



Food and Nutrition Security Somalia: Legal Assessment Report

December 2021

LIST OF ACRONYMS

CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
EiE	-	Emergency in education policy
EPR	-	Emergency Preparedness and Response
ICESCR	-	International Covenant on Economic, Social, and Cultural Rights
FSN	-	Food Security and Nutrition
FAO	-	Food and Agriculture Organisation
FSNAU	-	Food Security and Nutrition Analysis Unit
HRBA	-	Human Rights-Based Approach
HSSP	-	Health Sector Strategic Plan
IDP	-	Internally Displaced People
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
MOECHE	-	Ministry of Education, Culture and Higher Education
MoLFR	-	Federal Ministry of Livestock, Forestry, and Range
NDP	-	National Development Plan
NGOs	-	Non-Government Organisations
NPPA	-	National Plant Protection Authority
SARIS	-	Somali Agricultural Regulatory Inspection Services
SDGs	-	Sustainable Development Goals
SMASC	-	State-level Multi-Agency Steering Committee
SoBS	-	Somali Bureau of Standards (SoBS)
SUN	-	Office of Scaling-Up Nutrition
UPR	-	Universal Periodic Review

EXECUTIVE SUMMARY

This report presents findings of a review of national laws and policies on Food Security and Nutrition (FSN) plus the right to food in Somalia. The assessment was conducted under the Food and Agricultural Organisation (FAO) project: “Institutional and systems strengthening in nutrition-sensitive food systems through policy and coordination support” (TCP/SOM/3803). The aim of the assessment was to analyze policies and legislation in the areas of FSN and the right to food to identify strengths and weaknesses. The assessment reviewed both primary and secondary legislation, as well as government policies, plans, and strategies relevant to FSN and the right to food.

Conceptually, the assessment was guided by the pillars of food security, availability; access; utilization, and stabilization. These were amalgamated into three indicators: **Food production**; **food procurement** and **food provision**. Food production entails ensuring a conducive environment to produce food. Food procurement is about access to food supplies from the market, dictated among others by income, and addresses issues of safety of food as well as distribution. Food provision deals with the provision of food to those who by reasons beyond their control may not be in a position to secure food for themselves.

It has been found that Somalia has committed to the protection of human rights and that the right to food was implicitly guaranteed in the constitution by recognizing the right to life, health, social protection, and access to natural resources. This has among others been done by ratifying several international and regional human rights instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCRs). Indeed, the various economic, social, and cultural rights protected by the ICESCR, and other instruments are guaranteed by the Constitution of Somalia either impliedly or expressly. The Constitution has several provisions which promote food production, food procurement, and food provision. On food production, there are provisions that protect the right to access to natural resources including land and fishing. The Constitution also deals with food provision among others through provisions that accords special protection to vulnerable persons including the elderly, children, women, and persons with disabilities.

The Constitutional provisions are supported by sectoral laws, both primary and secondary, as well as policies, plans, and strategies that address matters relevant to FSN and the right to food. On food production, there are sectoral laws that deal with matters of food production and safety, water, fishing, land, and the environment in ways relevant to FSN and the right to food. On food procurement, there are laws that address matters relevant to social protection including employment and pension legal frameworks despite the marked weakness that such protection is only in the domain of formal employment and does not involve the private sector. In addition, there are laws on environmental protection and food safety that protect access to food utilization or procurement. There is an identified gap in absence of specialized food safety and consumer protection laws in food procurement or utilization. In the case of food provision, there are several government legal frameworks that protect the rights of certain groups of people including the poor, IDPs, women, and children to the right to food plus other social and economic rights.

The study found that the absence of framework legislation on FSN and the right to food is a big normative framework gap in Somalia. Among others, the framework is supposed to clarify the normative content of the right to adequate food by articulating it in greater detail and by defining

the scope and content of the right, related State obligations, institutional coordination mechanisms, and remedies for cases of violation. Unfortunately, Somalia has not adopted such a law.

PART ONE: INTRODUCTION

1.1 Background

Food insecurity threatens to drastically interfere with human development. It undermines the basic human rights of entire populations. According to FAO, an estimated over 690 million people went hungry in 2019 - up by 10 million from 2018, and by nearly 60 million in five years. High costs and low affordability also mean billions cannot eat healthily or nutritiously. The hungry are most numerous in Asia but expanding fastest in Africa. Across the planet, the report forecasted, the COVID-19 pandemic could tip over 130 million more people into chronic hunger by the end of 2020.¹

Somalia has been considered as gradually transiting from state fragility including insecurity and emergencies toward peace and stability, and socio-economic sectors contributing to achieving food security and nutrition.² However, a recent report published by Food Security and Nutrition Analysis Unit (FSNAU) is alarming; nearly 3.5 million people across Somalia are expected to face food consumption gaps or depletion of livelihood assets indicative of “crisis” or worse outcomes through the end of the year, in the absence of humanitarian assistance.³ The key drivers of acute food insecurity in Somalia include the combined effects of poor and erratic rainfall distribution, flooding, and conflict. Moreover, approximately 1.2 million children under the age of five are likely to be acutely malnourished, including nearly 213,400 who are likely to be severely malnourished. Likely, sustained, large-scale humanitarian food assistance and government support since January 2021 have mitigated the magnitude and severity of food insecurity. Despite minimal damage in early to mid-2021, Desert Locust has continued to pose a serious risk to both pasture availability and crop production across Somalia.⁴

This alarming situation requires a comprehensive policy approach, which supports both demands for healthy food and its supply.⁵ The current policy and institutional frameworks that govern FSN

¹ - FAO, (2020). The state of food security and nutrition in the world 2020: transforming food systems for affordable healthy diets . Rome 2020.

² - Somalia : United Nations Sustainable Development Cooperation Framework. United Nations Sustainable Development Group. 2021 -2015. Available at <https://unsdg.un.org/sites/default/files/2020-11/Somalia-UNSDCF-2021-2025.pdf> .

³ - Somalia: Food Security and Malnutrition Snapshot AFI July - December 2021, AMN August 2021 - July 2022. Available at <https://reliefweb.int/report/somalia/somalia-food-security-and-malnutrition-snapshot-afi-july-december-2021-amn-august>

⁴ - Ibid

⁵ - Baker, P., Kay, A., & Walls, H. (2014). Trade and investment liberalization and Asia's noncommunicable disease epidemic: a synthesis of data and existing literature. *Globalization and Health*, 10.

in Somalia are multidimensional and cross-sectoral. It cuts across economic, social, cultural, environmental, and political life and is intrinsically linked to that of other human rights, such as the right to water, the right to property, access to land and other productive resources, the right to health, the right to decent work and fair pay among others. As such, multiple and diverse sectors and disciplines must necessarily be involved in food and nutrition security responses.

In this report, the focus is to discuss existing normative frameworks relating to FSN and the right to adequate food, to decide what measures are needed to foster the progressive realization of the right to adequate food, and to create an enabling legislative, policy, and institutional environment.

1.2 Purpose of the study

The overall purpose of the study is to discuss existing normative frameworks relating to FSN and the right to food, to decide what measures are needed to foster the progressive realization of the right to adequate food through the creation of an enabling legislative, policy, and institutional environment in Somalia. Specifically, the study seeks to :

1. Conduct a detailed analysis of the international legal commitments, the Constitution, and other legislation of Somalia to show the extent to which these instruments protect and promote the right to adequate food and FSN and the obligations they impose on state and non-state institutions.
2. List all the public institutions, which have a mandate to implement the various policy and legal instruments, and other stakeholders and describe their respective responsibilities and activities, and existing mechanisms of inter-institutional coordination or collaboration.
3. Identify and highlight the provisions of policies, strategies, and action plans on FSN in Somalia relating to legal and institutional frameworks.

1.3 Methodological approach

This study relied on a qualitative research method through document analysis of existing policies, strategies, and laws focusing on Somali federal national government sectors with policy responsibilities related to the FSN. To this end, the legal assessment work started with the identification and collection of pertinent policy and legislative instruments. Then the provisions of these instruments were analyzed based on an analytical framework about FSN and the right to food. The analysis leads to the identification of strengths and weaknesses in the normative frameworks and recommendations for the improvement of the legal and policy instruments. The analytical or evaluative framework included questions relating to the entitlements and obligations that should be provided for in instruments that seek to realize food and nutrition security and the right to food. It identifies and analyzes laws and policies relating to the three main ways of accessing food, i.e., production, procurement, and supply by state or other actors, in case one can produce or purchase food.

1.4 Conceptual Framework

The study recognizes that the definition of food security is an evolving one. At the 1943 *Hot Springs Conference on Food and Agriculture*, the concept was defined as entailing a “secure, adequate and suitable supply of food for everyone”.⁶ Since then, there have been multiple definitions of food security, running into hundreds.⁷ In 1974, "food security" was defined as "availability at all times of adequate world food supplies of basic foodstuffs to sustain a steady expansion of food consumption and to offset fluctuations in production and prices".⁸ At the 1996 *World Food Summit*,⁹ it was indicated that food security is achieved when at the individual, household, national, regional, and global levels 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. In 2001, the definition was expressed as a situation that exists when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious

⁶ The Food and Agriculture Conference was intended by 44 nations and was held at the Homestead Hotel, Hot Springs, Virginia, from 18 May to 3 June 1943.

⁷ Marion Napoli Towards a Food Insecurity Multidimensional Index (FIMI) Master in Human Development and Food Security (2010/2011), Roma Tre, Università Degli Studi, available at <<http://www.fao.org/fileadmin/templates/ERP/uni/FIMI.pdf>> (accessed on 6th June 2018).

⁸ At the 1974 United Nations World Food Conference, *Rome 5-16 November 1974*. New York

⁹ World Food Summit, 13th - 17th November, Rome Italy.

food that meets their dietary needs and food preferences for an active and healthy life.¹⁰ FAO appears to have adopted the 1996 definition.

Conversely, "food insecurity" has been said to exist "when people do not have adequate physical, social or economic access to food".¹¹ Some of the causes of food insecurity have been identified. These include Market dominance of multinational agribusinesses and exporters, unfair trade rules, lack of farming land, land grabbing, bio-fuels, natural disasters, climate change, conflicts, and food wastage.¹²

For the sake of clarity, the concept of food security should be understood based on the FAO definition of indicators of food security which was coined in four pillars: *food availability*; *food access*; *utilization*; and *stability*. According to FAO, *food availability* addresses the "supply-side" of food security and is determined by the level of food production, stock levels, and net trade.¹³ It entails the availability of sufficient quantities of food of appropriate quality, supplied through domestic production or imports, and includes food aid.¹⁴ On its part, *food access* is informed by the fact that an adequate supply of food at the national or international level does not in itself guarantee household-level food security.¹⁵ There could be both physical and economic constraints that hamper access for individuals and households. Therefore, access has been conceptualized as entailing access by individuals to adequate resources for acquiring appropriate foods for a nutritious diet.¹⁶ For this to be achieved, the individual must have the set of all commodity bundles to establish command given the legal, political, economic, and social arrangements of the community in which they live to enable them to access food.¹⁷ As is illustrated below, it is at this point that the concept of "entitlements" comes in, which translates into the right to food.

"Utilisation", according to FAO, is commonly understood as the way the body makes the most of various nutrients in the food. That sufficient energy and nutrient intake by individuals is the result of good care and feeding practices, food preparation, diversity of the diet, and intra-household distribution of food. Moreover, combined with good biological utilization of food consumed, this determines the nutritional status of individuals.¹⁸ It is at this point that *food nutrition* becomes pronounced as an element of food security.

¹⁰ See FAO *The State of Food Insecurity in the World 2001*. Rome.

¹¹ FAO *Food Security: Concept and Measurement*, available at <<http://www.fao.org/docrep/005/y4671e/y4671e06.htm#fn21>> (accessed on 6th June 2018)/.

¹² Caritas Austria *What causes food insecurity?*, available at <<https://www.caritas.org.au/learn/blog/blog-detail/what-causes-food-insecurity->>> (accessed on 6th June 2018).

¹³ FAO An Introduction to the Basic Concepts of Food Security, EC - FAO Food Security Programme (2008), available at <<file:///C:/Users/WINDOWS/Documents/FAO/2018/Pillars.pdf>> (accessed on 9th June 2018), at 1.

¹⁴ FAO *Food Security, Policy Brief Issues 2*, June 2006, available at <http://www.fao.org/fileadmin/templates/faoitally/documents/pdf/pdf_Food_Security_Cocept_Note.pdf> (accessed on 9th June 2018).

¹⁵ FAO, 2008 (note 8 above)

¹⁶ FAO, 2006 (note 8 above).

¹⁷ As above.

¹⁸ FAO, 2008 (note 8 above).

"Stability" is about the stability of the three indicators above. FAO has argued that even if your food intake is adequate today, you are still considered to be food insecure if you have inadequate access to food periodically, risking a deterioration of your nutritional status. That adverse weather conditions, political instability, or economic factors (unemployment, rising food prices) may have an impact on your food security status.¹⁹

Concerning the right to food, the study relies on the definition of the UN Special Rapporteur on the Right to Food as “the right to have regular, permanent and unrestricted access, either directly or using 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”.²⁰

It is within the above FSN and right to food conceptual framework that this assessment is conducted. This legal assessment is intended to establish the extent to which Somali's government policy/legal and institutional frameworks promote FSN and the right to food. The assessment focuses on establishing the extent to which the policy/legal and policy frameworks reflect and promote the four pillars of food security: availability; access; utilization and stabilization, as well as the right to food. In this study, the four pillars have been amalgamated into three indicators that will form the assessment's basis. These include:

1. Food production: Food production entails ensuring a conducive environment to produce food, which could include ensuring among others that people have access to food production resources, including land and other natural resources. This is in addition to access to the inputs of production, such as agricultural inputs and information on food production and technologies. Food production is also affected by the climate and weather, which brings into the picture climate change adaptations in place.

2. Food procurement (access to income, employment, food safety, etc): Food procurement is about access to food supplies from the market for purposes of utilization. Several factors may either promote or hinder procurement. This includes productive employment, decent work, market access/information, consumer protection, and food safety, among others. The latter factors relate to the food chain, which must be secure and designed to ensure not only that the food is safe but also comes in a stable supply, as well as being reached with ease. Food procurement is also about purchasing power and answers the question of whether people have the means to purchase food for themselves and their households, moreover in a sustainable manner.

¹⁹ As above.

²⁰ - <http://www2.ohchr.org/english/issues/food/index.htm>.

3. **Food provision (social protection, safety nets, emergencies, etc.):** Food provision for purposes of this assessment deals mainly with the policy/legal and institutional framework in place to ensure the provision of food for the benefit of those who for a reason beyond their control may not be in a position to secure food for themselves through production or purchase. This could be a result of such vulnerabilities as poverty, natural disasters, emergencies, marginalization, and ill-health, among others. These categories include social security systems including social protection and safety nets, emergency food assistance and aid, and school feeding programs that may not necessarily have the objective of addressing food unavailability.

PART TWO: ANALYSIS OF RELEVANT INTERNATIONAL HUMAN RIGHTS TREATIES ON FSN AND THE RIGHT TO FOOD

2.1 Overview of international and regional legal frameworks for the right to food

The right to food is a human right protected by international human rights law. The right to food was first enshrined in the Universal Declaration of Human Rights in 1948 in the context of the right to an adequate standard of living, that 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, ...”*.²¹ The right to food was then firmly established in the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The convention protects the right to food as part of the right to an adequate standard of living²². This provision requires states to guarantee the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. In very specific terms, The ICESCR recognizes the fundamental right of everyone to be free from hunger²³. The provision requires states to take, individually and through international co-operation, the measures, including specific programs, which are needed to improve methods of production, conservation, and distribution of food and to ensure an equitable distribution of world food supplies concerning need.²⁴

The ECESCR also recognizes the right to work as defined by the opportunity of everyone to gain a means of sustenance using freely chosen or accepted work. State Parties are required to take *“appropriate steps* “to safeguard this right, including technical and vocational training and

²¹ - Article 25 (1)

²² - Article 11(1).

²³ - Article 11(2)

²⁴ -Article 11(2, a, b).

economic policies aimed at steady economic development, and ultimately full employment. Access to employment implies access to food as it enables people to afford the purchase of adequate nutrient food.

There are also other international human rights instruments protecting specific groups which recognize the right to food. These include:

- ***The International Convention on the Elimination of All Forms of Discrimination against Women (1979)*** which contains provisions that guarantee a child's right to an adequate standard of living, which requires the state among others to have support programs for nutrition.
- ***The International Convention on the Rights of the Child (1989)*** has several provisions that enhance the right to food and food security for women. For instance, the Convention requires states to take all appropriate measures to eliminate discrimination against women in rural areas to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development. This is to be achieved among others by ensuring to such women the right to have access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform as well as inland resettlement schemes.
- ***International Convention on the Rights of Persons with Disabilities (2006)***. the convention guarantees PWDs the right to an adequate standard of living, which includes adequate food. In addition, the Convention guarantees the right to social protection, clean water, poverty reduction programs, and retirement benefits.
- ***International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003)*** contains provisions that guarantee these categories of persons various rights intended to ensure that they live a dignified life, among others, free of discrimination and arbitrary conduct towards them. These provisions, therefore, have implications on the access of migrant workers and members of their families to food procurement.

The right to food is also enshrined in the international humanitarian law by protecting the access of civilians and prisoners of war to food and water during armed conflicts and prohibiting the deliberate starvation of civilians as a method of warfare. Under international criminal law, violations of such protection constitute war crimes. Deliberate starvation, whether in war or peace, may also constitute genocide or a crime against humanity.

Several regional instruments protect the right to food. These include the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, known as the Protocol of San Salvador (1988), the African Charter on the Rights and Welfare of the Child (1990), and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, known as the Maputo Protocol (2003).

Several non-legal binding international instruments seek to reflect existing human rights standards on the right to food and provide useful guidance to States on how they can implement their existing obligations. They cover the full range of actions to be considered by Governments at the national level to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so, as well as measures to hold Governments accountable to rights holders. The key such instruments include:

- Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (Right to Food Guidelines), 2004.
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the context of national food security, adopted in 2012 by the Committee on World Food Security of FAO.
- Sustainable Development Goals (SDGs) as it provides an integrated roadmap for sustainable development including food security sustainability, specifically, goal two which focuses explicitly on food by seeking to “*end hunger, achieve food security and improved nutrition and promote sustainable agriculture*” and goal one which focuses on poverty reduction, where agriculture and food has a key role to play.

The international human rights instruments on the realization of the right to food create several international accountability mechanisms which complement the national mechanism to monitor the realization of the right to food. These include:

- **The Committee on Economic, Social and Cultural Rights**, which monitors ICESCR through the review of reports submitted by the States that have ratified the ICESCR, along with parallel reports submitted by NGOs, international organizations, and other sources, and engage State party representatives in public dialogues to improve States’ compliance with their treaty obligations. By an Optional Protocol adopted in 2008, the Committee was given the mandate to examine individual complaints against states that have ratified this Protocol and it has been exercising that mandate since 2013.
- **The Special Rapporteur on the right to food whose mandate is** to promote the full realization of the right to food and the adoption of measures at the national, regional, and international levels; examine ways to overcome existing and emerging obstacles to the realization of the right to food; mainstream a gender perspective and an age dimension in the realization of the right to food and work in close cooperation with all States, intergovernmental and non-governmental organizations.
- **Universal periodic review (UPR) process of the Human Rights Council** which conducts universal periodic review) of the fulfillment by each United Nations Member State of its human rights obligations and commitments. Each country is reviewed every four years. The issue about the right to food has been addressed in the background documentation, which includes information prepared by the State concerned, which can take the form of a national report, and two reports prepared by OHCHR, one a compilation of United Nations information and the other a summary of stakeholders’ input.

- **The FAO Committee on World Food Security** which serves as the United Nations system’s forum to review and follow up policies concerning world food security, including food production and physical and economic access to food. The Committee follows up the World Food Summits and receives national progress reports on the commitments of the 1996 World Food Summit Plan of Action, which contains a specific objective regarding the progressive realization of the right to food.

2.3 State obligations

For each right held by individuals, there are corresponding obligations on the part of others. Under international law, human rights, states have the primary obligation to protect and promote human rights. The obligations that arise from the right to food can be divided into two broad categories: general legal obligations and specific legal obligations.

2.3.1 General Obligations

The general obligations of states to progressively realize the right to food are stipulated in the ICESCR.²⁵ This general obligation can be divided into three further sub-obligations:

1. **The obligation to take steps:** in its General Comment No. 3 on the nature of state party obligations under the ICESCR, the CESCR specified that such steps should be “*deliberate, concrete and targeted.*”²⁶ In this sense, each state party determines the most appropriate measures to be taken to ensure the realization of the right to food.²⁷ These steps may include the adoption of legislation or the implementation of administrative, economic, financial, educational, or social reforms.²⁸
2. **The obligation progressively realizes the right to food:** this means that some states may have resource constraints that impede their full realization of the right to food at once and thus they need time to achieve the full realization of the right to food. Measures, therefore, are categorized into two; some measures are to be taken immediately and others are taken more gradually. The CESCR’s General Comment No. 3 clarifies that state parties must “*move as expeditiously and effectively as possible*” towards the full realization of the rights contained in the covenant.²⁹ The concept of progressive realization does not justify government inaction because a state has not reached a certain level of economic development. The obligation not to discriminate takes immediate effect and is not subject to the standard of progressive realization.³⁰ The concept of progressive realization also

²⁵ - Article 2(1)

²⁶ - United Nations Committee on Economic, Social and Cultural Rights (CESCR), General Comment No 3: The Nature of States Parties Obligations, 14 December 1990, ESCOR [1991] Supp 3, 83, para 9. (General Comment No 3)

²⁷ -ibid

²⁸ - FAO, Methodological Toolbox on the Right to Food – Guide on Legislating for the Right to Food (2009) Right to Food Studies, available at <http://www.fao.org/3/i0815e/i0815e.pdf> (accessed 3 October, 2021).

²⁹ - General Comment No 3, above n 49, para 9

³⁰ - FAO, Methodological Toolbox on the Right to Food, above .

includes the principle of non-retrogression, which obliges states not to reduce the level of protection of a right that has already been achieved.³¹

- 3. The obligation to take steps through the efforts of states themselves and international assistance, to the maximum use of their available resources:** states have primarily the obligation to ensure maximum use of available resources including their resources, and that international assistance to achieve the realization of the right to food.

2.3.2 Specific Obligations

Clarifying the specific nature of state obligations, the CESCR General Comment No. 12 provided three categories of obligations: duties to respect, to protect, and to fulfill.

- 1. The obligation to respect** the right to food requires state parties to refrain from taking any measures – through actions, policies, or the failure to act of its agencies and public officials – that would result in preventing individuals from having access to food. This negative obligation imposes limitations on state conduct that may threaten the right to food. Under this obligation, states cannot obstruct legislation or policies that provide people with access to food, unless fully justified. The Special Rapporteur on the Right to Food has noted that violations of the obligation to respect could occur if a government arbitrarily evicted people from their land, especially if the land was their primary source of subsistence, or if the government suspended or repealed social security provisions without ensuring that vulnerable people had other means to provide for themselves.³² Another type of violation, for example, would be if the government knowingly introduced harmful substances into the food chain.³³
- 2. The obligation to protect** requires states have a positive obligation to safeguard the enjoyment of the right to food against interference by third parties (such as private individuals, private enterprises, and other entities). For example, States should prevent third parties from destroying sources of food by, for instance, polluting land, water, and air with hazardous industrial or agricultural products or destroying the ancestral lands of indigenous peoples to clear the way for mines, dams, highways, or industrial agriculture. The obligation to protect also includes ensuring the safety and nutrition of food in the market by establishing food quality and safety standards and regulating market practices. States are under obligation to take legislative and other measures to protect people, especially children, from advertising and promotions of unhealthy food to support the

³¹ - IDLO , realizing the right to food legal strategies and approaches (2015), available at https://www.idlo.int/sites/default/files/pdfs/publications/Realizing%20the%20Right%20to%20Food_Legal%20Strategies%20and%20Approaches_full-report_0.pdf (accessed 4th October 2021).

³² -Ibid

³³ -Ibid

efforts of parents and health professionals to encourage healthier patterns of eating and physical exercise.³⁴

3. The obligation **to fulfill (facilitate)** means the States must be proactive in strengthening people’s access to and use of resources and means of ensuring their livelihoods, including food security. Facilitating the realization of the right to food requires more far-reaching measures on the part of the government in that it has acted to seek to identify vulnerable populations and implement policies and programs to improve these people’s access to food and their capacity to feed themselves. The obligation to fulfill the right to food by providing food directly will only apply at times and for persons or groups that are not able to exercise their right to food by their means. The obligation to provide also includes the obligation to ensure, as a minimum, that no one in a country suffers from hunger.³⁵

2.4 Status of Somalia in Ratification of Relevant International Treaties to Right to Food

Somalia is part of the international community and has ratified several international and regional treaties that have implications on the realization of food security and nutrition and the right to food. The table below provides Somalia’s ratification status concerning the key international and regional legal instruments.³⁶

Treaty	Signed/ Ratified	Not ratified
International Human rights instruments		
International Covenant on Economic, Social and Cultural Rights (CESSR)	Ratified 24 Jan 1990	
International Covenant on Civil and Political Rights (ICCPR)	Ratified 24 Jan. 1990	
Convention on the Rights of the Child (CRC)	Signed: 09 May 2002 Ratified: 01 Oct 2015	

³⁴ - UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 34, The Right to Adequate Food, April 2010, No. 34, available at: <https://www.refworld.org/docid/4ca460b02.html> (accessed 5 October 2021).

³⁵ - FAO, Methodological Toolbox on the Right to Food, above .

³⁶ - See UN Treaty Data Base , available https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=161&Lang=EN

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	16 Sep. 2005	
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Ratified 24 Jan 1990	
Convention on the Rights of Persons with Disabilities	Signed: 02 Oct 2018 Ratified: 06 Aug 2019	
International Convention on the Elimination of All Forms of Racial Discrimination	Signed: 26 Jan 1967 Ratified: 26 Aug 1975	
Optional Protocol of the Convention against Torture		No
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		No
The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)	NO	
Convention for the Protection of All Persons from Enforced Disappearance		No
Convention on the Elimination of All Forms of Discrimination against Women	No	No

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No	No
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography		No
ILO Convention concerning Forced or Compulsory Labour	18 November 1960	
ILO Convention on Abolition of Forced Labour	Ratified 8Dec 1961	
ILO Convention on right to Organise and Collective Bargaining		No
ILO Convention on equal remuneration	Ratified 8 Dec 1961	
Convention on Biological Diversity	Ratified 11 September 2009	
United Nations Convention to Combat Desertification	Ratified 24 July 2002	
United Nations Framework Convention on Climate Change	11 September 2009	
Convention on International Trade in Endangered Species of Wild Fauna and Flora	Signed 2 December 1985 Ratified 2 March 1986	
The four Geneva Conventions (1949)	Ratification/Accession: 12.07.1962	

Regional Human Rights Instruments		
African Charter on Human and Peoples Rights	signed 6 Feb 1986, Ratified 31 Jun 1985	
Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa,	Signed 23 Feb. 2006 Not ratified	
African Charter on the Rights and Welfare of the Child		No

As shown above, Somalia has signed and ratified several international and regional treaties and instruments that imply the greater realization of human rights and the potential to empower the disadvantaged and marginalized, and contribute to a more just, inclusive, and fair society in Somalia. Specific to the right to food, Somalia is part of the key international and regional human rights treaties on the right to food including the ECESCR and the African Charter on people’s rights. It is also a part of other several international and regional human rights instruments protecting specific groups which recognize the right to food, namely the CRC, the Convention on the Rights of the PWDs Persons. However, Somalia has not yet ratified the optional protocol of the ECESCR and other several international and regional treaties protecting rights of specific groups to food such as CEDAW, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the African Charter on the Rights and Welfare of the Child.

Somalia, a country in a post-conflict situation and suffers from poor development and rampant violations of human rights gain the following potential benefits from the ratification of international treaties, especially those relating to the promotion of human rights:

1. The most important benefit of ratification is the actual improvement in the human rights of individuals and groups in the ratifying state. The greater realization of human rights has the potential to empower the disadvantaged and marginalized, and contribute to a more just, inclusive, and fair society. Ultimately, a state with a strong commitment to human rights is likely to be a state that is well-governed, secure, and stable³⁷ and thus has the potential to realize the right to food and nutrition for its people. The Somali's UPR report in 2021 noted that the progress made by Somalia in ratification and domestication of the International Convention on Child Rights (CRC) contributes to the strengthening of the existing national child protection frameworks.
2. Another benefit of ratification is putting in place mechanisms for accountability and enforcement of human rights standards. For example, adopting legislation, putting in place institutions or governance mechanisms, and allocating budget to give effect to the rights to food that is protected in the treaties ratified by Somalia. In this sense, developing and adopting FSN Act would be considered as taking a legislative measure to give effect to the right.
3. In the development context, it has also been argued that, given the absence of an enforcement mechanism for achieving the objectives in the Sustainable development Goals, the enforcement regime of the international human rights framework can not only enforce human rights but also complement and reinforce the implementation of national and regional development plans including those relating to the right to food.
4. Another benefit is that Somalia through the ratification attracts technical assistance from the UN agencies, multilateral and bilateral donors, and NGOs in implementing the treaties such as resources and capacity building. Apart from the technical assistance directly linked to treaty ratification and implementation, ratification might also indirectly support efforts to attract foreign capital, trade, aid, and political support. The OHCHR has noted that an environment in which the rule of law is respected will attract greater economic investment.³⁸

Regarding the non-ratification of international treaties, Somalia might face the following challenges in the promotion of the rights of its people including the right to food and nutrition :

1. The non-ratification of more of the core human rights treaties may trash the state's reputation as a 'good global citizen. In this sense, Somalia needs to ratify more core human rights treaties to prevent its isolation in the international arena.
2. The non-ratification of core international treaties might also lead to failure to attract multilateral donors such as the World Bank may limit aid where the state has now shown

³⁷ - Baird, N., 2011. To ratify or not to ratify?: An assessment of the case for ratification of international human rights treaties in the pacific. *Melbourne Journal of International Law*, 12(2), pp.1-41.

³⁸ -ibid

willingness to respect human rights by ratifying and domesticating international human rights treaties.

2.5 Human Rights Council's Universal Periodic Review of Somalia

Somalia is a member of the United Nations Human Rights Council and has submitted reports to the Universal Periodic Review (UPR). The country's UPR report in 2021 highlighted the issue of food and nutrition under the theme "Economic recovery and poverty reduction" and pointed out the government's commitment to supporting the country's progress from drought recovery, disaster preparedness to longer-term sustainable resilience. The report also highlighted the government's efforts to increase the production of food through the Ministry of Agriculture which has established different programs to sustainably support small farmers and agricultural businesses to produce enough food to achieve sustainable food security.³⁹ The report further touched on the development of federal social protection policy aimed at improving access to social services and assistance through initiatives that support the most vulnerable communities, including women, children, persons with disabilities, Internally Displaced Persons, the elderly, and other vulnerable groups.⁴⁰

The national report indicates the country's willingness to be bound by the international legal frameworks about rights. Ratification of the key international human rights instruments that regulate the right to food including the ESCR and other conventions which protect the right to food of specific groups including the Convention on the Rights of the Child shows the commitment of Somalia to undertake obligations to take steps to respect, protect and fulfill the realization of the right to food by all its people.

Another important report is the report of the Independent Expert on the situation of human rights in Somalia in 2021 which reports about the state of human rights in Somalia including economic rights. The expert stated in the report that human rights challenges persisted in respect of several vital economic opportunities and that economic disparities among marginalized and minority groups remained pervasive in Somalia.⁴¹ Limited access to water, sanitation, and land resources, exacerbated by the ongoing armed and clan conflicts and environmental disasters, including droughts, floods, and desert locusts, left marginalized communities destitute. The report

³⁹ - UN Human Rights Council, Report of the Working Group on the Universal Periodic Review :Somali Federal Government , 3-15 May 2021, A/HRC/WG.6/38/SOM/1. P 11.

⁴⁰-Ibid , p 14

⁴¹ - Report of the Independent Expert on the situation of human rights in Somalia , 14th July 2021 , A /HRC/48/80 , available at https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_48_80_E.pdf (accessed 7 October 2021).

of the independent expert ... alarmed the situation of food security for vulnerable populations, including internally displaced persons, persons with disabilities, and persons living in poverty amid the COVID-19 outbreak. The report also highlighted the low food purchasing power of many people at risk due to the COVID-19 pandemic, which has disrupted the flow of remittances, which was a major source of revenue for many people in Somalia.⁴²

PART THREE: ANALYSIS OF NATIONAL POLICY FRAMEWORKS ABOUT RIGHT FOOD AND FOOD SECURITY

3.1 Analysis of relevant constitutional provisions about the right food

The Somali provisional constitution of 2012 does not explicitly provide for the right to food. Nevertheless, the constitution explicitly enshrines elements of the right to food in several provisions of the constitution, such as the right to a dignified life,⁴³ right to life, right to be free from torture and degrading treatment⁴⁴, and right to access to natural resources.⁴⁵

the constitution has provisions that deal with access to natural resources that are necessary for food production. The constitution recognizes access to land as the primary source and the basis of the people's livelihood⁴⁶ and provides for the utilization of land in *an "efficient, productive and sustainable manner"*⁴⁷. It further requires the government to develop a national land policy to guarantee the equitable allocation of land and its use, land ownership, and registration, and prevent violations of the rights of small landowners.⁴⁸ The right to own property is also guaranteed and any kind of arbitrary deprivation of property (including land) is prohibited.⁴⁹

The Constitution requires the state to take measures for creating enabling environment for food production by taking necessary steps for environmental conservation and protection, ensuring *"protection, conservation, and preservation of the environment against anything that may cause harm to natural biodiversity and the ecosystem"*⁵⁰ and protection of natural resources from an *"excessive and damaging exploitation of these natural resources"*.⁵¹ In addition, the Constitution guarantees the right to clean potable water. Therefore, it is the responsibility of the Somali state to

⁴² - Ibid

⁴³ - Article 10.

⁴⁴ - article 15

⁴⁵ - article 25 (2),

⁴⁶ - article 43 (1)

⁴⁷ -article 43(2)

⁴⁸ -article 43 (3)

⁴⁹ - article 26

⁵⁰ - article 45(1)

⁵¹ - article 25(2)

take all practical measures to promote a good water management system and it is no doubt that good water management is vital for the production of food and is used for purposes of growing and storage of food.

In general, constitutional provisions on the access and utilization of natural resources sustainably, access to land, and property rights enable people to produce their food from the natural resources, including through protection of land tenure for the production of food, by cultivating land or animal husbandry, or through other ways like fishing, hunting, etc.

The constitution contains provisions about the right of every person to decent work as well as the right to form or join a trade union, together with the accompanying rights of collective bargaining and strike,⁵² right to full social security,⁵³ and right to have access to information on food markets and procurement. These are important for accessing food through purchase or procurement. The Constitution promotes the safety of procured food by enshrining the right of every person to have “clean portable water”, health care for every person, a clean and healthy environment free from pollution⁵⁴, and the right to access to information⁵⁵ including information and awareness of good hygiene and sanitation practices.

The constitution further contains provisions that require the state to establish enabling environment for the availability of food for all including through supply to those who are unable to access food by themselves. The Constitution recognizes food supply predominantly by recognizing the right of freedom of trade⁵⁶ including impliedly the right to access to food through imports and the right to social support (food aid) for vulnerable members, namely women, aged, disabled, and minorities.⁵⁷ There is also a constitutional provision that protects the basic needs of children, which would ordinarily include food.⁵⁸ The Constitution also imposes a duty on parents to care for their children and in case they cannot provide such care, it is the responsibility of others to become duty-bearers for child’s care.⁵⁹ This means that parents have a duty, among others, to meet the food and nutrition needs of their children.

3.2 Applicability of International human rights instruments on right to food in the Somali Constitution

In the legal system of the Somali Federal Government, the issue of the relationship between domestic and international law is determined according to the dualist theory, which views

⁵² - article 24

⁵³ - Article 27 (3).

⁵⁴ - Article 25

⁵⁵ - article 32.

⁵⁶ - article 23

⁵⁷ - article 27 (5).

⁵⁸ - article 29

⁵⁹ - article 28 (3).

international law and municipal law as two distinct legal systems and requires the incorporation of international law provisions into the national laws through legislative act before they are applied in the national courts of law. In this sense, once Somalia becomes a party to an international human rights treaty on the right to food, such an instrument is not directly applicable in the national legal order unless it is domestication through a national legislative process.⁶⁰

The Somali Provisional Federal Constitution of 2012 does not specify the status of international law.⁶¹ Nevertheless, the Constitution expressly sets out the sources of law which may be considered in the interpretation and application of the law by the judiciary. Thus, when interpreting bills of rights enshrined in chapter 2 of the Provisional Constitution, a court shall consider the relevance of the Constitution, and make its decisions compatible with these provisions, as far as is possible. In interpreting the rights provided by the Constitution, the court may consider several sources including international law, and decisions of courts in other countries, though it is not bound to follow these decisions.⁶²

3.3 Justiciability of right to food in the Somali constitution

The right to food has been implicitly recognized in the Constitution and thus any person whose right to food is deprived or impaired shall have full access to the national courts as a right-holder based on several constitutional provisions including article 34 (1) which states that “ Every person is entitled to file a legal case before a competent court”, article 39 (2) which stipulates that “ Redress of violations of human rights must be available in courts that the people can readily access” and article 33 which also stipulates that every person has a “right to administrative decisions that are lawful, reasonable and conducted in a procedurally fair manner”.

Socio-economic rights, including the right to food and other related rights such as the right to property, right to social security, right to decent work, and the right to access to land, are justiciable, which involves their recognition as legal rights that can be interpreted by courts and

⁶⁰ - Osman, A. Khayre (2021). international law and its applicability in the Somalian legal systems , available at <https://thelawbrigade.com/wp-content/uploads/2021/09/Ahmed-Kheir-Osman-IJLDAI.pdf> (accessed 5th October 2021).

⁶¹ - Somalia in its history had three main constitutions; the independence constitution in 1960, the 1978 constitution and the current provisional federal constitution in 2012 and none of them provides a clear guideline for the status of international law . However the practice is that Somalia is dualistic state article 6 of the 1962 constitution provides a kind of guideline for domestication process of international which Somalia is part by expressing that the generally accepted rules of international law and international treaties duly concluded by republic of Somalia and published in the manner prescribed for legislative acts shall have the force of law.

⁶² - article 40

be the subject of litigation.⁶³ In this sense, the Somali courts are under obligation to interpret the obligations of Somalia under international law by adjudicating national cases concerning issues of the right to food⁶⁴. Justiciability of the right to food and other related socio-economic rights could be ensured by invoking rights such as the right to life,⁶⁵ the right to a dignified life, and the right to health, which are provided for in the Somali Provisional Constitution. Justiciability of the right to food comes under the Somali Provisional constitution of 2012.⁶⁶ **Courts are thus required to define** procedural mechanisms that allow individuals or groups to petition the courts to obtain redress for violations of the bill of rights including the right to life, food, health, and dignified life which are enforceable through individual or group petitions to the Supreme Court against state or any other duty bearer seeking enforcement of fundamental rights and redress for their breach.

Apart from judicial review on the observance of the right to food to ensure that every person or group that is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies, the constitution creates a National Human Rights Commission to monitor the Government's fulfillment of its obligations to respect, protect and fulfill human rights including the right to food. The Commission exercises its monitoring function on the realization of human rights, including the right to food, by putting in place implementation of standards, parameters, and the fulfillment of human rights obligations,⁶⁷ handling complaints, and ensuring appropriate redress where human rights have been violated,⁶⁸ carrying out investigations and reporting,⁶⁹ ensuring the ratification and implementation of international human rights treaties, and providing training and public education.⁷⁰

However, enforcement of the right to food is still questionable in Somalia amid the absence of the Federal Constitutional Court and the Federal Judiciary Service Commission. The first is vital for constitutional review of government measures that could impede the right to food and the latter is vital for guaranteeing judiciary independence and competence to independently review executive

⁶³ - International Commission of Jurists (ICJ), Courts and the Legal Enforcement of Economic, Social and Cultural Rights. Comparative Experiences of Justiciability, 2008, Human Rights and Rule of Law Series No. 2, available at: <https://www.refworld.org/docid/4a7840562.html> (accessed 8 October 2021)

⁶⁴ - See article 33

⁶⁵ - In Francis Coralie Mullin v Administrator, the Indian Supreme Court found that “the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life, such as adequate nutrition (See Francis Coralie Mullin v Administrator, Union Territory of Delhi (1981) 2 SCR 516.).

⁶⁶ - Article 33 reads Justiciability of the right to food comes under article 33 of the Somali Provisional constitution of 2012 which reads: *Every person has the right to administrative decisions that are lawful, reasonable, and conducted in a procedurally fair manner.*

⁶⁷ -article 41 (2)

⁶⁸ Article 111B (2, b). This provision obliges the national human rights commission to help every person or group that is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies.

⁶⁹ -article 111B (2, a).

⁷⁰ - Article 111B(2, d).

actions relating to right the food. Moreover, the National Human Rights Commission has not yet been put in place, which is another setback for the implementation of the right to food.

PART FOUR: POLICY FRAMEWORKS RELATING TO FSN AND THE RIGHT TO FOOD

4.1 National Policy frameworks on FSN and the right to food

Somalia has adopted several policies which deal with different aspects of food and nutrition and the right to food. These policies guide government action as well as establish and define institutional mechanisms relevant to food security and nutrition. This is in addition to serving as the basis for legislation.

a) National employment Policy, 2019

The overall vision of the policy is to achieve decent and productive employment for all in conditions of freedom, equity, security, and human dignity. The policy develops a pragmatic agenda, which also considers the tight public budget and low revenues. The three key objectives of the policy are: a) improved employment governance; b) job creation through promotion of micro, small, and medium enterprises; and c) development of key sectors. cross-cutting issues are also identified, with a focus on vulnerable groups such as youth; women; child soldiers; IDPs; nomadic people; and people living with physical, mental, intellectual, and sensory impairments.

This policy is relevant to food procurement because it enables poor people to have purchasing power for adequate food and nutrition through increased employment opportunities and higher incomes.

b) National social protection Policy, 2020

The overall objective of the policy is to **“progressively build a comprehensive and coherent social protection system that combats poverty and vulnerability in Somalia while contributing to economic growth, peace and security, human development, and equity through programs which improve food security and nutrition, support access to basic social services, enhance livelihoods and assets, reduce negative coping, and protect at-risk populations from recurrent shocks”**. This goal is further defined by the following five **specific policy objectives**

1. Establish and strengthen the systems and capacities of the government of Somalia and other stakeholders to design, implement, and monitor coordinated and effective social protection programs.
2. Progressively expand access to social assistance, especially cash-based social transfers that support poor vulnerable people — including children, the disabled, and the elderly — to improve their standard of living in line with a minimum social protection floor, invest in their futures of...and those of their families, and build resilience to shocks.
3. Build the foundations for social insurance for the formal sector, in partnership with private sector actors, to develop mechanisms for increasing the participation of the informal sector.
4. Combine income support with broader policy measures that assist those households and individuals with labor capacity to access employment and productive livelihoods.
5. Extend access to social care services for poor and vulnerable households and individuals.

In achieving those objectives, the policy outlines the following seven priorities:

1. Youth employment and self-employment.
2. Incomes of rural and urban poor
3. Equitable access to basic services (health, education)
4. Integration of urban poor, displaced, and rural migrants.
5. Unconditional assistance for the poorest and neediest.
6. Social Insurance pensions and insurance for livestock keepers.
7. Foundational systems & capabilities.

The policy approach is primarily founded on non-contributory instruments, particularly indirect social transfers — such as user fee exemptions, fee waivers, and subsidies, to facilitate access to basic social services such as health, education, and water by the poorest households. The policy primarily targets vulnerable groups including people with disabilities, women, children, internally displaced people (IDPs), and poor pastoralists. To this end, the policy envisions a social protection system that will be anchored on the following strategies :

- **Protective** strategy by providing essential support to and shielding those who live in poverty from the worst consequences of that condition.
 - **Preventive** strategy by putting in place mechanisms to prevent people from falling into poverty as a result of shocks.
 - **Promotive** strategy by supporting poor people's investment in their own and their family's future; for those who are fit for productive work, it will provide a means to escape poverty and reduce reliance on external support.
- Transformative** by including traditionally marginalized groups and reinforcing social cohesion.

This policy will be rolled out in a phased approach, beginning with a pilot phase to achieve successes that build political and citizen support, derive lessons learned for adjustments, build

capacity, and make funds available. This document outlines the policy priorities for Phase I (until 2024). These are considered immediate priorities, based on an assessment of what can be considered feasible in the short to medium term and serving as necessary precursors to more ambitious longer-term actions. This policy also summarises anticipated priorities for Phase II (five to 20 years) — the longer-term requirements for building a more inclusive social protection system. In the short to medium term, during part or all of the Phase I, implementation of policy priorities will depend on the engagement of multiple non-government stakeholders including the UN, humanitarian and development partners, NGOs, and the private sector. Furthermore, while social protection in Somalia is conceived as a range of instruments, in the short to medium term priority is given to developing cash-based social transfers. In this sense, the policy envisages an effective delivery of social protection requires strong leadership at the Federal, State, and Municipal levels. The Federal Government has the mandate to have the implementation framework, resources, and effective coordination. States should develop governance and institutional capacity to manage policy implementation in their regions and assume some implementation roles.

For the effective implementation of the policy, the policy establishes under section 5 the following three institutional arrangements :

1. **Social Protection Steering Committee:** the mandate of the committee is to bring together all actors in the government and will be responsible for matters of strategic level-policy planning, coordination, and resource mobilization/financing. In Phase I (until 2024), the Steering Committee will be co-chaired by MoLSA, and its membership will comprise senior officials from key ministries at the federal level, focal points from regional states, the Office of the President, ambassadors, heads of UN agencies, and technical experts may support specific deliberations. The Steering Committee will meet four times per year. It will guide the development of sound and appropriate social protection policies, strategic frameworks, and action plans, and will ensure oversight of and accountability for the implementation of social protection.

2- Technical committee: the mandate of the committee is to ensure effective coordination of social protection program activities. The committee's membership will comprise all those involved in the delivery of the transitional safety net program. The Technical Committee will be co-chaired by MoLSA and the agency or service provider managing the program. Membership will include the payment service provider, all contractors carrying out core functions, and other implementing agencies. The group will convene for structured monthly or quarterly meetings at the FGS level; those meetings will be complemented by sub-task force meetings in FMS.

3. Social protection support group co-led by MoLSA and an international agency: This group will bring together all development partners with interest or expertise in designing and implementing social protection and safety nets in Somalia. The group will convene quarterly and will provide technical assistance and critical thinking as needed to support progress toward policy objectives. It will:

- Ensure the needs of vulnerable groups are adequately considered and addressed in the design

and implementation of the social protection system.

- Conduct evidence-based research and review international best practices to inform policy and program development.
- Develop, implement, and generate lessons learned on projects contributing to policy priorities.
- Develop common approaches, standards, and tools for programming.

The SP policy seeks to enable the Somali population to either have the means to access food by generating income or receive assistance to make ends meet in situations where some people cannot cater for themselves. It facilitates access to food through procurement and supply.

c) National Environmental Policy, 2019

The environment policy was adopted in 2019 with the object to improve and enhance the health and quality of life of the Somali people and promote sustainable development through sound management of the natural resources of the country. The policy states several instruments to ensure conservation and sustainable utilization of agricultural livestock, fishery, wildlife, range, water, and mineral resources and provides instruments to address air and water pollution, land degradation, wastes, and safeguard biodiversity.

The policy is vital for food **production** as it explicitly provides for several instruments to conserve and develop the agriculture sector to improve the livelihoods of the agro-pastoralists, agriculturalists as well as enhance the food security of the country. One of the policy directives indicated in the policy is the government's commitment to improve the livelihoods of the agro-pastoralists, agriculturalists as well as enhance food security of the country by taking several measures including strengthening household resilience and reducing hunger and malnutrition by promoting agricultural production intensification.

The policy also commits the government to safeguard human and environmental health by producing adequate regulation of agricultural (crop and livestock) chemicals. It further creates enabling environment for improving the nutritional value of food which is determined by freshness or processing and handling techniques, variety, and chemical composition. These aspects relate to agricultural inputs that facilitate better production and also the safety of food purchased on the market.

For effective implementation of the policy, the policy proposes that both the federal and the regional states will undertake such a task. The Directorate of Environment and Climate Change(DoECC) at the Office of the Prime Minister of the Federal Republic of Somalia is the main institution responsible for promoting implementation and coordination of the policy implementation in close collaboration with other ministries and stakeholders at federal and member states level.

The policy proposes several key legislations to be developed for enhancing environmental conservations. These are:

- National Environmental Management Act
- Forestry and Wildlife Act
- Land Management Act
- Mineral and Petroleum Act
- Marine Conservation Act
- Waste (solid & liquid) Management Act.

d) National climate change policy, 2020

The climate change policy was adopted in 2020 to guide national response measures in addressing the impacts of climate change, promote and strengthen the implementation of adaptation and disaster risk reduction measures to reduce vulnerability to climate change, and promote investments in climate-resilient and low-carbon development pathways in all economic activities. The policy provides measures of climate change adaptation ((including Disaster Preparedness and Response) and mitigation mechanisms in section five.

Subject to the adaptation, the policy provides for commitments to achieve climate change resilient agriculture and livestock to reduce climate change stresses on the two sectors and ensure the stability of food in the long term. The policy also provides for several mitigation commitments to reduce the negative pressure of climate change on the food production sectors including sustainable utilization of agriculture, livestock, fishing, land, biodiversity, and forestry by sequestering carbon in soils and biomass, and by decreasing emissions intensity within sustainable production systems.

Policy adaptation and mitigation commitments addressing climate change effects are relevant to **food production** through addressing climate change effects on agriculture, fishing, and livestock, **food procurement** through addressing climate-related effects on employment and markets, and **food supply by** addressing climate change-related effects on access to food of vulnerable groups who are affected by climate shocks to food assistance programs.

The policy recognizes the importance of establishing appropriate institutional arrangements that might be effectively developed to meet the challenge associated with climate change. Therefore, this policy identifies relevant institutions and establishes appropriate committees at national and sub-national levels.

At the Federal level, the following national ministries, their departments, and agencies are identified to have a critical role in the implementation of the policy.

1. Directorate of Environment and Climate Change with the Mandate to ensure the sustainable use, management, and protection of the environment and its natural resources

Sectoral Ministries

2. Ministry of Energy and Water Resources.

3. Ministry Of Humanitarian Affairs & Disaster Management.
4. Ministry of Agriculture.
5. Ministry of Fisheries and Marine Resources.
6. Ministry of Livestock.
7. Ministry of Natural Resources and Petroleum.
8. Ministry of Public Works, Housing and Reconstruction (incl. roads authority).
9. Ministry of Ports & Marine Transport.
10. Ministry of Transport & Civil Aviation.
11. Ministry of Post & Telecommunication.
12. Ministry of Health.
13. Ministry of Education.

At the state level, the policy establishes State and Municipal Committees on Climate Change as the implementors of the policy in their respective regions. States have their ministries of environment responsible for managing the environment, including Climate Change, in their respective states. At the State level, two committees shall be established in each state: State Committee on Climate Change and Municipal Committees on Climate. The role of the State Committee is to coordinate climate change response actions at the state level, while the Municipal Committees will coordinate climate change response actions at the municipal levels.

The policy lists several sectoral policies that have a direct impact on climate change and the wider environment and thus need to be adopted and implemented. these are:

- Climate Change Policy.
- Fishers Policy.
- National Petroleum and Mineral Policy.
- Energy Policy.
- Wetlands policy.
- Wildlife policy.
- Forest Policy.
- Biodiversity Policy.

e) National water policy, 2019

The Water Policy was adopted in 2019 with the purpose to enable Somali people to have access to adequate and safe water, hygiene and sanitation for all. The vision is achieving “adequate and safe water, hygiene and sanitation for all”. This vision is supported by a mission that states that the vision will be achieved to “improve access to safe, affordable, equitable, sustainable and quality water and sanitation services, and increased adoption of hygienic practices at the personal, household and community levels, resulting in (i) reduced morbidity and mortality rates and (ii) enhanced people’s health, productivity and quality of life (Well-being)”.

Policy statements focus on developing urban water supply, rural water supply, adoption of pro-poor approaches, community well-being through social and environmental considerations, Water Quality, Service sustainability through community ownership, and promoting household water treatment and safe storage. The policy recognizes water as the engine for national reconstruction and development which operates at all levels of society and government, and it is underpinned by the rules, intent, and instruments with which governments manage national water resources. The policy indicates that national water resources management is the activity of national planning, developing, distributing, and managing the optimum use of water resources.

The policy proposes establishing a national multi-level water resources management institutional structure composed of the National water resources Ministry, national water committee, state-level water resources Ministries, national water resources authority (WARMA), state representation of WARMA, and community water resources management associations. The policy envisages that WARMA, in consultation and collaboration with the state-level ministries of water resources and with the participation of all water sector partners and stakeholders will develop and implement the policy implementation plan. The implementation plan will designate the roles and responsibilities of all parties and include a set of performance indicators and measures to assess progress towards the effective coordination of all matters water.

The policy proposes the formulation of the national water act with the object to ensure delivery on the Ministry of Energy and Water Resource (MoEWR) mandate to regulate water resources to promote the social and economic development of the country. The framework will address the overall water rights of the citizens, protection, regulation, quality and standards, institutional arrangements, allocation, works, financing, and other issues.

The policy does not contain specific measures and directives that establish a clear linkage between water and the attainment of FSN. However, policy directives and measures on integrated water management, conservation of water resources, building modern and sustainable national water resources management, and development infrastructure have a good impact on food production. This is because water is a vital resource in the production of food. Moreover, water can also be in processing food and ensuring food safety for marketing.

Does the policy set directions for legal frameworks on water? Anything on that?

f) National Health Policy, 2014

The National Health Policy was adopted in September 2014. The Policy is relevant to **food procurement** in the sense that it deals with utilization issues. It defines the vision of the policy as to ensure that Somali people “enjoy the highest attainable standard of health and quality of life and have universal and equitable access to essential quality health services with a priority focus on maternal, neonatal and child health and nutrition, and on the prevention and control of high burden diseases and related risk factors”. It defines the mission as “to provide equitable, efficient and affordable quality essential priority health services as close to the communities and families as possible based on the essential package of health services and primary health care approach”. Its goal is “to improve the health status of the population through health system strengthening interventions and providing quality, accessible, acceptable and affordable health services”.

The policy identified five priorities. The first priority contains provisions dealing with health nutrition with respect to mother and child by stating that **“to improve access to essential health services of acceptable quality through implementation of EPHS, producing the desired health outcomes in terms of reducing maternal, neonatal and child mortalities, decreasing the rates of undernutrition, controlling prevalent communicable and non-communicable diseases and improving the quality of life”**. Thus, the Policy looks at nutrition as part and parcel of health and under the mandate of the Ministry of Health by providing a directive **“to Strengthening reproductive, Maternal, Neonatal, Child Health (MNCH) and Nutrition”** by **” improving the health system capacity to combat maternal and child malnutrition by promoting the appropriate knowledge, attitudes and practices on maternal nutrition, infant and neonatal feeding, including exclusive breastfeeding and complementary feeding practices and preventing disease and undernutrition through access to micronutrient supplements, deworming and hygiene and sanitation”**.

Based on the above, the National Health Policy establishes interconnection between food and health; poor nutrition could result in poor health. Moreover, poor health could be addressed by improving access to nutritious food. The policy, therefore, is essential to ensure the quality and care required of food items that are either produced or procured by consumers or supplied to them by state and non-state actors.

For effective implementation of the policy, the policy recognizes delivery of health and nutrition services as a joint enterprise that recalls for the active engagement of health professionals and ensuring the support necessary from the MOH central and regional level and other relevant government institutions, the Community Based Organizations(CSOs), the community and health development partners. However, the policy does not provide a clearer picture of the structure and role, and responsibilities of the different health stakeholders.

The policy proposes the following regulatory frameworks :

- 1- Regulating medicines by mandating their formal registration, setting quality guidelines for drug donations, improving storage and distribution systems, promoting essential drug use, and rational prescribing.
2. Developing clinical practice guidelines for common diseases in the health sector and developing operational guidelines for health sector partnerships and coordination, containing the functions, procedures, and roles, and responsibilities of the different stakeholders, spearheaded by explicitly defined levels of shared accountability for attaining the full potential of these collaborative partnerships.

Whose institutional responsibility is the policy under? Is nutrition under the Ministry of Health – any other state authority?

g) Revised National Disaster Risk Management Policy, 2020

The revised policy on disaster management was adopted in December 2020. This Policy promotes **food procurement and food provision** during response to disaster response and **food production** during disaster preparedness. The overall objective of the policy is to provide broad directions for a comprehensive framework for disaster risk management in the country that promotes risk management culture to reduce vulnerability among populations at risk and includes measures toward disaster prevention, mitigation, preparedness, response, recovery, and reconstruction in a way that strengthens linkages between disaster risk management, resilience, and sustainable development.

The disaster risk management policy will be driven by practical considerations and its success will be a measure of:

- Progress towards the four policy priorities and strategic objectives outlined in the policy document.
- Evidence of collaboration between actors at federal, state, and district levels ∞ Increased financing on the Disaster Risk Reduction and shifting the program focus of the implementing partners to long-term investment.
- Consensus agreed among specific programs on DRR that are aligned to the policy action plans and operational modalities.
- Increased awareness of the community on disaster risks and emerging response mechanisms at the grassroots level.

The policy identifies the following four priorities:

- 1- Understanding disaster risk Policy Priority.
- 2- Strengthening disaster risk governance to manage disaster risks.
- 3- Investing in disaster risk reduction for resilience.
- 4- Enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation, and reconstruction.

Based on this, the policy aims to reduce the vulnerability of people before, during, and after disasters through risk assessment, risk reduction (preparedness, prevention, and mitigation), emergency response, and rehabilitation. Measures are provided in the policy that has a close link to the realization of food security, especially priority three through the policy provides social, economic, financial, and sector development plans and programs that incorporate Disaster Risk Reduction (DRR) to reduce the vulnerability of populations most at risk and of economic activities (such as risk-sharing, welfare protection and livelihoods stabilization, sustainable ecosystems management, resilience, rural development plans, land use planning). The policy, therefore, seeks to protect livelihoods from shocks, to make food production systems more resilient and more capable of absorbing the impact of, and recovering from, disruptive events.

For effective implementation of the policy, the policy establishes the following institutional framework:

1. Inter-ministerial body with the mandate to provide strategic oversight to disaster response operations. The body or the council is Chaired by the Prime Minister and will report to the office of the Prime Minister. The council will comprise several ministries holding various portfolios relevant to disaster management. These are the Ministry of Humanitarian Affairs and Disaster Management; Ministry of Agriculture; Ministry of Energy and Water Resources; Ministry of Health; Ministry of Public Works and Reconstruction; Ministry of Livestock, Forestry, and Range; Ministry of Planning, Investment, and Economic Development; Ministry of Labour and Social Services; Ministry of Interior and Federal Affairs; Ministry of Fishery and Marine Resources; Ministry Transport and Civil Aviation; Ministry of Internal Security; Ministry of Finance; Ministry of Women and Human Rights, Ministry of Defense, Ministry of Youth & Culture and the Directorate of Environment within the Prime Minister's Office. The Minister of Humanitarian Affairs and Disaster Management acts as ex-officio Secretary of the council and meets at least twice – besides ad hoc meetings during major disasters as and when needed - a year.
2. Member States governments may, at their discretion, set up separate dedicated State Disaster Risk Management Authority (DRMA) for facilitating all-round DRM in their respective States. Where a State decides not to have a separate structure, it will, as a minimum, set up a disaster risk management committee (DRMC) headed by a senior-level Secretary (as Chair of the DRMC) to the State government, with membership from key departments (Regional Ministries, Directors General, Heads of Departments) with direct relevance to disaster preparedness and response.
3. District level administration as the District Commissioner is required to take all measures for disaster risk management in the district under the guidelines laid down by the State DRMA/DRMC and DRMCG. These officials will organize appropriate district planning, coordinating, and implementing bodies for disaster risk management.

f) **Draft National Food Security Policy, 2020**

The draft National Food Security Policy is developed to guide food production, food procurement, and food supply activities in Somalia. The policy is a kind of declaration of government intention and commitments as well as a guide to government institutions (at all levels); development partners, and other key stakeholders in their efforts to improve food security.

The objective of the policy is to ensure that adequate, diversified, and safe food is available all year round to the entire population. To achieve this, the policy provides measures and actions to ensure food security dimensions. The policy identifies food security dimensions as achieving food availability, food accessibility, food utilization, and food stability.

On **food availability**, the policy recognizes that food availability is a combination of domestic food production, domestic food stocks, commercial food imports, and food aid and thereby proposes several measures to be taken to ensure food availability through four main measures (i) increase of crop production (ii) increase of Livestock production and productivity (iii) increase of Fisheries production for improved nutrition (iv) food aid.

On **food accessibility**, the policy indicates that food accessibility is ensured when households and individuals in the households have enough resources to obtain food in sufficient quantity, quality, and diversity for a nutritious diet. Based on this, the policy contains three broad measures aimed at achieving food accessibility: (i) increase of income and purchasing power (ii) improve market access/market linkages (iii) Strengthen social protection measures.

On **food utilization**, the policy uses the World Food Summit's definition of utilization as "safe and nutritious food which meets their dietary needs" and thereby it contains three measures to be taken to ensure food utilization (i) promotion of Water and Sanitation(ii) promotion of health care (iii) improvement of nutrition.

On **food stability**, the policy recognizes that food Stability is assured when the supply at the household level remains constant throughout the year and in the long-term, and thereby four measures are provided in the policy in this regard. They are (i) identification of critical conditions which have the potential to disrupt supply, access, and utilization and closely work with development partners and the private sector to ensure those conditions are addressed (ii) strengthening its early warning systems and coordinating with development partners to respond to predictable emergencies while humanitarian affairs and disaster management ministry would facilitate to close food gaps through its social protection mechanisms (iii)investing in natural resource management and climate change adaptation to ensure stability in the long-term (iv) strengthening the capacity of Strategic Reserve (including food imports) to respond to temporary food deficits.

The policy provides the following 4 key measures to be taken by the Ministry of Agriculture to ensure proper implementation of the policy:

1. Preparation and submission of a concept note detailing intuitional framework with Terms of Reference of the “Food Security Commission” to the concerned authority.
2. Launching institutional and legal framework once approved by the relevant government authority.
3. Formulation of a National Food Security Strategy with implementation matrix.
4. Detailed monitoring and evaluation framework for the Strategy or Action Plan.

This policy recognizes different sectoral and sub-sectoral policies, strategies, and National Plans and the institutions managing them such as the National Development Plan 9 (2020-2024); Recovery and Resilience Framework, National Disaster Risk Reduction Strategy, Livestock Sector Development Strategy, the Agriculture Sector Development Strategy, National fertilizer Policy, National Irrigation Policy and other policies, strategies, and plans/programs as they are important in achieving food security policy objectives.

For effective implementation of the policy, it underscores the active participation of various stakeholders including other government institutions, the private sector, and development partners. In this sense, the policy proposes a national food security commission comprising of :

- 1- Federal level Inter-ministerial commission comprising of the Ministries of Agriculture and irrigation, ministry of Livestock, Range and Forest, Ministry of Fisheries and Marine Resources, Ministry of Health, Ministry of Humanitarian Affairs, and Disaster Management.⁷¹ These are selected lead ministries in food security policy. Their mandate is to support, promote and guide the production of crops, livestock, and fish to ensure the improved quality and quantity of agricultural produce and products for domestic consumption, nutrition, food security, and exports.
- 2- State-level lead ministries include the Ministry of Agriculture, Ministry of livestock, and Ministry of Fisheries.

The policy provides that the Commission is responsible for the coordination of the food security agenda across government and the lobby for a percentage of the national budget allocated to implement its core functions; hopefully in line with the Maputo Declaration of 10% of the annual Gross Domestic Product (GDP). It will also present opportunities to engage with development partners for technical and financial support for the Commission as well as for selected priority agendas of the Food Security Sector. So, among the main pillars of implementation of the policy is putting in place institutional and legal frameworks on food security. Developing an Act as a legal instrument that not only provides for substantive rights and obligations but also defined roles,

⁷¹ -Under section 5.2 of the policy include the lead ministries in the food security sector another two ministries, namely, Ministry of Planning, Investment and Economic Coordination (MoPIC) and Ministry of Commerce.

responsibilities, and governance, and accountability mechanisms is an essential step towards meeting the policy objectives. The policy also proposes the formulation of a Legal and Regulatory Framework for Food Safety and quality control.

h) Draft National Agricultural Extension policy

The Draft National Agricultural Extension Policy (NAEP) was developed to give guidance for creating an effective agricultural extension service, which is an instrumental tool in achieving national food security goals. The policy defines its vision as “ *to achieve well-structured decentralized extension service that improves crop productivity, increased incomes and enhances the standard of living for Somali farmers*” while it defines its mission as “*to provide an effective agricultural extension services system, re-establish and redevelop national agricultural research and extension stations, and develop all agricultural infrastructure throughout the nation*”.

The policy identifies several underlying food insecurity in Somalia, namely poverty, insecurity, drought, floods, displacement, the **poor performance of productive sectors, inadequate market access, inadequate coverage, and access to clean water, and sanitation facilities. The policy underscores that combination of those underlying causes of food insecurity within the context of increasing population and dwindling and degraded natural resources base has a powerful negative impact on the food and nutrition security of the population.**

In addressing those underlying causes of food insecurity, the policy provides the following four key measures:

1. Facilitation of information sharing among extension services providers.
2. Rehabilitation and development of agricultural research and extension centers.
3. Institutional capacity development within the extension sector at both the National and State level.
4. Strengthening Agricultural Education Institutions and vocational training centers.

The policy recognizes the development and capacity building of extension service delivery systems as very crucial for the development of farmers’ education and increasing their agricultural skills as well as their productivity. **This entails, among other things, access to sub-sector production inputs and technology (and information), including improved seeds and tools, irrigation and water-harvesting techniques, mechanization, and post-harvest handling. Support to the formation and strengthening of cooperatives and farmers’ groups is considered an important catalyst, including for the promotion of agriculture trade and reducing the cost of production and marketing.**

The Policy is relevant as far as enhancing **food production** in the sense that it is concerned with supporting and building the capacity of farmers and other actors in the agriculture sector. The extension services in the policy also have the potential to enhance **food availability in the market**

(for those who access through purchase) by supporting and building capacity in value chain addition, including promoting food processing.

i) Draft National School Feeding Policy, 2021

The draft national school feeding policy has been developed to improve educational and nutritional outcomes of school children through sustainable and well-organized nutrition-sensitive national school feeding programs that boost access, equity, and quality of education, nutritional status, local agricultural production, and economic activities in Somalia.

The specific objectives of the policy are:

1. Improve access, quality, and equity in basic education.
2. Improve health and nutritional status of schoolchildren in basic education institutions
3. Enhance access to nutritious meals and education opportunities by schoolchildren during emergencies.
4. Strengthen the Home-Grown School Feeding Programme model.
5. Promote partnerships and local community engagement.
6. Strengthen governance, management, and multi-sectoral coordination at all levels
7. Promote innovative resource mobilization and financing for sustainability.

The policy outlines the following seven policy intervention areas :

1. Improving access, retention, quality, and equity in basic education.
2. Improving health and nutritional status of schoolchildren.
3. Strengthening Home Grown School Feeding Programme.
4. Strengthening partnerships and local community involvement.
5. : Improving governance, multi-sectoral coordination, and reporting.
6. : Improving resource mobilization and financing for sustainability.
7. Safety net support during emergency circumstances.

The policy sets out provisions regarding the coordination and management functions of both levels of government as well as roles and responsibilities of stakeholders at various levels such as monitoring and evaluation of the National School Feeding Programme. The policy adopts a devolved and multi-sectoral approach that will involve multisectoral coordination at both levels of government to facilitate the impactful implementation of the policy. Implementation of this policy will be by both federal and member state governments and development agencies. proposes the establishment of multi-agency technical working groups that will be established to facilitate synergy among the different actors. The structure of such a Multi-agency working group is described below.

1. Inter-Governmental Multi-Agency Steering Committee (IGMASC) - will be established at the

federal level for ultimate management decisions and resource mobilization. The IGMASC will be co-chaired by the Federal Minister for Education, Minister for Agriculture, Minister for Health, and WFP representing the donor community (as the lead agency supporting school feeding). Members of this committee include ministers of education or representative from federal member states, Director General of Education from federal and member states, development partners representatives, Minister or representative for health, agriculture, humanitarian affairs, and finance; INGOs representatives, representative of food security and education clusters. The functions of the steering committee are:

- Strategic decision making
- Resource/fund mobilization
- International advocacy
- National advocacy
- Inter-government liaison
- Foster partnership and collaboration

2. State-level Multi-Agency Steering Committee (SMASC)- this will be established at each Member State. The SMASC will be co-chaired by a minister for education or representative and leading agency supporting school feeding in the respective state. The functions include:

- Liaison with the IGMASC
- Strategic decision making about the respective state
- Complementary resource/fund mobilization in the state.

3. District School Feeding Implementation Committee (DSFIC)- This will be established at the district level to oversee school feeding implementation at the respective district. Members of the DSFIC will include District Education Officer who will chair the meetings; representatives from the ministries of Agriculture, Health and Humanitarian Affairs as well as representatives from local NGOs, CBO, and local government administration.

4. Community School Feeding Committee (CSFC)- this will be a sub-committee of the Community Education Committee (CEC) based in each school. CSFC will be chaired by the school principal. The school storekeeper or designated teacher will be appointed as secretary to the committee. Members of the committee will include the CEC chairperson, CEC treasurer, one parent representative, teacher representative, and students representative. The committee will meet on weekly basis or as demanded arises.

5. Federal School Feeding Working Group (SFWG)- the current school feeding unit will be strengthened and upgraded to function as School Feeding Implementation Unit (SFIU) housed at the Ministry of Education. The SFIU will be chaired by a director. A school feeding focal point will also be appointed as the technical lead. School Feeding Implementation Unit will host the SFWG which will be a multi-agency technical team with representation from line ministries and agencies. SFWG will provide the secret of the IGMASC.

6. School Feeding Working Group - Each Federal Member State will establish a School Feeding Working Group (SFWG). The SFWG will be hosted at the school feeding unit at the Ministry of education. SFWG will be headed by a director or equivalent level. A school feeding focal point

will be able appointed as the technical lead. SFWG will be a multi-agency with representatives from key line ministries, UN, INGO, CBO, and the private sector.

The policy seeks to contribute to improving education, health, and nutrition outcomes for schoolchildren, which is imperative for human capital development and the economic growth of the country. The policy aims at improving the service delivery of an integrated school feeding program that will maximize the alleviation of hunger among schoolchildren and hence improve the quality of learning. It will also incentivize an increase in school enrolment, attendance, retention, and completion rates. In addition, it will also improve the schoolchildren's micronutrient and macronutrient intake, strengthen the social safety net and help to address gender and social inequalities issues in education delivery. Moreover, it will stimulate local economies by improving incomes for smallholder farmers and local traders and at the same time increase the provision of fresh and diversified school menus besides increasing knowledge and skills among children and parents on appropriate hygiene and food practices.

In sum, the policy is relevant to the **food supply** for the benefit of those disadvantaged children to address challenges of low access, quality, and equity in education besides improving the health and nutritional status of schoolchildren. The food supply activation may include the provision of in-school meals, home rations, and a Cash Transfer (voucher) system especially safety net intervention to ensure survival, continuity of school attendance, retention, and improved learning. The policy also has the potential to contribute to **food procurement** in the sense of food utilization since school food provision is not only to provide meals but also involves health and nutrition aspects.

4.2 National strategies on food production, procurement, and supply

The Somali Government has adopted several strategies and plans relevant to FSN and the right to food. Some of the key strategies are those elaborated below.

a) National Development Plan, 2020-2024 (NDP9)

Pillar 3 of Economic Development of the National Development Plan for 2020 – 2024 (NDP-9) is the largest and most ambitious component. It calls for the increased agriculture and livestock sector resilience to climate change stating that the resilience of the agriculture sector will be developed through irrigation and better water management, land management, environmental protection,

improved agricultural technology, and extension. Building resilience, reducing poverty, and transitioning from aid dependency are key tenets for Somalia's national development. It also asserts that building resilience to those shocks at the national and household levels is critical for reducing vulnerability over the medium term.

By doing so, the NDP9 covers both **food production and procurement** while, **on food supply**, it envisages achieving food supply through strengthening the capacity to deliver food and nutrition, both in times of crisis for vulnerable groups (especially for subsistence farmers, to help keep them in place) and for the poor having issues affording proper nutrition. Plans include storage, distribution channels, beneficiary registries, and quality of food schemes and/or food in times of hardship.

Given the inter-ministry policy remit on food security, the NDP9 provides for the establishment of a national (inter-ministerial) commission responsible for the coordination of the food security agenda across the government. This is in line with the recommendations made by the Global Strategic Framework for Food Security which states that⁷²:

- a. States should set up or strengthen inter-ministerial mechanisms responsible for national food security and nutrition strategies, policies, and programs;
- b. Those mechanisms should ideally be formed and coordinated at a high level of government, consolidated in national law, and involve representatives from ministries or national agencies from all areas related to food security and nutrition, including agriculture, social protection, development, health, infrastructure, education, finance, industry, and technology.

b) National agriculture strategy 2016-2020)

This expired strategy remains one of the key frameworks for agricultural production of food until the new strategy is adopted. It defines the mission of the Ministry of agriculture as to “**create an enabling environment for Somalis and other investors to develop the agricultural sector that will improve the livelihoods of rural households, ensure a reliable supply of quality and affordable food while sustaining the natural environment**”.

The strategy provides for the following three main strategic goals which have an impact on agricultural food production:

- (1) Increase Agricultural Production.
- (2) Improve and Rehabilitate Productive Agricultural Infrastructure Strategic goal.
- (3) Strengthen the Institutional Capacity of the Ministry.

Under goal 3, the strategy espouses formulation and implementation of several regulatory frameworks on **food production and procurement**. These include formulation of policies and laws that should govern seed, pesticide, fertilizer, land and water use, range management phytosanitation and an integrated agricultural information system, food security, environmental conservation.

⁷² Committee on World Food Security, Global Strategic Framework Food Security and Nutrition (GSF); 2017

The strategy has also clearly defined the need to strengthen the capacity of all stakeholders in agricultural technology, increase local agricultural production and establish agricultural extension station centers. For effective implementation of the strategy, there are an established Monitoring and Evaluation Steering Team (MEST) comprising of the Director-General (DG), the Head of Departments (HODs). The MEST will meet in June and December of each year and analyze the level of achievement in the areas of

1. The Strategic Objectives,
2. The Strategies,
3. The activities, indicators, and targets
4. the Resources –financing, time frames, the person responsible.

c) National nutrition strategy 2020-2025

The nutrition strategy was launched in 2020 by the Federal Ministry of Health with the object to end hunger and achieve food security and improved nutrition. It articulates the Somalia National Nutrition Strategy for the period 2020-2025 which coincides with the second Five-Year National Development Plan (NDP 9, 2020- 2024) and provides an evidence-informed update to the first National Nutrition Strategy (2011-2013). It has been developed to align to existing policy initiatives of the Somali government and translates into concrete strategic actions that can address the unacceptably high levels of malnutrition in Somalia.

The document reflects the country’s commitment to nutrition and safeguarding children’s survival and health and it seeks to reach three bigger objectives by 2025:

- The proportion of children, who are stunted and aged under five, decrease by 6 percentage points (using the 2019 baseline estimates).
- More than half of the children, aged under five, to be consuming the minimum acceptable diet.
- The proportion of children wasted and aged 5 years and below, to reduce from 13.1% to less than 10%.

To realize its objectives, The strategy envisions nine objectives. objective one, two, 8, and 9 are very relevant to food security and nutrition as described below :

The strategy recognizes under objective 1 the importance of preventing malnutrition in areas of chronic food insecurity using specialized nutritious foods that target vulnerable population groups to improve nutrition during the first 1000 days of life. Approaches that supplement the diets of vulnerable and food insecure households include school feeding, food for work programs, and provision of specialized nutritious foods through supplementary feeding (targeted and blanket

programs). Specialized nutritious foods can increase nutrient intake for children aged 6-23 months to complement breast milk.

The strategy recognizes under objective two school feeding as an important aspect of achieving multiple goals among school-age children in food-insecure areas. It can be used to reduce malnutrition and educate children about nutrition-specific and nutrition-sensitive topics. “For children who show up to school on an empty stomach, it can be difficult to focus on lessons. In other instances, for economic reasons, children simply do not go to school because they are required to help their families in the fields or around the house. A daily school meal can mean better nutrition and health for children, and it can also act as a strong incentive for parents to regularly send their children to school.

The strategy focuses under objective 8 on mainstreaming nutrition as a key component of agricultural, health, education, and social protection policies to ensure that all these sectoral policies are nutrition-sensitive. It, therefore, aligns with the multi-sectoral nutrition strategy developed by the Office of Scaling-Up Nutrition (SUN) network in Somalia. It also focuses on actions that Federal and State Ministries of Health can initiate or undertake to make activities of other sectors nutrition-sensitive.

The Nutrition Strategy advocates under objective 9 for stronger national capacities and systems for scaling up nutrition actions within the primary health care system, effective campaigning, and advocacy for the nutrition scale-up within the health care system, social mobilization to sensitize vulnerable population groups on integrated health and nutrition activities, etc.

The policy focuses on the realization of improved nutrition to prevent nutrition-related diseases such as child stunting and if the strategy is implemented, it would go a long way in addressing the nutrition challenges which the country faces, especially the malnutrition of mothers and children. One shortcoming in the document is that the realization of the strategy objectives calls for joint commitment at the federal, state, and community level but no clearer coordination mechanism linking together all those actors are provided in the strategy.

d) The Health Sector Strategic Plan II 2017- 2021

The HSSP II consists of 8 sections. Section 1 provides a brief overview of the background and methodology. Section II provides a situation analysis of the health sector especially looking at the organization of the sector and the delivery of health services in Somalia including a review of the progress against HSSP I. Section III sets the strategic direction including the overall vision, targets, principles, and values. Section IV sets out the health policy priorities and is divided into nine chapters (health service delivery, human resource for health, leadership and governance, essential medicine and supplies, health information, health financing, health infrastructure, emergency

preparedness and response, and social determinants of health). Section V provides an overview of the financing requirements for the health sector. Section VI covers the performance framework as well as monitoring and evaluation arrangements. Section VII covers the plan management, coordination, and implementation, whereas, section VIII provides an overview of the risks and assumptions for the plan.

The HSSPII has the following 9 strategic priorities:

1. **Health Service Delivery:** Scaling up of essential and basic health and nutrition services (EPHS).
2. **Human Resource of Health:** Overcoming the crisis of human resources for health.
3. **Leadership and Governance:** Improving governance and leadership of the health system.
4. **Essential Medicine and Supplies:** enhancing the access to essential medicines and technologies: Functioning health information system.
5. **Health Information:** Health financing for progress towards Universal Health Coverage.
6. **Health Financing:** Improving health financial system.
7. **Health Infrastructure:** Improving health sector physical infrastructure
8. **Health Emergency Preparedness and Response:** enhancing health emergency preparedness and response.
9. **Social Determinants of Health:** promoting action on social determinants of health and health in all policies.

The HSSPII contains several key policy frameworks to be put in place to ensure effective and efficient management of the sector. These national legal and policy frameworks are :

- 1- Policy on public health emergency preparedness and response strategy ;
- 2- Policy on pro-poor healthcare financing ;
- 3- HMIS policy-based country needs;
- 4- Policy on national medicine ;
- 5- pharmacy regulatory authority act and its related guidelines;
- 6- laboratory and blood transfusion services act.

The HSSP II, proposes a sectoral coordination mechanism for health, nutrition, and WASH in line with the Aid architecture of the national development plan 8 and subsequent development plan 9 to enable it to guide institutionalized sector partnership and collaboration. This seeks to lay the foundation for broader joint partnership arrangements between the Government and Development Partners including Global Health Initiatives. In this sense, the strategy establishes health, nutrition, and WASH sector (HNW Sub-working group) to coordinate all related programs and interventions under the leadership of the Federal Ministry of Health in collaboration with all concerned stakeholders and with support from donors, UN agencies, and NGOs. The HSSP II envisages that the implementation through the more effective partnership will promote the role of government (MOH) as the overall steward in the provision of health services in Somalia and the coordinator

of all stakeholders' efforts. This will enable efficient and equitable utilization of all resources while minimizing duplication and overhead costs. This will also be achieved through the following:

1. Health sector compact or an investment case will be developed to support the implementation of HSSP II;
2. roles and responsibilities of the government (at various levels) and development partners will be clearly defined;
3. Regular assessment of performance against these roles and functions as well the investment case will be carried out (quarterly and annually) and will include expenditure reviews;
4. Coordination and consolidation of activities carried out by different players, with particular effort, focused at the regional and district levels;
5. Involvement of the community, private sector, and Civil Society Organizations will be particularly encouraged.

The HSSP II deals with matters relevant to **food marketing and procurement** in the sense that it deals with utilization issues such as nutrition, hygiene, and sanitation. The strategy aims at improving the health status of the people for sustainable development. Strategic Objective 1 in Section 4 of the Health Sector Plan targets increasing access to and utilization of cost-effective, quality, and gender-sensitive health services especially for women, children, and other vulnerable groups by 2021. Some of the strategies are to scale up the High Impact Nutrition Interventions (HINI), which include food fortification, micronutrient supplementation, infant and young child feeding promotion, and management of malnutrition. However, the level of mainstreaming nutrition in the SSP II is weak as it does not highlight the nutrition in the strategic priorities nor recommends any specific policy or legal frames to improve the nutrition of women and children to prevent nutrition-related diseases.

e) National food fortification strategy (2019-2024)

This strategy was launched in 2019 by the Federal Ministry of Health with the purpose “**to improve the nutritional status of people in Somalia, by combating micronutrient deficiencies through national food fortification for accelerated socio-economic development.**” Strategic objectives that will contribute to the attainment of the goal are:

1. To create a favorable environment for food fortification by establishing policies and legislation to govern operations in food fortification.
2. To ensure adequate production, fortification, and packaging by relevant commercial food industries under the Somali/East African regulations and provide vitamins and minerals for the segments of the rural population that use locally produced unprocessed food.

3. To ensure compliance to standards and regulations at industry and commercial levels.
4. To scale up consumer awareness and behavior change, ensure surveillance of food consumption, and enhance the production of high-quality fortified food.

Under the strategy, the government commits to establishing institutional and legal frameworks for improved food fortification. These commitments include:

- Development, adoption, and application of a food fortification policy.
- Developing national legislation and standards for mandatory fortification in line with regional/international requirements.
- Ensuring a functional national bureau of standards board is in place,
- development of compliance enforcement mechanisms with clear rules on how enforcement will be applied for no-compliance.
- Setting regulations by industries to ensure food safety.

The strategy is largely related to **food marketing and procurement** in the sense of improving the nutritional quality of food sold in the market through consumer awareness and ensuring adherence to food quality and safety standards. The strategy envisages putting in place functioning legal and institutional frameworks for food fortification and food safety.

f) National Education Sector Strategic Plan (ESSP) 2017-2021

This ESSP– sets out the Government’s view of Somalia’s education sector goals, objectives, and proposals on how such goals and objectives were to be realized from 2018 to 2020. The document aims to overcome drivers of fragility such as violence, inequity and limited access to quality social services, weak governance, and service delivery capacities, and limited national capacities to mitigate or respond to environmental and man-made shocks.

The priorities for the government in the current ESSP are to:

- Ensure education contributes to peacebuilding and state-building processes.
- Support learners and strengthen societal resilience among communities affected by natural disasters and conflict,
- Continue expanding access to education for children, adolescents, and youth, especially those from marginalized communities such as pastoralists, Internally Displaced People (IDPs), and the urban poor,
- Improve the quality of learning outcomes, especially at early grade levels, and to ensure the market relevance of learning opportunities,

- Strengthen the market relevance of learning for both formal and informal market opportunities, and
- Strengthen management capacities and systems at federal and state levels, including improving fiduciary mechanisms and increasing budget allocations to the education sector.

Key areas considered in the ESSP include:

- Enrolment and access (for both formal and non-formal education),
- Internal efficiencies of the education system,
- Capacity building and training,
- Education cost and financing,
- Teacher qualifications, training, and distribution,
- Learning outcomes and quality of education,
- Governance and management of the education sector, and
- Equity in education.

The ESPP provides an institutional arrangement for education sector management headed by the Federal Ministry of Education, Culture and Higher Education (MOECHE) which is responsible for the overall guidance and administration of education in order in collaboration with its federal member states counterparts, donors, civil society organizations and parents and community. The ESSP states several policy frameworks to be put in place including :

- Emergency in education policy (EiE) and legal framework (including EiE task force structure and mandate).
- Early Childhood Care and an Education Policy.
- policy framework for private school licensing and fees (including rental fee system for those operating in a government-owned building).
- national policy for Alternative Basic Education.
- Gender and education policy.
- Decentralization of education policy services, including functions and decision-making to be ratified into law.
- Policy for private school licensing and fees for secondary schools.

Concerning food security, one of the priorities of ESSP is to strengthen resilience by overcoming educational inequities through expanding school feeding programs for schoolchildren programs from (IDPs), to foster greater educational attainment and retention. However, the ESPP lacks clear mainstreaming between education and nutrition through nutrition education and clear inclusion of school feeding in the ESSP.

g) National Livestock sector development strategy (LSDS), 2020-2030

The strategy was adopted in 2020 by the Federal Ministry of livestock and range. The LSDS sets out the following goals:

- 1. Preserving Animal Resources** – Safeguarding the diversity and optimizing the use of existing animal resources is critical for both resilience and growth. Key priorities identified include:
 - rehabilitating the deteriorated environment and especially the rangelands for grazing.
 - reducing the prevalence of transboundary and infectious diseases, with improved management and control of animal diseases and pests in line with relevant international standards.
 - increasing the sector’s resilience to climate change, by easing the chronic shortage of water and developing a commercial feed and fodder subsector; and
 - conserving and improving the available genetic resources available for the livestock sector, both plant and animal, including the introduction of exotic stock where appropriate and promoting technically and financially recent private ventures on artificial insemination.
- 2. Improving the management of the livestock industry** - For the growth of the sector, it is also critical to ensure optimal productivity, including for the rapidly growing dairy and poultry farming subsectors, and more efficient, less costly, and expanded domestic and export trade;
- 3. Ensuring quality and hygienic livestock products in domestic and international markets** – Food safety is needed to protect the health of domestic consumers as well as to regain lost export markets and expand into new ones.
- 4. Increasing the processing of livestock products** – The sector’s growth is dependent on higher value addition, as the current pattern of supplying domestic and export markets with live animals and minimally processed products has reached its limit;
- 5. Supporting home-grown research institutions** - Investment in analyzing and offering solutions to current and emerging problems is necessary for both resilience and sustainable growth of the sector; and
- 6. Ensuring security throughout the country, but especially in affected areas in southern Somalia** - Without enhanced security in the many areas which governments and external partners cannot yet access, any public and private operation for rehabilitation and development projects and for expanded and new business ventures would remain challenging and costly, thus attracting limited donor funding and private investment.

The LSDS provides that the livestock sector falls under the responsibility of the Federal Ministry of Livestock, Forestry, and Range (MoLFR), with the engagement of the federal members’ state-

level livestock ministries. These key government institutions have linkages with various public and private research, training, monitoring, and implementation bodies, professional associations, and civil society organizations that provide key services, such as education, training, monitoring of weather, water, soil, animal population, production and trade, animal health services, technical advice, and project implementation

The LSDS provides for several regulatory frameworks for better regulation of the livestock sector. The recommended laws to be enacted and regulatory bodies to be established include

1- Meat inspection

- Enact a draft Federal Meat Inspection Act, with disease notification and related information;
- Emergency Preparedness and Response (EPR) laws, regulations and guidelines;
- A Pesticides Act, addressing veterinary, agricultural and environmental concerns;
- A Veterinary Code of Ethics;
- Regulations covering animal production/zoo-technical services and agribusiness; and
- Regulations to update Ministerial Decree of 1985 dealing with the import and distribution of non-prescription drugs and Ministerial Decree of 1988 dealing with private veterinary services and prescription drugs import and distribution.

2- Food safety

- Develop and enact a Food Law and establish National Food Safety Commission;
- Establish a Food Inspectorate to strengthen enforcement of food regulations.

3. Poultry development

- Develop appropriate policies, regulations, and guidelines for more formalized poultry sector hygiene, production and packaging standards;

4. Tanning and Leather industry

- Formulate a policy and regulatory framework to guide both private investors and public regulators of a possible future tanning and leather industry.

5. Protection of female milk traders

- Adopt a gender strategy that protects and promotes the interest of female milk traders, as the peri-urban dairy subsector becomes more organized and shifts toward male-dominated employment.

6. Harmonization of sector ministries

- Align and harmonize policies and institutional arrangements among various line ministries, as animal feed production is at the nexus of crop agriculture, livestock, and the environment.

The LSDS is relevant to food production in the sense that some livestock products such as meat and milk are part of the daily nutritious food for Somalia. It has also relevance to food procurement in two ways. One way is that livestock development contributes to the economic development and thus enhance the purchasing power of many community members to access more balanced food and the way is that LSDS provides interventions aimed at improving food safety by providing the development of legislative and institutional frameworks on food safety, clearly including the safety of animal products such as meat and milk, be put in place.

PART FIVE: INSTITUTIONAL FRAMEWORK GOVERNING FSN AND RIGHT TO FOOD

The Somali federal republic has institutions that have a mandate to take implementation measures at least one of the ways of accessing food, i.e., production, procurement, and supply. These include the principal organs of the state, including the Executive, the Judiciary, and the Legislature, as well as various statutory bodies. This section identifies the institutions and describes their mandates relevant to food security and nutrition as well as the right to food. The section does not purport to be exhaustive.

4.1 Parliament Role in the Realization of FSN and Right to Food

The Constitution adopts separation of power by vesting parliament with the power to make laws and oversight on the government.⁷³ In exercising these powers, members of parliament hold a strategic position as they can shape policies and actions for improving food production procurement, and supply for all people, especially the most vulnerable, to ensure their food security and good nutrition for health and wellbeing. Moreover, Parliament exercises oversight powers over the Executive, which it can use to demand accountability as far as food security and nutrition is concerned through its sub-committee on accountability of government agencies. This includes government agencies responsible for the facilitation of food production, procurement, and supply.

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⁷³ - Article 3 (4) of the Federal Provisional Constitution , 2012

⁷⁴ - Article 50 of the procedure of Somali federal house of the people , 2018.

Although the Somali parliament has no specialized committee for food security and nutrition, several committees are relevant to the realization of food security and nutrition from the perspective of improving access to food and nutrition. Concerning food production, there are two parliament committees, one on agriculture and rural and livestock development and another committee on natural resources and the environment.⁷⁵ The committee on social services development⁷⁶ including health care and labor or employment and also the committee on trade and industry, whose mandates include the oversight of matters relating to food quality control are relevant to the marketing and purchase of food from the market.

4.3 The Role of the Judiciary in Realization of FSN and the Right to Food

The Judiciary has the adjudication authority on matters brought before the courts of law including cases or matters relating to FSN and the right to food. The Judiciary is key as far as enforcing the right to food is concerned, especially by ensuring its respect, protection, and fulfillment. This through ensuring the justiciability of the right to food.

The justiciability of the right to food has certain advantages in the context of FSN and the right to food as a constitutional matter or as a public interest⁷⁷. The judiciary is vital for ensuring the right to food for several reasons.

Firstly, the constitution of most of the countries of the world makes the judiciary the guardian of the rights of the people. Therefore, the judges are entrusted by the constitution to define the rights of the people. The rights enumerated by the judiciary become binding before all authorities as it is the administration or any other power. Similar power is not available with any other authority. Therefore, the enforcement through the judiciary is more appropriate. The second advantage of enforcement of the right to food through the judiciary is that the judges apply the international standards of human rights to the national laws. Thus, through the decisions of the court, a more appropriate relief can be given in case of violation of the right to food of the people. Thirdly, when a law is ambiguous on a point, the judiciary is the appropriate forum to clarify the position. Fourthly, the political system is unstable. Therefore, the right to food cannot be enforced through the political system. Fifthly, the doctrine of precedent applies to judicial decisions. Therefore the decision of the judiciary is established as the law of the land.⁷⁸

⁷⁵ - Article 50 (12) of the procedure of Somali federal house of the people , 2018.

⁷⁶ - article 50 (11) of the procedure of Somali federal house of the people , 2018.

⁷⁷ - See article 109 of the Provisional Constitution of 2012.

⁷⁸ - Dutta, G., 2015. Justiciability of Right to Food. International Journal of Scientific and Research Publications, Volum, 5(1).

4.4 Executive Role in Realization of FSN and Right to Food

Several governmental institutions are involved in the management of food security and nutrition from different perspectives, due to the multiplicity of responses required. Effective coordination between these different entities and harmonization of the food security and nutrition programs is crucial. The below is an elaboration of the key governmental institutions⁷⁹ and their food security-related mandates :

a) Ministry of Agriculture and Irrigation

The ministry is responsible for the overall coordination, proposing legislation, and standardization to ensure the improved quality and quantity of agricultural products. It contributes to food production by meeting the domestic needs of the country in agricultural and processed products and time allocation and distribution of food reserves. Its further works on **ensuring** sustainable and diversified agriculture through integrated research and extension.

b) Ministry of livestock , forest and range

The ministry is responsible for the overall coordination, proposing legislation and standardization of the livestock sector. It has the mandate to ensure a sustainable increase in livestock production through improved technology, better animal health, and resilient management practices. In the food production component, the Ministry ensures increased animal products including milk, butter, and meat. The ministry also works to ensure the quality of livestock products to be effective as nutritious food. It also ensures an increase in livestock production to increase the income of farmers and the availability of jobs for locals and thereby afford to purchase adequate food.

c) Ministry of water and energy

The ministry is the lead institution in the development of the water and energy sector and its responsible for incorporating water governance for food security and sustainable agriculture in its policies and priority frameworks. The activities of the ministry are relevant to food production since water is vital for crop production. Water and energy are also both vital for proper consumption of food, hygiene, and sanitation.

d) Ministry of fisheries and Marine Resources

The ministry has a mandate on the overall coordination, legislation, and standardization of the fish sector for the increase of the contribution to the production of fish for household

⁷⁹ - The relevance of these institutions to food security is invoked from section 5.2 of the draft national food security in 2020.

consumption and generation of income/employment. The Ministry's mandate is relevant for ensuring both food production and food procurement since poor fishers generally sell the larger, more profitable fishes and reserve small fishes for home consumption.

e) Ministry of Labour and Social Affairs

The ministry has the mandate to manage social development and labor, including the issues of improvement of the quality of life and increase in incomes of the population, labor remuneration, pension, and social coverage, conditions and protection of labor, social partnership, and labor relations, social protection of people, including support to the vulnerable citizens. The ministry largely contributes to the realization of food procurement by creating jobs and giving people an opportunity for pension and social coverage. In the food supply, the Ministry ensures support of vulnerable people through food aid and cash transfers.

f) Ministry of Finance

The ministry is the central executive agency ensuring the development and implementation of the state policy of public fund management, as well as the policy of internal audit and public procurements. The scope of activity of the ministry contains an implementation of food security issues within the **food procurement** component. Among the main tasks of the ministry is to shape the state policy of public finance management.

g) Ministry of Health AND Human Service

The ministry is responsible for the state policy of health promotion of people. The scope of activity of the Ministry contains addressing food security issues in the various ways of accessing food, including in the sanitary-epidemiological welfare, and nutrition aspects.

h) Ministry of Trade and Industry

The ministry is responsible for the facilitation of domestic food trade through fair tax regimes and the removal of other trade-related barriers. The Ministry supports the private sector to strengthen dairy market linkages between rural producers and urban consumers to make prices affordable to urban consumers, hence facilitating access to food through procurement. It is also responsible for ensuring the quality and safety of food traded/imported through its subsidiary bureau of standards agency and control of food price, state system of monitoring, and early prevention of food price increase.

i) Somalia National Bureau of Statistics (SNBS)

The agency was established in 2020 as the central statistical agency of the country. Its tasks are to collect, process, analyze and distribute statistical information about large-scale economic, social, demographic, and environmental developments and processes in the country. It combines and organizes materials about **food production** by providing information on crop production and **food procurement** by containing information on average retail prices of foods, food balance by basic foodstuffs, nutritional balance in the form of energy value, as well as food security indicators. It also provides information on food consumption per capita.

j) Somali Bureau of Standards (SoBS) agency

The agency was established by the Standards and Quality Control Act Law No. 27 in the year 2020. It is vital for access to food from markets as its authority largely relates to controlling product quality including food and the safety of consumers. SoBS mandate covers standardization, metrology, and all conformity assessment activities, inspection testing, and certification. SoBS is governed by an inter-ministerial board including stockholders.

k) Ministry of Humanitarian Affairs and Disaster Management (MoHADM)

The Ministry is mandated on the overall coordination and providing the legislative framework for embedding disaster risk management within appropriate structures of the government to strengthen national capacities for effective disaster preparedness, response, mitigation, prevention, and recovery, to protect lives and livelihoods, property, environment and the economy at large. Therefore, MoHADM seeks to protect livelihoods from shocks, to make food production systems more resilient and more capable of absorbing the impact of, and recovering from, disruptive events. It also works on food provision for vulnerable people who are affected by disasters including drought and floods.

PART SIX: REVIEW OF SECTORAL LAWS ON THE RIGHT TO FOOD AND FOOD SECURITY AND NUTRITION

Several laws in Somalia govern matters relating to food safety, land tenure, plant protection, agriculture, livestock, fishing, environment, among others. These laws address elements of food security and nutrition, including availability, accessibility, utilization, and, stability of food. This part reviews these sectoral laws, both the general and special ones.

6.1 General laws on food security and nutrition

6.1.1 Civil Code, 1973

The code covers contracts relating to property (sale loans etc), and contracts for the provision of services including employment contracts. Article 605 of the Civil Code defines contracts for labor as one involving an agreement for labor or work in consideration for remuneration. The Code also covers the general principles that underlie contractual obligations. The civil code provisions about contractual relations regulate **food production, procurement, and supply** chains which are normally composed of vertical and horizontal chains of contracts connecting various core value-chain actors from producers to consumers, as well as contractual relations among operators of support services (e.g. purchase of inputs, financial agreements).

6.1.2 Penal Code, 1962

The Penal Code establishes a code of criminal law and creates several offenses that are directly and indirectly relevant to access to **food**. The Code, for example, has provisions that punish instances where children are denied food. It is an offense for parents, guardians, or caretakers to deny or ignore responsibilities to children concerning the maintenance of children. Article 430 punishes parents or guardians who do not fulfill their obligations towards childcare or leave a child without means of support.

The Penal Code further criminalizes acts of polluting water and food in article 335 and reads ***“Whoever pollutes water or any substance which is used for food, before it has distributed or has reached the consumer”***. The penal code also criminalizes adulteration and simulation of food in article 336 which provides that any person who adulterates or simulates any substance intended for food. In addition, article 339 of the penal code punishes the sale of noxious food which means food is not altered or changed but still dangerous to public health. The article penalizes those who possess for sale or distribution spoiled food products.

The Code penalizes acts against the national economy including the destruction of raw materials or agricultural or industrial products or means of production in article 387. Article 388 of the Code also punishes acts of diffusion of diseases of plants or animals in such a manner that endangers agricultural or animal production of the country.

6.2 Laws on agriculture and agricultural products

Several laws address issues in the agricultural sector. The majority of these laws as discussed below relate largely to **food production**, aimed at ensuring improvement of the quality of agricultural production by regulating access to agricultural land tenure, access to technologies as well as quality agricultural inputs. This is in addition to controlling diseases and pests that affect agricultural production.

a) Agricultural land tenure act of 1975

The Agricultural Land Law of 1975 was the first land tenure legislation after independence. The law officially transferred control of all Somali land from traditional authorities to the state; thus, the state through the Ministry responsible for agriculture has the ultimate authority to repossess, redistribute or allocate any land. The law provides the following key provisions as conditions for the utilization of agricultural land:

- The land is owned by the state and individuals who wanted to access land were required to register their holdings within 6 months of the passage of the law.
- Landholders are permitted to register limited amounts of land as state leaseholds or concessions, with usufructuary rights for up to fifty years, with the possibility of renewal.
- The law puts a limit on private holdings of 30 hectares of irrigated or 60 hectares of non-irrigated land. Private banana plantations may be of up to 100 hectares.
- The government was granted the power to revoke a concession that exceeds the size limit and deemed any land that exceeds the size as nationalized after two years of the enforcement of the law.
- Cooperatives and state farms received leases for an indefinite period and preferential access to land in the registration process. However, a leaseholder must develop the land within two years and pay taxes; otherwise, the land will be confiscated by the state. The law also forbids the leaseholders to sell the land, rent it or subdivide it, or break any condition of the lease. The lease may be passed to close kinsmen provided that the registry is notified and these conditions are accepted by the new owner.
- A private leaseholder has the right to cultivate the land, rear livestock, build on it, receive extension services, get credit from state banks equivalent to the value of the land and transfer profits to foreign banks if the state bank gives permission.

Although there are doubts over the effective enforcement of this law under the current mediated state system where Xeer or traditional tenure system prevails over the statutory tenure system amid the defacto state fragility the law remains the only available agricultural land tenure legal framework in Somalia. There is, therefore, a need to revise the provisions of this law to be rights-based and increase the security of tenure and ensure more efficient and profitable agricultural

production and hence greater access to food via both own production and trade. It is also important to formulate general land policy in the country to provide a framework for effective land reform.

b) National *Plant Protection Act*, 2019

The Plant Protection Act was adopted in 2019 to govern plant protection to ensure the stabilization and development of agricultural production through the prevention of the introduction and spread of pests and the facilitation of international trade and market access of Somalia's plant and plant products.⁸⁰ The Act established a national plant protection authority (NPPA) with the mandate to oversee, manage and implement the disposition of the law.⁸¹ The law specifies the functions of phytosanitary Inspectors to ensure that the plant produces being exported or imported into the country is of high quality and renders no harm.⁸² The law contains provisions to control pests through phytosanitary inspection,⁸³ domestic quarantine,⁸⁴ disposition of dangerous plants by destruction⁸⁵, and restricting movement of plants until disinfection is carried out.⁸⁶ The law authorizes the Ministry to carry out emergency control measures such as prevention of the spread of any pest or disease by ordering owners of harmful plants or packaged materials or agricultural machinery to dispose of, remove or disinfect corned plants and pests.⁸⁷ Some provisions govern the control of imports and exports of pests through phytosanitary inspection measures.⁸⁸ Finally, the law grants the designated Ministry the power to issue regulations aimed at effective implementation of provisions of the law.

In a bid to protect the health of plants and in a way agricultural production, the Act regulates the quality and safety of agricultural chemicals used in Somalia by criminalizing several acts that could undermine implementation of the law such as falsification and destruction of a document or a report required by the relevant authority, or any kind of obstruction of inspector or analyst, or acts of corruption.⁸⁹

The provisions of the plant protection Act are relevant to **food production** as they govern the prevention, introduction, and spread of diseases destructive to plants and crops; thus, ensuring reliable access to food in Somalia.

c) National Agrochemicals control act, 2019

⁸⁰ - article 2

⁸¹ -article 4

⁸² -articles 5, 6 and 7.

⁸³ -article 12

⁸⁴ -article 17

⁸⁵ -article 24

⁸⁶ - article 2

⁸⁷ -articles 25-27

⁸⁸ -article 36 and 42,

⁸⁹ -article 51

The law provides the purpose of the law as one intended to control the import, export, Sale, Manufacturing, and Safety as well as the protection, conservation, and preservation of the environment with regards to Agricultural Chemicals. It also establishes Somali Agricultural Regulatory Inspection Services (SARIS) with the mandate to manage, oversee agricultural chemicals.⁹⁰ The law defines agricultural chemicals as include “ *Fertiliser, growth regulators, pheromones, and plant protection chemicals including, fungicides, insecticides, nematocides, herbicides, miticides, bactericides, rodenticides, molluscicides, avicides, Pesticides, Bio-rationals, bio-pesticides, bio-fertilizers or any other chemicals used for promoting and protecting the health of plants, plant products, and by-products*”.⁹¹ All activities related to the import, manufacture, export, and sale of agricultural chemicals shall meet the requirements of the regulations and conform to the standards established under the Act.⁹² The Act also provides for the nomination of analysts and inspectors whose main role is to monitor implementation of the Act by various persons especially manufacturers and persons transacting in agricultural chemicals.⁹³ The Act regulates the quality and safety of chemicals used in agricultural production in Somalia by criminalizing several actions that undermine this, such as falsification and destruction of a document or a report required by the relevant authority.⁹⁴ The Agricultural Chemicals (Control) Act supports the production of quality food for consumption or sale by regulating the manufacture, storage, distribution, and trade in, use, importation, and exportation of agricultural chemicals in Somalia and by ensuring that dangerous chemicals are not used in food production, which could compromise food safety.

d) National seed plants variety Bill, 2019

This bill governs and guides the regulatory process of seed release, certification through the Somali Agricultural Regulatory Inspection Services (SARIS).⁹⁵ The Act also provides for the nomination of analysts and inspectors for the implementation of the law.⁹⁶ The law contains provisions to transactions in seeds, including provision for the testing and certification of seeds;⁹⁷ provide guidelines for the establishment of an index of names of plant varieties⁹⁸ and to empower the imposition of restriction on the introduction of new varieties, and control the importation of seeds;⁹⁹ provide for the grant of proprietary rights to persons breeding or discovering new varieties.¹⁰⁰ The Act also grants plant breeders in plant variety exclusive rights to produce

⁹⁰ -Article 5

⁹¹ Article 3.

⁹² - article 8

⁹³ - article 9 to 14.

⁹⁴ - article 16.

⁹⁵ -articles 4 and 5

⁹⁶ - article 6

⁹⁷ - articles 18 and 19

⁹⁸ - article 14

⁹⁹ Article 20

¹⁰⁰ -article 25

reproductive material of the variety for commercial purposes.¹⁰¹ The act establishes a Somali National Plant Genetic Resources Centre “SNPGRC” which shall be responsible for the conservation and sustainable utilization of plant biodiversity in Somalia.¹⁰² Any infringement thereof is actionable and the owner of the right is entitled to damages, injunction, and account for profits. It also is an offense under the Act to make false representations or give false information regarding the exercise of plant breeders’ rights.¹⁰³

This Act enables **the** creation of better yielding seeds as well as those resistant to pests and droughts, which in turn could result in more food production.

4.2.5 **Lawson livestock and animal production**

Some laws govern livestock and animal production and which in effect deal with the context of livestock as a source of food and income.

a) National Veterinary Code, 2016

The law has been based on the National Veterinary Code - Law No. 20 of the 27th of June of 1967 and subsequent of Ministerial decrees No: 35 of 12th November 1969, decree No: 294 of 11th November 1968, and decree of 15th September 1985 -of Somalia. The purpose of the law is to protect and promote animal and human health and to promote animal welfare and care.¹⁰⁴ The law is relevant to **food production** in the context of increasing livestock products including milk and meat and **food procurement** in the context of contributing to income generation and job creation, which gives people economic access to nutritious food on one hand and contributes to food quality and safety on the other.

The law governs a wide array of matters relating to animal health, animal production, and animal products. The Law comprises of 17 Chapters: Introduction (1); General Provisions (2); Disease Notification and General Obligations (3); Notifiable Disease Control (4); Animal Welfare (5); Export/Import of Animals and Animal Products (6); Transport of Animals and Animal Products (7); Meat Hygiene (8); Private Veterinarians (9); Regulation of Veterinary Drugs and Related Substances (10); Fees, Penal and Other Provisions (11); Animal Disease Emergency and Response Management (12); Action During Disease Emergency (13); The Veterinary Board (14); Provision for Additional Regulations of this Code (15); Abolishing The Law(16); Legalization (17).

The law defines functions of Veterinary Service under the Ministry of Livestock including carrying out disease surveillance and monitoring (also for wild animals), conducting export and import

¹⁰¹ -article 25

¹⁰² -article 31

¹⁰³ -article 34

¹⁰⁴ -Article 2.1.1

inspection and certification of animals and animal products according to international standards, taking veterinary measures, and providing the concerning veterinary aspects of aquaculture.¹⁰⁵ The law states that the veterinary service entails both public and private services.¹⁰⁶

The Minister of the ministry responsible for livestock is the highest authority in the Veterinary Administration and shall be responsible for the overall national livestock policy and related activities and make rules and guidelines supporting the animal health code.¹⁰⁷ The law establishes the Veterinary Board, which shall function under, but independent of, the Veterinary Administration. It shall, among other things regulate the veterinary profession and veterinary drugs.¹⁰⁸ The Veterinary Administration shall, in carrying out its functions, consider requirements of importing countries and international measures, in particular those of the World Organisation for Animal Health (OIE), WTO, and FAO.¹⁰⁹ Also, the responsibilities of the Chief Veterinary Officer are defined in this Code.¹¹⁰ The Code also provides for meat hygiene.¹¹¹ The Minister may issue a decree to declare any abattoir, slaughterhouse, or any other place where livestock is slaughtered for human consumption, to be a designated place for meat inspection. Except in an emergency, livestock slaughtered at a designated place, shall, before such slaughter, be inspected by an inspecting officer following the code of practice.¹¹²

The Ministry of livestock, forestry, and range shall be the lead agency and the Chief Veterinary Officer and shall have overall responsibilities for the control of any emergency animal diseases.¹¹³ It shall have an Emergency Disease Task Force Unit and there shall also be a National Disease Emergency Commission.¹¹⁴ An important role in case of a (suspected) emergency is assigned to the Chief Veterinary Officer. Veterinarians and drugs shall be registered with the Veterinary Board.¹¹⁵

6.3 Lawson fisheries

¹⁰⁵ -Article 2.1.2

¹⁰⁶ - Article 2.2.1

¹⁰⁷ - Article 2. 3.1.

¹⁰⁸ -Article 2.3.4.

¹⁰⁹ -Article 3.1

¹¹⁰ - Article 2.3.3.

¹¹¹ - chapter 8

¹¹² -Chapter 8

¹¹³ -Article 12.2

¹¹⁴ -Article 12.3

¹¹⁵ -Article 12.6.

Some laws govern aspects of fishing and which in effect deal with matters of access to **food** in the context of fishing as a source of food as discussed below:

a) Amended Somali Fisheries Law, 2016

The amended fisheries law in 2016 has been based on Law No. 23 of November 30, 1985, with the purpose to ensure the management and conservation of (principally) marine aquatic resources and habitat and the development of the fishery industry in Somalia. The Law consists of 44 articles divided into 8 Parts (without titles). The law also designates the Somali coastline of 200 nautical miles width and within this a protection zone that protects coastal fishermen and of 24 nautical miles. Only coastal fishermen are allowed to fish within 24 nautical miles.¹¹⁶

The law designates the Ministry of Fisheries and Marine Resources of Somalia to be the principal authority for the management and conservation of fish resources by those principles underpinned in this Law.¹¹⁷ The law instructs the Ministry to cooperate and consult with state organs, International Organizations and with Non- Governmental Organizations (NGOs), and other stakeholders in the country, to promote the development of traditional and industrial fisheries and other related industries.¹¹⁸ The Ministry is also mandated to manage and develop plans for fisheries in Somali waters by this Law and will ensure that fisheries development programs are based on those plans¹¹⁹. The Law requires the Ministry to adopt certain measures relative to gear, seasons, aquaculture, the landing of fish, etc.¹²⁰ The Ministry may impose limitations on fisheries through a licensing system.¹²¹ The Ministry issues fishing licenses to fishing vessels operating in Somali waters while considering the Regional States in which the vessels are operating.¹²² No person shall use any vessel for fishing in Somali waters without having a valid registered fishing license.¹²³ No foreign fishing vessel shall fish, attempt to fish, or participate in fishing operations in Somali waters without a valid license issued under this Law¹²⁴.

All fishing licenses issued by regional administrations or subsequent interim governments between January 1991 and before the ratification of this Somalia fisheries law, shall be invalid with effect from the date this law comes into force.¹²⁵ The law provides for the conservation of living marine resources and ecosystems prohibiting fishing endangered aquatic animals or destroying corals reefs, mangrove trees, and seashells.¹²⁶

¹¹⁶ - article 3

¹¹⁷ - article 5

¹¹⁸ -article 6

¹¹⁹ - article 7

¹²⁰ - article 8

¹²¹ - article 11

¹²² -article 12

¹²³ -article 12

¹²⁴ -article 15

¹²⁵ - article 16

¹²⁶ -article 25

The law covers aspects of **food production** as well as access to food through **purchase from the market**, thereby promoting food security. **It also supports nutrition as fish is a vital source of nutritious food.**

Another observation is that the law focuses more on the management of commercial fish stock and has less relevance to the development of fish value chain for domestic consumption, however, there is a provision in the law that provides for ensuring sustainable fish production taking into account suitable environment, economic, and social factors.¹²⁷ The provisions that allow fishing in coastal areas by coastal fishermen are also relevant to the food security of vulnerable small-scale fishers.

6.4 Laws on environmental conservation

The government of Somalia has adopted several Laws on environmental protection and conservation which deal with matters affecting **food production** in several ways. These do not only facilitate enabling environment for food production but also facilitate increasing the income of farmers and creating jobs for others to afford to purchase nutritious food. These laws also contribute to the safety of food and its nutritious quality by curbing pollution to water, land, and air. They include:

a) Range Management Law No.3 of 1979

This law amended provisions relating to range and forest conservation in Book two of the law on fauna and forest conservation of 1969 for better management and development of range in Somalia following recurrent droughts and deforestations in Somalia after the mid of 70s. The law grants power to the Secretary of State of Ministry of Livestock, Forestry and Range (MLFR)¹²⁸ on the recommendation of the General Manager of NRA to establish range development and conservation areas and gives NRA the authority to (i) open and close grazing reserves; (ii) establish grazing associations; (iii) control development and use of stock water supplies in the rangelands; (iv) undertake search, seizure, and arrest for offenses; and (v) establish a Range Fund to finance range development activities. The law further authorizes the President of the Republic to issue decrees concerning its implementation.

¹²⁷ -See Part 7 of the Law

¹²⁸ - The Ministry of Livestock, Forestry and Range (MLFR) comprised during that time : (i) the National Range Agency (NRA); (ii) the Livestock Development Agency (LDA); (iii) the Veterinary Service; (iv) the Department of Animal Production; and (v) the Institute of Animal Science.

This law is very relevant for **food production** since conservation of range is vital for meeting livestock feeding needs, conservation of agriculture fields by protecting soil from erosion, and improving organic matter to enhance production.

b) The Law on Fauna (Hunting) and Forest Conservation (Law No. 15 of 25/1/1969)

The law consists of 3 books. Book I regulates wildlife (I); Game Reserves, Controlled Areas, Partial Game Reserves Prohibited and Close Seasons (II); Hunting of Animals (III); Trophies (IV); Ivory and Rhinoceros Horn (V); Government Trophies. **Book II regulates** Forest Conservation and consisted of (I); Creation of forest Reserves (II); protection of Forests and Forest Produce (III); Licenses. Book III comprises of general provisions focusing on enforcement (I); Prevention and detection of Offences (II); Miscellaneous Offences, Penalties, and Forfeitures(III); Miscellaneous (IV) Repeal and Commencement. The law also provides for the following schedules:

- 1- Schedule 1: game reserves,
- 2- schedule 2: reserved areas and partial game reserves.
- 3- Schedule 3: prohibited game and protected animals.

The law on fauna and forest saw several amendments, as follows:

- Trophies Decree No. 30 December 1969 (titled Protection of Wild Games) – ordering the surrender of trophies meant for export and ordering any dealers to abide by the provisions of the 1969 Law.
- Fauna (Hunting) and Forest Conservation (Amendment) Law – No. 68 of 31 August 1970.
- Fauna (Hunting) and Forest Conservation (Amendment) Law – No. 65 of 13 October 1971 – suspending Article 16 of the 1969 Law only.
- Establishment of National Park Agency – Law No 34 of 1 March 1971– *Agency for national parks and reserved areas.*
- Fauna (Hunting) and Forest Conservation (Amendment) Law and of the 1971 (Law No. 34 of 1 March 1971) Law: Law No. 79 of 12 April 1975 – Change of title of Park Agency to “Wildlife and Game Reserves and Protection Agency” and changes to its functions & structure.
- Fauna (Hunting) and Forest Conservation (Amendment) Law – No. 43 of 1 November 1978 – increases the offenses and levels of fines in respect of the killing of several listed wild animals listed in Articles 2 and 3 of this Law, or possession of their ivory, horns, hides, etc.¹²⁹

¹²⁹ - These different amendments of this law are available at [Environmental Laws \(somalilandlaw.com\)](http://EnvironmentalLaws(somalilandlaw.com))

- Fauna (Hunting) and Forest Conservation (Amendment) Law – No. 32 of 1 August 1979 – Adds one article (numbered 3 to the 1978 amendment law) that makes aiding or covering up offenses or purchasing illegally wild Fauna hides, horns, etc.
- Range Development & Management law – Law No 3 of 4 February 1979 – deals mainly with rangeland reserves but it also covers “absolute reserves” set aside for wildlife.
- The other law of historical significance only is the Assimilation of the Wildlife Protection Corps (Game Rangers) into the Police Law (Law No. 4 of 10 January 1980).

This law and its subsequent amendments are vital for **food production** in several ways. It does not only facilitate favourable climatic conditions for food production but also has resources that could provide food, including plant and animal food sources through the conservation of wild animals and range. Moreover, forests are part of the eco and bio-diversity systems and there are non-wood forest products that are vital sources of food for hunters and gatherers.

c) Environment Management Bill, 2020

The bill has not yet been enacted by the legislature and consists of 18 chapters and 106 articles: Preliminary (I); Principles and objectives (II); institutional structure (III); Environmental audit and monitoring (IV); environmental information (V); Environmental pollution (VI); Control of hazardous substances (VII); Protection of the Land (VIII); Climate Change (IX); analysis of environmental samples (X); Environmental restoration (XII); Waste Management (XIII); Biodiversity (XIV); Protection of Marine Resources and Coastal Zone(XV); Environmental Offences (XVI); Enforcement (XVII); Special Provisions.

The bill was developed to ensure sustainable management of the environment and provide an institutional framework for the environment and climate change management. The specific objectives of the Bill are: (i) to promote a clean and healthy environment for all Somalis; (ii) to prevent, control, monitor and respond to pollution; (iii) to enrich the understanding of the ecological systems and natural resources important to the Somali Nation.¹³⁰ The bill provides for the establishment of the National Environment Council and the National Directorate of environment and climate change under the office of the prime minister. The National Council shall be responsible for policy formulation and directions for purposes of the law and set national goals and objectives and determine policies and priorities for the protection of the environment and climate change while Environment and climate change directorate shall be responsible for

¹³⁰ - Article 11.

regulating, monitoring, coordinating all activities relating to the environment and climate change. The law, in addition, requires the directorate of the environment to carry out environmental audits and monitoring, environmental information, and environmental pollution reports.¹³¹ The law authorizes the directorate of the environment to establish water quality standards for different purposes such as drinking water, water for agricultural various environmental standards, governing such aspects as air quality, noxious smells, effluent discharge, vibration, and noise pollution, soil quality, and radiation, among others.¹³² There are also provisions on control of hazardous substances by requiring the directorate to regulate hazardous substances, set hazardous and chemical materials license, establish standards for radiation pollution, prohibit the discharge of hazardous substances, chemicals, and materials or oil into the environment, control environmental protection and petroleum operations and set guidelines for environmental disaster.¹³³ The law also requires the directorate to set climate change adaptation and mitigation measures to address the consequences of climate change on the environment. The directorate shall also have the mandate to analyze environmental samples and environmental assessments including environmental and social impact assessment.¹³⁴ Some provisions require the directorate to carry out environmental restoration through the imposition of an obligation to remediate, environmental restoration orders, and issuing precautionary notice.¹³⁵ Some provisions regulate waste management,¹³⁶ protection of biodiversity¹³⁷, and protection of Marine Resources and Coastal Zone.¹³⁸

To ensure compliance with environmental requirements, the law establishes the offenses and criminal and civil liability for any violation of the provisions of the law such as offenses relating to non-compliance with environmental conditions, offenses relating to environmental and social impact assessment, offenses relating to inspections offenses relating to hazardous waste, materials, chemicals and radioactive substances and offenses relating to pollution.¹³⁹

The law is relevant to food security and nutrition based on the reality that environment and food security are intertwined. The provisions of the law contribute to investment in the natural environment, rather than depleting it, building soil health, clean water systems, and biodiversity. Such a sustainable approach increases sustainable **food production** by building environmental resilience, adapting both food production and the land to climate change. It also promotes access to quality **food from the market** by promoting better food produce, choices, and diet quality.

5.6 Laws on social protection

¹³¹ -See Chapter 5

¹³² - See Chapter 6 Of The Law

¹³³ - See Chapter 7 Of The Law

¹³⁴ - See Chapters 10 And 11 Of The Law

¹³⁵ -See Chapter 12 Of The Law

¹³⁶ -See Chapter 13 Of The Law .

¹³⁷ -See Chapter 14 Of The Law

¹³⁸ -See Chapter 15 Of The Law .

¹³⁹ - See Chapter 16 Of The Law

Somalia has several laws which make provision for social protection, especially in the form of social security. These laws deal with social protection for only those in formal employment without touching those in informal employment. There are two main laws in this field as elaborated below:

1- National Public Service pension and Gratuity Act of Law No. 5 of 1969: This law is now under the amendment and deals with public servants' pensions. It provides a defined benefit pension plan which was an employer-sponsored retirement plan that used to provide a specified payment amount in retirement. This pension scheme or plan provided for pension benefits, death benefits, disability benefits, widows, and children pension. Employees are required to contribute towards its funding at the rate of 6% of their salary and the State is required to contribute an additional 4% of basic salary. The law exempts pension and gratuities from income tax. The circumstances under which pension is provided are elaborated in the Act. The pension system provides means for beneficiaries, who could otherwise have a hard time, to be able to access food.

2. Military and Paramilitary Pension and Gratuity Law no. 6 of 31st Dec 1969: This law governs pensions of military officers and paramilitary officers. The law sets the retirement age of civil servants for both men and women to be 65 years. The design of the benefits in this law is the same as for that of Law No. 5 for the public service pension and gratuity, but the contribution rates were different and so were the retirement ages.

This law also promotes access to food by enabling retired public officers to have the income to purchase the needed food and nutrition.

So, social protection schemes for non-employed people are policy-based?

6.7 Laws on Employment

There are several employment laws at the federal level which regulate access to employment as described below:

a) The Labor Act No. 65 of 1972

This law is the main law that currently governs the Somali labor market and governs all employees, both private and public employees. The law is relevant to access to food through procurement since a person's purchase power of adequate and nutritious food depends largely on jobs and wage rates.

The law contains 148 articles and the following parts : (I) General provisions; (II) Trade unions and their federations; (III) Contracts of employment; (IV) Apprenticeship; (VI) Remuneration ; (VII) Conditions of work; (VIII) Occupational health and safety; (IX) Administering authorities and method of implementation; (X) Settlement of labor disputes; (XI) Penalties; (XII) Miscellaneous.

The law contains some basic provisions, such as the freedom of association, the interdiction of a child or forced labor, the obligation for any worker to have a proper contract; however, when it comes to minimum wage which is vital for assessing purchasing power of workers about the cost of national basic food basket throughout time is not provided in this law. In this sense, the absence of an appropriate minimum wage that takes food price volatilities into account continues to be a weakness in the law. The lack of such provision impedes the attainment of a decent standard of living for workers including the ability to access adequate quality food.

d) Other Labor laws

There are other relevant laws in the context of employment. These are:

- Local government employment law in 1976. The law governs employees of local government in terms of their duties and rights.
- Civil servant law No 11 of 2006 which is the base for Somalia's post-conflict civil service management at the federal level.

I wonder if there are laws on emergencies and disaster risk management with relevance to FSN, which provide for food security information systems and early warning mechanisms. I say this based on the experience of Somalia in this respect. The analysis of such laws can inform provisions on food security emergencies in the Act to be drafted.

PART SEVEN: CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

Based on the analysis of the policies, strategies, laws, and institutions relevant to FSN , the following are the key findings or concluding remarks :

1. The assessment has established that Somalia is part of the key international and regional instruments protecting the right to food despite its non-ratification status of some of those instruments. The study has also established that Somalia has several policies, strategies, and laws that directly and indirectly promote food production, food procurement, and food provision. Most

dominant are laws and strategies in the agricultural, livestock, and fishery sectors, dealing with various issues of food production. Other areas with laws and policies include land, environment, climate change, land, health and nutrition, education, employment, food safety, and social protection. In addition, Somalia has some institutions with mandates relevant to FSN and the right to food. This includes the principal organs of the state, including the Executive, Judiciary, and Legislature, and statutory bodies and agencies.

2. This assessment has found that legal frameworks notwithstanding, Somalia faces a problem of legal and institutional fragmentation that presents a challenge to fully protect the right to adequate food as well as FSN. There are provisions in the Constitution that support a derivative reading of the right to food from the Constitution. However, most relevant policy, legislative and strategy documents do not articulate the right to food in the context of FSN. They do not also provide for clear institutional responsibilities and coordination mechanisms on efforts relating to FSN. Furthermore, some key policies on food security, agricultural extension policy, and school feeding have not yet been adopted and remain drafts.

3. It was also found that some sectoral policies lack clear inclusion or highlight of food security and nutrition. For example, the health sectoral policy does not give sufficient highlight for aspects relating to FSN except a few mentions of the nutrition without providing clear benchmarks and legislative or policy interventions needed to improve the nutrition of women and children and promote nutrition awareness. Likewise, the education policy lacks clearer inclusion of school-based mechanisms to improve FSN such as nutrition education and school feeding programs.

4. The Sectoral laws reviewed in this Assessment while relevant to FSN and the right to food are not comprehensive enough to deal with all aspects of FSN as some key laws are still missing. For instance, there are no pension laws at private employment, and there are no specialized laws on food safety, food hygiene, food processing, and consumer protection. This does not mean that the existing laws do not serve their intended purposes as related to the different aspects they address. However, the legal framework would greatly be strengthened if the sectoral laws are accompanied by a comprehensive law on FSN and the right to food, which would ensure an appropriate legal framework. Therefore, Somalia should urgently consider promulgating the Food Security Act and further laws on food safety.

5. Indeed, the absence of framework legislation on FSN and the right to food is a big normative framework gap in Somalia. Among others, the framework is supposed to clarify the normative content of the right to adequate food by articulating it in greater detail and by defining the scope and content of the right, related State obligations, institutional coordination mechanisms, and remedies for cases of violation. Unfortunately, Somalia has not adopted such a law.

6. The 2020 draft Food Security Policy although not intended as the law would at least provide a general framework on FSN and the right to food in Somalia. It is because of this that this assessment calls for immediate approval and prompt implementation of the Food Security policy.

The policy provides the establishment of the national food security commission which will need enabling food security act.

7.2 Recommendations

Based on the findings, the study suggests the following recommendations

- 1- The government should advocate for the integration of the explicit recognition of the right to adequate food and living standards in the Somali constitution.
2. The government should ratify and domesticate all international and regional treaties on the FSN and the right to food to show its willingness to realize the right to food for its people by international and regional standards.
3. The Ministry of Trade, Ministry of Health, and Ministry of Agriculture should act together as lead government institutions in ensuring the right of its people to safe food. Safe food should be achieved by ensuring that food trade practices are conducted in a manner consistent with the World Trade Organization's Sanitary and Phytosanitary measures and other international requirements to safeguard consumers through the realization of the objectives of food security policy.
4. The Ministry of Health in collaboration with the other line ministries should work on the strengthening of food inspectorate and formulation of food hygiene rules for all food businesses, applying effective and proportionate controls throughout the food chain, from primary production to sale or supply to the food consumer.
5. The government should promote and provide incentives through its investment law, to domestic as well as foreign investors to ensure proper storage; processing, preservation, and value addition contribute to increased availability of and access to affordable, safe, and nutritious food; as well as increased employment/jobs incomes and revenue from domestic and foreign trade.
6. Formulate and promulgate a food security act with the object to define the substantive requirements of FSN and the right to food in Somalia, clarify the entitlements of individuals and groups and the roles and responsibilities of various actors, elaborate FSN institutional and coordination framework, lay down food security emergency response and another accountability mechanism. It should also establish the Food Security Commission that is envisaged in the draft Food Security Policy and put mirror structures at the decentralized level in place. The law should also recognize the right to adequate food and elaborate on some of the elements of this right.
7. The government should ensure mainstreaming FSN issues in the policies, strategies, and laws and thus integrate the FSN in the design and implementation of programs and projects to reflect on the realization of the right to adequate food.
8. The government should ensure the integration of gender perspectives in the design and implementation of economic and social policies, programs, and projects in general and FSN in particular.