



FIAN ZAMBIA 2024

COUNTRY SITUATION ANALYSIS OF THE RIGHT TO FOOD IN

ZAMBIA 2024



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WHAT IS THE RIGHT TO FOOD?

DEFINITION

The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement¹ (UN CESCR).

According to the United Nations Special Rapporteur, the right to have regular, permanent and free access to, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

The right to food means that national governments have legal obligations to protect the capacity of people to feed themselves, and to provide emergency humanitarian support in times of need when people are unable to feed themselves. Where countries do not have sufficient resources, appeals must be made to the international community, which also has the duty to respond to the extent that resources permit. The right to food is a human right that must be guaranteed by governments to the best of their ability. A rights-based approach to food security emphasizes the satisfaction of people's basic needs as a matter of rights, rather than of benevolence (FAO, 2004).

There are three main elements on the right to food; Food must be available, accessible and adequate.

Availability: requires on the one hand that food should be available from natural resources through the production of food, either by cultivating land or animal husbandry, or through other ways of obtaining food, such as fishing, hunting or gathering. On the other hand, it means that food should be available for sale in markets and shops.

¹ OHCHR fact no 16 (Rev.1) The Committee on Economic Social and Cultural Rights

Accessibility: requires economic and physical access to food to be guaranteed. Economic accessibility means that food must be affordable. Individuals should be able to afford food for an adequate diet without compromising on any other basic needs, such as school fees, medicines or rent.

Affordability: of food can be guaranteed by ensuring that the minimum wage or social security benefit is sufficient to meet the cost of nutritious food and other basic needs. Physical accessibility means that food should be accessible to all, including to the physically vulnerable, such as children, the sick, persons with disabilities or the elderly, for whom it may be difficult to go out to get food. Access to food must also be guaranteed to people in remote areas and to victims of armed conflicts or natural disasters, as well as to prisoners. For example, to guarantee physical access to food to people living in remote areas the infrastructure could be improved, so that they can reach markets by public transport.

Adequacy: means that the food must satisfy dietary needs, taking into account the individual's age, living conditions, health, occupation, sex, etc. For example, if children's food does not contain the nutrients necessary for their physical and mental development, it is not adequate. Food should be safe for human consumption and free from adverse substances, such as contaminants from industrial or agricultural processes, including residues from pesticides, hormones or veterinary drugs. Adequate food should also be culturally acceptable.

THE RIGHT TO FOOD IN INTERNATIONAL LAW

The right to food has been largely informed by FAO voluntary guidelines on the progress realization of the right to adequate food in the context of national food security of November 2004. The 19 guidelines are as follows:

1. democracy, good governance, human rights and the rule of law guideline,
2. economic development policies,
3. strategies,
4. market systems,
5. institutions ,
6. stakeholders,
7. legal framework,

8. access to resources and assets,
9. labour land, water, genetic resources for food and agriculture, sustainability, services,
10. food safety and consumer protection,
11. nutrition,
12. education and awareness raising,
13. national financial resources,
14. support for vulnerable groups,
15. safety nets, 15 international food aid,
16. natural and human-made disasters, monitoring, indicators and benchmarks,
17. national human rights institutions, and
18. international dimension.

Zambia ratified the International Covenant on Economic, Social and Cultural Rights on 10 April 1984, International Covenant on Civil and Political Rights 10 April 1984, Convention on the Elimination of All Forms of Discrimination against Women – 21 June 1985 and Convention on the Rights of the Child – 06 December 1991. This means, under its international human rights obligations, the Government of Zambia has the duty to guarantee the enjoyment of the right to food and nutrition, right to water and healthy environment, right to life, rights of women and rights of the Child. Zambia has not ratified the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child.

Formal human rights as the codified rights of every individual are seen to start with the Universal Declaration of Human Rights (UDHR 1948) agreed upon by the then 56-member states of the nascent United Nations. The UDHR states in Article 3 that ‘Everyone has the right to life’, and in Article 25 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’. The UDHR is a declaration rather than a convention, meaning that while it has shaped much of subsequent human rights rhetoric, law and action, it is not seen as one of the core international human rights instruments. Of the nine core human rights instruments, several contain clauses relating to nutrition, either explicitly or implicitly.

The right to life is taken forward in the International Covenant on Civil and Political Rights (ICCPR 1966) Article 6, and in its General Comment no. 36 (2018), which further clarifies that ‘the measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care. Rights more specifically to food and nutrition are taken forward in the UN International Covenant on Economic, Social and Cultural Rights (ICESCR 1966) with states parties recognizing ‘the right of everyone to an adequate standard of living for himself and his family, including adequate food. including by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems’; and in its subsequent General Comment No. 12 (1999) on the right to adequate food, which puts forward specific definitions and recommendations on what a right to food entails and achieves, and calls on governments ‘to respect, to protect and to fulfil’ this right. Rights relating to malnutrition in children are most clearly articulated in international instruments, largely in the UN Convention on the Rights of the Child (UNCRC 1989) which recognizes ‘the right of the child to the enjoyment of the highest attainable standard of health’, with states parties taking 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’ and to ensure that society is supported in ‘the use of basic knowledge of child health and nutrition’. These rights are also contained in its subsequent General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest.

Attainable standard of health, with Article 24 obligating states to ‘ensure access to nutritionally adequate, culturally appropriate and safe food and to combat malnutrition. according to the specific context’, with explicit reference to addressing micronutrient deficiencies, promoting breastfeeding, managing severe malnutrition, providing school feeding, and addressing obesity. General Recommendation No. 24 (1999) on Article 12 of the UN Convention on the Elimination of All Forms of Discrimination against Women (1979) recognizes ‘women’s fundamental human right to nutritional well-being throughout their A Right to Nutrition as Rhetorical, Legal and Practical.

The right to food is also recognized implicitly through other rights. The African Commission on Human and Peoples' Rights has interpreted the right to food as being implicitly protected under the African Charter on Human and Peoples' Rights (1981) through the right to life, the right to health, and the right to economic, social and cultural development. According to the Human Rights Committee, which monitors the International Covenant on Civil and Political Rights (1966), the protection of the right to life requires States to adopt positive measures, such as measures to eliminate malnutrition. The Committee against Torture, which monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), has pointed out that lack of adequate food in prisons may be tantamount to inhuman and degrading treatment.²

THE RIGHT TO FOOD IN DOMESTIC LAW

The Constitution of Zambia is the supreme law of the land; any law in contravention of its provisions is void. The State adopted the Constitution in 1991, which has since been amended on several occasions (in 1996, 2009 and 2016).

Zambia has a constitutionally enshrined Bill of Rights which comprises fundamental rights and freedoms traditionally known as civil and political rights. The Constitution, however, does not expressly provide for the protection of economic, social, and cultural rights. The right to food does not therefore enjoy constitutional recognition. It is worth noting that Zambia practices duality with respect to international treaty obligations. International treaty obligations thus only have the force of law after domestication. In 2016, Zambia passed the Ratification of International Agreements Act, No. 34 of 2016 which provides processes for both ratification and domestication. This should create a clear roadmap for the domestication of international agreements ratified after June 2016, when Presidential assent was given.

The Local Courts Act of 1996 was enacted to recognize customary law and have it administered in judicial courts. The unequal dual legal system is challenging, as in many instances customary laws that might be regarded as inferior come into conflict with statutory law. This multiplicity of legal systems, without proper

² <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>

and updated rules governing the conflict of law, could have a negative impact on peoples' right to judicial remedy and their capacity to make use of the court system effectively.

In 2016 Zambia's voters voted down the proposed amendment to the Bill of Rights, to include economic, social and cultural rights in the Constitution. This was a missed opportunity for the broadened protection of human rights in Zambia. The right to food (among other rights) is hence not properly enshrined in the Constitution of Zambia. Without its explicit inclusion in the Constitution, the right to food cannot be adjudicated by the courts.

Zambia has obligations under the ICESCR to respect, protect and fulfil the right to food. Unfortunately Zambia requires domestication of international instruments for them to be enforced in a court of law. International instruments are not self-executing after ratification or accession, and individuals cannot use a ratified international instrument to enforce a right contained therein.

The above notwithstanding, the Zambian Supreme Court, recently delivered a landmark judgment on the right to food.³ The case of *George Peter Mwanza and Melvin Beene v Attorney General* (2019) relates to food provision for adult prisoners. In that case, the appellants were HIV positive, and were in custody at Lusaka Central Prison. They claimed that the state-provided food was inadequate in quantity and deficient in nutritional content, and did not take into account their health condition.

As such, this was a breach of their rights to life and to be protected from inhuman and degrading treatment under the Zambian constitution. The Supreme Court of Zambia agreed, finding in favour of the appellants and holding that these rights had been breached. The case itself is limited, in that the men were held to be entitled to be provided with different food on account of their HIV status and incarceration. Here, what we clearly see is that the use of national law brings a strengthening of policy: It makes it justiciable, enforceable in a national court of law. But it also brings a narrowing of focus: Those broad and sweeping rights that were indivisible and for everyone in the international covenants, are highly specific in case-law (and therefore legal precedent) to a

³ *George Peter Mwanza & Melvin Beene v The Attorney-General*, Selected Judgment No. 33 of 2019

population of HIV Positive prisoners. The potential ramifications of this case are dramatic, however: The Supreme Court of Zambia held that the right to life encompasses a right to nutrition. With this precedent, our work has found a number of legislative frameworks that offer potential avenues for strategic legal action that would de facto further support nutrition rights for Zambian citizens. Though slow and narrow, building legal avenues for a right to nutrition has the potential to hugely strengthen the policy rhetoric.

It must be conceded that it is very likely not a general recognition of the right to food as the facts in the case were uniquely suited to an expansive reading of the law. The individuals who brought the suit were properly in the custody of the State having been tried, convicted, and imprisoned for malefactions.

The Committee on Economic Social and Cultural Rights (CESCR) General Comment 12 stresses “states should consider the adoption of a framework law as a major instrument for implementation of the national strategy concerning the right to food which would include inter alia, its purpose, the targets or goals to be achieved and the time frame to be set for achievement of those targets, the means for achieving those targets, intentioned collaboration with civil society and private sector and institutional responsibility for the process, national mechanisms for its monitoring as well as recourse procedures⁴”.

There does not appear to any dedicated Framework legislation for the right to food in Zambia. The Second National Agricultural Policy 2016, whose overriding objective is to accelerate reduction of food and nutrition insecurity, is supported by a total of twenty (20) Acts of Parliament, which do not specifically address the right to food or meet the legal framework standards as promulgated by the CESCR General Comment 12.

Further, between the 12th May 2017, 31st December 2019, the Zambian Parliament has enacted 63 Acts and only 2 are in the arena of economic, social and cultural rights. One, the Food Safety Act No.7 of 2019, relates to the right to food by defining a definition for food. Additionally, the Food and Nutrition Bill 2020 has gone up to the second reading in the National Assembly. If enacted, it has some promising provisions. Among those most pertinent are an express

⁴ CESCR General Comment No.12 para 29

requirement to promote a person's right to food and nutrition as well as the implementation of regional and international treaties relating to food and nutrition. Until enacted, the Bill merely presents an intention to make some progress in the arena of the right to food. Processes that the State has more control over like legislation in the National Assembly may be more impactful and should be the preferred route to address the right to food.

THE RIGHT TO FOOD IN POLICY PERSPECTIVE

The National Guiding Vision 2030 (2006) is based on 'respect for human rights' as one of seven basic principles as a basis for the vision, and the seventh National Development Plan (2017) which articulates national strategy at a more granular level mentions ensuring rights to education, health and development of family farmers and farm workers and to economic resources, and access to basic services, ownership and control over land. The Zambia National Health Policy (2012) recognizes that the Zambian constitution guarantees the right to life and health, though it does not use rights language throughout. Rights are invoked in the country's defining National Food and Nutrition Policy (2008). It states that the 'Government reaffirms that equity of access to food and nutrition is a basic human right' and that 'its citizens have a right to adequate and safe food supply'. In the National Food and Nutrition Strategic Plan (2011) which operationalizes the policy, however, the document only notes that 'the use of the rights-based approach has also been identified as a catalyst' to achieving nutrition targets, and the 1000 Most Critical Days Programme (2013) that emerged from the strategy does not mention rights at all.

On 9th October 2018, the Minister of Agriculture gave a Ministerial Statement on the floor of the National Assembly on food and nutrition programmes. The Statement acknowledged and conceded that Zambia had a high burden of under nutrition particularly in children under five years old. The Statement laid out a number of initiatives to combat this including:

- 1) Promotion of production and consumption of diverse foods at household level for improved nutrition,
- 2) Development of recipes of traditional foods and compiled recipe books for dissemination to communities,

- 3) Promotion of cultivation of bio-fortified crops to improve accessibility to foods that help address micro-nutrient deficiencies,
- 4) Promotion of value addition through food processing, preservation and improved storage technologies,
- 5) Implementation of the Scale-Up Nutrition and first 1, 000 Most Critical Days Programme from 2014 to 2017.

The second national agricultural policy (2016-2025) aims at ensuring the country's food and nutritional goals. It contains the right to adequate and nutrition food as one of its guiding principles. The Government of Zambia has identified the agricultural sector as a key driver and means to diversify the economy.

The Government spends around 53 per cent of the budget allocated to the Ministry of Agriculture on input support to farmers. The Farmer Input Support Programme provides subsidized inputs to at least 1,6 million smallholder farmers either through the conventional approach or a new E-voucher system. Under the new system, which was to replace the conventional approach completely by the end of 2017, farmers are issued a pre-charged card with which they can purchase inputs from identified and authorized agro-dealers. The new system has encountered challenges in its implementation related to the lack of technological infrastructure.

In Zambia, the most recent public figures show that between 85 and 90 per cent of land is currently under customary tenure, with the remainder constituting State land. According to the 1995 Lands Act, all land in Zambia is administered and controlled by the President, or by traditional chiefs, for the direct or indirect use or common benefit of all people.

The land tenure system provides for landholders on State land enjoy the full protection of their property rights, while those under customary tenure are considered occupants and users, without the same protection. There is also a lack of commonly agreed documentation to protect customary land at the family, village and chiefdom levels.

Under the 1995 Land Act, no land may be sold, transferred or assigned without the President's consent. Before the President can convert customary land to State land, he is required to consult any person likely to be affected.

SITUATION OF THE RIGHT TO FOOD IN ZAMBIA

The realization of the right to food in Zambia is significantly impacted by extreme weather changes characterised by droughts and floods. Over the past years, Zambia has faced a series of extreme weather events, amplified by climate change, for several years. Starting from February 7, 2023, the country witnessed its most severe flooding in over five decades, as reported by the Zambia Disaster Management and Mitigation Unit (DMMU, 2023).⁵ By February 9, 2023, the situation worsened with heavy rains affecting a larger area, prompting the Government to seek assistance from humanitarian organizations, including the Red Cross, on February 10. Climate change has further led to significant damage to infrastructure, agriculture, and natural resources. These disruptions have impede economic growth, exacerbate poverty, and hinder progress towards sustainable development goals. For instance, Zambia maize production in the 2021/2022 crop season dropped by 25% from 3.6 million tonnes recorded during the 2020/2021 crop season.⁶

The Ministry of Agriculture attributed this drop to a reduction in the area planted and lower yields as a result of late onset of rains and drought. This

⁵ DMMU 2023

⁶ Zambia Agri Market Update 2022 - 2023

resulted in lost income for farmers, increased food insecurity, and reduced access to essential resources for communities dependent on agriculture.



A Picture of a maize field in Nyalungwe Chiefdom of Nyimba District of Zambia in 2024

Extreme weather changes have disrupted livelihoods, and exacerbated social inequalities, particularly among vulnerable groups such as women, children, and indigenous communities.

However, with climate change exacerbating water scarcity, women often have to travel longer distances to find water sources, leading to increased workloads and less time for education or income-generating activities. The lack of access to clean water can have severe implications for hygiene and sanitation, making women and girls more susceptible to communicable diseases.

The Zambian government declared a new cholera outbreak in October 2023, which began in Lusaka province. As of 18 January 2024, 10 887 cases and 432 deaths were reported across nine of the country's 10 provinces. Lusaka, Central

and Eastern provinces are the worst affected (WHO,2024).⁷ Impact of Drainage Networks on Cholera Outbreaks in Lusaka, Zambia study from 2003–2004 and 2005–2006 Rainy Seasons revealed that 50.8% patients were female and 48.3% were male.



Picture of a young girl in Nyalungwe Chieftdom Nyimba District Fetching water after school 2024

In 2024 Government of Zambia declared a declared the drought situation a national emergency and disaster. In his address President Hakainde Hichilema indicated that the drought has devastating consequences on many critical sectors such as agriculture, water availability, and energy supply, risking our national food security and livelihoods of millions of people.

The dry spells have affected 84 districts in Lusaka, Central, Copperbelt, Eastern, North-Western, Western, and Southern provinces. At national level the estimated planted area for maize is 2.2 million hectares and of this, approximately 1 million hectares has been destroyed affecting over affecting

⁷ WHO Africa 2024

over 1 million of our farming households. Equally affected is the energy sector that is causing electricity deficits for households and bussiness.



Picture of Cattle drinking water in the Kapwashe Stream, Mumbwa District 2024

The drought conditions have also affected the availability of both ground and surface water, pasture for livestock and wildlife and has potential to increase the incidence of human and animal conflict, as well as disease. The drought compounds the challenges the country was already facing, such as the covid-19 pandemic, it is also diverting resources initially intended for accelerating economic and social development.

According to a recent analysis by the Disaster Management and Mitigation Unit (DMMU), a staggering 9,779,145 people are exposed to the adverse effects of drought, with 6,552,027 individuals being significantly affected. The Integrated Phase Classification (IPC) analysis of 2023 estimated that during the lean season,

from October 2023 to March 2024, around 2,037,712 people across 77 districts would face a food insecurity crisis (IPC 3+), while 58,440 people (approximately 9,740 households) in 84 districts are projected to reach food insecurity emergency levels (IPC 4). The continued deterioration of food security threatens to intensify malnutrition across affected populations, with especially dire consequences for children and mothers.

MALNUTRITION AND HUNGER

As a result of the drought, malnutrition has surged, leaving an estimated 6,097,785 people at risk of food insecurity. The implications for young children, pregnant and lactating women, and adolescent girls are severe, as they are the groups most susceptible to malnutrition's long-term health consequences.

Currently, 4,116,901 children have undergone screenings for severe and moderate acute malnutrition. Of this total, 25,865 children required immediate treatment, underscoring the need for sustained interventions to save lives. The DMMU estimates that 102,089 children urgently need treatment for Severe Acute Malnutrition (SAM), with an additional 275,027 children requiring assistance for Moderate Acute Malnutrition (MAM). Similarly, 111,054 pregnant and lactating women are in need of nutritional support to prevent worsening health outcomes.⁸

CHALLENGES TO PROGRESSIVE REALISATION OF THE RIGHT TO FOOD IN ZAMBIA

RELIANCE ON MAIZE

The bulk of agriculture activities in Zambia is rain-fed, resulting in only one growing season. Food consumption patterns change significantly over the course of the year, with a hunger peak in the months leading up to the harvest. The Government of Zambia has estimated that, owing to the El Niño effect in 2017, almost a million Zambians were affected and required emergency assistance for at least four months.

⁸ Disaster Management and Mitigation Unit (2024), Office of the Vice President Food Security Drought Response Plan



Zambia is considered food secure due to the strong maize production. Production of more diverse and nutritious crops is, however, still comparatively low. The Government spends a significant proportion of the budget allocated to the agricultural sector on the maintenance of strategic food reserves, comprising mainly

maize. The Government purchases a large proportion of maize harvested for export or animal feed, thereby removing it from rural areas, where most people in direct need it.

LACK OF DIVERSE DIETS

Hunger in Zambia is extreme, as most families do not have the capacity to afford food. Rural communities are even more deprived and vulnerable to the hunger situation in the country. Zambia's malnutrition rates remain among the highest in the world. World Food Programme (WFP 2021) found that the country ranked 146 of 189 in the 2019 Human Development Index, with 48 percent of the population unable to meet their minimum calories requirements, more than one-third of children under five years stunted and more than half suffering from iron deficiency⁹.

Despite the a government subsidised agriculture programme the Farmer Input Support Programme (FISP), levels of malnutrition in the form of stunting, underweight and wasting have barely changed in the population. According to a study conducted by Hivos and International Institute for Environment and Development (IIED) in 2017, most Zambian government agricultural funding is still spent on promoting maize production despite repeated findings that this

⁹ World Food Programme. (2021) Zambia Country Brief. Available at: <https://www.wfp.org/countries/zambia>

does not reduce food insecurity in the most vulnerable farming households¹⁰. Maize makes up the major part of the national diet, while nutrient-rich foods such as legumes, animal-source foods, fruit and vegetables are eaten in small quantities, particularly amongst the poorest families.

In the case study of Chiawa in Kafue district¹¹, the FISP may have led to national food security in terms of tonnes of maize produced, however, the FISP has not resulted into household food security among the FISP beneficiaries as they still lack basic nutritional requirements. And worse of much of the maize grown by farmers is sold.

DISCRIMINATION OF INDIGENOUS SEEDS

Indigenous seed varieties of maize such Munali, Buusumili, Gaangata, Kapya bwangu and Kafwamba, sorghum, maize among others, are very nutritious, taste better, are adaptable to local climates, are not chemical hungry, perform very well with organic manure, can be recycled yet give abundant yields and are Zambia's very own treasured cultural heritage¹². Unfortunately these indigenous seeds are not promoted by government.

LARGE-SCALE COMMERCIAL AGRICULTURE

The development model that Zambia has chosen, with its focus on export-based, large-scale agriculture, has led to deforestation, competing demands on water resources and an increased use of chemical fertilizers and pesticides, all consequences with a direct impact not only on human health but also on the quality of the soil and water resources. In accordance with the



¹⁰ Mwanamwenge, M. & Harris, J. (2017) Agriculture, Food Systems, Diets and Nutrition in Zambia, Discussion Paper, IIED/Hivos.

¹¹ Allan Magasu. (2016) The Effectiveness of Farmer Input Support Programme in Promoting Household Food Security: The Case of Chiawa, Kafue District, The university of Zambia.

¹² Baidu-Forson, J.J., Phir, N., Ngúni, D., Mulele, S., Simainga, S., Situmo, J., Ndiyoi, M., Wahl, C., Gambone, F., Mulanda, A., Syatwinda, G. (2014). Assessment of agrobiodiversity resources in the Borotse flood plain, Zambia. <https://core.ac.uk/download/pdf/33719339.pdf>

principle of sustainability, States should take appropriate measures and impose regulations on the private sector to ensure that practices that have an impact on food, land or natural resources do not put the wide availability or the accessibility of food at risk.

Zambia is one of the most forested countries in Africa, with more than 60 per cent covered by woodland. The high rate of deforestation estimated at between 250,000 and 300,000 hectares per year makes Zambia one of the top 20 greenhouse gas-emitting countries in the world. Deforestation is in part due to the clearing of new land for industrial agriculture, after the fertility of old land has been depleted, and to the expansion of large-scale industrial agriculture.

UNCONTROLLED USE OF PESTICIDE

Zambian farmers still use chemicals including herbicides some are highly toxic pesticide that has been banned in many developed countries owing to its potential harmful effects on human health. Zambia lacks effective monitoring systems to regulate the pesticide industry and control pesticide use by the agribusiness, which can lead to human rights violations.

AGRICULTURE PRODUCTION METHODS

Zambia is heavily reliant on industrial methods in agriculture production. Agroecological practices have proved to be successful in many parts of the world, not only in the production of impressive yields but also the promotion of environmentally friendly practices, providing livelihoods and reducing rural poverty.

Agroecology as such represents an important alternative to industrial, monoculture agriculture that should be seriously considered by the Government in order to achieve diversification, sustainability, the protection of natural resources, management of climate change and the protection of small-scale farmers.

LAND GRABBING, DISPLACEMENTS AND FORCED EVICTIONS

In Zambia there is massive land grabbing forced evictions, displacements of small holder farmers, rural communities, small land owners by large business

and state agencies. This has taken away productive resources for communities especially those living in rural areas, consequently the affected are not able to produce and provide food, nutrition for their families. In other instances commercialisation of water resources has limited ability of fishers to their livelihood, and for small holder farmers water for irrigation and livestock. This has complicated access to nutrition and food for affected communities and also at the national level.

There is increasing incidents of conflicts over natural resources, such as water forests, wetlands between local communities and business entities. These conflicts reflect upon the existing poor governance mechanism in natural resources management in Zambia.



A Picture taken in KASIMA area of Mongu District, after displacements in 2024

GOVERNMENT STRATEGIES TO ADDRESS THE RIGHT TO FOOD

SOCIAL CASH TRANSFER

The Social Cash Transfer (SCT) programme is a Government of Zambia initiative implemented under the Ministry of Community Development and Social Services aimed at reducing extreme poverty and the inter-generational transfer of poverty. The target population for the programme is incapacitated (labour-constrained) and extremely poor households. In 2022 the social cash transfer reached a total number of 974,60 beneficiaries (GRZ 2022). While the social cash transfer is a good initiative it provides amount below the cost of living.

In March 2016, the Government initiated public consultations on a social protection bill, which has not yet been presented. Social protection is afforded through the Zambia Social Protection Expansion Programme.

The Zambia National Social Protection Policy, approved by the Government at the end of 2014, provides the policy and strategic framework for a comprehensive and coordinated social protection programme. It reflects a broad-based approach to social protection and is built on five pillars: social assistance, social security, livelihood and empowerment, protection, and disability.

Social protection was allocated around 4.2 per cent of the national budget in 2017, a relatively low figure considering the extent of poverty and marginalization in Zambia, yet an important duplication of the 2016 budget. The social cash transfer programme saw an 83 per cent increase in its budget allocation, and is expected to reach national coverage in 2018.

In 2024 to respond to the drought government increased the number of beneficiaries to the programme to include those affected by the drought. The Zambian government has expanded its Emergency Cash Transfer program, adding over 720,000 households to assist those impacted by the severe drought affecting communities nationwide. Community Development and Social Services Minister Doreen Mwamba announced the increase, noting that her

ministry is conducting a national assessment and enumeration to develop response strategies tailored to the drought's widespread impact¹³.

SCHOOL FEEDING PROGRAMME

The school feeding intervention commenced in January 2003 in the aftermath of the food and drought crisis of 2002. It was felt that urban populations were as much affected by food insecurity as the rural population, hence the urban nature of this intervention. The school feeding programme is implemented in 70 districts, reaching about 1.9 million learners (Lusaka times, 03.03.2023). For the Home Grown School Meals Programme, funds are disbursed to District Education Boards to procure food for schools. Open bid (competitive) procedures are then followed to secure contracts, and small-scale farmers/small farmer organizations/small companies are able to successfully compete.

As part of its response to the current drought and to minimize absenteeism due to hunger, the government has funded an Emergency School Feeding Program in 36 districts that are not yet part of the Home-Grown Feeding Program. Chikankata District, one of the beneficiaries of this emergency initiative, stands to benefit significantly from the support it provides¹⁴.

In Chikankata, District Education Board Secretary (DEBS) Mrs. Lizzie Lweendo Nyoni announced during a recent Ordinary Council Meeting that all 61 government schools, with the exception of boarding schools, will receive support through this program. The feeding initiative is comprehensive, covering learners from Early Childhood Education (ECE) through to grade 12¹⁵.

CASH FOR WORK PROGRAMME

Government has introduced a Cash for Work program to provide temporary financial relief to vulnerable individuals affected by the 2023/2024 drought. The program aims to empower individuals with cash to buy food items in exchange for their labour. The program is being implemented in 123 constituencies across

¹³ Naomy Tshindaye (2024), Government Increases Emergency Cash Transfers Amidst Drought, Ministry of Local Government and Social Service

¹⁴ Chikankata Town Council (2024), Introduction of the Emergency School Feeding Program in Chikankata, https://www.facebook.com/permalink.php/?story_fbid=921968280110584&id=100068922621163

¹⁵ Chikankata Town Council. (2024), Emergency School Feeding Program Introduced in Chikankata

87 districts, targeting households not covered by existing social cash transfer programs. The program provides short-term income-generating opportunities, stimulate economic activity at the local level, and contribute to community infrastructure maintenance. The program will be implemented until December 2024 and is expected to improve access to food, maintain community assets, and stimulate economic activity¹⁶.

THE FIRST 1,000 DAYS OF LIFE

The first 1,000 days of life determine a person's physical and intellectual development. It is estimated that children who receive appropriate nutrition during this period are 10 times more likely to survive potentially fatal childhood diseases. They are also more likely themselves to have children who are healthier.

Malnutrition is endemic across most of Zambia. Many children, especially those in rural areas and poor urban quarters, have no access to nutritious food on a daily basis. According to the Government's Demographic and Health Surveys, wasting in children below the age of 5 actually increased from 5 to 6 per cent between 2007 and 2013, while 15 per cent remain underweight.²³

Children in rural communities who described being limited to one meal (maize-based) a day and eating meat only on extremely rare occasions. In rural areas, the men are usually served first and given the best quality food, including meat, while the women and children are only allowed to eat what remains after the men have eaten.

In such situations, and given the focus on maize as the main staple, dietary diversity poses a major challenge; children simply do not consume food from enough different food groups. Almost 80 per cent of children between 6 and 23 months of age have been found to lack the necessary dietary diversity prescribed by feeding guidelines for infants and young children.

Acute malnutrition rates increase the rate of mortality. Recent research by Every Child Fed found that severe acute malnutrition in Zambia comes with a

¹⁶ 21 August 2024 [GOVERNMENT LAUNCHES CASH FOR WORK PROGRAM TO MITIGATE DROUGHT EFFECTS - The Zambian Observer](#)

mortality rate of 40 per cent, five times the global average, owing to the lack of proper treatment for these cases.

In Zambia, 10 per cent of pregnant women have a less than ideal body weight. Deficient maternal nutrition, especially during pregnancy, has a direct impact on a child's development and survival. Undernourished mothers are more likely to give birth to babies of lower than normal weight, and those babies are more likely to die before the age of 5 years.

In 2010, Zambia joined the Scaling Up Nutrition (SUN) Movement, after which the National Food and Nutrition Strategic Plan was developed. A follow-up document is currently under development.

SUBSIDIZED MEALIE MEAL

The cost of mealie meal has risen significantly to between 250-350 Kwacha for a 25 kilogramme in sales outlets. Subsidised mealie meal through the Zambia National Services is available in some selected parts of the country. There are still challenges with the distribution of affordable mealie meal through the ZNS throughout the country especially rural areas.

SUPPORT TO IRRIGATION

Zambia has been actively implementing and expanding irrigation initiatives to bolster agricultural productivity and enhance food security, especially in the face of recent drought challenges. The Strengthening Climate Resilience of Agricultural Livelihoods (SCRALA) Project launched a solar-powered drip irrigation scheme in June 2024 in Tauya village, Chirundu district. This 12-hectare, community-driven initiative benefits over 45 households and aims to mitigate the adverse effects of drought by providing reliable water sources for agriculture. Alongside irrigation, the project also includes the cultivation of cash crops like bananas, which helps to boost both income and food security for the local community¹⁷.

¹⁷ United Nation for Development Programme (June, 2024). SCRALA Project Launches Tauya Irrigation Scheme Amidst Drought Crisis in Zambia.

PRODUCTION OF WINTER AND EARLY MAIZE

In response to Zambia's significant maize production shortfall due to drought, President Hakainde Hichilema has called for an increase in winter maize production in order to boost food security and improve, enhancing food availability reducing the reliance on imports, improving the farmers income and promoting economic growth as well as ensuring food self-sufficiency¹⁸. Winter maize production received substantial government support, as seen in the June 2024 approval of an irrigation project in Chadiza District aimed at supporting winter maize cultivation to enhance food security¹⁹.

Additionally, companies like Zambeef contribute to the winter maize production by planting over 1,000 hectares of winter maize in areas like Chiawa and Mpongwe Districts. This initiative is expected to produce approximately 7,700 tonnes of maize, which will add significantly to Zambia's food reserves²⁰.

In March 2024, the Mkushi Farmers Association led an early maize harvest, yielding approximately 146,000 metric tonnes. This initiative was a collaborative effort between the government and key agricultural stakeholders to ensure a stable maize supply. Further supporting early maize production, the Ministry of Agriculture issued an invitation in May 2024 for applications to cultivate and supply early maize²¹.

These initiatives in both winter and early maize production have positively impacted food security in Zambia. The increased maize supply from these efforts has helped mitigate the effects of the drought, reducing the country's reliance on imports and contributing to a more stable national food supply. Despite these gains, challenges remain, particularly in securing adequate irrigation infrastructure and providing necessary support to smallholder farmers to sustain these production levels. Nonetheless, the drive to boost maize

¹⁸ The Times of Zambia (Ndola) (July, 2024). Winter Maize Production Can Boost Zambia's Food Security.

¹⁹ Eastern Province Provincial Administration (June, 2024). Chadiza Set to Start Winter Maize Production After Cabinet Approval.

²⁰ Milling Middle East and Africa. (April, 2024). Zambeef Embarks on Winter Maize Cultivation to Boost Zambia's Food Security amid Climate Challenges.

²¹ Diggers News (May, 2024). Government Invites Application for Early Maize Cultivation.

production has proven essential in addressing Zambia’s food security needs amidst climate-related challenges.

WOMEN

Gender discrimination is still pervasive in Zambia. It limits women’s opportunities to have access to land, education, credit and other productive assets, and creates a power imbalance that prevents women and girls from taking full control of their lives. The customary practices of some communities give men greater authority over land, and women have little say about securing alternative land when they face displacement.

Physical and sexual violence against women and girls further illustrates gender inequalities, which have a strong link with the social, economic and cultural situation of women. According to data from the Ministry of Home Affairs, in 2014 alone, 15,153 cases of gender-based violence and violent crime were recorded in Zambia. Adolescent girls in farms during the harvest season are subject to sexual violence.



A Picture taken in Nyalungwe Chiefdome, Nyimba District 2024

ZAMBIA'S ECONOMIC GROWTH

Economic growth in Zambia has been largely unequal and non-inclusive. The Gini Coefficient, a measure of income inequality, increased from 0.60 in 2006 to 0.69 in 2015.⁴ The recent figure represents one of the 10 highest income inequalities in the world. Situations of poverty are closely linked to food insecurity. Gaining access to adequate and nutritious food is a challenge across most of the country, with women and children in rural areas faring worst.

According to a demographic and health survey conducted in 2013-14, wasting was identified in approximately 6 per cent of children under five, a manifestation of extreme food insecurity. An important part of the Zambian population is unable to afford a “minimum food basket” or a diversified diet.

RECOMMENDATIONS

- 1) Zambia must hold a Referendum to amend the constitution and include Economic Social and Cultural Rights including the right to food in the bill of rights.
- 2) Zambia must domesticate the International Covenant on Economic Social and Cultural Rights.
- 3) Zambia must ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child,
- 4) Zambia must honour its obligations under the Convention on the Elimination of All Forms of Discrimination against Women by taking immediate action to implement principles that protect the livelihood of rural women and eliminate their vulnerability.
- 5) Zambia must prepare and adopt a human rights-based national framework law on the right to food, with effective benchmarks and implementation plans for each region, which should include a financial structure that contains the necessary budgetary and taxation measures for support smallholder farmers, as well as gender sensitive budgeting; protect long-term sustainability for agricultural production; establish authorities and agencies responsible for implementation; and provide for proper supervision and accountability mechanisms to promote the full and active participation of all interested parties, including those most vulnerable,
- 6) Ensure an effective land administration system and efficient enforcement of the existing laws and regulations concerning the allocation, sale, transfer and assignment of land;
- 7) Amend sections of the Lands and Deeds Registry Act to afford State and customary land equal standing,
- 8) Strengthen protection against forced evictions, in accordance with the criteria established by the Committee on Economic, Social and Cultural Rights, Ensure the application of the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I). This constitute a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions are not made, to prevent violence and to provide effective redress for persons whose human rights have been violated.

- 9) Availability; continue to support small scale food producers, particularly women and young people, and increase incomes by ensuring fair access to land and other productive resources.
- 10) Strengthen governance of natural resources including water, forests, wetlands to Protect customary tenure right holders.
- 11) Accessibility; extend the coverage of school meals to cover 100 per cent of children, giving priority to rural areas, and adopt a simplified system for purchasing agricultural produce from family farming and local producers.
- 12) Adequacy develop properly financed comprehensive nutrition policies aimed at dealing with stunting and wasting in children, as well as all forms of malnutrition, including obesity and micronutrient deficiency; their impact should be monitored and assessed on the basis of the relevant human rights indicators.
- 13) Sustainability: establish an effective legal and institutional framework for environmental protection that protects human health and prevents soil degradation and water contamination as a result of intensive farming or large-scale animal husbandry.
- 14) Legislate to limit the excessive and dangerous use of toxic agrochemical products, providing for appropriate sanctions for those who break the law and adequate compensation for persons affected, together with appropriate implementation monitoring systems;
- 15) Promote organic farming and agroecological methods, and provide support, including financial mechanisms and the introduction of training programmes on agroecological agriculture.
- 16) Improve the mainstreaming of the gender perspective in the institutional, legal and legislative framework with regard to the right to adequate strategies and programmes on food and nutritional security and the right to rural development, and support women farmers with additional incentives, access to credit and other agricultural resources.
- 17) Strengthen early warning system and provide timely information to plan against severe weather changes.
- 18) Implement the voluntary guidelines issued by the Food and Agriculture Organization of the United Nations (FAO) on activities relating to the establishment of national agricultural policies, and specifically the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, the Voluntary Guidelines on

the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the Principles for Responsible Investment in Agriculture and Food Systems.

- 19) Expand the social protection programmes by increasing the number of beneficiaries under the social cash transfer in accordance with the number of people living below the poverty margin. And increase amounts under the social cash transfer in accordance with the cost of living.

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