



# Rethinking food security

Agro-food systems change  
and the Right to Food in  
Southern Africa



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# Preface

This information resource serves as a practical guide aimed at state officials and policymakers on the right to food and critical perspectives on changing agro-food systems within the context of climate change. It does so by clarifying the entitlements of rights-holders and the obligations of states on the right to food, and offering useful insights from the field on the nature and extent of agro-food system changes at the local level, and the implications of climate change for small-scale food producers. The objective of this information resource is to promote a human rights-based approach to food and nutrition security within the context of rapidly changing agro-food systems and climate change across rural landscapes in Southern Africa.

Building on our exploratory research on changing agro-food systems and the role of agribusiness in Mozambique and Zambia, and our critical engagement with the civil society-backed initiative to promote the right to food in Malawi, this information resource offers an analysis of the policy efforts, institutional capacity and resource allocation towards right to food-related programmes and initiatives. In so doing, it aims to highlight the complex role of the state in shaping and ensuring the progressive realisation of the right to food. A rights-based approach to food and nutrition insecurity goes beyond standard food security frameworks, not only because it is based on international human rights, but because it also considers the means through which people access food (UNDP, 2012).

The research reported in this booklet is the product of a joint research project with civil society organisation (CSO) partners, providing the results of a project titled, 'Rethinking food security: Agro-food system change and the right to food in Southern Africa with a focus on Malawi, Mozambique and Zambia'.

Our CSO partners include Observatório do Meio Rural (OMR), based in Maputo, Mozambique; Zambia Land Alliance (ZLA), based in Lusaka, Zambia; the Centre for Environmental Policy and Advocacy (CEPA) and the Civil Society Agriculture Network (CISANET), based in Blantyre and Lilongwe, Malawi respectively.

With the generous support of the Open Society Initiative for Southern Africa (OSISA), we set out to analyse the status of the right to food in the three countries covered in this project. We examined the complex ways in which smallholder farmers, in particular, are affected by the processes of change underway in the local agro-food systems upon which they depend for their livelihoods and food security.



# 1. What is the right to food?

The right to food is a human right recognised under several international human rights and humanitarian laws, which can be understood as the right to feed oneself.

There are three key components of the right to food, namely food adequacy, accessibility and availability, identified by the CESCR, in relation to the duties and responsibilities of the various stakeholders, including government and private sector partners (UN, 1999).



**The right to adequate to food is authoritatively defined by the Committee on Economic, Social and Cultural Rights (CESCR)<sup>1</sup>:**

***“The right to adequate food is fully realised when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement”***

**(CESCR General Comment No. 12, 1999).**

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1 The Committee on Economic, Social and Cultural Rights (CESCR) is the body of the United Nations, within the Office of the United Nations High Commissioner for Human Rights (OHCHR) consisting of 18 independent experts. The CESCR monitors implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by its state parties.

## 1.1 Adequacy

Food adequacy is a central component of the right to food. It addresses the factors that determine access to specific foods and diets, as well as the suitability of these foods and diets in view of the obligation of states to take the necessary steps to tackle hunger, malnutrition and food insecurity as stipulated in Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (hereafter referred to as ICESCR or Covenant) (UN, 1966). Food adequacy largely depends on “prevailing social, economic, cultural, climatic, ecological and other conditions” (UN, 1999: 2).

The right to adequate food implies the availability of sufficient food, and the economic and physical accessibility of food.

## 1.2 Availability

Food availability refers to sufficiency both in terms of quantity and quality, to meet the “dietary needs of individuals, free from adverse substances, and acceptable within a given culture” (UN, 1999: 3). ‘Dietary needs’ relate to the required mix of nutrients that satisfy all human physiological needs throughout the life cycle in accordance with gender and occupation, and steps to ensure dietary diversity and suitable consumption patterns (including breast-feeding). The notion of ‘food that is free from adverse substances’ establishes a food safety framework for protective measures to be taken by public and private means. The concept of ‘cultural or consumption acceptability’ of food highlights the values attached to food other than its nutrition content (UN, 1999). Food availability is determined by the channels through which food is acquired, including own production, which requires productive land and other natural resources, and the distribution, processing and marketing systems through which food is moved from a production site to the consumer.

## 1.3 Accessibility

Food accessibility is defined by the economic capacity to procure food and measures to what extent people are enjoying the right to adequate food, and food access for physically vulnerable people. Sustainable access implies the ability to acquire food without compromising the enjoyment of other rights presently and for future generations. In order to provide practical guidance to states in their implementation of the realisation of the right to adequate food in the context of national food security, the Food and Agriculture Organization (FAO) Voluntary Guidelines support the progressive realisation of the ‘Right to Food’ mark, adopted in November 2004 (FAO, 2015). A decade later, in 2014, the Committee on World Food Security (CFS) that is hosted at the FAO, adopted the Principles for Responsible Investment in Agriculture and Food Systems to promote a human rights-based approach to investment in the agriculture and food sector.











In addition, the right to adequate food is affirmed in several other binding international law instruments (Bultrini, 2014):

- Convention Relating to the Status of Refugees (CRC) – 1951
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – 1979
- Convention on the Rights of the Child (CRC) – 1989
- Convention on the Rights of Persons with Disabilities (CRPD) – 2006.

From a more regional perspective, the right to food is acknowledged and affirmed in the African Charter on Human and Peoples' Rights, which was adopted in 1981 by the Organization of African Unity (OAU), now the African Union (AU) (The African Commission on Human and Peoples' Rights, 2019).

The implementation process of the right to food using legislative instruments, policies and programmes within the context of national food security has progressed at varying speeds within the southern African sub-region. As of September 2018, there are 169 countries that are state parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR or the Covenant). Two out of the three countries covered in our study are state parties to the ICESCR and have accepted the principles embodied in the Covenant, and undertake to take the necessary steps to apply them in their entirety. At present, Malawi and Zambia are bound under international law to adopt measures to ensure the realisation of the right to food. However, both states have not yet legislated the right to food and are therefore not bound to ensure the implementation of right to food under national law. Mozambique is not recognised as a state party to the Covenant, but is also bound under international law to ensure that the right to food is not undermined (UN 2019).

Table 1: Status of approval of international human rights conventions in Southern Africa

RECOGNITION OF INTERNATIONAL INSTRUMENTS					PROTECTION OF THE RIGHT TO FOOD IN THE CONSTITUTION	
Countries	ICESCR (1966)	CEDAW (1979)	CRC (1989)	CRPD (1989)	Explicit protection	Implicit protection
Angola 	Accession (1992)	Accession (1986)	Ratification (1990)	Accession (2014)	–	–
Botswana 	Not a state party	Accession (1996)	Accession (1995)	–	–	–
Lesotho 	Accession (1992)	Ratification (1995)	Ratification (1992)	Accession (2008)	–	–
Malawi 	Accession (1993)	Accession (1987)	Accession (1991)	Ratification (2009)	X	X
Mozambique 	Not a state party	Accession (1997)	Ratification (1994)	Ratification (2012)	–	–
Namibia 	Accession (1994)	Accession (1992)	Ratification (1990)	Ratification (2007)	–	–
South Africa 	Ratification (2015)	Ratification (1995)	Ratification (1995)	Ratification (2007)	X	
Swaziland 	Accession (2004)	Accession (2004)	Ratification (1995)	Ratification (2012)	X	X
Zambia 	Accession (1984)	Ratification (1985)	Ratification (1991)	Ratification (2010)	X	X
Zimbabwe 	Accession (1991)	Accession (1991)	Ratification (1990)	Accession (2013)	X	

Sources: UN, 2019

## 2. Historical overview: Right to food

The human right to food was first recognised by the United Nations (UN) in the 1948 Universal Declaration of Human Rights (UDHR or Declaration) as one of the elements of the right to a decent standard of living (UN, 1948).

There are international law instruments at different levels, some of which are binding and some are non-binding. The purpose of non-binding instruments is to provide guidance on the implementation of existing international instruments. In other words, non-binding instruments have no legal status. Given the non-binding nature of the UNDHR the rights set out in the Declaration were consequently implemented through the adoption of two international covenants in 1966 by the UN General Assembly (UN, 1966) that are binding on ratifying states (Bultrini, 2014):

- (i) International Covenant on Civil and Political Rights (ICCPR).
- (ii) International Covenant in Economic, Social and Cultural Rights (ICESCR). The right to food is contained in the ICESCR, which came into force in 1976. The right to food is binding under international law for the 160 states that have ratified the 1966 ICESCR or Covenant.

The ICESCR establishes the right to food as one of the conditions for the fulfilment of the right to an adequate standard of living for everyone, which covers the minimum entitlement to basic human needs including food, shelter and clothing.

**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 and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (UNDHR Article 25, 1948).**



**The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent (ICESCR Article 11, 1966).**

It also specifies a set of actions required to ensure the realisation of the right to food.



**The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed (ICESCR Article 11, 1966):**

**(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;**

**(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.**

This interpretation is further clarified and affirmed in the UN CESCR's General Comment 12 of 1999 in relation to the right to food, which asserts that "the right to adequate food is indivisibly linked to the inherent dignity of the human person" (UN, 1999).

It also emphasises the need for appropriate economic, environmental and social policies, at both the national and international levels as necessary conditions for the fulfilment of the right to food (UN, 1999). Therefore, Article 11 of the 1966 ICESCR, which is the first international agreement by member states to recognise the right to food under international law, essentially established the normative content of the right to food, addressing key aspects of the substantive meaning of the right to food. General Comment 12 provides a practical explanation of the right to food and provides explicit remarks on the necessary measures (or conditions) required to ensure the progressive realisation of the right to food for all.

Although some elements of the right to food in the ICESCR are also addressed in the fundamental right to be free from hunger, the right to food is far broader because it requires states, as the ultimate duty-bearers, to ensure the economic, political and social conditions necessary to enable people to achieve food security on their own (OHCHR, 2012).



### 3. The right to food in relation to food and nutrition security

Since the right to food is achieved progressively, this approach to fighting hunger and malnutrition goes beyond the widely used narrow definitions of food security that emphasise the minimum intake of calories, proteins and other essential nutrients. The integral links between food security and human rights are clearly spelled out in the Rome Declaration on World Food Security, adopted at the World Food Summit in 1996. It states, “Democracy, promotion and protection of all human rights and fundamental freedoms, including the right to development, and the full and equal participation of men and women are essential for achieving sustainable food security for all.” It does so by obliging states to fight against hunger by taking steps to reduce hunger, malnutrition and food insecurity even in the event of natural disasters and emergencies.

While there is no consensus on a universal definition of food security, the most widely accepted one is the 1996 World Food Summit formulation, which states:



**Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.**  
(FAO, 1996).

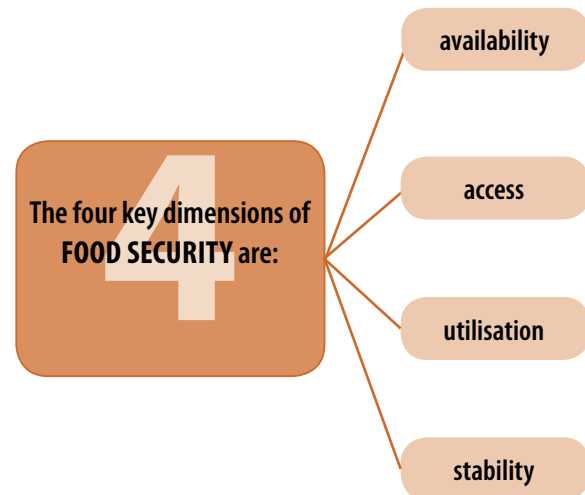
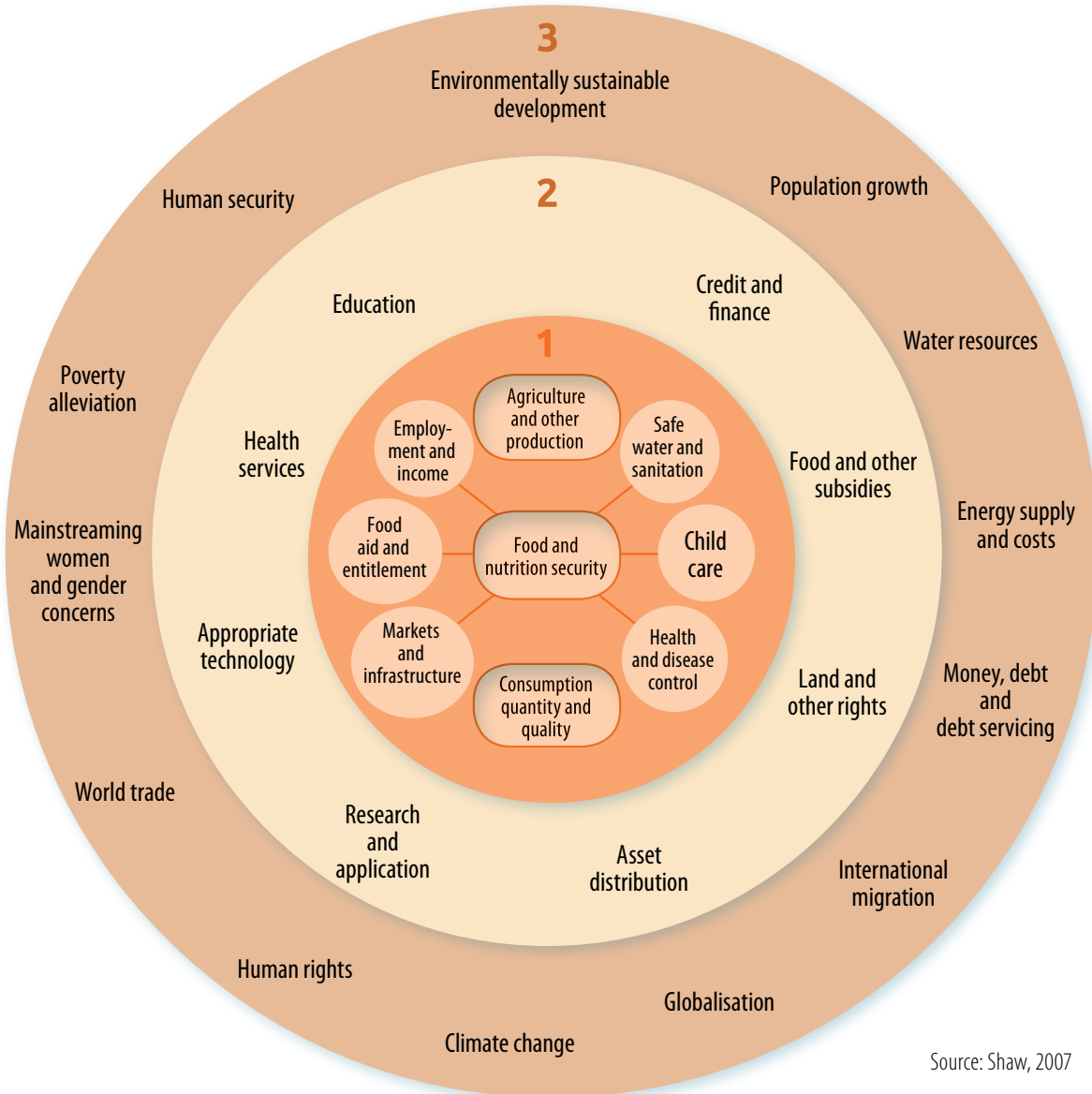


Figure 1 below provides a graphic representation of the evolution of the use of the concept of food security in public policy.

**Figure 1: A broad concept of food and nutrition security: The eye of the storm**



Source: Shaw, 2007

The three concentric circles illustrate the various levels and facets of food security. The innermost circle, or ‘the eye of the storm’, comprises a range of interrelated food and nutrition security concerns at the local level. These are influenced by broader food security concerns at the national and regional levels, such as basic services, technology, assets, and human rights, as outlined in the middle circle. The outermost circle addresses global food security concerns and dynamics such as climate change, world trade, and population growth that ultimately influence and shape food security dynamics and concerns reflected in the innermost and middle circles (Shaw, 2007).

Policy thinking around the mitigation and alleviation of hunger following the liberalisation of the African economies has primarily focused on support for commercial and household production of staple crops such as rice and maize, and attracting domestic and international investment to drive agricultural commercialisation (FAO and UNECA 2018). It is envisaged that greater capital flows into the agricultural sector will accelerate growth in the sector, facilitate job creation and help to feed the rapidly growing urban centres of sub-Saharan Africa.

## 4. The role of the state in ensuring the right to food

The multidimensional nature of food security necessitates a public policy approach that requires the coordination of government departments across various sectors.

As one of the most violated human rights, the right to food can occur at a large-scale and affect many people at once, for instance in cases of natural disasters. Yet some violations of the right to food have happened as a result of a range of incidences and conditions that fall under the control of the state. Some of these violations include unjust food systems or policies that undermine the well-being of others while privileging the interests of certain groups in society and entities, including corporations. In such instances, the nature of the violations and related problems can be obscured.

States are charged with four main obligations for the progressive realisation of the right to food. These obligations are: (i) the obligation to respect, protect and fulfil the right to food; (ii) the obligation of non-discrimination (iii), the obligation of non-discrimination; (iv) and the obligation to cooperate. Binding international instruments, in the form of treaties, covenants or conventions, impose legal obligations on ratifying states to ensure the effective enforcement of the agreements at the national level. The ways in which the right to food can be violated are outlined in General Comment 12 of the UN’s CESCR (UN, 1999), along with strategies for the implementation and monitoring of the human right to adequate food (Khiza, 2008).

The precise description of the legal obligations that are incumbent on states, as the most important actors for driving and ensuring the implementation of the right of food, are defined in Article 2 of the Covenant:



**Each State Party to the present Covenant undertakes 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. (ICESCR Article 2, 1966).**

Under international law, human rights impose three types of obligations on states:

- The obligations to respect, protect and fulfil. In turn, the states' primary obligation to fulfil encompasses the obligation to facilitate and the obligation to provide.
- The obligation to respect the existing access to adequate to food requires states to uphold this right by ensuring that they do not resort to any measures that could potentially undermine this access.
- The obligation to protect people's right to food mandates states to take measures to ensure that the actions of enterprises and individuals do not deprive others of their access to safe and adequate food.



### The obligation to respect, protect and fulfil the right to food

The first part of the obligation to fulfil (facilitate) the right to food, requires states to adopt actions to strengthen the channels through which people are able to ensure their access to food, including access to and use of natural resources, and their source of livelihood, including food security. The second part of the obligation to fulfil (provide) obliges states to intervene and ensure the availability of food directly, if an individual or group cannot for reasons beyond their control secure their own access to adequate food. The UN Committee on Economic, Social and Cultural Rights (hereafter referred to as CESRC or Committee) underlines that interventions for the direct provision of food by states must be extended to victims in emergency circumstances, including natural disasters.



### The obligation to adopt measures toward the realization of the right to food

In order to ensure the implementation of the full and progressive realisation of the right to food, states have the duty to take deliberate and concrete measures. Therefore, in addition to legislative measures, states must take administrative, economic, financial, educational and social action, mobilising the maximum amount of available resources and not divert resources to other areas.



### The obligation of non-discrimination

The obligation of non-discrimination applies to food access and the means through which individuals procure food. The universality principle of human rights means that they apply to all people, and any discrimination on the basis of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status, constitutes a violation.



### The obligation to cooperate

In compliance with their commitment to international cooperation, states must adhere to their commitment to take separate and joint actions for the implementation of the right to food. This means that states must take measures to respect, protect and fulfil the right to food and take note of the right to food in international agreements. Therefore, under no circumstances shall states use food to exert political pressure or withhold food on the basis of political or economic issues, including the use of food embargoes or economic sanctions that weaken or threaten people's economic, social and cultural rights in other countries. Furthermore, states have a joint and individual responsibility to cooperate and assist other countries hit by natural disasters and emergency situations.

## 5. The status of the right to food in Malawi

A key feature of the rapid changes taking place in African agro-food systems as a result of the growing commodification of natural resources and the rise of finance in rural food systems has been the incorporation of smallholder farmers in emerging agro-commodity value chains. Despite the surge in large-scale land transactions for commercial agricultural production, smallholder farmers continue to play an integral part in ensuring the supply of specific food crops for local, domestic and international food and feed markets, not only as farm labourers but through varying forms of outgrower models. The latter has been at the centre of efforts to promote the participation of small-scale farmers in commercial value chains. In a report on the role of agribusiness and the right to food, former UN Special Rapporteur on the Right to Food, Olivier de Schutter, noted that:

*Unless the realisation of the right to food serves as the foundation of the current reinvestment in agriculture, the situation of the poorest farmers working on the most marginal land could be further aggravated by this process (UN, 2011).*

The importance of undertaking a right to food assessment is recognised in the FAO Voluntary Guidelines to support the progressive realisation of the right to adequate food in the context of national food security, in Guideline 3 (FAO, 2005).

Guideline 3.1 calls on states to:

*... 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, where they exist (FAO, 2005).*

Guideline 3.2 states that:

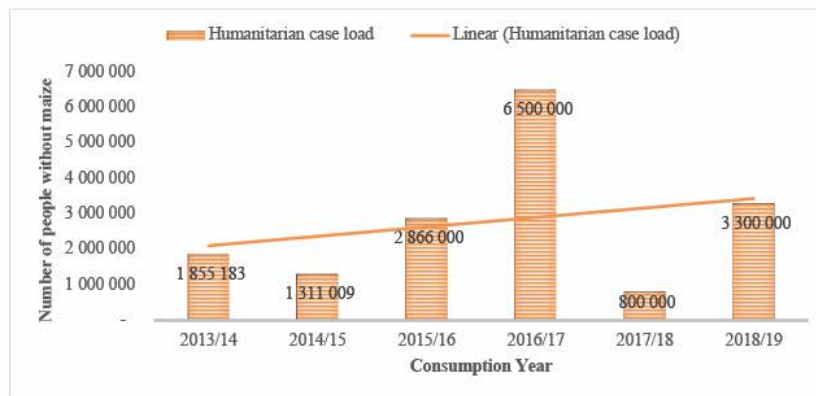
*The elaboration of these strategies should begin with a careful assessment of existing national legislation, policy and administrative measures, current programmes, systematic identification of existing constraints and availability of existing resources (FAO, 2005).*

Malawi has allocated considerable resources to increase the production and productivity of crops, livestock, and fisheries. Despite these efforts, production of the main crops, livestock, and fisheries has not increased significantly and is not growing sufficiently to match growing domestic demand and available export opportunities. The suboptimal

performance of the agricultural sector has been attributed to low productivity as measured by output per unit area of land and per unit of labour. Underlying the low productivity is the low adoption of agricultural technologies, low access to farm inputs, low mechanisation, low technical labour skills, weak linkages to markets, and limited irrigation, especially among smallholder farmers. A key constraint for many farmers is access to information to guide their production decisions. Improved agricultural extension services from both public and non-state actors that provide farmers with the information that they need to address their challenges and to exploit opportunities with which they are presented, are critically important to enable Malawi's farmers to significantly raise their productivity levels. Malawi's food security is measured in terms of its maize supply (Mazunda and Droppelmann, 2012). In this regard, maize has become the top smallholder food crop in Malawi, which covers 60% of land cultivated by the smallholder sub-sector. Smallholder farmers contribute about 90% of the maize production output, while the large estate sector accounts for less than 10%.

National figures from the Malawi Vulnerability Assessment Committee (MVAC) suggest that despite various interventions being implemented to support the human right to food efforts in Malawi, the number of vulnerable people requiring humanitarian food assistance remains high. This is despite the significant decline in 2017/2018 figures, as shown in Figure 2 below.

**Figure 2: Malawi Humanitarian Case Load**



Source: Compiled from various MVAC Reports.

In Malawi, food security is measured in terms of available quantities of maize grain and maize meal, which constitute the staple food. While acute food insecurity remains minimal, fluctuations in maize yields have a direct impact on food availability and access, particularly to those households that rely on their maize production for meeting household needs. Maize yield estimates between October 2017 and May 2018 indicated an above-average harvest, which implied increased food availability for farming households and increased access for those households that depend on market purchases, as prices for maize meal remain below the five-year average.<sup>2</sup> However, 2018/2019 season projections suggest poor cropping conditions due to below-average rainfall, which will result in staple food production taking a knock. This will influence availability and access, as the maize supply is expected to decline while prices for maize grain and maize meal are likely to increase.<sup>3</sup>

## 6. Key constitutional tools, legislative measures and strategies related to the right to food

The 1994 Constitution of Malawi is the supreme law and policy instrument in Malawi and even international law is subject to the Constitution (section 211) (GoM, 1994). The consequence of this is that international treaties, including those related to the right to food, do not automatically form part of the laws of Malawi.

Although Malawi has signed the ICESCR, it has not adopted any concrete legislation related to the right to food. At present, the right to food is not explicitly recognised in the 1994 Constitution of Malawi. However, the interpretation of existing legislation and rights frameworks reveals the basis for the right to food-related pieces of legislation that provide a basis for the promotion of the progressive realisation of the right to adequate food in the Constitution.

Very broadly, Chapter IV of the Constitution, titled Bill of Human Rights, provides for the implicit recognition and interpretation of the right to food as follows (GoM, 1994):

- Section 16 of the 1994 Constitution provides for the right to life and asserts that “every person has the right to life”. Explicitly, the right to food provides for protection from arbitrary deprivation of his or her right to life. In addition, the right to life can be interpreted as the right not to be deprived of access to fundamental material needs for human survival, including the right to food, water and healthcare.
- Section 30 of the 1994 Constitution of Malawi provides for the right to development under Chapter III of the Constitution, in the following 4 points:

2 Famine Early Warning System Network (FEWS). (2018). “Malawi Security Outlook - October 2017 to May 2018”.

3 Famine Early Warning System Network (FEWS). (2019). “Southern Africa”. Available at: <http://fews.net/southern-africa> Accessed 20 February 2019.



- (1) "All persons and peoples have a right to development and therefore to the enjoyment of economic, social, cultural and political development. Women in particular shall be given special consideration in the application of this right."
- (2) "The State shall undertake all necessary measures for the realisation of the right to development. Such measures shall include, amongst other things, equality of opportunity for all in their access to basic resources, education, health services, food, shelter and employment."
- (3) "The State shall take measures to introduce reforms aimed at eradicating social injustices and inequalities." Given that hunger and malnutrition in Malawi are the outcome of pervasive poverty and inequality, the state's endeavours to eliminate social injustice must include reforming the unequal nature of prevailing food systems and ensuring equitable distribution of resources that enable access to food, either through own production, food purchases or direct food provision for vulnerable persons and households.
- (4) "The State has a responsibility to respect the right to development and to justify its policies in accordance with this responsibility."

While the right to development presents an opportunity to claim the right to food, and specifically to claim the right to equal opportunity of access to productive resources, which enables food access through own production, Section 30 suggests that it is only when inequalities exist that a claim can be made. From this perspective, the expressed lack of food or access to food does not provide sufficient grounds for lodging a claim against the state on the right to food. As regards the structural economic and social inequalities that have the potential of undermining or violating people's right to development, and related rights such access to basic resources, education, health services, food, shelter and employment, the state has enacted new land related laws, ensuring physical and economic access to credit, natural resources management, rural infrastructure and irrigation development.

Inter-generational and intra-generational responsibilities and rights are important for ensuring the right to food for all. Item 4 of Section 13 of the Constitution provides for the environmental responsibilities of the state, as follows:

*To manage the environment responsibly in order to:*

- *provide a healthy living and working environment for the people of Malawi; and*
- *accord full recognition to rights of future generations by means of environmental protection and sustainable development of natural resources (GoM, 1994).*

It therefore follows that the progressive right to food requires the state, as the ultimate duty-bearer to ensure that citizens do not deplete or degrade the natural capital to such an extent that future generations will be unable to

achieve sustainable development. In 1987, following the UN World Commission on Environment and Development, the Brundtland Report defined sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (UN, 1987). This definition emphasised two essential requirements, firstly, that development must focus on the world’s poor who are often marginalised and excluded from the fruits of development; and secondly, that development must promote the capabilities of people in the present without compromising the capabilities of future generations. Inter-generational equity has various implications for the right to food. Whatever people do today, has far-reaching implications for future generations.

The Malawian Constitution affirms the right to food, specifically in Chapter II titled, Fundamental Principles. Section 13 on Principles of National Policy stipulates that:

*The State shall 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:*

1. *to achieve adequate nutrition for all in order to promote good health and self-sufficiency;*
2. *to provide adequate health care, commensurate with the health needs of Malawian society and international standards of health care;*
3. *to manage the environment responsibly in order to:*
  - (a) prevent the degradation of the environment;*
  - (b) provide a healthy living and working environment for the people of Malawi;*
  - (c) accord full recognition to the rights of future generations by means of environmental protection and the sustainable exploitation of natural resources; and*
  - (d) protect the rich biological diversity of Malawi (GoM, 1994).*

However, it is important to note that the main objective of the principles of the national policy as set out in the Constitution, is to provide direction for the Government of Malawi’s (GoM) policy framework and actions, and are therefore not binding in nature. Nonetheless, these principles are recognised in Malawi’s courts and can be utilised for determining the validity of executive decisions and in interpretation of the Constitution.

## 6.1 The Public Health Act

The Public Health Act (1948), which was amended in 1975 (GoM, 1975) has a number of important provisions related to the realisation of the right to food, specifically regarding the protection of foodstuff, water and food supplies.

### ***Protection of foodstuff***

Part XII, Section 103 (1) (GoM, 1975) provides for the regulation of buildings used for the storage of foodstuff for trade purposes. The state requires that buildings used for storage of foodstuff must be properly constructed and provide protection from contaminants. The state also empowers local authorities to give notice to owners of such buildings to effect repairs or alterations. Storage of food is an important element in the enjoyment of the right to food.

### ***Protection of water and food supplies***

Part XIII, Section 105 (GoM, 1975) mandates every local authority to take all lawful, necessary and reasonably practicable measures: a) for preventing any pollution and contamination of water and food supplies directed for public use and domestic purpose that pose a threat to health; and b) to act against any person polluting any such supply or polluting any stream, causing a nuisance or danger to health. The availability of clean water is central to the enjoyment of the right to food (Windfuhr, 2013).

## 6.2 Customary Land Act

As in other parts of the region, the demand for land and water resources in Malawi is on the rise, leading to growing land pressure. The Customary Land Act (2016) is a new piece of legislation that outlines broad changes to the existing land administration that, if implemented, will have a number of impacts on customary land tenure and the realisation of the right to food. The Customary Land Act provides for the creation and registration of customary estates. The Act also individualises customary land tenure. One of the most significant changes ushered in with the new Customary Land Act is the creation of a new form of tenure known as the customary estate, where tenure can be granted to an individual, a family member, a partnership or a corporation, where the majority of shareholders must be Malawian citizens. Once granted, a customary estate is classified as private land under the Land Act, is of infinite duration and is inheritable and transmissible by will. All these provisions are critical for securing customary land tenure and in turn realising the right to food.

For the majority of Malawians, access to and control over land is critical, not only for feeding oneself, but for maintaining livelihoods. While the customary estate provides individual customary tenure security, the titling of land

also introduces new threats. These include the dispossession of land at varying scales and changes in the patterns of ownership. Further threats relate to the use of land in rural Malawi, including the alienation of land by new customary estate owners. Another concern pertains to the shifts in land use, from food production for own consumption and markets to food production for domestic and regional markets, or shifts from food production to non-food crops and commodities (Maganga et al, 2016).

There is currently a draft framework law on the right to adequate food and nutrition referred to as the Draft Food and Nutrition Bill (UN Malawi 2019), which is at an advanced stage of being enacted. The Act will make provision for:

- the right to adequate food and nutrition;
- freedom from hunger;
- labelling and fortification of food;
- monitoring and regulation of the food and nutrition industry;
- provision of nutrition in institutions;
- the establishment of the Food and Nutrition Council and the Food and Nutrition Fund; and for all matters connected therewith and incidental to the food and nutrition sector

According to Guideline 5 of the 2004 FAO Voluntary Guidelines on the right to food, understanding the status of the right to food and the underlying causes requires states to:

- assess the capacity of the institutions involved in the implementation and governance of food and nutrition security;
- reform their mandate and provide more capacity for implementing the right to food-related programmes; and
- facilitate the inclusion and participation of non-state actors in the coordination and implementation of activities (FAO, 2005).

The table below provides an overview of the range of policies adopted by the Government of Malawi (GoM) on the right to food.

**Table 2: Policy framework on the right to food in Malawi**

Policies	Overview of policy
National Multi-Sector Nutrition Policy 2018-2022	The Malawi National Multi-Sector Nutrition Policy (MNSNP) of 2018-2022 of the Department of Nutrition, HIV and AIDS (GoM, 2018b) provides a strategic redirection and realignment of national nutrition priorities with the national development agenda. The multi-sector policy is the product of a consultative process of review of the National Nutrition Policy and Strategic Plan 2007–2012 with the goal of developing evidence-based, high-impact nutrition interventions. The main objective of the overall goal is to build a well-nourished nation with sound human resources that effectively contribute to the economic growth and prosperity of the country. The MNSNP is adapted to the Scaling Up Nutrition (SUN) <sup>4</sup> Movement goals and advocates for increased financial resource allocations for nutrition programming.
2016 National Agriculture Policy	The 2016 National Agriculture Policy (NAP) of Ministry of Agriculture, Irrigation and Water Development aims to achieve sustainable agricultural transformation that will result in significant growth of the agricultural sector, improving farming incomes, promoting the production and utilisation of diverse crops and food, ensuring food security for all Malawians, and increasing agricultural exports. The policy seeks to promote the production and utilisation of diverse nutritious foods.
Malawi Growth and Development Strategy III	The Malawi National Social Support Programme (MNSSP) II (2018 – 2023), is a multi-sector strategy based on the National Social Support Policy, 2012 and key learning from MNSSP I (2013-2016). The main objective of the MNSSP II is to strengthen the provision of social support and social protection for the many people in Malawi whose living standards present vulnerable threats. The programme’s priority areas are: consumption support; resilient livelihoods through a public works programme; and shock-sensitive social protection (GoM, 2018a). These three priority areas are consistent with efforts towards the realisation of the right to food. Moreover, the MNSSP II promotes the progressive realisation of human rights, including the right to social support, as outlined in Chapter IV of the Constitution of the Republic of Malawi and international treaties under which the GoM is a signatory.

4 The Republic of Malawi joined the SUN Movement on 15 March 2019 with a letter of commitment from the Permanent Secretary. At the time, Malawi had established a National Nutrition Committee, chaired by the Secretary for Nutrition, HIV and AIDS in the Office of the President.

	<p>The Malawi Growth and Development Strategy (MGDS) III is the medium-term strategy for the GoM. The strategy is being implemented from 2017 to 2022 with the overall objective of moving Malawi to a productive, competitive and resilient nation through sustainable economic growth, energy, industrial and infrastructure development while addressing water, climate change and environmental management and population challenges. The MGDS III identifies agriculture, water development and climate change management as one of the five key priority areas. The expected outcome in agriculture is increased agricultural production and productivity (GoM, 2017).</p>
National Irrigation Policy	<p>The revised National Irrigation Policy was adopted in 2016 to guide irrigation development in the country. It outlines government's plan to enhance irrigated agricultural production and productivity. The policy intends to enhance food security through irrigation farming (GoM, 2016). Pursuant of this policy, the GoM recently launched the Greenbelt Authority (GBA) that is playing a major role in increasing irrigable land in Malawi. The authority promotes the commercialisation of agricultural production and the attainment of food security in the country. The GBA is a subvented organisation. However, stakeholders in the irrigation sector have questioned its creation considering that the Department of Irrigation does similar work that GBA is doing and there are fears of duplication of efforts.</p>
National Food Security Policy	<p>In 2006, the GoM adopted a Food Security Policy that recognises the right of every person in Malawi "access to and utilisation of nutritionally adequate and safe food in the right quantities" (GoM, 2006). The specific objective of the 2006 Food Security Policy is to ensure food access and utilisation for all, and improve nutritional levels in the country.</p>

## 7. Programmatic efforts and resource allocation on the right to food

The Government of Malawi has been delivering the right to food through various programmes and interventions. Key rights to food-related food programmes include the Farm Input Subsidy Programme (FISP), social cash transfers, public works programme, maize price regulation and regular relief food distribution.

### 7.1 Farm Input Subsidy Programme (FISP)

The Farm Input Subsidy Programme (FISP) was introduced in the 2005/2006 season, to improve accessibility and affordability of agricultural inputs among the most vulnerable farmers in Malawi in order to achieve food self-

sufficiency and increase income through enhanced maize production. The supply of inputs provides vouchers to targeted eligible farmers at fixed quantities, which they can then use to obtain a fixed quantity of improved maize seeds or chemical fertilisers at subsidised prices (Asfaw et al, 2017). The introduction and implementation of FISP made Malawi relatively maize secure and self-sufficient. For example, maize yields were less than 1.3 metric tonnes per hectare before 2005/06 and increased to just above 2.0 metric tonnes per hectare with the introduction of FISP in the 2005/06 production season. During the 2008/2009 season, the total maize harvest increased to 3.7 million metric tonnes, representing a surplus of 1.5 million metric tonnes (CEPA, 2011). However, despite the implementation of FISP, levels of food insecurity still remain high in the country. This is attributed to many factors, including challenges of corruption that FISP implementation continues to face. Two studies were conducted on the effectiveness of FISP voucher distribution to smallholder farmers, based on data from a 2009 survey of 380 farm households in two districts in central and southern Malawi. The studies revealed that poor and vulnerable households were largely excluded from FISP in the two districts studied. Female-headed households, particularly those headed by young women were less likely to benefit from the input subsidy compared to male-headed households. Furthermore, small landholdings among female-headed households, and more generally the vulnerable and poor households, suffered exclusion from FISP. The scheme seemed to be disproportionately privileging farming households with relatively larger landholdings (Chibwana and Fisher, 2011). It is important to note that eligibility for the programme was very open-ended, and 'vulnerable households' were selected on the basis of recommendations made by village heads and members of village development committees (VDCs).

## 7.2 Social Cash Transfers

The Social Cash Transfer Programme (SCTP) is an unconditional cash transfer programme which targets the ultra-poor, labour-constrained households. The SCTP transfers cash amounts to targeted households at defined intervals. The transfer amount varies based on household size and the number of children of primary and secondary school age living in the household. The programme began as a pilot in the Mchinji district in 2006, supported by the United Nations Children's Fund (UNICEF, 2018). Administered by the Ministry of Gender, Children, Disability and Social Welfare (MoGCDSW) with additional policy oversight provided by the Ministry of Finance, Economic Planning and Development (MoFEPD) and technical support from UNICEF Malawi, the programme has expanded to reach 18 out of 28 districts in Malawi since 2009. By December 2015, the SCTP had reached over 163,000 beneficiary households (Abdoulay et al, 2016). The SCTP makes an important contribution towards the realisation of the right to food of vulnerable households, particularly during the dry season. Findings from an impact evaluation of the SCTP, which relied on annual per capita consumption to measure the impact of the SCTP on poverty, showed a 23% increase

in the baseline consumption, which is in line with the average transfer size as a share of baseline consumption. The largest component of consumption affected by the programme is food, where the effect was recorded at MWK8,475, which represents 76% of the total consumption impact of the programme (Abdoulay et al, 2016).<sup>5</sup> Furthermore, the evaluation impact showed that the programme had noticeable impacts on the ownership of both agricultural and non-agricultural assets. The endline impact of MWK174 on agricultural asset expenditure represents more than 80% of the baseline expenditure of MWK211.

## 7.3 Public Works Programme

The Public Works Programme (PWP) of the Ministry of Transport and Public Works is a safety net scheme targeting poor households and communities supporting a programme of labour-intensive construction activities to build infrastructure. The objective of the PWP is to create employment opportunities for income transfer and in the process build economic infrastructure through labour-intensive activities. The works generate significant employment at the minimum wage for those who have no alternative income earning opportunities. Targeted households use this income to buy food in times of need. This assists vulnerable households. Communities are also able to purchase farm inputs under FISP from these wages as planning is sometimes done to ensure that the work coincides with timing for purchasing of farm inputs.

## 7.4 Maize Price Regulation

The Government of Malawi intervenes in market price regulation in the country, specifically, through Admarc. For instance, in the 2016/17 fiscal year Admarc was allocated financial resources to purchase local maize for immediate sales. In addition, the government also provides guarantees for Admarc to borrow from commercial banks to purchase maize for sale to the public. However, Admarc depots are sometimes unable to purchase large volumes of maize grain due to budgetary constraints. This is one of the limitations in regulating the maize market through Admarc. Consequently, when subsidised maize is unavailable, Malawians are forced to buy maize on the open market, which costs up to three times as much. Although critics argue that the regulation of maize prices brings in market distortions, it has assisted vulnerable and poor households to be able to afford food.

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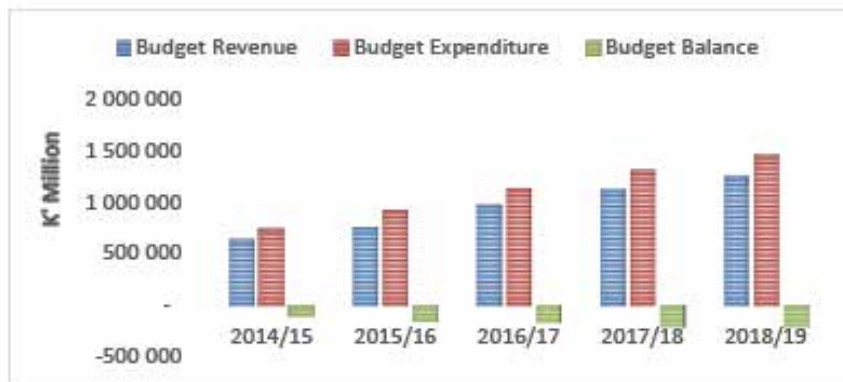
5 The evaluation relied on estimates of poverty, using the national poverty and ultra-poverty lines provided by the National Statistics Office (NSO). The updated 2013 poverty lines that were used in the evaluation were: MWK85,852 (baseline was MWK54,392) and the ultra-poverty line is MWK53,262 (baseline was MWK33,746). The quantitative design consists of Baseline (conducted in June-August 2013), Midline (conducted November 2014-January 2015), and Endline (conducted October-November 2015).



## 7.5 Review of the National Budget

The national budget of Malawi has modestly increased from MK737 billion (US\$1.9 billion) in 2014/15 to MK1,454 billion (US\$1.97 billion) in 2018/19, as shown in Figure 3 below. This is equivalent to a 97% increase in nominal terms (in current prices) and only a 7% increase in real terms (adjusted for inflation) over the five-year period. However, the overall contribution of the national budget towards right to food-related programmes and initiatives for Malawians is being hindered, among other things, by the huge public debt at MK2.7 trillion representing 55% (29% external debt and 26% domestic debt) of the Gross Domestic Product (GDP) as of December 2017 (GoM, 2018a). The public debt has been growing because the total national expenditure has always been projected to be higher on an annual basis than the total revenue (gross income) leading to a substantial budget deficit (MK166.7 billion on average for the five-year period under review).

**Figure 3: National Budget Trend from 2014/15 to 2018/19**



Source: Government financial statements from various years.

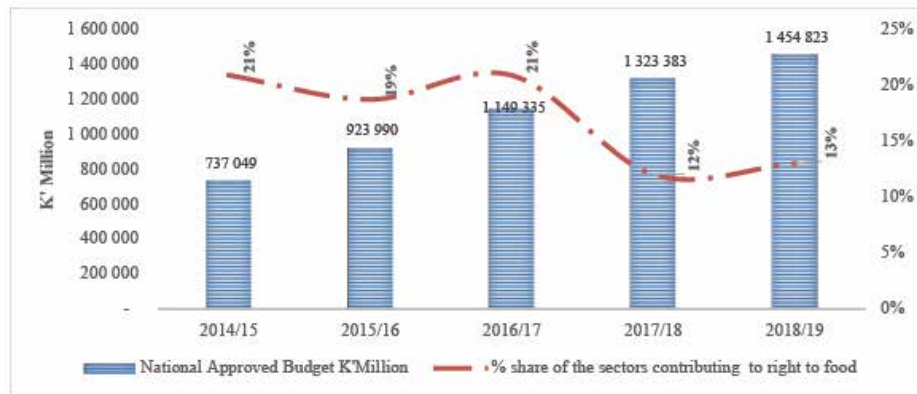
The average to sectors/programmes presented in the national budget that contribute to the right to food in the Malawi Government's national budget was estimated at MK183.8 billion. The consolidated allocation has increased from MK154.6 billion to MK184.9 billion, representing an increase of 23% for the period under review (see Table 3).

**Table 3: Share of sectors/programmes allocation to consolidated allocation**

Description	2014/15	2015/16	2016/17	2017/18	2018/19	Average
Aggregate Contribution (MK' Million)	154,619	173,762	240,993	159,665	189,853	183,779
Productive Public Works (%)	1.3	6.0	7.5	8.4	0.5	4.7
Social Cash Transfers (%)	5.5	13.5	6.4	13.4	11.0	10.0
Disaster Management Affairs (%)	0.0	0.1	1.4%	4.1%	5.4	2.2
Greenbelt Authority (%)	1.3	0.8	0.4	1.7	1.0	1.0
Department of Nutrition, HIV and AIDS (%)	0.9	2.7	1.4	2.4	2.1	1.9
Maize Purchase %	3.2	8.6	10.8	21.9	10.5	11.0
Farm Input Subsidy Programme (%)	35.4	23.9	13.8	22.6	21.9	23.5
Irrigation (%)	22.8	12.5	14.0	9.8	8.2	13.5
Agriculture (Other Programmes) (%)	29.6	31.9	44.4	15.6	39.4	32.5
Total share to the aggregate contribution towards right to food-related programmes (%)	100.0	100.0	100.0	100.0	100.0	100.0

Source: Financial statements, programme/output-based budgets and detailed budgets from 2014/15 to 2018/19

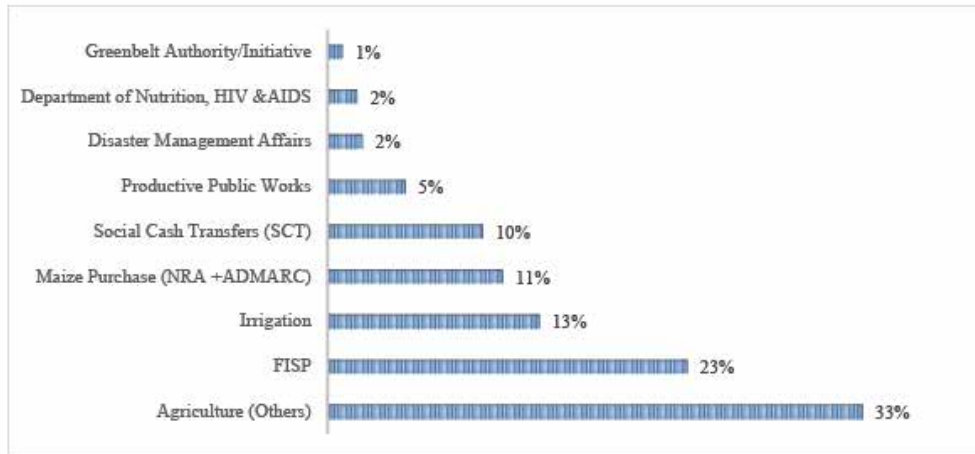
The data reported in Table 3 show that despite the observed increase in the consolidated allocation, in comparison to the national budget, the aggregate allocation has not been stable and showed declining trends. The combined share has declined from 21% of the total annual budget in 2014/15 to 13% in the 2018/19 fiscal year as indicated in Figure 3. The average for these sectors/programmes was estimated at 17.2% to the national budget. The results suggest that the pace at which the annual budget has increased is higher than the rate of increase for the sectors/programmes that contribute to the right to food in the country.

**Figure 4: Proportion of the relevant allocations to the Annual National Budget**


Source: Financial statements, programme-based budgets and detailed budgets.

Out of MK183.8 billion average estimated for the right to food in the Malawi Government's national budget, government maize purchase through National Food Reserve Agency (NFRA)<sup>6</sup> and Admarc in the Ministry of Agriculture, Irrigation and Water Development had 11% on average or 1.7% of the national budget or 14% of the Ministry's budget between the 2014/15 and 2017/18 financial years. The Irrigation Department has an average allocation of 13% to the consolidated allocation to the right to food, or 2.5% of the national budget and 17% to the Ministry's total budget on average. The FISP received the highest allocation, which accounts for 23% of the average overall budget allocation for the right to food-related programmes, or 4.1% to the national budget and 29% of the total allocation of the Ministry of Agriculture, Irrigation and Water Development.

6 The NFRA was established by the Malawi Government in 1999 under a Trust Deed to assume responsibility for the management and operation of the national strategic grain reserve (SGR). In 2000 the Trust Deed was amended to include the stabilization of prices and the grain market, and grain importation and exportation on behalf of the GoM.

**Figure 5: Five-year average (%) share of the sector to the right to food**

Source: Financial statements, programme/output-based budgets and detailed budgets (Various years)

Likewise, irrigation farming has made a significant contribution to the human right to food in Malawi largely because it addresses the main threat to rain-fed agriculture in Malawi in the form of recurring droughts for longer periods of time, resulting in crop failure on a devastating scale. Malawi depends heavily on rain-fed agriculture, with only 15% of crop production being irrigated (Nkhoma, 2011). The country has over 400,000 ha of potential irrigable land (GoM, 2010). Of this potential land area only 75,460 ha are developed, and only 34% of this is cultivated by smallholder farmers (Nkhoma, 2011). Irrigation farming has a huge potential to increase productivity, food security, rural incomes and to allow farmers to diversify crop production, thereby building resilience in the face of persistent droughts. Changing weather patterns are likely to bring increasingly unreliable rains, which will continue to affect agricultural productivity and the food security situation. The recurrence of these droughts coupled with increasing population pressure on food production makes irrigation a suitable candidate to supplement food production in the country (especially in the areas where there is the potential for irrigation). The GoM also allocates resources in the national budget under the Ministry of Agriculture, Irrigation and Water Development for maize purchase for national food security. The maize is procured either through NFRA or Admarc. The maize purchased is used for two main purposes: i) price stabilising through selling of subsidised maize through Admarc markets; or ii) free maize distribution (humanitarian assistance) in case of food crises, e.g. floods and drought.

## 7.6 Malawi Social Cash Transfer Programme

The Social Cash Transfer Programme (SCTP) had a total share of 10% on average of total budget for initiatives supporting the right to food in the country, or 1.6% of the national budget as shown in Table 3 and Figure 4. Programme beneficiaries receive MK7,000 per month on average against the national poverty line of MK85,260. This amount is still not enough for a household to purchase and consume enough food. The SCTP budget allocations are provided both in the Local Development Fund vote and the Ministry of Gender, Children, Disability and Social Welfare vote. The overall coordination is provided by the Ministry of Finance, Economic Planning and Development. However, the programme is largely funded by donors namely, Government of Ireland, Kreditanstalt für Wiederaufbau (KfW) (Reconstruction Credit Institute), European Union, and World Bank while funds from UNICEF, Ireland, European Union and KfW support the government to effectively implement the programme.

## 7.7 Productive Public Works Programme

The Productive Public Works Programme is implemented in the local councils and channelled through the Local Development Fund vote in the budget. The programme had on average an allocation of 5% when assessed against the consolidated allocation contributing to the right to food (Table 3 and Figure 4) or 0.8% of the national budget on average. The annual proportions for 2014/15 to 2018/19 are presented in pie chart form in Figure 6 below.

## 7.8 Department of Disaster Management Affairs

The Department of Disaster Management Affairs is allocated 2% on average to the right to food, with an aggregate contribution (Figure 4) of 0.3% to the national budget on average for the period under review (Table 2). The annual proportions for 2014/15 to 2018/19 are presented in pie chart form in Figure 6 below.

## 7.9 Department of Nutrition, HIV and AIDS

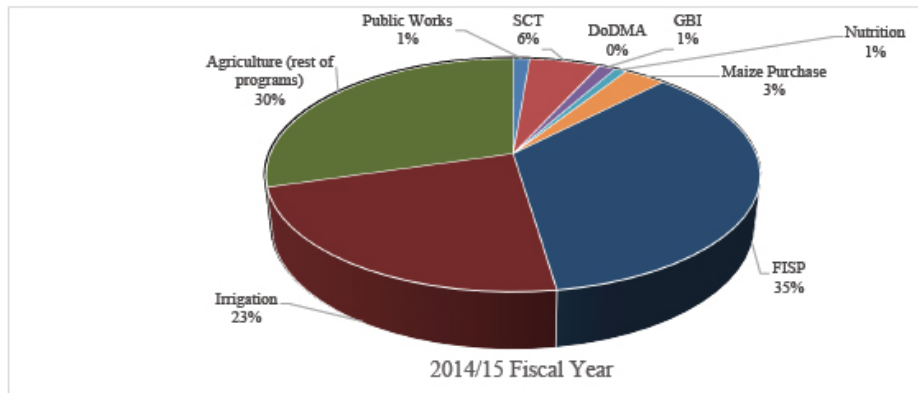
The Department of Nutrition, HIV and AIDS had a share of 2% allocation for the five-year average, based on the consolidated right to food allocation (Figure 4) which is 0.3% of the national budget on average (Table 3). The annual proportions for 2014/15 to 2018/19 are presented in pie chart form in Figure 6 below. The relative size of the budget allocation for nutrition-related initiatives and programmes suggests that food adequacy continues to be marginalised in programmatic expenditure on food security.

## 7.10 Greenbelt Authority

The Greenbelt Authority (GBA) is another initiative that contributes to the right to food with an average share of 1% of total sectors that contribute to the right to food (Figure 4) or 0.2% of the national budget on average (Table 2).

The annual proportions for 2014/15 to 2018/19 are presented in pie chart form in Figure 6 below.

**Figure 6: 2014/15 Fiscal year annual allocations to the right to food concept**



Source: Financial Statements, Program/Output Based Budgets & Detailed Budgets

## 8. Critical perspectives on agro-food systems and climate change

African agro-food systems are undergoing rapid changes, as evidenced by increasing corporate control of the production, processing, distribution and retailing of food in the region. In urban centres this has been driven by supermarkets, particularly by the expansion of South African supermarkets such as Shoprite in the region. Shoprite, South Africa's largest food retailer has undertaken foreign direct investment in 14 other African countries, with 318 corporate and 39 franchise stores (Shoprite, 2019). In rural settings across the region, these changes are being driven by investment in upstream segments of agro-food value chains through the promotion of new seed varieties for staple food crops and the adoption of chemical inputs aimed at improving productivity levels and production output. Moreover, food systems both contributed to, and are affected by climate change (FAO, 2015).

In 2008, the global food system was responsible for approximately 19-29% of global anthropogenic greenhouse gas (GHG) emissions. Within the total global food system, agricultural production, including indirect emissions associated with land-cover change, contributed approximately 80-86% (Vermeulen et al, 2012). Furthermore, Vermeulen et al (2012) argue that the impact of ongoing climate change on food systems will be widespread and complex, and vary considerably geographically and temporally. It is expected that socio-economic conditions will continue to play a critical role in influencing how different people are impacted. Lötter (2017) argues that by 2030 Southern Africa could face a decline of up to 50% in agricultural productivity due to water scarcity and insufficient irrigation.

Investment in African agriculture has been afforded greater global priority following the multiple crises of food, finance, energy and climate change, having shaken global economic systems and dynamics. From the perspective of public and private investors, Africa is seen as a continent rich in natural resources which are not being used to their maximum economic potential (Hall et al, 2015). Alongside this, African governments have been supporting and facilitating these investments on the basis that agricultural investment will drive economic growth and contribute towards ensuring food security for rural communities and create jobs. According to the Land Matrix<sup>7</sup> (2018), over half of all agricultural land acquisitions globally occurred in Africa. This has led to the entrance of new actors and forms of capital in African agriculture, as well as different business logics. For instance, varying business models are being adopted across the world, primarily dependent on the strategy of the investors. Smalley (2013) provides an in-depth analysis of the historical experiences of three farming models that are re-emerging in recent land-based investments

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<sup>7</sup> The Land Matrix is a global and independent land monitoring initiative that promotes transparency and accountability in decisions over land and investment.

in sub-Saharan Africa, namely, plantations, contract farming and commercial farming areas.<sup>8</sup> However, despite the surge in the number of plantations/estates, smallholder farmers continue to play an integral role in ensuring the production and supply of specific food crops for local, domestic and international markets, not as farm labourers but through various forms of outgrower schemes. The adoption of inclusive business models has emerged as an alternative approach to land-based investments with the assumption that these models will mitigate the often significant and adverse impacts of large-scale land deals on rural people (Vermeulen and Cotula, 2010; FAO 2012).

The FAO describes agro-food systems as “the set of activities which combine to make and distribute agri-food products, and consequently act to meet human nutrition needs in a particular society” (FAO, 2009:16). Similarly, agro-food systems can be understood as “the set of institutions, activities and enterprises that collectively develop and supply material inputs into the farming sector’s production of primary commodities, as well as handle, process, transport, market and distribute food and other non-food agro-products to consumers” (Caiazza, 2012:919). However, the provision of enough balanced nutrient output through food systems should not be viewed as linear processes, but rather as contested outcomes of a complex and dynamic system (Pareira, 2014). This publication argues that a broader food systems approach for understanding the changes underway in local/regional agro-food systems highlights the relationships, interactions and dependencies of diverse agents that coordinate the activities of input providers, producers and downstream agents across scales, levels and space. Friedmann and McMichael (1989) have shown that agro-food systems have a strong political economy dimension as these systems apportion benefits, costs and risks among participants (including consumers, workers, managers, farmers, etc.)

## 8.1 Lessons from the field: Changing agro-food systems

This information resource presents case studies of local and national agro-food system changes in Zambia. The research insights provided in this section are the product of an action research project implemented by the Institute for Poverty, Land and Agrarian Studies (PLAAS) and the Zambia Land Alliance (ZLA) in Central Province between 2016 and 2017. Rather than a specific focus on ‘land grabs’ in the region, our joint action-research project explores how localised agro-food systems are being restructured within the context of increasing levels of agro-investment, including land-based investment. This research responds to the urgent need to understand and respond to the rapid changes underway in Africa’s agro-food systems, and to generate knowledge and partnerships between civil society and government. The three main elements of the right to food and food security central to our research are availability, adequacy and accessibility. We argue that availability, adequacy and accessibility are shaped by prevailing agro-food systems.

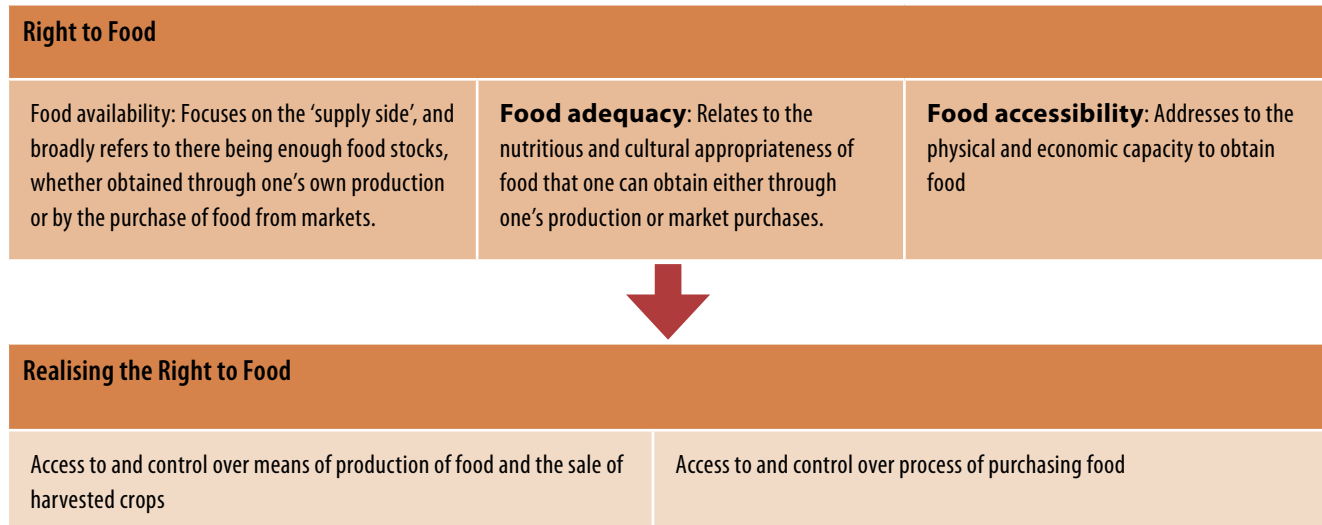
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8 Plantations are generally single cash crop farms that are above average size holdings. Contract-farming constitutes a written or verbal agreement whereby farmers enter an agreement to supply produce at a pre-determined price and standard of quality on a specific set time.



Table 4 below draws on the work of Twomey et al (2015), which shows the channels through which the right to food is realised across rural landscapes in the region.

**Table 4: Realising the right to adequate food**



Source: Twomey et al (2015).

Small-scale agriculture remains an important source of employment, income and food in the region. Control over resources for agricultural production and the sale of agricultural output means that farmers can determine what to grow, and more importantly how much to reserve for household consumption and how much to sell in order to earn income for meeting household needs and supplementing their diets. Access to, and control over the purchasing process is becoming more important in rural areas across the region with the growing availability of cheaper food and changing agrarian livelihoods (Borras et al , 2012). The nature of food environments is important in the purchasing process.

## 8.2 Control over the means of production

With agriculture as the main economic activity in the district, Mumbwa district has attracted agribusiness investments that are transforming local agro-food system through the introduction of new cash crops and accelerated changes in the control and use of land. In particular, NWK Agri-Services and Amatheon Agri are reconfiguring the institutional

framework of input supply agro-extension services, production systems and local markets through the expansion of soya production and cotton among small-scale farmers in Mumbwa district. Alongside this, government continues to drive maize production under the Farming Input Subsidy Programme (FISP).

Information Box 1 below provides an overview of the nature and scope of these operations in Mumbwa district.

#### Information Box 1



Amatheon Agri is a European agribusiness and food company with headquarters in Berlin, Germany and operations in several countries across sub-Saharan Africa. The agribusiness and food company's operations in Zambia include a 40,000 hectares irrigated and rain-fed soybean and maize farm located in Big Concession (a farm block in Mumbwa district), which the company acquired in 2012. In addition, Amatheon Agri operates a smallholder outgrower scheme and storage and supply of crops and livestock to domestic and regional markets (Amatheon Agri, 2012).

NWK Agri-Services operate the largest cotton outgrower scheme that amasses crop production from 13 000 hectares of land through small-scale farmers. In 2013, the company diversified its services and now offers a range of services in addition to the outgrower scheme, through its four departments, namely retail, agriculture, commodity and ginnery. The retail department has two trading centres in Mumbwa. The ginnery department processes cotton into seed and lint and the products are exported to South Africa and Europe. The agricultural department essentially oversees the contract farming and provides training and support, pre-finance (provides loans to enable farmers access to inputs) and facilitates sales and supports farmers to access markets.

The acquisition of large tracts of land by Amatheon Agri has exacerbated prevailing tensions related to land tenure in the Big Concession farm block in Mumbwa district. Part of the state land in Big Concession that was acquired by Amatheon Agri was already occupied and there is lack of clarity on the boundaries of state land among land users. During an interview, a local farmer near the Big Concession stated that, "There has not been a proper land survey and land demarcation in the Big Concession. People who think they are on customary land might have actually invaded state land." Although the Big Concession farm block represents land that has been alienated and surveyed by government, the lack of effective demarcation of boundaries leaves small-scale farmers vulnerable to being displaced regardless of whether they are knowingly or unknowingly occupying state land with the impression that it is customary land. Headman Moses Mulamfu explains:

*Closer to where Amatheon is located, in a nearby village called Kanema village, several community members have lost their land by selling off their land through a 'willing buyer, willing seller' arrangement. Community members, who lost their land in these transactions, including the headman from this village have subsequently approached me to ask for land. But the land I was able to give them does not compare to the land they held before Amatheon Agri took their land. Even the headman is suffering now because he doesn't have enough land for small-scale farming like me and the other villagers in this area. (Interview with Headman Moses Mulamfu, Chinguma village, Big Concession, Mumbwa district, 19 May 2016).*

Like in other parts of the region, demand for land and water resources in Zambia is on the rise, leading to growing land pressure. The growing inequality in landholding in Zambia as a result of land consolidation, together with medium-scale farmers' desire to expand their pastoral and agricultural enterprises, mean that smallholders' access to resources for food crop production is further constrained, which in turn impacts their food access. The rapid expansion of medium-scale farmers, driven by mostly urban wage earners exploiting gaps in the current land law and acquiring and alienating land in high potential agricultural zones, that are located in close proximity to rail infrastructure and urban centres, such as Mumbwa district, is indicative of a changing agrarian structure. Medium-scale farmers are farmers that hold or cultivate more than 5 hectares of land and generally less than 100 hectares of land. Also referred to as emergent farmers, these farmers are differentiated from the large majority of traditional small-scale farmers by the scale of their land holdings. However, since farming is often one of many income sources for the majority of the new medium-scale farmers, only a small portion of the land is cultivated. Medium-scale farmers tend to adopt intensive farming practices for profitable crops, including subsidised maize production under the FISP<sup>9</sup> (Sitko and Chamberlain, 2015). As a result, total output per hectare in areas with a large number of medium-scale farmers is on the decline due to under-utilisation of land for food production among medium-scale compared to smallholder farmers. Moreover, growing land inequality conditions are reshaping the patterns of access and control of viable land for young people from households with small land holdings and are reshaping land use patterns significantly.

Our assessment of cropping patterns among smallholder farmers in Mumbwa revealed that the rapid rise soybean (locally referred to as soya) production among smallholders is a key driver of the changes underway in the local agro-food systems. In Mumbwa district, soybean production has increasingly become an important enterprise for smallholder, and emergent farmers. Soybean production has been promoted using demonstration fields that are operated by local lead farmers, extension officers within the Ministry of Agriculture, who teach farmers about the

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<sup>9</sup> According to Sitko and Chamberlain, the rapid expansion of medium-scale farmers is one of the reasons for the significant increase in the number of FISP beneficiaries in recent years.

benefits of conservation farming, encouraging farmers to switch to certified and improved seed varieties for a range of crops and make use of chemical fertiliser, inoculants and herbicides to ensure better yields. Through private-public partnerships, organisations working with smallholder farmers to improve farmer incomes and promote food security such as the Cooperative League of the United States of America (CLUSA) of the National Cooperative Business Association International (known as NCBA CLUSA), Technoserve, World Vision and Zambia National Farmers' Union (ZNFU) are promoting the integration of smallholder farmers into commercial value chains, with a focus on the soybean value chain in Mumbwa district. The not-for-profit organisations and NGOs are facilitating access to credit for soybean production, and forming partnerships with agribusiness companies to bring the supply of inputs into the villages where the farmers are located. The main benefit of soybean production among small-scale farmers is in the form of cash income. However, the intensification of small-scale agriculture based on green revolution technologies, including improved seeds, and chemical inputs has led to increasingly capital-intensive small-scale commercial agriculture, as farmers pursue ever higher yields in order to sustain higher levels of household income from soybean production. Moreover, the use of herbicides has partly contributed to the disappearance of indigenous and traditional vegetables that would grow alongside staple and cash crops, such as maize. This has led to changes in consumption patterns as households become more dependent on food purchases for meeting household food needs, as discussed in a focus group of smallholder farmers:

*Diets have been changing; the variety of our vegetables has been affected by chemicals like Chiwawa, and is now disappearing. The farming practices which rely on herbicides have led to the disappearance of food crops. 'Bondwe', which was an important indigenous vegetable for our diets, has disappeared. Bondwe is a very nutritious vegetable that helps increase fertility, brain development and is rich in protein. As a result of heavy uses of chemicals, Bondwe no longer grows. (Focus group discussion with smallholder farmers (Green Living Movement), Mumbwa, Zambia, 18 May 2016).*

Furthermore, Mr Shamlimo, a smallholder farmer and member of the Green Living Movement in Mumbwa district explained:

*I do conservation farming and we use herbicides, which make weeding easier. However, the herbicide wipes every crop except the one you want. A maize weed killer kills all except the maize. Other vegetables we need like 'Kanuka' and 'Bondwe' are being wiped out. Even the seed, you cannot find the local seed. . .vegetables were cheaper and easy to find but now we are buying vegetables like rapeseed. We cannot get indigenous vegetables. It is expensive. You need money, with no money you are almost starving. (Mr Molimo, smallholder farmer in Champa village, Mumbwa district, 11 July 2016).*

## 8.3 Control over sale of crops: Ability to sell surplus food crops

The rise of soybean in Zambia, and more broadly in southern Africa has been attributed to the rapid growth of the poultry sector in the region. Soybean meal is the dominant protein supplement used in poultry diets and is the standard to which alternative protein sources are generally held against (Ncube, 2016). There are various marketing channels available for farmers in Mumbwa district. At the village level, there are informal traders or agents that buy on behalf of wholesalers and in some instances, those traders work independently and sell directly to processors in Lusaka. In addition, larger trading and processing companies like Cargill have multiple depots at village level across the district and there are medium-scale and large-scale registered aggregators that are based in Mumbwa town. The primary buyers in Mumbwa include Badat, NWK Agri-business and Amatheon Agri.

## 8.4 Conclusions

Our research findings reveal that although the promotion of small-scale agriculture remains a key strategy in Zambia's Seventh National Development Plan, Zambia's two-pronged agricultural strategy for agricultural commercialisation with large-scale commercial agricultural on the one hand, tends to privilege the interests of large-scale corporate farms at the expense of smallholder farmers, on the other. Zambia's Farm Block Development Programme has been an important vehicle for agricultural diversification and the promotion of large-scale commercial farming. As part of the Farm Block Development Programme, which was relaunched in 2008, government has identified an area of no less than 100,000 hectares per block in the country's ten provinces to promote investment in large-scale irrigated commercial farms. These will operate alongside medium-scale and smallholder farmers (Matenga and Hichaambwa, 2016), in order to facilitate the transfer of technology and skills to smallholder farmers. Farmers' participation in the soybean value chain has led to improved household income mainly due to ready markets and competitive prices for soybeans, compared to other crops. However, the integration of farmers into value chains is characterized by unequal power relations between smallholder farmers as primary producers, aggregators and lead firms. In addition to providing land and cheap labour, farmers also carry high production risks and transport costs for getting their production out to the selling points after harvest. Farmers participating in the soybean value chain face new constraints in the form of increasing costs of production imposed by new institutional frameworks for obtaining inputs to sustain higher yields and participation in markets over which they have no control.

While the impacts of these investments on smallholder farmers tend to be framed as uniform, our research shows that outcomes are differentiated as there are losers and winners, with the latter representing those exploiting the new

opportunities that have emerged out of the increased agro-investment in the district, to their benefits. The changes have led to negative outcomes for the relatively less-off in society, particularly women, those households that were dispossessed of their land, and those who have been unevenly integrated into the new investor-driven rural markets. Our findings therefore indicate growing (class and gender) inequality as a result of these investments.

## 9. The implications of climate change on smallholder farmers

Climate change is ongoing and its effects are most pronounced in Africa, with disproportionate effects on poor and vulnerable communities. Malawi is among the countries most vulnerable to climate change, as a high proportion of the population relies on climate sensitive livelihoods, mainly rain-fed agriculture and access to natural resources, with limited adaptive capacity to cope with its impacts. In the last four decades, Malawi faced a series of successive and compounding climate shocks related to rainfall with negative impacts on food production and access to water. These have included erratic rainfall, intense rainfall, prolonged dry spells and a decrease in rainy days. Irregular rainfall patterns result in too little or too much rain. A growing number of communities are now experiencing unpredictable rainfall and persistent dry spells. Since the country relies on rain-fed agriculture, the most recent droughts and dry spells have resulted in poor yields or total crop failure, leading to serious food shortages, hunger and malnutrition. The mean annual temperature has increased by 0.9°C between 1960 and 2006, an average rate of 0.21°C per decade (Oxfam, 2009). Climate change models paint a bleak picture for Malawi, with a projected increase in mean annual temperatures up to 1°C by 2020, 2°C by 2075 and 4°C by 2100 (Phiri et al, 2007). The increase in temperature has been most rapid in December to February and slowest during September to November. Coupled with decreased rainfall, these higher temperatures will increase drought and reduce water flows. These will have significant implications for food production for Malawi, which has a single rainy season as the majority of smallholder farmers rely on rain-fed agriculture, consequently affecting the realisation of the right to food.

### 9.1 Vulnerable Sectors

The agriculture sector is among the hardest hit sectors by climate change (Jushua et al 2016). Increase in temperature, changes in rainfall patterns, especially the uncertainty in the rainfall onset, and climate variability have had considerable negative impacts on agricultural productivity and food security in the country. Dry spells, early cessation of rains,

seasonal droughts, intense rainfall, riverine floods and flash floods have all affected agricultural production. The impact of the rains on food production, especially on the major staple crop, maize in Malawi is very visible as there are always fluctuations in maize production depending on the occurrence of either droughts or floods. Furthermore, droughts and floods have been causing stress on Malawi's water resources as they have been seriously disrupting water availability, in both quantity and quality. In some areas, unreliable rainfall patterns have rendered upland field cultivation rarely viable and cultivation has shifted to the low-lying *dambos*.<sup>10</sup> At household level, domestic water collection is increasingly becoming a challenge, with women and girls bearing the burden as they have to walk long distances to collect water. Climate change-related disasters reinforce, perpetuate and increase gender inequality as women's ability to contribute to reducing disaster risks is often constrained because they are not consulted in local decision-making processes related to adaptation. Climate change also poses a number of other challenges to women, caused by the exacerbated natural resource scarcity and increased women's work burden. Moreover, when drought leads to household food insecurity and malnutrition, it impacts differently on men, women, and children. These impacts are linked to the gendered vulnerabilities contextualised by social and cultural norms. Because women are the main providers of food for their families, they are likely to face greater constraints due to the droughts.

## 9.2 International Commitments

As party to the global policy debate on climate change, the Government of Malawi signed the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 and ratified it in 1994. In addition, it also acceded to the Kyoto Protocol in 2001. In fulfilment of its obligations under the Convention, the GoM has completed and submitted a number of climate change adaptation-related reports to the UNFCCC. These include the First and Second National Communications, two editions of the National Adaptation Programme of Action (NAPA) and the rolling out of the National Adaptation Plan (NAP) process. Secondly, the country has regularly participated in the negotiations which have taken place over the years, inclusive of intercessional sessions and Conferences of the Parties (CoP) of the UNFCCC. The country's adherence to obligations, effective participation in and domestication of instruments under the Convention have significantly contributed to increased implementation of its climate change adaptation and mitigation measures, including access to financing and capacity building. Malawi has also participated in a number of CoP negotiations where decisions related to adaptation were made. Key decisions included the Seventh CoP (CoP7) that was held in Marrakesh, Morocco in 2001 where a decision was taken for countries to develop NAPAs, as well as CoP 13, held in Bali in 2007, that developed the Bali Action Plan and also launched the Adaptation Fund to finance concrete adaptation projects and programmes in developing countries. Many of these CoP decisions and commitments have provided

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10 According to the FAO, a dambo can be defined as a wide and low lying gently sloping treeless grass covered depression, which is seasonally waterlogged by seepage from surrounding high ground assisted by rainfall and has water tables for most part of the year in the upper 50-100 cm of the soil profile from which they drain into streams. See: <http://www.fao.org/3/x6611e/x6611e02f.htm>

Malawi with the building blocks for developing policies, programmes and best practices for adaptation. However, there have been number of challenges in Malawi's effective participation in the international instruments. The key challenges include inadequate national preparations and limited number of negotiators, as the country relies on development partners to support the participation of the majority of its delegates. The other challenges are the fluctuation of delegation membership and limited understanding of the negotiation process. This is because there are always first-time attendees of the sessions, making it extremely difficult for them to effectively contribute and add value to the processes. This has resulted in the delegates failing to fully comprehend the process. In addition, the country also suffers from untimely and limited domestication of the international commitments, as the country often has to rely on multilateral partners, particularly the United Nations Development Programme (UNDP), to support such actions.

### 9.3 Institutional Arrangements

There are several state and non-state actors involved in activities related to climate change adaptation in the country. These actors include government, non-governmental organisations, the private sector, academia, development partners, local communities, faith-based organisations and vulnerable groups (GoM, 2016).

A number of institutional and coordination arrangements have evolved over time. At the national level there are two committees that provide oversight on climate change activity implementation namely the National Climate Change Technical Committee (NCCTC) and the National Steering Committee on Climate Change (NSCCC) (Department of Climate Change and Meteorological Services, 2014). The two committees are permanent national climate change committees. Both committees are supported by climate change programmes within the Environmental Affairs Department (EAD). These programmes are also supported by partners such as the UNDP, with some level of counterpart contribution from the GoM. In the long term, the over-reliance on development partners to support the functioning of national institutions may not be sustainable as ideally, their operational resources should be integrated into the sectoral national budget frameworks. The NCCTC comprises of various government ministries and departments, such as the EAD, Department of Climate Change and Meteorological Services (DCCMS), Department of Forestry, Department of Fisheries, Department of Land Resources Conservation, Department of Energy, Department of Disaster Management Affairs and the Ministry of Local Government and Rural Development. The committee also has representation from academia, development partners and civil society. The NCCTC is chaired by DCCMS and the Secretariat is held by the EAD. The EAD is also the National UNFCCC Focal Point and plays an important role in preparing national policy for climate change. The DCCMS has the mandate to provide data on weather and climate. The EAD, in collaboration with the DCCMS are therefore responsible for coordinating climate change issues in the country. These include policy and strategy development, including leading GoM delegations during UNFCCC negotiations. The NCCTC provides a



platform for efficient and effective implementation of national, regional, and global partnerships on climate change. This provides an institutional framework for national and international co-operation, embracing a holistic approach to climate change interventions towards the development of adaptation and mitigation initiatives through partnerships between government agencies, the private sector, non-governmental organisations, community-based organisations, academia, and local communities. However, there are still challenges related to the coordination and implementation of programmes, particularly at community level, resulting in duplication of efforts, conflicting approaches and limited sharing of information and lessons.

On the other hand, the NSCCC provides a forum for effective policy dialogue on frameworks, priority setting and ways and means of facilitating the investment and transfer of technology on climate change initiatives in the country. The NSCCC comprises of principal secretaries of the government institutions who are members of the NCCTC and development partners. The NSCCC is chaired by the Ministry of Finance, Economic Planning and Development. The Secretariat function is provided by the EAD.

Civil society organisations are coordinated through the Civil Society Network on Climate Change (CISONECC). CISONECC was established in 2008 as an umbrella organisation that coordinates activities of civil society organisations involved in climate change programmes in Malawi. CISONECC currently comprises 33 members from a diversified group consisting of local and international non-governmental organisations, faith-based groups and networks/associations passionately involved in climate change and disaster risk management in Malawi.

## 9.4 Policy Framework

Climate change has generally been recognised in a number of national policies, programmes, plans, strategies and legislation. Sectoral policy instruments have considered how they are affected by climate change and how related sectors can be used for adaptation. However, while progress has been made in policy development, many of these policy instruments were launched before the National Climate Change Management Policy (NCCMP) and therefore still lack coherence as they emphasize sectoral approaches.

Key policies governing climate change include the NCCMP, National Disaster Risk Management Policy (NDRMP), National Agriculture Policy (2016) and National Gender Policy (2015). In addition, there are a number of policy instruments related to climate change that are being developed and reviewed in the country.

**Table 5: Climate change policy framework in Malawi**

National Climate Change Management Policy (NCCMP)	The GoM launched its NCCMP in 2016. The goal of the NCCMP is to create an enabling policy and legal framework for a pragmatic, coordinated and harmonised approach to climate change management. The policy provides strategic direction for Malawi's priorities for climate change interventions and outlines an institutional framework for the application and implementation of adaptation, mitigation, technology transfer and capacity-building measures.
National Disaster Risk Management Policy (NDRMP)	The adoption of the NDRMP in 2015, five years after the draft had been concluded and presented before cabinet, was seen merely as a response to the 2015 floods that hit the country, and not as a strategic approach to climate change, as the policy had remained in draft form for almost five years. Nonetheless, the development of the NDRMP marked a major step towards achieving sustainable development through ensuring that disaster risk management is integrated in development planning by all sectors in the country. The policy facilitates effective coordination of disaster risk management programmes in the country. The policy also highlights a set of key priority areas and strategies for making Malawi a nation resilient to disasters through multi-sector and multi-stakeholder processes.
National Agriculture Policy (NAP)	The adoption of the NAP in 2016, after the country had operated without a coherent policy framework for the agricultural sector since independence, provided the sector with clear and comprehensive policy guidance in agriculture, including the growing significance of climate change and its implications for agriculture across different scales. The policy notes that fluctuations in agricultural production can stem from various factors, including climate change and weather variability. As such, the policy has adopted a resilience perspective that will enable the country to manage risks brought about by climate change to the agricultural sector, in a prudent manner.
National Gender Policy (NGP)	The revised National Gender Policy was approved by cabinet in 2015. The policy has gender-related matters in natural resources, environment and climate change as one of its policy priority areas. The policy recognises that mainstreaming gender in climate change management has a number of benefits. The policy aims to ensure the equal participation and involvement of women, men, girls, boys and vulnerable groups in climate change management. The Ministry of Gender, Children, Disability and Social Welfare has been working with various partners to implement climate smart agricultural interventions involving women's groups across the country. NEPAD supports one such programme on enhancing resilience and participation of women farmers in climate smart agriculture interventions. The programme is being implemented by a number of non-governmental organisations. As this programme is only an isolated effort, there is still more work to be done in order to achieve the mainstreaming of gender in climate change in the country.

While the 2016 NCCMP is still in the early stages of implementation, there is still little progress in integrating climate change into development planning. Many of the policy statements and strategies are gradually being incorporated into concrete programmes and projects. However, it must be noted that these policy measures are being implemented by the GoM and civil society organisations with support from mostly development partners, as local financing for climate-related matters still remains a challenge. While the 2015 NDRMP, five years after the draft had been concluded and presented before cabinet, was seen merely as a response to the 2015 floods, it must be noted that to date, efforts of the GoM still remain largely focused on disaster response. Government's focus remains on relief that has over the years attracted large-scale funding and political response. Most of the measures related to long-term disaster risk management continue to receive little attention and consequently lack funding and institutional attention. The situation may gradually change with the possible upcoming launch of the National Resilience Strategy (NRS).

The 2016 NAP addresses current challenges and attends to future challenges facing the agricultural sector in the country. The specific objective of the policy is to guide Malawi to achieve transformation of the agricultural sector. More specifically, this policy guides Malawi towards increasing production, productivity, and real farm incomes. While it was envisaged that the National Agriculture Policy would assist in providing a broader policy overview of the agricultural sector, eventually leading to appropriate resource allocations to all sectors of agriculture, institutional attention and funding still remain with the farm input subsidy programme (FISP). This has resulted in crowding out some of the key policy priority areas related to climate change adaptation, such as sustainable agricultural production and productivity and agricultural risk management. The farm input subsidy programme still enjoys the allocation of the lion's share of the agricultural sector budget, leaving the other areas with barely enough resources to translate the various policy measures into programmes.

## 9.6 Adaptation Strategies

Since, 1996, the Government of Malawi has been developing and implementing specific strategies and programmes related to reducing the negative impacts of climate change and taking advantage of new opportunities for sustainable development.

**9.6.1 National Adaptation Programme of Action (NAPA):** In order to address urgent and immediate adaptation actions, the GoM has produced two editions of the NAPA. The first edition was launched in 2008 and sets out five priority areas, related to resilience, catchment management, agricultural production, preparedness and early warning. The priority areas focused on interventions pertaining to food and water security. However, there were implementation challenges due to inadequate financing, lack of ownership by sectors and inadequate inter-sectoral coordination. In

order to address these implementation challenges in 2015, the GoM conducted a stock-taking and review exercise on the status of the implementation of the NAPA. The findings from the review were used to develop a second edition of the NAPA. The second edition identified six thematic areas namely, early warning systems; climate smart agriculture; integrated water resource management; forestry; rural electrification; and integrating climate change into fisheries management. A number of these priorities have now informed development and implementation of various programmes and interventions by the GoM, civil society and development partners targeting smallholder farmers.

**9.6.2 National Adaptation Plan (NAP):** In 2014, the GoM launched a National Adaptation Plan process. Malawi's NAP process is aimed at reducing vulnerability caused by climate change by building adaptive capacity and resilience. A further aim is facilitating the integration of climate change adaptation in a coherent manner, into relevant and new policies, programmes and activities, in particular development planning processes and strategies, within all relevant sectors and at different levels, specifically local and central government. The National Adaptation Plan will help Malawi cope with medium and long-term development challenges and the impacts of climate change in a comprehensive and programmatic approach. The National Adaptation Plan process was established by the UNFCCC as a way to facilitate adaptation planning in least developed countries and other developing countries. To date, the GoM has finalised its National Adaptation Plan road map that created the vision and mandates of the National Adaptation Plan. The GoM also undertook a National Adaptation Plan stock-taking exercise that identified gaps in adaptation in the country. Subsequently, the country has now embarked on formulating a National Adaptation Plan framework, which will build on the NAP Roadmap, validating and updating the vision, objectives and mandates identified therein. It will also establish the structure and approach for the National Adaptation Plan process, linking it to existing or planned policies, plans, strategies and legislation that will enable Malawi to address its medium and long-term adaptation needs. The NAP process is coordinated by the EAD.

**9.6.3 National Resilience Strategy (NRS):** The National Resilience Strategy was launched in 2016. It is a five-year agenda aimed at addressing the causes of climate change, on the one hand, and minimising the effects of climate change to food insecurity, on the other hand. The broad objective of the strategy is to help make Malawi resilient to disasters and to break the cycle of food insecurity. Through this strategy, the GoM has developed a multi-dimensional approach to control floods, reduce food insecurity and grow exports, protect and manage the environment and catchments and enhance the early warning system. The NRS also includes the provision of social support interventions using a single monitoring and evaluation framework, enhanced coordination, pooling of resources and prioritisation. The coordination of the NRS is undertaken by the Department of Disaster Management Affairs. The implementation of the various strategies of the NRS will be done by respective line ministries, departments and agencies. Although the NRS is a five-year plan, budgeting will be done annually. For the 2016/17 financial year, the resource requirement was

about MK120 billion. Of this budget, MK13.3 billion was already available and there was a shortfall of MK106.6 billion. The GoM expects that NRS interventions will also be implemented through non-government organisations' projects and programmes. It is however, not clear how the GoM will consolidate these efforts, given previous challenges of the GoM's accounting for non-governmental organisations' programmes.

**9.6.4 Malawi Growth and Development Strategy (MGDS) III:** The Government of Malawi (GoM) developed the Malawi Growth and Development Strategy (MGDS) III in 2017 (GoM, 2017), a medium-term strategy designed to contribute to Malawi's long-term development aspirations. The MGDS III aims at building a productive, competitive and resilient nation. The strategy has identified agriculture, water development and climate change management as one of its five key priority areas. The strategy noted that investment in climate change adaptation has the largest multiplier effect on poverty alleviation, education, health, agriculture and water development, economic growth, urbanisation and governance. Among others, the objective of the strategy is to move Malawi to a productive, competitive and resilient nation through sustainable agriculture and economic growth, energy, industrial and infrastructure development while addressing water, climate change, environmental management and population challenges. While the Ministry of Finance, Economic Planning and Development led the formulation of the MGDS III, the recently launched National Planning Commission is now responsible for overseeing implementation of the MGDS III. The Commission is now fully established, having recently appointed a Director General. Between 2017 and 2022 the national budget is expected to be prioritising activities that are aligned to the MGDS III.

## 10. Recommendations for the realisation of the right to food

### 10.1 Legislation development

The GoM should enact legislation that will effectively guarantee the right to adequate food and nutrition. The existing draft Food and Nutrition Bill provides an excellent opportunity for putting in place appropriate legislation that would make it enforceable to realise the right to food and establish robust institutional mechanisms. The legislation would also bring synergies among multiple policies and strategies related to the right to food.

## 10.2 Enhance policy implementation

Malawi needs to focus on implementation of the various policies and legislation related to the right to food that it has in place. Many of these policies were only approved within the last five years. Policy implementation needs to be accelerated by setting up appropriate institutions and providing them with adequate resources.

## 10.3 Invest in agricultural diversification

Malawi needs to invest in agricultural diversification as one way of improving the right to food and food and nutrition security. Agricultural diversification will provide farmers with options for growing diverse crops or livestock production and address the vulnerability of the agricultural sector to weather related shocks.

## 10.4 Integrate financing of social support programmes into national budget

Social cash transfers and public works programmes need to be allocated resources within the national budget. This would ensure that there is less reliance on development partners and make the programmes sustainable. At the same time, the values of the cash transfers need to be reviewed to ensure that they contribute to meaningful transformation

# 11. What can government do?

The role of government as the ultimate duty bearer is to protect and ensure the progressive realisation of the right to food, and related rights such as people's land and water rights. While the lack of resources and capacity pose obstacles to government's enforcement of existing laws, the integration of the right to food in policy thinking is crucial for advancing the interests of all citizens and the protection of human rights.

One of the key strategies advancing human rights-based approaches in development thinking and policy-making is advocacy, and developing effective mechanisms for transparency and accountability across all spheres of government. Building partnerships with civil society is crucial in the work of government. The 2004 FAO Voluntary Guidelines on the Right to Food and the 2012 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) represent powerful tools that government can utilise to shine a light on food injustice and related struggles.

Making use of the Voluntary Guidelines to develop strategies and counter proposals against market forces and other influential actors in the governance of food systems at the national and local levels, is one of the key ways in which government can respond to and shape the agro-food system change trajectories and outcomes.

Our case studies in Mozambique and Zambia reveal that the impact of agro-food system changes are differentiated and that the right to food violations are taking place at various levels of the agro-food systems upon which rural people depend. The reconfiguration of agro-food systems within the context of increasing levels of investment in agriculture and ongoing climate change is restructuring how people produce and access food. The outcomes of these rapid changes have resulted in the marginalisation of rural people.

We suggest a new approach to food security and agricultural development in Malawi. Our research shows that current policy interventions and legal frameworks for investment in the food and agriculture sectors give priority to the expansion of agriculture through large-scale farms and input-induced intensification among smallholder farmers based on green revolution technologies. This has given rise to increasingly unequal food systems. Although food insecurity can result from events that are beyond the power and control of the state, such as natural disasters or global food market dynamics, the impacts of current agricultural development strategies raise questions on the underpinning political narratives and policies behind this mode of agricultural development.

The table below provides selected indicators, based on the Voluntary Guidelines on the Right to Food, for analysing the implementation of the right to food and analysing the impact of the changes underway across various levels of agro-food system changes.

**Table 6: An example of right to food indicators based on the 2004 FAO Voluntary Guidelines on the Right to food**

Recognition of the right to food	Implementation of the right to food	Access to and control over productive resources	Inputs and support	Access to and control over markets	Control of food purchasing process and the nature of food environments
National recognition of international instruments	National policy on food security	Land, water, forests	Inputs: credit, training assistance and equipment	Infrastructure -distribution -processing	Support for local markets
Constitutional recognition	Multi-sector and inter-departmental approach to food security		Regulation of agro-chemicals	Control over pricing	Availability of adequate and diverse food
Explicit or implicit protection			Production practices		Opportunities for income generation so people can supplement own food production
					Support for diverse crops and food among small-scale farmers

Source: FAO, 2008

By understanding the changes underway in rural landscapes, and the impacts of the restructuring of agro-food systems on how people produce and access food, governments can develop mechanisms for protecting people's right to food and begin to develop strategies for alternative interventions that can contribute to the progressive realisation of the right to food. There are basic steps and examples that government must take to advance the right to food (Windfuhr, 2016; FAO, 2008 and FAO, 2009)

- a. Ensure participatory and inclusive decision-making processes and ensure adequate public consultation in law-making and policy-making on food security and agricultural development strategies: Challenging the prevailing model of agricultural development, which promotes large-scale production and



agricultural input-intensification, is important for developing a different pathway for alternative agricultural commercialisation strategies and people-centred modes of governance. Questions to ask:

- (i) What is the agricultural development policy?
  - (ii) What is the investment policy?
- b. Promoting a rights-based approach is important for undermining the notion that food provision by government is welfarist, rather than the protection of a human right: A rights-based approach enables the interrogation of underlying power and political dynamics of food access and highlighting the importance of the channels through which food is accessed, including own production and purchasing of food. Questions to ask:
- (i) Is the right to food protected in the constitution?
  - (ii) Is there a national food security policy? Does it have an implementation plan?
  - (iii) Does the constitution recognise and protect people's land and water rights?
- c. Lobbying for food security to be centralised in government planning and spending: This step requires the departments and agencies involved in the implementation of food and nutrition security programmes and initiatives to engage with National Treasury directly and bring the matter before relevant Parliamentary Committees and policy-makers at the national level. Questions to ask:
- (i) What is the budget allocation for programmes related to food security?
  - (ii) What is the budget for farmer support programmes?
- d. Develop a coordinated and inclusive right to food movement that links the right to food to other struggles, such as the struggle for tenure security.
- e. Build comprehensive awareness campaigns around the right to food violations in rural communities.

The right to food approach to food security at the national and local levels must be applied at every level of the food value chains, if it is to be achieved.

Elements of a rights-based food system can be summarised as follows:

- Absence of human exploitation/abuse within the value chain.
- Human rights guarantee, protection of farm workers, living wages, freedom to form unions.

- Democratic decision-making on food system choices that have impacts on people across the system; sometimes decisions are influenced indirectly by where the input and subsidisation lies, as well as market access.
- Each person has a say in the protection of his/her rights.
- The establishment of the right to food in international law has been one the greatest gains made in the global fight against hunger and malnutrition, because it provides a basis for acknowledging and actively tackling the socio-economic and political determinants of food insecurity.



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