, vulnerability and nutritional status of different groups in society, with particular attention to assessing any form of discrimination that may manifest itself in greater food insecurity and vulnerability to food insecurity, or in a higher prevalence of malnutrition among specific population groups, or both, with a view to removing and preventing such causes of food insecurity or malnutrition;
 - States should establish transparent, non-discriminatory eligibility criteria (that may include household and individual assets and income, nutrition and health status, as well as existing coping mechanisms) in order to ensure effective targeting of assistance, so that no one who is in need is excluded, or that those not in need of assistance are included; and
 - Priority may be given to channelling food assistance via women as a means of enhancing their decision-making role and ensuring that the food is used to meet the household's food requirements.
- xiv. Guideline 14: Safety nets
- States should consider, to the extent that resources permit, establishing and maintaining social safety and food safety nets to protect those who are unable to provide for themselves;

- States should consider building on existing capacities within communities at risk to provide the necessary resources for social safety and food safety nets to fulfil the progressive realisation of the right to adequate food;
- States may wish to consider the benefits of procuring locally;
- States should take steps, to the extent that resources permit, so that any measure of an economic or financial nature likely to have a negative impact on existing levels of food consumption of vulnerable groups be accompanied by provision for effective food safety nets. Safety nets should be linked to other complementary interventions that promote food security in the longer term;
- Food assistance should bridge the gap between the nutritional needs of the affected population and their ability to meet those needs themselves;
- Food assistance should be provided with the fullest possible participation of those affected, and such food should be nutritionally adequate and safe, bearing in mind local circumstances, dietary traditions and cultures; and
- States, in the design of safety nets, should consider the important role of international organisations such as FAO, IFAD and WFP, and other relevant international, regional and civil society organizations that can assist them in fighting rural poverty and promoting food security and agricultural development.

xv. Guideline 15: International food aid

- Donor States should ensure that their food aid policies support national efforts by recipient States to achieve food security, and base their food aid provisions on sound needs assessment, targeting especially food insecurity and vulnerable groups; and
- States and relevant non-state actors should ensure, in accordance with international law, safe and unimpeded access to the populations in need, as well as for international needs assessments, and by humanitarian agencies involved in the distribution of international food assistance.

xvi. Guideline 16: Natural and human-made disasters

- Food should never be used as a means of political and economic pressure;
- States reaffirm the obligations they have assumed under international humanitarian law;
- States should make every effort to ensure that refugees and internally displaced persons have access at all times to adequate food
- In the case of natural or human-made disasters, States should provide food assistance to those in need, may request international assistance if their own resources do not suffice, and should facilitate safe and unimpeded access for international assistance in accordance with international law and universally recognised humanitarian principles, bearing in mind local circumstances, dietary traditions and cultures;
- States should put in place adequate and functioning mechanisms of early warning to prevent or mitigate the effects of natural or human-made disasters;
- Early warning systems should be based on international standards and cooperation, on reliable, disaggregated data and should be constantly monitored;
- States should take appropriate emergency preparedness measures, such as keeping food stocks for the acquisition of food, and take steps to put in place adequate systems for distribution; and

- Mechanisms to assess nutritional impact and to gain understanding of the coping strategies of affected households in the event of natural or human-made disasters should be established.
- xvii. Guideline 17: Monitoring, indicators and benchmarks
- States may wish to establish mechanisms to monitor and evaluate the implementation of these guidelines towards the progressive realisation of the right to adequate food in the context of national food security, in accordance with their capacity and by building on existing information systems and addressing information gaps;
 - States may wish to consider conducting “Right to Food Impact Assessments” in order to identify the impact of domestic policies, programmes and projects on the progressive realisation of the right to adequate food of the population at large and vulnerable groups in particular, and as a basis for the adoption of the necessary corrective measures; and
 - States should, in particular, monitor the food security situation of vulnerable groups, especially women, children and the elderly, and their nutritional status, including the prevalence of micronutrient deficiencies.
- xviii. Guideline 18: National human rights institutions
- States are encouraged to establish national human rights institutions or ombudspersons and to include the progressive realisation of the right to adequate food in the context of national food security in their mandates; and
 - National institutions are to be encouraged to establish partnerships and increase cooperation with civil society.
- xix. Guideline 19: International dimension
- States should fulfil commitments in the international arena.

The General Assembly of the United Nations adopted a significant resolution titled “Transforming our world: the 2030 Agenda for Sustainable Development” on 25 September 2015 (UN 2015). This resolution can be characterised as soft law with significant status., which entails a plan of action for people, planet and prosperity to, between now and 2030, end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. It was furthermore resolved that conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all are to be created, taking into account different levels of national development and capacities. The Sustainable Development Goals contained in this resolution might not be legally binding, but countries are expected to take ownership and establish a national framework for achieving the goals. Systematic follow-up and review processes will support accountability to citizens. The high-level forum will have a central role in overseeing follow-up and review at the global level. The goals came into effect on 1 January 2016 and are the following:

- Goal 1: End poverty in all its forms everywhere.
- Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- Goal 3: Ensure healthy lives and promote well-being for all at all ages.
- Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- Goal 5: Achieve gender equality and empower all women and girls.
- Goal 6: Ensure availability and sustainable management of water and sanitation for all.

- Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all.
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.
- Goal 10: Reduce inequality within and among countries.
- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable.
- Goal 12: Ensure sustainable consumption and production patterns.
- Goal 13: Take urgent action to combat climate change and its impacts.
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
- Goal 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

Goal 2 is of specific relevance to food security and its specific targets. are to:

- “2.1 By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.
- 2.2 By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.
- 2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.
- 2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.
- 2.5 By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species, including through soundly.
- 2.a Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries, in particular least developed countries.
- 2.b Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round.
- 2.c Adopt measures to ensure the proper functioning of food commodity markets and their derivatives and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility.”

The Right to Food Guidelines briefly discussed above, are to a greater or lesser extent repeated in several other soft law instruments that deal with one or other aspect associated with food security. In 2015 the Food and Agriculture Organisation, a specialised agency of the United Nations, published key recommendations for improving nutrition through agriculture and food systems (FAO 2015). It is stated that agricultural programmes and investments can strengthen impact on nutrition if they:

- i. Incorporate explicit nutrition objectives and indicators into their design;
- ii. Assess the context at local level to develop appropriate measures to address the specific types and causes of malnutrition;
- iii. Target the vulnerable and improve equity through public participation, access to resources and decent employment;
- iv. Collaborate with other sectors (health, environment, labour, water and sanitation, education, energy and social protection) and programmes through joint strategy with common goals;
- v. Maintain or improve the natural resource base critical to the livelihoods and resilience of vulnerable farmers;
- vi. Empower women by ensuring access to, amongst other, productive resources, income opportunities, extension services, credit and education;
- vii. Facilitate production diversification, and increase production of nutrient-dense crops and small-scale livestock;
- viii. Improve food processing, storage and preservation to retain nutritional value, shelf-life and food safety; to reduce the seasonality of food insecurity and post-harvest losses and to make healthy foods convenient to prepare;
- ix. Expand markets and market access for vulnerable groups, particularly for marketing nutritious food; and
- x. Incorporate nutrition promotion and education around food and sustainable food systems that builds on existing local knowledge, attitudes and practices.

It is also proposed in this instrument that food and agriculture policies can have a better impact on nutrition if they:

- i. Increase incentives (and decrease disincentives) for availability, access, and consumption of diverse, nutritious and safe foods through environmentally sustainable production, trade and distribution- the focus needs to fall on legumes and horticulture and small-scale livestock and fish;
- ii. Monitor dietary consumption and access to safe, diverse and nutritious foods;
- iii. Include measures that protect and empower the poor and women;
- iv. Develop capacity; and
- v. Support multi-sectoral strategies to improve nutrition.

Cognisance must be taken of the Plan of Action for Malawi 2012-2016 issued by the FAO in 2012 (FAO 2012). Despite the fact that the Plan of Action was formulated for a period ending 2016, it remains relevant because the specific targets that are identified are extremely relevant for the development of the NAIP and drafters of NAIP II must note the content thereof.

The Plan of Action for Malawi has the goal “to reduce risk and impacts of disasters on food and nutrition security through better disaster risk reduction and improved community resilience to shocks in disaster-prone areas” (FAO 2012:1). Four major outcomes and outputs are identified in the Plan of Action in order to achieve its goal:

- i. Outcome 1: Strengthened food security disaster preparedness and institutional capacity of Government and communities to address agricultural and related threats and disasters.
- ii. Outcome 2: Enhanced cereal productivity, post-harvest management and dietary diversification in disaster response interventions.
- iii. Outcome 3: Household transition from emergency to long-term development strengthened through agricultural diversification, improved natural resource management, adaptation to and mitigation of climate change, and through improved marketing and market linkages.
- iv. Outcome 4: Livelihood-based social protection for vulnerable groups integrated into national agricultural and food security disaster policies, strategies and programmes.

4.3 Key regional (African) instruments

4.3.1 Binding instruments and related obligations

The importance of food security for the African continent is illustrated by the fact that article 13 of the Constitutive Act of the African Union that was adopted by the thirty-sixth ordinary session of the assembly of heads of state and government on 11 July 2000 in Lomé, Togo, identifies food and agricultural and animal resources as an area of common interest to the Member States. Subsequently the Executive Council must coordinate and take decisions on policies related thereto.

The African Charter on Human and People's Rights (ACHPR), adopted by the African Union (then Organisation for African Unity) in 1981, does not explicitly mention food security and nutrition. However, a number of articles indirectly relate to and focus on rights related to food security and nutrition, being the following:

- i. Life (Article 4);
- ii. Health (Article 16);
- iii. Family and vulnerable groups (Article 18);
- iv. Economic, social and cultural development (Article 22); and
- v. Duty to promote human rights (Article 25).

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR 2003) was adopted by the African Commission on Human and Peoples' Rights in 2003. It recognises the right of women to nutrition and adequate food, and obliges state parties to take specific measures to give effect thereto in order to "ensure that women have the right to nutritious and adequate food" (Article 18).

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted in 1990 and deals with adequate nutrition and malnutrition (ACHPR 1990). Article 14(1) of the ACRWC obliges state parties to pursue the full implementation of the child's "right to enjoy the best attainable state of physical, mental and spiritual health", and, in addition, Article 14(2) obliges state parties to take specific measures in respect of, amongst others, infant and child mortality, adequate nutrition and safe drinking water, malnutrition, expectant and nursing mothers, child health and nutrition, and breastfeeding:

- “(a) [T]o reduce infant and child mortality rate;
- (b) to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) to ensure the provision of adequate nutrition and safe drinking water;
- (d) to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;

- (e) to ensure appropriate health care for expectant and nursing mothers;
- (f) to develop preventive health care and family life education and provision of service;
- (g) to integrate basic health service programmes in national development plans;
- (h) to ensure that all sectors of the society, in particular, parents, children, community leaders and community workers are informed and supported in the use of basic knowledge of child health and nutrition,
- (i) the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of domestic and other accidents;
- (j) to ensure the meaningful participation of non-governmental organizations, local communities and the beneficiary population in the planning and management of a basic service programme for children;
- (k) to support through technical and financial means, the mobilization of local community resources in the development of primary health care for children.”

Furthermore, Article 20(2) directs that state parties are obliged to assist parents and other persons responsible for children in the execution of the parental responsibilities:

- “States Parties to the present Charter shall in accordance with their means and national conditions take all appropriate measures:
- (a) to assist parents and other persons responsible for the child and in the case of need provide material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing;”

4.3.2 Non-binding regional (African) declarations and commitments

The Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (ACHPR) spells out in detail the nature of member states’ obligations in respect of compliance with, and implementation of, the African Charter on Human and Peoples’ Rights with specific reference to the economic, social and cultural rights contained in the ACHPR. Within this context, it deals with the right to food security and nutrition.

The New Partnership for Africa’s Development (NEPAD), the AU’s development agency, adopted the Framework in 2015. It provides Africa and its partners with a set of goals and results to be pursued in the transformation of the agriculture sector. It indicates the level and rate of agricultural performance and the policy, strategy, and capacity development actions that are required for the sector to contribute to achieving the AU Agenda 2063 Agenda goals. It is the overarching framework for the CAADP Agenda.

The Framework contains a logical flow of three levels of results. Level 1 sets out the impact-level results to which the agricultural sector will contribute (Why?). Level 1 (Agriculture's Contribution to Economic Growth and Inclusive Development) consists of:

- i. Wealth creation;
- ii. Food and nutrition security;
- iii. Economic opportunities, poverty alleviation and shared prosperity; and
- iv. Resilience and sustainability.

Level 2 describes the desired results/outcomes of agricultural performance (What?), i.e. changes in African agriculture resulting from the CAADP implementation support. Level 2 (Agricultural Transformation and Sustained Inclusive Agricultural Growth) consists of:

- i. Increased agriculture production and productivity;
- ii. Increased intra-African regional trade and better functioning of national and regional markets;
- iii. Expanded local agroindustry and value chain development inclusive of women and youth;
- iv. Increased resilience of livelihoods and improved management of risks in the agriculture sector; and
- v. Improved management of natural resources for sustainable agriculture.

Level 3 describes the capabilities needed/outputs to accelerate agricultural growth and to broaden its impact (How?), i.e. the added value of CAADP support to institutional transformation and systemic capacities. Level 3 (Strengthening systemic capacity to deliver results) consists of:

- i. Effective and inclusive policy design and implementation processes;
- ii. Effective and accountable institutions including assessing implementation of policies and commitments;
- iii. Strengthened capacity for evidence-based planning, implementation & review;
- iv. Improved multisectoral coordination, partnerships and mutual accountability in sectors related to agriculture;
- v. Increased public and private investments in agriculture; and
- vi. Increased capacity to generate, analyse and use data, information, knowledge and innovations.

The Level 1 food and nutrition security result area's indicators are as follows:

- i. Prevalence of undernourishment (%) (Data source: FAO) (Malabo target: IIId);
- ii. Status of malnutrition (Data sources: DHS/VVDI, UNICEF, WHO) (Malabo target: IIId):
 - Prevalence of underweight;
 - Prevalence of stunting;
 - Prevalence of wasting;
 - Minimum dietary diversity – women; and
 - Minimum acceptable diet for 6-23 months old infants; and
 - Cereal import dependency ratio (Data source: FAO) (Malabo target: Ia).

Agenda 2063⁴ and the 2030 Agenda for Sustainable Development with its Sustainable Development Goals are two major and most recent development frameworks through which the AU pursues its implementation Agenda. In June 2015 the AU accepted the First Ten Year Implementation Plan that translates the 7 aspirations of Agenda 2063 into 20 goals. The AU simultaneously embarked on a quest towards structural transformation for sustainable and inclusive growth and this culminated in the adoption of the 2030 Agenda for Sustainable Development with its Sustainable Development Goals in September 2015 (UN 2016). The two Agendas are not 100% convergent and they are non-binding instruments. Countries are thus essentially free to prioritise the SDGs that advance their own economic and political interest.

Agenda 2063 aspires to completely eliminate hunger and food security by 2063 and reduce the imports of food and raise intra-Africa trade in agriculture and food to 50% of total formal food and

⁴ Adopted by the AU Summit held in January 2015.

agricultural trade. In the First Ten Year Implementation Plan 2014-2023 (AU 2015a) specific targets are set and strategies proposed.

The 2023 targets relating to food security and nutrition are that states must aspire to reduce 2013 levels of poverty by at least 30%, reduce 2013 levels of proportion of the population who suffer from hunger by at least 80%; reduce stunting in children to 10% and underweight to 5% (AU 2015a: 49); and reduce 2013 level of prevalence of malnutrition by at least 50% (AU 2015a:53). In order to achieve these targets states must:

- i. Fully Implement CAADP and signed national agricultural investment plans which are inclusive;
- ii. Promote policies that will ensure access to affordable and quality food for all;
- iii. Promote policies that will lead to wealth creation and ensure it is evenly spread to all citizens;
- iv. Develop/implement energy generation policies that will contribute to the productivity of rural / poor households efforts in improving their nutritional and wealth status;
- v. Promote market-based policies for the establishment of strategic food stocks/reserves;
- vi. Eliminate the taxation on the importation of grain to reduce cost of food;
- vii. Develop and/or implement food and nutrition programmes with focus on the vulnerable groups in rural and urban areas, especially women, children and the marginalized;
- viii. Implement Africa Nutrition Strategy;
- ix. Promote commercialization of traditional high nutrition and drought resistant grains and food crops (AU 2015a: 49);
- x. Implement the proposed African Nutrition Strategy (AU 2015a: 57);
- xi. Implement the Malabo Declaration Implementation Strategy and Roadmap;
- xii. Implement the Malabo Declaration Programme of Work; and
- xiii. Conduct the Biennial review Cycle based on the CAADP Results Framework for 2025.

Specific key process actions that must be undertaken are that states must see that:

- i. National Agricultural Investment Plans (NAIPS) are aligned to Malabo Targets by 2017; and
- ii. National biennial review is completed by 2017.

With the Malabo Declaration on Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods that was accepted in June 2014 the AU recommitted to the values and principles of the CAADP process and in particular to “the pursuit of agriculture-led growth as a main strategy to achieve targets on food and nutrition security and shared prosperity.”

In addition, the AU committed to ending hunger in Africa by 2025 and to this end resolved:

“a) to accelerate agricultural growth by at least doubling current agricultural productivity levels, by the year 2025. In doing so, we will create and enhance the necessary appropriate policy and institutional conditions and support systems to facilitate:

- sustainable and reliable production and access to quality and affordable inputs (for crops, livestock, fisheries, amongst others) through, among other things, provision of ‘smart’ protection to smallholder agriculture;
- supply of appropriate knowledge, information, and skills to users;
- efficient and effective water management systems notably through irrigation;
- suitable, reliable and affordable mechanization and energy supplies, amongst others. b) to halve the current levels of Post-Harvest Losses, by the year 2025; c) to integrate measures for increased agricultural productivity with social protection initiatives focusing

on vulnerable social groups through committing targeted budget lines within our national budgets for:

- strengthening strategic food and cash reserves to respond to food shortages occasioned by periodic prolonged droughts or other disasters/emergencies;
- strengthening early warning systems to facilitate advanced and proactive responses to disasters and emergencies with food and nutrition security implications;
- targeting priority geographic areas and community groups for interventions;
- encouraging and facilitating increased consumption of locally produced food items, including the promotion of innovative school feeding programs that use food items sourced from the local farming community. d) to improve nutritional status, and in particular, the elimination of child undernutrition in Africa with a view to bringing down stunting to 10% and underweight to 5% by 2025.”

In addition to the abovementioned instruments, other key non-binding instruments providing guidelines in the effective pursuit of food and nutrition security are the following:

- i. CAADP Results Framework (2015-2025) (NEPAD 2015);
- ii. Implementation Strategy and Roadmap to Achieve the 2025 Vision on CAADP (AU 2015b);
- iii. Programme of Work Operationalising the Malabo Declaration on African Agriculture and CAADP Implementation Strategy and Roadmap (AUC 2015);
- iv. CAADP Country Implementation Guidelines under the Malabo Declaration (AUC 2016);
- v. Sustaining the CAADP Momentum to SPUR Agriculture Transformation – Achieving Malabo Targets through four thematic areas (NEPAD 2016); and
- vi. Ending Hunger in Africa: The Elimination of Hunger and Food Insecurity on the African Continent by 2025: Conditions for Success (Hedden et al 2016).

Although all these guiding instruments reflect on expected results and impacts, and specify benchmarks and milestones for Africa’s agricultural development agenda that translate at the national level into localised priorities, goals and targets are of importance for countries like Malawi, the scope of this report does not leave room for an elaborate discussion, or even brief reference, to all the targets and goals mentioned in the individual documents. While acknowledging the danger of oversimplification, it can in general be stated that the following is required from national states:

- i. There must be a formal adoption on country level to the commitments and targets contained in the Malabo Declaration and other applicable legally binding international legal instruments;
- ii. These must be integrated by Government and made known to all relevant stakeholders;
- iii. Existing policies and frameworks, inclusive of agricultural and land policies, must be analysed in order to determine to what extent they are aligned with the objective of the Malabo Declaration;
- iv. Provision must be made in the national budget to facilitate the achievement of food and nutrition security;
- v. All relevant stakeholders must be consulted and involved in the planning and execution of measures aimed at ensuring food and nutritional security;
- vi. Food and nutrition security requires commitment from all state departments and should preferably be dealt with by an overarching inter-departmental authority;
- vii. Progress must be monitored and evaluated continuously;
- viii. Interests of vulnerable groups must be protected;
- ix. Farmers should be supported;

- x. The supply of affordable and diversified commodities through increased production and market linkages must be promoted;
- xi. Regional strategies and policies focused on relieving food insecurity and combatting malnutrition must be implemented; and
- xii. Mechanisms must be created through which government can be held accountable.

4.4 Sub-regional (SADC) instruments

The SADC adopted the SADC Treaty in 2012 (SADC 2012). Although the Treaty contains no specific provision relating to food security, Article 21(3)(a) states that Member States agree to co-operate in the area of “food security, land and agriculture”.

No binding SADC Protocol on Food and Nutrition Security has been developed.

Du Plessis explains that SADC’s approach to food security “is that it is to be attained through increased regional integration”, particularly in agricultural trade (Du Plessis 2016). This view is captured in the Food and Nutrition Security Strategy (FNSS) that displays a multi-sectoral perspective in an aim to holistically address food and nutrition security. The goal of the FNSS is “to significantly reduce food and nutrition insecurity in the Region by 2025”. Du Plessis indicates that the FNSS has its roots in the following strategy documents: The Comprehensive Africa Agricultural Development Programme; The Regional Indicative Strategic Development Plan; Dar-es-Salaam Declaration on Agriculture and Food Security;⁵ Multi-Country Agricultural Productivity Programme; and Agricultural Policy. Specific goals and implementation strategies stated in the FNSS that are relevant are that Member States will:

- i. Have stunting rates below 30% by 2025;
- ii. Endeavour to include nutrition in the national budget and set up data collection and dissemination mechanisms on nutrition, and gradually increase budgets for implementation of nutrition strategy;
- iii. Improve the productivity of diverse, safe and nutritious food; (iv) improve access to land and water for agriculture;
- iv. Reduce post-harvest losses; (vi) facilitate capacity building on adaptation and mitigation of climate change;
- v. Improve access to credit and finance;
- vi. Improve access to adequate and appropriate food;
- vii. Improve access to markets and labour-saving technologies;
- viii. Increase access to income;
- ix. Enhance social protection;
- x. Promote and protect the well-being of women and adolescents;
- xi. Promote infant and young child nutrition by *inter alia* promoting exclusive breastfeeding for the first six months and optimal complementary feeding with continued breastfeeding up to 24 months;
- xii. Reduce the prevalence of micronutrient deficiencies; (xv) have policies and institutions to implement food safety standards by 2025;

⁵ The Dar-es-Salaam Declaration on Agriculture and Food Security in the SADC Region of 2004, however set goals and targets to foster food and nutritional security in the region. Due to the fact that the Declaration was made to stimulate development up to 2010, the document is of less value today. The Declaration set out SADC Member State’s commitment to enhancing agriculture as a means of improving access to food for people in the region.

- xiii. Improve water sanitation and hygiene;
- xiv. Improve the identification, treatment and management of malnutrition and implement standards by 2022; and
- xv. Enhance investment in nutrition; and (xix) develop laws and policies that guarantee food rights by 2023.

4.5 Conclusion

Different binding and non-binding international and regional instruments emphasise the importance of food and nutrition security. In addition to general principles and wide-phrased objectives, some of these instruments and guidelines contain very specific goals that must be pursued and set targets to be achieved. However, a country's successes or failures will be determined by the effectiveness and adequacy of its national policy, legal, institutional, financial and administrative – as well as coordination - frameworks in combatting food insecurity and malnutrition.

5 MALAWI: THE NATIONAL CONTEXT

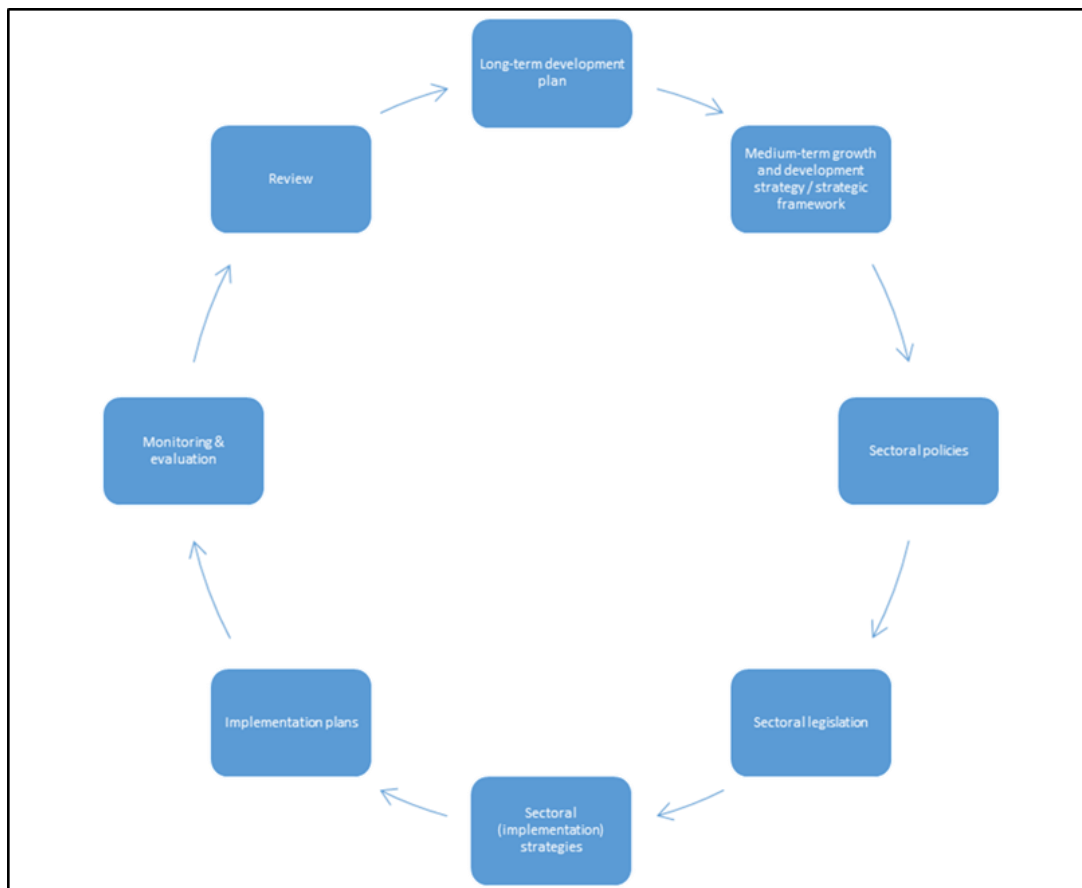
In this section, key Malawian instruments relating to food security and nutrition, i.e. the Constitution and relevant elements of the policy, statutory and implementation frameworks, are discussed. In addition, an overview is given of the institutional framework, government programmes and specific focus areas in order to, amongst others, determine the extent of domestication of Malawi's international, regional and sub-regional legally binding obligations and commitments, compliance with the so-called policy loop, and the establishment of appropriate coordination mechanisms.

5.1 Introduction

As discussed in section 4 above, there are a number of global (international), African (regional) and SADC (sub-regional) conventions, treaties and protocols that impose compliance obligations on the Government of Malawi. In addition, Malawi is also the signatory to various global, African and SADC declarations and agreements in terms of which the Government of Malawi has made a number of commitments.

From a governance perspective, it is important to note that effective implementation requires adherence to an appropriate sequencing of key steps. This is also sometimes referred to as the “policy loop”, which can be represented as follows:

Figure 1: The Policy Loop



The term “policy” is used into two senses: firstly, in the narrow sense (i.e. the policy position in respect of a specific matter, as determined by the ruling party), and, secondly, in the wide sense (including policy positions, legislation, medium-term strategies and annual (work) plans).

Based on the binding (and often also non-binding persuasive) international (global), African (regional) and SADC (sub-regional) frameworks and a country’s Constitution, the sequencing of policy formulation steps is as follows:

- i. The drafting and approval of a long-term development plan (often referred to as a Vision or National Development Plan);
- ii. The drafting and approval of a medium-term growth and development strategy (often referred to as a medium-term strategic framework);
- iii. The drafting and approval of sectoral policies (relating to specific functional domains, such as food security and nutrition, health, etc.);
- iv. The drafting and enactment of sectoral legislation (relating to specific functional domains, such as food security and nutrition, health, etc.);
- v. The drafting and approval of medium-term (usually five year) sectoral (implementation) strategies (relating to specific functional domains, such as food security and nutrition, health, etc.);
- vi. The drafting, approval and implementation of annual implementation (work) plans (often referred to as annual performance plans) (relating to specific functional domains, such as food security and nutrition, health, etc.), which contain projects and go hand-in-hand with the making available of resources (institutional, human, financial, infrastructural and technical, etc.);
- vii. The monitoring and evaluation of the implementation of projects contained in the annual implementation (work) plans by means of M&E structures and systems, with reference (amongst others) to indicators identified in said annual implementation (work) plans;
- viii. Using evaluation reports to review the above-mentioned sets of documents (from the long-term development plan up to and including the annual implementation (work) plans); and
- ix. If appropriate, starting with the policy loop de novo or amending (or replacing) one or more of the policy loop’s constituent elements.

Finally, effective implementation is also dependent on, amongst others:

- i. Coherence (both intra-departmental and inter-departmental) of all the above-mentioned policy elements (medium-term growth and development strategy; sectoral policies; sectoral legislation; medium-term sectoral strategies; annual implementation (work) plans, and M&E structures and systems (including indicators)). This means that both intra-departmentally and inter-departmentally, objectives, aims, strategies, programmes and projects should not contradict each other, and should all be focused on the realisation of the overarching national developmental agenda; and
- ii. Coordination (both intra-departmental and inter-departmental) as regards sectoral and multisectoral matters. This means that within a department an appropriate coordination structure and related systems must be established and operationalised to ensure the full and effective implementation (as well as oversight and M&E) of, e.g., all departmental FSN-related policies, legislation, medium-term strategies and annual implementation (work) plans. If various government entities are involved in one or more of the constituent elements of the policy loop, an inter-departmental coordinating structure needs to be established and operationalised to ensure the full and effective implementation (as well as the oversight and

M&E) of, e.g. all FSN-related activities. To ensure effective coordination, such an inter-departmental coordinating structure should be established at supra-departmental level, meaning that it should at the political level be chaired by the President, Deputy President or Prime Minister, and at the administrative level by the most senior public servant in the country concerned (i.e. the Director-general (Secretary-general) in the office of the President or office of the Prime Minister).

5.2 Constitution

The **Republic of Malawi (Constitution) Act** was promulgated in 1994 (Malawi 1994). The Constitution is the supreme law of Malawi (s 5) and binds the executive, legislative and judicial organs of the State, and all the people of Malawi are entitled to the equal protection thereof.

Section 13 deals with the principles of national policy, and states that the State must actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving a number of goals, including, but not limited to, nutrition (to achieve adequate nutrition for all in order to promote good health and self-sufficiency), and children (to encourage and promote conditions conducive to the full development of healthy, productive and responsible members of society).

Chapter IV deals with human rights, and section 15 states that the rights therein must be respected and upheld by the executive, legislature, judiciary and organs of the Government, as well as natural and legal persons in Malawi.

Section 23 sets out the rights of children, and states, amongst others, that the best interests and welfare of children will be a primary consideration in all decisions affecting them.

Section 30 provides for the right to development, and the enjoyment of economic, social, cultural and political development. Women, children and persons with disabilities are given special consideration in the application of this right. It obliges the State to take all necessary measures for the realisation of the right to development, which measures must include, amongst others, equality of opportunity for all in their access to basic resources and food. In addition, it states that the State has a responsibility to respect the right to development and to justify its policies in accordance with this responsibility.

In terms of section 42, persons who are detained (including sentenced prisoners), have the right to, amongst others, be held under conditions consistent with human dignity, including adequate nutrition.

Section 44 deals with the limitation of rights and states that no restrictions or limitations may be placed on the exercise of any rights and freedoms provided for in the Constitution, except if they are prescribed by law, and are reasonable, recognised by international human rights standards and necessary in an open and democratic society. Such laws may not negate the essential content of the rights or freedoms in question, and must be of general application. In terms of section 45, no derogation from the human rights in the Constitution are permissible, unless it is to the extent provided for by section 45, and there is a declaration of a state of emergency. Certain rights may not be derogated, including, amongst others, the right to life. The section also empowers the President to declare a state of emergency.

Section 46 states that, unless authorised by the Constitution, the National Assembly or any subordinate legislative authority may not make any law, and the executive and the agencies of

Government may not take any action, which abolishes or abridges the human rights and freedoms in the Constitution.

In summary, it must be noted that the Malawi Constitution provides for food security and nutrition as one of the principles of national policy – which the state must implement in a progressive manner by means of policy and legislation. In addition, specific reference is made to the right to development, and specifically in respect of women, children and people with disabilities, guarantees equality of opportunity for them in their access to basic resources and food. Furthermore, all detained persons have a right to adequate nutrition.

5.3 Malawi domestic framework

5.3.1 Introduction

This section provides an overview of the policy framework, legislation, institutional framework, government programmes and specific focus areas related to food security and nutrition in Malawi, thereby illustrating the extent of domestication of international, regional and sub-regional food security and nutrition-related obligations and commitments.

Key FSN-related policies, strategies and guidelines are discussed in section 5.3.2.⁶

Key legislation relating to food security and nutrition are discussed in section 5.3.3.⁷

The government institutions responsible for the promotion of food security and nutrition in Malawi (as identified in the policies, plans and/or legislation above) are listed in section 5.3.4. The policies, legislation and/or plans for which each institution is responsible for, are also set out in this section.

Section 5.3.5 provides a summary of the policies, legislation and/or plans together with references to the applicable government institution(s) responsible for its implementation and coordination.

5.3.2 Malawi FSN-related policy framework

Different policies, strategies and (implementation) programmes have been developed over to facilitate food security and nutrition. In order to provide an overview of a number of key Malawi FSN-related policy framework, the focus will be on recent developments.

Malawi's **Vision 2020** was published in 1998 and provides the framework for national development goals and the policies and strategies to achieve them. Chapter 6 deals with food security and nutrition. The document identifies the following strategic issues and related options:

- i. Increasing food crop production

⁷ Including the Public Health Act (Cap. 34:01) of 29 July 1948; Special Crops Act (Cap. 65:01) of 1963; Water Resources Act (Cap. 72:03) of 1969; Agriculture (General Purposes) Act (Cap. 65:05) of 1987; Disaster Preparedness and Relief Act (Cap. 33:05) of 1991; Iodization of Salt Act, No. 10 of 1995; Environment Management Act, 1996; Fisheries Conservation and Management Act, 1997; Local Government Act, 1998; Irrigation Act, 2001; Draft Food and Nutrition Security Bill, 2007; Draft Food Security Bill, 2011; and the Gender Equality Bill, 2012.

- Improving agricultural technology generation and transfer through increasing level of investment in agricultural research;
 - Improving effectiveness of extension delivery and coverage, encouraging research scientists and extension staff to conduct surveys together with farmers to identify the socio-economic circumstance in order to set priorities with farmers;
 - Promoting enterprise diversification in order to reduce dependence on maize;
 - Promoting intercropping grain legumes with other crops to reduce the risk of total crop failure;
 - Promoting civic education to intensify productivity per unit area;
 - Promoting mixed cropping to reduce the risk of total crop failure and improve soil fertility;
 - Encouraging political leaders and community leaders to collaborate in the promotion of crop diversification, mixed cropping and crops that do not use purchased inputs;
 - Encouraging community leaders to visit research stations and extension staff to learn about new technologies;
 - Promoting area specific fertilizer recommendations as opposed to blanket recommendations; and
 - Promoting crops in areas, which are suitable for growing such crops.
- ii. Developing the livestock sub-sector
- Developing small scale dairy production by promoting farmer cooperatives and introducing improved animals;
 - Promoting beef production through development of feedlots;
 - Promoting farmer groups and cooperatives to curb cattle theft;
 - Imposing strict penalties on culprits and intensifying animal permits;
 - Commercialising the poultry industry; and
 - Developing the animal feed industry and encouraging livestock keeping that increases animal manure for crop production.
- iii. Irrigation development
- Developing potential areas with best chance of success taking into account social factors, cost-effectiveness and financial viability;
 - Developing irrigation schemes which are owned, operated and maintained by the farmers;
 - Developing various types of irrigation using pump and gravity-based systems that use both surface and groundwater sources;
 - Enhancing national capacities for developing irrigation;
 - Providing support to smallholders;
 - Encouraging the development of irrigation both by groups of smallholders, individual smallholder farmers and estates; encouraging private sector development of irrigated agriculture;
 - Encouraging farmers to use rain harvesting techniques and encouraging construction of dams;
 - Promoting involvement of women in community organisations and irrigation developments; and
 - Encouraging indigenous irrigation methods.
- iv. Improving the efficiency of markets

- Ensuring that credit is made available to the majority of farmers;
 - Encouraging financial institutions to mobilise rural savings;
 - Creating an enabling environment for reducing credit risks;
 - Establishing community-based credit revolving funds;
 - Encouraging producers and traders to organise themselves into groups to enjoy economies of scale;
 - Making inputs and produce readily available at various points of distribution, supported by proper handling and packaging;
 - Establishing a land market;
 - Improving the market information system; and
 - Improving agricultural policy analysis in collaboration with NGOs and the private sector.
- v. Improving land utilisation and management
- Reviewing and enforcing land acts in order to safeguard the productivity of land resources;
 - Integrating land use planning into farming systems;
 - Encouraging the use of organic manure;
 - Encouraging communal catchment conservation, and soil conservation measures such as appropriate grasses and terraces;
 - Encouraging mixed cropping;
 - Encouraging growing crops in suitable areas; and
 - Developing and implementing a comprehensive land rehabilitation programme.

The **Food Security Policy** was produced by the Ministry of Agriculture and Food Security in 2006. The long-term goal of the Policy is to significantly improve food security of the population. The policy states that the specific objective of food security is to guarantee that all men, women, boys and girls, especially under-fives in Malawi have, at all times, physical and economic access to sufficient nutritious food required to lead a healthy and active life. The Policy provides for three focus areas, namely sustainable food availability, sustainable access to food, and stability in food.

With regard to sustainable food stability, the Policy provides for the following strategic objectives and sub-objectives:

- i. To ensure availability of food in sufficient quantities, adequate quality and variety through production, purchase, trade and donations to meet demands of all Malawians at all times:
- Increase food availability in terms of quantity and quality that is accessible to all households at all times;
 - Promote irrigation development and integrated water resources management;
 - Increase access to agricultural inputs;
 - Promote crop protection;
 - Promote animal power and farm mechanisation;
 - Increase access to credit by female and male farmers;
 - Promote environmental and land management for sustainable agriculture development;
 - Develop and promote adoption of appropriate technologies;
 - Promote Animal Health and Livestock Development;
 - Promote fisheries and aquaculture development;

- Promote sustainable harvesting of natural food resources;
- Improve the coordination and management of food aid and imports; and
- Improve access to domestic, regional and international markets.

As regards sustainable access to food, the Policy provides for the following strategic objectives and sub-objectives:

- i. To guarantee physical, social and economic access to adequate food at all times:
 - Promote sustainable access to adequate nutritious food and other resources at household and national level;
 - Increase the purchasing power or the level of real income, for all those who depend on the market as their source of food supplies;
 - Transform subsistence producers into commercial oriented producers; and
 - Improve delivery of social support to the poor and socio-economically vulnerable individuals.

With respect to stability in food, the Policy provides for the following strategic objective and sub-objectives:

- i. To guarantee that every individual has adequate and nutritious food that is accessible at the required time and in useable form:
 - Improve the management of disasters.

The Policy provides for specific strategies to achieve each sub-objective.

As far as institutional arrangements are concerned, the Policy provides for the conversion of the Food Security Joint Task Force to a National Food and Nutrition Security Joint Task Force in order to coordinate implementation of the food security policy and nutrition policy which are in the domain of different government institutions. The new Joint Task Force will report to the Cabinet Committee on Agriculture and Natural Resources on matters relating to food security, and to the Cabinet Committee on the Economy on matter relating to nutrition. The Joint Task Force will be co-chaired by the Ministry of Agriculture and Food Security and the Department of Nutrition and HIV/AIDS (in the Office of the President and Cabinet). Subcommittees will be established to deal with various aspects of food security and nutrition.

The Policy also provides for the establishment of a monitoring and evaluation (M&E) system which will coordinate the management of all the food and nutrition security data and information. The M&E system of the Food Security Policy and the National Nutrition Policy will address the following:

- i. Updating the existing institutional structures and systems for food and nutrition security data collection, analysis and management;
- ii. Strengthening institutional set-up and capacities to produce, analyse and disseminate information;
- iii. Facilitating in-depth analysis on the quality and optimal quantity of information for decision-making;
- iv. Improving technical infrastructure and skills for data collection and management and stimulate demand for information;
- v. Supporting creation of information products that are appropriate, timely and demand-driven;

- vi. Encouraging utilisation of properly and accurately analysed prevailing information for decision-making by key stakeholders;
- vii. Facilitating development of appropriate linkages between decentralised decision-making at district and national levels;
- viii. Strengthening tracking and monitoring of food and nutrition surveillance systems;
- ix. Evaluating the impact of ongoing food and nutrition security programmes; and
- x. Establishing a communication strategy to ensure a shared vision and understanding of the Policy.

The **National Water Policy** (2nd edition) was published in 2007 and aims to ensure “sustainable management and utilization of water resources, in order to provide water of acceptable quality and of sufficient quantities, and ensure availability of efficient and effective water and sanitation services that satisfy the basic requirements of every Malawian and for the enhancement of the country’s natural ecosystems.”

The Policy states that the Ministry Responsible for Agriculture Services is responsible for promoting agriculture practices that improve food security and poverty reduction. The Ministry Responsible for Irrigation Services is responsible for, amongst others, the promotion of:

- i. Irrigation practices that improve food security and poverty reduction; and
- ii. Water resources development for irrigation in order to increase food security and enhance economic welfare, while taking into account factors to mitigate environmental damage.

The **Food Security Action Plan** was published in 2008 to ensure systematic, coordinated and harmonised operationalisation of the Food Security Policy. The main report (Volume I of the Action Plan) has 5 chapters. Chapter 1 provides a background covering the agricultural sector performance, nutrition trends and government’s policy response. Chapter 2 details the prioritisation process of the Food Security Policy strategies. Chapter 3 introduces Operational Guidelines, and these will be used to align projects with the Action Plan. Chapter 4 provides for specific activities under each of the 8 prioritised strategies. Chapter 5 defines the institutional and implementation arrangements as well as a monitoring and evaluation (M&E) plan. The Action Plan only covered the period 2008 to 2013.

The **Infant and Young Child Nutrition Policy** was published in 2009. One of the programme goals of the Policy is to contribute to the reduction of infant and child malnutrition and mortality. The programme’s policy objectives are to:

- i. Guide decision-making among policymakers and service providers at all levels;
- ii. Facilitate the coordination of infant and young child nutrition services at all levels;
- iii. Increase access to infant and young child nutrition services at all levels;
- iv. Standardise infant and young child nutrition service delivery; and
- v. Be utilised as a tool for advocacy, resource mobilisation and formation of strategic partnerships.

The programme’s specific objectives are to:

- i. Increase the rate of exclusive breastfeeding among infants for the first 6 months of life from the current level of 53.3 % to 85% by 2013;
- ii. Increase the number of children aged 6-24 months being fed optimally using frequency, amount, density, use of food and active feeding (FADUA) criteria;
- iii. Increase optimal feeding frequencies during and after a child’s illness;

- iv. Contribute to the reduction of mother-to-child transmission of HIV, especially through breastfeeding;
- v. Reach five million caregivers with knowledge and skills on optimal feeding of infants of 0 to 6 months, 6 to 59 months, sick children, HIV-exposed children and those in emergencies;
- vi. Detect cases of malnutrition continuously at facility and community level for timely intervention;
- vii. Improve case outcomes (cure rates from 86% in community-based therapeutic care (CTC) to above 90%, death rate to below 1% and default rate to less than 8%) through early case detection, improved management of moderately and severely malnourished infants and young children, and follow-up;
- viii. Increase Vitamin A supplementation in children 6 to 59 months old from 80% to over 90% and from 60% to over 70% in lactating women;
- ix. Increase the number of households that use iodised salt to above 90%;
- x. Increase the number of households that feed their children fortified foods;
- xi. Increase the number of households that consume a variety of foods from six food groups every day;
- xii. Increase the number of households that feed their 6 to 59 months old children with Vitamin A, fat, iron and Vitamin C rich foods; and
- xiii. Increase the number of pregnant and lactating women that follow the national recommended practices for improving own nutrition before, during and after pregnancy.

The **Malawi National School Health and Nutrition Strategic Plan 2009 – 2018** was published in 2009. The plan's mission is to provide "school-based health and nutrition services as an integral, sustainable part of the education system to build a healthy foundation for learners" (Malawi 2009).

The strategic outcomes of the Strategy are as follows:

- i. Strategic Outcome 1: Improve the health and lifestyles of school-aged children;
- ii. Strategic Outcome 2: Improve the nutrition of school-aged children;
- iii. Strategic Outcome 3: Improve the management and coordination of school health and nutrition at all levels;
- iv. Strategic Outcome 4: Establish an effective capacity building framework; and
- v. Strategic Outcome 5: Increase public awareness, knowledge and competitiveness of school health and nutrition at all levels.

The Strategy is committed to achieve the above outcomes by:

- i. Improving relations with clients and stakeholders, and achieving effective participation in decision making, information sharing and programme delivery;
- ii. Promoting mutual respect, teamwork, professionalism and excellence in the delivery of school health and nutrition services, including the school health and nutrition package; and
- iii. Achieving tangible results that benefit Malawian children in particular and other stakeholders in general.

The final version of the **Malawi School Health and Nutrition Guidelines** was published in 2010. The Guidelines document aims to make the School Health and Nutrition Strategic Plan a reality through implementation. The Strategy, guiding principles and the four components of FRESH (Focusing Resources on School Health and Nutrition) are incorporated into the Guidelines document and encompass the following:

- i. Policies and standards;
- ii. Essential school health and nutrition services;
- iii. A productive school environment that is safe and sanitary; and
- iv. Skills-based education.

Through the Guideline document, the School Health and Nutrition Programme will be clarified by assisting partners to:

- i. Improve coordination, monitoring and evaluation;
- ii. Maximise resource use in a transparent manner and reduce duplication;
- iii. Synchronise implementation to improve effectiveness, impact and sustainability; and
- iv. Identify science- and/or evidence-based best practices.

The **National Agricultural Policy (NAP)** was published in 2010 to address the need for a coherent national agricultural policy. With regard to its Specific Policy Objectives, the document states that it seeks “to raise the profile of the agricultural sector so that the NAP effectively contributes to the national development aspirations of turning the country from a predominantly consuming to a producing and exporting nation targeting all value chain stages. This would be achieved through:

- i. Facilitating the creation of a conducive and supportive policy environment for effective development of the agricultural sector throughout all stages of the value chain;
- ii. Strengthening the capacity of the stakeholders in the sector in provision of agricultural services;
- iii. Enhancement of coordination and collaboration amongst relevant stakeholders operating in different sub-sectors of the sector;
- iv. Provision of clear strategic policy direction to all stakeholders involved in sector issues along the value chain stages” (Malawi 2010b).

The NAP builds on the various policy statements that already exist in the sector and offers actions that need to be taken to improve agriculture productivity in the wake of various national, regional and global opportunities and challenges. Its guiding principles are as follows (section 1.4):

- i. Realignment to regional and international policies: The NAP realigns itself to the regional and international policies on agriculture, climate change and environmental management issues, including the Comprehensive African Agriculture Development Programme (CAADP).
- ii. Responsiveness to gender in agricultural and rural development: The NAP recognises the need for gender equality as a fundamental value in the provision of agricultural services to ensure equal participation of all gender categories.
- iii. Evidenced-based decision making: All stakeholders in the agricultural sector are encouraged to make decisions based on analysis of issues using internationally acceptable analysis tools and practices.
- iv. Policy and institutional harmonisation: The NAP seeks to promote harmonisation of various sub-sectoral policies to eliminate overlaps and promote complementarities within the sector in line with the overarching national development aspirations. The policy is premised on the spirit of institutional partnerships within the sector and with other stakeholders in order to ensure efficiency in service delivery.

- v. Multi-stakeholder focus: The intention is that all the service providers who play key roles in the development of the sector are fully recognised especially as they take part in the implementation of guidelines laid down in the NAP.
- vi. Demand-driven approach: In line with the democratisation process and other national policies such as the decentralisation policy, the NAP seeks to ensure that all services to different farmers are provided according to their needs.
- vii. Building on the strength of previous policy initiatives: The NAP builds on national experiences in the implementation of various policy initiatives undertaken in the agricultural sector, such as the Agriculture and Livestock Development Strategy and Action Plan (1994), the Review of Malawi Agricultural Sector Investment Programmes (MASIP) (1999), and the Agricultural Sector Wide Approach (ASWAp) (2008).

The **National HIV and AIDS Policy** was published in 2013 and aims to “prevent the further spread of HIV infection, promote access to treatment for PLHIV and mitigate the health, social-economic and psycho-social impact of HIV and AIDS on individuals, families, communities and the nation.” Policy Area 2B relates to Care and Support, and states that the policy “shall increase access to, and uptake of quality continuum of care and support services including adequate nutrition”.

With regard to implementation of the policy, the Department of Nutrition, HIV and AIDS is, amongst others, responsible for high-level advocacy, resource mobilization, and tracking, recruitment and deployment of Nutrition, HIV and AIDS officers to the key Ministries. The Ministry of Agriculture and Food Security is responsible for the delivery of policies and strategies in order to reduce the impact of HIV and AIDS, as well as the effects of the pandemic on agricultural production, food security and rural livelihoods.

The **National Nutrition Policy of 2013** is aimed at providing policy and technical guidance to policymakers and nutrition stakeholders in designing, development and implementation of nutrition programmes, projects and interventions that will effectively contribute to improved nutrition status of all Malawians and the country’s economic prosperity. Nutrition must be incorporated in all sectoral policies and programmes to foster as multi-sectoral approach. Increased budgetary allocations and resources by not only government but bilateral, multilateral and NGO partners as well as the private sector for implementation of the Nutrition services, programmes, projects and interventions at different levels will be sought. Nutritional programmes at all levels must be coordinated and based on national sectoral policies and guidelines. Institutional capacity at all levels of society must be built and improved to facilitate effective delivery of appropriate nutrition services, programmes and interventions with focus on facility, community level and outreach services and programmes. Sustainable partnerships for nutrition must be created with the private sector, development partners and civil societies. Awareness and resource allocation for addressing nutrition issues must be increased. Nutritional services must be standardised and its quality must be improved through the development, consolidation and dissemination of a set of national nutrition guidelines for Malawi. Various forms of nutrition disorders among Malawians with emphasis on infants, young children, school-age children, women, the elderly and people living with HIV/AIDS (PLWHA) must be controlled and prevented. Appropriate food utilisation, food choices, combinations and dietary diversification at household, community and national levels must be promoted to achieve and sustain adequate nutrition. The quality of services for the management of acute malnutrition in under-five children, pregnant and lactating mothers, adolescents and adults must improve. The quality of nutrition care and the support and treatment to PLWHA must improve. Nutritional education, counselling and support must be provided to Malawians across demographics to facilitate

the adoption of optimal nutrition practices and healthy lifestyles through a variety of outreach methods.

A national coordination framework and institutional and technical capacity for conducting and disseminating nutrition research and development in the country must be developed. The policy identifies specific strategies and key process milestone areas. It additionally highlights the role that is to be played by different government departments in realising the aims and objectives of the policy.

The **National Micronutrient Strategy for Malawi 2013 – 2018** was published in 2013 in order to support and operationalise the Malawi Nutrition Policy and Nutrition Strategic Plan. The goal of the Strategy is to prevent and control micronutrient deficiency disorders with emphasis on Vitamin A deficiency (VAD), iron deficiency (ID), iodine deficiency and zinc deficiency. The Strategy's strategic objectives and related strategies are as follows:

- i. Strategic objective 1: Promote dietary diversification among under-five children, pregnant and lactating mothers and other vulnerable groups
 - Strategy 1: Document types and varieties of foods available by season and ecological zone;
 - Strategy 2: Promote dietary diversification;
 - Strategy 3: Promote recommended food storage, processing, preparation and utilisation practices amongst the households, with a special emphasis on micronutrient-rich foods;
 - Strategy 4: Promote the use of detailed dietary guidelines; and
 - Strategy 5: Integrate information on micronutrients into school curricula.
- ii. Strategic objective 2: Increase accessibility and utilisation of bio-fortified foods among the general population
 - Strategy 1: Raise awareness on bio-fortified crops.
 - Strategy 2: Promote recommended food storage, processing, preparation and utilisation practices among the households on bio-fortified foods.
- iii. Strategic objective 3: Promote access and consumption of fortified foods among under-five children, pregnant and lactating mothers and other vulnerable groups
 - Strategy 1: Align food standards with current consumption patterns, regional guidelines and international best practices;
 - Strategy 2: Strengthen the current food monitoring system to ensure consistent, safe and nutritionally significant fortification as mandated by revised standards;
 - Strategy 3: Strengthen the capacity of the industry to undertake fortification;
 - Strategy 4: Strengthen the National Fortification Alliance (NFA) as the coordinating body for all fortification activities;
 - Strategy 5: Promote home fortification through the use of Micronutrient Powders (MNP) in complementary foods for children under the age of two and
 - Strategy 6: Scale up implementation of micronutrient powders in all districts.
- iv. Strategic objective 4: Increase coverage of Vitamin A supplementation among under-five children and postpartum mothers, and iron/folate supplementation in school-aged children and women of childbearing age
 - Strategy 1: Strengthen supply chain and logistics management of micronutrient supplements;
 - Strategy 2: Strengthen micronutrient supplementation at all levels; and
 - Strategy 3: Strengthen linkages with other sectors.

- v. Strategic objective 5: Promote integration of public health measures with other micronutrient interventions that impact positively on nutritional status
 - Strategy 1: Strengthen integration of micronutrient intervention into other public health measures.
- vi. Strategic objective 6: Raise awareness on micronutrients interventions to the general population
 - Strategy 1: Promote awareness on the importance of micronutrients; and
 - Strategy 2: Mobilise the masses on consumption of micronutrient-rich foods.
- vii. Strategic objective 7: Strengthen monitoring and evaluation systems of micronutrient interventions at all levels
 - Strategy 1: Strengthen monitoring and evaluation.

In addition to the strategic objectives identified above, the Strategy also provides for the following strategies to foster an enabling environment:

- i. Strategy 1: Strengthen integration of micronutrient intervention into other public health measures; and
- ii. Strategy 2: Improve coordination.

The Strategy provides for outputs and related activities for each of the strategies above.

With regard to coordination, the Strategy states that national level coordination will be achieved through the Multi-sectoral Technical Committee on Nutrition (Micronutrients Technical Working Group) and the Government Development Partners. The Department of Nutrition, HIV and AIDS in the Office of the President and Cabinet will act as the secretariat in coordinating various nutrition working groups. The National Fortification Alliance under the Micronutrient Technical Working Group will be institutionalised and tasked with oversight of fortification activities. Reviews will take place as part of the bi-annual and annual meetings for assessing progress on the micronutrient strategy.

On the district level, coordination will take place through the District Nutrition Coordination Committees (DNCCs), composed of representatives from relevant line ministries, civil society organisations and private sector agencies operating in each district. The DNCCs will be subcommittees of the District Executive Committees in the Local Assemblies, and will provide technical advice to Local Assemblies, in addition to coordinating district-wide nutrition issues.

Specific roles and responsibilities are provided for in the Strategy for government departments, the private sector and civil society.

The **National Youth Policy** was published in 2013 and provides a framework with guidelines for the facilitation of meaningful youth development programmes and services with full participation of the youth at all levels. The specific objective of the policy is to, together with the other health and population policies, promote general health, non-discriminatory sexual reproductive health and rights of young people. The policy statements relevant to food security include ensuring that “Young people are encouraged to actively participate in the production, processing and utilisation of nutritious foods” (par. 3.6.3.12) and that “Nutrition education in general and in the context of HIV and AIDS to youth is advocated and provided” (par 3.6.3.13). Furthermore, Policy Area 6 relates to “Youth Health and Nutrition” and has the specific goal of ensuring healthy and productive generations of young people.

The **Ministry of Gender, Children, Disability and Social Welfare's Strategic Plan 2014 – 2019** was published in 2014 to operationalise the Joint Sector Strategic Plan and to contribute towards the goals contained in the MGDS II. The Ministry identified nutrition, amongst others, as a strategic issue and included same as part of its framework for the simultaneous mainstreaming and integration of the welfare of women, men, girls and boys into the operations of the Ministry and its stakeholders

The Strategic Plan has 10 strategic outcomes and 23 associated output targets, with Strategic Outcome IV relevant to food security and nutrition. Strategic Outcome 4 relates to improved capacity of households to manage their livelihoods and nutrition wellbeing and HIV. The associated output targets are:

- i. 60% of rural male and 80% of female-headed households targeted with home management and nutrition interventions by 2019;
- ii. 90% of mothers and caregivers receive counselling in infant and young child feeding by 2019; and
- iii. 90% women, girls and children have adequate access to HIV services by 2019.

The National Disaster Risk Management Communication Strategy 2014 – 2018 was published in 2014 by the Department of Disaster Management. The strategy's objectives are to create awareness among stakeholders on disaster risk management; promote the adoption of positive DRM behaviours among stakeholders; strengthen capacity of stakeholders in the development and communication of DRM information; and improve coordination, collaboration and networking of DRM communication interventions.

Key focus areas for communication include:

- i. Paradigm shift at all levels;
- ii. Weather information accuracy and accessibility;
- iii. Community participation and local leadership;
- iv. Resilience building;
- v. Coordinated approach;
- vi. Resource mobilisation;
- vii. Promotion of indigenous knowledge and technologies;
- viii. Responsible and informed media reporting; and
- ix. Capacity building in communicating disaster risk management information.

The Communication Strategy identifies the following implementation and coordination structures:

- i. Cabinet Committee on Social Development and HIV and Aids;
- ii. Parliamentary Committee on Agriculture, Environment and Natural Resources (PCANR) Management;
- iii. National Disaster Preparedness and Relief Committee;
- iv. National Disaster Preparedness and Relief Technical Committee (National Disaster Risk Management Platform);
- v. Information and Communication Technical Sub-Committees (including a Sub-Committee on Agriculture and Food Security and a Sub-Committee on Health and Nutrition);
- vi. Department of Disaster Management Affairs;
- vii. Decentralised DRM Structures; and
- viii. Development partners, CSOs, the media, academic and research institutions.

The **National Guidelines on Nutrition Care, Support and Treatment** was published in 2014 and is an updated version of the 2006 Interim Guidelines for the Management of Acute Malnutrition in Adolescents and Adults, which incorporates emerging issues, lessons learned, and best practices from Malawi and globally.

The purpose of the Guidelines is as follows:

- i. Establish a consistent set of nutrition interventions and recommendations aimed at managing and preventing undernutrition and overnutrition in adolescents and adults, with a focus on people with HIV/AIDS and tuberculosis (TB) patients;
- ii. Provide simple and clear guidance to service providers and managers on how to implement the nutrition interventions and recommendations at the various health care delivery contact points; and
- iii. Provide a framework for policymakers and development partners to use when planning nutrition interventions for adolescent and adults.

Furthermore, the Guidelines aim to provide guidance on implementing the following set of nutrition interventions within the healthcare system:

- i. Nutrition assessment and classification, including the use of anthropometric, biochemical, clinical, and dietary assessment methods;
- ii. Nutrition counselling and education;
- iii. Nutrition care plans and support based on clients' nutritional status, including normal nutritional status, moderate undernutrition, severe undernutrition, overweight, and obese;
- iv. Monitoring and reporting; and
- v. Managing the quality of nutrition service delivery at the facility level, including quality assurance (QA) and continuous quality improvement (QI).

Provision is made for the Guidelines to be used together with a set of complementary nutrition care, support and treatment (NCST) technical tools, including job aids, counselling materials, training materials, data collection and reporting forms, and the NCST Implementation Plan.

The **National Strategic Plan for HIV and AIDS 2015 – 2020 (NSP)** was published in 2014 and aims to meet the Ambitious 90-90-90 Treatment Targets as released by UNAIDS in 2014, in preparation for ending the HIV epidemic by 2030. The Targets, constituting the NSP Objectives, entail that Malawi will have, by the end of 2020:

- i. Diagnosed 90% of all people living with HIV (PLWH);
- ii. Started and retained 90% of those diagnosed on antiretroviral treatment (ART); and
- iii. Achieved viral suppression for 90% of patients on ART.

The NSP's Objective 3, namely that 90% of patients on ART are retained in care, is applicable to food security and nutrition. The NSP recognises that "Nutrition care and support ... prevents malnutrition and wasting, enhances the body's ability to fight opportunistic infections and contributes to the reduction of morbidity and mortality in PLWH."

HIV programme stakeholders made the decision to strengthen the existing guidelines for nutrition as follows:

- i. The national clinical protocol requires that routine nutritional assessments are conducted on pre-ART and ART patients at every clinical visit;

- ii. Patients who are categorised as having moderate or severe malnutrition should be referred for nutritional supplementation;
- iii. Nutrition counselling and education for clients who are not malnourished so as to avoid malnutrition;
- iv. Nutrition counselling and education on nutrition for PLWH. In prevention of mother-to-child transmission (PMTCT), early initiation of breastfeeding and exclusive breastfeeding should be encouraged for the first 6 months of life, and continued breastfeeding with appropriate complementary feeding as stipulated in the PMTCT guidelines;
- v. Referral/linking vulnerable PLWH to community-based economic strengthening, livelihoods and food security support in their areas for a continuum of care; and
- vi. Other interventions include reinforcing clinical decision-making on the basis of anthropometric assessments and assuring appropriate linkages and referral for nutritional support.

The **Universal Periodic Review National Report: Second Cycle** was published in September 2014. The Report was prepared by a National Task Force on Universal Periodic Review which was chaired by the Ministry of Justice and Constitutional Affairs, and consisted of Government ministries, departments, agencies, governance institutions and civil society organisations. According to the Report, the Ministry of Agriculture in 2012 launched the Agriculture Sector Gender, HIV and AIDS Strategy for the period 2012 to 2017. The Strategy's goal is to contribute to sustainable and equitable food, nutrition and income security at national, community and household level through the empowerment of women and other vulnerable gender categories. The three pillars of the strategy are:

- i. Quality participation of women and other vulnerable gender categories in Agriculture Sector Wide Approach (ASWAp) focus areas and key support services;
- ii. Gender, HIV and AIDS responsive technology generation and dissemination; and
- iii. Effective coordination, capacity building and resource mobilisation.

The Report states that women provide 70 per cent of the workforce and produce 80 per cent of food for home consumption in the agricultural sector.

The **National Disaster Risk Management Policy** was published in 2015. The Policy's specific objectives are to:

- i. Facilitate the mainstreaming of disaster risk management into sustainable development policies and planning processes at all levels;
- ii. Develop an effective system for conducting comprehensive disaster risk assessments at all levels;
- iii. Develop an integrated and effective people-centred early warning system that is comprehensive and effective;
- iv. Promote a culture of safety and resilience amongst disaster risk management stakeholders, including communities;
- v. Assess and address the underlying risk factors; and
- vi. Strengthen the disaster preparedness system for effective response and recovery at all levels.

The Policy's priority areas are:

- i. Mainstreaming disaster risk management into sustainable development;

- ii. Establishment of a comprehensive system for disaster risk identification, assessment and monitoring;
- iii. Development and strengthening of a people-centred early warning system;
- iv. Promotion of a culture of safety, and adoption of resilience-enhancing interventions;
- v. Reduction of underlying risks; and
- vi. Strengthening preparedness capacity for effective response and recovery.

With regard to institutional arrangements, implementation is centrally coordinated, while execution is carried out by different stakeholders at national, district and local levels. The following structures are involved:

- i. National Disaster Risk Management Committee;
- ii. National Disaster Risk Management Technical Committee;
- iii. National Disaster Risk Management Technical Sub-Committees (including a Sub-Committee on Agriculture and Food Security, and a Sub-Committee on Health and Nutrition responsible for coordination and guidance in the planning and implementation of disaster prevention, mitigation, preparedness, response and recovery programmes);
- iv. Department of Disaster Risk Management Affairs;
- v. Decentralised disaster risk management structures; and
- vi. Other stakeholders.

The **National Gender Policy** was published in 2015 and advocates for food utilisation, dietary diversification and issues of intra-household food utilisation. The Policy also encourages male involvement in food production, storage and preparation. Policy Priority Area 3 relates to Gender in Agriculture, Food Security and Nutrition and recognises that “Agriculture is key to food security, economic growth and wealth creation.” It also recognises the important role that women play in agriculture – constituting 70% of full-time farmers, carrying out 70% of agricultural work, producing 80% of food for home consumption and ensuring nutrition security at household level. In this regard, Priority Area 3 aims to ensure that:

- i. Women and other vulnerable groups have access to and control over agricultural productive resources, technologies and markets for cash crops, food and nutrition security; and
- ii. Nutritional disorders are reduced among all gender groups.

The objectives and related strategies under Priority Area 3 are as follows:

- i. Objective 1: To strengthen gender mainstreaming in agriculture, food security and nutrition
 - Strategy 1: Advocate for gender mainstreaming in food security and nutrition policies, programming and project interventions;
 - Strategy 2: Advocate for women’s access to agricultural productive services and resources, i.e. markets, market information and technologies;
 - Strategy 3: Advocate for women’s control over agricultural productive services and resources, i.e. cash, land, technologies and other assets like radios; and
 - Strategy 4: Promote gender responsive irrigation technologies.
- ii. Objective 2: To reduce nutritional disorders among women, men, girls and boys
 - Strategy 1: Empower women, men, girls and boys in good food utilisation and dietary diversification practices; and
 - Strategy 2: Advocate for appropriate food and nutrition education at all levels.

With regard to implementation, the Ministry of Agriculture, Irrigation and Water Development “shall ensure that effective gender strategies are in place to guarantee food self-sufficiency for female-headed households who are often times vulnerable due to lack of control over the use of factors of production such as land.”

The **Guidelines for Community-based Management of Acute Malnutrition** was published in 2016 with the purpose of standardising and improving the quality of community-based management of acute malnutrition (CMAM) service delivery in Malawi. The Guidelines provide a practical guide for field implementers and policymakers in the form of protocols, steps, and procedures for CMAM implementation.

The aim is to address two basic objectives for the management of acute malnutrition:

- i. Preventing acute malnutrition through early identification, referral, follow up, and linkage of cases to health and nutrition interventions; and
- ii. Treating acute malnutrition to reduce associated morbidity and mortality.

The **National Community-based Management of Acute Malnutrition (CMAM) Operational Plan 2017-2021** was published in 2016 and aims to provide guidance to the government and its partners to effectively implement CMAM activities, accelerate the institutionalisation and integration of service delivery within the health system, and provide a framework for monitoring and evaluation (M&E) of CMAM activities over the 2017 to 2021 period.

The Plan has five objectives (strategic action areas) which will assist in maintaining the rates of acute malnutrition in children at less than 5% throughout the five-year period, namely to:

- i. Improve availability and access to CMAM supplies and equipment;
- ii. Increase the competence of human resources involved in CMAM service delivery;
- iii. Increase effectiveness of CMAM coverage by improving access, acceptability, and utilisation of services;
- iv. Strengthen the enabling environment for CMAM service delivery; and
- v. Improve M&E and promote the use of data and information to inform CMAM programming and planning.

The **National Irrigation Policy (NIP)** (as revised) was published in 2016 and is the second edition of the National Irrigation Policy and Development Strategy (NIPDS), which has been in operation since 2000 (Malawi 2016d). The NIP “recognises the need for sustainable natural resources management. Above all, the Policy seeks to provide guidance to all stakeholders in the provision of irrigation goods, works and services as well as interventions that will facilitate improved food security, increased nutrition and sustainable economic growth.” The NIP focuses on three priority areas in order to achieve the overall goal, namely:

- i. Sustainable irrigation development;
- ii. Sustainable irrigation management; and
- iii. Capacity development.

The NIP is aligned to the aims of the Malawi Growth and Development Strategy II (MGDS II), the Comprehensive African Agriculture Development Programme (CAADP), and the Sustainable Development Goals (SDGs). The MGDS II states that irrigation is one of the priority areas for reducing poverty and fast-tracking Malawi’s economic growth. With this goal in mind, the NIP is

also secured in the National Water Policy (2005), National Environmental Policy (2004), Public Private Partnership Policy (2011) and Decentralisation Policy (1998), amongst others.

The NIP's policy objectives are to:

- i. Increase land under sustainable irrigation farming;
- ii. Facilitate crop diversification and intensification;
- iii. Create an enabling environment for irrigated agriculture;
- iv. Optimise investment in irrigation development taking into account climate change;
- v. Enhance capacity for irrigated agriculture; and
- vi. Promote a business culture in the small-scale irrigated agriculture sector.

Taking the above into account, the NIP identifies the following policy outcomes:

- i. Increased irrigated agriculture production and productivity for local and export use using irrigation technologies that take into account climate change;
- ii. Improved national and household incomes, food and nutritional security;
- iii. Improved irrigation service delivery;
- iv. Increased employment opportunities; and
- v. Enhanced land and water productivity through sustainable land tenure arrangements, catchment management and water harvesting.

The latest version of the National Multi-Sector Nutrition Policy 2018-2022 was published in 2018, and serves as a guiding document for national nutrition stakeholders, including government, civil society, faith-based organisations, academia, the private sector, and development partners. It is intended to provide a guiding framework for the successful implementation of the national nutrition response; address the existing and emerging national and global issues; and consequently, uphold the Government's commitment towards eliminating all forms of malnutrition. The Policy aims to promote:

- i. Evidence-based programming and strengthening of the national nutrition response;
- ii. Upscaling of evidence-based innovative interventions; and
- iii. Realignment of nutrition interventions to the current national development strategy, the SUN movement, World Health Assembly targets, the Sustainable Development Goals, and other new global declarations, which Government has signed.

The Policy provides the framework and context within which sectoral and other strategic plans and budgets should be coordinated, formulated, implemented and monitored.

The Policy's goal is a well-nourished Malawian population that effectively contributes to the economic growth and prosperity of the country. The following outcomes are identified:

- i. Improved adolescent, maternal, and child nutrition, and health;
- ii. Reduced prevalence of over-nutrition and NCDs among the general population;
- iii. Reduced nutrition-related mortality among children under the age of five years, and the general population; and
- iv. Improved enabling environment for effective coordination and implementation of nutrition-sensitive and specific interventions.

The policy identifies eight objectives which are translated into the following priority areas and related policy statements:

- i. Prevention of under-nutrition:
 - Ensure that high-impact, cost-effective nutrition interventions are scaled up to all communities;
 - Ensure that high-impact, nutrition-specific, and nutrition-sensitive interventions in the relevant core sector policies, strategies, implementation plans, and budgets are integrated;
 - Ensure that private sector engagement in the production, processing and consumption of high-quality nutritious foods is enhanced; and
 - Ensure that a harmonised school health and nutrition programme is scaled up.
- ii. Gender equality, equity, protection, participation, and empowerment for improved nutrition:
 - Ensure that optimum nutrition service delivery to adolescents is promoted;
 - Ensure that men's shared responsibility for childcare and household duties to enable women participation in social and economic activities is increased;
 - Ensure that approaches to improve women's decision-making power for access to optimum nutrition are integrated and leveraged; and
 - Ensure that livelihood for women- and child-headed households to increase access and control of resources for improved nutrition status is sustained.
- iii. Treatment and control of acute malnutrition:
 - Ensure that interventions on the management of acute malnutrition are owned and financed by the Government;
 - Ensure that nutrition assessment, counselling, and support services and linkage with livelihood interventions targeting adolescents, adults, and children recovering from various forms of ailments including TB, HIV and AIDS are scaled up to ensure a continuum of care; and
 - Ensure that enabling environment for community-based management of acute malnutrition (CMAM) and nutrition care support and treatment (NCST) service delivery, and the monitoring and evaluation (M&E) system at all levels is strengthened.
- iv. Prevention and management of over-nutrition and NCDs:
 - Ensure that over-nutrition and nutrition-related NCDs by all nutrition service providers is detected and managed early;
 - Ensure that service providers' capacity to provide dietary and lifestyle counselling services for those who are overweight and obese is enhanced; and
 - Ensure that NCDs are prevented through behaviour change communication focused on consumption of appropriate diet, promotion of healthy lifestyles, and physical activity.
- v. Nutrition education, social mobilisation, and positive behaviour change:
 - Ensure that nutrition education, behaviour change communication, and social mobilisation interventions are scaled up; and
 - Ensure that capacity of the core sectors to formulate and implement nutrition social mobilisation and behaviour change communication interventions is enhanced.
- vi. Nutrition during emergency situations:
 - Ensure that food and nutrition response to the affected population including vulnerable groups during emergency situations is done timely and effectively.
- vii. Creating an enabling environment for nutrition:
 - Ensure that multi-sector and intra-sector coordination of nutrition interventions at national, district, and community levels is enhanced;

- Ensure that nutrition advocacy measures are well coordinated to increase resources, and social and political commitment;
 - Ensure that allocation of human resources by government for the implementation of nutrition interventions is increased;
 - Ensure that legal mechanisms that establish food safety standards and protect consumers is developed; and
 - Ensure that investment in delivery of high-impact nutrition interventions is increased across the sectors.
- viii. Nutrition monitoring, evaluation, research, and surveillance:
- Ensure that collaboration and coordination of nutrition research activities is strengthened; and
 - Ensure that routine information, dissemination, utilisation, and feedback at national and district levels to enhance evidence-based decision making.

The Policy provides for specific strategies to achieve each policy statement.

With regard to institutional arrangements, the Policy provides for specific responsibilities for the Department of Nutrition, HIV and AIDS; as well as the ministries responsible for agriculture, irrigation and water development; health; gender, children, disability and social welfare; education, science and technology; local government and rural development; finance, economic planning and development; information and civic education; industry and trade; youth development; justice and constitutional affairs; and climate change. Provision is also made for responsibilities for academic and research institutions; development partners; private sector agencies; and civil society organisations. In the context of intergovernmental relations, the Policy provides for responsibilities for the Principal Secretaries' Committee on Nutrition, HIV and AIDS; the Multi-Sectoral Technical Nutrition Committee; and District Nutrition Coordination Committees.

An Implementation Plan and the National Monitoring and Evaluation Framework is attached as annexures to the Policy.

The **National Nutrition Strategic Plan 2016 – 2020 (NNSP)** was published in 2016 and provides guidelines through which the Government will facilitate in a comprehensive and coordinated manner the promotion of adequate nutrition for all Malawians. The policy goal is to attain optimal nutrition for all Malawians by 2020 with emphasis on children under the age of 5, pregnant and lactating women, and other vulnerable groups.

The strategic outcomes of the NNSP are as follows:

- i. Reduced number of children under 5 who are stunted by 20 per cent;
- ii. Reduced rate of anaemia in children and women of reproductive age by 25 per cent;
- iii. Reduced rate of infants born with low birth weight by 15 per cent;
- iv. No increase in the rate of overweight among children, adolescents, and adults;
- v. Increased rate of exclusive breastfeeding in the first 6 months by 20 per cent;
- vi. Wasting in children, adolescents, and adults is reduced and maintained at less than 5 per cent;
- vii. Improved multi-sectoral programming and coordination of nutrition interventions;
- viii. Increased funding, commitment, and accountability for nutrition; and
- ix. Increased capacity and leadership for nutrition.

The specific strategic objectives are to:

- i. Prevent undernutrition with emphasis on children under 5, adolescent girls, pregnant and lactating women, people living with HIV (PLHIV), and other vulnerable groups;
- ii. Enhance gender equality, protection, participation, and empowerment of adolescent girls, women, and children for improved nutrition;
- iii. Treat and control acute malnutrition among children under 5, pregnant and lactating women, PLHIV, and other vulnerable groups;
- iv. Prevent and manage over-nutrition and nutrition-related non-communicable diseases (NCDs);
- v. Enhance social mobilisation & positive behaviour-change communication for nutrition;
- vi. Enhance delivery of nutrition interventions during emergencies;
- vii. Create an enabling environment for effective implementation of nutrition interventions; and
- viii. Enhance evidence-based programming through nutrition research and surveillance.

The aspirations contained in the goal and the strategic objectives outlined above are consolidated in the following eight priority areas:

- i. Prevention of undernutrition;
- ii. Gender equality, protection, participation and empowerment;
- iii. Treatment and control of acute malnutrition;
- iv. Prevention and management of overnutrition and nutrition-related NCDs;
- v. Social mobilisation and behaviour change communication;
- vi. Nutrition during emergency situations;
- vii. Creating an enabling environment for nutrition; and
- viii. Nutrition research and surveillance.

The **National School Health and Nutrition Policy (Final Draft)** was published in 2016 and contains “the commitment of the Government of Malawi with respect to ensuring the rights and the opportunities of learners in the area of school health and nutrition.” The policy provides a comprehensive framework for strategic interventions for basic (early childhood development and primary) and secondary education, thereby placing the existing policies already developed for these areas in the context of school health and nutrition. It aims to combine the applicable policy fragments in order to establish one comprehensive policy which is fully owned by the Ministry of Education, Science and Technology and supported by other relevant ministries. In this regard the Policy is intended to “form the basis for well-coordinated interventions to be taken by Government actors at central, district, and institutional levels, as well as by communities, parents, development partners, civil society and the private sector across the country.”

The 2015 Sustainable Development Goals (SDGs) to a large extent directed the development of the policy, especially with regard to the following goals:

- i. Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture;
- ii. Goal 3: Ensure healthy lives and promote well-being for all at all ages;
- iii. Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all;
- iv. Goal 5: Achieve gender equality and empower all women and girls; and
- v. Goal 6: Ensure availability and sustainable management of water and sanitation for all.

The 3- to 5-year policy outcomes are as follows:

- i. A National School Meals Programme is established, complemented by micronutrients and productive school environments. The programme applies different models of school meals in order to maximise reliability, cost-efficiency and effectiveness, nutritional outcomes and community benefits.
- ii. Basic health support is provided at schools, and investment plans for water, hygiene and sanitation (WASH) infrastructure in primary and secondary schools are prepared and included in the national budget.
- iii. Specific care and support programmes are devised, scaled up and implemented in order to help vulnerable groups to access schools, and stay in schools.
- iv. School health and nutrition actors carry out assigned tasks, and adequate coordination structures and procedures are established and formalised at all levels.
- v. Issues of relevance to school health and nutrition are mainstreamed into early childhood development, primary and secondary schools, as well as teacher training curricula, and teachers have the capacity to teach these in effective and participatory ways.

The above policy outcomes will contribute to the realisation of the Policy's 5- to 10-year policy objectives, which are as follows:

- i. Government ensures good nutrition during the education life cycle by managing a National School Meals Programme and providing complementary nutritional interventions.
- ii. Activities and infrastructure at schools (i.e. at all institutions and centres where learning occurs for 2 to 18-year olds) are conducive to safeguard and promote learners' health and nutrition, and health-seeking habits.
- iii. All children, including specific vulnerable groups such as girls, orphans and vulnerable children, and learners with special needs, have equitable access to education at all times, and have access to protection from violence and abuse.
- iv. Integrated and coordinated strategies and an efficient use of resources that promote effective school health and nutrition interventions.
- v. Learners acquire life skills with respect to nutrition, health, hygiene and sanitation, as well as cross-cutting issues relevant for school health and nutrition, including gender and protection, environmental and disaster risk management.

The Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year states that the mission of the Ministry of Agriculture, Irrigation and Water Development is to improve agricultural productivity, and sustainably develop and manage land and water resources to achieve food, nutrition and income security for economic growth and development. Ensuring sustained food security is also a strategic objective of the Ministry. The total budget for the Ministry for the 2016/17 was MK 197 962 million. Food security is identified as the priority focus area of the Ministry. Almost 60% of the budget was allocated to food security and risk management. The Performance Contract specifies the following outcomes:

- i. Increased production of major crops such as maize, legumes, fruits, vegetables and cotton (through implementation of the Farm Input Subsidy Programme (FISP));
- ii. Reduced post-harvest crop losses;
- iii. Increased agricultural mechanisation;
- iv. Improved migratory pest monitoring, surveillance and control;
- v. Agriculture Extension Infrastructure improved;
- vi. Improve agriculture technology delivery system;

- vii. Promote food and dietary diversification;
- viii. Agriculture technology developed;
- ix. Facilitation of agricultural marketing and trade;
- x. Seed regulation improved;
- xi. Agriculture area under sustainable land management increased;
- xii. Increased fish production from capture fisheries;
- xiii. Increased small- and large-scale aquaculture production;
- xiv. Increased fisheries and aquaculture investments;
- xv. Livestock production increased;
- xvi. Animal disease incidences reduced;
- xvii. Veterinary public health services improved;
- xviii. Area (ha) under irrigation farming increased;
- xix. Use and management of irrigation schemes improved; and
- xx. Access and usage of improved sanitation facilities increased.

The **Malawi Growth and Development Strategy (MGDS) III** was published in 2017 and covers the period 2017 to 2022. The MGDS III is the fourth and final medium-term national development strategy developed to implement Vision 2020. The MDGS III identifies five Key Priority Areas (KPA's):

- i. KPA 1: Agriculture, Water Development and Climate Change Management;
- ii. KPA 2: Education and Skills Development;
- iii. KPA 3: Energy, Industry and Tourism Development;
- iv. KPA 4: Transport and ICT Infrastructure; and
- v. KPA 5: Health and Population.

KPA 1's specific outcomes for agriculture are:

- i. Increased agricultural production and productivity;
- ii. Increased land under irrigation;
- iii. Increased agricultural diversification;
- iv. Improved nutrition and food security;
- v. Increased agriculture market development, agro-processing and value addition;
- vi. Enhanced agricultural risk management; and
- vii. Increased empowerment of the youth, women, persons with disability and vulnerable groups in agriculture.

With regard to improved nutrition and food security, the MGDS III identifies the following strategies to realise this outcome:

- i. Fostering adequate market supply of diverse and nutritious foods;
- ii. Promote technologies that reduce post-harvest losses in storage, preservation and food processing;
- iii. Promoting private sector investments in production, processing and marketing of high-quality nutritious foods (including complementary food);
- iv. Promoting bio-fortification and fortification of major staple food;
- v. Promoting food and nutrition education for all; and
- vi. Promoting education and research into use, propagation and conservation of indigenous Malawian food.

KPA 5's specific outcomes for nutrition and the strategies to realise these outcomes are as follows:

- i. Reduced prevalence of stunting, wasting and underweight
 - Promoting adolescent and women's nutrition before, during, and after pregnancy;
 - Promoting optimal breastfeeding practices for children 0-6 months and appropriate complementary feeding of children aged 6-24 months and beyond;
 - Promoting hygiene, water and sanitation practices at individual and household levels for improved nutrition;
 - Promoting consumption of high nutritive value and diversified diets;
 - Integrating nutrition in value chains for nutrition improvement;
 - Integrating and scale up nutrition in the Early Childhood Development Programme;
 - Improving nutrition among adolescents and school going children;
 - Promoting male involvement and address gender and socio-cultural issues in maternal, infant and young child nutrition, childcare, and household duties;
 - Strengthening implementation of community-based management of acute malnutrition and nutrition care, support and treatment in routine services and emergencies;
 - Promoting community involvement and ownership for behavioural change to improve nutrition knowledge, attitudes, and practices; and
 - Improving intake of minimum acceptable diet among under-five children, pregnant and lactating women.
- ii. Reduced prevalence of micronutrient deficiencies
 - Promoting public-private partnerships in food production, processing, fortification, and consumption;
 - Promoting consumption of micronutrient-rich foods and bio-fortified foods;
 - Ensuring micronutrient supplementation; and
 - Promoting fortification and standardization of centrally-processed food for improved nutrition.
- iii. Reduced prevalence of overweight and nutrition-related non-communicable disease
 - Increasing access to services for prevention, early detection, and management of nutrition-related NCDs;
 - Strengthening capacity of service providers' to provide nutrition and lifestyle counselling services at the facility and community level; and
 - Promoting awareness campaigns and behaviour change communication on the prevention of nutrition-related NCDs.

The MDGS III's implementation plan and operational matrix provides for actions and activities for each of the strategies above, and specifies coordinating institutions for each.

The MGDS III also specifies a number of flagship projects. The Green Belt initiative aims to develop 7 500 ha of land for irrigation along Malawi Lake shore areas and major rivers in order to attain food and nutrition security, increase household incomes and boost exports through sustainable irrigation and agro-processing. The Small Farms Irrigation Project aims to establish a surface irrigation system of 800 ha and to procure and establish a mechanisation fleet and farmer support services in order to increase and improve family food security and incomes by enhancing the productivity of resource-poor smallholder farmers with landholding size of approximately one hectare. The Songwe River Basin Development Programme involves the construction of a dam on

the Songwe River for hydro-power generation and irrigation in Karonga and Chitipa in order to contribute to economic growth, reduce poverty, improve health, foster better living conditions, and enhance food and energy security.

The **National Policy on Early Childhood Development** was published in 2017 and articulates Government's intention and direction in Early Childhood Development (ECD) implementation. The policy statements and their related strategies pertaining to food security are as follows:

- i. Care for survival, growth and development for all children is provided, including those in difficult situations
 - Promote the key childcare and stimulation practices for child survival, growth and development;
 - Build capacity of caregivers, mentors, helpers, parents and teachers in homes, centres, ECD centres, health facilities and early primary schools for child survival, growth and development; and
 - Strengthen coordination between the ministry responsible for ECD and the ministries responsible for health, nutrition, food security, and HIV and Aids.
- ii. Children are provided with nutritious food, safe water, sanitation facilities, immunisation, growth monitoring services, and adequate play and stimulation materials.
 - Build capacity of the community, parents and guardians to produce, prepare and preserve nutritious food, safe water, sanitary facilities, care and stimulation materials, and assess and monitor child growth;
 - Scale up sanitation activities and the school feeding component in all ECD centres; and
 - Strengthen the capacity of ECD centres to scale up food production and child feeding activities in all ECD centres.

The Policy states that the Ministry responsible for Child Development Affairs should institutionalise the legal framework and an appropriate structure for the implementation of ECD activities. The Ministry responsible for Agriculture, Irrigation and Water Development, as a key stakeholder in the implementation of the Policy, should be responsible for the following:

- i. Provision of agriculture extension services and training of caregivers, ECD workers and households on food security;
- ii. Efficient crop production methods at ECD centre, primary school and household levels;
- iii. promoting animal husbandry at household, ECD centre, community and institutional levels;
- iv. Promotion of food diversification at all levels;
- v. Promotion of food conservation methods at all levels;
- vi. Promotion of food processing at all levels;
- vii. Provision of agricultural, irrigation and water services to ECD service centres;
- viii. Positioning ECD focal point officers to manage ECD activities within the Ministry; and
- ix. Planning and budgeting for ECD-related activities within the Ministry.

5.3.3 Malawi FSN-related legislation

Various Malawi statutory instruments have a direct impact on matters relating to food security and nutrition. This section provides an overview of a select number of key legislative instruments.

The **Public Health Act (Cap. 34:01) of 29 July 1948** amended and consolidated the law regarding the preservation of public health in Malawi. Section 4 defines certain terms, including "food", which "means any article used for food or drink other than drugs or water, but includes ice, and any article

which ordinarily enters into or is used in the composition or preparation of food, and includes flavouring and condiments, and ‘foodstuff’ has a corresponding meaning”.

In terms of section 36, where there is (or where there is a threat of) an outbreak of sickness, human trypanosomiasis, or any other disease which the Minister may declare to be a formidable epidemic or endemic disease, the Secretary for Health may urgently require a person owning or having charge of food in connection with the outbreak, to supply or make available such food, subject to the payment of a reasonable amount as purchase price.

Section 54 prohibits any person, while suffering from any venereal disease in a communicable form, to accept or continue in employment, in or about any place, in any capacity entailing the handling of food intended for consumption, or of food utensils for use by any other person. In addition, no person may employ or continue to employ another person suffering from any venereal disease in a communicable form, if by reason of such employment, that person is required or permitted to handle any food intended for consumption, or food or household utensils. Part IX prohibits the causing of nuisances, which, in terms of section 62, includes any well or other source of water supply or cistern or other receptacle for water, the water from which is used (or likely to be used) by human beings, amongst others, for domestic purposes or in connection with any dairy or with the manufacture or preparation of any article of food intended for human consumption, which is in a condition liable to render the water injurious or dangerous to health. It also includes any collection of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances which are offensive, dangerous, or injurious to health, or which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals, as well as stables, cowsheds or other buildings or premises used for keeping animals or birds which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health.

In terms of section 103, all warehouses or buildings of whatever nature in regular use for the storage of foodstuffs for trade purposes must be constructed of such materials and in such manner to render them rat-proof (see also s 120). Measures may be taken in the event that such buildings are not rat-proof. Section 104 prohibits any person from residing or sleeping in a kitchen or room in which foodstuffs for sale are prepared or stored for sale. Section 106 prohibits persons from selling, exposing for sale, importing, or having in his or her possession food in a tainted, adulterated, diseased or unwholesome state, or which is unfit for use. No person may collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against, or prevent, any infection or contamination thereof. Section 109 empowers the relevant Minister to make rules regarding, amongst others, inspections, the taking and examination of samples, the removal or detention, the seizure and destruction of food-related articles, as well as the regulation of related matters, inspections, supervision and prohibitions. Section 110 empowers the Minister to specify standards of quality, composition and condition, and minimum standards, in respect of any foodstuffs, goods or other articles. In terms of section 111, a medical officer of health may prohibit the employment by any dairyman or other person in connection with milk or food if such a person has been proved to be a carrier of the infection of typhoid or enteric fever or other infectious disease.

The **Special Crops Act (Cap. 65:01) of 1963** provides for the development and marketing of special crops and for the establishment of special crop authorities. The Act empowers the Minister to declare any crop to be a special crop if he or she is satisfied that the development of such crop should be promoted or fostered (s 3). The Minister must subsequently, after declaration, establish an authority to promote and foster the development of such crop in the areas as determined by him

or her (s 4). The authority must, amongst others, establish and manage nurseries, purchase and sell seed and seedlings, control and supervise the cultivation of crops, inspect growing and harvested crops, and purchase, transport and store crops, as well as impose levies on growers for financing its operations, create and operate price stabilisation funds, make loans available for development purposes, and engage in the marketing and regulate and control the marketing of the crops concerned. In addition, the authority may establish or acquire and operate factories to process the crops, and enter into agreements with third parties to purchase or process special crops (s 5). In the event that the Minister has declared a crop a special crop, and established an authority, a person may only grow, sell, barter or buy such crop in the area concerned if he or she is the holder of a valid licence authorising him or her to do so (s 6).

The **Water Resources Act (Cap. 72:03) of 1969** provides for the control, conservation, apportionment and use of the water resources of Malawi. Section 11 empowers the Minister to suspend or vary rights to abstract or use water on account of drought, where he or she is of the opinion that the supply of public water from any source or in any area is insufficient or likely to become insufficient. Section 12 empowers the Minister to determine or diminish water rights to the extent that such water is required for a public purpose. In terms of section 16, a person who interferes with, or alters, the flow of, or pollutes or fouls, any public water, is guilty of an offence. This means the discharge into, or in the vicinity of public water or in a place where public water is likely to flow, of any matter or substance likely to cause injury (whether directly or indirectly) to, amongst others, livestock, fish, crops, orchards or gardens irrigated by such water or a product in the processing of which such water is used. Section 22 empowers the Minister to declare an area to be a controlled area and may establish a comprehensive scheme for the development of natural resources of such area.

The **Agriculture (General Purposes) Act (Cap. 65:05) of 1987** provides for the general regulation of the agriculture industry. It does not apply to, amongst others, crops declared under the Special Crops Act (s 2). Section 3 empowers the Minister to make regulations as he or she considers appropriate, expedient or necessary for the proper regulation of activities in the agriculture industry, including, amongst others, regulating the licensing of buying, selling or otherwise marketing of agricultural crops (including the exportation thereof), as well as the minimum or maximum price payable to producers of agricultural crops.

The **Disaster Preparedness and Relief Act (Cap. 33:05) of 1991** provides for the coordination and implementation of measures to alleviate the effects of disasters, and the establishment of the office of the Commissioner for Disaster Preparedness and Relief and the National Disaster Preparedness and Relief Committee of Malawi. A disaster is defined as an occurrence (whether natural, accidental or otherwise) on a large scale, which has caused, is causing, or is threatening to cause, amongst others, death or destruction of persons, animals or plants; disruption, pollution or scarcity of essential supplies; or plague or epidemic of disease that threatens the life or well-being of the community. The term also includes the likelihood of such occurrence (s 2). According to section 30, civil protection officers may direct any person to, amongst others, maintain specified stocks of food and water for use during a state of disaster as he or she may reasonably be expected to maintain. Section 31 states that such officer may also take possession or control of any land or property for purposes of dealing with the situation that has arisen. Section 32 empowers the President to declare a state of disaster if it appears to him or her that a disaster is of such a nature and extent that extraordinary measures are necessary in order to assist and protect the persons affected or likely to be affected by the disaster. Part IX deals with the National Disaster

Preparedness and Relief Fund and section 38 states that the Fund may be applied to, amongst others, the acquisition of land, equipment and materials and other assets.

The **Iodization of Salt Act, No. 10 of 1995** was published on 25 August 1995 and controls the iodization of common salt (in any form commonly used for domestic purposes or in the manufacture or processing of food for human or animal consumption (s 2)). In terms of section 3, salt must be iodized before being sold or distributed to the public or used in the manufacturing or processing of food for human or animal consumption, as may be specified by the relevant Minister. The Iodization of Salt (Specification) Order was made in 1998, and the Iodization of Salt Regulations made in the same year.

The **Environment Management Act, 1996** was published on 16 August 1996 and provides for the protection and management of the environment, and the conservation and sustainable utilisation of natural resources. It does not deal directly with food and nutrition.

The **Fisheries Conservation and Management Act, 1997** was published on 28 November 1997, and provides for the regulation, conservation and management of fisheries in Malawi. Amongst others, it provides for proposals relating to the prohibition or restriction of the catching of certain species of fish (s 6). The Minister may grant a permit authorising fishing for emergency supplies of food for humans (s 19).

The **Local Government Act, 1998** was published on 31 December 1998. It amends and consolidates the laws relating to local government. The Second Schedule provides in item 2(5) that, subject to the provisions of the Public Health Act, an Assembly has the power to inspect premises where articles of food or drink are manufactured or prepared for use or are sold, whether for consumption on or off the premises, or where meat, meat products, milk, milk products, fish and fish products are stored or processed. An Assembly may control and license slaughterhouses and the killing of livestock, and may establish, maintain and manage abattoirs and cold storage facilities and premises for the processing of milk and milk products, meat and meat products and fish and fish products. In addition, subject to the provisions of the Public Health Act, an Assembly may seize and destroy, without compensation, any article of food or drink which is, or may be, intended for human consumption, and must keep a register of all articles so seized (s 2(7)).

The **Irrigation Act, 2001** was published on 28 December 2001 and provides for the sustainable development and management of irrigation, the protection of the environment from irrigation-related degradations, and the establishment of the National Irrigation Board. Section 2 defines “irrigation” as meaning the “application of water confined in time and space, enabling satisfaction of water requirements of a crop at a given time of its vegetative cycle or to bring the soil to the desired moisture level outside the vegetative cycle and, in the case of a field, includes one or more water applications per season”. Section 3 states that the National Irrigation Policy and Development Strategy must rank paramount in the business of the Government. The Act deals with irrigation schemes and irrigation management agreements (see section 35). Section 37 provides for fiscal incentives for farmers to promote irrigation farming. Section 47 prohibits persons from setting fire to crops on irrigation schemes or farms, and, without reasonable cause, refusing to assist in averting, fighting or extinguishing a fire on an irrigation scheme or farm. Section 48 states that no person may graze livestock or permit livestock to encroach upon any irrigation scheme or farm on which there is a crop which has not been harvested, or which has been harvested but not removed. Section 49 empowers the Minister to prohibit the application on an irrigation scheme or farm of any chemical or substance.

The **Draft Food and Nutrition Security Bill** was published on 3 December 2007. The Bill will, if enacted, provide for the protection of the right to food, and will establish the National Food and Security Council. Clause 2 provides definitions for a number of terms, including “adequate food” (“the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture”); “food and nutrition security” (“the realization of the right of everyone to regular and permanent access to qualitatively and quantitatively sufficient food without compromising access to other basic necessities, taking as a basis food practices that promote health, respect for cultural diversity and which are environmentally, economically and socially sustainable. includes [sic] the notion of long-term availability and accessibility implying food being accessible for both present and future generations”); “food” (“everything originating from biological sources and water whether processed or not, which is designated as eatables and beverages for human consumption including food additive material, food raw material and other materials used in the process of preparation, processing and or making of eatables or beverage”); “malnutrition” (“a situation where a person suffers from lack of adequate food within the meaning of this Act”); “right to food” (“includes the right to adequate food and the right to be free from hunger”); “under-nutrition” (“a level of food content and nutrition that falls below the minimum essential package of calories, proteins and other specific nutrients necessary for good health and human development”); and “vulnerability or risk of food insecurity” (“a conjecture of factors that determine a tendency to suffer from an inadequate nutrition or to an interrupted food supply due to a problem in the provision of food”). Clause 6 also defines “freedom from hunger” as “a situation where adequate food is available and accessible to everyone at all times, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill, as well as victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups who may need special attention and sometimes priority consideration with respect to the accessibility of food”.

Clause 3 makes it clear that food and nutrition security is the foundation of the full realisation of the right to adequate food. Clause 4 obliges persons with responsibilities relating to the administration, management and supply of food or sources, to carry out their responsibilities in line with the Constitution, policies on food and nutrition security, legislation, customary law and other relevant law. Any person or entity must, when performing a legislated responsibility relating to food:

- i. Promote public awareness and participation;
- ii. Ensure accountability and transparency, and ensure that access to food is non-discriminatory and based on the recognition and protection of the inherent worth and dignity of all humans (even though measures may address inequalities and protect vulnerable or disadvantaged groups and prohibit discriminatory practices);
- iii. Promote and empower capacities, capabilities and access to enjoy the right to be free from hunger;
- iv. Promote good plant and animal husbandry by facilitating access to information;
- v. Ensure precautionary measures are taken to prevent or mitigate possible food disasters;
- vi. Promote relevant scientific research, technological development and training;
- vii. Promote cultural and social practices applied by Malawian communities in achieving food security and storage of farm produce; and
- viii. Promote cooperation with foreign governments and international or regional organisations.

Clause 5 contains the right to food, which includes the right to freedom from hunger and the right to adequate food (i.e. the availability of food in a quantity and of the quality sufficient to satisfy the

dietary needs of individuals, free from adverse substances and culturally acceptable, and accessibility in sustainable ways which do not interfere with the enjoyment of other rights). The State is obliged to take steps to ensure the satisfaction of, at least, the minimum essential levels of the right to food (in other words, access to minimum essential food that is sufficient, nutritionally adequate and safe). The right to food must be respected, protected, promoted and fulfilled by Government. In terms of clause 6, the State is obliged to, as a core obligation, take concrete and immediate steps to prevent hunger. Clause 6 also obliges the Government to (on an individual level and through international cooperation) take measures to improve methods of production, conservation and distribution of food. In this regard, it must make use of technical and scientific knowledge, disseminate knowledge of nutrition principles, and develop or reform agrarian systems to achieve the efficient development and utilisation of natural resources. Government is also obliged to take targeted and concrete legislative economic, technical or other steps to the maximum of its available resources (resources in Malawi, as well as resources available through international cooperation and assistance) to progressively achieve the full realisation of the right to adequate food.

Individuals and private entities also have responsibilities relating to the realisation of the right to food (clause 7). Clause 7 furthermore provides for the protection of economic interests and fair and non-discriminatory treatment by manufacturers, suppliers and traders of food, food products and inputs for food production. Activities affecting local competition will be regulated.

Clause 8 obliges Government to:

- i. Adopt measures, policies and legislation on wages and land tenure to ensure the accelerated full realisation of the right to food and nutrition security;
- ii. Ensure that food and nutrition support safety net programmes foster dietary diversity by incorporating more indigenous crops;
- iii. Take measures and steps to bring about a shift in thoughts relating to food and nutrition security;
- iv. Recognise and reward rural and indigenous people in the conservation and enhancement of agricultural biodiversity and confer social prestige and economic benefit to them;
- v. Promote local markets and facilitate access to international markets for the products of agricultural diversity;
- vi. Advocate and strengthen national nutrition literacy and train agricultural extension workers and health and nutrition professionals;
- vii. Put in place mechanisms that promote and ensure expanded access to advanced technology in the production of food and relevant agricultural inputs;
- viii. Give special consideration to vulnerable people; and
- ix. Enter into partnerships to take measures to promote dietary diversity and healthy eating habits, food preparation and feeding patterns.

The relevant Minister is also obliged to make regulations and policies that prescribe targets and goals. Clause 9 provides remedies for persons whose right to food has been violated. Clause 10 prohibits discrimination in access to food or other entitlements for its procurement, and clause 11 prohibits persons to obstruct, prevent or make it difficult or impossible for a person to have access to food and nutrition. Clause 12 deals with misleading and unfair trade practices, clause 13 with political coercion, and clause 14 with pyramid selling and betting. Clause 15 obliges Government to put in place, and rely on, an early warning system by investing in scientific research and development. Clause 16 obliges Government to develop disaster management mechanisms, policies and programmes to ensure the minimisation of the impacts of disaster and that there is no adverse

effect on food and nutrition security. Food disasters must be responded to by Government in a speedy and efficient manner. In terms of clause 17, adequate levels of strategic food reserves must be maintained by Government, and Government must promote the modernisation of food storage facilities and the diversification of stored food so that there is a credible and functional food balance sheet. The clause also lists a number of matters which the Minister must regulate by promulgating regulations. Clause 18 makes it an offence for a person to demand a bribe or other favour from a food aid beneficiary. The dignity and rights of food aid beneficiaries must be maintained and respected (clause 19). Clause 20 deals with penalties for non-compliance.

Clauses 21 to 33 deals with the establishment of the Food and Nutrition Security Council. The Council must advise Government and other stakeholders on all matters relating to food and nutrition security (clause 34, which also lists specific functions, and clause 35). Administrative matters relating to the Council are dealt with in clauses 36 to 39. Clause 40 provides local authorities with a number of powers, duties and responsibilities, including to ensure food and nutrition security within their areas of jurisdiction. It also lists a number of specific powers, duties and responsibilities which are discretionary in nature. Clause 41 provides immunity to officers appointed in terms of the Act (if enacted). Clause 42 obliges the Minister to seek international assistance during food emergencies, procure resources and facilitate investment in food preservation infrastructure, and coordinate lead agencies and stakeholders to facilitate the review of food and nutrition security policy and legislation. Clause 43 deals with the disclosure of interests. Clause 44 stipulates the responsibilities of the Director of Food and Nutrition Security. Clauses 45 to 53 deals with the establishment of the Food and Nutrition Security Fund, the object of which is the advancement of food and nutrition security in Malawi (clause 48).

Clause 54 obliges the Parliamentary Committee responsible for agriculture and nutrition to, amongst others, provide oversight over the administration of the Act (if enacted), as well as any activities relating to the right to food, and food and nutrition security. Clause 56 states that the mandate of the Human Rights Commission in respect of human rights will apply with regard to respecting, protecting and fulfilling the right to food. Violations of the right to food must be dealt with in terms of the Human Rights Commission Act. Clause 58 deals with the observation of secrecy, clause 59 with offences, clause 60 with penalties, and clause 61 with regulations and the obligation on the Minister to submit an Annual Report of the state of the right to food, food and nutrition security in Malawi.

The **Final Draft Food Security Bill** was published in 2011 with the aim to provide protection of the right to food, to establish the National Food Security Council and the Food Security Fund. It differs in certain respects from the 2007 version (including a lesser focus on nutrition). Clause 2 defines certain terms, including “adequate food” (“the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances”); “food security” (“a situation when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life”); “food” (“safe, edible and nutritious substances, acceptable within a given culture, originating from a biological source and includes water, any beverage, food additive material, in processed form or not, which is fit for human consumption and further includes food additive material, food raw material and other materials used in the processing and preparation of such edible substance or beverage”); “freedom from hunger” (“a situation where all people, especially the vulnerable, have access to a level of food, capable of meeting the recommended minimum dietary requirements as may be set out by the Minister from time to time”); and “right to food” (“includes the right to adequate food, the right to be free from hunger and the entitlement to food security”).

Clause 3 obliges the State to respect, promote, protect and fulfil the right to adequate food, the right to freedom from hunger, and the entitlement to food security. In the event that the State is unable to immediately fulfil the right to adequate food, it is obliged to undertake all measures necessary to ensure the right to freedom from hunger for all persons. Clause 4 obliges the executive, legislature and judiciary to respect, uphold and fulfil the right to food, which will also bind all organs of state, natural and legal persons. Clause 5 protects access to justice if a person's right to food has been violated.

Part III deals with the discharge of the State's obligations and responsibilities. Depending on the availability of resources within and outside Malawi (including through international cooperation and assistance), the State must take the necessary measures to progressively realise the right to food (clause 6). Specific obligations are set out in clause 7, namely: the state must undertake all necessary measures by making sufficient budgetary allocation to the Ministry, and may in this regard work alone or through international or local collaboration. Accordingly, the State is obliged to:

- i. Adopt and implement safety net mechanisms (these may include enhancing agricultural credit facilities, reforming or revising policies and legislation on a regular basis, enhancing and institutionalising food aid programmes, and broadening the food base by encouraging dietary diversity);
- ii. Raise public awareness;
- iii. Facilitate access to local and international markets;
- iv. Promote access to advanced technological advances in food production;
- v. Promote good plant and animal husbandry methods;
- vi. Target vulnerable groups;
- vii. Ensure precautionary, mitigating measures are taken during food emergencies; and
- viii. Promote scientific research, technological advances and training in food security.

Clause 8 states that the Competition and Fair Trading Act will apply to food-related competition. Part IV (clause 9) deals with the obligations and responsibilities of non-state actors, and provides that non-state actors must respect the right to food of every person. Food emergencies and aid are dealt with in Part V. In this regard, clause 10 obliges the Minister to respond to disasters with speed and efficiency to minimise the effect thereof on food security. The Minister must also maintain adequate levels of strategic food reserves and must promote the modernisation of food storage facilities and the diversification of stored food so that the food and dietary needs of Malawi can be satisfied at all times (clause 11). Clause 12 obliges the Minister to determine the beneficiaries of food aid only on the basis of need, guided by the principles of equality, impartiality and fairness. Part VI deals with the National Food Security Council, which must advise the Minister and other stakeholders on matters related to the right to food (clause 18). Its specific functions are set out in clause 18(2).

Part VII deals with administrative matters relating to the Council. Part VIII deals with the establishment of the Food Security Fund, with the aim of advancing the right to food and food security in Malawi (clause 33). Part IX deals with accounts and audits, and Part X with oversight (clause 40 obliges the Council to submit National Food Security Reports. The National Assembly must assign responsibility for the scrutiny of the Reports to the Parliamentary Committee responsible for agriculture). Part XI provides for complaints and remedies (clause 41 provides that complaints must be referred to the Human Rights Commission). Part XI deals with offences and penalties (discrimination, obstructing access to food, misleading and unfair trade practices, coercion for political gain, pyramid selling and betting, bribes and favours, the non-disclosure of interests and

other offences). Lastly, Part XII provides for miscellaneous matters, including the oath of secrecy, secrecy to be observed, protection of members and employees, and the power to make regulations.

The **Gender Equality Bill, 2012** was published on 28 December 2012, and aims to promote gender equality; equal integration, influence, empowerment, dignity and opportunities for both men and women in all functions of society; prohibit and provide redress for sex discrimination, harmful practices and sexual harassment; and to provide for public awareness on the promotion of gender equality. It does not deal specifically with food or nutrition.

5.3.4 Malawi FSN-related government programmes

Various Malawi government programmes impacting on food security and nutrition are currently being implemented. The discussion below gives an overview of a number of select key programmes.

Food security has been identified as a key priority in need of immediate assistance in the **Food Insecurity Response Plan (FIRP)** (Malawi 2016a). The strategic objectives of FIRP are to:

- i. Provide immediate life-saving and life-sustaining assistance to drought-affected people through the provision of essential foods, commodities and health-focused interventions;
- ii. Ensure the mainstreaming of cross-cutting issues (protection, gender and HIV and AIDS) through inter-cluster coordination and monitoring of the overall response; and
- iii. Support the restoration of livelihoods of drought-affected people through linkage with on-going resilience-building activities.

The following priority areas have been identified:

- i. Reducing the number of people in food insecurity;
- ii. Reducing acute malnutrition;
- iii. Preventing excess mortality and morbidity associated with acute malnutrition and poor feeding practices amongst children under five;
- iv. Improving affected farmers' access to agriculture inputs; (v) increasing the percentage of affected people with access to safe drinking water, sanitation and hygiene services;
- v. Strengthening surveillance and prevention of disease outbreak; and
- vi. Improving coordination, monitoring and evaluation mechanisms.

The plan is implemented as a joint effort between the Government of Malawi and the UN through the humanitarian clusters. It is stated in this plan that "At the central level, relevant government sectors and cluster co-leads in the relevant areas of interventions, will provide technical, coordination and leadership support to guide and prioritize interventions and agree on the most effective implementation modalities. At the implementation level, and in consultation with local government authorities and the affected communities, the plan will be coordinated by the humanitarian clusters and implemented through on-going partnerships with both national and international NGOs with proven capacities to intervene in the affected districts." Specific targets have been set throughout the FIRP. The following extracts are from the FIRP:

- i. Based on recommendations from the MVAC, the food security cluster will provide lean season life-saving relief food assistance targeting 236,028 beneficiaries in July 2016, reaching

- the peak of 6.5 million people by January 2017. Assistance will be provided in the most food insecure areas in all the 24 affected districts identified by the MVAC.⁸
- ii. The overall objective of the Malawi Nutrition Cluster is to ensure improved and equitable access to and use of life-saving nutritional services for vulnerable children (boys and girls) and pregnant, lactating women (PLW) and People Living with HIV and AIDS (PLHIV) at the community and facility level that meet national and internationally recommended minimum standard of care for a population affected by an emergency” (Malawi 2016a: 35).
 - iii. “The (education) cluster activities seek to provide a wide range of services such as provision of school meals, hygiene education and psychosocial support to learners. These activities seek to ensure that access to quality education is sustained during the food insecurity emergency so that numbers of drop-outs resulting from food insecurity are minimised. The cluster will also work at reducing outbreaks of diarrhoeal diseases among learners. In collaboration with the Food Security Cluster to support continued normal learning during the lean season, children enrolled and attending at least 80 % of school days per month will receive 5kg of Super Cereal as take-home rations (THR), as conditional safety net. This assistance will target 166,400 learners in 200 primary schools in 15 districts covering the period from July 2016 to April 2017. Community sensitisations will be carried out so that parents prepare breakfast for children before going to school, in addition to nutrition and education messages. In addition, schools will be encouraged to establish home-grown school gardens involving learners, parents and communities where vegetables and other food crops can be grown to provide school meals as well as supplement existing school feeding programmes. Livelihood activities will be supported to in and out of school adolescents including teen mothers in school to engage in agri-business and entrepreneurship activities including literacy. The roles of standby emergency teachers will be expanded to include real-time monitoring that will assist in identifying children in need of school feeding and other interventions. District Cluster member capacities will be strengthened to ensure increased knowledge and skills in emergency preparedness, planning and response. The cluster will institute a robust monitoring and evaluation system by conducting joint field monitoring visits and reporting including sharing of data in the implementation progress of the response through cluster 4Ws which will eventually be shared with DODMA for consolidation with other clusters.”

Several sectoral and cross-cutting policies and action plans recently became outdated and are not dealt with here. These include the **National Nutrition Policy and Strategic Plan (2007)**, the **National Food Security Policy (2006)** and the **Food Security Action Plan (2008)**.

Policies and programmes that were in 2017-2018 still in effect (together with the applicable state institution responsible for their implementation) include, but are not limited to the:

- i. Agriculture Sector Wide Approach (ASWAp) with the National Agriculture Policy (2016): Ministry of Agriculture, Irrigation and Water Development
- ii. National Climate Change Investment Plan (2013-2018): Department of Climate Change and Meteorological Services
- iii. Fisheries Policy (2012-2017): Ministry of Agriculture, Irrigation and Water Development

⁸ The FIRP needs to be consulted for details pertaining to, amongst other, targeting and registration of beneficiaries, distribution of food, cash and/or vouchers, and complementary activities.

- iv. Agriculture Sector Gender, HIV and AIDS Strategy (2012-2017):
Ministry of Agriculture, Irrigation and Water Development; Ministry of Health; Ministry of Education, Science and Technology; Ministry of Civic Education, Culture and Community Development; Ministry of Youth and Sports; Department of Nutrition, HIV and AIDS; Ministry of Women and Child Development; Ministry of Finance, Economic Planning and Development; Ministry of Natural Resources, Energy and Mining
- v. School Health and Nutrition Guidelines (2010):
Ministry of Agriculture, Irrigation and Water Development; Ministry of Health; Ministry of Gender, Children and Social Welfare; Ministry of Education, Science and Technology; Ministry of Local Government; Ministry of Youth and Sports; Department of Nutrition, HIV and AIDS; Ministry of Finance, Economic Planning and Development; Ministry of Natural Resources, Energy and Mining; Office of President and Cabinet (Malawi 2010a)
- vi. School Health and Nutrition Strategy (2009–2018):
Ministry of Agriculture, Irrigation and Water Development; Ministry of Health; Ministry of Education, Science and Technology; Ministry of Civic Education, Culture and Community Development; Ministry of Youth and Sports; Department of Nutrition, HIV and AIDS; Ministry of Women and Child Development; Ministry of Finance, Economic Planning and Development; Ministry of Natural Resources, Energy and Mining
- vii. Gender Policy (2008):
Ministry of Agriculture, Irrigation and Water Development; Ministry of Gender, Children and Social Welfare
- viii. National Action Programme for Malawi for the United Nations Convention to Combat Desertification (2005):
Ministry of Natural Resources, Energy and Environment (Malawi 2005)
- ix. Malawi's National Adaptation Programmes of Action (2006):
Ministry of Natural Resources, Energy and Environment (Malawi 2006)
- x. National Education Sector Plan (2008-2017):
Ministry of Education, Science and Technology (Malawi 2008)
- xi. National Nutrition Education and Communication Strategy for Preventing Child Stunting in Malawi (2011):
Ministry of Health
- xii. Malawi National Social Support Programme II (MNSSP II) (Malawi 2018a):
National Social Support Steering Committee; Ministry of Finance, Economic Planning and Development
- xiii. Malawi Economic Recovery Plan (2012) (Malawi 2012b):
Ministry of Finance, Economic Planning and Development
- xiv. Malawi Education Sector Improvement Project (MESIP) – Environmental and Social Management Framework (2016) (Malawi 2016b):
Ministry of Education, Science and Technology; Local Development Fund; Ministry of Natural Resources, Energy and Environment; Ministry of Lands, Housing and Urban Development
- xv. National Youth Policy (2013):
Ministry of Youth and Sports; National Youth Council of Malawi (Malawi 2013b)
- xvi. National Disaster Risk Management Policy (2015):
Department of Disaster Management Affairs; National Disaster Risk Management Committee; National Disaster Risk Management Technical Committee; National Disaster Risk Management Technical Sub-Committees; Department of Disaster Risk Management Affairs; Decentralised Disaster Risk management structures (Malawi 2015a)

- xvii. National Export Strategy (2013-2018):
Ministry of Industry, Trade and Tourism

5.3.5 Malawi FSN-related institutional framework

Food and nutrition security policy implementation and monitoring require significant inter-ministerial co-operation and coordination.

The Food Insecurity Response Plan 2016-2017 (FIRP), briefly discussed in 5.2.4 above, stated that

“The response will be implemented in a multi-sectoral nature and all the sector responses will be coordinating with each other to ensure maximum impact. While recognising that the response is multi-sectoral, the response interventions will also be implemented in coordination with ongoing interventions like Public Works Programs, Social Cash Transfers”,

and

“[a]t the central level, relevant government sectors and cluster co-leads in the relevant areas of interventions, will provide technical, coordination and leadership support to guide and prioritise interventions and agree on the most effective implementation modalities. At the implementation level, and in consultation with local government authorities and the affected communities, the plan will be coordinated by the humanitarian clusters and implemented through on-going partnerships with both national and international NGOs with proven capacities to intervene in the affected districts”. Detailed tables of objectives and proposed activities and expected outcomes are included in the FIRP. An important observation in the 2015 FIRP that should infuse the whole of the approach to food security is that “[i]n order to address the underlying causes of food and nutrition insecurity there is a need to strengthen linkages to make the policies and programmes more nutrition sensitive” (Malawi 2016a: 13).

Different government institutions are involved in the quest to promote and ensure food security. These institutions are responsible for the administration, coordination and/or implementation of several policies and/or legislation and/or plans, and these include, but are not limited to, the following:

- i. Ministry of Agriculture, Water and Irrigation Development:
Policies and/or plans
Malawi Health Sector Strategic Plan (2011-2016); Food Security Policy (2006); Food Security Action Plan (2008); National Water Policy (2017); Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Gender Policy (2015); National Irrigation Policy (2016); National School Health and Nutrition Policy (2016); Malawi National Agriculture Policy (2016); Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year; Malawi Growth and Development Strategy (MGDS) III (2017); Malawi National Agriculture Investment Plan (NAIP 2) (2017).
Legislation:
Special Crops Act (Cap. 65:01) of 1963; Water Resources Act (Cap. 72:03) of 1969; Agriculture (General Purposes) Act (Cap. 65:05) of 1987; Fisheries Conservation and Management Act, 1997; Irrigation Act, 2001; Draft Food and Nutrition Security Bill (2007); Final Draft Food Security Bill (2011); Environmental Management Act, 2017.
- ii. Ministry of Health:

Policies and/or plans:

Malawi Health Sector Strategic Plan (2011-2016); National Nutrition Education and Communication Strategy for Preventing Child Stunting in Malawi (2011); National HIV and AIDS Policy (2012); Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Guidelines on Nutrition Care, Support and Treatment (2014); National Strategic Plan for HIV and AIDS 2015 – 2020; National Community-Based Management of Acute Malnutrition Operational Plan 2017 – 2021; National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022; National Nutrition Strategic Plan 2016 – 2020; National School Health and Nutrition Policy (2016); Malawi Growth and Development Strategy (MGDS) III (2017); National Policy on Early Childhood Development (2017).

Legislation:

Public Health Act (Cap. 34:01) of 29 July 1948; Iodization of Salt Act, No. 10 of 1995.

iii. Food Security Unit:

Food Security Policy (2006); Food Security Action Plan (2008).

iv. Ministry of Gender, Children and Social Welfare:

Policies/Plans:

School Health and Nutrition guidelines (2010); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021; National School Health and Nutrition Policy (2016); National Gender Policy (2015); Malawi National Social Support Programme II (MNSSP II).

Legislation:

Gender Equality Bill, 2012.

v. Ministry of Education, Science and Technology:

National School Health and Nutrition Strategic Plan (2009-2018); Malawi Health Sector Strategic Plan (2011-2016); Infant and Young Child Nutrition Policy (2009); School Health and Nutrition guidelines (2010); National Multi-Sector Nutrition Policy 2018 – 2022; National School Health and Nutrition Policy (Final Draft) (2016); National School Health and Nutrition Policy (2016); Malawi Growth and Development Strategy (MGDS) III (2017); National Policy on Early Childhood Development (2017).

vi. Ministry of Trade and Industry:

Water and Sanitation Sector Strategic Plan; Malawi Health Sector Strategic Plan 2011-2016; Infant and Young Child Nutrition Policy (2009); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022.

vii. Ministry of Local Government:

Policies/plans:

Local Government and Rural Development Output Based Budget; School Health and Nutrition guidelines (2010); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022; National Policy on Early Childhood Development (2017).

Legislation:

Local Government Act, 1998.

viii. Department of Disaster Management Affairs:

Policies and/or plans:

National Disaster Risk Management Communication Strategy 2014 – 2018; National Disaster Risk Management Policy (2015).

Legislation:

Disaster Preparedness and Relief Act (Cap. 33:05) of 1991.

- ix. Ministry of Information, Communications Technology:
Infant and Young Child Nutrition Policy (2009).
- x. Ministry of Civic Education, Culture and Community Development:
Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022.
- xi. Ministry of Youth and Sports:
National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Youth Policy (2013); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022.
- xii. Malawi Bureau of Standards:
Malawi Health Sector Strategic Plan 2011-2016; Infant and Young Child Nutrition Policy (2009).
- xiii. Department of Nutrition, HIV and AIDS:
Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National HIV and AIDS Policy (2012); National Micronutrient Strategy for Malawi 2013 – 2018; National Guidelines on Nutrition Care, Support and Treatment 2014; National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022; National Nutrition Strategic Plan 2016 – 2020; National School Health and Nutrition Policy (2016); National Policy on Early Childhood Development (2017).
- xiv. Ministry of Women and Child Development:
Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); National Policy on Early Childhood Development (2017).
- xv. Ministry of Labour:
Infant and Young Child Nutrition Policy (2009); National Irrigation Policy (2016).
- xvi. Ministry of Trade and Industry:
Infant and Young Child Nutrition Policy (2009); National Nutrition Strategic Plan 2016 – 2020; National Irrigation Policy (2016).
- xvii. Ministry of Justice and Constitutional Affairs:
Infant and Young Child Nutrition Policy (2009); National Multi-Sector Nutrition Policy 2018 – 2022.
- xviii. Ministry of Finance, Economic Planning and Development:
National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Strategic Plan for HIV and AIDS 2015 – 2020; National Strategic Plan for HIV and AIDS 2015 – 2020; National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2018 – 2022.
- xix. Ministry of Natural Resources, Energy and Mining:
National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Irrigation Policy (2016); Malawi Growth and Development Strategy (MGDS) III (2017).
- xx. Office of President and Cabinet:
School Health and Nutrition guidelines (2010); National Agriculture Policy (NAP) (2011); National Micronutrient Strategy for Malawi 2013 – 2018; National Strategic Plan for HIV and AIDS 2015 – 2020; National Nutrition Strategic Plan 2016 – 2020.
- xxi. Multi-sectoral Technical Committee on Nutrition (Micronutrients Technical Working Group):
National Micronutrient Strategy for Malawi 2013 – 2018.

- xxii. The National Youth Council of Malawi (responsible for the implementation of the following instrument or part of such instrument):
National Youth Policy (2013).
- xxiii. National AIDS Commission:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxiv. Malawi Partnership Forum:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxv. Department of Human Resource Management (responsible for the implementation of the following instrument or part of such instrument):
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxvi. Malawi Business Coalition against AIDS:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxvii. Malawi Network of People Living with HIV:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxviii. Malawi Interfaith AIDS Association:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxix. National Youth Council of Malawi:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxx. Malawi Global Fund Coordinating Committee:
National Strategic Plan for HIV and AIDS 2015 – 2020.
- xxxi. Department of Public Sector Management:
National Strategic Plan for HIV and AIDS 2015 – 2020;
- xxxii. Malawi Law Commission:
National Strategic Plan for HIV and AIDS 2015 – 2020; Draft Food and Nutrition Security Bill (2007).
- xxxiii. Human Rights Commission:
National Strategic Plan for HIV and AIDS 2015 – 2020; Draft Food and Nutrition Security Bill (2007).
- xxxiv. National Disaster Risk Management Committee:
National Disaster Risk Management Policy (2015).
- xxxv. National Disaster Risk Management Technical Committee:
National Disaster Risk Management Policy (2015).
- xxxvi. National Disaster Risk Management Technical Sub-Committees:
National Disaster Risk Management Policy (2015).
- xxxvii. Department of Disaster Risk Management Affairs:
National Disaster Risk Management Policy (2015).
- xxxviii. Decentralised Disaster Risk management structures:
National Disaster Risk Management Policy (2015).
- xxxix. Ministry of Lands, Housing and Urban Development:
National Irrigation Policy (2016).
- xl. Public Private Partnership Commission:
National Irrigation Policy (2016).
- xli. Office of the Director of Public Procurement:
National Irrigation Policy (2016).
- xlii. National Audit Office:
National Irrigation Policy (2016).
- xliii. Malawi Irrigation Board:
National Irrigation Policy (2016).

- xliv. Malawi Committee on Irrigation and Drainage:
National Irrigation Policy (2016).
- xlv. National Water Resources Authority:
National Irrigation Policy (2016).
- xlvi. Department of Climate Change and Meteorological Services:
National Multi-Sector Nutrition Policy 2018 – 2022.
- xlvii. Directorate of School Health, Nutrition, HIV and AIDS (DSHNHA):
National School Health and Nutrition Policy (2016).
- xlvi. Local Government and Rural Development:
National Policy on Early Childhood Development (2017).

The need for collaboration between different sectors is evident from, amongst other the fact that the Malawi Health Sector Strategic Plan 2011-2016 issued by the Government of Malawi, Ministry of Health, in 2011 states that: (a) “The Ministry of Education will work collaboratively with the MoH to effectively implement school health and nutrition programs” (Malawi 2011b: 85); (b) the “Ministry of Agriculture, Irrigation and Water Development: This Ministry will be responsible for the development and implementation of policies and plans to ensure that the people of Malawi have adequate and nutritious food and safe drinking water. The MoH will work with this Ministry (i) to increase access to safe water for the people of Malawi in order to reduce waterborne and related diseases; and (ii) to ensure that potable water is provided in all health facilities including staff houses” (Malawi 2011b: 85); and (c) that “Ministry of Industry and Trade: As ever, the Ministry of Industry and Trade, in conjunction with Malawi Bureau of Standards, will be responsible for screening and monitoring fortified foods in the country” (Malawi 2011b: 86).

The **National Agriculture Policy** (NAP) issued by the Government of Malawi, Ministry of Agriculture, Irrigation and Water Development in 2016 delineates the roles of all the major stakeholders e.g. government, farmers, the public sector, the private sector, civil society, NGOs, development partners, and academic and research institutions (Malawi 2016c). Timelines, strategies, responsible institutions and specific objectives are aligned (Malawi 2016c: 31-36).

The table below contains a summary of the various institutions and the respective policies, legislation and plans (and programmes) for which they are responsible:

Table 1: Institutions and the policies, legislation and plans for which they are responsible

INSTITUTION	POLICIES/PLANS	LEGISLATION
Ministry of Agriculture, Irrigation and Water Development	<ul style="list-style-type: none"> • National Agriculture Policy (2016) • Malawi Health Sector Strategic Plan (2011-2016) • Food Security Policy (2006) • Food Security Action Plan (2008) • National Water Policy (2017) • Infant and Young Child Nutrition Policy (2009) National School Health and Nutrition Strategic Plan (2009-2018) • School Health and Nutrition Guidelines (2010) • National Gender Policy (2015) • National Irrigation Policy (2016) • National School Health and Nutrition Policy (2016) • Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year • Malawi Growth and Development Strategy III (MGDS III) (2017) 	<ul style="list-style-type: none"> • Special Crops Act (Cap. 65:01) of 1963 • Water Resources Act (Cap. 72:03) of 1969 • Agriculture (General Purposes) Act (Cap. 65:05) of 1987 • Environmental Management Act, 2017 • Fisheries Conservation and Management Act, 1997 • Irrigation Act, 2001 • Draft Food and Nutrition Security Bill (2007) • Final Draft Food Security Bill (2011).
Ministry of Health	<ul style="list-style-type: none"> • Malawi Health Sector Strategic Plan (2011-2016) • National Nutrition Education and Communication Strategy for Preventing Child Stunting in Malawi (2011) • National HIV and AIDS Policy (2012) • Infant and Young Child Nutrition Policy (2009) • National School Health and Nutrition Strategic Plan (2009-2018) • School Health and Nutrition Guidelines (2010) • National Guidelines on Nutrition Care, Support and Treatment (2014) • National Strategic Plan for HIV and AIDS 2015 – 2020 • National Community-Based Management of Acute Malnutrition Operational Plan 2017 – 2021 • National Irrigation Policy (2016) • National Multi-Sector Nutrition Policy 2018 – 2022 • National Nutrition Strategic Plan 2016 – 2020 • National School Health and Nutrition Policy (2016) • Malawi Growth and Development Strategy III (MGDS III) (2017) 	<ul style="list-style-type: none"> • Public Health Act (Cap. 34:01) of 29 July 1948 • Iodization of Salt Act, No. 10 of 1995

INSTITUTION	POLICIES/PLANS	LEGISLATION
	<ul style="list-style-type: none"> National Policy on Early Childhood Development (2017) 	
Food Security Unit	<ul style="list-style-type: none"> Food Security Policy (2006) Food Security Action Plan (2008) 	
Ministry of Gender, Children and Social Welfare	<ul style="list-style-type: none"> School Health and Nutrition Guidelines (2010) National Irrigation Policy (2016) National Multi-Sector Nutrition Policy 2018 – 2022 National School Health and Nutrition Policy (2016); National Gender Policy (2015) 	<ul style="list-style-type: none"> Gender Equality Bill, 2012
Ministry of Education, Science and Technology	<ul style="list-style-type: none"> National School Health and Nutrition Strategic Plan (2009-2018) Malawi Health Sector Strategic Plan (2011-2016) Infant and Young Child Nutrition Policy (2009) School Health and Nutrition Guidelines (2010) National Multi-Sector Nutrition Policy 2018 – 2022 National School Health and Nutrition Policy (Final Draft) (2016) National School Health and Nutrition Policy (2016) Malawi Growth and Development Strategy III (MGDS III) (2017) National Policy on Early Childhood Development (2017) 	
Ministry of Trade and Industry	<ul style="list-style-type: none"> Malawi Health Sector Strategic Plan 2011-2016 Infant and Young Child Nutrition Policy (2009) National Irrigation Policy (2016) National Multi-Sector Nutrition Policy 2018 – 2022 	
Ministry of Local Government	<ul style="list-style-type: none"> School Health and Nutrition Guidelines (2010) National Irrigation Policy (2016) National Multi-Sector Nutrition Policy 2018 – 2022 National Policy on Early Childhood Development (2017) 	<ul style="list-style-type: none"> Local Government Act, 1998
Department of Disaster Management Affairs	<ul style="list-style-type: none"> National Disaster Risk Management Communication Strategy 2014 – 2018 National Disaster Risk Management Policy (2015) 	<ul style="list-style-type: none"> Disaster Preparedness and Relief Act (Cap. 33:05) of 1991
Ministry of Information, Communications Technology	<ul style="list-style-type: none"> Infant and Young Child Nutrition Policy (2009) 	

INSTITUTION	POLICIES/PLANS	LEGISLATION
Ministry of Civic Education, Culture and Community Development	<ul style="list-style-type: none"> • Infant and Young Child Nutrition Policy (2009) • National School Health and Nutrition Strategic Plan (2009-2018) • National Irrigation Policy (2016) • National Multi-Sector Nutrition Policy 2018 – 2022 	
Ministry of Youth and Sports	<ul style="list-style-type: none"> • National School Health and Nutrition Strategic Plan (2009-2018) • School Health and Nutrition Guidelines (2010) • National Youth Policy (2013) • National Irrigation Policy (2016) • National Multi-Sector Nutrition Policy 2018 – 2022 	
Malawi Bureau of Standards	<ul style="list-style-type: none"> • Malawi Health Sector Strategic Plan 2011-2016 • Infant and Young Child Nutrition Policy (2009) 	
Department of Nutrition, HIV and AIDS	<ul style="list-style-type: none"> • Infant and Young Child Nutrition Policy (2009) • National School Health and Nutrition Strategic Plan (2009-2018) • School Health and Nutrition Guidelines (2010) • National HIV and AIDS Policy (2012) • National Micronutrient Strategy for Malawi 2013 – 2018 • National Guidelines on Nutrition Care, Support and Treatment 2014 • National Irrigation Policy (2016) • National Multi-Sector Nutrition Policy 2018 – 2022 • National Nutrition Strategic Plan 2016 – 2020 • National School Health and Nutrition Policy (2016) • National Policy on Early Childhood Development (2017) 	
Ministry of Women and Child Development	<ul style="list-style-type: none"> • Infant and Young Child Nutrition Policy (2009) • National School Health and Nutrition Strategic Plan (2009-2018) • National Policy on Early Childhood Development (2017) 	
Ministry of Labour	<ul style="list-style-type: none"> • Infant and Young Child Nutrition Policy (2009) • National Irrigation Policy (2016) 	
Ministry of Trade and Industry	<ul style="list-style-type: none"> • Infant and Young Child Nutrition Policy (2009) • National Nutrition Strategic Plan 2016 – 2020 • National Irrigation Policy (2016) 	

INSTITUTION	POLICIES/PLANS	LEGISLATION
Ministry of Justice and Constitutional Affairs	<ul style="list-style-type: none"> • Infant and Young Child Nutrition Policy (2009) • National Multi-Sector Nutrition Policy 2018 – 2022 	
Ministry of Finance, Economic Planning and Development	<ul style="list-style-type: none"> • National School Health and Nutrition Strategic Plan 2009-2018 • School Health and Nutrition Guidelines (2010) • National Strategic Plan for HIV and AIDS 2015 – 2020 • National Irrigation Policy (2016) • National Multi-Sector Nutrition Policy 2018 – 2022 	
Ministry of Natural Resources, Energy and Mining	<ul style="list-style-type: none"> • National School Health and Nutrition Strategic Plan (2009-2018) • School Health and Nutrition Guidelines (2010) • National Irrigation Policy (2016) • Malawi Growth and Development Strategy III (MGDS III) (2017) 	
Office of President and Cabinet	<ul style="list-style-type: none"> • School Health and Nutrition Guidelines (2010) • National Agricultural Policy (NAP) (2011) • National Micronutrient Strategy for Malawi 2013 – 2018 • National Strategic Plan for HIV and AIDS 2015 – 2020 • National Nutrition Strategic Plan 2016 – 2020 	
Multi-sectoral Technical Committee on Nutrition (Micronutrients Technical Working Group)	<ul style="list-style-type: none"> • National Micronutrient Strategy for Malawi 2013 – 2018 	
The National Youth Council of Malawi	<ul style="list-style-type: none"> • National Youth Policy (2013) 	
National AIDS Commission	<ul style="list-style-type: none"> • National Strategic Plan for HIV and AIDS 2015 – 2020 	
Malawi Partnership Forum	<ul style="list-style-type: none"> • National Strategic Plan for HIV and AIDS 2015 – 2020 	
Department of Human Resource Management	<ul style="list-style-type: none"> • National Strategic Plan for HIV and AIDS 2015 – 2020 	
Malawi Business Coalition against AIDS	<ul style="list-style-type: none"> • National Strategic Plan for HIV and AIDS 2015 – 2020 	
Malawi Network of People Living with HIV	<ul style="list-style-type: none"> • National Strategic Plan for HIV and AIDS 2015 – 2020 	

INSTITUTION	POLICIES/PLANS	LEGISLATION
Malawi Interfaith AIDS Association	<ul style="list-style-type: none"> National Strategic Plan for HIV and AIDS 2015 – 2020 	
National Youth Council of Malawi	<ul style="list-style-type: none"> National Strategic Plan for HIV and AIDS 2015 – 2020 	
Malawi Global Fund Coordinating Committee	<ul style="list-style-type: none"> National Strategic Plan for HIV and AIDS 2015 – 2020 	
Department of Public Sector Management	<ul style="list-style-type: none"> National Strategic Plan for HIV and AIDS 2015 – 2020 	
Malawi Law Commission	<ul style="list-style-type: none"> National Strategic Plan for HIV and AIDS 2015 – 2020 Draft Food and Nutrition Security Bill (2007); 	
Human Rights Commission	<ul style="list-style-type: none"> National Strategic Plan for HIV and AIDS 2015 – 2020 Draft Food and Nutrition Security Bill (2007); 	
National Disaster Risk Management Committee	<ul style="list-style-type: none"> National Disaster Risk Management Policy (2015) 	
National Disaster Risk Management Technical Committee	<ul style="list-style-type: none"> National Disaster Risk Management Policy (2015) 	
National Disaster Risk Management Technical Sub-Committees	<ul style="list-style-type: none"> National Disaster Risk Management Policy (2015) 	
Department of Disaster Risk Management Affairs	<ul style="list-style-type: none"> National Disaster Risk Management Policy (2015) 	
Decentralised Disaster Risk management structures	<ul style="list-style-type: none"> National Disaster Risk Management Policy (2015) 	
Ministry of Lands, Housing and Urban Development	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	
Public Private Partnership Commission	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	
Office of the Director of Public Procurement	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	
National Audit Office	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	

INSTITUTION	POLICIES/PLANS	LEGISLATION
Malawi Irrigation Board	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	
Malawi Committee on Irrigation and Drainage	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	
National Water Resources Authority	<ul style="list-style-type: none"> National Irrigation Policy (2016) 	
Department of Climate Change and Meteorological Services	<ul style="list-style-type: none"> National Multi-Sector Nutrition Policy 2018 – 2022 	
Directorate of School Health, Nutrition, HIV and AIDS (DSHNHA)	<ul style="list-style-type: none"> National School Health and Nutrition Policy (2016) 	
Local Government and Rural Development	<ul style="list-style-type: none"> National Policy on Early Childhood Development (2017) 	

The table below contains a concise summary of a number of key policies, legislation and implementation plans related to food security and nutrition in Malawi, together with the government institutions responsible for the administration, implementation and/or coordination thereof:

Table 2: Policies, legislation and plans and their implementing institutions

POLICY/PLAN/LEGISLATION	INSTITUTION
National Agriculture Policy (2016)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development
National Climate Change Investment Plan (2013-2018)	<ul style="list-style-type: none"> Department of Climate Change and Meteorological Services
Fisheries Policy (2012-2017)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development
Agriculture Sector Gender, HIV and AIDS Strategy (2012-2017)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development Ministry of Health Ministry of Education, Science and Technology Ministry of Civic Education, Culture and Community Development Ministry of Youth and Sports Department of Nutrition, HIV and AIDS Ministry of Women and Child Development Ministry of Finance, Economic Planning and Development Ministry of Natural Resources, Energy and Mining
School Health and Nutrition Guidelines (2010)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development Ministry of Health Ministry of Gender, Children and Social Welfare Ministry of Education, Science and Technology Ministry of Local Government Ministry of Youth and Sports Department of Nutrition, HIV and AIDS Ministry of Finance, Economic Planning and Development Ministry of Natural Resources, Energy and Mining Office of President and Cabinet
School Health and Nutrition Strategy (2009–2018)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development Ministry of Health Ministry of Education, Science and Technology Ministry of Civic Education, Culture and Community Development Ministry of Youth and Sports Department of Nutrition, HIV and AIDS Ministry of Women and Child Development Ministry of Finance, Economic Planning and Development

	<ul style="list-style-type: none"> Ministry of Natural Resources, Energy and Mining
Gender Policy (2008)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development Ministry of Gender, Children and Social Welfare
National Action Programme for Malawi for the United Nations Convention to Combat Desertification (2005)	<ul style="list-style-type: none"> Ministry of Natural Resources, Energy and Environment
Malawi's National Adaptation Programmes of Action 2006	<ul style="list-style-type: none"> Ministry of Natural Resources, Energy and Environment
National Education Sector Plan (2008-2017)	<ul style="list-style-type: none"> Ministry of Education, Science and Technology Ministry of Civic Education, Culture and Community Development
National Nutrition Education and Communication Strategy for Preventing Child Stunting in Malawi (2011)	<ul style="list-style-type: none"> Ministry of Health
Malawi Economic Recovery Plan (2012)	<ul style="list-style-type: none"> Ministry of Finance, Economic Planning and Development
Malawi Education Sector Improvement Project (MESIP) – Environmental and Social Management Framework (2016)	<ul style="list-style-type: none"> Ministry of Education, Science and Technology Local Development Fund Ministry of Natural Resources, Energy and Environment Ministry of Lands, Housing and Urban Development
National Youth Policy (2013)	<ul style="list-style-type: none"> Ministry of Youth and Sports National Youth Council of Malawi
National Disaster Risk Management Policy (2015)	<ul style="list-style-type: none"> Department of Disaster Management Affairs; National Disaster Risk Management Committee National Disaster Risk Management Technical Committee National Disaster Risk Management Technical Sub-Committees Department of Disaster Risk Management Affairs Decentralised Disaster Risk management structures
National Export Strategy (2013-2018)	<ul style="list-style-type: none"> Ministry of Industry, Trade and Tourism
Malawi Health Sector Strategic Plan (2011-2016)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development Ministry of Health Ministry of Trade and Industry Ministry of Education, Science and Technology Malawi Bureau of Standards
Food Security Policy (2006)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development Food Security Unit
Food Security Action Plan (2008)	<ul style="list-style-type: none"> Ministry of Agriculture, Irrigation and Water Development

	<ul style="list-style-type: none"> • Food Security Unit
National Water Policy (2017)	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Infant and Young Child Nutrition Policy (2009)	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development • Ministry of Health • Ministry of Trade and Industry • Ministry of Information, Communications Technology • Ministry of Civic Education, Culture and Community Development • Malawi Bureau of Standards • Department of Nutrition, HIV and AIDS; Ministry of Women and Child Development • Ministry of Labour • Ministry of Justice and Constitutional Affairs
National Irrigation Policy (2016)	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development • Ministry of Health • Ministry of Gender, Children and Social Welfare • Ministry of Trade and Industry • Ministry of Local Government • Ministry of Civic Education, Culture and Community Development • Ministry of Youth and Sports • Department of Nutrition, HIV and AIDS; Ministry of Labour • Ministry of Natural Resources, Energy and Mining • Ministry of Lands, Housing and Urban Development • Ministry of Industry, Trade and Tourism • Public Private Partnership Commission • Office of the Director of Public Procurement; National Audit Office • Malawi Irrigation Board • Malawi Committee on Irrigation and Drainage • National Water Resources Authority
Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Malawi Growth and Development Strategy (MGDS) III (2017)	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development • Ministry of Health • Ministry of Education, Science and Technology • Ministry of Natural Resources, Energy and Mining
National HIV and AIDS Policy (2012)	<ul style="list-style-type: none"> • Ministry of Health • Department of Nutrition, HIV and AIDS

National Guidelines on Nutrition Care, Support and Treatment (2014)	<ul style="list-style-type: none"> • Ministry of Health • Department of Nutrition, HIV and AIDS
National Strategic Plan for HIV and AIDS 2015-2020	<ul style="list-style-type: none"> • Ministry of Health • Ministry of Finance, Economic Planning and Development • Office of President and Cabinet • National AIDS Commission • Malawi Partnership Forum • Department of Human Resource Management • Malawi Business Coalition against AIDS • Malawi Network of People Living with HIV • Malawi Interfaith AIDS Association • National Youth Council of Malawi • Malawi Global Fund Coordinating Committee • Department of Public Sector Management • Human Rights Commission
National Community-Based Management of Acute Malnutrition Operational Plan 2017-2021	<ul style="list-style-type: none"> • Ministry of Health
National Multi-Sector Nutrition Policy 2018-2022	<ul style="list-style-type: none"> • Ministry of Health • Ministry of Gender, Children and Social Welfare • Ministry of Education, Science and Technology • Ministry of Trade and Industry • Ministry of Local Government • Ministry of Civic Education, Culture and Community Development • Ministry of Youth and Sports • Department of Nutrition, HIV and AIDS • Ministry of Justice and Constitutional Affairs • Ministry of Finance, Economic Planning and Development • Department of Climate Change and Meteorological Services
National Nutrition Strategic Plan 2016-2020	<ul style="list-style-type: none"> • Ministry of Health • Department of Nutrition, HIV and AIDS • Ministry of Trade and Industry • Office of President and Cabinet
National School Health and Nutrition Policy (2016)	<ul style="list-style-type: none"> • Ministry of Health • Ministry of Agriculture, Irrigation and Water Development • Ministry of Gender, Children and Social Welfare • Ministry of Education, Science and Technology • Ministry of Civic Education, Culture and Community Development • Department of Nutrition, HIV and AIDS • Directorate of School Health, Nutrition, HIV and AIDS (DSHNHA)

National Policy on Early Childhood Development (2017)	<ul style="list-style-type: none"> • Ministry of Health • Ministry of Education, Science and Technology • Ministry of Local Government • Department of Nutrition, HIV and AIDS • Ministry of Women and Child Development • Local Government and Rural Development
Malawi National Social Support Programme (MNSSP) II	<ul style="list-style-type: none"> • Ministry of Finance, Economic Planning and Development
National Disaster Risk Management Communication Strategy 2014 – 2018	<ul style="list-style-type: none"> • Department of Disaster Management Affairs
National Micronutrient Strategy for Malawi 2013 – 2018	<ul style="list-style-type: none"> • Department of Nutrition, HIV and AIDS • Office of President and Cabinet • Multi-sectoral Technical Committee on Nutrition (Micronutrients Technical Working Group)
Public Health Act (Cap. 34:01) of 29 July 1948	<ul style="list-style-type: none"> • Ministry of Health
Special Crops Act (Cap. 65:01) of 1963	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Water Resources Act (Cap. 72:03) of 1969	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Agriculture (General Purposes) Act (Cap. 65:05) of 1987	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Environmental Management Act, 2017	<ul style="list-style-type: none"> • Malawi Environment Protection Authority
Fisheries Conservation and Management Act, 1997	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Irrigation Act, 2001	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Draft Food and Nutrition Security Bill (2007)	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development; • Malawi Law Commission; Human Rights Commission
Final Draft Food Security Bill (2011)	<ul style="list-style-type: none"> • Ministry of Agriculture, Irrigation and Water Development
Iodization of Salt Act, No. 10 of 1995	<ul style="list-style-type: none"> • Ministry of Health
Gender Equality Bill, 2012	<ul style="list-style-type: none"> • Ministry of Gender, Children and Social Welfare
Local Government Act, 1998	<ul style="list-style-type: none"> • Ministry of Local Government
Disaster Preparedness and Relief Act (Cap. 33:05) of 1991	<ul style="list-style-type: none"> • Department of Disaster Management Affairs

5.3.6 Specific FSN-related focus areas

In this section a brief overview of three specific FSN-related focus areas is given. These are gender and FSN, children and FSN, and health and nutrition.

5.3.6.1 Gender and FSN

Gender inequalities constrain men and women's ability to access nutritious food. In Malawi, gender inequality is systematically reproduced by embedded social and cultural beliefs. Socially determined gender roles and responsibilities often disadvantage men and women, constraining their ability to access nutritious food (Malawi 2004). In Malawi, men are considered the main decision-makers (Malawi 2007). Women face challenges in terms of decision-making and control over resources. Consequently, while Malawian women produce approximately 70% of household food, their productivity is constrained by limited access and control over resources (Lauterbach & Matenje 2013). Similarly, women's access to maternal and child health care services is constrained (Malawi 2016e).

While Malawi has made high-level commitments to gender, progress toward gender equality has been slow. The Millennium Development Goals Endline Survey (Malawi 2014a) reports that Malawi was unable to meet the two Millennium Development Goals (MDG) related to women. In terms of MDG 2, Malawi was unable to promote gender equality and empower women. The number of girls enrolled in secondary school remained significantly lower than boys (Malawi 2014a). The number of literate women compared to men in the age cohort 15 – 24 years remains low. Women in waged employment outside of the agriculture sector was only 30% instead of the targeted 50%. Also, the number of seats held in parliament by women was 17% instead of 50% (Malawi 2014b). Malawi was also unable to meet MDG 5, namely improving maternal health (Malawi 2014a). Maternal mortality was reduced to 574 deaths per 100,000 live births instead of the targeted 155 deaths per 100,000 live births (Malawi 2014b).

The Sustainable Development Goals (SDGs) recommit UN member states to achieve some of the same targets through SDG 3 (good health and well-being), SDG 4 (quality education) and SDG 5 (gender equality). For Malawi to accelerate progress in meeting these goals, the integration of gender in sector-specific policies needs to be revised. This chapter presents an overview of the gender disparities in terms of education, employment, health and decision-making. It highlights Malawi's international gender commitments as well as the national commitments and actions that have been taken to domesticate international commitments and obligations. In presenting these commitments, specific focus is placed on maternal and child health. An overview of the national gender mechanisms is presented. The section highlights the key constraints that have stalled Malawi's progress in meeting the MDGs and provides recommendations on how progress can be accelerated to meet the SDGs, focusing specifically on the areas of food and nutrition.

Malawi has continued to respond to the global call for women's empowerment and gender equality by signing several binding and non-binding agreements and commitments. The binding agreements include:

- The ratification of the Convention on the Elimination of all Forms of Discrimination Against Women in 1987; and
- The ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR 2003).

The non-binding agreements include:

- The Beijing Fourth Conference on Women and signing of Beijing Declaration and Platform for Action (UN 1996);
- The SADC Gender and Development Declaration, 1997 (SADC 1997);
- The Millennium Development Goals in 2000; and
- The Sustainable Development Goals (UN 2015).

National gender commitments are contained in:

- Malawi Constitution (1994);
- National Gender Policy (2000);
- The Gender Equality Bill (2013); and
- The National Gender Policy (2015).

In as early as 1980, Malawi began taking actions to empower women with the integration of programmes within the Ministry of Agriculture. These programmes were geared toward increasing women's access to strategic resources and skills. In 1985, the National Commission of Women's Development was established through an Act of parliament (Malawi 2004). The Commission led programmes in various sectors, including the Girls Attainment in Basic Literacy and Education (Ngwira 2014).

Malawi ratified the Convention on the Elimination of all Forms of Discrimination Against Women in 1987. The convention explicitly states that family education should include the understanding that child care is a shared responsibility between men and women. Article 11 commits member states to ensure that employment of expectant parents is protected, with special attention to the protection of pregnant women. State parties commit to providing women with the necessary services during pregnancy and the postnatal period ensuring that pregnant and lactating mothers receive adequate nutrition. The convention prohibits any form of discrimination towards women with regards to their economic participation (UN 1979). While Malawi submitted an initial report in 1988 on progress toward compliance with treaty obligations in 1988, the subsequent three reports were only submitted in 2004 (Malawi 2004).

In 1992, a Ministry of Women's and Children's Affairs, Community Development and Social Welfare was established because of international demand for an oversight institution to coordinate women's issues in Malawi. The Malawi Constitution was drafted in 1994 and included a requirement that women's rights should be integrated into legislation, policies and programmes (Malawi 2004). This requirement pre-empted the Beijing Declaration and Platform for Action which committed UN member states to ensure that gender was integrated into all policies and programmes and at all levels.

The 1995 Beijing Platform for Action highlighted sector-specific actions that member states were required to take regarding gender. In terms of maternal and child health, member states are to ensure through legislation or incentives that parental leave is protected. Men's shared responsibility of the family is emphasised highlighting the need to provide incentives for men. Member states also committed promoting the facilitation of breastfeeding for working mothers (UN 1996). Malawi submitted one report in 2004 (Malawi 2004).

Following the Beijing Fourth Conference on Women (1995) and the signing of the Beijing Declaration and Platform for Action (1995), Malawi established a National Platform for Action. In 1997, a consultative process with men, women, boys and girls was conducted to develop the former.

The SADC Gender and Development Declaration was signed in 1997. Malawi committed to ensuring that women had access to productive resource in order to improve their quality of life and reduce poverty (SADC 1997). In 1998, Malawi Vision 2020 was launched. While the vision included women's issues, it did not challenge the systematic inequalities that undermined women. It also failed to highlight the role of men in achieving gender equality (Ngwira 2014).

In 2000, the Employment Act 6 of 2000 was passed. The Act included provisions for paid maternity leave. Malawian women are allowed 90 days of paid maternity leave. While the 90 days of maternity leave has facilitated women's exclusive breastfeeding for three months (Malawi 2004), it is not sufficient to meet the World Health Assembly targets on exclusive breastfeeding for six months (WHO 2012). Also, there are no appropriate facilities for breastfeeding mothers such as day-care centres. The government has had discussions on paternity leave; however, no policies or legislation exist (Malawi 2004).

The passing of the National Gender Policy in 2000 marked a critical moment for gender issues in Malawi as this would begin the mobilisation of a gender mechanism to guide the integration of gender issues in all policies and programmes (Malawi 2017a). However, at national level, gender progress began to slow down significantly. The revision of the gender policy, which expired in 2005, commenced in 2008 with the policy only being finalised and passed by cabinet in 2015, almost ten years later.

In 2005, Malawi ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR 2003). The Protocol reiterates the Beijing Declaration and Platform for Action by committing member states to ensuring that all policies, programmes and development plans integrate a gender perspective. Member states committed to guarantee paid maternity leave in both the private and the public sectors. The Charter explicitly states that women should be provided with the necessary resources to produce nutritious food.

The MGDS II (2011-2016) (Malawi 2011a) prioritised gender by allocating a thematic area specifically related to gender and capacity development. The fact that out of six thematic areas, gender was included reflects the high level of commitment to addressing gender inequality during the administration in which the MGDS II was developed). The MDGS II committed to:

- i. Increased meaningful participation of all gender groups in decision making; wealth creation and poverty reduction;
- ii. Reduced gender-based violence at all levels; and
- iii. Enhanced gender mainstreaming across all sectors.

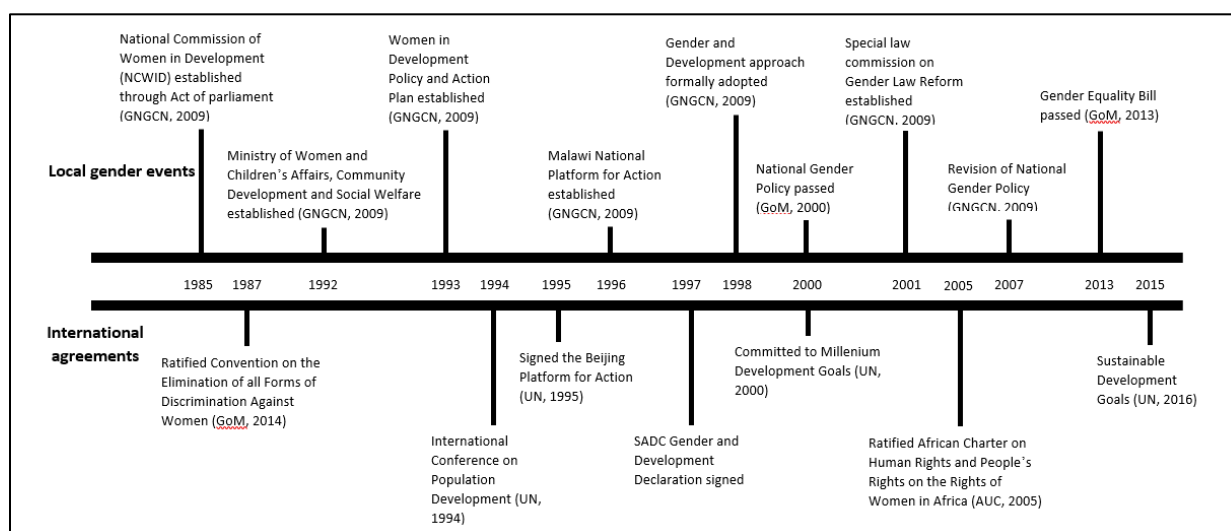
While gender equality progress appeared to slow down between 2005 and 2013, the passing of the Gender Equality Bill in 2013 suggests a revitalisation in the gender movement in Malawi. The Act has some fundamental provisions in terms of sexual and reproductive health, however, there are no specific provisions for food and nutrition (Malawi 2013a).

In 2015, the National Gender Policy was passed. Gender, agriculture and food security is a key priority area in the gender policy. The overall food security and nutrition objective of the Gender Policy is to ensure that women have access to and control over resources to ensure food security and nutrition. The policy aims to strengthen gender mainstreaming in agriculture, food security and nutrition. It also aims to reduce nutrition disorders amongst women, men, girls and boys (Malawi 2015b).

In 2016, the Sustainable Development Goals (SDG) were passed. While SDG 5 specifically focuses on gender, at least eight other SDGs have targets related to gender. The second SDG: End hunger, achieve food security and improved nutrition and promote sustainable agriculture, contains two commitments related to gender. The first is to address the dietary requirements of adolescent girls. The second is to take deliberate actions to double the income of small-scale female farmers.

Figure 1 is a timeline that illustrates the various national and international events and documents that have guided gender progress in Malawi. Many of the gender commitments and obligations that Malawi is party to reinforce integrating gender into sector-specific policies and plans. Some guidance on integration is provided for the health sector, particularly regarding maternal and child health. Less explicit guidance is provided in terms of food and nutrition. A structure for supporting gender mainstreaming in Malawi exists. This structure is referred to as the gender mechanism (Malawi 2017a).

Figure 2: Key events and documents that have guided gender progress

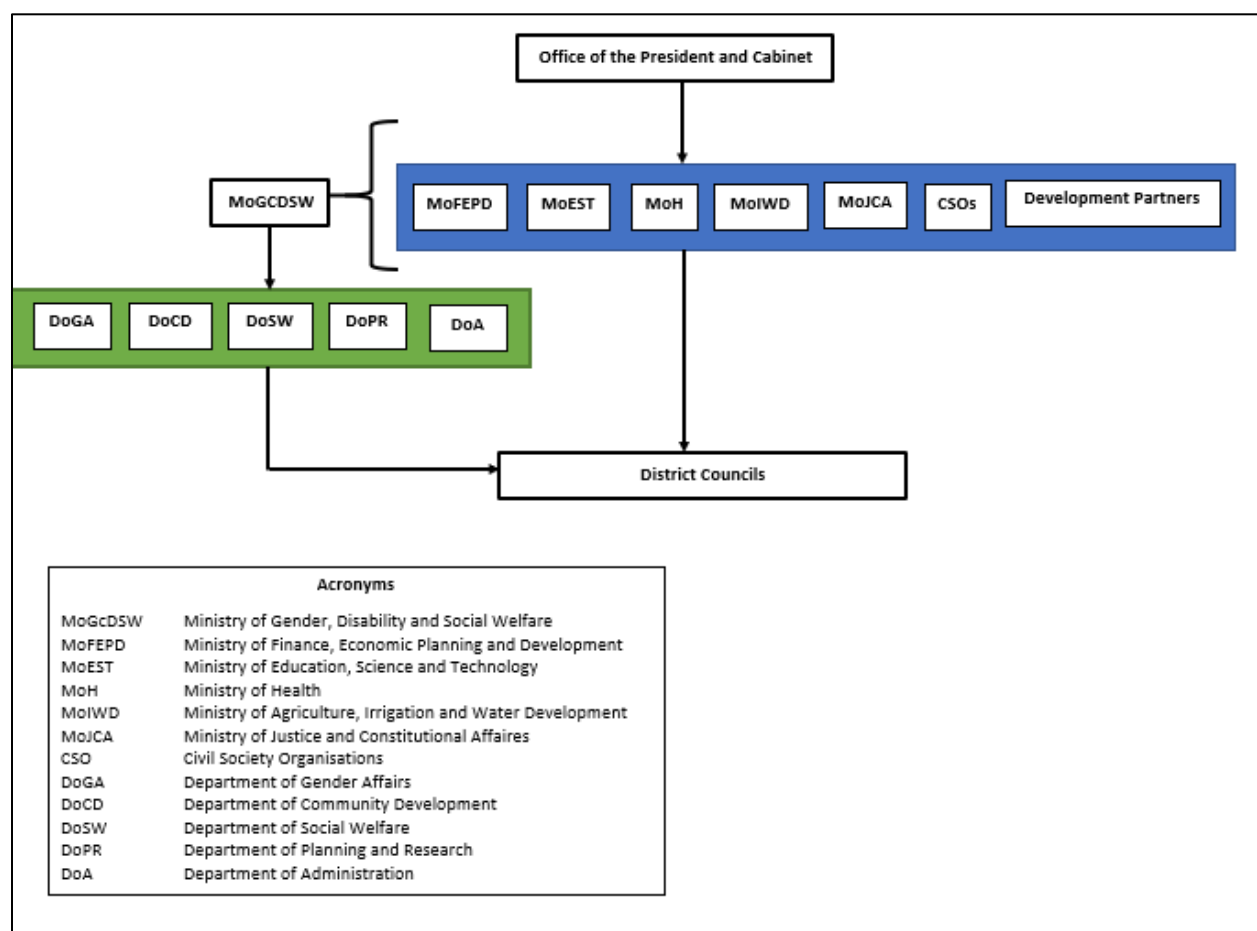


The Ministry of Gender, Children, Disability and Social Welfare is responsible for promoting gender equality and ensuring that all Malawian citizens are active participants in the national development agenda. According to the National Gender Policy, the Ministry of Gender, Children, Disability and Social Welfare is the oversight and coordination mechanism for the Gender Policy across all sectors (Malawi 2015b). The Office of the President and Cabinet is responsible for providing policy guidance on gender and mainstreaming gender ensuring that deliberate attention is placed on women's empowerment. The various other Ministries are responsible for ensuring that gender issues are addressed within their sector. These ministries and other stakeholders that are responsible for mainstreaming gender in their various domains include: Ministry of Finance, Economic Planning and Development, Ministry of Education, Science and Technology, Ministry of Health, Ministry of Water, Irrigation and Agricultural Development, Ministry of Justice and Constitutional Affairs, Civil Society Organisations (including those involved in agriculture and nutrition such as the Civil Society Organisation Nutrition Alliance and Civil Society Agriculture Network) and development partners.

There are five departments that function under this MoGCDSW. These include Department of Gender Affairs, Department of Community Development, Department of Social Welfare, Department of Planning and Research and Department of Administration (Malawi 2014b). The Department of Gender Affairs is responsible for gender mainstreaming as well as social and

economic empowerment of women. At the district level, the ministry has two officers: The District Social Welfare Officer and the District Community Services Officer. Gender programmes are managed by the community services division. The districts serve as a link between the national machinery and the community. The district offices are responsible for implementation and overall coordination of programmes and services within the district. Figure 2 below illustrates the organisational structure of MoGCDSW.

Figure 3: Organisational structure of the Ministry of Gender, Children, Disability and Social Welfare



The gender mechanism is responsible for supporting the integration of gender into sector-specific policies and plans. Through the MGDS, the Office of the President and Cabinet provides the overarching framework for integrated gender in sectoral plans. **Malawi's National Nutrition Policy and Strategic Plan 2007-2011** (Malawi 2007), made several observations about gender dynamics related to food in Malawi. For example, it highlighted that while women were responsible for household food production and preparation, men were the main decision-makers in the household. This suggests that resources required to produce and prepare food are controlled by men. However, the policy did not propose any actions to address these challenges. The policy did not effectively address the systems that perpetuate gender inequalities. The policy focuses on the WHO Essential Nutrition Actions, which include exclusive breastfeeding for the first six months of a child's life. However, the policy does not propose any actions to address the constraints that women face in terms of breastfeeding.

Following the guidance of the MGDS II, the **Agriculture Sector Wide Approach** (ASWAp) (2011) made explicit commitments to addressing gender and gender equality. A pillar that was specifically dedicated to addressing gender disparities and the HIV/AIDS pandemic was included in the ASWAp. The ASWAp sought to promote ‘gender empowerment’, especially women’s decision-making power and youth engagement. Gender was also identified as a cross-cutting issue that should be integrated into the entire agriculture sector. However, funding key gender actions mentioned in the ASWAp constrained implementation (FAO, 2016).

The **2014 ASWAp review** (FAO 2016) reports that the target of increasing female staff in MoIWD from 30% to 45% was not met, in fact, the number of women in the ministry was reduced by 10%. The review also reports that several gender training workshops took place and that several initiatives to address gender inequality were implemented at community level. No discussion of these initiatives or the outcome thereof is presented in the discussion. While gender disaggregated data was collected, the report itself does not present this data. The report acknowledges that there were indeed weaknesses in funding the gender initiatives and that the involvement of many different sectors in the implementation of these activities made it difficult to track progress. The report, however, overlooks reporting on the actual progress toward reducing gender inequalities or empowering women.

Both the **ASWAp** and that **National Nutrition Policy and Strategic Plan** have expired and are currently being reviewed by the Ministry of Agriculture, Irrigation and Water Development and the Ministry of Health respectively. A National Agriculture Policy was also passed in 2016 (Malawi 2016c).

The following section considers these recent developments and provides gender critique on the National Agriculture Policy as well as the drafts of two documents that are under review.

The **Malawi Growth and Development Strategy III**, released in 2017, indicates that progress was slow in terms of promoting gender equality and women’s empowerment (Malawi 2017a). It emphasises the need for sectors to work together to integrate gender to ensure that international goals and commitments are met. In the MGDS III, gender has been included as a cross-cutting area. The strategy commits to addressing gender by using gender transformative approaches. Gender transformative approaches aim to challenge gender norms and promoting positions of social and political influence for women. While integrating gender into sector-specific objectives is a priority for the MGDS III, the strategy overlooks integrating gender into the key priority area for ‘Agriculture, Water Development and Climate Change Management’. The specific outcomes for nutrition highlight promoting men’s involvement and ensuring that gender and socio-cultural factors that influence maternal and child nutrition will be addressed.

The 2016 **National Agriculture Policy** (Malawi 2016c) identifies gender as a cross-cutting issue. Empowerment of youth, women and vulnerable groups in agriculture is a policy priority area specifically mentioned in the policy. The policy promotes women’s control over productive resources. It also promotes women’s participation in agribusiness and agro-processing. Women’s access to finances and agricultural education and training are also promoted. The policy recognises that structural inequalities exist by promoting women’s control over productive resources. It also includes targets that will determine if progress toward gender equality has been made. However, the policy does not consider the role of men in supporting women’s access to productive resources and services. Men remain the main decision-makers in the household (Malawi 2007). The policy makes no reference to how men will be engaged to ensure that women can access these opportunities. The

focus on women suggests that the gender dynamics that constrain women's access to these resources may have been overlooked.

The second **National Agriculture Investment Plan** (NAIP) (2017/18 – 2022/23) uses the National Agricultural Policy as a reference point for identifying investment areas (Malawi 2017b). The NAIP proposes increasing the number of women with registered access to land. It also commits to increasing the number of women trained in agriculture. However, it does not address the concerns highlighted in the review of the ASWAp. The plan also overlooks other areas of gender focus mentioned in the National Agriculture Policy. It does not highlight or address the factors that undermine women's access to agricultural resources and services.

The **National Multi-Sector Nutrition Policy** (Malawi 2018b) identifies gender as a key priority area. The role of men is considered important in ensuring that women have more time to pursue income-generating activities. The policy does indeed challenge gender norms and promotes actions that challenge the systems that reproduce gender stereotypes. However, the policy does not integrate gender into all the key priority areas. This has implications for policy outcomes. For example, the policy does not include gender in sections on monitoring and evaluation. Therefore, while the policy takes significant steps in ensuring the gender norms are challenged, it does not include targets and instruments for measuring progress toward gender equality.

The **MGDS III** makes explicit reference to challenging gender norms. This reference is indeed an indication of a shift in thinking in terms of integrating gender, however, policies and programmes need to challenge the systematic reproduction of these norms. They need to challenge the actual institutions and systems that reinforce gender norms. As the medium-term development framework, the MGDS III overlooks integrating gender into all the development areas. Such oversights indicate lack of political will to integrate gender. The integration of gender into sectoral policies is constrained by three key factors. The first is weak gender mainstreaming enforcement mechanisms, the second is limited funding and the third is weak political will.

According to Mbilizi (2013) and the 2014 Malawi Country Report on the Beijing Platform for Action (Malawi 2014c), there are several weaknesses in the functioning of the gender machinery in Malawi. Firstly, institutional mechanisms are weak and there is limited human capacity within the Ministry. There are no clearly defined roles and responsibilities regarding gender issues, making coordination at national as well as district level increasingly complex. Secondly, the Ministry also lacks the capacity and mechanisms to coordinate other ministries, NGOs and other stakeholders on gender issues (Mbilizi 2013). While gender issues have been escalated through the establishment of a separate ministry for addressing gender issues, the MoGCDSW has no mandate over other ministries (Malawi 2014c). As a cross-cutting issue, gender becomes increasingly complex to coordinate across other ministries, when no legal mandate to oversee gender mainstreaming in other ministries has been awarded through legislation. Gender focal points were appointed to different areas within the public sector, however, weaknesses in coordination persist. The responsibility of the gender focal point is to ensure that gender is integrated into all activities within the sector they are based. However, the focal points are usually at low levels and have unclear mandates making it difficult for them to influence policy. Also, no mechanism is in place to coordinate these gender focal points. Thirdly, the capacity to integrate gender is lacking amongst officers in the Ministry.

While many of the international agreement promote integrating gender into sectoral policies and plans, the integration of gender into programs and projects in the public sector remains optional and there are no enforcement mechanisms to ensure that gender is integrated into sector policies. Often gender is only integrated into sector policies and programmes if development partners put pressure

as a funding requirement. As a result, gender is only integrated for the duration of the projects or for as long as funding is available.

One of the major challenges faced by the MoGCDSW is that it is not adequately funded by the government, even for its day to day operations. For example, in 2009/2010, the ministry only received 1% of its total budget from government, having to rely on donors to fund programmes and projects implemented by the ministry. Subsequently, the ministry's focus is directed towards donor-funded projects as opposed to government directives on gender (Mbilizi, 2013). While donor funding does provide some support for the ministry, it is also often unpredictable, and initiatives are not government-led (Malawi 2014c).

The Gender Equality and Women's Empowerment programme housed under MoGCDSW was responsible for institutionalising gender-responsive budgeting. Gender-responsive budgeting is a tool that is used to monitor policy commitments on gender as reflected in how much funding is allocated to gender. It is a means to ensure accountability to women. In 2015, Malawi developed guidelines on budgeting which included guidelines on gender-responsive budgeting. However, these guidelines proved to be fruitless with only 0.36% of the national budget being allocated to gender, the lowest allocation of all the ministries (Chasukwa 2016). Table 3 provides an indication of the Ministry of Gender's share in the national budget which was highest at 2.9% in financial year 2012/2013 (Malawi 2014b). Limited funding towards gender activities reflects a lack of political will and prevents the ministry from successfully fulfilling its mandate.

Table 3: Ministry of Gender's share in national budget

Year	Percentage of national budget
2009/2010	0.3
2010/2011	0.3
2011/2012	0.6
2012/2013	2.9
2013/2014	0.9

Source: Malawi 2014c

The National Gender policy lapsed in 2005 and it took over ten years to review, finalise and pass the policy (Malawi 2014c). For over ten years, Malawi had no framework to provide guidance for gender activities across the country. Such setbacks reflect lack of political will to integrate gender and weaknesses in the gender machinery to influence change. While the sitting president is an ambassador for HeforShe, such delays in the passing of documents critical for gender progress reflect a lack of commitment from policy champions. Some of the consequences of the lack of a policy have been a reduced number of women in parliament, increased poverty levels of female-headed households, an increase in the HIV prevalence gap between men and women and lack of inclusion of women in HIV response policies (Malawi 2017a).

The **MGDS II Review Report** (Malawi 2017a) explains that while progress has been achieved in several sectors, integrating gender in policy and realising policy through implementation remains a challenge. Several constraints hinder Malawi's ability to enforce gender mainstreaming in sectoral plans and policies. Systematic inequalities remain unaddressed in many of Malawi's policies and strategic plans, including in Malawi's medium-term development framework. For Malawi to ensure

that international commitments and obligations are met, national-level commitment to gender issues needs to be enhanced. Recommendations on how to improve gender mainstreaming in Malawi are listed below:

- i. Policy champions are needed to address the lack of political will to move the gender agenda forward.
- ii. The role of men in the areas of agriculture, maternal and child health and nutrition should be identified. Men continue to control resources necessary to improve maternal and child health outcomes. Incentives and deliberate efforts to involve men are necessary. However, the primary objective of involving men should be to accelerate progress toward gender equality.
- iii. Reporting on gender monitoring and evaluation needs to be scaled up in all sectors. In particular, progress toward meeting gender objectives should be assessed.
- iv. Many reports assessing the gender landscape in Malawi have been released. These include the CEDAW reports, Beijing Reports, MGDS II report and the ASWAp review. However, many of the gender findings are rarely integrated into new development plans and policies. New policies should consider as many reviews and reports as possible to inform and improve development plans.
- v. Increased efforts are needed to improve men and women's capacities to demand their rights. Efforts should include awareness raising on the content of human rights, access to institutes that can assist citizens in demanding their rights and increased confidence in public institutions where demands can be made.
- vi. The Ministry of Finance and Economic Planning needs to be lobbied to make gender budgeting conditionality in both the development and recurrent budgets. The Ministry of Finance should be strengthened to lead these initiatives in close collaboration with the Ministry responsible for gender.
- vii. Training on gender mainstreaming is required at all levels of policy development. Refresher courses on gender mainstreaming should be conducted prior to the commencement of any policy development process.
- viii. Malawi needs to work on making it mandatory for all sectors to consistently produce sex and gender disaggregated data since this is the best way to guide evidence-based programming for gender equality and women's development.

5.3.6.2 Children and FSN

Malawi has made significant progress in reducing undernutrition in children under five from 47% in 2010 (Malawi 2010c) to 37% in 2016 (Malawi 2016e). While a 10% reduction is significant, Malawi remains one of the countries with the highest rates of undernutrition in children under five. Also, according to the 2016 Malawi Demographic and Health Survey (Malawi 2016e), only 8% of children under five were able to meet the Minimum Adequate Dietary requirements in 2016.

The ministry responsible for children's affairs, is the Ministry of Gender, Children, Disability and Social Welfare (MoGCDSW). The organisational structure and functions of this ministry are discussed in another chapter. The Department of Child Development is responsible for all matters related to integrated early childhood development.

Malawi is a signatory to several international and continental binding and non-binding commitments and obligations. In as early as 1989, Malawi adopted the United Nations **Convention on the Rights of the Child** (CRC) (UN,1989). The most recent report on the CRC was submitted to the UN Committee in 2015. This report highlighted several issues related to children's nutrition and offered measures the country would take in addressing these concerns. The concluding observations from

the committee recommended that Malawi should address chronic malnutrition and stunting and develop a national health plan for 2017 aimed at reducing child and maternal mortality.

Malawi also ratified the **African Charter on the Rights and Welfare of the Child** (1990) in 1999, but it was not until 2010 that the Charter was domesticated through the passing of the **Child Care, Protection and Justice Act** (Malawi 2010d). This Act only caters for children's nutrition in a context where children are brought before the court or where children are in state custody in the form of reformatory centres or safety homes.

The **Constitution of Malawi** defines children for the purpose of human rights as persons under 16 years. Specific provisions are made for persons falling under this age cohort. Concerning children, Section 13 specifically provides for the State to actively promote the welfare and adequate nutrition for all using national policy (Malawi, 1994). The most recent **National Multi-Sector Nutrition Policy** (Malawi 2018b) aims to reduce nutrition-related mortality among children under five years of age. Children under five years are considered a vulnerable group with interventions aiming to:

- i. Promote optimal breastfeeding for children aged 0 – 6 months;
- ii. Promote continued breastfeeding and complementary feeding of children aged 6 – 24 months; and
- iii. Strengthen optimal feeding of children during and after illness.

Adolescents are also targeted as a vulnerable group, with the policy aiming to improve adolescent health by:

- i. Promoting improved nutrition for adolescents; and
- ii. Addressing socio-cultural issues affecting adolescents.

The **Malawi Growth and Development Strategy III** (MGDS III) was developed parallel to the nutrition policy. As such, instead of providing guidance to the policy, the MGDS III echoes what is contained in the nutrition policy. The only addition made with reference to children is that there will be an integration and scaling up of nutrition in the **Early Childhood Development Programme**.

Malawi also has a **National Plan of Action for Vulnerable Children in Malawi** (2015). This plan was developed by the Malawi government in partnership with USAID and UNICEF. The plan aims to scale up nutrition programmes in schools and early childhood development centres.

The **Malawi National Policy on Early Childhood Development** was adopted in 2003. Efforts to review the policy have been made, but it is unclear at what stage of the policy process this review is. The 2003 policy aims to provide antenatal care and good nutrition to pregnant women by raising awareness of the importance of proper nutrition and micronutrients. The policy also aims to reduce malnutrition at household and community levels. The policy highlights the roles of various stakeholders in achieving these objectives.

Also in 2003, the **Infant and Young Child Feeding Policy and Guidelines** were adopted. While the policy was reviewed and renewed in 2009, the revised policy could not be obtained. The 2003 policy aims to contribute to infant and young child nutrition for improved growth and survival.

Several policy challenges need to be addressed concerning children's nutrition. These include lack of appropriate policy solutions, delays in review and adoption of policies and availability of policy documents at all public health facilities. One of the main challenges in improving children's nutrition in Malawi is that policy solutions are not always appropriate and do not address the underlying issues concerning children's nutrition. For example, concerted efforts are placed on nutrition education

and ensuring that pregnant women and children are provided with information about the six food groups. Less attention is given to how these vulnerable groups can obtain these food groups. Another challenge is that while exclusive breastfeeding for the first six months of life is promoted, the measures to create environments that are conducive for women to breastfeed are not put in place. For example, no legislation on breastfeeding at work exists in Malawi.

The process of revising and adopting policies in Malawi is often protracted. For example, the first nutrition policy lapsed in 2012 and the revised policy was only adopted in 2018. Several factors delayed the review of the policy, including changes in administration and the relocation of the Department of Nutrition, HIV and AIDS. Similarly, during our fieldwork, indications were given that the Early Childhood Development Policy was under review, but it was unclear when it will be adopted.

Finally, access to policy documents, strategies and implementation plans is a challenge. While many of these documents should be readily accessible to the public, they are often not available. Even more concerning is that these documents are also not available at public health facilities. One of the respondents of our study is an official at a District hospital and requested the researchers to assist him in obtaining a copy of the 2009 Infant and Young Child Feeding Policy and Guidelines.

5.3.6.3 Health and nutrition

During the **Millennium Development Goals (MDGs)** era, Malawi made significant strides. Malawi was not only able to meet and surpass MDG 4 by reducing under-five mortality by two thirds (Republic of Malawi, 2014), the HIV prevalence of women and men in the age cohort 15-49 decreased from 11% in 2010 (Malawi 2010c) to 9% in 2015 (Malawi 2016e). While this progress is indeed significant, Malawi continues to have one of the highest maternal mortality rates in sub-Saharan Africa (Malawi 2017c).

Health care service providers in Malawi are grouped into three categories. The first is the public sector which includes all health facilities under the Ministry of Health. The second is private for-profit sectors (PFP). These PFPs include traditional healers, private hospitals and clinics. The third is the private not for profit sector which includes religious institutions, non-government organisations, statutory organisations and companies. The largest religious health care provider is the Christian Health Association of Malawi (CHAM) which provides 29% of all health care services in the country (Malawi 2017c).

At the community level, Health Surveillance Assistants (HSA) are trained and responsible for monitoring children's nutrition. Amongst other responsibilities, HSAs are responsible for providing Voluntary Counselling and testing of HIV, providing immunisations and managing diarrhoea in children under five years of age. These services are provided through door to door visits, village clinics and mobile clinics. Each HSA is responsible for 1,000 people. Other caregivers at community level include community-based distribution agents, Village Health Committees (VHC) and volunteers from NGOs (Malawi 2011b).

As a low-income country, Malawi offers an Essential Health Package (EHP) to the public. An EHP is a cost-effective means of providing a limited list of public health and clinical services at all public health facilities. Nutrition is part of the EHP and includes vitamin A supplementation in pregnant women, management of severe malnutrition in children, de-worming of children and vitamin A supplementation of infants and children 6 – 59 months.

Malawi is a signatory to the **1978 Alma-Ata Declaration on Primary Health Care** (WHO 1978) which commits UN member states to ensure that promotion of food supply and proper nutrition are included in primary health care. Malawi is also committed to the **Ouagadougou Declaration on Primary Health Care and Health Systems in Africa** (WHO 2008) which urges member states to multi-stakeholder collaboration to improve various determinants of health such as nutrition. As an African Union Commission member state, Malawi must also adhere to the **Africa Health Strategy 2016 – 2030** (AU 2016) which includes reducing all forms of nutrition as one of the strategic priorities.

The Malawi health sector is guided by the **1948 Public Health Act** (Malawi 1948). The Act provides guidance on the fundamental principles surrounding people's rights with regards to health. Amongst others, legislation on the management of protection foodstuff and water and food supplies is provided.

The **Malawi Growth and Development Strategy III** considers health a key priority area and aims to, “improve the health and quality of the population for sustainable socio-economic development.” (Malawi 2017b: 64). In this section, special attention is given to nutrition highlighting reduced morbidity and mortality due to nutrition as an outcome of the MGDS III. The following are highlighted as strategies for achieving this outcome:

- i. Increasing access to timely and effective management of common nutrition disorders;
- ii. Promoting nutrition education and counselling, especially amongst low-income groups;
- iii. Integrating nutrition in value chains for nutrition improvement; and
- iv. Promoting dietary diversity and consumption of high nutrient value by addressing the production and marketing bottlenecks, particularly of fruits.

The **Malawi Health Sector Strategic Plan 2017 – 2022** (MHSSP) (Malawi 2017c) is regarded as a means of achieving the Sustainable Development Goals (SDG). It recognises that according to the fundamental principles of the Constitution, access to health is a fundamental right noting that the State is obliged “to provide adequate health care, commensurate with the health needs of Malawian society and international standards of healthcare” (Malawi 1994). Accordingly, the goal of the MHSSP is to “achieve universal health coverage of quality, equitable and affordable health care with the aim of improving health status, financial risk protection and client satisfaction”. The MHSSP highlights that SDG 2, namely: end hunger, achieve food security and improved nutrition and promote sustainable agriculture, is directly relevant to health. The MHSSP proposes interventions for managing severe and acute malnutrition in children under five years of age and in pregnant and lactating women. Food and nutrition services are included as a programme area. This programme area addresses issues of food safety, nutrition education, fortification, health and sanitation and growth monitoring in the first two years of a child's life.

Several challenges have been observed during this review. The first is that the MHSSP provides no guidance concerning the roles of other stakeholders including directorates under the ministry and other ministries and NGOs. Second, no policy exists to provide strategic objectives for the sector. Third policy sequencing could present future challenges of the MHSSP's alignment with the medium-term vision of Malawi.

While the health sector interacts with various policies and ministry, no mention is made of the Ministry of Agriculture, Irrigation and Water Development, particularly with regards to the interface regarding food safety. Quite concerning is that no mention of the role of Ministry of Local Government and Rural Development is made. This Ministry is responsible for decentralisation,

including decentralisation of health services. The **National Community Health Strategy 2017 – 2022** provides clear guidelines but does not indicate who will be responsible for nutrition. Similarly, the roles and responsibilities of the various directorates within the ministry are not mentioned, yet objectives pertaining to these directorates are included in the strategy. The MHSSP prioritises ending malnutrition, but there is no mention of the role of Department of Nutrition, HIV and AIDS.

While several policies have been developed in the past including a **National Sexual and Reproductive Health and Rights Policy 2009 – 2014**, no current policy exists for the Ministry of Health. One of the challenges in not having a policy is that the vision for the entire sector and how this vision interacts with other sectoral policies is not conducted. The MHSSP does not highlight how the recently passed National Multi-Sector Policy will guide the targets and goals related to malnutrition.

The MHSSP was completed before the MGDS III. Also, the health sector does not have a policy that can guide the strategy. The policy is needed before the development of the strategy in order to set out the goals and priorities of the sector, the roles and responsibilities of the various actors as well as indicating the intersections with other policies.

As discussed above, Malawi has a number of plans and/or policies relating to specific food security and nutrition focus areas, including agriculture, health, gender and children. This section provides a summary of the findings, shortcomings and recommendations of these plans and/or policies.

The policies and plans relating to agriculture and FSN include the Malawi Agricultural Sector Wide Approach (ASWAp) (2011), National Agriculture Policy (NAP) (2010), National Agriculture Policy (NAP) (2016), and the National Fisheries Policy 2012-2017. The ASWAp identifies key priorities for food security and irrigation, and nutrition. It furthermore identifies the long-term goal of government, namely to significantly reduce the degree and severity of malnutrition prevalent in the country. The critical factors leading to malnutrition are addressed in the plan and include chronic poverty; low agricultural productivity; low food intake due to lack of economic opportunities; poor food utilization; food choices, dietary diversification and child feeding practices; poor nutrition education which is currently targeting women and not reaching men; inadequate knowledge, skills and technologies for food preparation, processing and preservation; and inadequate capacity of institutions to implement nutrition programmes. Both the 2010 and 2016 NAPs aim to increase the attainment of food security and sustainable growth and development. The National Fisheries Policy 2012-2017 recognises aquaculture as an agricultural activity and aims to increase its productivity.

With regard to **health and FSN**, policies and plans include the Infant and Young Child Nutrition Policy and Guidelines 2003-2020, Malawi Health Sector Strategic Plan 2011-2016, National Nutrition Education and Communication Strategy for Preventing Child Stunting in Malawi 2011-2016, and National HIV and Aids Policy (2013). The Infant and Young Child Nutrition Policy and Guidelines 2003-2020 specifically provides for the promotion of infant and young child nutrition by way of facilitation of standardised implementation and service provision of various nutrition and related interventions. The Malawi Health Sector Strategic Plan 2011-2016 aims to promote food safety, while the National Nutrition Education and Communication Strategy for Preventing Child Stunting in Malawi 2011-2016 contains strategic objectives for improving the nutritional status of all citizens. The National HIV and Aids Policy (2013) recognizes that HIV, AIDS and agriculture are interrelated, and subsequently provides that policies and strategies should be implemented in order to reduce the impact of HIV and AIDS.

The **MGDS II review report** considered the progress made in the Gender sector and its applicability to FSN, and found that systematic inequalities remained unaddressed in many of Malawi's policies and strategic plans.

Several policies exist which relate to **children and FSN**. Malawi is a signatory to several binding and non-binding commitments and obligations in this regard. These include the **United Nations Convention on the Rights of the Child (CRC)** (1989) and the **African Charter on the Rights and Welfare of the Child** (1990). These instruments were ratified in 1999 and domesticated through the passing of the **Child Care, Protection and Justice Act of 2010**, although the Act only caters for children's nutrition in a context where children are brought before the court or where children are in state custody in the form of reformatory centres or safety homes. Section 13 of the **Constitution of Malawi** specifically provides for the State to actively promote the welfare and adequate nutrition for all by means of policy development and implementation. The **National Multi-Sector Nutrition Policy** (2018) aims to reduce nutrition-related mortality among children under five years of age. The **MGDS III** (2017-2022) merely echoes the National Multi-Sector Nutrition Policy's provisions, rather than providing further guidance. The **National Plan of Action for Vulnerable Children in Malawi (2015)** aims to increase and improve nutrition programmes in schools and early childhood development centres. Efforts to review the **Malawi National Policy on Early Childhood Development (2003)** have been made, but it is unclear at what stage of the policy process this review is. The **Infant and Young Child Feeding Policy and Guidelines (2003)** identifies a number of challenges relating to children's nutrition, including lack of appropriate policy solutions, delays in review and adoption of policies, and unavailability of policy documents at all public health facilities.

5.4 Key recent domestic developments

5.4.1 Malawi Growth and Development Strategy III (2017-2022)

The Malawi Growth and Development Strategy (MGDS) III was published in 2017 and covers the period 2017 to 2022. The MGDS III is the current medium-term national growth and development strategy developed to implement Vision 2020. The MDGs III identifies five Key Priority Areas (KPAs):

- i. KPA 1: Agriculture, Water Development and Climate Change Management;
- ii. KPA 2: Education and Skills Development;
- iii. KPA 3: Energy, Industry and Tourism Development;
- iv. KPA 4: Transport and ICT Infrastructure; and
- v. KPA 5: Health and Population.

KPA 1's specific outcomes for agriculture are:

- i. Increased agricultural production and productivity;
- ii. Increased land under irrigation;
- iii. Increased agricultural diversification;
- iv. Improved nutrition and food security;
- v. Increased agriculture market development, agro-processing and value addition;
- vi. Enhanced agricultural risk management; and
- vii. Increased empowerment of the youth, women, persons with disability and vulnerable groups in agriculture.

With regard to improved nutrition and food security (KPA 1 d)), the MGDS III identifies the following strategies to realise this outcome:

- i. Fostering adequate market supply of diverse and nutritious foods;
- ii. Promote technologies that reduce post-harvest losses in storage, preservation and food processing;
- iii. Promoting private sector investments in production, processing and marketing of high-quality nutritious foods (including complementary food);
- iv. Promoting bio-fortification and fortification of major staple food;
- v. Promoting food and nutrition education for all; and
- vi. Promoting education and research into use, propagation and conservation of indigenous Malawian food.

KPA 5's specific outcomes for nutrition and the strategies to realise these outcomes are as follows:

- i. Reduced prevalence of stunting, wasting and underweight:
 - Promoting adolescent and women's nutrition before, during, and after pregnancy;
 - Promoting optimal breastfeeding practices for children 0-6 months and appropriate complementary feeding of children aged 6–24 months and beyond;
 - Promoting hygiene, water and sanitation practices at individual and household levels for improved nutrition;
 - Promoting consumption of high nutritive value and diversified diets;
 - Integrating nutrition in value chains for nutrition improvement;
 - Integrating and scale up nutrition in the Early Childhood Development Programme;
 - Improving nutrition among adolescents and school going children;
 - Promoting male involvement and address gender and socio-cultural issues in maternal, infant and young child nutrition, child care, and household duties;
 - Strengthening implementation of community-based management of acute malnutrition and nutrition care, support and treatment in routine services and emergencies;
 - Promoting community involvement and ownership for behavioural change to improve nutrition knowledge, attitudes, and practices; and
 - Improving intake of minimum acceptable diet among under-five children, pregnant and lactating women.
- ii. Reduced prevalence of micronutrient deficiencies:
 - Promoting public-private partnerships in food production, processing, fortification, and consumption;
 - Promoting consumption of micronutrient-rich foods and bio-fortified foods;
 - Ensuring micronutrient supplementation; and
 - Promoting fortification and standardization of centrally processed food for improved nutrition.
- iii. Reduced prevalence of overweight and nutrition-related non-communicable disease”
 - Increasing access to services for prevention, early detection, and management of nutrition-related NCDs;
 - Strengthening capacity of service providers to provide nutrition and lifestyle counselling services at the facility and community level; and

- Promoting awareness campaigns and behaviour change communication on prevention of nutrition-related NCDs.

The MDGS III's implementation plan and operational matrix provide for actions and activities for each of the strategies above, and specify coordinating institutions for each.

A key challenge is the absence of sequencing. In principle, the policy loop (see 5.1 above) should be implemented.

5.4.2 Second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2)

The second **National Agricultural Investment Plan 2017/18-2022/23 (NAIP 2)** was published in 2018. It recognises the critical role of agriculture, specifically for achieving national, continental, and global development objectives such as broad-based growth, poverty reduction, food and nutrition security, resilience, climate change adaptation and trade integration. In order to achieve these objectives, a targeted and well-balanced portfolio of investments in the sector is essential (Malawi 2017b).

The purpose of the NAIP is to provide a medium-term investment framework for the agricultural sector for the five-year period of 2017/2018 – 2022/2023, in particular to coordinate and prioritise investments by various government agencies, development partners (DPs) and non-state actors (NSAs).

All key stakeholder groups were involved through an extensive consultative and participatory process in the development of NAIP. Progress made, achievements, and lessons learned from the predecessor investment framework (ASWAp) provided the basis (Malawi 2017b: 2).

Chapter 2 provides a contextual overview of the country, including the agricultural sector, its recent performance and the key policies, implementation frameworks and actors. Malawi is one of the most densely populated countries in the world, with a population of 178 persons per square kilometer of land, and 85% of the population living in rural areas (Malawi 2017b: 4). The Integrated Household Survey (IHS3) of 2010/11 (NSO20122) found that 49% of the population were living above the national poverty line and only 58% of the population was food secure (Malawi 2017b: 4).

Agriculture (embracing crops, livestock, fisheries and forestry) is the backbone of the economy, which is vital for the livelihoods of most Malawians including national food self-sufficiency and household food and nutrition security. In 2015, Agriculture generated an estimated 28% of GDP, 65% of employment, and 63% of export earnings (Malawi 2017b: 5).

High population pressure and climate change contribute to the natural shocks to which agriculture is vulnerable, which has led to increased pressure on natural resources, resulting in land fragmentation, degradation and deforestation. Current agricultural practices are inadequately adapted to manage the aforementioned conditions (Malawi 2017b: 6).

An estimated 11 million Malawians live in rural areas, and the majority of these rural households are primarily engaged in subsistence farming, with less than a fifth producing marketable profits (Malawi 2017b: 6). According to the UNDP Gender Inequality Index, Malawi ranks 173rd out of 188 countries. Furthermore, 57% of women-headed households live under the poverty line. Youth (aged 10-35) make up over 40% of the population (Malawi 2017b: 8).

Over the past five years, agricultural growth has been highly unstable. Recorded growth rates at and above 6% were achieved in 2011, 2013 and 2014, however lower or negative growth rates were achieved in other years, largely due to climatic conditions (Malawi 2017b: 8).

With regard to the policy context, the NAIP states that the Agricultural Sector Wide Approach (ASWAp) was Malawi's agriculture sector investment plan from 2011/12 to 2015/16. ASWAp had three focus areas, namely Food Security and Risk Management; Commercial Agriculture, Agro Processing and Market Development; and Sustainable Agricultural Land and Water Management (Malawi 2017b: 11).

The international policy frameworks to which Malawi is a signatory and/or has joined include the CAADP Compact, 2015 Sustainable Development Goals, 2014 Malabo Declaration, 2015 United Nations Framework Convention on Climate Change (UNFCCC) and Paris Climate Agreement, the Enhanced Integrated Framework, Grow Africa and the New Alliance for Food Security and Nutrition (Malawi 2017b: 12-13). With regards to national policies and strategies, it is noted that Malawi has a range of sectoral and sub-sectoral policies that are relevant to the NAIP. These include, amongst others, the Malawi Growth and Development Strategy (MGDS) and the National Agriculture Policy (Malawi 2017b: 13-14).

The NAIP highlights stronger coordination between all key stakeholders as essential for its effective implementation. These stakeholders include the government and its subsidiaries (parastatals, boards and trusts); non-state actors (NSAs) (non-governmental organisations (NGOs) and civil society organisations (CSOs); the private sector (including farmers, farmers organisations and private sector companies); research and academia; and development partners (Malawi 2017b: 15).

Chapter 3 provides a description of the NAIP's scope, objectives and expected results; supported by a narrative on the rationale (theory of change). It also provides an overview of the structure of the NAIP.

The NAP and Malabo Declaration forms the main policy foundations of the NAIP. Although the NAIP shares some common elements with the ASWAp, a number of material differences are present and the NAIP is expected to be a more effective framework than the ASWAp for investment (Malawi 2017b: 17-18).

The NAIP assumes the overall objective of the NAP, namely sustainable agricultural transformation that will result in significant growth of the agricultural sector, expanding incomes for farm households, improved food and nutrition security for all Malawians, and increased agricultural exports. At impact level, the NAIP has three related objectives:

- i. Objective 1: Broad-Based and Resilient Agricultural Growth;
- ii. Objective 2: Improved Well-Being and Livelihoods; and
- iii. Objective 3: Improved Food and Nutrition Security (FNS)

Additional strategic considerations include gender and youth, social protection, resilience, investment effectiveness, and value chain prioritization (Malawi 2017b: 22-24).

The NAIP's architecture utilises a matrix structure composed of four programmes and 16 intervention areas (IAs). The four programmes and their related policy objectives are as follows:

- i. Programme A: Policies, Institutions and Coordination for Results. The Programme's objectives are to improve the policy and regulatory environment, stakeholder coordination and accountability.

- ii. Programme B: Resilient Livelihoods and Agricultural Systems. The Programme's objectives are to strengthen the resilience of livelihoods and the natural resource base for agriculture.
- iii. Programme C: Production and Productivity for Growth. The Programme's objectives are to increase production and productivity of a more diversified agricultural sector.
- iv. Programme D: Markets, Value Addition, Trade and Finance for Transformation. The Programme's objectives are to enhance market access, value addition, trade, and access to finance.

The four Programmes are supplemented by the 16 IAs, which are cluster activities in technical areas required to achieve the objectives of the NAIP (Malawi 2017b: 26-27). The 16 IAs of the NAIP are derived directly from the eight policy priority areas (PPAs) of the NAP (Malawi 2017b: 28). The 16 IAs, together with their objectives/outcomes are found below:

Table 4: NAIP II Intervention Areas

IA	DESCRIPTION	OBJECTIVES/OUTCOMES
1	Policy, Program and Stakeholder Coordination and M&E	Effective mechanisms for multi-sectoral and multi-stakeholder coordination to support Program implementation, M&E are in place.
2	Strengthening Farmer Organisations	Performance and outreach of farmer organisations strengthened at all levels
3	Public Agricultural Services Delivery	MoAIWD's capacity strengthened to provide relevant, market-oriented agricultural extension services in conjunction with/complementary to private sector providers.
4	Diversification, availability and consumption of Nutritious Foods	Diverse, nutritious foods are available and consumed.
5	Food Safety and Quality Standards	Food safety and quality standards are established and mainstreamed.
6	Empowerment and Tenure Security	Women and youth empowered and land tenure security enhanced.
7	Disaster Risk Management Systems	Capacity to manage disasters and reduce their impact strengthened.
8	Pest and Disease Management	Major pests and diseases are controlled and major outbreaks managed effectively.
9	Agricultural Innovation Systems	Demand-driven, pluralistic innovation system generates and disseminates relevant and adequate technologies to all farmers.
10	Access to Inputs	Farmers have timely access to a broader range of quality inputs at reasonable cost.
11	Sustainable Natural Resource Management and Climate Resilience	Natural resources are sustainably managed and the resilience of production systems is enhanced.
12	Sustainable Irrigation Development	Use of irrigation sustainably increased.
13	Mechanisation	Improved access to and use of mechanisation services by farmers.

14	Agricultural Markets and Trade	Enhanced efficiency and inclusiveness of agricultural markets and trade
15	Inclusive Private Investments in Agribusiness	Increased agro-processing, value addition and investments into the domestic markets.
16	Access to a Broader Range of Agri-Financial Services Enhanced	Improved access to agricultural finance by all target groups

Chapter 5 deals with budgeting and finances. The NAIP budget is approximately USD 3.219 billion over the five-year implementation period, and USD 643 million per annum on average. The ASWAp had a total budget of USD 2.2 billion over a four-year period, averaging USD 550 million per year, and the NAIP budget therefore represents a 16% increase from the ASWAp (Malawi 2017b: 28).

The following sources of funding were considered:

- i. On-budget sources: Government funding to the Ministry of Agriculture, Irrigation and Water Development (as shown in the Medium Term Expenditure Framework (MTEF); funding to the Ministry of Industry, Trade and Tourism (MoITT) which relates to agricultural sector objectives (also in the MTEF); Government transfers to districts (related to agriculture); and development partner on-budget support to MoAIWD, districts or other ministries and agencies (e.g. projects financed by the World Bank, International Fund for Agricultural Development (IFAD) or the African Development Bank (AfDB)).
- ii. Off-budget sources: Donor funding; Consultative Group on International Agricultural Research (CGIAR) funding from outside the Donors Committee on Agriculture and Food Security (DCAFS) group; NGO financing from outside the donor group; and Department of Agricultural Research Services (DARS) off-budget income.
- iii. Non-traditional sources which are not aligned to the NAIP but may still contribute to its objectives. This includes private sector funding (from farmers, domestic private sector, and foreign investments), grants from development funds, climate change funds or similar, as well as financing from other sectors that support the NAIP objectives, for example humanitarian disaster response (Malawi 2017b: 68-69).

The funding mechanisms used under the ASWAp were engaged in the NAIP. Pursuant to the Paris Declaration and Malawi Development Cooperation Strategy, donors have “agreed to align their support with national strategies, increase the use of country systems, make funding more predictable, and reduce transaction costs by harmonizing procedures and streamlining delivery” (Malawi 2017b: 78).

Chapter 6 addresses the implementation arrangements including the governance, management and coordination structures (Malawi 2017b: 81). According to the proposed management structure, ultimate decision-making authority on all issues related to the NAIP will rest with the Principal Secretary (PS) of MoAIWD, who chairs the Executive Management Committee (EMC). The EMC is the main instrument for inter-ministerial coordination and is composed of the PSs of all actors (ministries and agencies) who plays a role in NAIP implementation. The Agricultural Sector Working Group (ASWG) provides a similar function for all stakeholders, including DPs, CSOs and private sector. The NAIP Secretariat, as the successor of the ASWAp secretariat, will have

dedicated full-time staff to oversee the implementation of NAIP on a day-to-day basis (Malawi 2017b: 83).

The roles and responsibilities of key actors are outlined. In this regard, a Lead Agency (LA) will be assigned to each IA with the responsibility to see to the overall management of the respective activities, coordination of implementing partners and monitoring progress to the Agricultural Sector Working Group (ASWG). The LA will typically be the ministry or institution with the main mandate for the activities under the respective IA (Malawi 2017b: 83). The NAIP details the main implementers, lead agencies, as well as the roles and responsibilities of each line ministry and their affiliated agencies and parastatals in the implementation of each IA (Malawi 2017b: 85). Non-state actors (NSAs) include a wide range of international, national and local NGOs and CSOs with linkages and resources in rural areas. Service provision and capacity development at local and meso-levels are central to their responsibilities but extends to participation in policy processes and coordination fora at all levels (Malawi 2017b: 86).

With regard to coordination arrangements, the NAIP distinguishes between coordination mechanisms within the government (intra- and inter-ministerial), between government and other stakeholders, and between the public and the private sector. The following principles apply:

- “(a) Coordination must be about implementation and results: Coordination as an end in itself must be avoided; rather, it must be seen as a means to an end, with successful implementation being the ultimate aim of all coordination efforts;
- (b) Coordination should be professional: For coordination to succeed it must be taken seriously and adequately funded through clear allocation of human and financial resources to the various coordination tasks. Full-time coordinators can be justified with respect to critical NAIP platforms (such as the NAIP Secretariat and key Working Groups); and
- (c) Existing coordination platforms: Should be used and strengthened before establishment of new ones is considered. Coordination, implementation and reporting responsibilities must be clearly allocated and defined with the most suitable actors/platforms strengthened in accordance with their mandates” (Malawi 2017b: 87).

Specific proposals regarding coordination arrangements are also provided. With an objective of the improvement in inter-sectoral coordination, both within government as well as between government and non-state actors, the NAIP proposes the following measures:

- i. The Executive Management Committee (EMC) will be revived and strengthened;
- ii. The ASWG will be strengthened;
- iii. Clear demarcation of roles between ASWG and Technical Working Groups (TWGs);
- iv. The TWGs should be issues-based; and
- v. Coordination will be made more professional and results-oriented, requiring the allocation of resources are allocated from NAIP budget, especially in IA1.

With regard to intra-ministerial coordination arrangements, planning and management will function as follows:

- i. A NAIP Coordination Troika comprising the Department of Agricultural Planning Services (DAPS), the Controller of Agricultural Extension and Technical Services (CAETS), and the Controller of Agricultural Services and Institutions (CAS) will be formed in the MoAIWD with DAPS as the chair. The Troika will ensure that NAIP implementation is the central purpose of MoAIWD departments and institutions, and that a programme-based budget will

- anchor and guide coordination efforts. The CAETS and the CAS will be responsible for aligning their departments and institutions with the NAIP. DAPS will also be responsible for alignment and harmonisation across partners and projects.
- ii. The Senior Management Team (SMT) will be brought under the CAETS and its function of intra-ministerial decision-making will be revived and strengthened. The SMT already exists as a platform for intra-ministerial coordination consisting of departmental directors and programme managers, and is coordinated by CAETS.
 - iii. All technical departments and institutions under MoAIWD as well as local assemblies will integrate the NAIP as their core business” (Malawi 2017b: 94).

Coordination at decentralised levels are generally regarded as too intricate due to overlap in roles and functions. Various proposals for inter alia the effective connection to the field via the sub-national structures are provided for in the NAIP (Malawi 2017b: 97).

With regard to private sector coordination, the NAIP refers to the Malabo Declaration which proposes that countries establish a Country Agribusiness Partnership Framework (CAP-F) in order to: “(i) achieve policy reforms through multi-stakeholder engagements and institutional support systems; and (ii) establish collaborations for improving the efficiency of priority value chains” (Malawi 2017b: 98). Focusing on Malawi, the CAP-F would rest on two main blocks, namely the New Alliance/Grow Africa framework and value chain specific multi-stakeholder platforms (Malawi 2017b: 99).

The NAIP identifies a number of risks inherent to all development programmes and projects in Malawi. These include the willingness of the private sector to participate; limited capacity in Government institutions and human resources; the challenge of coordinating NAIP investments within and between institutions; ensuring that the primary target group (smallholders) participate fully and that women, youth and other disadvantaged groups are included; managing environmental and climate risks; and coordinating multiple funding modalities (Malawi 2017b: 100). The NAIP contains various measures to mitigate the aforementioned risks.

Chapter 7 deals with alignment, mutual accountability and monitoring. The CAADP Compact is identified as the main instrument for alignment for all stakeholders (including government, development partners, CSOs and private sector) to attain the values and principles of the CAADP framework. These principles include evidence-based programming, implementation and monitoring of policies through inclusive stakeholder engagement; and alignment of all stakeholders to a nationally-owned investment plan rooted in the Maputo and Malabo Declarations (Malawi 2017b: 103). It is essential for the MoAIWD to align its own systems and processes to the NAIP, in order to take full ownership of the NAIP and to lead its implementation (Malawi 2017b: 104).

General democratic control instruments such as the Parliamentary Committee responsible for Agriculture (already in place) is amongst the accountability mechanisms for the Government’s activities in agriculture. These control instruments are vital in endorsing, implementing and monitoring the implementation of the annual agricultural budget. In addition thereto, mutual accountability mechanisms are in place whereby two or more parties are accountable for their commitments. The NAIP recognises that mutual accountability is also one of the six principles of the Paris Declaration on Aid Effectiveness (Malawi 2017b: 105).

The NAIP identifies a number of current monitoring and evaluation (M&E) related challenges. These include lack of timely data due to late or non-reporting, poor data quality, weak data utilisation at all levels of the system, and weak governance of M&E across the sector. To overcome

these challenges, a sector-wide National Agriculture Management Information System (NAMIS) is being led by the MoAIWD. Data collection will be strengthened by replacing the predominantly paper-based data collection tool with electronic data collection, reporting and analysis at all levels of the agriculture sector. Key initiatives in the NAMIS process will include:

- i. Single data reporting system for all players in the agriculture sector;
- ii. Development and operationalizing dashboards for each level of implementation and decision making;
- iii. Integration of social accountability tools including community scorecard system at implementation level to both improve community participation and data quality;
- iv. Web-based data access;
- v. Intra-operability with relevant other Management Information Systems When fully operational; and
- vi. Institutionalisation of key national level surveys (Malawi 2017b: 106-107).

The NAIP sets out the structure of the M&E system, and provides for objectives, indicators and targets at impact, outcome and intermediate outcome levels, along with the main outputs. Further detail is also provided regarding quantitative impact and outcome targets and baseline values, as well as output targets by IA and Program, respectively.

5.4.3 National Planning Commission

The enactment of the National Planning Commission Act 12 of 2017 (and the subsequent launching of the National Planning Commission in 2018) represents an important paradigm-shifting step in the process of coordinating, at a central level above government departments, (a) the planning and (b) the oversight and monitoring and evaluation of implementation of government programmes.

The National Planning Commission (NPC) consists of a chairperson, five other members (in consultation with relevant professional and other bodies), and a secretary appointed by the President. Their appointment must be confirmed by the Public Witness Committee of the Malawi National Assembly. All members must have at least a master's degree or its equivalent, and at least three members must be women. The term of office is five years, renewable once. As regards administrative staff, a director-general (appointed for a five-year term by the NPC) is responsible for the management and operations of the NPC.

The National Planning Commission Act 12 of 2017, guarantees the independence of the NPC. The independence of the NPC is further strengthened by the statutory arrangements as regards its funding, which consists of:

- i. Sums appropriated by Parliament for purposes of the Commission;
- ii. Sums or assets that may accrue to or vest in the Commission, whether in the course of the performance by the Commission of its functions or the exercise of its powers or otherwise;
- iii. Sums or assets that may accrue to or vested in the Commission by way of grants, subsidies, bequests, donations, gifts and subscriptions, from the Government or any other person;
- iv. Sums that are received by the Commission by way of voluntary contributions; and
- v. Sums or assets as may be donated to the Commission by any foreign government, international agency or other external body of persons.

In addition, the Malawi Government is obliged to adequately fund the NPC to enable it to exercise its powers or perform its functions and duties so as to ensure its independence. The management

and utilisation of funds and assets of the NPC is under its exclusive control, subject to compliance with the Malawi Public Audit act and the Malawi Public Finance Public Procurement Act.

The prescribed reporting arrangements also give evidence of the maximisation of the NPC's independence. For purposes of accountability, the NPC is answerable, and reports bi-annually and annually, to the President. The Minister responsible for planning and development must present such reports to the National Assembly, focusing on the overall fulfilment by the NPC of its powers and functions.

A key role that the NPC is tasked with, is the preparation and submission of a long-term national vision and strategy, as well as a medium-term development plan, to Cabinet, through the Minister responsible for planning and development, for its consideration and approval. This has the important implication that in future the NPC will have exclusive responsibility for the drafting of, amongst others, all key long and medium-term planning documents, including both (a) the new national Vision (that will replace the current Vision 2020), and (b) the next iteration of the Malawi Growth and Development Strategy (i.e. MGDS IV).

The above exposition gives a clear indication of the important role that the NPC should play in the drafting of long and medium-term planning and development instruments, as well as in overseeing the implementation thereof. The legislative guarantees in respect of its independence and autonomy will, to a large extent, ensure that the NPC cannot be swayed by sectoral interests.

Using its enabling statutory framework, the NPC should publish a work plan with activities, deliverables and timelines as regards the operationalisation of its initial priorities. In addition, it is of paramount importance that the NPC decides (and publicises) on how it is going to structure its coordinating role (both at the planning and oversight levels). It also needs to be stated that no Malawi government entity is currently responsible for the collection and safeguarding of, as well as ensuring the domestication of and compliance with international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party. A proper reading of the Malawi National Planning Commission Act 12 of 2017 makes it clear that it would be within the NPC's powers to establish such a database and ensure the necessary domestication and compliance. In addition, the NPC should also coordinate or play a key role in the collection of data and the drafting and finalisation of progress and other reports to be submitted in respect of Malawi's compliance with the obligations and commitments contained in such external instruments. The NPC should put in place appropriate measures aimed at enabling its oversight (including intervention) role as regards ensuring full compliance with, adherence to, and implementation of, (a) all such external instruments, as well as of (b) all decisions made, and instruments developed and finalised, by the NPC.

5.5 Conclusion

The analysis of key aspects of the Malawi domestic FSN framework (the Malawi Constitution, the policy, legislative programme and institutional frameworks, as well as of three specific focus areas (gender, children, and health)) does not provide evidence of adherence to the sequential nature of the policy loop. In several instances, annual implementation (work) plans are not preceded by sectoral policies, sectoral legislation and/or medium-term sectoral implementation strategies. In addition, binding constitutional provisions are not, or not fully, embodied in the current Malawi constituent elements of the policy loop. Furthermore, detailed provisions relating to both an overarching M&E framework (structure and systems) and concomitant customised sub-sector M&E frameworks (structure and systems), are often lacking. The analysis also indicates that there is a plethora of, amongst others, policies, statutory instruments, medium-term strategies, annual

implementation (work) plans, institutions and M&E indicator sets. These are often unconnected, incoherent and contradictory, and to a large extent uncoordinated - and consequently ineffective.

Given the vast powers of the autonomous National Planning Commission (NPC), it should provide guidance and oversight as regards compulsory compliance by all government departments with the policy loop. This has a number of implications, two of which are that:

- i. The NPC should take responsibility for:
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the next Malawi long-term development plan (the successor to the current Vision 2020);
 - Amending the current Malawi Growth and Development Strategy III (MDGS III) to ensure full alignment with the next Malawi long-term development plan; and
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the Malawi Growth and Development Strategy IV (MDGS IV).
- ii. The NPC should ensure that all government departments and entities:
 - Review, amend and rationalise or, where appropriate, replace existing inter-sectoral and sectoral policies, legislation, medium-term strategic frameworks and annual implementation (work) plans with a view on aligning said documents with both the next Malawi long-term development plan and the above-mentioned amended MDGS III. This also applies to the review and alignment of the Malawi NAIP II; and
 - After the approval of the MDGS IV, review, amend and rationalise or, where appropriate, replace then existing inter-sectoral and sectoral policies, legislation, medium-term strategic frameworks and annual implementation (work) plans with a view on aligning said documents with both the next Malawi long-term development plan and the above-mentioned amended (MDGS III).

As regards the domestication of, and compliance with, FSN-related obligations created by of global (international), African (regional) and SADC (sub-regional) conventions, treaties and protocols, the vast majority of instruments referred to in this section do not give evidence of such alignment. In many instances, no reference is made to the existence of the universal right to be free of hunger and such obligations. As far as commitments made by the Government of Malawi by it being a signatory to key FSN-related global, African and SADC declarations and agreements, very few Malawi instruments contain any references thereto. The recent (2018) Malawi NAIP forms an exception: although not dealing with all instances of Malawi's FSN-related obligations and commitments, it does contain references to a number of such documents and, importantly, attempts alignment. It is suggested that the NPC, by exercising its oversight role, is empowered to compel all government entities to ensure both domestication and compliance with such obligations and commitments.

Finally, there is a significant lack of coherence at both the intra-departmental and the inter-departmental levels as regards the policy elements discussed in this section (medium-term growth and development strategy; sectoral policies; sectoral legislation; medium-term sectoral strategies; annual implementation (work) plans, and M&E structures and systems (including indicators)). From a coordination perspective, evidence of across-the-board effective intra-departmental and inter-departmental coordination mechanisms has not been found. Although the existence of supra-departmental coordinating mechanisms (at the political level chaired by the President or Deputy President, and at the administrative level by the most senior Malawi servant (i.e. the Director-general

in the Office of the President and Cabinet (OPC)) should go a long way in ensuring effective coordination, oversight and intervention, such well-functioning mechanisms do not presently exist. Taking into account the current absence of a transversal policy and statutory framework providing for the compulsory establishment and operationalisation of such supra-departmental coordinating mechanisms, it is suggested that such coordination, oversight and intervention should be undertaken by the NPC in the execution of its statutory mandate.

In conclusion, the overarching research finding is that there is an urgent need to rationalise all Malawi FSN instruments and institutions, and replace same with an overarching FSN framework that is fully aligned to:

- i. The international, African and SADC obligations and commitments framework and the Malawi Constitution; and
- ii. The Malawi long-term development plan (currently Vision 2020) and the Malawi Growth and Development Strategy III (MDGS III) (both of which also require alignment with the above-mentioned obligations and commitments framework and the Malawi Constitution),

and which satisfies the requirements of coherence and effective coordination. It is suggested that the NPC should, as an inherent part of its statutory mandate, take the responsibility to initiate and manage this rationalisation process as a high priority.

6 CONCLUSION

Based on the above overview and analysis, a number of key findings and related recommendations can be made. These include, but are not limited to, the following:

6.1 Key findings

The analysis of key aspects of the Malawi domestic FSN framework (the Malawi Constitution, the policy, legislative programme and institutional frameworks, as well as of three specific focus areas (gender, children, and health)) does not provide evidence of adherence to the sequential nature of the policy loop. In several instances, annual implementation (work) plans are not preceded by sectoral policies, sectoral legislation and/or medium-term sectoral implementation strategies. In addition, binding constitutional provisions are not, or not fully, embodied in the current Malawi constituent elements of the policy loop. Furthermore, detailed provisions relating to both an overarching M&E framework (structure and systems) and concomitant customised sub-sector M&E frameworks (structure and systems), are often lacking. The analysis also indicates that there is a plethora of, amongst others, policies, statutory instruments, medium-term strategies, annual implementation (work) plans, institutions and M&E indicator sets. These are often unconnected, incoherent and contradictory, and to a large extent uncoordinated - and consequently ineffective.

As regards compliance with, and domestication of, FSN-related obligations created by global (international), African (regional) and SADC (sub-regional) conventions, treaties and protocols, the vast majority of instruments referred to in this section do not give evidence of such alignment. In many instances, no reference is made to the existence of the universal right to be free of hunger and such obligations. As far as commitments made by the Government of Malawi by it being a signatory to key FSN-related global, African and SADC declarations and agreements, very few Malawi instruments contain any references thereto. The recent (2018) Malawi NAIP forms an exception: although not dealing with all instances of Malawi's FSN-related obligations and commitments, it does contain references to a number of such documents and, importantly, attempts alignment.

Finally, there is a significant lack of coherence at both the intra-departmental and the inter-departmental levels as regards the policy elements discussed (medium-term growth and development strategy; sectoral policies; sectoral legislation; medium-term sectoral strategies; annual implementation (work) plans, and M&E structures and systems (including indicators)). From a coordination perspective, evidence of across-the-board effective intra-departmental and inter-departmental coordination mechanisms has not been found. Although the existence of supra-departmental coordinating mechanisms (at the political level chaired by the President or Deputy President, and at the administrative level by the most senior Malawi servant (i.e. the Director-general in the Office of the President and Cabinet (OPC)) should go a long way in ensuring effective coordination, oversight and intervention, such well-functioning mechanisms do not presently exist.

In addition to the above, a number of key findings can be made. These include, but are not limited to, the following:

- i. The absence of a comprehensive database of international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party, and institutions responsible for compliance with such instruments, as well as of annual and/or other reports submitted to the relevant international, regional and sub-regional entities.

- ii. The absence of public access to the above-mentioned comprehensive database of international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party, and institutions responsible for compliance with these instruments, as well as to annual and/or other reports submitted to the relevant international, regional and sub-regional entities.
- iii. None of the analysed instruments (policies, legislation and/or strategic plans/programmes) provide any significant evidence of any departmental or other institutional mandate focusing on the compulsory incorporation in existing frameworks of and/or substantial alignment with the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.
- iv. The absence of provisions in the current FSN-related policy, statutory, strategic and implementation frameworks that focus on compliance with, and adherence to, obligations and commitments emanating from the above external instruments.
- v. The absence of a comprehensive electronic and physical database of all policies, legislation, strategies and implementation (work) plans, as well as to annual reports and monitoring and evaluation reports.
- vi. The absence of public access to policies, legislation, strategies and implementation (work) plans as well as to annual reports and monitoring and evaluation reports.
- vii. At a structural (and related systems) level, the absence of an appropriate supra-departmental entity that is tasked with the effective coordination and oversight of all FSN-related international, regional and sub-regional obligations and commitments, as well as of Malawi domestic programmes, plans and activities.
- viii. The absence of recent policy documentation in a number of functional domains, e.g. health. This may take the form of the absence of policies in the narrow sense of the word, legislation and/or strategies.
- ix. Delays and/or inaction in the review of existing and adoption of new policies, legislation and strategies.
- x. As regards the second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2), the following gaps were identified:
 - Insufficient attention to the key roles of, amongst others, Agenda 2030 (SDGs), Agenda 2063, the First Ten Year Implementation Plan (2014 – 2023), the 2014 FAO Voluntary Guidelines, and the SADC Food and Nutrition Security Strategy (FNSS) (2001-2025);
 - Insufficient recognition of the key overarching framework role of the Malawi Growth and Development Strategy 2017-2022 (MGDS III) and the need to ensure that the NAIP 2 is fully aligned with and coherent with the MGDS III;
 - Locating the coordinating role in the Department responsible for agriculture;
 - No explicit discussion of the necessity to establish a strong representative coordinating entity at a supra-departmental level;
 - No explicit recommendation and implementation plan relating to the need to review and rationalise all existing FSN -related policies, legislation, strategic frameworks and annual work plans; and
 - The absence of an explicit recommendation that all existing Malawi policies, legislation, medium-term strategies, annual work plans as well as all existing institutional frameworks and M&E structures and systems should be reviewed within the context of, and aligned with:
 - The international (global), regional (African) and sub-regional (SADC) obligations and commitments;

- The Malawi Constitution;
 - The successor to Vision 2020;
 - The Malawi Growth and Development Strategy III (2017 – 2022); and
 - The key roles, powers, functions and duties of the Malawi National Planning Commission.
- xi. In respect of the Malawi National Planning Commission the following gaps were identified:
- No detailed work plan with activities, deliverables and timelines as regards the operationalisation of its priorities has been published.
 - The NPC has not decided (and publicised) on how it is going to structure its coordinating role (both at the planning and oversight levels).
 - No database of electronic and physical copies of all with international (global), regional (African) and sub-regional (SADC) instruments to which Malawi currently exists, and the NPC has not as yet indicated that it would take responsibility for the establishment and maintenance of such database.
 - No database of the extent of domestication, compliance with, and implementation of, all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi currently exists, and the NPC has not as yet indicated that it would take responsibility for monitoring and reporting on compliance and implementation.
 - No measures have been put in place by the NPC relating to the duty of other government entities to comply with, adhere to, and implement both (a) the provisions of all external instruments to which Malawi is a party, and (b) instruments developed by the NPC.
- xii. With reference to the Malawi Growth and Development Strategy III (2017 to 2023), it needs to be noted, amongst others, that:
- No explicit reference is made to the crucial role of the external framework nor to the need to review all policies, statutory frameworks, strategies, institutional frameworks and M&E structures and systems in order to ensure alignment to the provisions of the MGDS III.
- xiii. No explicit discussion of the policy formulation sequencing process illustrated by the so-called policy loop. The policy loop indicates that the political manifesto of a ruling party is translated into long-term policies (national development plan or Vision); the amendment of an existing, or the formulation of a new policy; the drafting of legislation in accordance with such policy; the drafting of a five year strategic plan (medium-term strategy) and annual work (performance) plans, as well as of a comprehensive M&E system.

6.2 Key recommendations

Given the vast powers of the autonomous Malawi National Planning Commission (NPC), it should provide guidance and oversight as regards compulsory compliance by all government departments with the policy loop. This has a number of implications, two of which are that:

- i. The NPC should take responsibility for:
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the next Malawi long-term development plan (the successor to the current Vision 2020);
 - Amending the current Malawi Growth and Development Strategy III (MDGS III) to ensure full alignment with the next Malawi long-term development plan; and
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the Malawi Growth and Development Strategy IV (MDGS IV).

- ii. The NPC should ensure that all government departments and entities:
 - Review, amend and rationalise or, where appropriate, replace existing inter-sectoral and sectoral policies, legislation, medium-term strategic frameworks and annual implementation (work) plans with a view on aligning said documents with both the next Malawi long-term development plan and the above-mentioned amended MDGS III. This also applies to the review and alignment of the Malawi NAIP II; and
 - After the approval of the MDGS IV, review, amend and rationalise or, where appropriate, replace then existing inter-sectoral and sectoral policies, legislation, medium-term strategic frameworks and annual implementation (work) plans with a view on aligning said documents with both the next Malawi long-term development plan and the above-mentioned amended (MDGS III).

It is suggested that the NPC, by exercising its oversight role, is empowered to compel all government entities to ensure both the domestication of, and compliance with, FSN-related:

- i. Obligations created by global (international), African (regional) and SADC (sub-regional) conventions, treaties and protocols; and
- ii. Commitments made by the Government of Malawi by it being a signatory to key FSN-related global, African and SADC declarations and agreements.

Reference has been made to the overarching research finding that there is an urgent need to rationalise all Malawi FSN instruments and institutions, and replace same with an overarching FSN framework that is fully aligned to:

- i. The international, African and SADC obligations and commitments framework and the Malawi Constitution; and
- ii. The Malawi long-term development plan (currently Vision 2020) and the Malawi Growth and Development Strategy III (MDGS III) (both of which also require alignment with the above-mentioned obligations and commitments framework and the Malawi Constitution),

and which satisfies the requirements of coherence and effective coordination. It is suggested that the NPC should, as an inherent part of its statutory mandate, take the responsibility to initiate and manage this rationalisation process as a high priority.

In addition, a number of key recommendations (related to each of the above-mentioned key findings) can be made. These include, but are not limited to, the following:

- i. The establishment of a comprehensive database of international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party, and institutions responsible for compliance with such instruments, as well as of annual and/or other reports submitted to the relevant international, regional and sub-regional entities.
- ii. Ensuring public access to the above-mentioned comprehensive database of international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party, and institutions responsible for compliance with these instruments, as well as to annual and/or other reports submitted to the relevant international, regional and sub-regional entities.
- iii. All Malawi domestic government instruments (policies, legislation and/or strategic plans/programmes) must provide significant evidence of every department's or other government entity's mandate focusing on the compulsory incorporation in their existing frameworks of and/or substantial alignment with the goals and related targets as set out in

- the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.
- iv. Incorporation of provisions in the current FSN-related Malawi policy, statutory, strategic, implementation and institutional frameworks that focus on compliance with, and adherence to, obligations and commitments emanating from the above external instruments.
 - v. The establishment of a comprehensive electronic and physical database of all policies, legislation, strategies and implementation (work) plans, as well as to annual reports and monitoring and evaluation reports.
 - vi. The establishment of systems that allow and facilitate public access to policies, legislation, strategies and implementation (work) plans as well as to annual reports and M&E reports.
 - vii. The establishment and operationalisation of an appropriate supra-departmental entity that is tasked with the effective coordination and oversight of all FSN-related international, regional and sub-regional obligations and commitments, as well as of Malawi's domestic strategies, programmes, plans and activities.
 - viii. In addition, in a coordinated manner, addressing the current absence of recent policy documentation in a number of functional domains, e.g. health, whether the current shortcoming is located in policies in the narrow sense of the word, legislation and/or strategies.
 - ix. The taking of steps to, in a coordinated focused and sequenced manner, address (and prevent in future) all delays and/or inaction in the review of existing and adoption of new policies, legislation and strategies.
 - x. The gaps identified as regards the second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2) should be addressed as follows:
 - The recognition of the key roles of, amongst others, Agenda 2030 (SDGs), Agenda 2063, the First Ten Year Implementation Plan (2014 – 2023), the 2014 FAO Voluntary Guidelines, and the SADC Food and Nutrition Security Strategy (FNSS) (2001-2025);
 - Full recognition of the key overarching framework role of the Malawi Growth and Development Strategy 2017-2022 (MGDS III) and the need to ensure that the NAIP 2 is fully aligned with and coherent with the MGDS III;
 - Locating the coordinating role for all FSN-related planning, implementation and supervision in a supra-national body;
 - The establishment, on an urgent basis, of a strong representative coordinating entity for FSN-related planning, implementation and supervision at a supra-departmental level;
 - The drafting and implementation, as a high priority, and concomitant execution of a government and/or NPC decision, of a detailed implementation plan relating to the need to review and rationalise all existing FSN-related policies, legislation, strategic frameworks and annual work plans, as well as existing institutional frameworks and M&E structures and systems, within the context of, and in line with:
 - The international (global), regional (African) and sub-regional (SADC) obligations and commitments;
 - The Malawi Constitution;
 - The successor to Vision 2020;
 - The Malawi Growth and Development Strategy III (2017 – 2022), and
 - The key roles, powers, functions and duties of the Malawi National Planning Commission.
 - xi. In respect of the Malawi National Planning Commission, the following recommendations should be implemented:

- The drafting and publication of a detailed work plan with activities, deliverables and timelines as regards the operationalisation of its initial priorities.
 - A decision by the NPC (and publication of such decision) on how the NPC is going to structure its coordinating role (both at the planning and oversight levels).
 - A decision by the NPC that it would take responsibility for the establishment and maintenance of a database of electronic and physical copies of all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party.
 - A decision by the NPC that it would take responsibility for the establishment and maintenance of a database of the extent of domestication, compliance with, and implementation of, all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party.
 - A decision by the NPC that it would take responsibility for monitoring and reporting on compliance and implementation of all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party.
 - The putting in place of measures by the NPC relating to the duty of all other government entities to comply with, adhere to and implement the provisions of all external instruments to which Malawi is a party, and instruments developed by the NPC.
- xii. With reference to the Malawi Growth and Development Strategy III (2017 to 2023), some of the steps to be taken are:
- The MGDS III needs to be reviewed and amended in order to specify the crucial role of the external framework and the need to review all policies, statutory frameworks, strategies, institutional frameworks and M&E structures and systems in order to ensure alignment to the provisions of the MGDS III.
 - The MGDS III needs to be reviewed and amended to explicitly provide for the operationalisation of a new sequenced approach to policy formulation. This process can best be illustrated by reference to the so-called policy loop, which indicates that the political manifesto of a ruling party is translated into long-term policies (national development plan or Vision); the amendment of an existing or the formulation of a new policy; the drafting of legislation in accordance with such policy; the drafting of a five year strategic plan (medium-term strategy) and annual work (performance); as well as of an appropriate institutional framework and a comprehensive M&E structure and system. Within this context, adherence to the policy loop should be effected

REFERENCES

- ACHPR. 1990. *African Charter on the Rights and Welfare of the Child*. Banjul: African Commission on Human and Peoples' Rights. <http://www.achpr.org/instruments/child/>.
- ACHPR. 2003. *The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. Banjul: African Commission on Human and Peoples' Rights. <http://www.achpr.org/instruments/women-protocol/>.
- Aguirre, E.K. 2015. *The Importance of the Right to Food for Achieving Global Health*. Global Health Governance 9(1): 64-178. https://law.ucla.edu/~media/Files/UCLA/Law/Pages/Publications/RES_PUB_Aguirre_Importance%20Global%20Health.ashx.
- Anderson-Smith, B. 2014. *Hungry for Change: The State of Hunger and Food Security*. <https://aifsc.aciar.gov.au/hungry-change-state-hunger-and-food-security-2014>.
- AU. 2015a. *First Ten Year Implementation Plan 2014-2023*. Addis Ababa: African Union. <http://www.un.org/en/africa/osaa/pdf/au/agenda2063-first10yearimplementation.pdf>.
- AU. 2015b. *Implementation Strategy and Roadmap to Achieve the 2025 Vision on CAADP*. Addis Ababa: African Union. <http://www.nepad.org/file-download/download/public/14260>.
- AU. 2016. *Africa Health Strategy 2016-2030*. https://au.int/sites/default/files/documents/24098-au_ahs_strategy_clean.pdf.
- AUC. 2015. *The Programme of Work: Operationalising the Malabo Declaration on African Agriculture and CAADP Implementation Strategy and Roadmap*. <https://www.nepad.org/file-download/download/public/14323>.
- AUC. 2016. *Country CAADP Implementation Guidelines under the Malabo Declaration*. Midrand: New Partnership for Africa's Development. <http://www.nepad.org/file-download/download/public/14430>.
- Chasukwa, M. 2016. *The Gender Machinery: Women in Malawi's Central Government Administration*. CMI Brief, 15(11). <https://www.cmi.no/publications/5880-the-gender-machinery-women-in-malawis-central>.
- Condé, V.H. 2004. *A Handbook of International Human Rights Terminology*. Lincoln: University of Nebraska.
- Du Plessis, E.J. 2016. *The Politics of Food in Southern Africa: A Food Regime/Movements Framework*. Master of Arts. Faculty of Arts and Social Sciences, Stellenbosch University.
- FAO. 1996. *Rome Declaration on World Food Security*. Rome: FAO.
- FAO. 2005. *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*. Rome: FAO. <http://www.fao.org/3/a-y7937e.pdf>.
- FAO. 2012. *Plan of Action for Malawi 2012-2016*. http://www.fao.org/fileadmin/user_upload/emergencies/docs/PoA_Malawi.pdf.
- FAO. 2013. *Trade Reforms and Food Security: Conceptualizing the Linkages*. Rome: FAO. <http://www.fao.org/docrep/005/y4671e/y4671e06.htm>.

FAO. 2015. *Key Recommendations for Improving Nutrition through Agriculture and Food Systems*. <http://www.fao.org/3/a-i4922e.pdf>.

FAO. 2016. *The Agriculture Sector Wide Approach (ASWAp): Malawi's Prioritised and Harmonised Agricultural Development Agenda: 2010-2014 - Review of Achievements and Implementation*. Lilongwe: Food and Agriculture Organization.

Hedden, S., Hughes, B.B., Rothman, D.S., Markle, A.J., Maweni, J. & Mayaki, I.A. 2016. *Ending Hunger in Africa: The Elimination of Hunger and Food Insecurity on the African Continent by 2025: Conditions for Success*. Pardee Center for International Futures. Denver: University of Denver. <https://www.nepad.org/file-download/download/public/15411>.

Hospes, O.; Van Dijk, H. & Van der Meulen, B. 2010. *Introduction*. In: *Governing Food Security: Law, Politics and the Right to Food*. Edited by O. Hospes & I. Hadiprayinto. European Institute for Food Law Series 5: 19-40. Wageningen: Wageningen Academic Publishers.

Künnemann, R. 2002. *Basic Income: A State's Obligation Under the Human Right to Food*. BIEN 4. <http://www.ilo.org/public/english/protection/ses/download/docs/kunn.pdf>.

Lauterbach, C. & Matenje I. 2013. *Gender, IFIs and Food Insecurity Case Study: Malawi*. Washington, DC: Gender Action. www.genderaction.org/publications/malawifoodsecurity.pdf.

Malawi. 1948. *Public Health Act*.

Malawi. 1994. *The Constitution of the Republic of Malawi*. Lilongwe: Ministry of Justice.

Malawi. 2004. *Combined Second, Third, Fourth and Fifth Periodic Report of States Parties*. Lilongwe: Government of Malawi.

Malawi. 2005. *National Action Programme for Malawi for the United Nations Convention to Combat Desertification*. Lilongwe: Ministry of Natural Resources and Environmental Affairs.

Malawi. 2006. *Malawi's National Adaptation Programmes of Action*. Lilongwe: Ministry of Agriculture and Food Security.

Malawi. 2007. *National Nutrition Policy and Strategic Plan (2007-2012)*. Lilongwe: Department of Nutrition, HIV and Aids.

Malawi. 2008. *National Education Sector Plan (2008-2017)*. Lilongwe: Ministry of Education, Science and Technology.

Malawi. 2009. *National School Health and Nutrition Strategic Plan (2009-2018)*. Lilongwe: Ministry of Education Science and Technology.

Malawi. 2010a. *School Health and Nutrition Guidelines*. Lilongwe: Ministry of Education Science and Technology, Ministry of Health, Ministry of Agriculture and Food Security.

Malawi. 2010b. *The National Agriculture Policy*. Lilongwe: Ministry of Agriculture and Food Security.

Malawi. 2010c. *Malawi Demographic and Health Survey*. Zomba and Maryland: National Statistics Office and Macro.

Malawi. 2010d. *Child Care, Protection and Justice Act 22 of 2010*.

- Malawi. 2011a. *Malawi Growth and Development Strategy II (2011-2016)*. Lilongwe: Government of Malawi.
- Malawi. 2011b. *Malawi Health Sector Strategic Plan (2011-2016)*. Lilongwe: Ministry of Health.
- Malawi. 2012a. *Global Agriculture and Food Security Programme Support to Malawi's Sector Wide Approach (ASWAp): Proposal from Malawi Government*. Lilongwe: Government of Malawi, Ministry of Agriculture, Irrigation and Water Development.
- Malawi. 2012b. *Malawi Economic Recovery Plan*. Lilongwe: Ministry of Finance, Economic Planning and Development.
- Malawi. 2013a. *Gender Equality Act 3 of 2013*. Lilongwe: Government of Malawi.
- Malawi. 2013b. *National Youth Policy*. Lilongwe: Ministry of Youth and Sports.
- Malawi. 2014a. *2014 Millennium Development Goal Report for Malawi*. Lilongwe: Government of Malawi.
- Malawi. 2014b. *Framework for Strengthening the Functions of the Ministry of Gender, Children and Social Welfare 2014–2018*. Lilongwe: Government of Malawi.
- Malawi. 2014c. *Malawi Country Report on the Beijing Platform for Action*. Lilongwe: Government of Malawi.
- Malawi. 2015a. *National Disaster Risk Management Policy*. Lilongwe: Ministry of Economic Planning and Development Building.
- Malawi. 2015b. *National Gender Policy*. <https://cepa.rmportal.net/Library/government-publications/National%20Gender%20Policy%202015.pdf>.
- Malawi. 2016a. *2016/2017 Food Insecurity Response Plan*. Lilongwe: Office of the Vice President and Department of Disaster Management Affairs.
- Malawi. 2016b. *Malawi Education Sector Improvement Project (MESIP) – Environmental and Social Management Framework*. Lilongwe: Ministry of Education, Science and Technology; Local Development Fund; Ministry of Natural Resources, Energy and Environment; Ministry of Lands, Housing and Urban Development.
- Malawi. 2016c. *National Agriculture Policy*. Lilongwe: Government of Malawi.
- Malawi. 2016d. *National Irrigation Policy*. Lilongwe: Ministry of Agriculture, Irrigation and Water Development.
- Malawi. 2016e. *Malawi Demographic and Health Survey*. Zomba and Maryland: National Statistics Office and Macro.
- Malawi. 2017a. *Malawi Growth and Development Strategy II Review and Country Situation Analysis*. Lilongwe: Government of Malawi.
- Malawi. 2017b. *National Agriculture Investment Plan 2017/18 – 2022/23*. Lilongwe: Ministry of Agriculture, Irrigation and Water Development.
- Malawi. 2017c. *Malawi Health Sector Strategic Plan II (2017-2022)*. Lilongwe: Government of Malawi. http://www.nationalplanningcycles.org/sites/default/files/planning_cycle_repository/malawi/health_sector_strategic_plan_ii_030417_smt_dps.pdf.

- Malawi. 2018a. *Malawi National Social Support Programme II (MNSSP II)*. Lilongwe: Ministry of Finance, Economic Planning and Development.
- Malawi. 2018b. *National Multi-Sector Nutrition Policy 2018-2022*. Lilongwe: Ministry of Health.
- Maxwell, S. & Smith, M. 1992. *Household Food Security: A Conceptual Review*. New York and Rome: UNICEF and IFAD.
- Mbilizi, M.A. 2013. *When a Woman Becomes President: Implications for Gender Policy and Planning in Malawi*. Journal of International Women's Studies, 14(3): 148-162.
- Messer, E. & Cohen, M.J. 2009. *US Approaches to Food and Nutrition Rights, 1976-2008*. <http://www.worldhunger.org/us-approaches-food-nutrition-rights/>.
- NEPAD. 2015. *CAADP Results Framework*. Midrand: New Partnership for Africa's Development. <https://au.int/sites/default/files/documents/31250-doc-the-caadp-results-framework-2015-2025-english-edited-1-1.pdf>.
- NEPAD. 2016. *Sustaining the CAADP Momentum to Spur Agriculture Transformation*. Midrand: New Partnership for Africa's Development. <http://www.nepad.org/file-download/download/public/15518>.
- Ngwira, N. 2014. *Gender and Poverty Reduction in Malawi*. <http://www.ndr.mw:8080/xmlui/handle/123456789/1243>.
- OHCHR. 2008. *The Right to Adequate Food*. <http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>.
- SADC. 1997. *Declaration on Gender and Development*. https://www.sadc.int/files/7613/5292/8380/Declaration_on_Gender_Development_1997.pdf.
- SADC. 2012. *Treaty of the Southern African Development Community*. Gaborone: Southern African Development Community. https://www.sadc.int/files/5314/4559/5701/Consolidated_Text_of_the_SADC_Treaty_-_scanned_21_October_2015.pdf.
- SAHRC. N.d. *Right to Food Fact Sheet*. https://www.sahrc.org.za/home/21/files/brochure_A3_English.pdf.
- UN. 1948. *Universal Declaration of Human Rights*. New York: United Nations.
- UN. 1975. *Report of the World Food Conference*. Rome, 5-16 November 1974. https://digitallibrary.un.org/record/701143/files/E_CONF.65_20-EN.pdf.
- UN. 1979. *Convention on the Elimination of All Forms of Discrimination Against Women*. New York: United Nations. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.
- UN. 1989. *Convention on the Rights of the Child*. <https://www.unicef.org/sites/default/files/2019-04/UN-Convention-Rights-Child-text.pdf>.
- UN. 1990. *General Comment 3 of the International Covenant on Economic, Social and Cultural Rights*. New York: United Nations.
- UN. 1996. *Beijing Platform for Action*. New York: United Nations.

- UN. 1999. *General Comment 12 of the International Covenant on Economic, Social and Cultural Rights*. New York: United Nations.
- UN. 2015. *Transforming Our World: The 2030 Agenda for Sustainable Development*. New York: United Nations. http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.
- UN. 2016. *Status of African Integration: The Implications of Agenda 2063 and Agenda 2030 on African Integration*. <https://www.tralac.org/images/docs/9340/status-of-african-integration-implications-of-agenda-2063-and-agenda-2030-unece-march-2016.pdf>.
- University of Minnesota. 2000. *Module 12: The Right to Adequate Food*. <http://hrlibrary.umn.edu/edumat/IHRIP/circle/modules/module12.htm>.
- Vidar, M. 2003. *The Right to Food in International Law*. http://www.actuar-acd.org/uploads/5/6/8/7/5687387/fao_the_right_to_food_in_international_law.pdf.
- Viljoen, F. 2012. *International Human Rights Law in Africa*. Oxford: Oxford University Press.
- Wenaar, B. 2010. *The Plural Wells of the Right to Food*. Governing Food Security: Law, Politics and the Right to Food, 43-80. Wageningen: Wageningen Academic Publishers.
- WHO. 1978. Alma-Ata Declaration on Primary Health Care. https://www.who.int/publications/almaata_declaration_en.pdf.
- WHO. 2008. Ouagadougou Declaration on Primary Health Care and Health Systems in Africa. <https://www.who.int/management/OuagadougouDeclarationEN.pdf>.
- WHO. 2012. *Global Nutrition Targets Policy Brief Series*. Geneva: World Health Organisation.

