INTERVENTION ON THE REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD: MISSION TO MALAWI

H.B. House,
Off Paul Kagame Road,
Private Bag 378,  
Lilongwe 3, Malawi. 
Tel: (265) 01 750 900 Fax: (265) 01 750 943 
Email: info@malawihrc.org. 
Website: www.malawihumanrights.org

1.0 INTRODUCTION

1.1 The Malawi Human Rights Commission (MHRC) commends the Special Rapporteur on the right to food Mr. Oliver De Schutter for his work relating to the right to food and his recent mission to Malawi from 12th to
22nd July, 2013, on the invitation of the Malawi Government:

1.2 We thank the Special Rapporteur on the detailed report that he has produced following his mission to Malawi and the constructive recommendations in the report.

1.3 We share the concerns raised in the report and welcome the findings and the recommendations the Special Rapporteur has made in the report and commit to work with the Government of Malawi in ensuring the promotion and protection of human rights.

1.4 We submit this oral statement to the Human Rights Council to raise major observations on the Report.

1.5 The Commission commends the Special Rapporteur for the apt findings of the mission and the recommendations that have been put forth to Malawi.
1.6 In particular the Commission commends the Special Rapporteur for focusing on: firstly, food and nutrition insecurity as one of the main critical challenges facing the realization of the right to food in Malawi, characterized by: chronic malnutrition among half of children under the age of 5; significant disparities between regions and urban and rural areas and the recurrent need for provision of food aid in response to acute food insecurity during the lean season, among other things; secondly for focusing on an assessment of the country's main agriculture support system farm input subsidy programme, and recommending that the programme is need of reform; and thirdly for paying attention to the challenges that marginalized and vulnerable categories face with respect to their realization of the right to food.

1.7 The Commission notes that it was amongst the stakeholders that were consulted by the Special
Rapporteur, and that the issues that the report has focused on were discussed at length in the consultation between the Commission and the Special Rapporteur.

2.0 KEY OBSERVATIONS

2.1 Against the above background, the Commission would like to raise the following issues that have not been covered in detail in the report, but all the same merit critical consideration.

2.2 Lack of or limited transparency in the management of public resources including the National Strategic Grain Reserve and the Farm Input Subsidy Programme

2.2.1 In light of the finding in the report that one third of the population is food insecure and that a significant number of people, 9.5% would not be able to meet their annual food requirement during 2013/14, the
national strategic grain reserve becomes an important public resource for Malawi.

2.2.2 However the Commission has observed that this resource is not being managed in a transparent manner and to date the National Food Reserve Agency who manages this resource has not given a full and clear report on how significant amounts of maize in the reserves was damaged and allegedly thrown away.

2.2.3 The attempts by the Commission and several stakeholders to seek information from the relevant authorities on the matter have not yielded positive results. This state of affairs raise a serious challenge for the right to food given the various central roles that the strategic grain reserve is supposed to play as aptly observed by the special Rapporteur.

2.2.4 The Commission cannot overemphasise the direct link between the principles of transparency and
accountability and the efficient management of public resources.

2.2.5 With respect to the Farm Input Subsidy Programme, the Commission concurs with the report on the successes of the programme and the proposed areas for reformation of the programme.

2.2.6 However, the Commission notes that the report has not addressed issues of irregularities and the lack of transparency in the implementation of the programme which has resulted in cases where intended beneficiaries have not benefited from the programme.

2.2.7 The issue of the review and reformation of the farm input subsidy programme cannot be addressed in isolation from issues of corruption and lack of transparency that continue to affect the effective delivery of public services, and therefore negatively affect the realization of human rights.
3.0 Food accessibility

3.1 In relation to food accessibility the report recommends the upward adjusting of the minimum wage from k317.00 per day (about USD.80) to a living wage, i.e. a wage that provides an income allowing workers to support themselves and their families.

3.2 The Commission reports that the minimum wage has since been revised. However, an assessment is required to evaluate if the adjustment is equal to a living wage.

3.3 Politicisation of Access to Food

3.3.1 The Commission notes that while the report has raised a number of critical issues relating to both the physical and economic accessibility of food, it has not addressed the one pertinent issue of politicisation of access to food.
3.3.2 The Commission has documented through its status of human rights report a number of instances where politicians have distributed relief items including maize through political rallies.

3.3.3 The Commission has continuously engaged and advised concerned authorities to avoid the politicisation of relief items as this approach does not guarantee equitable distribution of the commodity to all deserving vulnerable persons. Such approaches raise the possibility of putting political priorities above fundamental human rights priorities. The underlying consequence of this is that those that are not associated or perceived not to be associated with the political grouping in question may be left out. This defeats the very essence of a human rights-based approach where the issue of equitable access as a matter of right is relegated to a position of access being accorded to a privileged few.
4.0 The Legal, Institutional and Policy Framework

4.1 The Commission notes that the report has correctly observed that the right to food is justiciable as per the relevant provisions in the Constitution of the Republic of Malawi and also notes several policies relating to food and nutrition. Most importantly, the report has gone on to note and discuss the continued absence of a specific law on the right to food, which presents a fundamental gap in the prevailing legal framework.

4.2 The Commission concurs with the observation of the special Rapporteur and stresses the need for concerted efforts from all stakeholders towards the process of development of a law relating to food and nutrition.

5.0 Conclusion
5.1 We conclude our statement by reiterating our appreciation to the Government of Malawi for allowing the Special Rapporteur to carry out a mission to Malawi, and encourage the Government to make full use of the report and its recommendations.

5.2 We commend the Special Rapporteur for the report and recommendations and look forward to how the special Rapporteur will address the observations we have raised.

5.3 We commit to continue discharging our mandate as an autonomous national human rights institution on the promotion and protection of human rights, including the right to food.