A BILL

FOR

AN ACT TO MAKE PROVISION FROM FREEDOM FROM HUNGER AND THE RIGHT TO ADEQUATE FOOD OF ACCEPTABLE QUALITY; THE RIGHT OF EVERY CHILD TO BASIC NUTRITION AND FOR CONNECTED PURPOSES

Sponsored by Senator T.A. Orji

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria, as follows-

PART I - PRELIMINARY

Short Title

1. This Bill may be cited as the Food Security Bill, 2015.

Interpretation

2. In this Act, unless the context otherwise requires-

"access" in relation to food means the physical, economic and social access by a person or households to food through production, purchase or through programmes implemented by the State to ensure that the right of every person who is otherwise unable to procure food, is actualised;

"adequate food" means the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances and acceptable within a given culture;

"at risk persons" are food-poor persons who do not have a competent social support system and by reason of infancy, pregnancy, advanced years, infirmity or any other reason determined by the Agency from time to time cannot produce or purchase essential food items and commodities in adequate quantity and quality;

"Agency" means the Food Security Agency established under section 11;

"Minister" means the Minister responsible for matters related to agriculture and rural development;

"competent social support system" refers to familial or other relationships implying legal duties;

"designated agricultural commodity" means any agricultural food commodity designated as essential for the food security of the country by the Minister in consultation with the Agency;

"essential foodstuffs and commodities" include maize, beans, wheat, rice, milk, sugar, cooking fat or oil, paraffin and any other commodity as designated by the Minister in consultation with the Agency;

"eligibility criteria index" means the index formulated by the Agency in accordance with the Second Schedule and applied by the State Food Security Committees to determine the levels of access to food by potential food poor persons and their eligibility for the food distribution programme or the food subsidy programme;

"emergency food assistance" refers to food provided to both food-poor persons and non-food-poor persons during times of severe food shortage occasioned by humanitarian disasters;

"family support programme" means the initiatives put in place by the Federal and State Governments to raise the capacity of food poor persons, households and communities to attain the capacity to access food by themselves through production or purchase;

"food distribution infrastructure" refers to the entire complement of individuals, agencies, institutions, organisations, centres and such other organs as the State food security committee will designate from time to time to implement the food distribution programme and the food subsidy programme in the State;

"food distribution programme" refers to the programme established by the Agency and the State Food Security Committees for the benefit of at risk persons;

"food of acceptable quality" means food whose value of quality is determined as fit for consumption based on the criteria of food safety, nutrition content and standards set by the relevant certification agencies such as the Standards Organisation of Nigeria or based on international standards adopted by, or

applicable to Nigeria by National Agency for Food and Drugs Administration and Control;

"food production" means an activity or process of producing, preparing, processing, making, preserving, packing or repackaging and or changing the form of food;

"food security" means a situation where all people, at all times have regular and permanent physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life;

"food subsidy programme" refers to the programme established by the Agency and the State Food Security Committees for the benefit of persons with limited capability as determined by the Agency and State Food Security Committees;

"food" means everything that originates from biological sources and water, whether processed or not, which is designated as an eatable or beverage for human consumption, including food additive materials, food raw material and other materials used in the process of preparation, processing and or the making of an eatable or beverage;

"food eligibility card" is the card issued to at risk persons and persons with limited capability by a State food security committee to authenticate their eligibility for the food distribution programme and the food subsidy programme;

"food-poor persons" means persons, including vulnerable persons, who cannot through their own or any other means produce or purchase essential food items and commodities in adequate quantity and quality for short or extended periods of time;

"freedom from hunger" means a situation where all persons have access to a level of food, capable of meeting the recommended minimum dietary requirements as the Agency may prescribe;

"malnutrition" means poor nutritional status caused by nutritional

deficiency or excess;

"minimum amount of food" means the amount of food required to meet the minimum nutritional needs of an individual, according to age, sex, occupation and health status, provided in-kind, in equivalent monetary value, vouchers or other prescribed form;

"persons with limited capability" means a food poor person who in spite of having a competent social support system are unable to produce or purchase essential food items and commodities in adequate quantities and quality for short or extended periods of time;

"right to food" means the right of every person to have regular, permanent and free access, at all times, either directly or by means of financial purchases, to quantitatively and qualitatively adequate, sufficient and safe food, corresponding to his or her cultural traditions and which ensures a physical and mental, individual or collective fulfilling and dignified life free of fear of hunger or under nutrition;

"vulnerable persons" include infants, children, school going children, pregnant and nursing mothers, the elderly, internally displaced persons, people with disabilities, sick persons with chronic diseases such as HIV/AIDS, victims of conflict, rural people in precarious livelihood situations, marginalised populations in urban areas, groups at risk of social marginalisation and discrimination and any other group that may be identified from time to time.

Object and purposes

3. The object and purposes of this Act are-

(a) to provide a framework that promotes the realisation of the right to freedom from hunger and access to food of acceptable quality as a fundamental human right;

(b) to provide a framework that promotes the elimination and prevention of discrimination of marginalized groups in the access and distribution of food;

(c) to provide a framework that promotes food production, self-sustenance and food security in relation to all persons in Nigeria;

(d) to provide a framework and mechanisms for the coordinated implementation of the national policy, programmes and plans on food security by the states governments;

(e) to provide a mechanism for ensuring that food poor persons access food at all times in adequate quantities and quality through the implementation of State sponsored programmes.

(f) to provide for the establishment of institutions that will advance co-operative governance and procedures for co-ordinating food security functions exercised by the State;

(g) to provide a framework for the planning, budgeting and implementation of the national policy on food security and nutrition using a rights as approach and to ensure the participation of rights holders and the accountability of duty bearers;

(h) to guarantee the integration of the needs of vulnerable persons in food and nutrition strategies;

(i) to ensure that food is treated as a national strategic resource;

(j) to ensure that emergency situations that threaten mass access to food are anticipated, mitigated and addressed with equity and speed; and

(k) to provide for a cross-sectoral networking plat form comprising all relevant ministries, agencies and actors concerned with the production, storage, and sale of food for purposes connected to ensuring access to food by all Nigerians at all times.

Guiding Principles

4. All persons under this Act shall, in the performance of their functions under this Act, be guided by the following principles-

(a) universality, non-discrimination and equity in the access to adequate food;

(b) preservation of the freedom and dignity of every human being;

(c) accountability of duty bearers and transparency in the food sector particularly emergency food aid;

(d) coordinated public participation in the formulation,

implementation, monitoring and control of policies and plans related to food and nutrition security in every sector of government;

(e) integrity and accountability in the determination of the food poor status of persons taking into account any other assistance they are eligible for including development funds or assistance from the government targeting specific categories of persons including women and the youth for the improvement of their general well being;

(f) empowerment and capacity building as a means of facilitating the attainment of the right to food;

(g) targeted empowerment and capacity building initiatives for both at risk persons and persons with limited capability through the application of State sponsored programmes in order to enable those receiving assistance produce or purchase their own food in the shortest time possible;

(h) transparency in the implementation of programmes and activities relating to food security and the allocation and utilization of public and private resources;

(i) availability and access to timely and reliable information through the establishment of a simple fair and accessible procedure enabling a person to seek information relevant to the enjoyment of the right to food; and

(j) ensure that interventions are based on objective information and methods, and monitoring mechanisms and regular evaluations are established, thus ensuring transparency in the public management and social audit and that the needs of the population are taken into account.

PART II - THE RIGHT TO FOOD

Right to food

5. -(1) Pursuant to the provision of this Bill, every person has the right to be free from hunger and to have adequate food of an acceptable quality.

(2) For the enjoyment of the right to adequate food and freedom from hunger, the Federal and State Governments shall-

(a) respect, protect and fulfil the human right to food and guarantee mechanisms for its enforcement;

(b) ensure the availability, accessibility, adaptability and acceptability of food for all in Nigeria by making provision for access to production resources, income and support and maintaining an enabling environment in which households can attain adequate access to food and nutrition through their own efforts;

(c) promote the production of diverse crops and foods and put in place measures including irrigation schemes, water harvesting schemes and other programmes that ensure the availability of adequate food for all;

(d) put in place mechanisms that ensure the availability of farm inputs and implements and other mechanisms of food production in order to facilitate food production;

(e) ensure physical access to food that meets the minimum dietary needs of persons or communities suffering from or threatened with starvation;

(f) put in place adequate infrastructure to facilitate access and circulation of food particularly in areas affected by food insecurity.

(g) formulate and implement the family supportprogramme and other appropriate programmes targeting-

(I) poor persons, households and communities for the greater enhancement of their ability to produce or purchase essential food items and commodities in adequate quantities and quality; and

(ii) at risk persons and persons with limited capability for the purpose of building their capacity to access food on their own through interventions that mitigate the factors that cause them to be food poor;

(h) put in place measures to ensure the availability and accessibility of food for individuals, groups and communities caught up in food emergencies and humanitarian disasters;

(i) protect individuals, groups and communities from encroachment or interference by any person to the access to food;

(j) ensure the ability of citizens to feed themselves by protecting

citizens from the activities of private actors by establishing protective mechanisms against arbitrary evictions from land, eliminating collusion by private business to control food market-prices, enforcing laws on minimum wages, preventing and remedying pollution of land, water and other sources of livelihood by private actors and guaranteeing the safety of food in the market and such other activities as they may consider necessary;

(k) take all reasonable measures to ensure that food resources and sources of food production are protected from destruction and are sustained for future use;

(l) monitor and evaluate strategies and programmes for the realization of the right to be free from hunger and the right to food adequate food;

(m) provide an opportunity for the public to develop their understanding, skills and capacity necessary for achieving equitable and effective participation in the formulation, implementation and monitoring of any policies, strategies or programme interventions aimed at realizing food and nutrition security; and

(n) guarantee transparency and accountability in the design and implementation of programmes and interventions by ensuring that such programmes and interventions on food security are based on objective information and methods and that they are regularly monitored and assessed.

Obligations of the government

6. -(1) The Federal and State governments shall to the extent of their constitutional mandate promote the physical and economic access to adequate food of acceptable quality.

(2) In ensuring that the Federal Government fulfils its obligations under subsection (1), the Agency shall-

(a) take measures to create the opportunities and environment in which the right to adequate food can be realised;

(b) adopt a comprehensive national strategy and plan of action and policies to promote the realisation of right to adequate food;

(c) support the domestic production of diverse foods including the

cultivation of traditional crops and ensure that such food is accessible to persons in areas affected by food insecurity;

(d) promote traditional and other practices and technologies of food production that ensure the conservation of biodiversity;

(e) promote food production by establishing programmes that ensure farmers have adequate farm inputs and implements to carry out food production;

(f) promote a food nutrition culture which reappraises local knowledge and makes it possible to develop food and hygiene best practices;

(g) create, in consultation with the relevant State executive committee member and the Minister Secretary responsible for trade, appropriate areas for setting up local and regional food markets;

(h) ensure that precautionary measures are taken to mitigate emergencies in relation to the unavailability of food;

(i) promote investment in infrastructure to facilitate the movement of foods within local areas and to areas that suffer from a food shortages;

(j) promote the circulation of and access to timely market information by farmers; and

(k) facilitate access to resources and means of production and promoting the effective utilization of resources for maximum food production.

Obligation relating to freedom from hunger

7.-(1) The Federal and State governments shall, to the extent of their constitutional mandate ensure that the minimum dietary needs of persons who cannot through their own means and for reasons beyond their control access food and basic nutrition for survival, are met.

(2) In fulfilling their obligations under subsection (1), the Federal and State governments shall-

(a) adopt appropriate policies and action plans that promote food security;

(b) enhance preparedness to respond to food emergencies and to ensure provision for designated individuals and groups by establishing the institutional framework contemplated in this Act; and

(c) adopt culturally-sensitive responses in ensuring that all persons are free from hunger.

(3) For purposes of subsection (1), eligibility of a vulnerable person for assistance shall be determined using a probability of an acute diminished access to food at level of consumption, due to environmental, social or economic risks and reduced capacity to cope with such risks.

(4) The Agency may make regulations setting out the criteria for the identification of eligible persons for the effective implementation of this Act.

Child nutrition

8. -(1) The Federal and State governments shall to their extent of their mandate as set out under the Constitution, promote childhood nutrition.

(2) The Federal and State governments shall collaborate with such stakeholders as may be necessary to establish and implement programmes that promote child nutrition and food security taking into consideration the interests of vulnerable and marginalized children.

Pregnant and lactating women

9.-(1) Every woman has the right to adequate food during pregnancy and lactation.

(2) The Minister responsible for health shall, in consultation with the Agency-

(a) put in place measures to ensure that the special nutrition needs of pregnant and nursing women who are food poor are met and that assist mothers to provide adequate care for their infants;

(b) promote measure that ensure that pregnant and nursing women have access to information about their nutrition needs and those of their children;

(c) establish, in consultation with the Agency, programmes, health interventions and monitoring and support systems that promote the health and nutrition of pregnant and lactating women;

(d) promote and protect the right of infants to breast milk and to appropriate weaning foods after six months of age and adopt appropriate measures to ensure the enjoyment of the right to food for infants; and

(e) adopt measures to provide for food and nutrition needs of orphaned and vulnerable infants.

Prohibition of discrimination

10.-(1) The governments shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

(2) Notwithstanding subsection (1), the governments may take such action as they may consider necessary to remedy past effects of discrimination against a person or group of persons and promote equality of opportunities with regard to the right to food.

(3) Any action taken by the governments under subsection (2) shall not be considered to constitute discrimination as contemplated under subsection (1).

PART III - ESTABLISHMENT OF THE FOOD SECURITY AGENCY

Establishment of the Agency

11.-(1) There is established an Agency to be known as the Food Security Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing and lending money;

(d) entering into contracts; and

(e) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Functions of the Agency

12. -(1) The functions of the Agency shall be to-

(a) formulate strategies, plans and programmes to facilitate the realization of the right to food taking into consideration the rights of vulnerable and marginalized persons;

(b) monitor and evaluate the implementation of policies, plans and strategies on food security and nutrition in Nigeria by the State Food Security Committees;

(c) appraise and review the levels of access to food by all Nigerians terms of quantity and quality and liaise with State Food Security Committees and relevant agencies in ensuring optimal access;

(d) collaborate with the relevant Agencies and stakeholders in the establishment of appropriate mechanisms that ensure access by food poor persons to adequate food in both quantity and quality;

(e) promote measures to improve security and access to land and water resources and the optimum and sustainable utilization of these resources;

(f) monitor the issuance and administration of the food eligibility card to eligible Nigerians by the State Food Security Committees to ensure that food poor persons access food with ease and in a timely manner;

(g) monitor the implementation of the food distribution programme and the food subsidy programme by the State Food Security Committees;

(h) monitor and evaluate the implementation of policies, plans and strategies on food security and nutrition in Nigeria and provide feedback to all relevant ministries, agencies and actors concerned with food production, storage and sale for their further action; and

(i) in consultation with the National Emergency Management Agency, carry out emergency response and mitigation programmes including, where appropriate, food distribution and feeding programmes in the case of a food emergency or whose residents are affected by malnutrition.

(2) In performing its functions under subsection (1),the Agency shall-

(a) collaborate with the relevant public entities-

(i) in putting in place measures to address factors that hinder the realization of the right to food and freedom from hunger; and

(ii) in ensuring that their economic and social programmes and activities do not negatively affect the human right to food;

(b) collaborate with the committees and relevant state and private agencies in carrying out activities that result in the increase and improvement of agricultural production and the availability, access, utilization and stability of food among women and smallholder farmers in order to decrease poverty and hunger, improve health and achieve household food and nutrition security;

(c) collaborate with the relevant Ministries responsible for matters relating to land in the formulation and implementation of strategies that promote agriculture and land reforms for the purpose of enhancing food security;

(d) strengthen the networking and coordination of relevant sectoral and integrated databases on food security and nutrition data by the relevant agencies;

(e) promote research, nutrition surveillance, data collection, analysis and the sharing and dissemination of information on food security;

(f) formulate in collaboration with the State Food Security Committees, an eligibility criteria index;

(g) liaise with the relevant Government Agencies for the implementation of economic and social programmes and activities that promote the right to adequate food and freedom from hunger;

(h) create an e-platform to facilitate the linkages amongst the State Food Security Committees and between the Agency and the committees;

(i) collaborate with the State Food Security Committees in assisting households affected by emergencies to restore lost livelihoods assets, capital and means of food production through emergency programmes linked to long-term initiatives;

(j) promote diversification and the use of alternative methods of agriculture and livestock systems and the production of diverse food crops to mitigate against drought and other climatic conditions that negatively impact food production; and

(k) perform such other functions for the better implementation of this Act or as may be conferred on it under any other written law.

Headquarters of the Agency

13. -(1) The headquarters of the Agency shall be in Abuja.

(2) The Agency may establish such other offices anywhere in Nigeria as it may consider necessary for the discharge of its functions under this Act.

PART IV - MANAGEMENT OF THE AGENCY

Board of the Agency

14.-(1) The management of the Agency shall vest in a Board which shall consist of-

(a) a chairman appointed by the President and subject to the confirmation of the Senate;

(b) the Permanent Secretary responsible for matters relating to agriculture or their designated representative;

(c) the Permanent Secretary responsible for matters relating to national planning or their designated representative;

(d) the Permanent Secretary responsible for matters relating to public health or their designated representative;

(e) the Permanent Secretary responsible for matters relating to finance or their designated representative;

(f) the Director General who shall be an ex-officio member, secretary to the Board and chief executive officer of the Agency.

(2) The alternative representatives of the members referred to under subsection (1) (b) (i) shall have Agency to exercise the powers and functions of the designating Agency in relation to matters before the Board.

(3) The chairperson of the Board under subsection (1) (a) shall be competitively recruited and appointed by the Minister.

Qualifications for appointment

15. A person shall be qualified for appointment as the chairperson of the Board if that person-

(a) holds a masters degree from a university recognised in Nigeria

(b) has knowledge and experience in matters related to food security; and

(c) has a working knowledge in any of the following fields-

(i) land and agrarian reforms;

(ii) public health;

(iii) sociology; and

(iv) statistics.

Tenure of office

16. The chairperson shall hold office for a term of four years and shall be eligible for reappointment for one further term.

Remuneration of chairperson

17. There shall be paid to the chairperson of the Board, such remuneration, fees or allowances as the Salaries and Remuneration Commission shall determine.

Vacation of office

18. The office of the chairperson of the Board shall become vacant if the chairperson-

(a) is unable to perform the functions of his or her office by reason of mental or physical infirmity;

(b) is otherwise unable or unfit to continue serving as the chairperson of the Board;

(c) is adjudged bankrupt;

(d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;

(e) is absent, without reasonable cause, from three consecutive meetings of the Board;

(f) resigns in writing addressed to the President;

(g) fails to declare his or her interest in any matter being considered or to be considered by the Board; or

(h) dies.

Powers of the Board

19. The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to-

(a) enter into contracts;

(b) manage, control and administer its assets in such manner and for such purposes as best promote the purpose for which the Agency is established;

(c) determine the provisions to be made for its capital and recurrent expenditure and for the reserves of the Agency;

(d) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;

(e) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which the Agency is established;

(f) open such bank accounts for its funds as may be necessary; and

(g) invest any funds of the Agency not immediately required for its purposes.

Committees of the Board

20. -(1) The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Act.

(2) The Board may co-opt any person to sit on any committee established under subsection (1), whose knowledge and skills are found necessary for the performance of the functions of the Board.

Delegation by the Board

21. The Board may by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Agency, the exercise of any of the powers or the performance of any of the functions of the Board under this Act or under any other written law.

Conduct of business affairs of the Board

22. -(1) The Board shall conduct its affairs in accordance with the provisions of the First Schedule.

(2) Except as provided in the First Schedule, the Board may regulate

its own procedure.

Director-General

23.-(1) There shall be a Director-General of the Agency who shall be competitively recruited and appointed by the Board, on such terms and conditions as the Board shall determine.

(2) A person shall not be qualified for appointment as a Director–General under subsection (1) unless that person-

(a) holds a doctorate degree from a university recognized in Nigeria; and

(b) has knowledge and at least ten years' experience in the food security sector.

(3) The Director-General shall be an ex-officio member of the Board and shall have no right to vote at any meeting of the Board.

Tenure of office of Director-General

24. The Director-General shall be appointed for a term of five years and shall be eligible for re-appointment for one further term.

Functions of the Director-General

25. -(1) The Director-General shall be the chief executive officer of the Agency and secretary to the Board

(2) In exercise of his or her functions under this Act the Director-General shall, subject to the direction of the Board-

(a) be responsible for the day-to-day management of the Agency;

(b) manage the funds, property and affairs of the Agency;

(c) be responsible for the management of the staff of the Agency;

(d) oversee and coordinate the implementation of the policies, programmes and objectives of the Agency;

(e) administer the funds provided for the implementation of the food distribution programme and the food subsidy programme both at the Federal and State levels;

(f) cause to be prepared for the approval of the Board-

(i) the strategic plan and annual plan of the Agency; and

(ii) the annual budget and audited accounts of the Agency.

Removal of Director-General

26. The Board may terminate the appointment of the Director-General in accordance with his or her terms and conditions of service for-

(a) inability to perform the functions of the office arising out of physical or mental incapacity;

(b) gross misconduct or misbehaviour;

(c) incompetence or neglect of duty; or

(d) any other ground that would justify removal from office under the terms and conditions of service.

Staff of the Agency

27. -(1) The Board may appoint such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Agency under this Act.

(2) The staff appointed under subsection (1) shall serve on such terms and conditions as the Board may, in consultation with the Salaries and Remuneration Commission, determine.

Common seal of the Agency

28.-(1) The common seal of the Agency shall be kept in the custody of the Director-General or such other person as the Board may direct, and shall not be used except upon the order of the Board.

(2) The common seal of the Board shall, when affixed to a document and authenticated, be judicially and officially noticed and unless the contrary is proved, any order or authorization by the Board under this section shall be presumed to have been duly given.

(3) The seal of the Agency shall be authenticated by the signature of the Director-General and the chairperson of the Board or in the absence of either person, such other member of the Board who shall be designated by the Board for that purpose on his or her behalf.

Protection from personal liability

29.-(1) No matter or thing done by an officer or an employee of the Agency shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Agency, render the officer or employee so acting, personally liable for any action, claim or demand.

(2) Subsection (1) shall not relieve the Agency from liability to pay

compensation or damages to any person for any injury to that person, or other loss caused by the exercise of any power conferred by this Act or any other written law or by the failure of any works of the Agency.

PART V - THE SECRETARIAT

The Secretariat

30. -(1) There shall be a secretariat to the Agency which shall consist of-

(a) the Director-General who shall be the head of the secretariat; and

(b) such other persons as the Board shall determine for the proper performance of the functions of the secretariat under this Act.

(2) The persons under subsection (1)(b) shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall, in consultation with the Salaries and wages Commission determine.

(3) The persons appointed under subsection (1) (b) shall possess such knowledge and experience as shall be determined by the Board.

Functions of the Secretariat

31. The functions of the Secretariat shall be to-

(a) provide technical and administrative services to the Board;

(b) implement the decisions, strategies, programmes and policies of the Board;

(c) recommend proposals and offer advice to the Board for the formulation of and implementation of programmes by the Agency;

(d) on behalf of the Agency, establish and maintain relationships with international, national and local institutions on food security;

(e) coordinate and monitor the implementation of programmes and plans by State governments on food security;

(f) make arrangements for periodical evaluation of the policies and programmes in relation to the objects and functions of the Agency; and

(g) perform such other functions as may be assigned to it by the Agency.

PART VI - STATE FOOD SECURITY COMMITTEES

Establishment of State Food Security Committees

32.-(1) There is established in each state of the federation a state food security committee which shall consist of-

(a) a person with knowledge and experience in matters relating to food security appointed by the governor and who shall be the chairperson to the committee;

(b) the State executive officer in charge of agriculture in the State who shall be the secretary to the committee;

(c) the state executive officer in charge of social services in the state

(d) two persons of the opposite gender, with knowledge and experience in matters relating to food security within the State appointed by the governor; and

(e) two persons of the opposite gender, appointed by the governor to represent such special interests within the state as the governor shall determine.

(2) A person shall be qualified for appointment subsection (1) (a), (d) and (e) if that person-

(a) holds a degree from a university recognised in Nigeria;

(b) has knowledge and experience in matters related to food security; and

(c) has a working knowledge in any of the following fields-

(i) land and agrarian reforms;

(ii) public health;

(iii) sociology; or

(iv) statistics; and

(d) meets the requirements of Chapter Six of the Constitution.

(3) The persons appointed under subsection (1) (a), (d)and (e) shall be competitively recruited by the state public service and appointed by the governor with the approval of the state house of assembly,

(4) In recruiting and appointing persons under subsection (1) (a), (d) and (e), the State public service and the governor shall have regard to the

diversity within the state.

(5) The committee may co-opt such persons not exceeding two in number to sit in the committee, whose knowledge and skills are found necessary for the performance of the functions of the committee.

(6) A State Government may establish a fund which shall be administered by the state food security committee and into which shall be paid at least ten percent or such other amount as may be agreed upon by the state government of the annual funds available to the state constituting contributions from both the federal and state governments with respect to the implementation of the food distribution programme and the food subsidy programme for the purposes of providing emergency food assistance.

Functions of the State Security Committees

33. -(1) The functions of a state food security committee shall be to-

(a) implement the food security policy and programmes in the state;

(b) advise the Agency on technical issues related the implementation of different programmes on food security within the state;

(c) collaborate with the Agency and agencies in the state in ensuring a co-ordinated approach in facilitating the access of food in the State;

(d) serve as an early warning mechanism on impending food insecurity situations within the State and advise on mitigation measures to address the situation;

(e) initiate, undertake and participate in the collection, preparation, production and dissemination of data and information on food security and nutrition in the state;

(f) ensure the proper identification of food insecure areas appropriate programmes and eligible beneficiaries in relation to food security programmes and the correct application eligibility criteria;

(g) ensure that food and nutrition security issues are incorporated in the programmes of the State and monitor the performance of the State in the implementation of the policies, programmes and plans on food and nutrition security issues;

(h) determine the essential foodstuffs and commodities within the State for the purpose of implementing food distribution programmes and food subsidy programmes;

(i) spearhead the formation and operationalization of food and nutrition committees at community levels and in schools and health centres;

(j) coordinate activities of State organs, institutions, the private sector, non-governmental organizations and community based organizations involved in food and nutrition programmes in the State;

(k) establish and implement food distribution programmes and food subsidy programmes taking into account the peculiar circumstances of the respective State;

(l) establish a competent food distribution infrastructure in the State to facilitate distribution of food and the implementation of food programmes in the State;

(m) establish a mechanism for the disbursement of emergency food assistance in collaboration with the Agency; and

(n) mobilise and sensitize the community on food and nutrition programmes and in collaboration with the relevant stakeholders and institutions in the area, conduct capacity building, education and information campaigns on food and nutrition security issues.

(2) The State Food Security Committees shall be under the control and direction of the state governor in the implementation of its functions in accordance with the policies of the Agency and shall collaborate with the Agency in the carrying out of its functions under subsection (1).

Conduct of affairs of the State Food Security Committees

34. The provisions relating to the conduct of the affairs of the Board prescribed in the First Schedule shall apply with necessary modifications to the

conduct of the affairs of the state food security committee.

PART VII - FOOD INSECURITY AND INFORMATION MAPPING SYSTEMS

Establishment of information and mapping systems

35.-(1) The Agency shall in collaboration with the Ministries responsible for finance, disaster management, planning and national security, establish food insecurity and information mapping systems to provide the information needed to develop and strengthen the capacity to respond to food emergencies.

(2) In performing its functions under subsection (1),the Agency shall-

(a) support the development of disaster management plans in relation to food security by implementing organs;

(b) establish a rights based early warning system and emergency preparedness strategies on food security and safety;

(c) systematically undertake disaggregated analysis on the food insecurity, vulnerability and nutritional status of different groups in society, with particular attention to assessing any form of discrimination that may manifest itself in greater food insecurity and vulnerability to food insecurity, or in a higher prevalence of malnutrition among specific population groups;

(d) develop and identify corrective measures for the purpose of addressing and preventing causes of food insecurity and malnutrition;

(e) establish systems to ensure the feedback of information in such formats as it may consider appropriate on food security and nutrition to priority federal ,, state and local government levels through the appropriate media;

(f) establish risk management and vulnerability mapping systems;

(g) establish and coordinate sector specific roles and mandates related to vulnerability and emergency response; and

(h) undertake a food security baseline and impact assessment at all levels of governance to guide vulnerability and emergency response.

(3) In furtherance to subsection (2), the Minister responsible for

matters related to special programmes shall, in consultation with the relevant State organs, provide to the Agency, information on vulnerability response mechanisms, including budget estimates to support vulnerable persons.

Food impact assessments

36. -(1) In formulating and prior to the implementation of a proposal, policy, programme or project that may affect the realization of the right to food, the relevant State organ or concerned person shall carry out an impact assessment to identify, predict, evaluate and mitigate economic, social and other effects of such policy, programme or project.

(2) Where an existing written law requires the undertaking of an impact assessment prior to the implementation of a project or programme, the State organ or concerned person shall incorporate in that impact assessment, a food impact assessment in the manner prescribed by the Agency under subsection (4).

(3) The Agency shall cause to be undertaken an annual right to food impact assessment to identify the impact of policies, programmes and projects on the realisation of the right to food.

(4) The Agency shall determine the manner in which impact assessments under subsection (1) shall be undertaken including-

(a) the screening of any proposal, policy, programme or project;

(b) the undertaking of scoping exercises and examination of alternatives measures for the achievement of the same objectives;

(c) the undertaking of the impact analysis;

(d) the identification and implementation ofmitigation measures; and

(e) the undertaking of public consultation.

PART VIII - POWERS OF THE PRESIDENT IN SITUATIONS OF FOOD EMERGENCY

Food emergency

37.-(1) The President may declare a food emergency if, in his opinion, there is a major shortfall in the domestic production or availability of a designated agricultural commodity.

(2) When the President declares a national food emergency under

subsection (1), the powers of the Agency under this Act shall vest in the Minister.

(3) The Minister shall exercise the powers of the Agency during the existence of the national food emergency and for not more than thirty days after the end of the emergency as declared by the President.

(4) Where the Minister exercises the powers of the Agency referred to under subsection (2), the Agency shall act as an advisory committee.

PART IX - FINANCIAL PROVISIONS

Funds of the Agency

38.-(1) There may be established a fund which shall consist of monies specified under subsection (2).

(2) Any expenses that may be occasioned in the implementation of this Act shall be provided from-

(a) such gifts, grants or donations as may be given;

(b) such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Act; and

(c) such other monies that may lawfully accrue in the discharge of the functions.

Investment of funds

39. -(1) The Agency may invest its funds in any securities which for the time being trustees may by law invest in trust funds, or in any other securities which the Minister may, from time to time, approve for that purpose.

(2) The Agency may place on deposit with such bank as it may determine, any moneys not immediately required for the purposes of the Agency.

Financial Year

40. The financial year of the Agency shall be the period of twelve months ending on the thirtieth June in each year.

Annual Estimates

41.-(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Agency for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Agency for the financial year concerned.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Minister for approval.

Annual Report

42. The Board shall, within a period of three months after the end of each financial year, submit-

(a) to the Auditor-General, the accounts of the Agency in respect of that year together with-

(i) a statement of the income and expenditure of the Agency during that year; and

(ii) a statement of the assets and liabilities of the Agency on the last day of that financial year; and

(b) to the Minister, an annual report in respect of that year containing-

(i) the accounts of the Agency and statements referred to under paragraph (a);

(ii) the Agency's performance indicators and any other related information;

(iii) a report on the operations of the Agency during that year; and

(iv) such other information as the Minister may request.

Accounts and Audit

43.-(1) The Board shall cause to be kept all proper .books and records of accounts of the income, expenditure and assets of the Agency.

(2) The accounts of the Agency shall be audited and reported upon in accordance with the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

PART X - MISCELLANEOUS PROVISIONS

Prohibition against the infringement of the right to food

44. A person shall not act in a manner which-

(a) is incompatible with or affects the enjoyment of the right to food under this Act;

(b) affects the right of another person to nutritional food;

(c) would affect the production of food that is safe for consumption or the right of another person to nutritious safe food; or

(d) impedes the implementation of activities carried out for the implementation of food security under this Act.

Offences related to diverting food meant for the food distribution or subsidy programme

45. A person who diverts funds or food meant for the food distribution programme or the food subsidy programme to a person other than its intended beneficiary at any point along the food distribution chain commits an offence and shall, on conviction, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding eight years or to both.

Offences related to the procurement of food items or services

46. A person who procures any food, commodities or services in relation to a food distribution programme or food subsidy programme in a manner contrary to any written law on procurement commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand naira or to imprisonment for a term of three years or to both.

Offences related to the administering of the eligibility criteria index

47. A person who administers the eligibility criteria index in a manner other than that prescribed under this Act commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to a term of imprisonment of three years or to both.

Offences relating to the issuance and use of the food eligibility card

48. A person who fraudulently acquires, issues, or otherwise uses the food eligibility card commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand Naira or to a term of imprisonment of one year or to both.

General penalty

49. A person who is convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding one hundred thousand Naira, or to imprisonment for a term not exceeding five years, or to both.

Public participation in the advancement of food security

50. The Agency shall, in promoting public awareness and participation in the advancement of food security-

(a) develop the human resources in the field of food through

education and training activities, especially the small scale businesses;

(b) stimulate and increase the participation of the community in the human resources development activities, improving the capability of the small scale businesses, extension services in the field of food and diversification of food;

(c) stimulate and direct the participation of professional associations and organizations in the field of food production;

(d) stimulate and support the activities of technological research and or development in the field of food;

(e) disseminate the knowledge and extension services in the field of agriculture and food production;

(f) promote the international cooperation in the field of food in accordance with the national interest; and

(g) stimulate and increase the activities of food diversification of food consumed by the community, and the stabilization of the traditional food quality.

PART XI - PROVISIONS ON DELEGATED LEGISLATION

Regulations

51.-(1) The Minister, in consultation with the Agency, may make regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations-

(a) for the management of food aid and food emergencies;

(b) to provide a framework for the collaboration and the monitoring, by the Agency, of the activities of the State Food Security Committees and a mechanism for ensuring transparency and accountability under this Act;

(c) for the procedures and mechanisms for consulting the public on food and nutrition security issues, including public hearings and meetings at all levels of government;

(d) the conduct of sensitization programmes and the publication and dissemination of information under this Act;

(e) for the conduct of food emergency programmes under this Act;

(f) for charges and fees to be paid to the Agency in the performance of its duties under this Act; and

(g) to provide for the required minimum amount of food including the quantity of food or its monetary value, needed to prevent and address hunger and

(3) For the purposes of Article 94 (6) of the Constitution:

(a) the power of the Agency to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under subsection (1); and

(b) the principles and standards set out under the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013 in relation to subsidiary legislation shall apply to regulations made under this Act.

SCHEDULES

FIRST SCHEDULE

(Section 22, 35)

PROVISIONS RELATING TO MEETINGS OF THE BOARD OF THE AGENCY

1. The Board of the Agency shall meet at least once in every three months to conduct the business of the Board of Agency.

2. The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Board of the Agency at any time, where he or she considers it expedient for the transaction of the business of the Board of the Agency.

3. Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board of the Agency shall be given to every member of the Board of the Agency by the secretary.

4. The quorum at a meeting of the Board of the Agency shall be half of the members or such greater number as may be determined by the Board of the Agency in respect of an important matter.

5. The chairperson shall preside at the meetings of the Board of the Agency and in the absence the chairperson, the vice-chairperson or a member of the Board of the Agency elected by the members present from among their number shall preside.

6. The matters of the Board of the Agency shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

7. The proceedings of the Board of the Agency shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

8. At the first meeting of the Board of Agency, the members shall elect a vice-chairperson, not being an *ex-officio* member, from among its members.

9. Subject to the provisions of this Schedule, the Board of the Agency may determine its own procedure and the procedure for any committee of the Board of the Agency and for attendance of any other persons at the meetings and may make standing orders in respect thereof.

SECOND SCHEDULE

(Section 2)

PROVISIONS RELATING TO THE ELIGIBILITY CRITERIA INDEX

In developing the eligibility criteria index, the Agency shall guided by the following considerations-

(a) non-discrimination of food poor persons;

(b) preservation of the human dignity of persons during the process of administering the eligibility criteria index;

(c) the need to determine with accuracy the status of persons as food poor or otherwise in order to ensure relevant and timely assistance to all deserving persons;

(d) provision for at risk persons; persons with limited capability and emergency cases and the varying degrees of assistance required by each category of persons;

(e) the inclusion of relevant and responsive parameters in the index to enable accurate determination of the food poor status of respective persons;

(f) the simplicity of the index to allow for the officer administering the index to use it effectively and for the person to whom it is being administered to understand the process;

(g) the flexibility and adaptability of the index to allow for its use in the diverse circumstances found in the different States of the country;

(h) the ease with which the index will be administered to diverse persons across the States;

(i) geographical and cultural sensitivity and appropriateness of any programme, plan or intervention;

(j) the inclusion of a periodic re-evaluation mechanism to review the need for holders of food eligibility cards to continue to hold them;

(k) the inclusion of all relevant factors that pertain to the status of at risk persons and persons with limited capability insofar as determination of their food poor status is concerned;

(l) the existence of other development initiatives and funds in the State to assist the inhabitants to improve their general well being and the extent to which persons eligible for the food poor status avail themselves of such benefits;

(m) relevant provisions regarding the operationalization of such other food assistance mechanisms contained in international and regional instruments; and

(n) adherence to the principles of participation, accountability, non-discrimination, transparency and empowerment.

EXPLANATORY MEMORANDUM

This Bills seeks to Make Provision from Freedom from Hunger and the Right to Adequate Food of Acceptable Quality; the Right of Every Child to Basic Nutrition and for Connected Purposes.