



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON HEALTH, COMMUNITY DEVELOPMENT AND SOCIAL  
SERVICES ON THE FOOD AND NUTRITION BILL, N.A.B. NO. 2 OF 2020**

**FOR THE**

**FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

*Printed by the National Assembly of Zambia*

**REPORT**

**OF THE**

**COMMITTEE ON HEALTH, COMMUNITY DEVELOPMENT AND SOCIAL  
SERVICES ON THE FOOD AND NUTRITION BILL, N.A.B. NO. 2 OF 2020**

**FOR THE**

**FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

## **TABLE OF CONTENTS**

<b>Item</b>	<b>Page</b>
1.0 Composition of the Committee	1
2.0 Functions of the Committee	1
3.0 Meetings of the Committee	1
4.0 Procedure adopted by the Committee	1
5.0 Background	2
6.0 Objects of the Bill	2
7.0 Salient Provisions of the Bill	3
8.0 Concerns Raised by Stakeholders	9
9.0 Other Concerns	15
10.0 Committee's Observations and Recommendations	16
11.0 Conclusion	19
Appendix I – List of National Assembly Officials	22
Appendix II – List of Witnesses	23

# **REPORT OF THE COMMITTEE ON HEALTH, COMMUNITY DEVELOPMENT AND SOCIAL SERVICES ON THE FOOD AND NUTRITION BILL, N.A.B. NO. 2 OF 2020 FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

## **1.0 COMPOSITION OF THE COMMITTEE**

The Committee consisted of Dr C K Kalila, MP (Chairperson); Ms P Kasune, MP (Vice Chairperson); Dr C Kambwili, MP; Dr J K Chanda, MP; Mr L N Tembo, MP; Mr J Kabamba, MP; Ms A M Chisangano, MP; Mr L Kintu, MP; Mr M Ndalamei, MP; and Mr A Mandumbwa, MP.

Dr C Kambwili, MP, ceased to be a Member of the Committee following the declaration of the Roan Constituency seat vacant. Mr C M Chalwe, MP was subsequently appointed to replace Dr C Kambwili as a Member of the Committee. Further, Mr B A Kapalasa, MP was appointed to replace Ms A M Chisangano, MP who was appointed to serve on another Committee.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir

The Committee has the honour to present its Report on the Food and Nutrition Bill, N.A.B. No. 2 of 2020, for the Fourth Session of the Twelfth National Assembly, referred to it by the House on Wednesday 11<sup>th</sup> March, 2020.

## **2.0 FUNCTIONS OF THE COMMITTEE**

In addition to any other duties conferred upon it by the Honourable Mr Speaker, or any other Order of the House, the Committee is mandated to consider any Bills that may be referred to it by the House.

## **3.0 MEETINGS OF THE COMMITTEE**

The Committee held eight meetings to consider the Food and Nutrition Bill, N.A.B. No. 2 of 2020.

## **4.0 PROCEDURE ADOPTED BY THE COMMITTEE**

In order to acquaint itself with the ramifications of the Bill, the Committee sought both written and oral submissions from various relevant stakeholders. The stakeholders who appeared before the Committee are listed at Appendix II.

## **5.0 BACKGROUND**

The Committee was informed that food and nutrition covered a wide continuum, which included production of food in a safe and sustainable manner and its utilisation in the provision of adequate nutrients for the maintenance and restoration of good health of an individual at all stages of the life cycle. To ensure a good food and nutrition environment, a Food and Nutrition Bill should invariably regulate a number of aspects including, but not limited to, nutrition education, nutrition surveillance, food safety, nutrition in emergencies, clinical nutrition, food systems, social protection, consumer protection and, health promotion. Over time, Zambia had continued to face a high level of chronic malnutrition, manifesting as stunted growth and increased levels of overweight and associated non-communicable diseases.

*The National Food and Nutrition Commission Act, Chapter 308 of the Laws of Zambia*, was enacted in 1967 to address the increasing levels of malnutrition in the country. In order to combat the prevailing malnutrition situation, the Government developed the National Food and Nutrition Policy in 2006 which was to be operationalised through the 2011-2015 Nutrition Strategic Plan. To effectively implement both the Policy and the Nutrition Strategic Plan, a need arose to review relevant legislation in order to strengthen the legal framework on food and nutrition in the country. In this regard, there was need to repeal *the National Food and Nutrition Commission Act* and replace it with an Act which would ensure the operationalisation of the Food and Nutrition Policy and Strategic Plan.

Overall, the Bill, once enacted, would address some of the concerns that had been raised by stakeholders around the administration of food and nutrition in the country.

## **6.0 OBJECTS OF THE BILL**

The objects of the Bill are to:

- (a) Provide for the implementation of a national food and nutrition programme;
- (b) Provide for the continued existence of the National Food and Nutrition Commission and re-define its functions;
- (c) Re-constitute the Board of the Commission and re-define its functions;
- (d) Establish the Food and Nutrition Coordinating Committee and provide for its functions;
- (e) Repeal and replace the National Food and Nutrition Commission Act, 1967; and
- (g) Provide for matters connected with, or incidental to, the foregoing.

## **7.0 SALIENT PROVISIONS OF THE BILL**

The Committee learnt that the salient features of the Bill were as set out below.

### **PART I**

#### **PRELIMINARY PROVISIONS**

##### **Clause 1: Short Title and Commencement**

The clause provides the short title and commencement of the Act.

##### **Clause 2: Interpretation**

The clause seeks to define various words and phrases used in the Bill in order to make the law easier to understand by the various users and those tasked to implement it.

### **PART II**

#### **THE NATIONAL FOOD AND NUTRITION COMMISSION**

##### **Clause 3: Continuation of Commission**

The clause provides for the continuation of the Food and Nutrition Commission as a body corporate capable of suing and being sued in its corporate name and with power, subject to the other provisions of the Act, to do the acts that a body corporate may, by law, do or perform.

##### **Clause 4: Seal of Commission**

The clause provides for the seal of the Commission and that the affixing of the seal shall be authenticated by the Chairperson, Vice-Chairperson, Executive Director or any other person authorised in that behalf by a resolution of the Board of the Commission.

##### **Clause 5: Functions of Commission**

The clause provides for the functions of the Food and Nutrition Commission, which include, among others, formulation of the national food and nutrition programme in the Republic, registration of nutritionists and nutrition groups, and approval of food and nutrition programmes or projects to be undertaken by an institution.

## **Clause 6: Board of Commission**

The clause provides for the establishment of the Board of the Commission which consists of eleven part-time members appointed by the Minister. The clause further provides for the appointment of the Chairperson and election of the Vice-Chairperson of the Board.

## **Clause 7: Functions of Board**

The clause provides for the functions of the Board which include, among others, approval of the policy and strategic plan of the Commission and the establishment and approval of guidelines and standards for the purpose of the Act once enacted.

## **Clause 8: Delegation of Functions of Board**

The clause provides for the delegation of the functions of the Board to the Executive Director. The clause further empowers the Minister to give the Board general or specific directions relating to the performance of its functions.

## **Clause 9: Executive Director**

The clause provides for the appointment of a Director who shall be the chief executive officer of the Commission and responsible for the day-to-day administration of the Commission. The clause further sets out the qualifications of a person to be appointed as Executive Director.

## **Secretary and other staff**

The clause provides for the appointment of a Secretary and other staff of the Commission for the performance of the functions of the Commission.

## **Clause 11: Emoluments and other conditions of service of Executive Director, Secretary and other Staff**

The clause provides for the emoluments and conditions of service of the Executive Director, Secretary and other staff of the Commission and the bodies mandated to determine the emoluments and other conditions of service.

## **Tenure of office of member and vacancy**

The clause provides for the tenure of office of a member of the Board which shall be a period of three years, and the circumstances under which the office of a member of the Board becomes vacant.

## **Proceedings of Board**

The clause sets out the manner in which the Board will regulate its proceedings.

## **Clause 14: Committees of Boards**

The clause empowers the Board to constitute committees and to delegate to such committees any of its functions as it considers necessary.

## **Clause 15: Filling of casual vacancy**

This clause provides for the procedure of filling of casual vacancy by the Minister.

## **Allowances of members**

The clause provides for the manner in which and under what conditions allowances will be paid to members of the Board or a Committee of the Board.

## **Disclosure of interest**

The clause provides for the manner in which and what circumstances a disclosure of interest can be made during a meeting of the Board or a committee of the Board.

## **Clause 18: Prohibition of publication or disclosure of information to unauthorised persons**

The clause prohibits publication or disclosure of information to unauthorised persons and sets out the penalty for contravention of the provision.

## **Immunity of members, committee and staff**

The clause seeks to provide immunity to members of the Board or a committee and staff of the commission for, or in respect of, any act done in good faith in the exercise or performance of the powers, functions or duties conferred under the Act once enacted.

## **PART III**

### **INSPECTORATE**

#### **Authorised officer**

The clause empowers the Commission to appoint an authorised officer, on terms and conditions that the Board may determine, for purposes of ensuring compliance with the Act.

#### **Powers of authorised officer**

The clause sets out the powers of an authorised officer in the performance of functions under the Act and mandates the authorised officer to furnish the Commission with a written report and any other information relating to an inspection that the Commission may require.

## **PART IV**

### **REGISTRATION OF NUTRITION GROUPS**

#### **Clause 22: Prohibition of operation without certificate of registration**

The clause prohibits a person from operating a nutrition group without a valid certificate issued under this Act and sanctions a person who contravenes the provisions of the clause.

#### **Clause 23: Application for registration of a nutrition group**

The clause requires a person who intends to operate a nutrition group to apply to the Commission for registration and sets out the manner in which the Commission may either grant or reject the application.

#### **Operation of nutrition groups**

The clause sets out the manner in which a nutrition group shall operate and prohibits a nutrition group from receiving or requesting for a donation or grant from any source within or outside the Republic, without the approval of the Commission.

## **Change in details**

The clause requires a nutrition group to notify the Commission of any change in the nutrition group's particulars relating to the registration within seven days of such changes.

## **Clause 26: Cancellation of registration**

The clause sets out the circumstances under which the Commission may cancel the registration of a nutrition group and requires the Commission to give a nutrition group an opportunity to be heard before cancelling the registration.

## **Re-registration**

The clause sets out the circumstances under which a nutrition group can apply for re-registration where a certificate of registration is cancelled.

## **Register for nutrition groups**

The clause mandates the Commission to keep and maintain a Register of nutrition groups at the office of the Executive Director which shall be open for inspection by members of the public during normal office hours on payment of a prescribed fee.

## **Authorisation of programmes or projects**

The clause requires a person who intends to implement a food and nutrition programme or project to apply to the Commission for authorisation and sets out the manner in which the Commission may grant or refuse the authorisation.

## **PART V**

### **NATIONAL FOOD AND NUTRITION PROGRAMME**

#### **Coordinating Committee**

The clause establishes a coordinating committee responsible for food and nutrition programmes in the Republic under the direction of the Vice-President. It further provides for the composition of the co-ordinating committee.

#### **National food and nutrition programme**

The clause provides for the Coordinating Committee to implement the national food and nutrition programme through the Commission in an integrated manner.

## **PART VI**

### **FINANCIAL PROVISIONS**

#### **Funds of Commission**

This clause provides for the funds of the Commission and the manner in which the funds will be utilised.

#### **Clause 33: Financial year**

The clause provides for the financial year of the Commission.

#### **Accounts and audit**

The clause mandates the Commission to keep proper books of account and other records relating of its accounts. The clause further provides for the auditing of the accounts of the Commission.

#### **Clause 35: Annual Report**

The clause mandates the Commission to submit to the Minister a report concerning its activities after the end of a financial year. The clause further mandates the Minister to lay the report before the National Assembly.

## **PART VII**

### **GENERAL PROVISIONS**

#### **Appeals**

The clause provides an appeals procedure and provides, among other things, that a persons who is aggrieved with the decision of the Commission may appeal to the Minister within thirty days of receiving the decision.

#### **Guidelines**

The clause empowers the Commission to issue guidelines that are necessary for the better carrying out of the provisions of the Act.

#### **Regulations**

This clause empowers the minister to make regulations for the better carrying out of the provisions of the Act.

## **Repeal of CAP. 308**

This clause provides for the repeal of the existing *Food and Nutrition Commission Act, Chapter 308 of the Laws of Zambia*.

## **Savings and transitional provisions**

The clause provides Savings and transitional arrangements for the purposes of the Act.

## **8.0 CONCERNS RAISED BY STAKEHOLDERS**

### **(a) Concerns on Specific Provisions of the Bill**

While supporting the Bill, stakeholders expressed concern on the provisions highlighted below.

## **PART I**

## **PRELIMINARY PROVISIONS**

### **Clause 2 – Interpretation**

- i. Some stakeholders held the view that the definition of “nutrition” under the Bill was misleading and submitted that the definition be revised to read:

*“Nutrition’ means a science of food, the nutrients and the substances, their interactions and balance in relation to health and disease.”*

- ii. Stakeholders submitted that the term “Nutritionist” was narrow as it did not include the different professions under nutrition science such human nutritionist, dietician or clinical nutritionist. They, therefore, proposed that these should be included and defined as outlined below.
  - a. **Nutritionist** means the person who is qualified in the field of human nutrition and is registered with the Commission or the Health Professions Council of Zambia.
  - b. **Dietitian** means a person who is qualified in the field of dietetics or clinical nutrition and is registered with the Health Professions Council of Zambia.
  - c. **Public Health nutrition** means a person who is qualified in the field of public health nutrition and is registered with the Commission or Health Professions Council of Zambia.

- iii. On the definition of "nutrition security", stakeholders submitted that the definition did not capture the global understanding of the term and should therefore be revised to read as follows:

*"Nutrition security" means when all people at all times have physical, social, economic, access to food which is consumed in sufficient quantity and quality to meet their dietary needs and food preference."*

- iv. Under the definition of "Register" which states " means the Register referred to under section 28", stakeholders submitted that the definition should be recast to read as follows:

*"Register means the Register referred to under section 28"*

- v. Stakeholders noted with concern that the Zambia Bureau of Standards (ZABS) had not been defined under the interpretation clause despite its pivotal role with regard to product and system standards and conformity assessment in contributing to food and nutrition and submitted that ZABS be defined as follows:

*"Zambia Bureau of Standards" means the Zambia Bureau of Standards established by the Standards Act, No. 4 of 2017"*

- vi. Under the definition of "vulnerable group", stakeholders submitted that the phrase '*children with disabilities and children without family care*' be included after the '*children under 5*' as a vulnerable group considering that these groups of children were highly vulnerable to malnutrition even after the age of five. The definition should therefore, be recast as follows:

*"vulnerable group" means a group at risk of nutritional deficiencies and includes children under five years, children with disabilities and children without family care,"*

## **PART II**

### **THE NATIONAL FOOD AND NUTRITION COMMISSION**

#### **Clause 5: Functions of the Commission**

- i. Clause 5 (1) (a) – stakeholders expressed concern over the mandatory registration of nutritionists under the clause. They proposed that this should be streamlined to provide that registration with the Health Professions Council of Zambia be limited to nutritionists working in the health sector considering that they dealt with human life directly, hence the need for them to have a practicing license from that authority. The

others should be registered under the National Food and Nutrition Commission to ensure compliance or alternatively with the Nutrition Association of Zambia.

Other stakeholders held the view that the function to register health professions was vested with the Health Professions Council of Zambia as provided in the *Health Professions Act, No. 24 of 2009*. They contended that this provision may also result in the duplication of functions as well as the possible conflict between the two pieces of legislation and the respective institutions set up thereunder. They proposed that the clause should be amended and cross referenced with the *Health Professions Act, No.24 of 2009* and provide for the Health Professions Council of Zambia to register all health professionals.

Some stakeholders held the view that the clause should also be amended in order to include the validity of the registration of nutritionists. They therefore proposed a three year renewable registration period.

- ii. With regard to the functions of the Commission, some stakeholders proposed the inclusion of a function relating to the promotion of equitable nutrition access and services for vulnerable groups so as not to leave anyone behind. In addition, stakeholders proposed that Clause 5 (1) (g) should be amended to read as follows:

*'advocate for good nutrition and feeding practices among the population'.*

- iii. Clause 5 (1) (k) – stakeholders noted that the clause made reference to “adequate diet” which had not been defined. They submitted that the phrase should be defined under clause 2 on interpretation as follows:

*"adequate diet" means a quality and sustainable diet that meets nutritional requirements according to the age, sex and physiological status of an individual"*

- iv. Clause 5 (1) (l) – stakeholders noted with concern that whereas the clause provided for the Commission to be coordinating training in food and nutrition, the Bill did not elaborate how the Commission would undertake this function given that it was also being done by other agencies such as the Health Professions Council of Zambia and the Higher Education Authority. They submitted, therefore, that the clause should clearly spell out how this function would be implemented.
- v. Clause 5 (1) (n) - stakeholders held the view that limiting assessments and recommendation to micronutrient deficiencies of public health

significance, leaves out other deficiencies at individual level. They, therefore, submitted that the clause should be recast as follows:

*"undertake nutrition assessments and make recommendations to address macronutrient and micronutrient deficiencies of public health significance"*

- vi. Stakeholders were of the view that for easy regulation, enforcement and interpretation of the law, the functions of the Commission should be adequately described to avoid any possible misunderstandings.

### **Clause 6: Board of Commission**

Some stakeholders were of the view that while the composition of the Board was quite representative, there was need for the clause to be amended to include a union representative to take care of staff interests. Other stakeholders were also of the view that the Ministry of Finance and the Ministry of Fisheries and Livestock should also be included on the composition of the Board given their role in food and nutrition.

### **Clause 9: Executive Director**

- i. Clause 9 (2) – stakeholders noted that whereas the clause stipulated the qualifications for the Executive Director, it was not explicit on the position being anchored on nutrition. They submitted that the person to be appointed should have a nutrition background.
- ii. Stakeholders expressed concern that the term of office for the Executive Director had not been spelt out under the clause. They submitted that this omission should be addressed in the clause.

## **PART III**

### **INSPECTORATE**

#### **Clause 20: Authorised officer**

Stakeholders expressed concern that the clause did not give the minimum or basic qualifications of an inspector or authorised Officer to be appointed under this Act. They submitted that the minimum qualifications should be clearly spelt out in the clause as was the case with the qualifications of the Executive Director under Clause 9.

## **PART IV**

### **REGISTRATION OF NUTRITION GROUPS**

#### **Clause 23: Application for registration of a nutrition group**

- i. Stakeholders expressed concern over the registration requirements provided in the clause. They wondered whether these requirements applied to nutrition organisations already registered in Zambia or may apply to new ones. They recommended that the clause should be amended in order to explicitly state which organisations were being referred to under the clause.
- ii. Clause 23 (4) – stakeholders noted that the validity of the registration certificate for Nutrition Groups was not stated under the clause and recommended that the clause should be amended accordingly.

#### **Clause 24: Operation of nutrition group**

- i. Clause 24 (2) - stakeholders expressed concern over the proposed requirement for organisations to seek approval from the Commission before accessing donations and grants from any source both within and outside the country. They contended that whereas the measure was meant to regulate the standards of donations especially for children’s food and foster transparency, other alternative measures could be exploited such as auditing the various nutrition organisations which could have accessed donations and grants from well wishers. Other stakeholders were of the view that separating donations and grants was ideal to ensure that donations were subjected to the Commission’s approval while grants were exempted save for auditing purposes.
- ii. Clause 24 (4) – stakeholders expressed concern that the clause did not make any provision for renewal of certificate. This implied that the certificate once issued did not expire but may only be cancelled as provided under clause 26. It was, therefore, recommended that a provision be included for renewal of certificate in a prescribed manner and form, on payment of a prescribed fee.

#### **Clause 26 Cancellation of registration**

Stakeholders noted that the clause only provided for circumstances under which the Commission may cancel registration of the nutrition group but did not provide for the option for suspension. They contended that not all circumstances required cancellation of the registration of the nutrition group. It was, therefore, submitted that the clause should be revised to provide for suspension or cancellation of certificate.

## **Clause 29 Authorisation of programmes or projects**

Stakeholders expressed concern with clause 29 (1) which required that a person who wished to implement a food and nutrition programme or project had to apply to the Commission for authorisation. They contended that this provision was going to restrict a section of society or a certain level of institutions. In addition, stakeholders noted that the period of thirty days prescribed under Clause 29 (2) in which the Commission may grant or refuse authorisation for the implementation of a food or nutrition programme by a person was too long. In this regard, the stakeholders recommended that Clause 29 (1) should be deleted to avoid the unnecessary red tape. Further, the thirty days period under Clause 29 (2), should be reduced to a more reasonable period.

## **PART V**

### **NATIONAL FOOD AND NUTRITION PROGRAMME**

#### **Clause 30 Coordinating committee**

- i. Clause 30 (10) – stakeholders noted with concern that the Ministry of Commerce, Trade and Industry and the Ministry of General Education was omitted from the composition of the Coordinating Committee. They submitted that given the role played by the ministries in matters relating to food and nutrition, the ministries should be included on the composition of the Coordinating Committee. They, therefore, proposed that the clause should be amended accordingly.
- ii. Some stakeholders expressed concern that whereas there were a number of structures coordinating nutrition from national to zonal level, such as the Permanent Secretaries’ steering committee at national level, the provincial nutrition coordinating committee, the district nutrition coordinating committee, the ward nutrition coordinating committee, and the zonal nutrition coordinating committee, regrettably, the Bill only focused on the national coordination structure with no provisions on the other structures. They submitted that this omission should be addressed accordingly.

#### **Clause 31 National food and nutrition programme**

- i. Stakeholders expressed concern that despite the clause prescribing the objectives of the national food and nutrition programme, it omitted the impact assessment on national food and nutritional programme as an objective. They contended that this would allow for informed decision making before conducting or implementing food and nutritional programmes. In this vein, they submitted that the clause should also include an objective to read as follows:

*"In formulating and prior to the implementation of a proposal, policy, programme or project that may affect the realisation of the right to food, the Commission shall carry out an impact assessment to identify, predict, evaluate and mitigate economic, social and other effects of such policy, programme or project"*

In addition, stakeholders proposed the inclusion of the following additional functions of the Coordinating Committee.

- (i) facilitate the promotion of knowledge on healthy diets and importance of their consumption*
- (ii) address critical aspects of the food systems that pertain to affordability, availability, accessibility and acceptability of health diets for all"*

## **PART VII**

### **GENERAL PROVISIONS**

#### **Clause 36 Appeals**

Stakeholders observed that the clause did not give a time-frame within which an appeal, once lodged with the Minister, should be determined. This could lead to undue delays in the determination of appeals. Additionally, the clause did not specify the time frame within which a person should appeal to court against a decision of the Minister. They submitted that the Minister should determine the appeal within thirty days of lodging the appeal. In the same vein, a person should appeal to the High Court against a decision of the Minister within thirty days.

#### **Clause 37 Guidelines**

Clause 37 (1) – stakeholders were of the opinion that whereas this clause empowered the Commission to issue guidelines for the better carrying out of the Act, there was need to include the minimum quality standards to be implemented and maintained in matters relating to food and nutrition under the clause.

#### **(b) General Concerns Expressed by Stakeholders**

- i. All stakeholders expressed concern over the placement of the National Food and Nutrition Commission under the Ministry of Health, which was primarily responsible for nutrition therapy at health facility level and health promotion in the communities. They contended that food and nutrition being a cross-cutting issue was better placed under the Office of the Vice President, especially that the Coordinating Committee responsible for the multi-sectoral

response to food and nutrition as espoused under clause 30(1) was placed under the direction of the Vice President.

They submitted that the Bill should be amended to explicitly provide for the Commission to be under the Office of the Vice President especially that nutrition was implemented by eleven line ministries and included other players such as producers, processors and consumers.

- ii. Some stakeholders proposed the inclusion of a clause in the Bill relating to awarding of marks of conformity with regard to nutrition claims or labelling. In this regard, they proposed that the Bill should be amended to include the following clause:

*"The Minister on recommendation by the Commission may declare a mark depicted or described in order to be a mark of conformity with regard to nutrition claims or labelling".*

In addition, the stakeholders submitted that "mark of conformity" should also be defined under clause 2.

- iii. Some stakeholders expressed concern over the silence in the Bill on the regulation and consumption of Genetically Modified Organisms (GMOs) especially that the risks were well known. They recommended that the Bill should explicitly state the prohibition of GMOs in the implementation of the food and nutrition programme.
- iv. Stakeholders noted that the Bill in its current form was limited and should be expanded in its scope to include regulation of nutrition in an emergency, clinical nutrition, public health, food systems, nutrition education, nutrition labelling and claims, nutrition quality regulations, among other areas of focus.

## **10.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

The Committee noted that all the stakeholders who appeared before the Committee supported the Bill, albeit with some concerns. In light of the foregoing, the Committee's observations and recommendations are as outlined below.

### **Clause 5: Functions of the Commission**

- i. Clause 5 (1) (a) – the Committee expresses concern over the mandatory registration of nutritionists being proposed under this clause given that the function to register health professionals is vested with the Health Professions Council of Zambia as provided for under the *Health Professions Act, No. 24 of 2009*. The Committee contends that this provision may also result in the

duplication of functions as well as possible conflict between the two pieces of legislation and the respective institutions set up thereunder. In this regard, the Committee strongly recommends that the clause should be amended and cross referenced with the *Health Professions Act, No.24 of 2009* and provide for the Health Professions Council of Zambia to register all health professionals.

Further, the Committee is of the view that the clause should also be amended in order to include the validity period of the registration of nutritionists.

- ii. Clause 5 (1) (I) – the Committee notes with concern that whereas the clause provides for the Commission to coordinate training in food and nutrition, the Bill does not elaborate on how the Commission will undertake this function given that this function is also being undertaken by other agencies such as the Health Professions Council of Zambia and the Higher Education Authority. The Committee, therefore, recommends that the clause should be amended to clearly spell out how this function will be implemented.

#### **Clause 6: Board of Commission**

- iii. Clause 6 (1) (a) – the Committee notes that while the composition of the Board is quite representative, the membership does not include labour union representation to take care of the interests of workers. The Committee, therefore, recommends the inclusion of a union representative. Further, the Committee is concerned that the Ministry of Finance and the Ministry of Fisheries and Livestock have been omitted from the Board despite the key roles they play in food and nutrition. The Committee, therefore, proposes that the two ministries should also be included on the composition of the Board.

#### **Clause 9: Executive Director**

- iv. Clause 9 (2) – the Committee notes that whereas the clause stipulates the qualifications for the Executive Director, it does not explicitly require a candidate’s qualifications to be anchored on or biased towards nutrition. In this vein, the Committee recommends that the clause be amended to provide that the person to be appointed as Executive Director should have a nutrition background.

#### **Clause 23: Application for registration of a nutrition group**

- v. Clause 23 (4) – the Committee is concerned that while the clause provides the procedure for the registration of nutrition groups, regrettably the validity period of the registration certificate for nutrition groups is not stated under the clause. The Committee, therefore, recommends that the clause should be amended to address this serious omission.

## **Clause 24: Operation of nutrition group**

- vi. Clause 24 (2) - the Committee expresses concern over the proposed requirement for organisations to seek approval from the Commission before accessing donations and grants from any source both within and outside the country. While appreciating that the measure is important for the purpose of regulating the standards of donations especially for children's food and also to foster transparency, the Committee is of the strong view that other alternative measures can be considered such as auditing the groups. In this regard, the Committee recommends that the clause should be amended to split donations and grants so as to ensure that donations are subjected to the Commissions' approval while grants are exempted but be subjected only to an audit process.
- vii. Clause 24 (4) – the Committee notes that the clause does not make any provision for the renewal, which implies that the certificate, once issued, does not expire but may only be cancelled as provided under clause 26. The Committee is of the view that this would pose a challenge and, therefore, recommends that a provision be included for renewal of certificate in a prescribed manner and form, on payment of a prescribed fee.

## **Clause 26: Cancellation of registration**

- viii. Clause 26 (1) – the Committee is concerned that the clause only provides for circumstances under which the Commission may cancel registration of the nutrition group but does not provide for the option for suspension. It contends that not all circumstances require cancellation of the registration of the nutrition group. In this regard, the Committee recommends that the clause should be amended to provide for suspension or cancellation of certificate as the case may be.

## **Clause 30: Coordinating committee**

- ix. The Committee is concerned that whereas there are a number of structures coordinating nutrition from national to zonal level, such as the Permanent Secretaries' Steering Committee at national level, the Provincial Nutrition Coordinating Committee, the District Nutrition Coordinating Committee, the Ward Nutrition Coordinating Committee, and the Zonal Nutrition Coordinating Committee, regrettably, the Bill only makes reference to the national coordination structure with no provisions on the other structures.

The Committee recommends that the clause should be amended to include all the structures from the national to the zonal level involved in the implementation of the programme.

### **Clause 36: Appeals**

- x. Clause 36 (1) - the Committee notes with concern that the clause does not give a time-frame within which an appeal, once lodged with the Minister, should be determined, which can lead to undue delays in the determination of appeals. Additionally, the clause does not specify the time-frame within which a person should appeal to court against a decision of the Minister which could be problematic.

The Committee, therefore, recommends that the clause should be amended to explicitly include a time-frame in which the Minister should respond to an appeal and within which an aggrieved person should appeal to the High Court.

### **General concerns**

- xi. The Committee expresses concern over the placement of the National Food and Nutrition Commission under the Ministry of Health. It agrees with stakeholders who contended that food and nutrition, being a cross-cutting issue, is better placed under the Office of the Vice President, especially that the Coordinating Committee responsible for the multi-sectoral response to food and nutrition as espoused under Clause 30(1) is placed under the direction of the Vice President.

The Committee, therefore, recommends that the Bill should be amended to provide for the Commission to be under the Office of the Vice President.

- xii. The Committee is concerned that the Bill is silent on the regulation and consumption of Genetically Modified Organisms (GMOs) despite the risks being well known.

The Committee, therefore, strongly recommends that the Bill should be amended to explicitly state the prohibition of GMOs in the implementation of the food and nutrition programme.

## **12.0 CONCLUSION**

The repeal and replacement of the *National Food and Nutrition Commission Act, Chapter 308 of the Laws of Zambia* will sufficiently address current and emerging issues in food and nutrition. It is hoped that the highlighted concerns contained in the Report will be favourably considered and addressed in order to foster effective implementation of the Bill upon enactment.

In addition, the enactment of the Food and Nutrition Bill will also enhance the ability of the National Food and Nutrition Commission to coordinate food and nutrition activities at national, provincial, district and community levels. The anticipated regulation of those engaged in the provision of food and nutrition services in order to protect the public is also one key aspect of the Bill. Overall, the Bill will significantly help improve the nutritional status of the people, particularly vulnerable groups such as the elderly, children and pregnant women.

The Committee fully supports the Bill but urges the Executive to be more consultative with stakeholders before tabling Bills of such nature. It is regrettable that most stakeholders who interacted with the Committee were not involved during the initial stages of the Bill.

We have the Honour to be, Sir, the Committee on Health, Community Development and Social Services mandated to consider the Food and Nutrition Bill, N.A.B. No.2 of 2020 for the Fourth Session of the Twelfth National Assembly.

Dr C K Kalila, MP  
(Chairperson)

Ms P Kasune MP  
(Vice Chairperson)

Dr J K Chanda, MP  
(Member)

Mr M Ndalamei, MP  
(Member)

Mr A Mandumbwa, MP  
(Member)

Mr L Kintu, MP  
(Member)

Mr B A Kapalasa, MP  
(Member)

Mr J Kabamba, MP  
(Member)

Mr L N Tembo, MP  
(Member)

Mr C M Chalwe, MP  
(Member)

June 2020  
**LUSAKA**

## **APPENDIX I - NATIONAL ASSEMBLY OFFICIALS**

Ms C Musonda, Principal Clerk of Committees  
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)  
Mr S Chiwota, Senior Committee Clerk (SC)  
Ms S C Samuwika, Committee Clerk  
Mr E I C Chilimboyi, Committee Clerk  
Mrs D H Manjoni, Personal Secretary II  
Mr M Kantumoya, Parliamentary Messenger

## **APPENDIX II-WITNESSES**

### **MINISTRY OF JUSTICE**

Ms O J Sakala, Principal Parliamentary Counsel  
Ms M S Chibambo, Principal Parliamentary Counsel  
Ms M Siwiwalondo, Senior Parliamentary Counsel  
Mr Lastone Banda, Parliamentary Counsel

### **MINISTRY OF HEALTH**

Dr C Chilufya, Minister of Health  
Mr K Malama, Permanent Secretary, Health Services  
Mr E Malikana, Assistant Director, Health Promotion  
Ms N Kwendeni, Legal

### **MINISTRY OF GENERAL EDUCATION**

Mr J Mulwanda, Permanent Secretary, Administration  
Ms M M Mulundika, Director  
Mr L Mwansa, Director  
Mr Anthony Tambatamba, Assistant Director-TESS

### **NATIONAL FOOD AND NUTRITION COMMISSION**

Mr M Mofu, Acting Executive Director  
Ms E M Besa, Acting Deputy Director  
Mr M Mwanza, Head-Training and Collaboration

### **CSO-SUN**

Mr M Mhuru, Country Coordinator  
Ms J Mayada, Monitoring and Evaluation Lead  
Ms N Mulendema, Communication Officer  
Ms A Yikona, Nutritionist  
Mr P Kazembe, Administrative Officer  
Mr W Chilufya, Regional Manager-Food

### **NUTRITION ASSOCIATION OF ZAMBIA**

Dr P A Bwembya, Lecturer  
Ms P Sakala, Nutritionist  
Mr M Mzumara, Secretary

### **ZAMBIA BUREAU OF STANDARDS (ZABS)**

Ms M L Lungu, Acting Executive Director  
Ms B S Kanchela, Acting Standards Manager

### **HEALTH PROFESSIONS COUNCIL OF ZAMBIA**

Mr B B Bwalya, Registrar/Chief Executive Officer  
Mr I M Kolala, Director Corporate Service

**UNIVERSITY OF ZAMBIA**

Dr B H Chishala, Dean –School of Agriculture

Mr J Shindano, Assistant Dean - Research

Ms L M Zgambo, Lecturer

Mr H D Moonga, Lecturer

**NATURAL RESOURCES DEVELOPMENT COLLEGE**

Ms A Tembo, Principal

Mr C Mapanda, Acting Vice Principal

Ms N Chimuka, Acting Head of Department

Ms B Sinonge, Training Officer

Ms N Siyumbano, Senior Practical Instructor

Mr W Hansakali, Training Officer

Ms M M Chilele, Practical Officer

**FOOD AND AGRICULTURE ORGANISATION**

Ms M Chanda, Communication Specialist

**WORLD FOOD PROGRAMME**

Ms J Lee, Deputy Country Director

Mr A Mulando, Head of Social Protection

Ms M M Mwanamwenge, Head of Nutrition

**MINISTRY OF COMMERCE, TRADE AND INDUSTRY** (written submission)

**MINISTRY OF WATER DEVELOPMENT, SANITATION AND PROTECTION**  
(written submission)

**MINISTRY OF GENERAL EDUCATION** (written submission)

**MINISTRY OF COMMUNITY DEVELOPMENT AND SOCIAL SERVICES**  
(written submission)

**MINISTRY OF LIVESTOCK AND FISHERIES** (written submission)

**ZAMBIA UNION OF NURSES ORGANISATION (ZUNO)** (written submission)

**DEPARTMENT FOR INTERNATIONAL DEVELOPMENT (DFID)** (written submission)

**UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)**  
(written submission)