

**CREATING AN ENABLING POLICY
AND LEGISLATIVE ENVIRONMENT
FOR RIGHT TO FOOD ACTIONS
AT GRASS ROOTS LEVELS**

The Zanzibar Experience

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1. Introduction

This brief paper focuses on the importance of an enabling policy, legislative and institutional environment for grass roots participation in actions aimed at furthering the realisation of the right to food. We maintain that such an environment is a necessary, though by no means a sufficient condition, to ensure that progress is made in eventually achieving the full enjoyment of the right to food by all. There is usually a long political and social distance between national policy and legislative intent and what is actually put in place in villages for and by the neediest segments of the population who are not enjoying the right to food. But in spite of this distance, policy and legislative provisions, particularly when these have a strong equity orientation, can contribute to prioritising the most food insecure and vulnerable in allocating resources, to creating political and social awareness about conditions in poor villages, and to mobilising non-governmental actors. Normative standards with respect to governance of food security and nutrition actions should be equally respected at village and local levels, as at national level.

“Enabling” in this context means of course that human rights principles are fully incorporated in policy statements and reflected in legislative acts and that good governance practices are indeed applied in planning and implementing food security and nutrition actions at all levels. Thus, both normative and operational elements of the human rights paradigm are important here. Equity is perhaps the most important among the normative elements, which demands a focus on the most food insecure and vulnerable in planning actions and in allocating resources to reduce food insecurity and malnutrition.

The Zanzibar case is an interesting one. It represents a process that started with integrating food security and nutrition as multi-sector issues in an overarching policy framework (Poverty Reduction Strategy Paper) that also recognised the need to further the enjoyment of human rights by all Zanzibari. As is explained in some detail below, an enabling policy and legislative environment has been created to further the right to food, particularly among those who least enjoy it. A lot remains to be done in Zanzibar. But we believe that a great deal can be learned in this case, recognising that not everything can automatically be imported elsewhere. But in the process we have also learned a great deal about providing policy assistance to countries that decide to embark on a similar road towards the realisation of the right to food.

1.1 Zanzibar in Brief

Zanzibar forms part of a federation called the United Republic of Tanzania. It is a small island state that consists of two principal islands, Unguja and Pemba, in addition to several small, largely uninhabited, islands. It is located in the Indian Ocean, approximately 40 km from the mainland. Its total population was estimated at 1.2 million in 2010. The current political administration of Zanzibar consists of a President, two Vice-Presidents, Cabinet of Ministers, a House of Representatives, and a Judiciary. The country is divided into five regions, and 10 districts, six on Unguja and four on Pemba. Districts are divided into *shehias* which constitute the smallest administrative units, and of which there are a total of 332 in Zanzibar.

Poverty is quite widespread, but is relatively more concentrated on Pemba. In fact, the three poorest districts (Wete, Chake Chake and Micheweni Districts) are located on Pemba. The incidence of general poverty and of food poverty are higher in rural areas. Tourism is a main economic activity that, however, has weak links to local labour and product markets. The agricultural sector can be characterised as dualistic: large scale export crop production (cloves), and small-holder, mostly rainfed, food crop production (cassava, paddy rice, maize, bananas, sorghum, sweet potatoes, yams, cowpeas, pigeon peas, groundnuts and soya beans). Actual yields are well below potential levels due to poor soil conditions, and low levels of inputs and technology. Consequently, domestic food production is highly unreliable, both as a source of household food consumption and of household income. Expansion in domestic food production is constrained by decreasing availability of agricultural lands, poor soils in significant parts and environmental degradation, including of marine resources.

In spite of domestic food production, there is a high dependency on imported foods, estimated overall at 40 percent (about 80 percent for rice and maize). This means that domestic food prices are very much affected by price volatility on international markets. Domestic food availability is further constrained by significant post-harvest food losses (fish: 25%; maize: 22%; cassava: 26%; paddy: 13%; tomatoes: 42%). Fishing is done using artisanal equipment and techniques and close to shore where catches are diminishing.

Between 2004/5 and 2009/10 there appears to have been a slight increase in stunting among under-five children (higher prevalence on Pemba compared to Unguja) while the prevalence of underweight essentially remained unchanged, as is the case of the prevalence of iron-deficiency anaemia in this age group. Overweightness in adult women increased somewhat between the two reference periods, while the prevalence of iron deficiency remained unchanged among adult women.

1.2 Livelihood Zones and Food Insecurity Vulnerability

Six different livelihood zones have been identified. Several of these are found on both Unguja and Pemba. The poorest and most vulnerable segments of the population are found in the semi-coral fishing zones (southern coast of Unguja; eastern and northern coast of Pemba), where artisanal fishing activities are complemented by firewood collection, charcoal production and seaweed farming. Fish marketing and preservation infrastructure is practically non-existent resulting in low market prices for fish.

Incomes in most of the coastal areas of Unguja, where employment in the tourist industry is combined with fishing, are subject to seasonal fluctuations introducing a degree of vulnerability. Areas of deep fertile soils on Pemba are the most productive for food crop production, and in western coastal areas is combined with fishing. Average farm sizes also tend to be larger in these areas and annual rainfall is more adequate than elsewhere. Households involved in clove production activities are generally better off. However, international clove prices do fluctuate with some domestic impacts, even if government policy aims at smoothing out over time price fluctuations. Principal income-earning activities in (peri-) urban areas are: (tourist) services, petty trade, and casual labour. Land available for food crop production in peri-urban areas is vastly diminishing, increasing the dependency on purchased foods. The main vulnerability factor in these areas are rising or temporary soaring food prices.

2. Chronology of Formulating Policy, Action Plan and Legislation

The current process started with the drafting of the second Poverty Reduction Strategy Paper ("MKUZA") in 2005. This constituted an over-arching policy framework. The entry point for the technical assistance that was provided by FAO (and which continues to this day) in this process focused on the integration of food security and nutrition concerns as cross-cutting issues with a multi-sectoral, twin-track approach. In order to support this process, FAO provided support to undertaking a comprehensive food security and nutrition situation analysis, making use of all available documentation and data, complemented by information obtained through consultations with technical staff in a number of government institutions at national and local levels. The situation analysis identified main problems and their associated causes for food insecurity and malnutrition as well as a number of food security and nutrition policy issues to be included in the MKUZA. An assessment of the policy and institutional environment was also part of the analysis. The report also advocates for a human rights-based approach in addressing food security and nutrition issues, making reference to international law obligations, and identifies the need for adequate insdtitutional responses to further the realisation of the right to food.

The MKUZA was endorsed by the House of Representatives in January 2007 and was formally launched in March 2007. It mandated the formulation of a national food security and nutrition policy which eventually took many of the human rights cues from the MKUZA, as it had among its goals: strengthening institutional accountability and implementation of good governance practices, promotion and facilitation of the enjoyment of human rights, and improved food security and nutrition among the poorest and most vulnerable population groups.

To ensure early implementation of the policy, a national action programme should be formulated simultaneously. The work was guided by an inter-ministerial steering committee (at permanent secretary level) with representation from the NGO network community and the private commercial sector. The Policy was endorsed by the Cabinet of Ministers and then approved by the House of Representatives in April 2008. Prior to the parliamentary session in which the Policy was approved, a session with all 80 MPs was organised to explain the contents of the policy and clarify technical issues and terminology. We examine both the Policy and the Programme in greater detail below, focusing on their right to food and good governance aspects.

The Policy mandated the drafting of a food security and nutrition legislative act to implement the Policy and its right to food and good governance provisions. Once the draft bill was signed off on by the inter-ministerial steering committee, it was forwarded to the (new) Cabinet of Ministers, and then on to the House of Representatives where it was tabled and unanimously approved in the parliamentary session of April 2011. As with the Policy, a session with all MPs was organised to explain the contents of the bill, in particular its right to food provisions.

As is explained further below, as a result of the process outlined here, three essential “pillars” are now in place for the implementation (and monitoring) of food security and nutrition actions that follow right to food principles and apply good governance practices: (a) a clear policy with objectives and implementation principles that should be adhered to, (b) an action programme to implement the policy, and (c) a legislative act that mandates an institutional framework for the implementation of the policy and provides a legal basis for the adherence to right to food principles and the application of good governance practices. We discuss each of these pillars below in greater detail, specifically to show how they constitute part of an enabling environment for food security and nutrition actions at grass roots levels that contribute to the realisation of the right to food.

2.1 Right to Food in the Zanzibar Food Security and Nutrition Policy and Programme

Without going into too much detail, we have attempted to summarise the most salient right to food elements of the Zanzibar Food Security and Nutrition Policy and Programme in the accompanying table. Although the food security and nutrition situation analysis was originally undertaken to support the integrating of food security and nutrition issues and concerns in the MKUZA, full use was made of the results in the formulation of the Policy and Programme. This may have helped to boost the concern for equity and the strong priority focus on the most needy and most vulnerable. The policy implementation principles are well spelled out, and the real challenges will be how these will be implemented. The accountability instruments, in this case annual work plans and specified time-bound targets, may not be suitable for effective social control over the implementation of the Policy. One important aspect is not dealt with, and that is monitoring the implementation process as well as the impacts of the policy and programme including on the protection and realisation of the right to food. A monitoring framework for the Programme was subsequently developed and includes dis-aggregated indicators to measure distributional effects and food security and nutrition impacts on food insecure and malnourished population groups. The subsequently developed monitoring framework also includes some governance indicators.

CHECK LIST	ZFSN POLICY	ZFSN PROGRAMME
Political commitment to the realisation of the right to food.	Preamble signed by the President makes mention of government's commitment to the realisation of the right to food for all Zanzibari	
Reference to international treaty obligations	Reference is made to the Universal Declaration of Human Rights, International Covenant of ESCR, Convention of the Rights of the Child	
Right to food is among overall policy objectives	The right to food is included in the Policy's vision statement. The general policy objective refers to equitable food access at all times, and special protection of vulnerable population groups. Policy Goals 2 and 4 place emphasis on resource-poor and vulnerable households.	Same policy goals. Extensive log frame included based on policy goals and objectives.
Food insecure and vulnerable (FI/V) groups identified and described	Food insecure and vulnerable groups identified and described by livelihood characteristics	Districts are prioritised based on a relative vulnerability ranking

CHECK LIST	ZFSN POLICY	ZFSN PROGRAMME
FI/V group-specific causal analysis	A causal analysis was undertaken, and main causes of vulnerability to food insecurity and malnutrition identified for specific livelihood groups	Targeted actions address FI/V-specific causes
Targeted actions address FI/V-specific causes	Goal 4: Social protection and safety-net programmes for vulnerable population groups	Targeted actions included
Policy implementation principles are rights-based and involve good governance practices	<p>Food security and malnutrition causes affecting resource-poor households to be addressed by priority interventions.</p> <p>The following are to guide the implementation of the Policy and Programme:</p> <ul style="list-style-type: none"> (i) full respect for human dignity and the rule of law (ii) accountability of public institutions for performance and use of public resources (iii) non discrimination (iv) transparency in decision making and public resource allocation (v) due concern for equitable outcomes of policy measures (vi) effective and equal participation and empowerment of all Zanzibari. 	Same as for the Policy
Specific actions for implementation according to right to food principles and good governance practices		<u>Participation and empowerment</u> : Capacity building at grass roots levels. Mobilisation of vulnerable communities. Mass media campaigns aimed at general public.
Adequate budgetary resources assigned		Budget estimates are included. Half of the budget for Phase I (2007-2012) is for community-based interventions to improve food security and nutrition.

CHECK LIST	ZFSN POLICY	ZFSN PROGRAMME
Institutional framework for policy implementation with broad-based participation		An institutional framework is defined with multi-sector linkages at national levels, and vertical coordination between national, district and sub-district levels. Limited participation by NGOs and private sector at national level. Responsibilities of the inter-sectoral bodies are defined
Accountability mechanisms identified		Time-bound targets are specified. Annual work plans are to be prepared.

2.2 Right to Food in the National Food Security and Nutrition Act

In the Box below we have summarised the most salient points in the Act as these directly relate to the protection, realisation and enjoyment of the right to food in Zanzibar. The Act states what the right to food means in the Zanzibar context, and it explicitly recognises the obligations of the State to respect, protect and fulfill the right to food. The realisation of the right to food is all about equity and the priority that should be given to address the food insecurity and malnutrition problems that are faced by the neediest, and this is clearly recognised in the Act. Discrimination on any ground when implementing provisions of this Act is prohibited. Anyone who contravenes the provisions of this Act related to the right to food will commit a punishable offence, although it is not clear who would bring such a legal charge. Progress with the realisation of the right to food is to be monitored by a newly established National Food Security and Nutrition Council at ministers' level with participation by 16 ministries, underscoring the multi-sector participation in implementing food security and nutrition actions. The Ministry of Good Governance is charged with ensuring that good governance practices are applied in implementing FSN actions. Other ministries are also assigned relevant responsibilities, such as the Ministry of Social Welfare, Youth, Women and Children Development: provision of social safety net programmes, protection of vulnerable groups, and community mobilisation and empowerment of women and youth. Or the Ministry of Regional Administration: integration of food security and nutrition in district development planning, and ensuring effective performance of district and *shehia* authorities in implementing and monitoring FSN actions.

The Act provides a legal basis for the institutional arrangements outlined in the Policy, and elevated to FSN Division to a Department (of the Ministry of Agriculture and Natural Resources) giving it higher standing and expanded responsibilities, reflecting the Government's policy priority to food security and nutrition. Important for the effective interface between grass roots/community based actions and the institutional framework is that the Act: (i) details the responsibilities of the district management committee in implementing FSN actions, and (ii) establishes *shahia* food security and nutrition committee to assist district management teams which may delegate specific responsibilities to these committees. Civil society and the private sector are to be represented on the district management committee.

Recognising that many of the food security and nutrition actions will need to be implemented by different sectors, the Act instructs those sector ministries to prepare work plans and sector budgets that are coherent with ZFSN Policy priorities and in line with the ministry's responsibilities assigned by the Act. Such work plans also constitute an instrument with which to hold sector ministries accountable. Provisions in the Act that establish a food reserve are designed to provide protection to the most vulnerable when an emergency or an economic shock occurs.

3. Reaching Food-Insecure and Vulnerable Groups at Grass Roots Levels

Taking the three pillars of the policy and legislative environment together, what lays specifically the ground work to facilitate the implementation of actions that target, or are undertaken by, the most food insecure and vulnerable households in Zanzibar? What specifically can we expect will assist the artisanal fishing households in the semi-coral rag areas, that have to collect firewood, produce charcoal or harvest seaweed for a bit of extra income, to improve their access to food? Or the subsistence farming households that are faced now with highly unpredictable crop output?

An enabling policy and legislative environment may be a necessary, but by no means a sufficient, condition to ensure that the vulnerability to food insecurity and malnutrition is sharply reduced in these population groups, and that their right to food will soon be realised. We shall summarise here what we see as the most relevant enabling normative and operational aspects in the policy and legislative environment. In the next section we outline follow-up actions to strengthen the potential impact of the enabling policy and legislative environment on the realisation of the right to food for more Zanzibari, by addressing some challenges.

An important first point is that as a result of the long-time policy debates that led up to the formulation of the policy, action programme and legislative act, there is a better understanding of food security and its multi-sector dimensions. The national creed under the new Administration now is: "Food Security First" ("*Usalama wa Chakula Kwanza*").

Since food insecurity most seriously affects the neediest, this creed should translate into prioritised and target actions among these population groups, which is directly in line with the realisation of the right to food.

Five normative points have been highlighted in the above box, that are considered conducive to linking the national policy and legislative environment to action at grass roots levels. In short, it is clearly laid out what needs to be accomplished in terms of the enjoyment of the right to food, there is an expressed political commitment to work towards this end, the Government acknowledges its responsibilities with full consideration for human rights principles, and the priority focus is to be on the neediest segments of the population.

We have highlighted seven operational points that should contribute to facilitating the targeting of food security and nutrition actions in the most food insecure and vulnerable villages. The livelihood zones where these villages are located have been identified, and the causes for food insecurity and malnutrition are known, thus facilitating targeted actions. What good governance practices are to be applied in planning and implementing those actions have been spelled out (though may require a better understanding of what they mean in practice). The institutional framework has been legalised, and links local level institutions to national ones. This is important within the Zanzibar context where decentralisation and local government reforms have not progressed much as yet. The *shehia* FSN committees will become a vital link between villages and district authorities. District level inter-sectoral coordination is likely to be strengthened as sector ministries are represented on the district management committee and as a FSN action plan guides actions in the district. The fact that implementation of the national FSN action programme relies on a significant component of community-based actions should also facilitate targeted actions among the neediest, while their control over funds should contribute to their empowerment and capacity for self-determination. Lastly, the establishment of a food reserve may be seen as one measure to protect the food insecure and most vulnerable from the effects of an emergency or economic shock. Distribution of food under those circumstances should be guided by the identification of the neediest.

3.1 Still Some Challenges Ahead

In spite of the above positive developments, there are still some challenges ahead that may not necessarily be unique to Zanzibar, but could be encountered elsewhere as well if a similar process is put in place. What are some of these challenges?

(a) So far most of the debate and awareness-raising of the right to food and good governance has been confined to institutions at national level. Little of this has filtered through to local institutions. Efforts now need to be undertaken to creating an

understanding of what the right to food and good governance mean among local institutions, specifically district management committees and *shehia* committees. That same understanding also needs to be created in community and grass roots groups, to make the right to food paradigm meaningful and effective. The challenge lies in undertaking these educational efforts using a different, non-technical language, devoid from terminologies and grounded in real world conditions as people know them.

(b) There is a disconnect between what is known at national level about the existence and contents of national policies and laws, and what local institutions and people know. First of all, knowledge (and understanding) of the contents of national policies and laws is confined to a relatively small number of institutions and decision makers at national level. Secondly, little of that knowledge at national level filters through to local institutions and organisations. In the Zanzibar, knowledge about the ZFSN Policy, Programme and Act was obtained through the inter-ministerial committee and by the Members of the House of Representatives. With the establishment of the National Food Security and Nutrition Council, an educational effort should be undertaken for the members of this council. Secondly, widespread dissemination using simple language and employing multiple means of social communication needs to take to reach grass roots and community groups as well as district management committees and *shehia* committees to explain the contents of the policy/programme/legislative act.

(c) There has been no participation up to this point in the process by a human rights institution. Contacts with the newly established Zanzibar Office of the Tanzanian Commission on Human Rights and Good Governance (TCHRGG) have indicated that Commission staff feels unfamiliar with economic, social and cultural rights, normally concentrating on political and civil rights violations. The Act does not foresee participation by the TCHRGG in either the National Food Security and Nutrition Council or the inter-ministerial committee. It will thus be necessary to undertake an extensive educational effort about the right to food among TCHRGG staff before it may play an important role in right to food advocacy and education, including at local levels. At the same time, the TCHRGG would need to establish clear guidelines for the identification and reporting of punishable offences as defined by the Act.

(d) Considerable efforts by many Zanzibari went into the process of formulating and getting political approvals for the ZFSN Policy, Action Programme and the ZFSN Act. These were important accomplishments that created a lot of momentum. The challenge is now to maintain this momentum and capitalise on it in planning, implementing and monitoring food security and nutrition actions. The policy, programme and act should be seen as (valuable) means towards an end: food security and good nutrition for all Zanzibari.

(e) Implementation of the FSN Action Programme requires considerable resources, including for the component of community-based actions and mobilisation. The first

phase of the programme (2007/8-12/13) got off to a slow start. But now with the ZFSN Act in place, which also means that the National Food Security and Nutrition Department will have a budget, implementation should speed up. The Tanzanian Social Action Fund (TASAF) has been identified as one potential funding source for community-based projects, and several projects have been proposed to TASAF and are under consideration for funding. However, with the action plan and the ZFSN Act in hand, awareness should be raised among domestic and overseas funding sources, in addition to making a strong representation in national budget negotiations, including to influence relevant sector budgets.

(f) Monitoring of the food security and nutrition actions implemented under the policy and legislative act is an important part of planning, and contributes to holding those responsible for the actions accountable. The FSN Act mandates establishing adequate monitoring mechanisms for transparency and accountability (Provision 31.(2) c)). The challenge is to come up with at least a minimum set of monitoring indicators that cover implementation of food security and nutrition actions and of work plans (process indicators, including to monitor governance practices), as well as impacts over time on reducing food insecurity and malnutrition, especially among the most food insecure and vulnerable, and ultimately on the progressive realisation of the right to food.

3.2 What Happens Next?

The key question now is how to capitalise on the enabling policy and legislative environment in Zanzibar and transform it into real gains in the realisation of the right to food for all Zanzibari, and especially for the most needy and vulnerable. In other words, how do we get past the policy debates and statements, and good intentions to produce some real results? Current follow-up activities fall into three different but related categories: (a) institutional capacity strengthening, (b) creation of knowledge and understanding at national, local and grass roots levels, and (c) mobilisation of resources and funds for community-based actions. These activities are designed to address the challenges outlined above.

(a) *Institutional capacity strengthening.* For some time now, capacity strengthening of district management committees (DMC) in food security and nutrition planning has been underway in two focus districts, one on Pemba: Chake Chake District, and one on Unguja: Kusini District. This has resulted in undertaking a food security and nutrition situation analysis of the district and the formulation of an action plan, replicating to some extent the process that had taken place at national level. As at national level, capacity strengthening of DMC took place in the process. The idea of choosing two focus districts is to learn from the process before extending it to other districts, as well as formulate a district action plan that can guide actions in villages of the district. Training of *shehia* food security and nutrition in FSN planning, and creating an awareness of the

right to food and an understanding of how to apply good governance practices will now be initiated. To this end, a first methodological reference guide has been drafted and is being validated.

(b) Creation of knowledge and understanding of the right to food and good governance practices. This is to be undertaken within the context of the ZFSN Policy and NFSN Act and among different stakeholders at national and local levels. Also it is important that the main contents of these instruments be known and understood at grass roots levels as part of an empowerment process. Different messages and educational materials are to be produced and disseminated, appropriate for different audiences, as part of a social communications and advocacy strategy. One such audience is the newly established National Food Security and Nutrition Council which, among other things, is tasked according to the Act with monitoring the progressive realisation of the right to food in Zanzibar.

(c) Mobilisation of resources. As previously indicated, a partnership with TASAF has opened up opportunities to submit proposals for village-based FSN projects, and this process is under way and is expected to intensify. Reviews of relevant sector budgets will be undertaken to see whether they are in line with FSN priorities established in the Policy and Programme. The Act mandates that sector budgets reflect FSN priorities, with the intention that this leads to funding of FSN projects in particularly vulnerable districts. Resources may also be mobilised by disseminating the contents of the three pillars of the policy and legislative environment to the international donor and technical cooperation community, and thus demonstrating real political commitment to address food security and nutrition issues in Zanzibar. There is some first indication that this may indeed be a good strategy.

4. Conclusion

National policy documents and legislative acts normally include intentions and norms that are to be applied to the whole country. What we have attempted to demonstrate in the Zanzibar case is that with a strong equity orientation incorporated in the national policy and legislation, it is possible for these to provide clear guidance on targeting food security and nutrition actions at grass roots levels and to lay the ground work that those actions apply good governance practices, including contributing to empowerment and to the capacity for self-determination at grass roots levels.

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