

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

By

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EXECUTIVE SUMMARY

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

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

The analysis of key aspects of the Malawi domestic FSN framework (the Malawi Constitution, the policy, legislative programme and institutional frameworks, as well as of three specific focus areas (gender, children, and health)), does not provide evidence of adherence to the sequential nature of the policy loop. In several instances, annual implementation (work) plans are not preceded by sectoral policies, sectoral legislation and/or medium-term sectoral implementation strategies. In addition, binding constitutional provisions are not, or not fully, embodied in the current Malawi constituent elements of the policy loop.

Furthermore, detailed provisions relating to both an overarching M&E framework (structure and systems) and concomitant customised sub-sector M&E frameworks (structures and systems), are often lacking. The analysis also indicates that there is a plethora of, amongst others, policies, statutory instruments, medium-term strategies, annual implementation (work) plans, institutions and of M&E indicator sets. These are often unconnected, incoherent and contradictory, and to a large extent uncoordinated - and consequently ineffective.

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

- i. The NPC should take responsibility for:
 - Drafting and finalising, as well as ensuring the subsequent political and administrative approval of, the next Malawi Long-term Development Plan (the successor to the current Vision 2020);

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

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

Finally, there is a significant lack of coherence at both the intra-departmental and the inter-departmental levels as regards the policy elements discussed in this section (medium-term growth and development strategy; sectoral policies; sectoral legislation; medium-term sectoral strategies; annual implementation (work) plans, and M&E structures and systems (including indicators)). From the coordination perspective, evidence of across-the-board effective intra-departmental and inter-departmental coordination mechanisms has not been found. Although the existence of supra-departmental coordinating mechanisms (at the political level chaired by the President or Deputy President, and at the administrative level by the most senior Malawi servant (i.e. the Director-general in the Office of the President and Cabinet (OPC)) should go a long way in ensuring effective coordination, oversight and intervention, such well-functioning mechanisms do not at present exist. Taking into account the current absence of a transversal policy and statutory framework providing for the compulsory establishment and operationalisation of such supra-departmental coordinating mechanisms, it is proosed that such coordination, oversight and intervention should be undertaken by the NPC in the execution of its statutory mandate.

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

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

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

In addition to the above, a number of key research findings and related recommendations are made.

The complete research report on which this Working Paper is based is available at:
<http://bit.ly/2W0xbRI>.

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ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ASWAp	Agriculture Sector Wide Approach
ASWG	Agricultural Sector Working Group
AU	African Union
AUDA	African Union Development Agency
CAADP	Comprehensive African Agriculture Development Programme
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMAM	Community-based Management of Acute Malnutrition
DHS	Demographic and Health Surveys
DPs	Development Partners
DRM	Disaster Risk Management
DSHNHA	Directorate of School Health, Nutrition, HIV and AIDS
ECD	Early Childhood Development
EHP	Essential Health Package
EMC	Executive Management Committee
FAO	Food and Agriculture Organization
FNSS	Food and Nutrition Security Strategy
FIRP	Food Insecurity Response Plan
FSN	Food Security and Nutrition
GC	General Comment on the Right to Food
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
HSA	Health Surveillance Assistance
ICESCR	International Covenant on Economic, Social and Cultural Rights
M&E	Monitoring and Evaluation
MDG	Millennium Development Goal
MDGS	Malawi Growth and Development Strategy
MESIP	Malawi Education Sector Improvement Project
MHSSP	Malawi Health Systems Strengthening Project
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
NAIP	National Agriculture Investment Plan
NAMIS	National Agriculture Management Information System

NAP	National Agriculture Policy
NEPAD	New Partnership for Africa's Development
NIP	National Irrigation Policy
NIPDS	National Irrigation Policy and Development Strategy
NNSP	National Nutrition Strategic Plan
NPC	National Planning Commission
NSAs	Non-state Actors
NSP	National Strategic Plan
OHCHR	Office of the High Commissioner of Human Rights
PFP	Private for-Profit
PLHIV	People Living with HIV
SADC	South African Development Community
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund
WDI	World Development Indicators
WHO	World Health Organization

1. INTRODUCTION

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

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

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

Without the sustained political commitment to address food insecurity on a national, sub-regional and regional level, legal frameworks will not properly be developed; when governments are not held accountable by their constituencies, commitments will remain empty promises; without multi-sectoral collaboration, no institutional commitment will be evoked; and without investing in human capital, measures aimed at bringing about food security will not result in long-lasting deep-reaching change.¹

¹ The complete research report on which this Working Paper is based is available at: <http://bit.ly/2W0xhRI>.

2. METHODOLOGY

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

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

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

The right to food is a fundamental human right recognised under international law and is enshrined in several international human rights instruments and treaties.² The right to food requires that food is at all times available, accessible and adequate for everyone without discrimination. The right to food and food security are closely linked, but should not simply be regarded as synonyms. The definition of food security adopted at the 1996 World Food Summit illustrates the complexity of the concept:

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

According to the UN Office of the High Commissioner for Human Rights “(f)ood security is, however, not a legal concept *per se* nor does it create entitlements or impose obligations on states” (OHCHR 2008: 4).

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

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

Food security is, however, not a legal concept *per se* nor does it create entitlements or impose obligations on states (OHCHR 2008:4).

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

4. SUPRA-NATIONAL CONTEXT

4.1. The right to food

The right to food has been recognized in a number of international, regional and sub-regional instruments.

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

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

4.2. Key international (global) instruments

4.2.1. Binding instruments and related obligations

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

The International Covenant on Economic, Social and Cultural Rights (ICESCR) may justifiably be regarded as the key binding international law instrument dealing with food security as the content of the right to food and the main obligation as are primarily contained in articles 2 and 11 thereto. The ICESCR states that the “right to an adequate standard of living includes food, housing clothing”, and recognizes the “fundamental right of everyone to be free from hunger”. A detailed General Comment on the Right to Food has been produced by the United Nations Committee on ESCR in 1999 (UN 1999). The core content of the right to adequate food was described in the following manner:

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

[a] The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; [and]

[b] The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.”

The fundamental right to be free from hunger in the ICESCR creates a legal obligation under international law to state parties to the Covenant.

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

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

“The framework law should include provisions on-

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

Malawi, as a state party who acceded to the Covenant on 22 December 1993, is thus obligated by article 2(1) “to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”

Cognisance must also be taken of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly in 1979. It essentially defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination (UN 1979). In the Convention’s Preamble, it is stated that “in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs”.

A third key binding instrument, the Convention on the Rights of the Child, was adopted by the UN General Assembly on 20 November 1989. Article 24 relates to Health Care. Sub-article 2(c) refers explicitly to State parties’ obligations relating to, amongst others, the provision of adequate nutritious food to children:

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

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

4.2.2. Non-binding declarations and commitments

Several non-legally binding international human rights instruments, sometimes referred to as soft-law instrument, are relevant to the right to food. These include recommendations, guidelines, resolutions and declarations. The FAO *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (hereafter the Right to Food Guidelines) is a detailed and direct soft law instrument (FAO 2005). The complexity of the notion of food security is evidenced by the detailed nature of the Right to Food Guidelines. The Right to Food Guidelines is a practical tool to help implement the right to food. It provides practical recommendations for ensuring the realisation of the binding norms discussed in paragraph 4.2.1 above. The following 19 Guidelines have been identified:

- Guideline 1: Democracy, good governance, human rights and the rule of law
- Guideline 2: Economic development policies
- Guideline 3: Strategies
- Guideline 4: Market systems
- Guideline 5: Institutions
- Guideline 6: Stakeholders
- Guideline 7: Legal Framework
- Guideline 8: Access to resources and assets
- Guideline 9: Food safety and consumer protection
- Guideline 10: Nutrition
- Guideline 11: Education awareness raising
- Guideline 12: National Financial resources
- Guideline 13: Support for vulnerable groups
- Guideline 14: Safety nets
- Guideline 15: International food aid
- Guideline 16: Natural and human-made disasters
- Guideline 17: Monitoring, indicators and benchmarks
- Guideline 18: National human rights institutions
- Guideline 19: International dimension

Although specific targets may be extracted from the respective Guidelines, the reader is referred to the Right to Food Guidelines for a comprehensive account of the Guidelines.

The Right to Food Guidelines briefly discussed above, are to a greater or lesser extent repeated in several other soft law instruments that deal with one or other aspect associated with food security. In 2015 the Food and Agriculture Organisation, a specialised agency of the United Nations published key recommendations for improving nutrition through agriculture and food systems.

The General Assembly of the United Nations adopted a significant resolution titled “Transforming our world: the 2030 Agenda for Sustainable Development” on 25 September 2015, often referred to as Agenda 2030. This resolution can be characterised as soft law with significant status. The Sustainable Development Goals contained in this resolution are not legally binding, but countries are expected to take ownership and establish a national framework for achieving the individual

goals. Systematic follow-up and review processes will support accountability to citizens. The high-level forum established in terms of the resolution will have a central role in overseeing follow-up and review at the global level. The SDGs came into operation on 1 January 2016 and are the following:

- Goal 1: End poverty in all its forms everywhere.
- Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- Goal 3: Ensure healthy lives and promote well-being for all at all ages.
- Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- Goal 5: Achieve gender equality and empower all women and girls.
- Goal 6: Ensure availability and sustainable management of water and sanitation for all.
- Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all.
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.
- Goal 10: Reduce inequality within and among countries.
- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable.
- Goal 12: Ensure sustainable consumption and production patterns.
- Goal 13: Take urgent action to combat climate change and its impacts.
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
- Goal 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

SDG 2 is of specific relevance to food security and its targets set for full achievement are, by a specified date, are to:

- “2.1 By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.
- 2.2 By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.
- 2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.
- 2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that

strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.

2.5 By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species, including through soundly.

2.a Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries, in particular least developed countries.

2.b Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round.

2.c Adopt measures to ensure the proper functioning of food commodity markets and their derivatives and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility.”

Cognisance must also be taken of the Plan of Action for Malawi 2012-2016 issued by the FAO in 2012. Despite the fact that the Plan of Action was formulated for a period ending 2016, it remains relevant because the specific targets were in principle relevant for the development of Malawi’s NAIP 2. The Plan of Action for Malawi had the goal “to reduce risk and impacts of disasters on food and nutrition security through better disaster risk reduction and improved community resilience to shocks in disaster-prone areas” (FAO 2012). Four major outcomes and outputs were identified in the Plan of Action in order to achieve the goal mentioned above:

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

4.3. Key regional (African) instruments

4.3.1. Binding instruments and related obligations

The importance of food security for the African continent is illustrated by the fact that article 13 of the Constitutive Act of the African Union that was adopted by the thirty-sixth ordinary session of the Assembly of Heads of State and Government on 11 July 2000 in Lome, Togo, identifies food and agricultural and animal resources as an area of common interest to the Member States. It was also decided that the Executive Council is tasked with the coordination of, and the taking of the sessions on, on policies related thereto.

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

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

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

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

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted in 1990 and deals with adequate nutrition and malnutrition (ACHPR 1990). Article 14(1) of the ACRWC obliges state parties to pursue the full implementation of the child's “right to enjoy the best attainable state of physical, mental and spiritual health”, and, in addition, Article 14(2) obliges state parties to take specific measures in respect of, amongst others, infant and child mortality, adequate nutrition and safe drinking water, malnutrition, expectant and nursing mothers, child health and nutrition, and breastfeeding. Furthermore, article 20(2) directs that state parties are obliged to assist parents and other persons responsible for children in the execution of the parental responsibilities:

“States Parties to the present Charter shall in accordance with their means and national conditions take all appropriate measures:

- (a) to assist parents and other persons responsible for the child and in the case of need provide material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing;”

These documents create legally binding obligations on African state parties, including Malawi.

4.3.2. Non-binding regional (African) commitments

A number of key recent non-binding regional (African) documents set a range of commitments focusing, amongst others, on food security and nutrition.

The New Partnership for Africa's Development (NEPAD) (2002) is a strategic framework for African's socio-economic development. Initially six thematic areas were identified for operationalisation, of which Thematic Area 1 focused on agriculture and food security. Subsequent to the approval of Agenda 2063, NEPAD became the development agency of the African Union (referred to as AUDA-NEPAD) with four areas of work. Work Area 4 focuses on “natural resources governance and food security” (NEPAD n.d).

By means of the 2003 Maputo Declaration on Agriculture and Food Security in Africa the African Union Heads of State Government endorsed CAADP (Comprehensive African Agriculture

Development Programme), which focused on mainstreaming and increasing support for agriculture. Within this context, individual states committed themselves to allocate, by 2008, at least 10% of their annual national budgets to the promotion of agriculture and rural development (with the view on achieving a 6% annual agricultural growth), the conclusion of the specific CAADP Compacts (and their approval by the African Union); and the drafting, adoption and implementation of related five year National Agriculture Investment Plans (NAIPs). CAADP was constructed as an integrated framework for agricultural development priorities around the following four pillars (also referred to as areas of primary action):

“Pillar 1: Extending the area under sustainable land management and reliable water control systems

Pillar 2: Improving rural infrastructure and trade-related capacities for market access

Pillar 3: Increasing food supply and reducing hunger

Pillar 4: Agricultural research, technology dissemination and adoption” (Future Agricultures n.d.).

The AU Heads of State and government approved Agenda 2063 in 2013. Agenda 2063 constitutes the 50 year development plan for Africa. Its vision is:

“an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena” (AU 2015).

Agenda 2063 aspires to completely eliminate hunger and food security by 2063 and reduce the imports of food and raise intra-Africa trade in agriculture and food to 50% of total formal food and agricultural trade. Provision is made for the following seven aspirations, each consisting of specific goals and priority areas:

- i. A prosperous Africa, based on inclusive growth and sustainable development;
- ii. An integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance;
- iii. An Africa of good governance, democracy, respect for human rights, justice and the rule of law;
- iv. A peaceful and secure Africa;
- v. An Africa with a strong cultural identity, common heritage, values and ethics;
- vi. An Africa whose development is people-driven, relying on the potential offered by African people, especially its women and youth, and caring for children; and
- vii. An Africa as a strong, united and influential global player and partner (AU 2015a).

As regards food security and nutrition, Aspiration 1 is of paramount importance. Its Goal 1 (“A high standard of living, quality of life and well-being for all citizens”) Priority Area 1B deals with “poverty, inequality and hunger”, whilst Priority Area 1C focuses on “social security and protection, including persons with disabilities”. Goal 3 of Aspiration 1 deals with “healthy and well-nourished citizens”, with the only Priority Area being “health and nutrition” (AU n.d.).

In June 2015, the AU approved the First Ten Year Implementation Plan 2014-2023 that translated the seven aspirations of Agenda 2063 into 20 goals, each with its own targets and related strategies (AU 2015b). The 2023 targets relating to food security and nutrition are that states must aspire, by 2023, to:

- i. Reduce 2013 levels of poverty by at least 30%;
- ii. Reduce 2013 levels of proportion of the population who suffer from hunger by at least 80%;

- iii. Reduce stunting in children to 10% and underweight to 5%; and
- iv. Reduce the 2013 level of prevalence of malnutrition by at least 50%.

In order to achieve these First Ten Year Implementation Plan 2014-2023 targets, states must:

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

With the Malabo Declaration on Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods that was approved in June 2014, African Heads of State and Government recommitted themselves to the values and principles of the CAADP process, and in particular to:

“the pursuit of agriculture-led growth as a main strategy to achieve targets on food and nutrition security and shared prosperity” (AU 2014a).

The 2014 Malabo Declaration contains the commitment by African Heads of State and Government “to ending hunger in Africa by 2025 and to this end to accelerate agricultural growth by at least doubling current agricultural productivity levels, by the year 2025.”

In addition, the AU also approved the 2014 Malabo Declaration on Nutrition Security for Inclusive Economic Growth and Sustainable Development in Africa, in terms of which they made the following commitments:

- i. Reaffirmation of the commitment to end hunger by 2025 through the strengthening of development policies as an effective investment in the human capital in countries;
- ii. Commitment to ending child stunting, bringing down stunting to 10% and underweight to 5% by 2025, and, in particular, focusing on the first 1000 days as the only window of opportunity during which permanent and irreversible physical and mental damage would be avoided; and
- iii. Commitment to positioning this goal as a high-level objective in national development plans and strategies, and to establish long-term targets that give all children an equal chance for success, by eliminating the additional barriers imposed by child under-nutrition (AU 2014b).

In order to realise these commitments, the Heads of State and Government resolved:

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

- facilities sustainable and reliable production and access to quality and affordable inputs (for crops, livestock, fisheries, amongst others) through, among other things, provision of ‘smart’ protection to smallholder agriculture;
- supply of appropriate knowledge, information, and skills to users;
- efficient and effective water management systems notably through irrigation;
- suitable, reliable and affordable mechanization and energy supplies, amongst others.

b) to halve the current levels of Post-Harvest Losses, by the year 2025;

c) to integrate measures for increased agricultural productivity with social protection initiatives focusing on vulnerable social groups through committing targeted budget lines within our national budgets for:

- strengthening strategic food and cash reserves to respond to food shortages occasioned by periodic prolonged droughts or other disasters/emergencies;
- strengthening early warning systems to facilitate advanced and proactive responses to disasters and emergencies with food and nutrition security implications;
- targeting priority geographic areas and community groups for interventions;
- encouraging and facilitating increased consumption of locally produced food items, including the promotion of innovative school feeding programs that use food items sourced from the local farming community; and

d) to improve nutritional status, and in particular, the elimination of child undernutrition in Africa with a view to bringing down stunting to 10% and underweight to 5% by 2025” (AU 2014a).

In 2015 the New Partnership for Africa’s Development (NEPAD), the AU’s development agency, adopted the CAADP Results Framework 2015-2025. It provides Africa and its partners with a set of goals and results to be pursued in the transformation of the agriculture sector. It indicates the level and rate of agricultural performance and the policy, strategy, and capacity development actions that are required for the sector to contribute to achieving the AU Agenda 2063 goals.

The CAADP Results Framework 2015—2025 provides a logical flow of three levels of results:

- i. Level 1 (Agriculture's Contribution to Economic Growth and Inclusive Development) sets out the following four impact-level results (the “why”):
 - Wealth creation;
 - Food and nutrition security;
 - Economic opportunities, poverty alleviation and shared prosperity; and
 - Resilience and sustainability.

Mention must be made of the following indicators set for the Level 1 food and nutrition security result area:

- Prevalence of undernourishment (%) (Data source: FAO) (Malabo target: IIIId);
- Status of malnutrition (Data sources: DHS/WDI, UNICEF, WHO) (Malabo target: IIIId):
 - Prevalence of underweight;
 - Prevalence of stunting;
 - Prevalence of wasting;
 - Minimum dietary diversity – women; and

- Minimum acceptable diet for 6-23 months old infants; and
 - Cereal import dependency ratio (Data source: FAO) (Malabo target: Ia).
- ii. Level 2 (Agricultural Transformation and Sustained Inclusive Agricultural Growth) describes the desired results/outcomes of agricultural performance (the “what”), i.e. changes in African agriculture resulting from the CAADP implementation support.
 - iii. Level 3 (Strengthening systemic capacity to deliver results) describes the capabilities needed/outputs to accelerate agricultural growth and to broaden its impact (the “how”).

Agenda 2063 and the 2030 Agenda for Sustainable Development with its SDGs are the two major and most recent development frameworks through which the AU pursues its implementation agenda. Agenda 2063 aspires to completely eliminate hunger and food insecurity by 2063 and reduce the imports of food and raise intra-Africa trade in agriculture and food to 50% of total formal food and agricultural trade. The global Agenda 2030 and the African Agenda 2063 are not 100% convergent. In addition, there are both non-binding instruments, with the result that individual countries have – at least in theory – some leeway to prioritise those SDGs and Agenda 2063 goals that advance their own economic and political interest.

In addition to the abovementioned instruments, other key non-binding African instruments providing guidelines in the effective pursuit of food security and nutrition food include, but are not limited to, the following:

- i. Implementation Strategy and Roadmap to Achieve the 2025 Vision on CAADP;
- ii. Programme of Work Operationalising the Malabo Declaration on African Agriculture and CAADP Implementation Strategy and Roadmap;
- iii. Guidelines for CAADP Country Implementation under the Malabo Declaration;
- iv. Sustaining the CAADP Momentum to Spur Agriculture Transformation – Achieving Malabo Targets through four thematic areas; and
- v. Ending hunger in Africa: The elimination of hunger and food insecurity on the African by 2025: Conditions for success.

4.4. Sub-regional (SADC) instruments

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

The goal of the non-legally binding SADC Food and Nutrition Security Strategy (FNSS) for the period 2001-2025 is:

"to significantly reduce food and nutrition insecurity in the Region by 2025" (SADC 2012).

The FNSS displays a multi-sectoral approach in an attempt to holistically address food security and nutrition. It has its roots in the following strategy documents: the 2003 CAADP, the Regional Indicative Strategic Development Plan; the 2004 Dar-es-Salaam Declaration on Agriculture and Food Security; the Multi-Country Agricultural Productivity Programme, and the SADC Regional Agricultural Policy (Du Plessis 2016).

A number of goals and strategies relating to food security application are identified in the FNSS. These include, but are not limited to, decreasing stunting rates to below 30% by 2025; fostering infant and young child nutrition by *inter alia* promoting exclusive breastfeeding for the first six months and optimal complementary feeding with continued breastfeeding up to 24 months;

reducing the prevalence of micronutrient deficiencies, and developing develop laws and policies that guarantee food rights by 2023.

4.5. Conclusion

The discussion of the supra-national (international (global), regional (African) and sub-regional (SADC) contexts indicates that the various binding and non-binding instruments emphasise the importance of food security and nutrition. In addition to general principles and wide-phrased objectives, some of these instruments and guidelines contain very specific goals that must be pursued and set targets to be achieved by a specific date. However, a country's successes or failures will be determined by the effectiveness and adequacy of its national policy, statutory, programme, institutional and implementation framework in combatting food insecurity and malnutrition.

5. MALAWI: THE NATIONAL CONTEXT

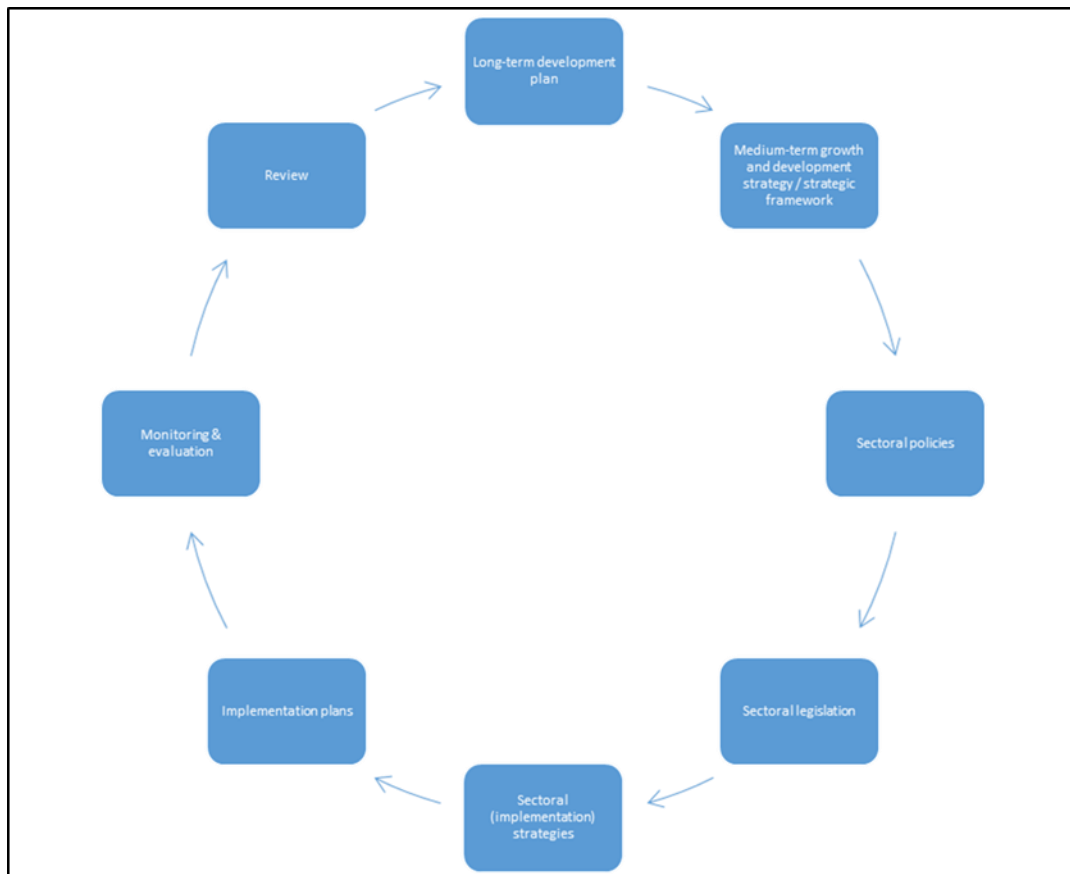
In this section, key Malawian instruments relating to food security and nutrition, i.e. the Constitution and relevant elements of the policy, statutory and implementation frameworks, are discussed. In addition, an overview is given of the institutional framework, government programmes and specific focus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

5.1. Introduction

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

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

Figure 1: The Policy Loop



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

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

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

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

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

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

5.2. Malawi Constitution

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

Article 13 of the Malawian Constitution states the principles of national policy. It is declared here 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, *inter alia* adequate nutrition for all in order to promote good health and self-sufficiency and children (to encourage and promote conditions conducive to the full development of healthy, productive and responsible members of society).

In summary, it must be noted that the Malawi Constitution provides for food security and nutrition as one of the principles of national policy – which the state must implement in a progressive manner by means of policy and legislation. Article 30(2) states that the State shall take all necessary measures, including equality of opportunity for all in their access to food, for the realisation of the right to development, which includes a specific focus on women, children and people with disabilities. Furthermore, all detained persons have a right to adequate nutrition.

5.3. Malawi domestic framework

5.3.1. Introduction

The current policy framework, legislation, institutional framework, government programmes, institutional framework, and specific focus areas related to food security and nutrition provide context within which Malawi domestic FSN-initiatives are being planned and/or implemented.

5.3.2. Malawi FSN-related policy framework

Different policies, strategies and programmes have been developed to facilitate and promote food security and nutrition in Malawi.

The key policies and strategies which form the framework for food security and nutrition include (in chronological order):

- i. The Malawi Vision 2020 was published in 1998 and provides the framework for national development goals and the policies and strategies to achieve them. Chapter 6 deals with food security and nutrition. The following six strategic issues and related options were identified: increasing food production; developing the livestock sub-sector; irrigation development; improving the efficiency of markets; improving utilisation management, and improving and utilisation management;

- ii. The Food Security Policy was produced by the Ministry of Agriculture and Food Security in 2006. The long-term goal of the Policy is to significantly improve food security of the population;
- iii. The National Water Policy was published in 2007 and aims to ensure “sustainable management and utilization of water resources, in order to provide water of acceptable quality and of sufficient quantities, and ensure availability of efficient and effective water and sanitation services that satisfy the basic requirements of every Malawian and for the enhancement of the country’s natural ecosystems.”
- iv. The Food Security Action Plan was published in 2008 to ensure systematic, coordinated and harmonised operationalisation of the Food Security Policy.
- v. The Infant and Young Child Nutrition Policy was published in 2009 and aims, amongst others, to contribute to the reduction of infant and child malnutrition and mortality. In this regard, the policy objectives are to guide decision making among policymakers and service providers, facilitate coordination, increase access to nutrition services, standardise nutrition service delivery, and be utilised as a tool for advocacy, resource mobilisation and formation of strategic partnerships.
- vi. The Malawi National School Health and Nutrition Strategic Plan 2009 – 2018 was published in 2009 with the aim of providing “school-based health and nutrition services as an integral, sustainable part of the education system to build a healthy foundation for learners.” The strategic outcomes of the Strategy are to improve the health and lifestyles of school-aged children, improve the nutrition of school-aged children, improve the management and coordination of school health and nutrition at all levels, establish an effective capacity building framework, and increase public awareness, knowledge and competitiveness of school health and nutrition at all levels.
- vii. The Malawi School Health and Nutrition Guidelines (Final Version) was published in 2010. The Guidelines document aims to make the School Health and Nutrition Strategic Plan a reality through implementation.
- viii. The National Agriculture Policy (NAP) was published in 2010 to address the need for a coherent national agricultural policy. The NAP seeks “to raise the profile of the agricultural sector so that the NAP effectively contributes to the national development aspirations of turning the country from a predominantly consuming to a producing and exporting nation targeting all value chain stages.”
- ix. The National HIV and AIDS Policy was published in 2013 and aimed to “prevent the further spread of HIV infection, promote access to treatment for PLHIV and mitigate the health, social-economic and psycho-social impact of HIV and AIDS on individuals, families, communities and the nation.” Policy Area 2B relates to Care and Support, and states that the policy “shall increase access to, and uptake of quality continuum of care and support services including adequate nutrition”.
- x. The National Micronutrient Strategy for Malawi 2013 – 2018 was published in 2013 in order to support and operationalise the Malawi Nutrition Policy and Nutrition Strategic Plan;
- xi. The National Youth Policy was published in 2013 and provides a framework with guidelines for the facilitation of meaningful youth development programmes and services with full participation of the youth at all levels. The specific objective of the policy is to, together with the other health and population policies, promote general health, non-discriminatory sexual reproductive health and rights of young people. With regard to food security, the Policy encourages the youth to actively participate in the production, processing and utilisation of nutritious foods, and stresses the need for nutrition education.

- xii. The Ministry of Gender, Children, Disability and Social Welfare’s Strategic Plan 2014 – 2019 was published in 2014 and developed to operationalise the Joint Sector Strategic Plan and to contribute towards the goals contained in the MGDS II. The Ministry identified nutrition, amongst others, as a strategic issue and included same as part of its framework for the simultaneous mainstreaming and integration of the welfare of women, men, girls and boys into the operations of the Ministry and its stakeholders.
- xiii. The National Disaster Risk Management Communication Strategy 2014 – 2018 was published in 2014 by the Department of Disaster Management. The strategy’s objectives are to create awareness among stakeholders on disaster risk management; promote the adoption of positive DRM behaviours among stakeholders; strengthen capacity of stakeholders in the development and communication of DRM information; and improve coordination, collaboration and networking of DRM communication interventions;
- xiv. The National Guidelines on Nutrition Care, Support and Treatment was published in 2014 and is an updated version of the 2006 Interim Guidelines for the Management of Acute Malnutrition in Adolescents and Adults, which incorporates emerging issues, lessons learned, and best practices from Malawi and globally. Its purpose is to establish a consistent set of nutrition interventions and recommendations aimed at managing and preventing undernutrition and overnutrition in adolescents and adults, to provide simple and clear guidance to service providers and managers on how to implement the nutrition interventions and recommendations, and to provide a framework for policymakers and development partners to use when planning nutrition interventions for adolescent and adults.
- xv. The National Strategic Plan for HIV and AIDS 2015 – 2020 (NSP) was published in 2014 and aims to meet the Ambitious 90-90-90 Treatment Targets as released by UNAIDS in 2014, in preparation for ending the HIV epidemic by 2030. The NSP recognises that “Nutrition care and support ... prevents malnutrition and wasting, enhances the body’s ability to fight opportunistic infections and contributes to the reduction of morbidity and mortality in PLWH.”
- xvi. The Universal Periodic Review National Report: Second Cycle was published in 2014. The Report was prepared by a National Task Force on Universal Periodic Review which was chaired by the Ministry of Justice and Constitutional Affairs, and consisted of Government ministries, departments, agencies, governance institutions and civil society organisations. According to the Report, the Ministry of Agriculture in 2012 launched the Agriculture Sector Gender, HIV and AIDS Strategy for the period 2012 to 2017. The Strategy’s goal is to contribute to sustainable and equitable food, nutrition and income security at national, community and household level through the empowerment of women and other vulnerable gender categories.
- xvii. The National Disaster Risk Management Policy was published in 2015 and provides for the mainstreaming of disaster risk management into sustainable development policies and planning processes at all levels.
- xviii. The National Gender Policy was published in 2015 and advocates for food utilisation, dietary diversification and issues of intra-household food utilisation. The Policy also encourages male involvement in food production, storage and preparation. Policy Priority Area 3 relates to Gender in Agriculture, Food Security and Nutrition and recognises that “Agriculture is key to food security, economic growth and wealth creation.”
- xix. The Guidelines for Community-based Management of Acute Malnutrition was published in 2016 with the purpose of standardising and improving the quality of community-based management of acute malnutrition (CMAM) service delivery in Malawi. The Guidelines

- provide a practical guide for field implementers and policymakers in the form of protocols, steps, and procedures for CMAM implementation.
- xx. The National Community-based Management of Acute Malnutrition (CMAM) Operational Plan 2017-2021 was published in 2016 and aims to provide guidance to the government and its partners to effectively implement CMAM activities, accelerate the institutionalisation and integration of service delivery within the health system, and provide a framework for monitoring and evaluation (M&E) of CMAM activities over the 2017 to 2021 period.
- xxi. The National Irrigation Policy (NIP) (as revised) was published in 2016 and is the second edition of the National Irrigation Policy and Development Strategy (NIPDS). The NIP “recognises the need for sustainable natural resources management. Above all, the Policy seeks to provide guidance to all stakeholders in the provision of irrigation goods, works and services as well as interventions that will facilitate improved food security, increased nutrition and sustainable economic growth.”
- xxii. The National Multi-Sector Nutrition Policy 2017 – 2021 was published in 2016. The purpose of the Policy is to serve as a guiding document for national nutrition stakeholders to promote:
- Evidence-based programming and strengthening of the national nutrition response;
 - Realignment of nutrition interventions to the current national development strategy, the SUN movement, World Health Assembly targets, the Sustainable Development Goals, and other new global declarations, which Government has signed; and
 - Scale up of evidence-based innovative interventions.
- xxiii. The National Nutrition Strategic Plan 2016 – 2020 (NNSP) was published in 2016 and provides guidelines through which the government will facilitate in a comprehensive and coordinated manner the promotion of adequate nutrition for all Malawians. The policy goal is to attain optimal nutrition for all Malawians by 2020 with emphasis on children under the age of 5, pregnant and lactating women, and other vulnerable groups.
- xxiv. The National School Health and Nutrition Policy (Final Draft) was published in 2016 and contains “the commitment of the Government of Malawi with respect to ensuring the rights and the opportunities of learners in the area of school health and nutrition.” The policy provides a comprehensive framework for strategic interventions for basic (early childhood development and primary) and secondary education, thereby placing the existing policies already developed for these areas in the context of school health and nutrition.
- xxv. The Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year states that the mission of the Ministry of Agriculture, Irrigation and Water Development is to improve agricultural productivity, and sustainably develop and manage land and water resources to achieve food, nutrition and income security for economic growth and development;
- xxvi. The Malawi Growth and Development Strategy (MGDS) III was published in 2017 and covers the period 2017 to 2022. The MGDS III is the fourth and final medium-term national development strategy developed to implement Vision 2020 and improved nutrition and food security is one of its key priority areas;
- xxvii. The National Policy on Early Childhood Development was published in 2017 and articulates Government’s intention and direction in Early Childhood Development (ECD) implementation. The policy statements pertaining to food security include the provision of care for survival, growth and development for all children, and the provision of nutritious

food, safe water, sanitation facilities, immunisation, growth monitoring services, and adequate play and stimulation materials to children.

The analysis of the above Malawi policy documents does not provide any significant evidence of extensive incorporation of and/or substantial alignment with the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.

5.3.3. Malawi FSN-related legislation

Key legislative instruments which form the framework for food security and nutrition in Malawi, include (but are not limited to) the following (in chronological order):

- i. The Public Health Act (Cap. 34:01) of 29 July 1948 which provides for the preservation of public health;
- ii. The Special Crops Act (Cap. 65:01) of 1963 which provides for the development and marketing of special crops and for the establishment of special crop authorities;
- iii. The Water Resources Act (Cap. 72:03) of 1969 which provides for the control, conservation, apportionment and use of water resources;
- iv. The Agriculture (General Purposes) Act (Cap. 65:05) of 1987 which provides for the general regulation of the agriculture industry;
- v. The Disaster Preparedness and Relief Act (Cap. 33:05) of 1991 provides for the coordination and implementation of measures to alleviate the effects of disasters, and the establishment of the office of the Commissioner for Disaster Preparedness and Relief and the National Disaster Preparedness and Relief Committee of Malawi;
- vi. The Republic of Malawi (Constitution) Act of 1994 which is the supreme law of Malawi;
- vii. The Iodization of Salt Act, No. 10 of 1995 which provides for the control of the iodization of common salt;
- viii. The Environment Management Act, 1996 which provides for the protection and management of the environment, and the conservation and sustainable utilisation of natural resources;
- ix. The Fisheries Conservation and Management Act, 1997 which provides for the regulation, conservation and management of fisheries;
- x. The Local Government Act, 1998 which amends and consolidates the laws relating to local government;
- xi. The Irrigation Act, 2001 which provides for the sustainable development and management of irrigation, the protection of the environment from irrigation-related degradations, and the establishment of the National Irrigation Board;
- xii. The Draft Food and Nutrition Security Bill was published on 3 December 2007 which will, if enacted, provide for the protection of the right to food, and will establish the National Food and Security Council;
- xiii. The final Draft Food Security Bill was published in 2011 which will, if enacted, provide for the protection of the right to food, the establishment of the National Food Security Council and the Food Security Fund; and
- xiv. The Gender Equality Bill, 2012 which, if enacted, will provide for the promotion of gender equality; equal integration, influence, empowerment, dignity and opportunities.

The analysis of the above Malawi statutory framework does not provide any significant evidence of extensive incorporation of and/or substantial alignment with the goals and related targets set out

the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN -related obligations and commitments.

5.3.4. Malawi FSN-related government programmes

There are a variety of government programmes that impact on food security and nutrition.

Food security has been identified as a key priority in need of immediate assistance in the Food Insecurity Response Plan (FIRP) (Republic of Malawi 2016b). The strategic objectives of FIRP is to: (i) provide immediate life-saving and life-sustaining assistance to drought-affected people through the provision of essential foods, commodities and health-focused interventions; (ii) ensure the mainstreaming of cross-cutting issues (protection, gender and HIV and AIDS) through inter-cluster coordination and monitoring of the overall response; and (iii) support the restoration of livelihoods of drought-affected people through linkage with on-going resilience-building activities. The plan is implemented as a joint effort between the Government of Malawi and the UN through the humanitarian clusters.

The Malawi Growth and Development Strategy III lists the following flagship projects for Increased agricultural production and productivity outcome:

- i. Shire Valley Transformation Programme: Increase agricultural productivity by developing 42500 ha of land for irrigation and commercial agriculture in the lower Shire Valley;
- ii. Greenbelt Initiative: Developing 7500ha of land for irrigation along lakeshore areas and major rivers; and
- iii. Small farms irrigation project: Establish a surface irrigation system (800ha), procure and establish mechanisation fleet and farmer support services.

Other policies and programmes that are still in effect include, but are not limited to, the Agriculture Sector Wide Approach (ASWAp) with the National Agriculture Policy (2016); the National Climate Change Investment Plan (2013-2018) with its objective to enhance sustainable and climate-smart agricultural production in order to meet national and household food security; the Fisheries Policy (2012-2017); the Agriculture Sector Gender, HIV and AIDS Strategy (2012-2017); the School Health and Nutrition Guidelines (2009); School Health and Nutrition Strategy (2009–2018); the Gender Policy (2008); the National Action Programme for Malawi for the United Nations Convention to Combat Desertification (2005); Malawi’s National Adaptation Programmes of Action; the National Education Sector Plan (2008-2017); the Nutrition Education and Communication Strategy; the Social Support Policy; the Malawi Economic Recovery Plan (2012); the Malawi Education Sector Improvement Project (MESIP) – Environmental and Social Management Framework (2016); the National Youth Policy (2013); the National Disaster Risk Management Policy (2015); the National Export Strategy (2013-2018), Malawi Health Sector Strategic Plan (2011-2016); Food Security Policy (2006); Food Security Action Plan (2008); National Water Policy (2017); Infant and Young Child Nutrition Policy (2009); National Irrigation Policy (2016); Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year; Malawi Growth and Development Strategy (MGDS) III (2017); National HIV and AIDS Policy (2012); National Guidelines on Nutrition Care, Support and Treatment (2014); National Strategic Plan for HIV and AIDS 2015 – 2020; National Community-Based Management of Acute Malnutrition Operational Plan 2017 – 2021; National Multi-Sector Nutrition Policy 2017 – 2021; National Nutrition Strategic Plan 2016 – 2020; National School Health and Nutrition Policy (2016); National Policy on Early Childhood Development (2017); Social Protection Strategy; Water and Sanitation

Sector Strategic Plan; Local Government and Rural Development Output Based Budget; National Disaster Risk Management Communication Strategy 2014 – 2018; and the National Micronutrient Strategy for Malawi 2013 – 2018.

The analysis of the above programmes indicates that there is no clear indication of how the need for effective coordination of implementation should be addressed.

In addition, it must be stated that none of the above instruments provide any significant evidence of any departmental or other institutional mandate focusing on the compulsory incorporation of and/or substantial alignment with the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.

5.3.5. Malawi FSN-related institutional framework

The Malawi Growth and Development Strategy III (2017-2022) is the fourth and final medium-term national development strategy developed to implement Vision 2020. MGDS III identifies the following coordinating institutions for food security and nutrition:

- i. Ministry of Finance, Economic Planning and Development
- ii. Ministry of Agriculture, Irrigation and Water Development
- iii. Malawi Revenue Authority
- iv. Department of Nutrition and HIV/AIDS
- v. Ministry of Gender, Children, Disability and Social Welfare
- vi. Development partners
- vii. Ministry of Health
- viii. Malawi Vulnerability Assessment Committee
- ix. Ministry of Labour and Manpower Development
- x. Ministry of Industry, Trade and Tourism
- xi. Academic institutions
- xii. Vocational training institutions
- xiii. Financing institutions
- xiv. Private sector
- xv. Malawi Confederation of Chambers of Commerce
- xvi. Malawi Bureau of Standards
- xvii. Research institutions
- xviii. Ministry of Education, Science and Technology
- xix. Ministry of Local Government and Rural Development
- xx. Lilongwe University of Agriculture and Natural Resources
- xxi. Non-state actors
- xxii. Ministry of Natural Resources, Energy and Mining
- xxiii. International Crops Research Institute for the Semi-Arid Tropic

However, the MGDS III (2017-2022) does not address in a meaningful manner the need for the establishment of an all-encompassing high-level FSN-focused coordinating entity, that would, amongst others, mainstream and coordinate all FSN-related activities as well as direct execution of interventionist steps in all cases where gaps and shortcomings are identified.

The Food Insecurity Response Plan 2016-2017 (FIRP), states the following in respect of the need for significant inter-ministerial cooperation and coordination as regards food security and nutrition policy monitoring:

“The response will be implemented in a multi-sectoral nature and all the sector responses will be coordinating with each other to ensure maximum impact. While recognising that the response is multi-sectoral, the response interventions will also be implemented in coordination with ongoing interventions like Public Works Programs, Social Cash Transfers” (Republic of Malawi 2016b),

and

“[a]t the central level, relevant government sectors and cluster co-leads in the relevant areas of interventions, will provide technical, coordination and leadership support to guide and prioritise interventions and agree on the most effective implementation modalities. At the implementation level, and in consultation with local government authorities and the affected communities, the plan will be coordinated by the humanitarian clusters and implemented through on-going partnerships with both national and international NGOs with proven capacities to intervene in the affected districts” (Republic of Malawi 2016b).

Detailed tables of objectives and proposed activities and expected outcomes are included in the FIRP. An important observation in the 2015 FIRP that should infuse the whole of the approach to food security is that:

“[i]n order to address the underlying causes of food and nutrition insecurity there is a need to strengthen linkages to make the policies and programmes more nutrition sensitive” (Republic of Malawi 2016b).

Different government, private sector and civil society institutions are involved in the quest to promote and ensure food security in Malawi. These include, but are not limited to:³

i. Ministry of Agriculture, Water and Irrigation Development:

Policies and/or plans

Malawi Health Sector Strategic Plan (2011-2016); Food Security Policy (2006); Food Security Action Plan (2008); National Water Policy (2017); Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Gender Policy (2015); National Irrigation Policy (2016); National School Health and Nutrition Policy (2016); Malawi National Agriculture Policy (2016); Performance Contract between the Chief Secretary to Government and the Principal Secretary for Agriculture, Irrigation and Water Development for the 2016/17 Fiscal Year; Malawi Growth and Development Strategy (MGDS) III (2017); Malawi National Agriculture Investment Plan (NAIP 2) (2017).

Legislation:

Special Crops Act (Cap. 65:01) of 1963; Water Resources Act (Cap. 72:03) of 1969; Agriculture (General Purposes) Act (Cap. 65:05) of 1987; Environmental Management Act, 1996; Fisheries Conservation and Management Act, 1997; Irrigation Act, 2001; Draft Food and Nutrition Security Bill (2007); Final Draft Food Security Bill (2011).

ii. Ministry of Health:

³ The roles and responsibilities of major actors are set out in the now redundant Food Security Action Plan of 2008 (Volume I), pg. 65.

Policies and/or plans:

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

Legislation:

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

iii. Food Security Unit:

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

iv. Ministry of Gender, Children and Social Welfare:

Policies/Plans:

Social Protection Strategy; School Health and Nutrition guidelines (2010); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021; National School Health and Nutrition Policy (2016); National Gender Policy (2015).

Legislation:

Gender Equality Bill, 2012.

v. Ministry of Education, Science and Technology:

National School Health and Nutrition Strategic Plan (2009-2018); Malawi Health Sector Strategic Plan (2011-2016); Infant and Young Child Nutrition Policy (2009); School Health and Nutrition guidelines (2010); National Multi-Sector Nutrition Policy 2017 – 2021; National School Health and Nutrition Policy (Final Draft) (2016); National School Health and Nutrition Policy (2016); Malawi Growth and Development Strategy (MGDS) III (2017); National Policy on Early Childhood Development (2017).

vi. Ministry of Trade and Industry:

Water and Sanitation Sector Strategic Plan; Malawi Health Sector Strategic Plan 2011-2016; Infant and Young Child Nutrition Policy (2009); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021.

vii. Ministry of Local Government:

Policies/plans:

Local Government and Rural Development Output Based Budget; School Health and Nutrition guidelines (2010); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021; National Policy on Early Childhood Development (2017).

Legislation:

Local Government Act, 1998.

viii. Department of Disaster Management Affairs:

Policies and/or plans:

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

Legislation:

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

ix. Ministry of Information, Communications Technology:

- Infant and Young Child Nutrition Policy (2009).
- x. Ministry of Civic Education, Culture and Community Development:
Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021.
 - xi. Ministry of Youth and Sports:
National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Youth Policy (2013); National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021.
 - xii. Malawi Bureau of Standards:
Malawi Health Sector Strategic Plan 2011-2016; Infant and Young Child Nutrition Policy (2009).
 - xiii. Department of Nutrition, HIV and AIDS:
Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National HIV and AIDS Policy (2012); National Micronutrient Strategy for Malawi 2013 – 2018; National Guidelines on Nutrition Care, Support and Treatment 2014; National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021; National Nutrition Strategic Plan 2016 – 2020; National School Health and Nutrition Policy (2016); National Policy on Early Childhood Development (2017).
 - xiv. Ministry of Women and Child Development:
Infant and Young Child Nutrition Policy (2009); National School Health and Nutrition Strategic Plan (2009-2018); National Policy on Early Childhood Development (2017).
 - xv. Ministry of Labour:
Infant and Young Child Nutrition Policy (2009); National Irrigation Policy (2016).
 - xvi. Ministry of Trade and Industry:
Infant and Young Child Nutrition Policy (2009); National Nutrition Strategic Plan 2016 – 2020; National Irrigation Policy (2016).
 - xvii. Ministry of Justice and Constitutional Affairs:
Infant and Young Child Nutrition Policy (2009); National Multi-Sector Nutrition Policy 2017 – 2021.
 - xviii. Ministry of Finance, Economic Planning and Development:
National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Strategic Plan for HIV and AIDS 2015 – 2020; National Strategic Plan for HIV and AIDS 2015 – 2020; National Irrigation Policy (2016); National Multi-Sector Nutrition Policy 2017 – 2021.
 - xix. Ministry of Natural Resources, Energy and Mining:
National School Health and Nutrition Strategic Plan (2009-2018); School Health and Nutrition guidelines (2010); National Irrigation Policy (2016); Malawi Growth and Development Strategy (MGDS) III (2017).
 - xx. Office of President and Cabinet:
School Health and Nutrition guidelines (2010); National Agriculture Policy (NAP) (2011); National Micronutrient Strategy for Malawi 2013 – 2018; National Strategic Plan for HIV and AIDS 2015 – 2020; National Nutrition Strategic Plan 2016 – 2020.
 - xxi. Multi-sectoral Technical Committee on Nutrition (Micronutrients Technical Working Group):
National Micronutrient Strategy for Malawi 2013 – 2018.

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

- xliv. Malawi Committee on Irrigation and Drainage:
National Irrigation Policy (2016).
- xlv. National Water Resources Authority:
National Irrigation Policy (2016).
- xlvi. Department of Climate Change and Meteorological Services:
National Multi-Sector Nutrition Policy 2017 – 2021.
- xlvii. Directorate of School Health, Nutrition, HIV and AIDS (DSHNHA):
National School Health and Nutrition Policy (2016).
- xlviii. Local Government and Rural Development:
National Policy on Early Childhood Development (2017).

The 2016 National Agriculture Policy (NAP) issued by the Government of Malawi, Ministry of Agriculture, Irrigation and Water Development delineates the roles of all the major stakeholders e.g. government, farmers, the public sector, the private sector, civil society, NGOs, development partners, and academic and research institutions. Timelines, strategies, responsible institutions and specific objectives are aligned (Republic of Malawi 2016a). In addition, this stimulation was also be taken into account by the Malawi team responsible for the drafting of the Malawi NAIP. However, the 2016 NAP does not give a detailed exposition of how the need for effective coordination of planning, resource allocation and implementation should be addressed.

In addition, it must be stated that none of the above instruments provide any significant evidence of any departmental or other institutional mandate focusing on the compulsory incorporation of and/or substantial alignment with the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN-related obligations and commitments.

5.3.6. Specific FSN focus areas

As indicated in the discussion of the international (global), regional (African and sub-regional (SADC) instruments, creating obligations and commitments, specific provision is made for women and children within the FSN context. The discussion of the Malawi Constitution also indicated that there is a special focus on the FSN interests of women and children. Within this context, a brief overview of the current Malawi FSN-related arrangements in respect to gender matters and children is given. In addition, a brief overview of the health sector from the perspective of nutrition (for which the Department of Health is one of the responsible institutions) is given.

5.3.6.1. Gender and FSN

While Malawi has made high-level commitments to gender, progress toward gender equality has been slow.

Key documents relating to the link between gender and food security and nutrition include the:

- i. Ratification of the Convention on the Elimination of all Forms of Discrimination Against Women in 1987 (binding);
- ii. Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (AU 2005) (binding);
- iii. Beijing Fourth Conference on Women and signing of Beijing Declaration and Platform for Action (UN 1995) (non-binding);
- iv. SADC Gender and Development Declaration, 1997 (non-binding);
- v. Millennium Development Goals (2000) (non-binding); and

- vi. Sustainable Development Goals (2016) (non-binding).

Malawi's national gender commitments are contained in the:

- i. Malawi Constitution (1994);
- ii. National Gender Policy (2000);
- iii. Malawi Growth and Development Strategy III (2017-2022);
- iv. The Gender Equality Bill (2013); and
- v. The National Gender Policy (2015).

As regards the institutional framework dealing with FSN-related gender matters, the Ministry of Gender, Children, Disability and Social Welfare is responsible for promoting gender equality and ensuring that all Malawian citizens are active participants in the national development agenda; and is also the oversight and coordination mechanism for the Gender Policy across all sectors.

The gender mechanism is responsible for supporting the integration of gender into sector-specific policies and plans. Through the Malawi Growth and Development Strategy III, the Office of the President and Cabinet provides the overarching framework for integrated gender in sectoral plans. Malawi's National Nutrition Policy and Strategic Plan 2007-2011, made several observations about gender dynamics related to food in Malawi. Following the guidance of the MGDS II, the Agriculture Sector Wide Approach (ASWAp) made explicit commitments to addressing gender and gender equality. The previous National Nutrition Policy and Nutrition Strategic Plan have expired, and new instruments are currently being finalised, following a review by the Ministry of Agriculture, Water and Irrigation Development and the Ministry of Health. The Malawi National Agriculture Policy was launched in 2016, and the Malawi National Agriculture Investment Plan (NAIP 2) in 2018. The National Planning Commission contemplated in of the National Planning Commission Act 12 of 2017, was established in 2018.

Key recent documents relating to the integration of gender in food security and nutrition include, but are not limited to, the:

- i. Malawi Growth and Development Strategy III (2017), which emphasises the need for sectors to work together to integrate gender to ensure that international goals and commitments are met. In the MGDS III, gender has been included as a cross-cutting area;
- ii. National Agriculture Policy, which identifies gender as a cross-cutting issue. Empowerment of youth, women and vulnerable groups in agriculture is a policy priority area specifically mentioned in the policy;
- iii. Malawi National Agriculture Investment Plan 2 (NAIP 2), which in principle should be fully aligned to the 2016 Malawi National Agriculture Policy, with the view on being a reference point for identifying investment areas; and
- iv. Forthcoming Multi-Sectoral Nutrition Policy, which identifies gender as a key priority area.

Government policies, strategies and programmes need to challenge the systematic reproduction of gender norms. The integration of gender into sectoral policies is constrained by three key factors, namely weak gender mainstreaming enforcement mechanisms, limited funding and weak political will. Furthermore, institutional mechanisms are weak and there is limited human capacity within the Ministry. There are no clearly defined roles and responsibilities regarding gender issues, making coordination at national as well as district level increasingly complex. The Ministry also lacks the capacity and mechanisms to coordinate other ministries, NGOs and other stakeholders on gender issues.

While progress has been achieved in several sectors, integrating gender in policy and realising policy through implementation remains a challenge. Systematic inequalities remain unaddressed in many of Malawi's policies and strategic plans. National-level commitment to gender issues needs to be enhanced. Key recommendations in this regard are:

- i. The need for policy champions;
- ii. The role of men in the areas of agriculture, maternal and child health and nutrition should be identified;
- iii. Reporting on gender monitoring and evaluation needs to be scaled up;
- iv. New policies should consider as many reviews and reports as possible to inform and improve development plans;
- v. Increased efforts are needed to improve men and women's capacities to demand their rights;
- vi. The Ministry of Finance and Economic Planning needs to be lobbied to make gender budgeting conditional in both the development of and recurrent budgets;
- vii. Training on gender mainstreaming is required at all levels of policy development; and
- viii. All sectors should produce sex and gender-disaggregated data.

In conclusion, must be noted that the above instruments provide any significant evidence of any departmental or other institutional mandate focusing on the compulsory incorporation of and/or substantial alignment with the goals and related targets set out the key international (global), regional (African) and sub-regional (SADC) instruments that create FSN -related obligations and commitments.

Furthermore, these instruments also do not provide a detailed exposition of how the need for effective coordination of planning, resource allocation and implementation should be addressed.

5.3.6.2. Children and FSN

Malawi has made significant progress in reducing undernutrition in children under five, although it still has one of the highest rates in the world. The ministry responsible for children's affairs is the Ministry of Gender, Children, Disability and Social Welfare, and the Department of Child Development is responsible for all matters related to integrated early childhood development.

Malawi is a signatory to several international and regional (African) binding and non-binding commitments and obligations. These include the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The latter was domesticated in Malawi in 2010 by means of the enactment of the Malawi Child Care, Protection and Justice Act.

As indicated above, Article 13 of the Constitution of Malawi provides for the State to actively promote the welfare and adequate nutrition for all using national policy. The most recent National Multi-sector Nutrition Policy aims to reduce nutrition-related mortality among children under five years of age. The Malawi Growth and Development Strategy III echoes what is contained in the nutrition policy. Malawi also has a National Plan of Action for Vulnerable Children in Malawi (2015).

Several policy challenges need to be addressed concerning children's nutrition in Malawi, including the lack of appropriate policy solutions, delays in review and adoption of policies and availability of policy documents at all public health facilities.

5.3.6.3. Health and nutrition

With regard to the health sector, Malawi has made significant strides during the Millennium Development Goal (MDG) era. While this progress is indeed significant, Malawi continues to have one of the highest maternal mortality rates in sub-Saharan Africa. Health care service providers in Malawi are grouped into three categories, namely the public sector, private for-profit sector (PFP) and private not for profit sector. At the community level, Health Surveillance Assistants (HSA) are trained and responsible for monitoring children's nutrition. As a low-income country, Malawi offers an Essential Health Package (EHP) to the public consisting of limited list of public health and clinical services at all public health facilities.

Malawi is a signatory to the 1978 Alma-Ata Declaration on Primary Health Care and is committed to the Ouagadougou Declaration on Primary Health Care and Health Systems in Africa. As an African Union Commission member state, Malawi must also adhere to the Africa Health Strategy 2016 – 2030 (AUC 2016).

The Malawi health sector is governed by the 1948 Public Health Act, which provides guidance on the fundamental principles surrounding people's rights with regards to health. The Malawi Growth and Development Strategy III (2017-2022) considers health a key priority area. The Malawi Health Sector Strategic Plan 2017–2022 is deemed to be a means of achieving the Sustainable Development Goals (SDGs).

Challenges include the fact that the Malawi Health Systems Strengthening Project (MHSSP) provides no guidance concerning the roles of other stakeholders, the lack of a policy to provide strategic objectives for the sector, and the lack of policy sequencing and alignment. There is also uncertainty regarding the relationship and division of responsibilities between the health sector, the Ministry of Agriculture, Irrigation and Water Development, and the Ministry of Local Government and Rural Development. In addition, no current policy exists for the Ministry of Health.

5.4. Key recent domestic developments

Three major developments during the last two years (2017 – 2018) will, in all probability, have a significant – and extensive – impact on the status of food security and nutrition in Malawi. These are:

- i. The commencement of the Malawi Growth and Development Strategy III (2017-2022);
- ii. The 2018 launch of the Second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2) and
- iii. The 2018 establishment of the National Planning Commission, in accordance with the Malawi National Planning Commission Act 12 of 2017.

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

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

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

v. KPA 5: Health and Population.

KPA 1's specific outcomes for agriculture are:

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

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

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

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

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

- Ensuring micronutrient supplementation; and
 - Promoting fortification and standardization of centrally-processed food for improved nutrition.
- iii. Reduced prevalence of overweight and nutrition-related non-communicable disease (NCD):
- Increasing access to services for prevention, early detection, and management of nutrition-related NCDs;
 - Strengthening capacity of service providers' to provide nutrition and lifestyle counselling services at the facility and community level; and
 - Promoting awareness campaigns and behaviour change communication on prevention of nutrition-related NCDs.

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

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

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

The second National Agricultural Investment Plan 2017/18 – 2022/23 (NAIP 2) was launched in 2018. Its purpose is to provide a medium-term investment framework for the agricultural sector for the five years of 2017/2018- 2022/2023, in particular to coordinate and prioritise investments by various government agencies, development partners (DPs) and non-state actors (NSAs).

The 2016 Malawi National Agriculture Plan (NAP) and the 2014 Malabo Declaration constitute the main policy foundations of the NAIP. The NAIP 2 assumes the overall objective of the NAP, namely sustainable agricultural transformation that will result in significant growth of the agricultural sector, expanding incomes for farm households, improved food and nutrition security for all Malawians, and increased agricultural exports. At impact level, the NAIP 2 has three related objectives:

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

Additional strategic considerations include gender and youth, social protection, resilience, investment effectiveness, and value chain prioritisation.

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

- i. Programme A: Policies, Institutions and Coordination for Results. Its objectives are to improve the policy and regulatory environment, stakeholder coordination and accountability.
- ii. Programme B: Resilient Livelihoods and Agricultural Systems. Its objectives are to strengthen the resilience of livelihoods and the natural resource base for agriculture.
- iii. Programme C: Production and Productivity for Growth. Its objectives are to increase production and productivity of a more diversified agricultural sector.
- iv. Programme D: Markets, Value Addition, Trade and Finance for Transformation. Its objectives are to enhance market access, value addition, trade, and access to finance.

The 16 Intervention Areas (IAs) are cluster activities in technical areas required to achieve the objectives of the NAIP 2.

The NAIP 2 budget is approximately USD 3.219 billion over the five-year implementation period, and USD 643 million per annum on average.

According to the proposed NAIP 2 management structure, ultimate decision-making authority on all issues related to the NAIP will rest with the Principal Secretary of Ministry of Agriculture, Irrigation and Water Development (MoAIWD), who chairs the Executive Management Committee (EMC). The EMC is the main instrument for inter-ministerial coordination and is composed of the Permanent Secretaries of all actors (ministries and agencies) who play a role in the NAIP 2 implementation. The Agricultural Sector Working Group (ASWG) provides a similar function for all stakeholders, including Development Partners, civil society organisations, and the private sector. The NAIP 2 Secretariat, as the successor of the ASWAp Secretariat, will have dedicated full-time staff to oversee the implementation of NAIP on a day-to-day basis. The roles and responsibilities of key actors are also outlined.

With regard to coordination arrangements, the NAIP distinguishes between coordination mechanisms within the government (intra- and inter-ministerial), between government and other stakeholders, and between the public and the private sector. The main principles in this regard are that coordination must be about implementation and results, coordination should be professional, and that existing coordination platforms should be used and strengthened before the establishment of new ones are considered. Specific proposals regarding coordination arrangements are also provided. The NAIP also contains various measures to mitigate risks inherent to all development programmes and projects in Malawi.

The CAADP Compact is identified as the main instrument for alignment for all stakeholders. The NAIP 2 recognises that mutual accountability is also one of the six principles of the 2005 Paris Declaration on Aid Effectiveness. General democratic control instruments such as the existing Malawi Parliamentary Committee responsible for Agriculture are amongst the accountability mechanisms for the Government's activities in agriculture.

In order to overcome a number of current monitoring and evaluation (M&E) related challenges, a sector-wide National Agriculture Management Information System (NAMIS) is being led by the MoAIWD. The NAIP 2 sets out the structure of the M&E system, and provides for objectives, indicators and targets at impact, outcome and intermediate outcome levels, amongst others (Republic of Malawi 2018).

NAIP 2 represents major positive advances furthering food security and nutrition. However, a number of issues require further development and specification. These include, but are not limited to, the following:

- i. Insufficient attention to the key roles of, amongst others, Agenda 2030 (SDGS), Agenda 2063, the first 10 Year Implementation Plan (2014 – 2023); the 2014 FAO Voluntary Guidelines, and the SADC Food and Nutrition Security Strategy (FNSS) (2001-2025);
- ii. insufficient recognition of the key overarching framework role of the Malawi Growth and Development Strategy 2017-2022(MGDS II and the need to ensure that the NAIP2 is fully aligned with and coherent with the MGDS III;
- iii. Locating the coordinating role in the Department responsible for agriculture;

- iv. No explicit discussion of the necessity to establish a strong representative coordinating entity at a supra-departmental level;
- v. No explicit recommendation and implementation plan relating to the need to review and rationalise all existing FSN -related policies, legislation, strategic frameworks and annual work plans; and
- vi. The absence of an explicit recommendation that all existing Malawi policies, legislation, medium-term strategies, annual work plans and all institutional frameworks should be reviewed within the context of, and aligned with:
 - The international (global), regional (African) and sub-regional (SADC) obligations and commitments;
 - The Malawi Constitution;
 - The successor to Vision 2020;
 - The Malawi Growth and Development Strategy III (2017 – 2022); and
 - The key roles, powers, functions and duties of the Malawi National Planning Commission.

5.4.3. National Planning Commission

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

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

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

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

In addition, the Malawi Government is obliged to adequately fund the NPC to enable it to exercise its powers or perform its functions and duties so as to ensure its independence. The management and utilisation of funds and assets of the NPC is under Its exclusive control, subject to compliance with the Malawi Public Audit act and the Malawi Public Finance Public Procurement Act.

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

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

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

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

5.5. Conclusion

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

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

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

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

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

Taking into account the current absence of a transversal policy and statutory framework providing for the compulsory establishment and operationalisation of such supra-departmental coordinating mechanisms, it is suggested that such coordination, oversight and intervention should be undertaken by the NPC in the execution of its statutory mandate.

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

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

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

6. CONCLUSION

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

6.1. Key findings

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

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

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

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

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

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

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

6.2. Key recommendations

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

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

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

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

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

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

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

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

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

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

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

- The drafting and publication of a detailed work plan with activities, deliverables and timelines as regards the operationalisation of its initial priorities.
- A decision by the NPC (and publication of such decision) on how the NPC is going to structure its coordinating role (both at the planning and oversight levels).
- A decision by the NPC that it would take responsibility for the establishment and maintenance of a database of electronic and physical copies of all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party.
- A decision by the NPC that it would take responsibility for the establishment and maintenance of a database of the extent of domestication, compliance with, and implementation of, all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party.
- A decision by the NPC that it would take responsibility for monitoring and reporting on compliance and implementation of all international (global), regional (African) and sub-regional (SADC) instruments to which Malawi is a party.
- The putting in place of measures by the NPC relating to the duty of all other government entities to comply with, adhere to and implement the provisions of all external instruments to which Malawi is a party, and instruments developed by the NPC.

xii. With reference to the Malawi Growth and Development Strategy III (2017 to 2023), some of the steps to be taken are:

- The MGDS III needs to be reviewed and amended in order to specify the crucial role of the external framework and the need to review all policies, statutory frameworks, strategies, institutional frameworks and M&E structures and systems in order to ensure alignment to the provisions of the MGDS III.
- The MGDS III needs to be reviewed and amended to explicitly provide for the operationalisation of a new sequenced approach to policy formulation. This process can best be illustrated by reference to the so-called policy loop, which indicates that the political manifesto of a ruling party is translated into long-term policies (national development plan or Vision); the amendment of an existing or the formulation of a new policy; the drafting of legislation in accordance with such policy; the drafting of a five year strategic plan (medium-term strategy) and annual work (performance); as well as of an appropriate institutional framework and a comprehensive M&E structure and system. Within this context, adherence to the policy loop should be effected.

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