

# INTEGRATING THE RIGHT TO ADEQUATE FOOD IN NATIONAL FOOD AND NUTRITION SECURITY POLICIES AND PROGRAMMES









# INTEGRATING THE RIGHT TO ADEQUATE FOOD IN NATIONAL FOOD AND NUTRITION SECURITY POLICIES AND PROGRAMMES

**Practical Approaches to Policy and Programme Analysis** 

This guide was authored by Maarten Immink.



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### **Preface**

This document outlines simple and practical ways to analyze the design and implementation of food and nutrition security (FNS) policies and programmes from a right to food perspective. The emphasis is on applying a right to food approach to formulating FNS policies and programmes, which are considered essential instruments towards achieving the ultimate goal of fully realizing the right to food for all. The primary focus is thus on national overarching FNS policies as well as national FNS programmes that serve as instruments to implement policies. At the same time overarching economic as well as sector policies may also have direct or indirect impacts on food and nutrition security. This brings into focus the need to assess policy coherence for the purpose of identifying synergies among policy actions, and to avoid contradictions among policy objectives and their impacts on food and nutrition security, and the right to food.

Programmes are operational instruments designed to implement policies and contribute to realizing policy intent. No matter how good the policy intent, policy impact is conditioned by sound programme design and implementation. FNS policies with strong right to food underpinnings should give rise to programmes that translate such underpinnings into concrete actions. The objective over time should be to develop programmes that are implemented with full respect for right to food principles, thereby improving their equity impacts and extending their outreach by making the process more participatory and inclusive.

Reference to some key provisions of the Right to Food Guidelines (FAO, 2005a) further provides a context for this volume. Guidelines 2 and 3 are explicit about the obligations of the State to formulate policies and strategies that contribute to the progressive realization of the right to food. Policies should be evidence-based. Inter-sectoral coordination mechanisms should be established to facilitate the implementation of policies and programmes (Guideline 5), while applying a multi-stakeholder approach to policy formulation and implementation (Guideline 6). Policies should accord the highest priority to providing adequate access to food to the most vulnerable households and individuals (Guideline 13).

As one of the volumes in the Right to Food Methodological Toolbox (FAO, 2009), this guide intends to complement other volumes included in the Toolbox. This document is meant to be a flexible guide for decision-makers and practitioners and aims, through appropriate analysis, to strengthen the human rights underpinnings of the design of FNS policies and programmes, as well as of the ways these are practically implemented. Thus, the analytical and methodological approaches outlined here can be applied at two different stages: (a) when an FNS policy or programme is being formulated for the first time, or (b) when an existing FNS policy or programme and its impacts and implementation process are being assessed. The intended users of this guide are policy decision-makers, professionals involved in formulating FNS policies and programmes, policy analysts, programme managers, and others who are involved in policy and programme implementation and monitoring.

### **Acknowledgments**

The development and preparation of this volume of the Right to Food Methodological Toolbox took place over a certain period of time and involved a number of collaborators as well as potential in-country users. This volume complements in many respects the other volumes in the Toolbox. The lead author is Maarten Immink and Julian Thomas provided substantial inputs at a later stage of the process.

Three external reviewers provided comments on an advanced draft: Dr. Susana Gauster in Guatemala, Ms. Mansura Kassim in Zanzibar, and Members of the Hunger-Free Latin America and the Caribbean Initiative, under the direction of Ricardo Rapallo, in FAO's Regional Office in Santiago, Chile. Several members of the Right to Food Team at FAO in Rome also commented on earlier drafts: Mauricio Rosales and Frank Mischler. To one and all a heartfelt thank you.

This final draft has benefited from a comparative study which was recently undertaken by the lead author, entitled The Current Status of the Right to Adequate Food in Food Security and Nutrition Policy Designs (August 2014). The analytical framework discussed in this volume was applied in analyzing around 50 national food security and nutrition policies. As a direct result of this exercise, a number of modifications were introduced in this volume which are included in the current version.

This volume was produced under the direction of Juan Carlos García y Cebolla and Mauricio Rosales. The Right to Food Production team undertook the formatting and layout of the publication, hence many thanks to Mauricio Rosales and Daniela Verona.

### **Abbreviations and acronyms**

AIDS Acquired Immune Deficiency Syndrome

BMI Body Mass Index

CESCR Committee on Economic, Social and Cultural Rights

CSO Civil Society Organization

**ESCAP** Economic and Social Commission for Asia and the Pacific

FAO Food and Agriculture Organization of the United Nations

FNS Food and Nutrition Security

HIV Human Immunodeficiency Virus

MDG Millennium Development Goal

NGO Non-Governmental Organization

PANTHER Participation, Accountability, Non-Discrimination, Transparency,

Human Dignity, Empowerment, Rule of Law

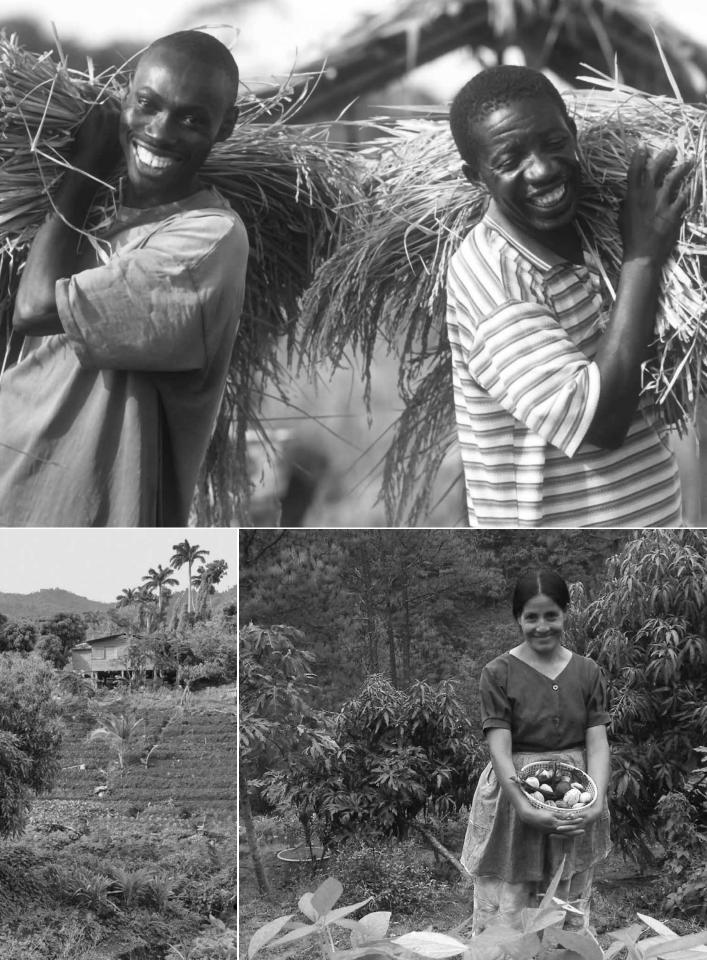
RDA Recommended Daily Allowances

SMART Specific, Measurable, Attainable, Realistic, Time-bound

SPR Sector Policy Review

UN United Nations

USA United States of America



### 1. INTRODUCTION

Well formulated food and nutrition security (FNS) policies and programmes that address key issues and their causes, have broad political and social support, and enjoy smooth implementation are conducive to reducing hunger and malnutrition. Poorly formulated FNS policies and programmes that fail to address major constraints, do not reach the food-insecure and malnourished, and have weak ownership – particularly by those they are meant to assist – will be wasteful of valuable resources, and are unlikely to help reduce food insecurity or increase the number of people enjoying the right to food. Clearly, those designing and implementing FNS policies and programmes carry the responsibility of ensuring the soundness of the contents and implementation methods of these instruments, as well as of the process by which they are drafted.

Despite hunger and malnutrition being prominent topics in international development discourse and being a concern for many governments, the goals of reducing hunger, food insecurity and malnutrition remain elusive in many countries. For example, while some countries are on track to achieving Millennium Development Goal (MDG) 1 by 2015, others are unlikely to do so. Even in countries that are on track, many people are still food-insecure and malnourished, and do not (at least permanently) enjoy their right to food.

Poor governance of food and nutrition security at all levels has been tagged as an important reason for slow progress. Another reason is that hunger, food insecurity and malnutrition result from multiple, often interrelated causes that invariably include a combination of technical, economic, social, political and historical factors. It is generally agreed that the best way to address such multifaceted causality is through a holistic approach that: (a) takes into account the multidisciplinary nature of the underlying causes of, and the need for, multi-sector policy and programme responses to eliminate hunger; (b) emphasizes the need to strengthen coherence and coordination among overarching and sector policies and programmes affecting food and nutrition security; (c) accords greater prominence to inclusive multi-stakeholder participation in designing and implementing policies and programmes; and (d) fosters stronger national leadership and better governance

of measures to address food insecurity and malnutrition. Integrating right to food principles into the design and implementation of FNS policies and programmes may contribute to the efficiency of these measures through: (a) more equitable access to resources and means to fight hunger, food insecurity and malnutrition; (b) all-inclusive ownership of policy measures; and (c) better managed and administered programmes and other FNS actions.

This approach recognizes that achieving the policy goals of reducing food insecurity and malnutrition is an integral part of furthering, for an ever-increasing number of people, the enjoyment of the right to food. In addition, it also recognizes that the processes by which these policy goals are achieved should fully respect and protect the human rights of all people. Thus, what is achieved and how it is achieved are equally important. This presents a challenge especially for developing countries facing particular political, human, financial and institutional challenges. In practice, it may thus be necessary to integrate right to food principles incrementally, as it takes time and resources to improve the governance environment. What is key is that the political will to act towards this end is explicitly expressed and constitutes a clear and permanent commitment by governments.

### 1.1 ABOUT THIS DOCUMENT

This document outlines a simple, practical way to analyse the design and implementation of food and nutrition security (FNS) policies and programmes from a right to food perspective. The practical value and implications of measures to advance the right to food are emphasized rather than their conceptual, ethical or legal underpinnings, which are already addressed elsewhere (see, for example, the Right to Food Methodological Toolbox [FAO, 2009]). The value of a right to food approach, as an instrument to help formulate FNS policies and programmes, is emphasized as an essential part of achieving the ultimate goal of fully realizing the right to food for all. Policies reflect political intent to achieve defined objectives in order to improve specified conditions. In this document, emphasis is placed on policies that aim to improve food and nutrition security for all, thereby contributing to the enjoyment of the right to food for a growing number of people. The primary focus is thus on national overarching FNS policies.<sup>1</sup> The question of how to assess sector policies that may have direct or indirect impacts on food security and/or nutrition is also dealt with here. The purpose of assessing coherence among macroeconomic, FNS and related sector policies is to identify synergies, and to avoid conflicts among policy objectives and their impacts on food and nutrition security.

<sup>1</sup> In this guide we make a distinction between a plan of action to implement a policy (in some countries referred to as a programme) and a national or local programme that relates to food and nutrition security and often involves a specific sector programme. The plan of action thus accompanies a policy, while the national or local programme may or may not be included in the plan of action to implement the policy.

Good policies need an enabling implementation environment to achieve their objectives. Such an environment includes evidence-based decisions, adequate financial and human resources, and sound governance. These aspects are addressed within the context of the formulation and implementation of FNS policies.

Programmes are operational instruments designed to implement policies and contribute to realizing policy intent. No matter how good the intent, policy impact is thus dependent on solid and sound programme design and implementation. FNS policies with strong right to food underpinnings should give rise to action plans and sector programmes that translate such underpinnings into practice, thereby contributing to the protection and realization of the right to food. For example, if the vision of a national food and nutrition security policy envisages the protection and eventual realization of the right to food for all, related programmes should contribute to achieving that vision. For this reason, FNS programmes are analysed from a right to food perspective. The objective over time is to develop programmes that are implemented with full respect for right to food principles, thereby improving their equity impacts and enlarging their outreach by making the process more participatory and inclusive. Advocacy and capacity strengthening are important tools to achieve this, and it is expected that the results produced through the use of this guide will contribute to such efforts.

FNS-related programmes encompass sector programmes that can or do contribute to long-term FNS visions and policy objectives. These may include programmes from a wide range of sectors such as agriculture, health, water and sanitation, social protection (e.g. cash transfer), education (e.g. school feeding), trade and commerce, and employment.

The analytical and methodological approaches outlined here can be applied at two different stages: (a) when an FNS policy or programme is being formulated for the first time, or (b) when an existing FNS policy or programme and its impacts and implementation process are being assessed. The proposed approach is basically designed to seek answers to three questions:

- To what extent do the policy or programme design and stated intentions show commitment to the protection and furthering of the right to food?
- Can policy or programme implementation plans be expected to contribute directly or indirectly to the protection and realization of the right to food?
   Or in the case of an existing policy or programme, is there evidence that the policy or programme has contributed to the protection and realization of the right to food?
- To what extent are right to food principles and good governance practices integrated in the policy or programme design and intended implementation?
   Or, to what extent are they actually applied in the implementation of an existing policy or programme?

This guide intends to complement existing relevant methodological reference guides. Such sources will be referred to as appropriate. The approach used here consists of short explanatory narratives accompanied by checklists of practices and related guiding questions to aid in the analysis. The guiding questions following each checklist are meant to add to the operational meaning of the items included in the checklists, and to guide what information is needed for the analysis. Where possible, real world examples are provided to illustrate major points, and lessons learned and best practices are presented from actual experience with in-country FNS policy and programme formulation.

Taking into account that needs, goals, opportunities and constraints can vary considerably among countries, the document is not meant to provide a standard blueprint of how to include right to food principles in FNS policies and programmes. Rather, it is meant to be a flexible guide for decision-makers and practitioners that aims, through appropriate analysis, to strengthen the human rights underpinnings of the design of FNS policies and programmes, as well as of the ways these are actually implemented. The intended users of this guide are policy decision-makers, professionals involved in formulating FNS policies and programmes, policy analysts, programme managers, and others who are involved in policy and programme implementation and monitoring.

## 2. THE RIGHT TO ADEQUATE FOOD: WHAT IT MEANS IN PRACTICE

Detailed accounts of the conceptual and legal underpinnings of the right to food have been provided elsewhere (see, for example, the Right to Food Methodological Toolbox). The human right to adequate food is primarily about people being able to feed themselves adequately with dignity. Right to food principles emphasize attention to people's needs and stress the responsibility of governments. The right to adequate food and the concept of food security<sup>2</sup> have a number of elements in common; both strive to achieve food security as defined in the footnote below. But, the right to food includes additional requirements, namely that (a) the food security of those food-insecure and those vulnerable to food insecurity should be afforded the highest priority, and (b) the processes by which food security is achieved should conform to right to food principles. The first requirement is based on equity considerations. This means that food-insecure households and those vulnerable to food insecurity, as well as persons suffering from malnutrition, are clearly identified, and the reasons for their food insecurity are clearly understood. The second requirement signifies that the means of achieving food security and good nutrition are as important as the outcomes. Thus, right to food principles, or sound governance practices that are based on these principles, should be applied in all actions undertaken towards achieving food security and good nutrition.

<sup>2</sup> Food security exists when all people, at all times, have physical and economic access to sufficient, safe, affordable, nutritious and culturally acceptable food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are food availability, stability of food supply, food access and food utilization/nutritional adequacy.

The right to food is defined in a number of authoritative sources (CESCR, 1999; FAO, 2005a). Key elements shared by these definitions, and their practical meaning, are as follows:

- (a) It is a human right that should be enjoyed by everyone.
- (b) The right is realized when everyone in society (child, woman, man) fully and permanently enjoys it (**goal**).
- (c) As a human right, it confers obligations on the state to respect, protect, and fulfil the right to adequate food (**legal underpinning**).
- (d) It involves all four interrelated pillars of food security (food availability, food access, food utilization/nutritional adequacy, and stability in food availability), but places emphasis on household and individual access to adequate food through own production and/or food purchases. Actions to achieve stability in food supplies and food access should be ecologically, economically and socially sustainable (actions under each of the food security pillars are technical means).
- (e) "Adequate" is defined as: (i) sufficient in quantity and content for good nutrition linked to an active and healthy life; (ii) free from harmful substances; and (iii) culturally acceptable to the consumer (**norms**).
- (f) The process by which the protection and the enjoyment of the right to adequate food is achieved should contribute individually and collectively to a fulfilling and dignified life that is free from fear.

Elements (a) through (e) above constitute the core content<sup>3</sup> of the right to food standards. However, a right to food approach also includes seven principles meant to guide the process by which this right is protected and realized. These principles, referred to by FAO using the acronym PANTHER include: participation, accountability, non-discrimination, transparency, human dignity, empowerment, and the rule of law. They correspond in substance to human rights principles, and are described and discussed in greater detail in Section 4.1 in relation to policy design and implementation.

The many countries that have ratified the International Covenant on Economic, Social and Cultural Rights should seek to meet their right to food obligations by means of policies and programmes designed to ensure the right to food, to protect it from third party interference, and to create a conducive environment for people to fully enjoy the right to food. As a last resort (as in an emergency when people are unable to feed themselves), programmes should provide food to

<sup>3</sup> The Committee on Economic, Social and Cultural Rights (CESCR) considers that the core content of the right to food implies "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; the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights" (CESCR, 1999: 8).

preserve life. It is recognized that countries with resource (and other) constraints may only be able to meet such obligations progressively over time, meaning that it is likely that it will take time before all people will enjoy the right to food. But even resource-poor countries can take some immediate measures to advance the right to food, for example by stopping any negative state or non-state interference, or by eliminating discrimination that may exist against specific population groups. Specific policy measures that can immediately be implemented without the need for large resource allocations may include, for example, improving the regulatory environment for food safety, limiting land concessions for foreign exploitation, providing incentives for the importation of nutritious foods, and undertaking sector policy reviews to ensure that policy objectives of sector policies are supportive of furthering food and nutrition security among vulnerable population groups.

## 3. A RIGHT TO FOOD APPROACH: WHAT DOES IT CONSIST OF?

A right to food approach offers policy-makers and programme planners a way to systematically and pragmatically address food and nutrition security (FNS) issues in a holistic manner and with multi-stakeholder participation. It enables them to improve the performance of FNS policies and programmes by emphasizing three key action areas to combat hunger, food insecurity and malnutrition in a sustainable manner.

The first is the need, from the outset, to address inequities among different segments of the population, and to understand the underlying causes of food insecurity and malnutrition for those facing certain inequities, in order to design and implement well-targeted policy measures. Without knowing **who** the hungry, food-insecure or malnourished are, **where** they are located, and **why** they are hungry, it is not possible to design measures that will reach food-insecure and malnourished people and assist them to overcome the reasons why they are suffering from hunger, food insecurity and malnutrition.

The second is to ensure that policy and programme design, implementation and monitoring take full account of **human rights principles** such as participation, transparency, accountability, and non-discrimination, which are some of the recognized hallmarks of good governance practices. For example, principles such as participation and non-discrimination focus attention on individuals and groups who are often excluded or marginalized from the mainstream of development actions, and directly help ground food and nutrition security policies and programmes in the experience of food-insecure and vulnerable people.

The third is to progressively **empower marginalized people**, through information sharing, capacity strengthening and accountability mechanisms, to become effective partners in their own development, and to see themselves as persons who have rights and who have the capacity to demand fulfilment of those rights through public actions and services. Effective empowerment based on rights is the keystone of sustainable development, as it enables previously hungry, poor and dependent people to provide over time for themselves and contribute

to their own development. By addressing FNS from a human rights perspective rather than through social welfare, the poor and hungry become part of the development process while pro-actively demanding the fulfilment of their rights.

Thus, the right to food approach introduces the fundamental concept of human rights into the design and implementation of FNS policies and programmes. Right to food principles contribute to improving the effectiveness and sustainability of efforts to fight hunger and malnutrition by strengthening key governance dimensions such as participation, empowerment, transparency and accountability. These and other human rights principles are discussed below in greater detail, including how to apply these principles in assessing policy or programme design and implementation.

#### 3.1 RIGHT TO FOOD SITUATION ANALYSIS

In order to obtain answers to the who, where and why questions outlined above a right to food situation analysis should be conducted. The results of such an analysis is a principal step in contributing to making the policy or programme design evidence-based. If such an analysis has already been undertaken, it should serve as a main reference source, even though it may have to be updated. If no situation analysis exists, at least a minimal effort should be made to assemble the most relevant information required. The findings and conclusions of the situation analysis should contribute towards: (a) defining policy/programme objectives and goals; (b) establishing priorities to target specific households or individuals; (c) orienting policy or programme measures towards filling identified policy or programme gaps; (d) providing an in-depth understanding of the legal environment in which the policy or programme is to be implemented, with special reference to human rights conditions; and (e) identifying specific strategies to strengthen the capacity of institutions and organizations to apply good governance practices when implementing policy or programme measures.



The situation analysis normally focuses on: (a) the principal food and nutrition security (FNS) challenges and their consequences; (b) which population groups or households suffer most from these issues, and an explanation of the reasons, including gender, geographic, economic, social and cultural inequities; (c) the legal environment for the policy including its legislative basis; (d) a policy gap analysis that reviews relevant overarching and sector policies with respect to food and nutrition security; and (e) an analysis of relevant institutional mandates and capacities, for the purpose of identifying needs to strengthen these for the effective implementation of the policy and its plan of action.

### **Y**

### **CHECKLIST 1**

### Right to Food Situation Analysis in Brief (cont.)

An analysis of inequities in FNS outcomes and their underlying causes should identify the most food-insecure households, those vulnerable to food insecurity, and population groups suffering from malnutrition. An understanding of such underlying causes is necessary to identify policy actions to be targeted at high priority households and individuals.

Deciding which overarching and sector policies to review is a challenge for the policy review and gap analysis. The aim is to examine how relevant current policies address the FNS problems and their underlying causes, and whether they may have effects that are contrary to achieving food and nutrition security for all. The policy review should also detect incoherence among sector policies relevant to food and nutrition security. Poverty reduction strategies and general development policies are examples of prime overarching initiatives that should be examined, while relevant sector policies are likely to be in sectors such as agriculture (crops, livestock and fisheries), health and nutrition, trade, land use, commerce, employment, social protection and education. Fiscal policies at the national and local levels can influence FNS significantly, and should not be overlooked (even though they often are). The need for a sector policy review is outlined in more detail in Chapter 5.

The institutional analysis should examine existing mechanisms that could coordinate policy implementation on a multi-sectoral basis. This is critical as the plan of action will invariably require the coordinated implementation of a number of actions by different sectors to achieve policy goals and objectives. Generally, the type of body with a mandate to oversee, coordinate and monitor the implementation of the plan of action does not exist, in which case the policy document normally specifies what body is to be established and what its mandate will be. In addition, the analysis should provide information on the actual governance practices that key institutions and organizations employ, and some assessment as to their capacity to improve their governance practices.

Normally, a right to food situation analysis is conducted by means of a desk review of existing documents and available data, complemented by interviews conducted with key informants at different levels. A brief description of a right to food situation analysis is provided in the box above containing Checklist 1. Further details are provided in Annex 1, while practitioners seeking more methodological guidance are encouraged to consult the FAO publication *Guide to Conducting a Right to Food Assessment* (FAO, 2009c), which is a volume of the Right to Food Methodological Toolbox.

# 4. A RIGHT TO FOOD APPROACH TO FNS POLICY ANALYSIS

Policy analysis here focuses on seeking responses to the three questions posed in the Introduction:

- To what extent do the policy design and stated policy intentions show commitment to the protection and furthering of the right to food?
- Can policy implementation plans be expected to contribute directly or indirectly to the protection and realization of the right to food? Or in the case of an existing policy, is there evidence that the policy has contributed to the protection and realization of the right to food?
- To what extent are right to food principles and good governance practices integrated in the policy design and intended implementation of the policy? Or, to what extent are they actually applied in the implementation of an existing FNS policy?

These questions are addressed in Sections 4.1 to 4.3. Process-related issues of policy design and implementation are outlined in Section 4.1. These issues focus on governance, or "governance for food and nutrition security" (FAO, 2011), and consider good governance both as a desired outcome in itself as well as part of the process to achieving food and nutrition security for all.

A useful distinction can be made between policies that are right to food-sensitive, and those that are transformative with respect to the right to adequate food. Right to food-sensitive policies acknowledge the existence of structural inequities related to food security and nutrition but no specific policy actions are designed to eliminate those inequities; human rights principles are acknowledged but no specific policy actions are planned to ensure that those principles are actually applied. Eliminating inequities related to FSN outcomes and directly contributing to the realization of the right to adequate food, and not just to food security and to better nutrition, are central objectives in transformative policies. The latter include

explicit objectives and policy actions that aim at ensuring that human rights principles are effectively applied. The question then is whether FSN policies are transformative in relation to the fulfilment of the right to adequate food, or whether they are largely right to food-sensitive or perhaps even right to food-blind.<sup>4</sup>

Section 4.2 deals with the right to food in the policy justification, vision, and objectives, while Section 4.3 covers the implementation part of the policy design. It is also argued in Section 4.4 that the policy formulation process itself should adhere to right to food principles and practices. The analysis is accompanied by checklists of practices and related guiding questions based on right to food principles. Checklist 3 focuses on the analysis of the content of policy intent and design. Checklist 4 focuses on analyzing the intended implementation in the policy design.

The usual information source for analyzing policy design is the policy document itself, and the plan of action to implement the policy. For purposes of the assessment here we shall consider the plan of action as being integral to the policy document. In some cases the policy document describes how the policy design was prepared, and who participated in the process. Such information should be complemented by interviewing participants with different roles in the policy formulation process; the guiding questions presented below may help to structure such interviews.

Experience shows that a national food and nutrition security policy needs to be strongly justified to bolster its priority among other overarching and sector policies. This justification may be provided by using the elements presented in the box below (Lesson Learned 1), and should be clearly stated in the policy document. The legal and legislative framework with respect to the right to food, including international law obligations of the government, should also be presented in the policy document. The right to food situation analysis, as we have seen above, would be the prime source for the information on which to base the policy justification.

<sup>4</sup> Right to food-blind FSN policies ignore human rights principles and do not acknowledge that there are structural inequities that explain different FSN outcomes among specific population groups, nor are they concerned with addressing through appropriate policy actions such structural inequities.

#### **LESSON LEARNED 1**

### National Food and Nutrition Security Policies Should Contain a Strong Justification

The justification for a national food and nutrition security (FNS) policy can be provided by the following elements:

- a) extent and magnitude of FNS problems and their links to other policy issues, including poverty reduction and general development;
- the number of people who are food-insecure, vulnerable to food insecurity and are suffering from malnutrition, i.e. the number of people who do not enjoy their right to food;
- c) gaps in the current policy environment for food and nutrition security, necessitating modifications in existing policies of relevant sectors as well as additional actions to be included in the plan of action to implement the FNS policy;
- d) international commitments that the government has made to achieve national goals with respect to hunger and poverty reduction (MDG 1), other MDGs and to other international agreements, including regional policies related to food and nutrition security.

Specifically, with respect to the enjoyment of the right to food by all, mention should be made in the policy document (preamble, introduction and background) of the relevant international law instruments that the country has ratified (such as the International Covenant on Economic, Social and Cultural Rights), and of relevant constitutional provisions and/or of domestic legislation that addresses right to food issues.

#### 4.1 GOVERNANCE IN FNS POLICY DESIGNS

As indicated in Chapter 3, the value of a right to food approach lies not only in its principles and eventual outcome, but equally in the nature and quality of the process that leads to this outcome. There is no universal agreement as to what governance in the context of food and nutrition security means. One consensus definition states: "Governance for food and nutrition security relates to formal and informal rules and processes through which public and private actors articulate their interests and decisions for achieving food and nutrition security (at local, national, regional and global level) are made, implemented and sustained" (FAO, 2011). As with most definitions, the challenge is to translate this definition into practical or operational terms that lend themselves to measurement and to an assessment of the extent to which the contents is actually adhered to in

practice. Issues that require clarification here are the relationship between right to food principles and good governance practices, and whether good governance for food and nutrition security is an objective of development and/or refers to processes. Good governance as an objective in itself has the same aim as the right to food, and thus if achieved contributes to the realization of the right to food. From a process point of view, the right to food principles establish normative and legal rules, whereas good governance is a means towards the goal of all people enjoying the right of food (FAO, 2011). This is basically the approach proposed in this guide when dealing with governance issues as applied to policy and programme design and implementation. For this purpose it becomes necessary to define measurable indicators of good governance, and in this methodological guide we adopt the PANTHER principles referred to earlier. It is important that the user of this guide is aware that elsewhere additional governance indicators have been defined that are relevant here. Users may want to consult some of these sources. For example, indicators such as: (i) responsiveness (to the needs and established priorities of all who are to be served by public institutions), (ii) consensus-oriented decision making based on mutual respect, (iii) effectiveness by producing results that meet people's needs, and (iv) efficiency by making the best use of available human, financial and physical resources (UN ESCAP, 2009). But most or all of the PANTHER principles are normally included in lists of governance indicators.

The PANTHER principles can serve to guide and enrich the processes by which all actions to improve FNS, including policies and programmes, are conducted. The question thus is which of the PANTHER principles are taken into account in the policy design and how are these likely to translate into actual practices during policy implementation. In the case of existing policies and programmes the PANTHER principles need to be transformed into measurements that indicate the extent to which these principles are actually applied. The question also becomes what constitutes full adherence and what partial adherence to each of the PANTHER principles. This is again a measurement question.



**Participation**: All stakeholders, particularly the most vulnerable, have the right to participate in the assessment, decision-making, implementation and monitoring of strategies, policies and programmes that affect their food and nutrition security. To satisfy human rights principles, participation must be full, free and meaningful.

Accountability: Individuals and institutions are accountable when they are obliged to explain and justify the consequences of decisions and actions (or the lack thereof) to those affected by such decisions and actions. Governments should be accountable to the people they serve. Rights can only be permanently realized when they are effectively enforced. Achieving effective accountability for the right to food is both a challenge, as it requires preventing impunity for right to food violations, as well as an opportunity, as it increases efficiency in the fight against hunger.

**Non-discrimination**: Discrimination on the grounds of race, language, religion, sex or other status is prohibited under international human rights law. This principle must be implemented in laws, policies and programmes that aim to protect and realize the right to food.

**Transparency**: Transparency is closely related to the right to freedom of information. All stakeholders, particularly the most vulnerable, have the right to receive from the state or other decision-makers all information related to decision-making processes about policies and programmes that might have positive or negative effects on fulfilling their right to food.

**Human dignity**: Human rights are designed to protect human dignity. This means that no action should negatively impact on a person's self-esteem and/or on the esteem that others have for that person. The right to food must be implemented and exercised with respect for human dignity and for strengthening people's long-term capacity to feed themselves without dependence on others.

**Empowerment**: Empowerment is the process of increasing people's power, capacities and capabilities to change their lives in accordance with their own priorities, especially among the most vulnerable and excluded. It includes the power to seek remedial actions for violations of human rights.

**Rule of law**: This principle holds that the government and other state or non-state actors must obey the law in the same way as citizens, and that any public institution taking action must have the legal authority to do so. The principle also relates to: the availability (and accessibility) of administrative, judicial and quasi-judicial recourse mechanisms in case of violations; the independence of the judiciary; and the coherence of domestic laws with human rights.

### Participation: Participants representing all major constituencies and interests formulate policy on an equal and consensual basis.

A right to food approach is based on the idea that people have the right (and duty) to participate in the formulation, implementation and evaluation of policies and programmes. The lack of participation in decision-making is a fundamental cause and consequence of the lack of equity that often constrains development. Actions designed to increase participation of marginalized people in consultation and decision-making processes strengthen policies and programmes. To facilitate participation, there must be political and administrative commitment to establishing and maintaining open avenues to legitimate forms of participation by people who represent different types of interests. Participatory processes that build relationships and trust among stakeholders reinforce ownership and sustainability. Participation becomes meaningful when the process of inclusion allows for all voices, including those of the poorest, to be heard and considered with mutual respect, especially when there are conflicts of interest. Participation can range from people being asked for information or their views concerning planning, implementation and monitoring (or being consulted when decisions have to be made), to people contributing to implementation, or deciding on their own priorities - and implementing actions to fulfil these, with or without assistance. Meaningful participation needs to be nurtured. A minimum level of preparation and organization is usually required, along with engaging a critical mass of people. People will devote their time and effort to partake in participatory processes if it is clear how these are likely to benefit them.

### ✓ Guiding Questions:

Were all relevant organizations, including civil society organizations (CSOs), human rights institutions and/or grassroots organizations represented in the policy consultative group, and what were their roles? Were special efforts made to include and facilitate participation by representatives of the worst-off and marginalized groups? Were they clearly informed about why and how they could influence policy design and implementation, and how did they stand to benefit from better policy? Did this lead to policy priorities, objectives and actions directed at the needs of the most food-insecure and vulnerable?

Were efforts made, including by means of a neutral facilitator, to build consensus among all stakeholders on the main dimensions of the policy, or did the interests of influential groups dominate the final outcome? Do participants in the preparation process consider that the final outcome represents a consensus among all stakeholders?

Accountability: Mechanisms are in place through which individuals and organizations responsible for policy formulation and implementation are answerable to those affected by the outcomes of such policies.

Accountability implies that the FNS policy includes clear objectives and time-bound targets to reduce food insecurity and malnutrition. It also requires that there are accountability mechanisms in place to track whether commitments made by government and its institutions are being met. These mechanisms should include independent monitoring to enable non-governmental stakeholders to evaluate the implementation of the policy. Through structured dialogue between governments and their constituencies, such mechanisms enable states to better understand the nature of FNS challenges, and to improve policies that do not deliver results. Policies and programmes that are not informed by the views of those they seek to serve, and/or are not monitored, are often ineffective and short-lived.

Accountability mechanisms can be built into policy design and implementation in a number of ways. For example, as outlined in Checklist 3 below, the policy statement and its stated objectives and priorities constitute the government's commitment to reducing food insecurity and malnutrition. When such commitment are translated into targets, these provide a yardstick against which actual performance can be tested and be accounted for. Plans to implement policies which include resource allocations and institutional arrangements, described according to Checklist 4, also serve as accountability mechanisms. If the policy document itself does not address accountability adequately, a legislative act may be needed to underpin the institutional framework, institutional mandates, and national budgetary appropriations for policy implementation. We return to these points in greater detail below.

### ☑ Guiding Questions:

Was a formal work plan for the policy formulation process prepared? Did it detail specific roles and responsibilities of those participating in or contributing to the process? Did the work plan contain specific outputs to be produced within certain timelines? Was it clear to whom the policy drafting team was responsible for the timely production of quality results? Were adequate resources allocated for the policy formulation process? Could the policy drafting team interact freely to obtain the resources needed for its work? Were adequate provisions in place to constructively assess the performance of the policy drafting team?

Non-discrimination: Discriminatory practices and outcomes that may result from benefiting certain groups at the expense of others, on the grounds of race, skin colour, language, religion, sex, age, political (or other) opinion, national or social origin, or any other status, are deliberately guarded against and counter-acted.

In policy design and implementation it is particularly important to guard against discriminatory practices and outcomes that may be produced when benefiting certain groups at the expense of others. Such practices can create, or increase opportunities for inequalities, which are detrimental to the fulfilment of human rights, as well as to sustained economic growth and poverty reduction.

### 

Were all population groups likely to be affected by the policy included in the design and implementation process? Were adequate measures taken to ensure that the food-insecure and malnourished were not discriminated against by traditionally or economically dominant groups?

Transparency: Decisions are taken and actions implemented in accordance with rules, norms and regulations that are known and understood by all major stakeholders.

Transparency in policy design and implementation means that decisions are made and actions implemented according to rules, norms and regulations that are known and understood by all stakeholders, including those the policy intends to benefit. When possible, such rules, norms and regulations should be established by way of a participatory process. Key is the provision of adequate, complete and objective information to all.

More precise and reliable data are required on marginalized groups in order to design and adjust policy objectives that respond better to real-life conditions, and that help to establish priorities. Data should not only be for governments; its collection, analysis and application should also be adapted for use by marginalized people, to enable all stakeholders to understand what is working and what is not. Such analysis and knowledge-sharing among the food-insecure, governments, and other major stakeholders should inform future actions and responses needed to reduce food and nutrition insecurity.

### ✓ Guiding Questions:

Were all participating groups clearly informed about the purpose and principal objectives of policy preparation and implementation, as well as about the rules, norms and regulations of the process to be followed? Did all stakeholders receive adequate and easily understood information concerning the major issues at stake, particularly about the root causes of food insecurity for the most vulnerable groups? Were all stakeholders involved in the analysis and interpretation of this data, and was information about the preparation process and decisions taken disseminated widely and regularly? What measures were taken to ensure that the food-insecure and malnourished fully understood the purpose of the exercise and how it could affect them? Were they able to use the data provided to promote their own interests?

Human dignity: No person is asked or forced to act in ways that negatively affect their self-esteem and that diminish the respect others have for that person.

Dialogue among multi-stakeholder groups including grassroots representatives implies exchange among peoples from diverse regions, occupations, gender and socio-economic standing. Mutually respectful dialogue is required for representatives in such diverse groups to feel comfortable and trust each other. These are essential ingredients to arriving at compromise decisions. Sound preparation and experienced moderators with facilitation skills, are usually required to steer discussions to successful conclusions among diverse groups. These are necessary conditions to arrive at defining policy options that are fully respect of the human dignity of all who are to be affected by those policy decisions.

### ✓ Guiding Questions:

Were discussions concerning policy design and implementation conducted in a spirit of mutual respect for all people's dignity and self-esteem? Were discussions well prepared and facilitated, and respectful of participants' language preferences?

### **Empowerment:** Individuals acquire the capacity to make effective choices, and have the capacity to translate choices into desired actions and outcomes.

Empowerment means that people acquire the capacity to influence their own destiny. Processes are empowering when they are inclusive, break down barriers, and engage all stakeholders. Having a voice, being heard, and subsequently being able to influence processes is empowering. Government has the role to create environments that are supportive of empowerment, through inclusive participatory approaches that foster ownership and sustainability. Empowerment through knowledge sharing and capacity building should be supported and sustained over time at national and local levels. Some stakeholders may reject empowerment and may resist embracing a right to food approach on the grounds that it can undermine their authority or affect their vested interests. However, sharing power in making decisions generates synergy among development partners and their actions, introduces safeguards against vested interests, presents new ways to tackle problems, and can strengthen FNS policy and programme design and implementation. The mere act of recognizing the right to food can trigger interest and broaden engagement by all stakeholders in measures to improve FNS.

The quality of FNS policy formulation and implementation is augmented when all groups participating in the process fully understand its purpose and are able to contribute meaningfully to the process. From the outset few stakeholder groups, especially the poorest and most marginalized, may not be sufficiently prepared to participate in this process. Actions to ensure the necessary understanding by all groups of the purpose, nature and content of policy design and implementation, and to provide all participants with adequate knowledge, understanding and skills to engage as equal partners in such a process as subjects of rights, should thus be part of FNS policies and their plans of action.

### ✓ Guiding Questions:

Does government favour the concept of empowerment within a right to food approach to FNS? Are all participants, especially the food-insecure and malnourished, aware of their role and rights in policy preparation and implementation? Were any sensitization, information and/or training sessions conducted to inform them about this? Were these sessions effective? Are participants, including those of grassroots organizations, sufficiently equipped to engage effectively in FNS policy preparation and implementation, including the ability to promote their interests in a constructive manner? Are further capacity building exercises envisaged during policy preparation and implementation?

Rule of law: This principle holds that laws are to be obeyed by governments and by citizens. This means that there is nothing in the policy design that contravenes any law, or that would require public institutions and/or citizens to violate any law. The implementation of the policy must also at all times follow the rule of law, and no one should break the law knowingly when undertaking actions to implement the policy.

The main thrust of this principle is that the policy provisions do not violate any laws, and that policy implementers abide by laws currently in place. Adherence to this principle assumes that public officials and citizens are fully aware of laws that relate to the policy, which may not always be the case. Practical examples would be the unlawful use of resources, and failing to respect human rights when these are protected by national law. If violations of the law take place within the context of any policy action, there should be mechanisms in place by which those violations can be reported to the appropriate authorities, or to the judicial system, for remedial follow-up action. Less obvious violations of a law may be resolved by administrative or quasi-judicial means.

### ✓ Guiding Questions:

Were discussions of the applicable laws part of the policy formulation process, and were the most relevant ones inventoried in the policy document, including domestic legislation and relevant constitutional provisions not limited to the right to food, but including all human rights? Was the full observance of the rule of law by public officials and by citizens (as it applies to the policy) explicitly stated as a guiding principle of policy implementation? Does the policy design include ways by which violations of the law are to be reported, and reported violations are to be processed?

### 4.2 ANALYZING THE RIGHT TO FOOD IN POLICY INTENT AND DESIGN

To link right to food components to specific features of a typical FSN policy design, two checklists (Checklists 3 and 4) were developed which may be useful in the assessment. We may call the items on the checklists: "right to food entry points"

in the FNS policy design. A policy design that contains strong right to food content in each of the entry points may be qualified as being transformative, at least in policy intent. Four right to food entry points are included in Checklist 3, and five are included in Checklist 4, and all are further discussed below. Together they provide a view of the policy intent and the degree to which policy intent coincides with a right to food approach and with the protection and eventual realization of the right to food. It is assumed that most of the information required for each entry point is provided by the right to food situation analysis that should precede, or at least accompany, the policy formulation process, as argued above.



#### **CHECKLIST 3**

### The Right to Food in National Food and Nutrition Security Policy Designs

- The Preamble (or introduction) in the policy document (re-)affirms the government's commitment to the protection and realization of the right to food, and mentions the legal basis for this commitment, citing international law instruments ratified by the country and/or domestic legislation, including any relevant provisions in the national constitution.
- Food-insecure and vulnerable groups are identified; their livelihood strategies
  and activities are described, based on a causality analysis that was performed
  to understand the reasons why each group suffers from, or is vulnerable to,
  food insecurity and malnutrition, and to identify structural inequities in food and
  nutrition security outcomes among different population groups.
- Policy priorities, policy implementation strategies and related actions are established, targeting each food-insecure or vulnerable group and addressing their major causes of food insecurity and malnutrition.
- Food and nutrition security goals and objectives have been established, along
  with time-bound targets and benchmarks. Contributing to the protection and
  the realization of the right to food among food-insecure, malnourished and
  vulnerable groups is included as part of the overall long-term policy vision
  and shorter-term policy objectives. Creating an enabling environment for the
  realization of the right to food is included among the policy objectives.

### The government's commitment to the protection and realization of the right to food is (re-)affirmed

The government's political commitment to the protection and realization of the right to food should explicitly be stated in the policy document. For instance, such an expression of commitment could be included in a preamble to the policy

document, endorsed by one or more high-level policy-makers on behalf of the government (such as the prime minister), or jointly by the ministers responsible for agriculture and for health. A partial extract from a policy preamble with respect to the right to food is presented as Case 1 in the box below.

### CASE 1

... The Policy is based on a number of principles that guide the implementation process to meet its objectives, including the recognition of the human right to adequate food and nutrition and to a standard of living conducive to an active and healthy life, principles of equity and empowerment, as well as a clear focus on resource-poor households and communities.

Preamble to the Zanzibar Food Security and Nutrition Policy (April 2008a), signed by HE Amani A. Karume, President of Zanzibar and Chairman of the Revolutionary Council.

### ☑ Guiding Questions:

• Does the policy document include a preamble/introduction over the signature of a senior government official? Is the government's commitment to human rights/right to food affirmed in any other part of the policy document? Does the preamble/introduction reiterate the government's commitments and obligations to the protection and realization of human rights/right to food, referring to relevant international law treaties that the country has ratified? Does the preamble/introduction state that the government affords high priority to the protection and realization of the right to food, particularly of the most food-insecure and malnourished? Is reference made to relevant domestic legislation and/or constitutional provisions that provide a legal basis for the policy? If so, do the constitutional provisions and/or legislation cover the protection and realization of the right to food?

### Food-insecure and vulnerable groups are identified, and a causality analysis was performed to understand why they are food-insecure and/or vulnerable and to identify structural inequities

This refers to equity considerations in the policy design. Without data to identify and characterize different food-insecure and vulnerable groups, appropriate actions to address the root causes of hunger in each group cannot correctly be designed and prioritized. In the absence of adequately disaggregated data, for example, by location or specific households or population groups, best estimates should be used to identify the poor and to understand what prevents them from being

food secure and well nourished. From a human rights perspective it is important to identify structural inequities in FNS outcomes by age, gender, ethnicity, socioeconomic characteristics, etc. Please refer again to Section 3.1 above for a more detailed discussion of these issues.

### CASE 2

### Barbados: Identification of food-insecure and vulnerable groups

Following a food and nutrition security situation analysis, the food-insecure and malnourished population is identified at household and individual levels:

Households that fall below the per capita poverty line and which are likely to have at least one of the following characteristics:

- · female-headed;
- · large household size with three or more generations present;
- having unemployed members, and/or members who are casually or informally employed;
- · having elderly and retired members.

Individuals who belong to low-income households and who have additional special needs that impact on their food and nutrition security status, including:

- · persons with physical impairments;
- · persons suffering from mental disorders;
- persons living with certain health conditions, such as HIV/AIDS;
- undocumented immigrants;
- pregnant and lactating mothers.

Source: draft Barbados Food and Nutrition Security Policy, 2013.

The example from the draft Barbados Food and Nutrition Security Policy (2013) identifies first and foremost the households that are likely to be food-insecure, i.e. those with per capita incomes below the established poverty line, and which can be further identified by specific characteristics. In other words, households that are female-headed, that have many members, have unemployed members, have elderly or retired members, or that exhibit any combination of these characteristics are likely to fall below the poverty line. The specified conditions of certain household members assist in defining the types of targeted policy responses needed, for example employment generation or special assistance to

women who head households. In addition, it is recognized that there are individuals for whom targeted interventions are needed, once the constraints that they face have been identified.

### ☑ Guiding Questions:

- Was a comprehensive food and nutrition security (FNS) or right to food situation analysis conducted prior to the formulation of the policy? If so, how long ago? Is there a direct link between the findings and conclusions of the situation analysis and the overall policy design: i.e. does the policy prioritize the main FNS problems identified in the situation analysis? Did the situation analysis assess the relevant policy environment and/or the relevant institutional framework for food and nutrition security? If so, did the assessment point to constraints that may need to be overcome for effective policy implementation, and were actions to this effect included in the policy design? Did the situation analysis explicitly assess the right to food environment (evidence of political and/or social commitment to the right to food, human rights institutions and their mandates, social movements promoting the right to food, etc.), and if so, how is this reflected in the policy design, if at all?
- Was a causality analysis<sup>5</sup> performed, and are its findings referred to in the policy document? Did this include the analysis of possible social, cultural and political causes of food insecurity and malnutrition which are often overlooked or underestimated in comparison with technical and economic determinants? Are linkages among different causes identified? Are causes differentiated by livelihood groups, and identified as being immediate, underlying or basic causes?<sup>6</sup>
- Are the most food-insecure and malnourished population groups identified, and are their locations and livelihood characteristics and strategies sufficiently well described so as to define policy objectives and formulate policy priorities for each vulnerable livelihood group? Are structural inequities in FNS outcomes identified by contrasting population groups with different characteristics, and if so, is it clear that the policy intends to mitigate or eliminate those inequities?

### Policy priorities and implementation strategies are established to address causes for food insecurity and malnutrition in each food-insecure and vulnerable group

This means that it is recognized that the reasons why specific groups suffer from food insecurity and/or malnutrition differ, and thus require targeted policy responses that fully recognize the differences in causes among different population

<sup>5</sup> See Guide to Conducting a Right to Food Assessment (FAO, 2009c: 20).

<sup>6</sup> Ibidem.

groups. Constraints to implementing targeted policy responses may also differ among groups, thus requiring different implementation strategies.

### ☑ Guiding Questions:

 Do policy priorities and objectives sufficiently address the reasons for food insecurity and malnutrition among the most food-insecure, malnourished, and vulnerable? Are the objectives sufficiently differentiated to address the causes of food and nutrition insecurity specific to each group? Are the causes and the policy objectives linked (for example, by converting problem trees into objective trees)?

### Food and nutrition security goals, objectives and targets are established, and contributing to the realization of the right to food, as well as creating an enabling environment for the right to food, are included

FNS policies should have clear long-term goals and objectives to articulate what is to be accomplished through the implementation of the policy measures. The long-term goal is usually expressed in the policy's vision statement. The objectives form the basis for monitoring the impacts of the policy and for holding government accountable for achievements as intended. Policy objectives are normally converted into targets in the plan of action to implement the policy, and not necessarily in the policy design. Policy objectives are also in some cases accompanied by policy statements (Case 5 is an example selected from the National Food and Nutrition Security Policy of 2011 of Kenya). Such statements represent a commitment of the government to implement measures towards achieving the policy objectives, and thus serve as an additional, albeit limited, instrument to hold government accountable. Another example looks at how specific targets in the plan of action are linked to the objectives stated in the policy document (Case 6).

#### CASE 3

### **Grenada: Policy Vision Statement**

The vision of the Grenada Food and Nutrition Security Policy is to fully recognize the Right to Food and to ensure that all Grenadians, at all times, have physical, economic, and social access to safe, nutritious, culturally acceptable, and affordable food in sufficient quantities to meet their dietary needs for an active and healthy life.

Source: draft Grenada Food and Nutrition Security Policy, 2013.

In the above example of the draft Grenada Food and Nutrition Security Policy (2013), it is clear that the achievement of the right to food for all is part of the long-term goal of the Government of Grenada. In another example (Case 4) it is recognized that the protection and realization of the right to food are obligations of the Government of the Republic of Liberia.

#### CASE 4

### **Liberia: National Food Security and Nutrition Strategy**

The **key objectives** of the National Food Security and Nutrition Strategy are to make certain that all Liberians have reliable access to the food they need and are able to utilize that food to live active and healthy lives. As such, ensuring food security and good nutrition is not a policy choice of government that it can decide to accept or reject, but a right of the citizens of Liberia which the government is obligated to respect, promote, and protect.

Source: Republic of Liberia, National Food Security and Nutrition Strategy, 2008.

### ☑ Guiding Questions:

• Are the protection and realization of the right to food part of the long-term goals of the policy? Are they included in the policy vision and/or mission statements? Are the protection and the realization of the right to food mentioned in the policy document as high government priorities? Are the government's obligations and commitments (under international law) to the protection and realization of the right to food referred to in any part? Are specific ratified international law agreements mentioned as providing a legal basis for the policy? Is reference made to domestic legislation linked to relevant international law agreements?

Case 5 below presents a selected policy objective from the National Food and Nutrition Security Policy of Kenya, as well as four policy statements associated with this policy objective. The latter then constitute commitments by government to institute certain measures towards achieving the policy objective. However, the fact that the statements are non-specific limits their use as an accountability instrument as they do not detail: (a) what measures are to be implemented, and (b) at what point in time the stated outcomes (free from hunger, increased quality food production, reduced post-harvest food losses, guaranteed land access for identified population groups) are to be accomplished. Thus, the policy statements would gain strength if they are translated into specific targets.

#### CASE 5

#### **Kenya: Policy Objective and Policy Statements**

#### Policy Objective Policy Statements

Increase the quantity and quality of food available, accessible and affordable to all Kenyans at all times Policy Statement 1: Subject to availability of requisite resources, the Government will ensure that every Kenyan is free from hunger, has adequate supply of food of acceptable quality, has an uninterrupted supply of clean and safe water in adequate quantities, at all times.

Policy Statement 2: The Government will continue to advance appropriate measures to increase quality food production to meet the needs of the citizens at all times.

Policy Statement 3: The Government will initiate appropriate measures, including research, aimed at addressing post-harvest losses, food quality and safety including aflatoxin infestation.

Policy Statement 4: The Government will, to enhance productive on-farm employment, support measures that improve security and access to land and water resources by all Kenyans especially by taking all necessary measures to enable women, the older persons, pastoralists and child-headed households, to have access to land use and water, and the benefits that accrue.

Source: Republic of Kenya, National Food and Nutrition Security Policy 2011.

With Case 6 we present an example of targets that have been established in relation to specific policy objectives. In this case, the policy objectives were defined in the policy document, and were converted into targets in the plan of action. A few comments are in order here. First, not all targets need to be expressed in

numerical values to be measurable. In other words, we can make an assessment to determine whether a food quality control system is in place and whether it is functioning well. Second, the targets are set to be achieved by a specific point in time (2012 in this case), i.e. they are time-bound. Without a defined end date, the target loses a lot of its meaning. Third, numerical targets require a base line value, i.e what is the current situation and what change is proposed through policy actions. Base line values may be obtained from a FNS situation analysis or other sources, and they are critical because without base line values the set targets may be unrealistic or represent insignificant changes. Policy objectives converted into targets should thus meet the test of being specific, measurable, attainable, realistic and time-bound (or SMART). In the example below, we can probably say that the policy objectives are specific, measurable and time-bound. To judge whether they are attainable requires a lot more knowledge of the factors that in Zanzibar will influence over time the achievement of the targets. Experiences from other countries, although not directly importable, may provide some basis to judge whether the proposed changes are realistic. During policy implementation, targets may have to be adjusted if they turn out to be unrealistic or if unforeseen events happened that make their attainment unlikely.

CASE 6
Policy Objectives and Targets

Policy Objective	Targets		
	Indicator	Baseline Value	Target Value by 2012
Improved utilization of adequate, nutritious, safe and high quality food for all members of the household	Food quality control system	-	A well-functioning food quality control system in place
	Percent of under-five children who are stunted	23%	10%

CASE 6
Policy Objectives and Targets (cont.)

Policy Objective	Targets		
	Indicator	Baseline Value	Target Value by 2012
Improved utilization of adequate, nutritious, safe and high quality food for all members of the household	Percent of under- five children with anaemia	75%	50%
	Percent of adult women with BMI <18.5 kg/m <sup>2</sup>	17%	10%
	Percent of adult women with anaemia	63%	50%
Improved access to food through enhanced purchasing power for all resource- poor households	Percent of resource- poor households benefiting from community-projects on improved livelihood options		60%

Source: Revolutionary Government of Zanzibar, Zanzibar Food Security and Nutrition Policy (2008) and Zanzibar Food Security and Nutrition Programme (2008).

#### ✓ Guiding Questions:

• Are the policy objectives formulated in such a way that they serve to hold governments accountable for their achievement? Does the policy document or/and plan of action contain targets, and if so, are these based on solid baseline values? Do these targets mean that the policy objectives are specific, measurable, attainable, realistic and time-bound (SMART)? Are the policy objectives and targets linked to national development or poverty reduction objectives and targets, such as the MDGs?

## 4.3 ANALYZING THE RIGHT TO FOOD IN POLICY IMPLEMENTATION STRATEGIES

By means of Checklist 4 below, this section focuses on the part of the policy design that deals with implementation and how an enabling environment for policy implementation can be created. It thus looks at the process by which the policy is to be implemented as stated in the policy document. If the analysis is part of a post-formulation assessment, and a plan of action to implement the policy has been drawn up, then Checklist 4 may also serve to guide the assessment of the plan of action.

Experience has shown that as a minimum, elements of the enabling environment to be included in the policy design are those listed below (Lesson Learned 2).

#### **LESSON LEARNED 2**

Essential elements of an enabling environment for policy implementation that are part of the policy design

These elements include: (a) guiding principles for policy implementation; (b) a legal mandate for the policy in the form of a legislative bill to be enacted by parliament; and (c) an institutional framework for policy coordination and implementation. Based on the institutional analysis, the roles and responsibilities of key institutions in implementing FNS actions can also be spelled out here.

The importance of specifying guiding principles for policy implementation, particularly with respect to good governance practices (or PANTHER principles) to be applied in policy measures was addressed above (Section 4.1). Not all FNS policies emphasize the same good governance practices. For example, the 2008 Zanzibar Food Security and Nutrition Policy lists the following as good governance practices to be applied: full respect for human dignity and for the rule of law, accountability of public institutions, non-discrimination, transparency in decision-making and in public resource allocation, and equal participation and empowerment of all. In addition, due concern for equitable outcomes of implementing policy measures is also mentioned. The Jamaica National Food and Nutrition Security Policy (2013–2023) lists the following as its guiding governance principles: empowerment of marginalized groups; promotion of the participation of all in the formulation, implementation and monitoring of national programmes; establishment and strengthening of redress mechanisms for people to report, and seek remedy for, violations of their right to food.

A legislative basis for the implementation of the policy is also an essential component of the enabling environment. Policy documents often mention that

a legislative bill will be drafted for two main reasons: (a) to provide a legal basis for the institutional framework for policy implementation, as outlined in the policy design; and (b) to link the implementation of the policy to the national budgeting process, i.e. to mobilize funding for the operations of the institutional framework and for actions foreseen in the policy.

A third element that is important as part of the enabling environment is an institutional framework for policy coordination and implementation. Such a framework should also be spelled out in the policy document. As actions for food and nutrition security involve a number of sectors, inter-sectoral and inter-institutional coordination is essential. Furthermore, with the participation of civil society organizations and private sector institutions in policy implementation, the need for effective coordination becomes even greater.

All these intentions need to be transformed into concrete actions, along with actions designed to achieve policy goals and objectives. A plan of action to implement the policy is an essential instrument that links policy intent to actual actions to achieve policy goals and objectives. Policy documents often mention that such a plan of action will be drafted either in parallel fashion with, or subsequent to, the policy. Experience has shown the importance of spelling out concretely, in the plan of action, what actions will be undertaken to create an enabling environment for policy implementation and to ensure that policy measures will apply good governance practices. A relevant lesson learned is spelled out in the box below (Lesson Learned 3).

#### **LESSON LEARNED 3**

Specific actions are to be included in the plan of action to create the enabling environment for policy implementation

The enabling environment for policy implementation, as outlined in the policy document, has to be translated into concrete actions that are to be included in the plan of action. Specifically, this means including in the plan of action:

 a) actions to promote and implement the guiding principles for policy implementation, including the promotion of, and creation of capacity for, the application of good governance practices in designing and implementing FNS measures;<sup>8</sup>

<sup>7</sup> Such actions may include provision of training to technical staff on gender equality, human rights, and participatory methodologies. Other actions may focus on the vulnerable populations to empower them by increasing their understanding of human rights principles and raise their self-perceptions as human rights subjects.

#### **LESSON LEARNED 3**

Specific actions are to be included in the plan of action to create the enabling environment for policy implementation (cont.)

- b) actions that involve the formulation of a legislative bill, and actions that lead to the enactment of that bill:
- actions to establish and put into operation the institutional framework for multi-sector policy coordination, as outlined in the policy document;
- d) actions to design and put into operation a monitoring and evaluation framework, one that covers both monitoring FNS outcomes and the process of implementation of the plan of action itself, as well as adherence to good governance practices.

The actions related to creating and putting into operation the enabling environment for policy implementation need to be programmed in the plan of action in the short term.

Guidance on the analysis of policy design with respect to implementation is resumed here by considering Checklist 4 below.



#### **CHECKLIST 4**

Integrating the right to food in the implementation of national food and nutrition security policies

- Policy implementation principles are explicitly stated in the policy, and point to a clear commitment to respect and protect the human rights of all, and to apply good governance practices during policy implementation.
- Operational plans exist, including a clear implementation timetable to achieve
  food and nutrition security objectives, targets and benchmarks, as set out in the
  policy. They also include actions designed to ensure that right to food principles
  and sound governance practices are effectively applied in policy implementation
  processes.
- Adequate budgetary resources are allocated on a long-term basis to implement operational plans.

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#### **CHECKLIST 4**

Integrating the right to food in the implementation of national food and nutrition security policies (cont.)

- Institutional arrangements are defined or in place to enable inter-sectoral
  planning and coordination (among sectors and among levels of government),
  and to facilitate multi-stakeholder participation in policy formulation and
  implementation. Institutional responsibilities for policy implementation
  and monitoring are clearly mandated, and accountability mechanisms are in
  place that effectively enable governments to be held accountable for
  policy implementation.
- Monitoring activities are included in operational plans, and are to be funded.
   Monitoring systems use multi-sector information to monitor: (i) the achievement
   of food and nutrition security objectives, targets and benchmarks, especially
   their achievement among the food-insecure and vulnerable groups that suffer
   most from inadequate food access and malnutrition; (ii) the implementation of
   measures and actions that are targeted at food-insecure and vulnerable groups;
   and (iii) adherence to good governance practices.

#### Policy design includes policy implementation principles that respect and protect the right to food and promote the application of good governance practices

The discussion of the right to food principles and good governance practices presented in Section 4.1 is expected to be helpful with the assessment of the policy implementation principles. Policy designs may also include other guiding implementation principles. For example, the policy is intended to be fully consistent with pro-poor strategies (Zanzibar Food Security and Nutrition Policy, 2008), or implementation of the policy is to be consistent with the protection of natural resources (Antigua and Barbuda Food and Nutrition Security Policy 2012), or gender considerations and the needs of all vulnerable groups are to be integral to all components of the policy (Sierra Leone Food and Nutrition Security Policy 2012-2016).

#### ✓ Guiding Questions:

 Does the policy document contain clearly expressed policy implementation principles? Do these principles cover one or more of the PANTHER principles described in Section 4.1? If so, which ones? Is the government's obligation to respect human rights and the right to food among the implementation principles? Does the policy document state how adherence to the implementation principles will be monitored, and/or which institutions are responsible for seeing to it that the principles are adhered to? Are specific policy measures proposed to strengthen the institutional capacities to apply good governance practices in implementing the policy?

## Operational plans and a timetable to achieve policy objectives are established, taking into account right to food principles and sound governance practices

As previously stated, the policy document contains statements of good intentions. But what counts is that those intentions are translated into concrete actions. This calls thus for the preparation and implementation of action plans. The guiding implementation principles articulated in the policy document should be integrated in the action plans. Thus, if good governance practices are part of the policy implementation principles, this should be evident in the action plans.

#### ☑ Guiding Questions:

- Does the policy document point to the need for operational plans to implement the policy? If so, does it specify a time frame within which these plans have to be formulated and implemented, as well as which institution(s) will be responsible for preparing these plans? Does the process to prepare the implementation plan include any of the right to food principles and/or governance practices previously outlined?
- Does the policy document identify main areas of action to achieve its stated food and nutrition security objectives, and are they likely to be effective in addressing the FNS problems and their causes faced by the most food-insecure and vulnerable population groups? Are main areas of action prioritized in time (short-, medium- and long-term) or are they merely listed and thus not prioritized?
- Are specific actions recommended such as strengthening government-civil society partnerships, promoting participation by social movements and nongovernmental organizations in policy implementation, and building capacity to improve governance to strengthen the policy implementation process?

## Adequate budgetary resources are allocated on a long-term basis to implement operational plans

Providing adequate budgetary resources is an important signal that the government is committed to converting policy intent into real action, and that addressing food insecurity and malnutrition are important policy priorities. The plan of action to implement the policy normally contains a detailed budget for the whole period of the plan, possibly broken down by year and by source of funding. Sources of funding may include the national budget, local government

budgets, and external donor funding. A part of the actions included in the FNS policy and action plan may be funded through relevant sector budgets, while another part (including possibly the funding of the bodies that are part of the inter-institutional policy coordination system) through a newly established food and nutrition security budget line. The assessment of whether adequate budgetary funds are made available should also consider budget lines in sector budgets that are relevant to addressing FNS problems.

#### **☑** Guiding Questions:

• Does the policy document or plan of action establish a budget for policy implementation? Can the budget be assessed to be adequate in relation to the actions to be implemented? Does the policy document point to the need for legislative action to appropriate funds from the national budget? If so, is the formulation of a legislative bill among the actions planned for the short-term? If extra-budgetary or donor funding is required, are strategies outlined to obtain such funding? Are the main food and nutrition security actions that target the most food-insecure and vulnerable population groups given priority in terms of funding?

# Institutional arrangements for inter-sectoral coordination and multi-stakeholder participation are defined, including implementation and monitoring responsibilities, and mechanisms to hold governments accountable for policy implementation

A key challenge for the implementation of FNS policies is to put in place an institutional arrangement to effectively promote collaboration, coordination and harmonization of efforts amongst different sectors and ministries, and in partnership with civil society and the private sector. While centralized coordination may be needed, experience shows that decentralized implementation of FNS programmes is more likely to encourage citizens' participation in decision-making and may facilitate holding local government accountable for the implementation of programmes.

An example of a centralized institutional framework for policy coordination and implementation is presented as Case 7. The framework essentially consists of a national council and an implementation and management unit to be housed in the Office of the Prime Minister. The example, which is not atypical, shows that there is to be multi-sector participation through membership on the Council. The fact that the policy implementation and management unit is to be housed in the Office of the Prime Minister should facilitate: (a) the interaction and joint planning by this unit with relevant sectors, and (b) the flow of sector data and information for policy monitoring.

#### CASE 7

Proposed institutional framework for coordination and implementation of the National Food and Nutrition Security Policy in Antigua and Barbuda

#### **National Food and Nutrition Security Council**

#### **Terms of Reference:**

- · providing policy advice;
- · inter-sectoral coordination and institutional capacity strengthening;
- · food and nutrition security planning;
- · awareness raising, education and advocacy;
- · food and nutrition security monitoring.

#### Composition:

<u>Core membership</u> – representatives from the following government ministries and departments and the private sector, at the level of a director:

- 1) Ministry of Health, Social Transformation and Consumer Affairs.
- 2) Ministry of Agriculture, Lands, Housing and the Environment.
- 3) Ministry of Education, Gender, Sports and Youth Affairs.
- 4) Ministry of Finance, the Economy and Public Administration Department of Planning and the Departments of Trade and Economic Development and Industry and Commerce.
- 5) Antiqua and Barbuda Chamber of Commerce.
- 6) Antigua and Barbuda Investment Authority.
- 7) Antigua and Barbuda Fishermen Cooperatives.
- 8) Antigua and Barbuda Agro-Processors Association.
- 9) Antigua and Barbuda Agricultural Cooperative Society.

<u>Advisory membership</u> – representatives (with observer status) from:

- 1) The Antigua and Barbuda Bureau of Standards.
- 2) The Attorney General, Ministry of Legal Affairs.
- 3) The Ministry of Public Works and Transport.
- 4) The Plant Protection Unit.
- 5) The Veterinary and Livestock Division.
- 6) The Central Board of Health.
- 7) The Gilbert Agriculture and Rural Development Centre.

#### CASE 7

Proposed institutional framework for coordination and implementation of the National Food and Nutrition Security Policy in Antigua and Barbuda (cont.)

#### **Policy Implementation Unit**

A National Policy Management Unit/Office of the Prime Minister with executive responsibility for day-to-day operations, and reporting to the National Food and Nutrition Security Council, to include:

- public advocacy and awareness campaigns;
- · coordination, management and facilitation;
- · accessing and facilitating technical support;
- · facilitating capacity building;
- monitoring and evaluation;
- · dissemination of information;
- · resource mobilization.

Source: Government of Antigua and Barbuda, A National Food and Nutrition Security Policy and Plan of Action for Antigua and Barbuda, 2012.

#### ✓ Guiding Questions:

- Does the policy design include an institutional framework for policy implementation? If so, what are the main functions of the institutions that are part of the framework, with respect to action implementation and inter-institutional planning and coordination? Who are the non-government participants in this framework, and what are their respective roles and responsibilities? What is the status of their participation: are they considered equal partners? Are human rights institutions included among the participants? Does the policy document indicate the need for legislative action to put the institutional framework in place, and if so, is a time frame for this process specified?
- How are the roles and responsibilities for policy implementation divided between national and local levels of government? What mechanisms are to be put in place (or are already in place) to coordinate between levels of government and the joint planning of policy actions? Is this likely to be a "top-down" or a "bottom-up" process, or does it have elements of both? Are specific responsibilities foreseen for local government to promote participation by social movements and community-based organizations, and to contribute to their empowerment?

• Does the policy design allow for ways in which government can be held accountable for policy implementation?<sup>8</sup> If so, what are these, and who is foreseen to participate in this process? Is the process limited to either national or local levels, or to both? Would the process effectively permit people to hold government (and others with responsibilities for policy implementation) accountable for poor performance, non-adherence to good governance practices and non-achievement of policy objectives and targets? Can this process reasonably be expected to lead effectively to remedial actions and improvements?

## Operational plans include funded monitoring systems to track the achievement of objectives and measures for food-insecure and vulnerable groups as well as adherence to good governance practices

A basic requirement to formulate FNS policies grounded in the right to food is to have a system to collect, process, analyze and disseminate relevant data about FNS and what the current status is with respect to protecting and furthering the right of food for all. Given the broad scope of food and nutrition security, a wide array of data and information is required for cross-sectoral analysis and decision-making. Such data should be collected in a way that makes it possible to identify groups that are particularly vulnerable and disadvantaged. Monitoring information should be widely disseminated in forms that are accessible to all stakeholders, to enable them to understand the conclusions drawn from the monitoring information, and to act on these.9 The monitoring system should also be able to inform governments, their institutions and other actors about progress made in implementing policy objectives, the impact of policy actions, and the manner in which policy actions are implemented. Information generated through participatory policy monitoring can be used to hold decision makers accountable for policy implementation, poor performance, for not adhering to good governance practices, and/or for not achieving policy objectives and targets.

#### ☑ Guiding Questions:

Is the importance of monitoring recognized in the policy document? Is a
monitoring framework outlined? Is this framework operationalized in the
plan of action? Does the framework include monitoring at national and local
levels? Does the monitoring framework cover policy impacts, including on the
protection and realization of the right to food among the most food-insecure

<sup>8</sup> For example, at national level does the policy design task an independent institution (e.g. ombudsperson's office) or group of independent stakeholders to monitor and provide periodically information to the general public with respect to advances (or lack thereof) in policy implementation or provide budgetary information? At local level, are citizens' groups to be formed that monitor implementation, or is a system of citizens' score cards to be implemented?

<sup>9</sup> Detailed methodological guidance on monitoring the right to food is provided in two volumes of the Right to Food Methodological Toolbox (FAO, 2009a and 2009b).

and malnourished? Does it cover policy implementation processes, including adherence to right to food principles/good governance practices?

- Does the policy document mandate institutional responsibilities to monitor the policy, taking existing monitoring systems into account? Is legislative action required to institute and fund the monitoring system, and is this indicated in the policy and/or in the plan of action? Are adequate funds allocated to policy monitoring in the budget? Is participation by civil society organizations, human rights institutions and/or social movements foreseen in monitoring the policy, and if so, what does this participation consist of and how is it organized?
- Does the policy document or plan of action indicate to which user groups the monitoring outputs are to be targeted? Are social movements and community-based organizations among such user groups? Does the policy monitoring framework include mechanisms of social auditing that make use of monitoring information?

To summarize what is presented in this and the previous sections, we may conclude that there are many parts of the policy design that lend themselves to the integration of right to food principles and good governance practices – what we have called: right to food entry points (Lesson Learned 4). A FNS policy designed to meet all the items on this checklist may be considered to have strong right to food underpinnings and to have transformative qualities.

#### **LESSON LEARNED 4**

Integrating right to food principles and good governance practices in a typical FNS policy design

- a) Preamble of the policy document: Normally signed by a high-level official on behalf of the government, the preamble 9or introduction to the policy document) can (re-)affirm the government's commitment to the full protection and realization of the right to food and its relevant state obligations as part of the overall policy statement.
- b) Identification of food-insecure and vulnerable groups and the inequities that need to be addressed: A clear description of food-insecure households and of individuals who suffer from malnutrition is provided, as well as of structural inequities in FNS outcomes among different population groups.
- c) **Vision statement:** The full and permanent enjoyment by all of the right to food can be part of the long-term vision to which the policy intends to contribute.

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#### **LESSON LEARNED 4**

Integrating right to food principles and good governance practices in a typical FNS policy design (cont.)

- d) Policy objectives: The policy intends to contribute to the realization of the right to food of food-insecure and vulnerable households, through improvement in access of those households to adequate, safe, nutritious and culturally acceptable food and to adequate health conditions. Creating an enabling environment for the realization of the right to adequate food is included among the policy objectives. Targets and benchmarks for the achievement of policy objectives are defined.
- e) Priority areas of action: Areas of action that address the FNS problems faced by food-insecure and vulnerable groups can be afforded high priority. The inequities that are highlighted in the FNS situation analysis guide the identification of specifically targeted actions. The formulation of a right to food framework law is listed among the high priority actions if none exists.
- f) Guiding principles for policy implementation: Good governance practices based on human rights principles that are to be applied in all aspects of policy implementation and monitoring are specified here. Policy actions designed to create for the implementation of good governance practices are also specified in the plan of action.
- g) Institutional structures for policy coordination and implementation: The proposed structure for the oversight and coordination of the FNS policy effectively contributes to the voice of the food-insecure and malnourished being adequately heard at all levels through representation on national and local multi-sector/multidisciplinary bodies. Institutional responsibilities for policy implementation and coordination are specified.
- h) Adequate budgetary resources are to be allocated on a long-term basis:

  The policy documents outlines a strategy for resource mobilization in support of policy implementation. The plan of action to implement the policy contains a detailed budget for the whole period of the plan.
- i) Policy monitoring and evaluation: The development and implementation of the complete policy monitoring and evaluation framework is normally included in the plan of action. But the policy design can indicate that policy monitoring is to be participatory, and that monitoring information outputs should reach all stakeholders at all levels (Including at grass roots level), and should feed into decision making and action planning and be designed to hold those responsible for policy implementation accountable while covering progress with achieving policy objectives and adherence to good governance practices.

A simple instrument is presented to summarize the conclusions of the analysis of both the policy design and its planned implementation, and of the process by which the policy was formulated (see Annex 3). Ultimately the aim is to identify best practices in formulating food and nutrition security policies, with a strong orientation towards the protection and realization of the right to food.

#### 4.4 GOVERNANCE OF THE POLICY FORMULATION PROCESS

The content, quality and impact of food and nutrition security (FNS) policies are likely to be influenced by the manner in which the policy formulation process itself was conducted. One question refers to the extent to which good governance practices were adhered to this process. Other conditioning factors may include: how the formulation process was organized, who participated, who was consulted, which review methods were used, what information was used and from which sources, and the specifics of the political, legal and institutional context that may have an influence on the formulation process.

A number of lessons have been learned from several country experiences with policy formulation. Four of these are here presented and interpreted, and are identified as "Best Practices". Whilst these lessons are not specific to the integration of the right to food in policy design and implementation, their importance in this respect is briefly outlined. The main point is that the policy formulation process can contribute to creating awareness and ownership of measures to protect and advance the right to food, and can lay the foundations for the application of good governance practices in implementing FNS policy measures. Thus, the policy formulation process itself should apply good governance practices towards this end. In particular, the process should be participatory, inclusive, empowering and transparent, and should have ways to hold accountable those responsible for the drafting of the policy. Because different interests are represented by participants from a range of stakeholder groups, the process should be oriented towards building consensus.



#### **CHECKLIST 5**

#### **Best Practices in the Policy Formulation Process**

- 1. Formulation of the policy and of the plan of action to implement the policy should take place interactively.
- 2. The policy formulation process offers opportunities to strengthen national capacities and promote dialogue among stakeholders.
- 3. The policy formulation process should be an inclusive consultative process.
- 4. The policy formulation process should be guided and overseen by a high-level multi-sector committee.

## Best Practice: Interactive formulation of the policy and of the plan of action to implement the policy

FNS policies and implementation plans are often formulated sequentially: that is, the policy is formulated and then approved, after which the plan of action to implement the policy is formulated. Evidence is emerging from a few specific country examples that suggest a better approach: formulating the policy and plan of action at the same time, and inter-actively. In the interest of protecting and furthering the right to food, implementation of measures contained in an approved FNS policy should follow immediately - the sooner the better. This is more likely if the plan of action to implement the policy is also in place when the policy is approved. The plan of action should operationalize the policy objectives and priorities, and thus also those that relate to the protection and furthering of the right to food. If time passes between the formulation of the policy and of the plan of action, there may be some degree of disconnect between the two as new priorities develop over time. This raises the possibility that right to food priorities will not receive the same emphasis in the plan of action as they have (hopefully) been afforded in the FNS policy. Politicians may be reluctant to approve the policy without knowing what the financial implications are. But, if the plan of action contains a detailed budget (which it should), the politicians will have some relevant financial information at the time they are asked to approve the policy.

## Best Practice: Capacity strengthening and promotion of dialogue during policy formulation

The policy formulation process can have an additional function of contributing to capacity strengthening of national technical staff, such as planners and policy analysts from governmental institutions and non-governmental organizations (NGOs). The work plan of the policy drafting team should include capacity strengthening of its members. Capacity strengthening should also be part of the terms of reference for external consultants who are hired to assist with drafting the policy document and plan of action. The joint work of a national policy drafting group made up of members representing different disciplines and sectors, can promote exchanges of ideas and establish sound dialogue as well as a better understanding of the different dimensions of food and nutrition security and of right to food concepts. As members of the drafting group may eventually be involved in the implementation of the policy, their participation in policy formulation may increase their effectiveness in helping to implement the policy.

#### Best Practice: Policy formulation as an inclusive consultative process

There should be consultations with a well-defined stakeholder group at the initiation of as well as during the policy formulation process. An upfront stakeholder analysis will help to identify members of the national consultative group.

Continuous interactions between the policy drafting team and the consultative group should serve to empower the latter, and lay the foundations for this group to maintain an important role in the implementation of the policy. The discussions should serve to introduce transparency in the policy formulation process. The membership of the consultative group is crucial. The aim is to have the same members attend all consultations to avoid inconsistency in inputs due to changing participants. Without making the group too large and unwieldy, membership should not be limited to representatives of governmental institutions and large NGOs and business groups, but should also include representatives of social movements and grassroots organizations. Of course, the policy drafting team may also obtain inputs from others who are not members of the consultative group.

## Best Practice: Policy formulation guided and overseen by a high-level multi-sector committee

It has been shown to be useful to have a high-level multi-sector committee guide the overall policy formulation process. This ad hoc committee, perhaps at the level of permanent secretaries of key ministries, and with representation of civil society and the private sector, would serve as a periodic sounding board as drafts of the policy document are being produced, providing direction for the policy's content. Experience shows that once the final policy document has been produced and has been signed off by such a high-level committee, its political approval is significantly facilitated. A high-level multi-sector committee can give the policy drafting team its mandate and approve the team's work plan, and can hold the team accountable for progress and for the quality of its work.

#### 4.5 SUMMARIZING THE ASSESSMENT RESULTS

A simple summary table is proposed in Annex 3 to help summarize the findings and conclusions generated during the analysis. The table has four columns. The first column follows the outline of this part of the guide: policy design, policy implementation, and the policy formulation process. In the second column is a list of content items which are directly derived from the items in the above checklists and the corresponding guiding questions. More detailed explanations on how to complete the table are found in Annex 3. The summary table is meant to aid in organizing the information obtained during the assessment, in preparation for drafting the assessment report; users of this guide may of course choose to bypass it.

#### 4.6 OUTPUTS OF THE POLICY FORMULATION PROCESS

Once the work of the policy drafting team has been completed, it will have covered three areas: (a) a right to food situation analysis, (b) a food and nutrition security (FNS) policy, and (c) a plan of action to implement the policy. Experience shows

that the three should not be combined into one document, for various reasons: (i) the document will be much too long, and it will be difficult to identify the parts that belong to the policy design; and (ii) it is finally the policy document that will need to pass through the political approval phase – certainly not the right to food situation analysis, and often neither the plan of action. However, before the policy document is presented for approval, the other two documents are likely to be consulted, and thus need to be in presentable form at the time that the policy document is being discussed for approval by the Cabinet and/or Parliament.

# 5. POLICY COHERENCE AND HARMONIZATION

The human rights approach makes policy coherence and harmonization an important issue on two grounds. Governments should make maximum and efficient use of available resources and avoid or eliminate duplication of policy actions and instead exploit opportunities for complementarity between actions that create synergistic effects. Also, policies that have negative effects on the protection and realization of the right to food conflict with the human rights principle that states that the realization of the right cannot be regressive. Hence, the need for policy coherence to support a process of a progressive realization of the right to food.

Normally the implementation of a FNS policy at least partially depends on relevant sector policies and programmes, thus strengthening the need for policy coherence and harmonization. It is evident that the policies and programmes of sectors most relevant to food and nutrition security should be congruent with the goals and objectives of the FNS policy framework. Such harmonization will ensure that sector policy objectives and priorities support, or at least do not conflict with, those of the FNS policy framework. A few examples follow. An agricultural sector policy that prioritizes development of large-scale, mechanized agricultural production may increase rather than reduce vulnerability to food insecurity in the subsistence farming sector. However, a policy that prioritizes the development of appropriate technology for adoption by subsistence farmers is likely to be supportive of FNS policy priorities. A land use policy that leads to concentrated land ownership (even when this is not an explicit policy objective) is contrary to promoting increased access to land as a basis for improving food and nutrition security among vulnerable rural population groups. An education policy that prioritizes literacy training and basic education is likely to support the objectives and priorities of the FNS policy framework. But a food trade policy that encourages the importation of processed foods to raise import duties (as a source of government revenue) may be detrimental to good nutrition of the population, and thus be contrary to the nutrition objectives of the FNS policy framework.

#### Why a sector policy review (SPR)?

There are two reasons to undertake a sector policy review. First, a review of the policies of relevant sectors is part of the right to food situation analysis and is conducted for the purpose of identifying gaps in the overall FNS policy environment, with gaps to be addressed by the overarching, multi-sector FNS policy. Second, once a FNS policy has been formulated, its implementation usually depends in part on related sector plans and their budgets. The policy goals and objectives in the FNS policy, and those in sector policies, plans and strategies, should be coherent, including with respect to contributing to the protection and furthering of the right to food. Inconsistencies can occur for two reasons: (a) sector policies have been designed without taking into account food and nutrition security goals and objectives (which is often the case), and/or (b) the actual effects of those sector policies are contrary to food and nutrition security goals and objectives (irrespective of the sector policy intent). In both cases there is a risk that certain sector policies impact negatively on the protection and furthering of the right to food.

While a review over time of the FNS policy framework may be warranted,<sup>10</sup> there invariably is a short-term need to review key sector policies in order to harmonize their objectives, priorities and areas of policy intervention with those of the FNS policy framework. The most relevant sectors are agriculture, health, employment, public works, trade and commerce, and social protection.

The process of conducting an SPR is as important as its eventual outcome with respect to providing a basis for implementing recommended changes in sector policies. Suggestions are thus provided on how to conduct an SPR at the country level. Some methodological issues are covered in Annex 2: (a) how to initiate and conduct an SPR, (b) which sector policies to review, (c) organization of the sector policy review, (d) review methods, (e) information gathering methods, (f) tools to measure policy impacts, and (g) how the SPR report may be organized.

#### Engage sector decision-makers and senior technical staff in the SPR

The SPR concerns national policies and should thus respond to a perceived need by national stakeholders, and should also be owned by them. The reviews will usually include policy-makers and senior technical staff in government institutions; they should be involved from the start and kept constantly informed of progress. They also constitute key informants for the review, together with representatives of other stakeholder groups from civil society and the private sector.

<sup>10</sup> Monitoring the achievements of national FNS goals and targets may suggest that the FNS policy framework should be reviewed and adjusted. Major macro factors, such as long-term trends or more immediate "shocks" (such as rapid increases in food prices) that condition FNS outcomes, may lead to the same conclusion.

#### Implementing the recommended changes in sector policies

Changes in sector policies often take time and are not easy to achieve, even when the analysis of certain key sector policies clearly demonstrates that changes are required to harmonize those policies with the FNS policy framework. Reasons why this may be a difficult process include the following:

- Recommended changes may conflict with or not support sector priorities.
- Re-orienting an existing sector policy may be considered confusing and best postponed until a new sector policy can be formulated.
- Implementing major policy changes may require a cumbersome administrative and legislative process.
- A shift in sector priorities may result in a sector's budget being reduced, which is not likely to be well received by some decision-makers. The converse may also apply of course if recommended policy changes imply larger sector budgets.
- If a large share of sector budgets depends on external funding, the recommended policy changes may need to be aligned with donor priorities.

Clearly, there are a number of reasons why proposed policy changes may thus not be accepted or implemented easily. Much is likely to depend on which sector(s) or institution(s) has (or have) the government's mandate for food and nutrition security. Should this mandate reside, for example, within the ministry of agriculture, harmonization between the agricultural sector policies and the FNS policy framework may be easier, though not guaranteed. With such a mandate, the ministry of agriculture can promote sector policy harmonization among sectors such as health, trade and employment, but is unlikely to have the power to impose such changes on these sectors. An inter-ministerial body that has responsibility for the FNS mandate will be better placed to facilitate the adoption and implementation of recommended policy changes in one or more participating sectors, particularly if it has the authority to make recommendations with respect to budgetary allocations. Direct involvement by sector policy decision-makers during the review process can help lay the foundation for the acceptance and implementation of the recommended sector policy changes.

From the outset, the review team members should understand the factors that may constrain the eventual implementation of recommended policy changes, to help them devise a post-review strategy to be included in the sector policy review report (see Annex 2 for some guidance on the preparation of this report). It would be advisable for members of the review team to be involved in the subsequent promotion and adoption of the policy changes.

### 6. A RIGHT TO FOOD APPROACH TO FNS PROGRAMME ANALYSIS

## 6.1 RELEVANCE OF A RIGHT TO FOOD APPROACH IN PROGRAMME ANALYSIS

#### Analysing programme impacts from a right to food perspective

By addressing design, implementation and impacts, a right to food approach to programme analysis considers people affected by the programme<sup>11</sup> and the nature and extent of their participation in it. Analysis seeks to assess how the programme impacts on the protection and realization of the right to food of the food-insecure, the malnourished, and those vulnerable to food and nutrition insecurity. Programmes, including those without explicit food security and/or nutrition objectives, may have positive, neutral or negative impacts on the enjoyment of the right to food by specific population groups. Programmes with positive impacts contribute to increasing the number of people who permanently enjoy the right to food, while those with negative impacts decrease the number of people who enjoy the right to food; a neutral impact leaves that number unchanged.<sup>12</sup> Programmes with positive impacts may also reduce the vulnerability to food insecurity and/or malnutrition when manmade or natural shocks occur, by strengthening resilience to withstand risk factors such as price shocks, or to withstand the consequences of displacement due to armed conflicts or flooding.

<sup>11</sup> Under a right to food approach, goods and/or services provided by a public programme are not considered "benefits" or hand-outs, but rather measures towards furthering the enjoyment of rights by more people. Consequently, the term "programme participant" is used here rather than the term "programme beneficiary".

<sup>12</sup> This indicator does not tell us whether the same persons continue to enjoy the right to food with the programme, or whether the same number of people lose and acquire the right to food, i.e. it ignores any re-distributional impacts.

Progress towards realizing the right to food can be influenced by many, sometimes interacting or conflicting, factors. This can make it difficult to confidently attribute any change in the realization of the right to food to a particular programme. It may, nevertheless, be possible to identify the programme's likely impact on one or more elements of the core content of the right to food for specific population groups. For example, a programme designed to increase access to safe water in rural populations could have a positive impact on people's consumption of safe foods in those areas. An integrated health services programme that informs mothers about nutrition may improve the consumption of nutritious food. But a programme that distributes donated food to people in refugee camps may provide camp residents with culturally unacceptable food, or may distribute the food in ways that are devoid of respect for human dignity – i.e. it may have a negative impact on the right to food.

#### Analysing programme implementation from a right to food perspective

In addition to programme impact, the right to food-based analysis can also examine the extent to which right to food principles/good governance practices are taken into account in the programme design, and/or are applied in the implementation of existing programmes. In addition, as the case of the Republic of Honduras (Case 8) shows, the assessment should cover the entire programme design and not just one part of it. In this example, a strategy to address gender inequality was included; however, other programme design features did not adequately take into account or address gender inequality in accessing resources, resulting thus in an internal contradiction regarding a human rights principle.

Factors both internal and external to the programme can, over time, condition how programmes are implemented, which may be at variance with the intended implementation according to the programme design. As in the case of policy analysis, programme assessment will thus cover both programme impacts and programme implementation practices.

#### CASE 8

#### **Special Programme for Food Security, Honduras**

The programme developers in Honduras built into its design an explicit strategy to address gender inequality. Implementation of this strategy was the responsibility of a gender specialist who is a member of the programme staff. Programme goals, objectives, and indicators are gender-sensitive. Specific actions are directed at facilitating women's participation without adding to their work loads. For example, women's capacity strengthening activities are timed to suit the women, and are held in the community. Methodological proposals are being developed that focus on strengthening co-responsibility between men and women in relation to family matters (which are usually considered the sole responsibility of women).

#### 6.2 ORGANIZATION OF THE PROGRAMME ANALYSIS

An approach to programme analysis is presented below. The focus remains on the right to food. Thus, the analytical framework, consisting of modules and sub-modules, relates to dimensions of the right to food and good governance practices. This methodological reference guide should be considered as complementary to guides that deal more extensively with programme analysis. One such guide is the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (FAO, 2005a). It bears repeating that the method proposed in this document can be used to guide programme formulation, as well as to assess an existing programme with a view to improving its design and/or its ways of implementation.

The programme analytical framework is divided into five modules and 14 sub-modules as indicated in the table below. There are no sub-modules for Modules IV and V. For each sub-module and for Modules IV and V an explanatory note is provided followed by several guiding questions for the analysis.

MODULES	SUB-MODULES
I: Analysing programme design and intended implementation processes	1: Programme relevance. 2: Programme targeting. 3: Programme interventions (addressing root causes). 4: Community participation. 5: Programme management (governance). 6: Monitoring and evaluation. 7: Programme linkages.
II: Assessing the macro-environment of the programme	1: Policy, legislative and institutional environment. 2: Government's resource commitments. 3: International community.
III: Assessing the programme's immediate environment	1: Addressing different forms of diversity in programme areas.  2: Levels of community development.  3: Access to basic services.  4: Local government structures and capacities.
IV: Assessing the programme's sustainability	
V: Programme impacts on the right to adequate food	

A modular approach is chosen to ensure that the initial analysis includes at least those key dimensions that, depending on the programme, may warrant subsequently more in-depth analysis to assess the outcomes/impact of any follow-up or remedial actions. Programmes and the environments in which they operate are likely to differ for a number of reasons, and can lead to varying emphasis on the modules. The programme's macro-environment may be less subject to change than internal factors, suggesting that priority should be given to analysing the latter. Due to their different interests, stakeholder groups may wish to analyse the programme from particular perspectives. Programme managers may wish to emphasize programme implementation and the impact of its external environment. Policy planners and legislators may be most interested in analysing programme impacts. Representatives of programme

participants may want to prioritize the analysis of programme implementation, including programme impacts and adherence to the programme's normative standards (such as the functioning of social audit mechanisms and recourse instruments). Such considerations will influence the scope and focus/emphasis of the initial situation analysis (see Chapter 2).

The format here is similar to that used in Chapter 4, with questions to guide the analysis and examples. As before, the guiding questions are not intended to provide a blueprint or "questionnaire" for introducing a right to food approach into programme formulation and implementation. Rather, they are meant to prompt the preparation of probing survey or discussion questions directed at key informants, with a view to obtaining information that will improve FNS programme formulation, implementation and performance. Analysis teams should frame questions most likely to generate information that elucidates the needs and priorities of the programme's participants and that will guide follow-up actions.

## 6.3 MODULE I: ANALYSING PROGRAMME DESIGN AND INTENDED IMPLEMENTATION PROCESSES

#### 6.3.1 Sub-module 1: Programme relevance

This sub-module assesses programme relevance from two related perspectives: (a) the quality of information about the problem(s) that the programme is meant to address, and (b) the programme's objectives. Both are important for the right to food approach. A programme is relevant to the extent that its objectives address the underlying causes of food insecurity and malnutrition, and the extent that it accords the highest priority to those most affected by such factors. The right to food approach emphasizes the importance of sufficiently disaggregated information in defining programme objectives that should address specific inequities in factors that aggravate food insecurity and malnutrition.

Consequently, from the right to food perspective:

- Reference to the findings of a right to food situation analysis (see Annex 1) is required to design a programme that addresses food and nutrition security problems effectively and to assess the programme's relevance, particularly in the case of targeted programmes.
- Such an analysis should clearly identify and characterize the population groups
  that are food-insecure and/or suffer from malnutrition (including their locations),
  provide numerical estimates of people suffering from food insecurity and/or
  malnutrition, and detail the underlying causes for each group. This should
  include possible geographical, ecological, socio-economic, religious and
  cultural diversity in the programme areas that should be taken into account in
  programme design and implementation.

 The analysis should also assess the severity of the food and nutrition security problem in each group. It should indicate whether any form of discrimination contributes to the FNS problems that are encountered.

#### ☑ Guiding Questions:

- What are the main food and nutrition security problems in the country, and where are these most severe? Which population groups are most affected and where are they located? What are the household livelihood characteristics of the food-insecure and vulnerable groups? What are the principal causes of these problems? Can these causes and their severity be ascribed to age, gender, religion, ethnicity, language, political affiliation, etc.?
- Has this information been taken into account so that the programme is designed to address one or more major food and nutrition security problems affecting the most food-insecure or malnourished?
- What are the intended food-based and non-food based impacts of the programme? Do these intended impacts reflect recognition that the enjoyment of the right to food can be affected by measures taken in other sectors such as education, health, etc.?
- Does the programme propose to address discrimination as one of its objectives? Do the objectives show concern for equity, i.e. to providing goods and services according to relative needs? Does the programme include other objectives not having to do with food and nutrition security, such as strengthening the empowerment and capacity of programme participants?

#### 6.3.2 Sub-module 2: Programme targeting

From a right to food perspective, governments should, as a priority, use public resources to reduce hunger and increase the number of people who enjoy the right to food, as well as protecting those who already enjoy it.

The effective targeting of programme interventions is influenced by who they target, and by the effectiveness of the targeting protocol and the ways it is implemented. A right to food approach emphasizes the former by striving to ensure that all stakeholders understand the targeting criteria and that these are applied consistently and in non-discriminatory ways, with corrective action taken when this is not the case.

The case from the Federal Republic of Brazil (presented as Case 9) is revealing. It shows that although a relatively high percentage of actual programme participants belong to vulnerable groups, a significant segment of the poor population does not participate in the programme. Some reasons why this is so are presented. At the same time, a high percentage of the participants were found not to be poor, and thus were not eligible to participate. Self-reported income was used

as a basis for establishing eligibility. As a result, the outcome with respect to programme participation was approximately the same as when there would not have been a targeting scheme. From a human rights perspective, the main concern is the high under-coverage rate, i.e. eligible people who for one or more reasons are excluded. Note that the same factors involved in excluding people from the programme also show a lack of transparency and of effective accountability in programme administration at the municipal level.<sup>13</sup>

#### CASE 9

#### Bolsa Familia Conditional Cash Transfer Programme, Brazil

Household income and household size are the two eligibility criteria for entry into the programme. These are self-reported and are not verified at the municipal level. A programme evaluation conducted in 2007 found that 59 percent of the poor do not participate in the programme (the under-coverage rate), that 49 percent of the programme participants are not poor (the leakage rate), and that entry into the programme is more or less at random, with effectively no targeting of eligible programme participants (targeting effectiveness approximately zero). From a human rights perspective, more serious is that only 41 percent of the poor participate in the programme, even though 64 percent of programme participants are non-white, 78 percent live in urban areas, and half of the rural participants are from the Northeast, i.e. groups that have been shown to be the most vulnerable to food insecurity. It is important to understand why more poor households do not participate in the programme. The 2007 evaluation found that a majority of the people in the municipalities did not know how to enter the programme, and a significant number of municipal workers were found not being able to explain who was eligible for entry into the programme, pointing to a lack of transparency. In addition, a majority of actual programme participants did not know how to seek recourse in case they felt that they were unfairly treated, or did not want to seek recourse out of fear of being identified as participating in the programme. The capacity of municipal social assistance councils to process claims was also found to be weak. All this points to a lack of an effective system of accountability of municipal staff involved in the programme.

Source: IPC-UNDP, 2007.

<sup>13</sup> For more information on how to measure under-coverage and leakage rates, and targeting effectiveness, consult FAO, 2001.

#### ✓ Guiding Questions:

- Is the programme designed to target specific population groups that suffer most from food insecurity and/or malnutrition?
- What criteria and indicators are used for targeting (specific population groups or life cycle groups, geographic areas, economic or financial conditions, nutritional status, etc.)? Are the targeting criteria clear, and do they reflect equal access to the programme by all participants who are eligible? Do programme staff at different levels, as well as programme participants and non-participants, know about and understand the criteria, or are special efforts to that effect included in the programme design? Did representatives of prospective programme participants participate in establishing the criteria?
- If exit criteria apply, how well are these understood by programme participants, community members and programme staff, and how well are they applied by the latter? Did representatives of programme participants contribute to establishing these criteria?
- Is it likely that the targeting protocol will be applied correctly, and does the protocol ensure that programme interventions reach the intended target groups? Is it likely that there will occur under-coverage (exclusion errors) and/or leakage (inclusion errors), and if so, are these likely to be significant and to differ by geographic areas, or between specific population groups? If so, what would cause this? Does the programme design call for a periodic review of effective coverage of target groups and allows for efforts to improve effective coverage. If such a review has taken place, what were the findings and were remedial actions put in place?

#### 6.3.3 Sub-module 3: Programme interventions (addressing root causes)

Programme interventions should be based on the best available knowledge and experience, and designed to effectively address underlying and root causes of food insecurity and malnutrition. Complementarity among actions should be considered, especially as there may be opportunities to capture synergistic effects through joint programme actions. A right to food approach emphasizes that prospective programme participants or their representatives take part in designing programme interventions; that interventions be designed to fully respect human dignity (for example, by taking into account the cultural values of the local population); and that interventions empower participants (and possibly others) and help them grow, by acquiring new knowledge and capacities through their participation.

#### ✓ Guiding Questions:

Can the programme interventions be expected to fulfil programme objectives?
 Are the interventions based on the best available knowledge including that of

local inhabitants? Do the interventions reflect the underlying causes of food insecurity and malnourishment for various food-insecure and/or malnourished groups, as identified in the food and nutrition situation analysis? Do the interventions adequately take into account local level constraints faced by the different target groups? Are interventions designed to increase the capacity of participants to participate in the programme? Are there signs that this is actually happening?

• Are the programme interventions designed and implemented in ways that encourage people to participate, and that fully respect human dignity? Does the programme design call for specific efforts to render participants aware of and help them understand their rights to receive goods and/or services through programme interventions? Do the goods and services provided take into account the cultural values of the local population, and is programme implementation sensitive to local traditions? Are programme interventions effectively gender sensitive by considering different gender roles? Are programme interventions designed to address inequities and gender or ethnic inequalities where they exist?

#### 6.3.4 Sub-module 4: Community participation

Participation is a key human rights principle. As outlined in Section 4.1 above, participation has various dimensions, and can range from mere physical presence at an event, to proactively contributing ideas and knowledge as a basis to address a problem. Meaningful participation should empower the participant with new knowledge and understanding, new experience and skills, and the ability to transform these into ideas and actions that benefit participants. Meaningful participation also means that the participants clearly see themselves as subjects of human rights, and that their participation in programme activities should serve to vindicate those rights.

Case 10 below indicates that certain cultural factors may be conducive to community participation. But just as often elsewhere, the most vulnerable do not have the opportunity to participate, and thus their priorities may not be well represented. Special efforts are needed to facilitate and promote the participation of the most vulnerable and marginalized community members.

#### CASE 10

#### Applied Nutrition Programme, Makueni District, the Republic of Kenya

An assessment of the Applied Nutrition Programme in three divisions of Makueni District, Kenya during the 1980s and 1990s concluded the following, with respect to community participation. The programme had as its objective to increase household food security and improve nutrition security, and consisted of three main components: (a) improve household food production and production of improved breeds of cattle; (b) increase exclusive breastfeeding and promote appropriate weaning practices; and (c) increase access to safe water. Community participation was assessed to be strong, and had evolved over time from passive participation to active priority setting and needs assessment by the people. As a consequence, no action could be undertaken if it did not fall within the priorities and needs set by the community, and was not fully accepted by all people. Community meetings (baraza) were routinely called by local authorities and community leaders to discuss matters and make decisions in transparent ways. Community organization was aided by the fact that in the Kamba culture, all women of all ages should be members of a mutual-help women's group (Mwethya). Generosity towards others is also a characteristic of the Kamba culture. It was pointed out, however, that the poorest families may not always have adequately been represented at community meetings. The reason was that these families constantly needed to be on the move, and were busy generating income for survival, with no time to spare to attend community meetings.

Source: FAO, 2005b.

#### ☑ Guiding Questions:

- What design features show that the programme has been designed to facilitate community participation in decision-making and/or implementation, and are these features likely to be effective? How are joint decision-making and monitoring to take place, and are these mechanisms likely to work? In what ways will the community participate and is its participation likely to be meaningful and empowering? What measures are anticipated to facilitate continuous exchange and communication between programme staff and the community, and how well are these likely to function?
- Do all community members, particularly those who are usually marginalized, have the confidence and opportunity to participate in programme-related discussions, or is participation likely to be excessively dominated by certain community groups or individuals?

- Is a social audit mechanism, such as a programme committee or community council, to be put in place to monitor the implementation, performance and quality of goods and services provided by the programme? If so, what is to be its mandate and composition, and are the members elected or appointed? Is there direct representation of programme participants, programme staff, community members and/or others? What instruments can the council/committee use to promote remedial actions in programme implementation and/or management? Is access (by programme participants or their representatives) to all relevant information about the programme likely to be adequate?
- Is there evidence that the programme participants see themselves as subjects
  of human rights? Are programme activities designed and implemented
  for the purpose of strengthening people's self-perception as subjects of
  human rights?

#### 6.3.5 Sub-module 5: Programme management (governance)

Good management is tributary to programme structures and procedures that promote transparency in decision-making and in the administration of programme resources. It helps to provide staff with clearly defined roles and responsibilities, and the capacity to perform these. Only then can they be held accountable for their decisions and performance.

#### ✓ Guiding Questions:

- Do all staff understand their respective responsibilities, and are they likely to act accordingly? To whom are programme staff held accountable for their work, and is their performance to be assessed periodically with a view to capacity strengthening, if required? Are the activities designed to strengthen staff capacity likely to improve their performance? Are the responsibilities of the programme staff to be clearly explained to participants and/or to their representatives? Are efforts to be undertaken to explain to programme staff and programme participants the implications of the norms and standards that are to be applied in the programme?
- What are the norms and standards that are to be applied in the programme? For example, do these norms and standards cover: (a) intended programme participants; (b) quantity and quality of goods and/or services to be provided by the programme; (c) delivery frequency of goods and/or services; (d) goods and services to be procured by the programme; (e) human resources to be employed by the programme; (f) handling of funds and accounting of expenditures; and (g) allocation of programme funds per programme participant?

The case of the Thai School Lunch Programme (Case 11) demonstrates the initial lack of norms and standards with respect to quantity and quality of goods (lunches) to be provided, and with respect to the capacity of the human resources to be employed. The evaluation served the purpose of establishing clear norms

and standards for food safety and nutritional content of the meals to be applied all over the country, thus eliminating inequalities and locational disparities.

#### ✓ Guiding Questions:

• Does the programme design anticipate a wide dissemination of standards and norms? How will adherence to norms and standards be monitored, and who is to participate in the monitoring? Does the programme design include any accountability mechanisms regarding adherence to programme norms and standards? To what extent are programme implementation procedures expected to conform to the stated norms and standards? In the case of actual divergences, how can these be explained? If efforts have been made to more closely align programme implementation procedures with norms and standards, who participated in that process? Were those efforts inclusive of major stakeholders, including programme participants?

#### **CASE 11**

### Food and Nutrition Standards, School Lunch Programme, the Kingdom of Thailand

An evaluation of the School Lunch Programme in Thailand pinpointed several shortcomings in meal quality and nutritional content. It was found that schools did not have a nutritionist, and that few schools used standard menus or were concerned about the nutritional content of the lunches. In addition, there was no meal planning and there were no guidelines for the control of food safety, or for the quantity or quality of the food served. In general it was found that there was a lack of food quality control and monitoring of recommended food standards, as well as a lack of personnel training. Consequently, the meals were found to provide only 70 percent of intended kilocalories (equal to one-third of RDA), with inadequate quantities of calcium and vitamins A, B1 and B2. Also, urban-rural disparities were found in terms of dietary diversity in the school lunches: over 80 percent of urban schools provided foods from the four food groups, while this was only true in 50 percent of the rural schools.

As a result of these findings, a number of changes were introduced. In addition to support training in menu planning and nutrient requirements of school-age children, and to providing test kits to monitor food safety, guidelines were drawn up to cover: (a) meal preparation, with 100 recipes that were shown to be favoured by children; (b) hygienic standards in food preparation; (c) recipe content, to always include rice, dessert, fruit and milk; (d) rice, to be provided 4–5 days/week; and (e) lunch meals, to provide 600–640 kilocalories and 40 percent of recommended daily allowances of energy intake.

Source: WFP, 2007.

#### 6.3.6 Sub-module 6: Monitoring and evaluation

Provided they are conducted in an outward and forward-looking manner, monitoring and evaluation can be effective tools to advance the right to food. They should be seen as an opportunity to learn and to improve programme interventions and outcomes, rather than to sanction anyone. Monitoring and evaluation should be participatory and empowering for all who have a stake in the programme. Monitoring results should be shared openly to foster constructive dialogue among all stakeholders, with a view to building consensus and deciding jointly on necessary changes.

#### ☑ Guiding Questions:

- Is monitoring part of the programme design? If so, what is to be monitored? How is this to be done, at what level(s), and who is to participate in programme monitoring? What purpose(s) is programme monitoring to serve? If programme monitoring has already taken place, is there evidence that monitoring results have had any impact on adjusting programme design, implementation procedures and/or management practices? Is there any evidence that findings and conclusions reached as the result of programme monitoring have had an impact on sector policies, institutional practices and/or on establishing new legislative priorities in other words, have monitoring results had any impact on the programme environment? If so, in what ways? Are monitoring results to be widely disseminated, and if so, to whom and in what forms?
- Is a human rights body to be involved in programme monitoring, and if so, what is its role to be? Is such participation likely to result in strengthening the human rights underpinnings of programme design and/or implementation and management?
- Are periodic programme evaluations to take place? If so, for what purpose, and to whom are the evaluation results to be made available? Which institution(s) or stakeholder group is to act on the evaluation findings?

#### 6.3.7 Sub-module 7: Programme linkages

Linkages should be promoted among programmes at all levels to avoid duplication and competition, and to generate synergies with other, possibly overlapping, initiatives. In this regard, it is particularly important that local government, non-governmental organizations (NGOs) and private sector institutions should be informed about programme objectives and implementation. Mutually beneficial linkages among programmes and the implementing institutions are best nurtured through partnerships, and such partnerships are emphasized within a right to food approach. Note that linkages with basic services programmes are further explored under sub-module 6.4.3.

Programme linkages and exchanges with representative community and grassroots organizations are key to informing communities about the programme, to promoting participation, and to contributing to ways in which participants can hold government accountable for programme design, implementation and management. Engaging local private sector bodies or enterprises can help persuade businesses to support, rather than act counter to, the programme's aims and objectives, with possible positive outcomes for the realization of the right to food.

#### ☑ Guiding Questions:

• Are programme activities included designed to strengthen linkages with other related programmes, and if so, with which programmes? Are specific efforts to be undertaken to inform local authorities, NGOs and private businesses about the purpose and nature of the programme, in order to seek their cooperation and assistance to achieve (or at least not impede) programme objectives? Are additional ways to be implemented to get potential partners involved in the programme? Are local authorities and/or NGOs to participate in monitoring the programme?

## 6.4 MODULE II: ASSESSING THE MACRO-ENVIRONMENT OF THE PROGRAMME

#### 6.4.1 Sub-module 1: Policy, legislative and institutional environment

As a programme is a means for implementing national policy, its objectives and implementation methods and procedures should be derived from national policies. National policies should fully reflect international, legally binding agreements that have been ratified by the country and thus to which the country is committed, irrespective of whether these commitments are reflected in domestic policies and legislation or not. Examples include international human rights conventions and those relevant to the right to food, such as the International Covenant on Economic, Social and Cultural Rights. International agreements, such as the MDGs, often include goals and targets which are usually adopted or adapted as national goals and targets. Programme assessment should thus take into account that the programme may be expected to contribute to attaining these goals and targets.

Policies and programmes are implemented by public institutions, whose responsibilities are determined by laws and regulations. A right to food approach makes provisions for claims/recourse against such institutions, if it is considered that they have not fulfilled their institutional mandates and responsibilities towards realizing the right to food within the context of the programme and its expected outcomes. This sub-module thus includes the institutional environment as well as legislative basis of the programme.

The example below (Case 12) details the legislative authority for the National School Nutrition Programme in the Republic of South Africa. There are certain constitutional provisions that directly relate to the Programme's objectives, as well as legislative acts and executive degrees that relate to specific aspects of the Programme's implementation.

#### **CASE 12**

#### **National School Nutrition Programme, South Africa**

The National School Nutrition Programme has the following objectives:

- Contribute to the improvement of education by enhancing primary school pupils' learning capacity, school attendance and punctuality; contribute to general health development by alleviating hunger;
- Educate pupils on nutrition, and improve nutritional status through micronutrient supplementation;
- · Eradicate parasites wherever indicated;
- Develop the nutrition component of the general curriculum.

These objectives closely correspond to certain constitutional guarantees as well as to provisions in domestic legislation. The Bill of Rights of the Constitution of South Africa stipulates the constitutional rights of citizens to health care, food, water, social security and education. The most relevant sections are: No. 27 on the right of access to sufficient food, No. 28 on the right of children to basic nutrition, and No. 29 on the right to basic education. Implementation of the Programme is based on provisions contained in the 1994 White Paper on Reconstruction and Development. The most relevant provisions of the legislative framework include:

- Access to quality food and basic nutrition enshrined in the Constitution and the Convention of the Rights of the Child;
- Access to quality basic education and learner success, as stipulated in the 1996
   National Educational Policy and the 1996 South African Schools Act 84;
- Targeting of schools for school feeding, according to the Norms and Standards for Funding of Public Schools (Department of Education General Notice 2362 of 12 October 1998);
- Provisions enshrined in the White Paper No. 5 and Cabinet Resolution of January 2002;
- Caring for children living with HIV/AIDS, for orphans and for other vulnerable children, according to the Strategic Plan for the Department of Education 2003–2005.

Source: Republic of South Africa, 2008.

#### ✓ Guiding Questions:

- Which policies and/or plans of action provide the basis for the programme? Does the programme reflect policy priorities? Does the programme have a legislative mandate in the form of a law? Does the programme have a legal mandate, such as a constitutional provision?
- Which national and/or local level institutions are responsible for designing, implementing, managing and monitoring the programme? Are their roles clearly mandated, and do they have the capacity to perform these roles? How strong are inter-institutional linkages and coordination with respect to programme management? Does the programme design envisage putting in place mechanisms that effectively allow programme participants (and others or their representatives) to hold these institutions accountable for poor performance, inappropriate use of resources, or unlawful conduct? If so, what do these mechanisms consist of? Are they likely to be effective?
- In the case of programmes that have been operational for a while, is there evidence that any claim or recourse instruments have actually been accessed by programme participants or their representatives, and if so, what were the outcomes? Which bodies are responsible for receiving, analyzing and providing an official response to claims? Have these institutions responded effectively to claims by instituting changes in the way that participating institutions actually operate?

#### 6.4.2 Sub-module 2: Government's resource commitments

Government priorities may be indicated in national policies and legislation; however, they are reflected most clearly in public budget allocations and expenditures. Adequate and stable programme funding is key. If government is committed to the progressive realization of the right to food, funding of right to food programmes should increase, particularly if the overall budget increases. However, in times of budget reductions, government may try to shift programme costs to programme participants, obliging them to re-allocate household budgets. This may negatively affect the enjoyment of other rights.

#### ✓ Guiding Questions:

• What budgetary appropriations are to be made for the programme, and are these to be included in the regular budget or a special budget? Is the programme budget adequate for the timely implementation of activities? Is it likely that actual expenditures will match budgetary allocations, or may expenditure gaps occur – meaning less or more than 100 percent implementation of budgetary allocations translate into actual expenditure? Do these reflect the government's commitment to the progressive realization of the right to food? Are other levels of government expected to assume part of the programme costs, obligations or commitments, and if so what share are they to assume?

Does the programme budget provide for a steady flow of funds or is it expected to fluctuate over time because of changing funding sources?

 How are programme costs to be covered at the community level? Will the community be required to contribute, and if so, how is this to be done, and is the community expected to participate in deciding what its contribution will be?

#### 6.4.3 Sub-module 3: International community

The international community can play an important role in promoting the right to food, by engaging constructively with government about how it can support and work with the country towards realizing the right to food. Such dialogue should be conducted within the context of country policy priorities, objectives and means. If the programme being assessed is partially or wholly donor-supported, donor preferences and policy priorities will also enter into this dialogue.

#### ✓ Guiding Questions:

• Does the international community support the creation of an environment favourable to human rights and the right to food in the country, and if so, how? How can the international community best do this, and through which partners at the national and local levels – in general and in relation to any particular programme? Has there been dialogue between the international community and government about its desire to improve food and nutrition security, the government's international responsibilities regarding the right to food, and how the government can be assisted to meet these obligations? If so, how is this reflected in the programme design?

#### 6.5 MODULE III: ASSESSING THE PROGRAMME'S IMMEDIATE ENVIRONMENT

#### 6.5.1 Sub-module 1: Addressing different forms of diversity in programme areas

Countries exhibit diversity within their boundaries, and programmes are likely to cover participants with diverse backgrounds and/or characteristics. Diversity can take the form of:

- geographical diversity: agro-ecological and climatic zones, rural vs urban populations, and degree of isolation of communities;
- socio-economic diversity: livelihood diversity, diversity in household income levels or in employment status;
- demographic diversity: e.g. age, gender;

- diversity in health conditions: e.g. malaria, people living with HIV/AIDS or with disabilities;
- ethnic and cultural diversity: e.g. indigenous groups, undocumented immigrants.

Consequently, one or more forms of diversity are likely to be found among the target groups served by programmes. Unless taken into account in programme design and/or implementation, such diversity can cause or reinforce existing inequities, which may in turn induce discriminatory practices, result in disrespect for human dignity, and/or cause differential programme impacts. For example, an agricultural extension programme may concentrate its service provision in more accessible parts of the country to reduce costs. An employment-generating programme may provide training in skills for jobs typically occupied by men. A food distribution programme during emergencies may not take into account the culturally acceptable food consumption patterns of affected indigenous groups. Urban health services may be of higher quality than health services provided in rural areas.

The food and nutrition situation analysis should have provided information about the existence of these diversities in the programme areas and/or within target populations. The flexibility to adapt the programme's design and implementation to these varying conditions is key to ensuring that the programme locally addresses the underlying causes. From a human rights' perspective, it is important that the programme respects these diversities and adapts to them.

#### ✓ Guiding Questions:

• Is local diversity among programme areas and/or target populations fully accounted for in the programme design and implementation strategy? How can these diversities be characterized? Does the programme design call for periodic assessments of changes in local diversities for the purpose of adapting programme implementation strategies? Is there evidence that programme design and implementation are likely to be adapted over time to changes in local diversity? Will local programme staff be sufficiently trained to detect local diversities? Will they be authorized to make changes if programme implementation at local level is found to be inconsistent with local conditions?

#### 6.5.2 Sub-module 2: Levels of community development

Conditions at the community level or in programme areas will affect the programme's performance. Such conditions may present opportunities and/or constraints. Opportunities may include a culture of community cooperation and solidarity, strong grassroots organizations, respected community leaders, and previous experience with positive development actions. Constraints may

include low literacy levels, dependency resulting from previous hand-out programmes, community leaders with a power base outside the community, frequent exposure to natural disasters, limited local technical expertise, etc. Through flexibility in programme design, implementation and/or management, a programme can take advantage of local opportunities and mitigate against local constraints, thereby increasing its relevance and responsiveness to local needs, and also making efficient use of programme resources. The programme may also contribute to community development over and beyond its immediate aims and objectives, by incorporating activities that address some of the identified constraints.

#### ☑ Guiding Questions:

• Is there evidence that local opportunities and constraints in programme areas have been identified as part of the situation analysis? If so, how does the programme design anticipate taking advantage of community level opportunities and addressing community level constraints? Does the programme design anticipate contributions to community development over and beyond programme interventions? If so, what is planned in this regard, and what is likely to be the actual effect? Can programme staff be expected to contribute informally to community development, and if so, what form is this likely to take and who would benefit?

#### 6.5.3 Sub-module 3: Access to basic services

Adequate access to basic services is likely to be key to implementing FNS-related programmes. For example, improved access to safe water and good sanitation may impact favourably on a nutritional improvement programme for under-five children. Providing adequate basic services also contributes to the fulfilment of other human rights, such as the right to health, education and housing, and of associated rights such as the right to safe water, thus recognizing the interrelatedness and interdependence of all human rights. Consequently, responsible institutions and organizations should be mobilized to provide services basic to the progressive realization of all economic, social and cultural rights; the programme can assume a facilitating role in this respect.

#### ✓ Guiding questions:

• To which basic services is access essential for the programme's effectiveness? What is the current state of access to basic services in the programme areas? Does the programme design include actions to improve access to basic services? Have such actions been implemented and if so, with what results? Does the programme design contemplate establishing local partnerships with institutions and/or organizations that provide basic services? Can local communities be expected to participate in such partnerships?

#### 6.5.4 Sub-module 4: Local government structures and capacities

The need for the programme to work through local administrative and social structures was partially addressed under the sub-modules on Community participation and Programme linkages (6.2.4 and 6.2.7). The role of local government structures and the local regulatory environment is expanded on here. If local government is to have specific responsibilities for the implementation of the programme; its capacity to assume those responsibilities is key. The extent to which local government applies good governance practices may also carry over into the programme's implementation process. In the case of a national programme with substantial participation by local government, the capacities, commitment and application of governance practices may vary among programme areas. At the same time, local regulations and ordinances may introduce either facilitating or obstructing factors in programme implementation.

#### ☑ Guiding Questions:

• What is the level and role local government participation in the programme? What is the capacity of local government to assume those responsibilities? Is there evidence that this capacity varies among localities? If so, what are likely to be the consequences for programme effects? Is there evidence that governance practices by local government vary among localities? What governance practices by local government are likely to facilitate programme implementation? Is there evidence that local governments will have a positive impact on promoting good governance within the programme? Is there evidence that local regulations are either obstructing or facilitating the local level implementation of the programme? Are local level regulations built into the programme design?

#### 6.6 MODULE IV: ASSESSING THE PROGRAMME'S SUSTAINABILITY

The continuous availability of adequate programme resources (human, financial), a strong sense of ownership by programme stakeholders, and the capacity to respond effectively to future needs and new priorities, are indeed important elements for the programme's sustainability. Programmes also require political support, and need to align with policy priorities that can change over time. The availability of public resources is thus likely to fluctuate over time, and programmes may be eliminated for political reasons. It follows that flexibility in programme design and implementation procedures is important so that programmes can adequately respond to new needs and priorities – and if need be, adjust design, implementation procedures and management practices – thus maintaining their relevance over time. At the same time, the programme itself can lay the basis for sustainability of programme impacts by increasing the participants' capacities to undertake actions on their own and thereby reducing over time their dependence on the programme. For example, increasing the participation of programme participants in decision making, in designing technical

solutions, and participating in their implementation, provides for a learning process that confers new knowledge and skills for autonomous development activities.

#### ☑ Guiding Questions:

- Are the programme design and the implementation process flexible enough so that the programme can adjust to future needs and changing priorities? Is there any evidence that the programme has either strong or weak political support? Is it likely that the availability of programme resources will outlast a given political mandate? Will part of the programme be institutionalized through sector activities, or be incorporated in sector plans? What have been recent trends in programme funding, and what do these trends suggest with respect to programme sustainability? Are human and other resources likely to be sufficient to sustain the programme and its desirable impacts?
- Does the programme design include actions for the purpose of empowering participants to increase their capacities? If so, is there evidence that those actions are likely to be effectively implemented and what their effects are likely to be?

### 6.7 MODULE V: PROGRAMME IMPACTS ON THE RIGHT TO FOOD AND OTHER HUMAN RIGHTS

This module addresses how to assess the impact a programme can have on the protection and realization of the right to food and other human rights. This becomes relevant only in the case of an *ex post* evaluation of an ongoing programme, i.e. there needs to be an accumulated experience of programme implementation before such an evaluation can take place. The actual and measured impacts of the programme are then compared to the intended impacts as stated in the programme design. Information about the programme's impact can serve to improve its subsequent design, implementation and management, hopefully with a view towards strengthening the impact on the protection and realization of the right to food and of other human rights. The challenge of attribution should be borne in mind when drawing conclusions about the programme's impacts. This means that only impacts immediate to the programme should be evaluated and those directly related to the programme's objectives.

The principal concern regarding the realization of the right to food is the impact on the elements of the core content outlined previously (see Chapter 2), and how the programme affects the right to food (and related rights), particularly of the food-insecure and malnourished among the programme participants. Were any of the rights of non-participants affected? If so, how? Were the programme outcomes equitably distributed among programme participants? Did programme outcomes reach those most in need of them? Did any form of discrimination, or method of implementation contrary to other right to food principles, prevent specific groups

from receiving programme goods and/or services? Programmes, especially those with strong inter-sectoral links, may affect human rights other than the right to food. For example, a school feeding programme can influence the realization of the rights to food, education and health for schoolchildren and their families. A programme that impacts negatively on the realization of the right to food (and other human rights) should either be modified (in design, implementation and/or management) or be eliminated.

#### ✓ Guiding Questions:

#### Food and non-food programme impacts

What impacts has the programme had, and how do these relate to programme objectives? If the programme had explicit food security objectives, how did it impact on the various dimensions of the core content of the right to food? If specific benchmarks were established, were these met? If benchmarks were not met, and/or if the programme had a negative effect on any part of the core content of the right to food, were the reasons for this examined, and if so, by whom and with what results?

If the programme had any unforeseen impacts (positive or negative), who did these affect and how? Has participation in the programme benefited non-programme persons, and if so, who has benefited and how?

#### **Differential programme impacts**

Did programme impacts differ among various geographic areas or among different groups of programme participants, and if so, what may explain this? Were efforts made, for example by changing the programme design, implementation or management procedures, to reduce or eliminate these differential programme impacts? Did programme impacts coincide with community priorities?

#### Impacts on human rights

Did the programme impact positively or negatively on the realization of the right to food? What were the causes of any negative impact? If other human rights were affected, which rights were these, whose rights were affected, and in what ways?

## 7. FINAL THOUGHTS

While eliminating chronic hunger and malnutrition remains a major concern for many governments, including those in developed countries, progress towards this goal remains slow and uncertain. This can, at least partially, be ascribed to the multitude of often interrelated causes of food insecurity and malnutrition, which thus require complex and demanding holistic responses in order to be overcome.

This document is based on the rationale that the success of such holistic, integrated responses depends largely on well-formulated and well-executed food and nutrition security policies and programmes. As advocated by current development discourse, it is also argued that integrating right to food principles into food and nutrition security policies and programmes can lead to more sustainable and positive food and nutrition security outcomes, while at the same time enabling concrete steps for the protection and fulfilment of the human right to food, to which most countries have signalled their commitment by ratifying relevant international law instruments. In a number of countries such international law commitments have been incorporating in national legislation and/or have been included in provisions of national constitutions. Public policies and programmes are thus instruments to implement such commitments.

The document offers a simple and practical method to analyse food and nutrition security policies and programmes from a right to food perspective, as a way to promote the integration of right to food principles into the design and implementation of such policies and programmes. It proposes pragmatic ways of transforming into action complex and challenging food security, nutrition and right to food concepts.

The method can be used to introduce right to food principles into yet-to-beformulated policies and programmes, and/or to analyse the extent to which existing food and nutrition security policies and programmes include right to food principles. The advantage of the latter is that it allows countries to establish the extent to which they may already have implemented some or all good governance practices based on human rights principle, and to define ways to strengthen the right to food underpinnings in those food and nutrition security policies and programmes. Such an alignment with right to food can help practitioners understand the practical implications and benefits of pursuing this approach, as well as help them identify further actions required to strengthen the human rights underpinnings of policies and programmes.

Practitioners should not be discouraged by what may be required to formulate and implement right to food-based food and nutrition security policies and programmes. While the goal of realizing the right to food for all is likely to take time and may seem daunting in the short-term, what is important is to ensure that food and nutrition security policies and programmes represent steady progress towards that goal. A right to food situation analysis should serve as a "compass" to ensure that options and actions chosen under food and nutrition security policies and programmes are aligned with a strong right to food course.

Users of this guide are reminded that it is meant to be applied flexibly to strengthen the formulation and implementation processes of food and nutrition security policies and programmes under different and sometimes changing circumstances. The methodological guidance provided here should serve as a basis to adapt the assessment to specific country situations and to reasons for undertaking the assessment in the first place. Those reasons should be clearly articulated at the start of the assessment and should be agreed to by all participants in the assessment process.

Finally, it is important to bear in mind that good governance practices should be applied during the formulation process or when an *ex post* analysis is conducted. This concretely means that the analysis should have a clear and transparent agenda, and should not be conducted for the purpose of furthering specific interests. Conclusions should be arrived at consensually, among all participants engaged in formulation or analysis. Opportunities to empower participants during the analysis phase should be fully exploited. Conditions should be created to place all participants on an equal footing, and to ensure that the voice of each is heard and respected. Those who conduct the analysis according to a mandate and a specified work plan are accountable both for the high quality of the work, as well as the timely delivery of agreed-upon outputs.

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#### **ANNEX 1.**

#### RIGHT TO FOOD SITUATION ANALYSIS

The right to food situation analysis normally consists of four main components: (a) food and nutrition security situation, (b) legal and legislative environment, (c) relevant policy environment, and (d) institutional setting for the right to food. An example of a right to food situation analysis may be found in FAO (2013).

#### Food and nutrition security situation analysis

The food and nutrition security (FNS) situation analysis is normally structured along the four pillars of food security: (a) food availability - domestic food production and net food imports; (b) food access - household food production, household income levels and distributions, trends in domestic food prices; (c) food utilization/ nutritional adequacy - food consumption patterns, nutritional deficiencies and their health consequences; and (d) stability in domestic food supplies exposure to man-made and natural shocks, livelihood resilience to shocks, resilience in domestic food production to shocks. The analytical approach includes a causal analysis to explain the reasons for food and nutrition insecurity problems. An equity analysis can also be undertaken by accessing disaggregated data sets (when available) to identify demographic, social, economic, cultural and location risk factors for household food insecurity and malnutrition. These risk factors produce inequities, and it is expected that the right to food orientation of a policy or programme adequately addresses such inequities, by assigning high priority to assisting households and individuals who are the most affected by one or more FNS risk factors.

#### Legal environment for the right to food

This part of the analysis provides an overview of the international human rights obligations, relevant constitutional and human rights laws, and human rights institutions in the country. It summarizes which international law instruments have been ratified by the country, refers to national constitutional provisions

and domestic legislation relevant to the right to food (including social protection legislation), details the legal system (including relevant customary law), identifies national human rights institutions and their mandates, outlines legal frameworks related to participation and accountability mechanisms, and provides insights into the justiciability (or lack thereof) of the right to food in the country.

#### Policy environment for the right to food

The main focus is on national strategies, policies and programmes that relate to food and nutrition security and that impact, or may potentially impact, on the realization of the right to food. Included are in general over-arching policy frameworks, such as poverty reduction and economic and social development strategies, as well as relevant sector policies (agriculture, health, social protection, environment, trade and commerce, employment, women and child development, public works, etc.). Specific criteria need to be established in each country setting for the selection of national strategies, policies and programmes to be included in the analysis. The analysis in this part of the assessment will be guided by the findings and conclusions contained in the FNS situation analysis: (a) what policies and programmes address food and nutrition security problems and their causes, and what evidence exists about their impacts?; (b) are the most food-insecure and vulnerable population groups prioritized by policies and programmes?; (c) how do regional FNS strategies, policies and programmes translate into relevant national policies and programmes?; and (d) what are the policy responses with respect to addressing inequities identified in the situation analysis, and how do these policy responses contribute to the protection and realization of the right to food?

#### Institutional setting for the right to food

The first step is to establish criteria for the selection of national and local governmental institutions, as well as civil society and private sector organizations to be included in the analysis. Of interest are institutions and organizations with mandates that relate to the various dimensions of food and nutrition security, human rights, and specifically the right to food. National and local bodies that are tasked with multi-sector policy and programme planning and coordination should be included. Wherever possible, key coordination bodies, institutions and organizations are to be examined to determine their effectiveness in relation to their mandates, their capacity gaps, and the extent to which they routinely apply good governance practices in their operations and management.

#### Assessment methodology

The assessment will typically be conducted by means of a desk review of existing documentation and data sources, complemented by information obtained through interviews with key informants. An inventory of relevant documentation

and data sources at regional and country levels should initially be raised, with the information and data to be appropriately analysed and synthesized. Gaps in the available information will be filled through information obtained by interviewing key informants at national and local levels. The initial findings of the institutional analysis should assist in identifying specific key informants for follow-up interviews.

#### Right to food analytical report

The final analytical report may be organized following this suggested outline:

#### Foreword

Acknowledgements

List of Abbreviations and Acronyms

- I. Introduction
- II. Main Challenges to the Right to Food in the Country
- III. Assessment Methodology
- IV. The Food and Nutrition Security Situation in the Country
- V. The Legal Environment for the Right to Food
- VI. The Policy Environment for the Right to Food
- VII. The Institutional Setting for the Right to Food
- VIII. Synthesis of Principal Findings and Recommended Actions

#### References

**Annexes** 

## ANNEX 2. SECTOR POLICY REVIEW: METHODOLOGICAL ISSUES

#### How to initiate and conduct a sector policy review (SPR)?

The first step is to decide and reach agreement on the following key aspects of a SPR:

- Policies of which sectors should be reviewed?
- Who should be involved in the sector policy review?
- How should the review be organized, and what review methods, information gathering techniques, and impact analysis tools are likely to be useful?
- How should the SPR report be organized?

#### Which sector policies to review?

Government may decide to undertake a sector policy review for a number of reasons: (a) to update a sector policy, (b) overall government goals and priorities have changed, (c) a food and nutrition security (FNS) policy framework is to be prepared, or (d) the donor community has made assistance conditional on a sector policy review. In this case, only sectors likely to influence FNS would be selected for such reviews; these are likely to include agriculture (food production), food industry, domestic commerce, foreign trade, health, employment, social welfare or social protection, public works, water and sanitation, disaster preparedness and management, and food prices. Depending on tax structures, fiscal policies should not be overlooked.

#### Organization of the sector policy review

The SPR should be conducted according to a clearly defined structure and process, with clear aims and defined outputs. This will most likely involve the following:

- a working group with a clear mandate to undertake the SPR;
- a consultative review process that, in addition to decision-makers and staff
  of the institution(s) responsible for the policy being reviewed, should also
  involve other stakeholders who have participated in the formulation of the FNS
  policy framework;
- a work plan that outlines specific outputs, methods to be used, timelines for specific activities, responsibilities, and required human and financial inputs.

While there is no standard recipe regarding the composition of the working group, the group should be clearly mandated to undertake the review by high-level authorities who support the SPR. This ensures that senior decision-makers appreciate the value of the SPR; in addition, it formalizes the process and empowers the working group members. It also helps to mobilize resources for the review, including assistance from technical cooperation agencies, and contributes to the likelihood that recommended policy changes are eventually accepted by policy decision-makers.

Although the working group will have the task of conducting the review and recommending policy changes, it should consult stakeholders regularly both within and outside the sector to obtain inputs, test proposals (including information on their relevance and practicality), and to help create broad-based ownership of recommended policy changes. In this regard and from a human rights perspective, it is particularly important to include and consult those who are likely to be most affected by the sector policy and by any proposed changes.

A clear work plan provides direction for the working group and helps make the review an organized process with defined deliverables. It can also be used by decision-makers and others to hold the SPR working group accountable for its performance.

#### **Review methods**

There are several options that can guide the focus of the SPR. Which option(s) is chosen will be determined by the depth of analysis needed, the time available for the review, and the availability of resources. Some of these options are:

(a) comparing the sector policy's objectives and priorities with those of the FNS policy framework, flagging where compatibility exists and where not;

- (b) comparing implementation strategies and major intervention areas, and flagging incompatibilities between the sector and the FNS policy frameworks, particularly where the sector policy fails to implement important measures foreseen in the FNS policy framework;
- (c) an analysis of the impact of the sector policy to understand its effects on FNS, particularly on the neediest population groups.

#### Information gathering methods

Information for options (a) and (b) can usually be obtained by:

- · desk reviews of policy and related documents;
- interviews with key informants in and outside the sector;
- focus group discussions, including those affected by the sector policy, and those who may be charged with implementing policy changes.

The sector policy impact analysis can be conducted at different levels of complexity. Participatory methods, such as beneficiary interviews, participatory appraisals, or social impact surveys are recommended to obtain information from those at the receiving end of the policy measures. Quantitative analysis using data from formal surveys may be required. For example, household budget data can be used to look at the distributional effects of a policy (option c).

#### Tools to analyse policy impacts

A number of analytical tools and approaches are available to undertake a sector policy impact analysis. A frequently used approach is a Poverty and Social Impact Analysis (PSIA), which can be conducted at different levels of complexity. A PSIA encompasses a set of analytical techniques that can be used to analyse the impacts of the current policy, as well as the impacts the recommended policy changes may have.

From the outset, the review team members should understand the factors that may constrain the eventual implementation of recommended policy changes, in order to help them devise a post-review strategy for the adoption of recommended policy changes. It is likely that members of the review team will be asked to involve themselves in promoting the adoption of policy change.

<sup>14</sup> See World Bank (2003, 2004, 2006 and 2007).

#### **SPR** report

After the sector policy review has been completed, the working group should prepare a review report. A draft should first be circulated to obtain comments and further inputs, after which the report can be finalized. The final report should then be submitted for endorsement to the government officials that provided the working group with the mandate to conduct the SPR.

In considering how to prepare the review report, and how to organize the review information, the working group may be guided by the following ideas regarding the report outline:

- (a) A foreword or introduction which clearly outlines what the purpose of the SPR is, who provided the mandate for the SPR, and who participated in drawing up the recommendations for changes in sector policy. A statement of endorsement of the report by a high-level official, if available, should also be included;
- (b) A brief description of the FNS policy framework: history, objectives, priorities, targets, implementation strategies, main areas of government intervention, sector linkages;
- (c) A brief description of the sector policy that is being reviewed: history, objectives, priorities, targets, implementation strategies, main areas of government intervention, sector linkages (the complete sector policy document should be annexed to the report);
- (d) A brief description of the organization of the review process, methods employed, and participation in the review (annex the review work plan, list of participants, and – if needed – more details on the methods employed);
- (e) Findings and conclusions of the sector policy review;
- (f) Recommended changes in the existing sector policy, and needs for additional sector policies and their focus. These recommendations should be firmly linked to the review findings and conclusions;
- (g) Recommended strategies to implementing the changes in sector policy;
- (h) Final considerations.

It is important for the review report to address the constraints to the implementation of the recommended changes in sector policies, and not just limit itself to recommending certain policy changes. To the extent that these constraints can be overcome by effectively reaching out to the decision-makers, the review report should provide powerful advocacy arguments for the policy changes, as well as operational recommendations for the implementation of those changes.

#### ANNEX 3.

#### SUMMARY TABLE FOR POLICY ANALYSIS

#### Simple instructions with respect to columns 3 and 4

A few comments with respect to columns 3 and 4 in the table. The third column asks for a rating with respect to each of the items on the content list. Obviously, this involves some sort of judgment, and thus it is not meant to be a scientific exercise, but merely a way to summarize findings of the analysis. Since our main concern here is the right to food and good governance in the policy design (including with respect to implementation) and the formulation process, try to keep the right to food and good governance in focus when providing a specific rating. We propose a four-way rating system, though any other system can be equally valid. The system in column 3 is as follows:

- (a) leave blank when there is no evidence available, either from the policy document itself and/or from complementary information obtained through interviews, or from other documentation;
- (b) © if the information "hints" at this or is indicative, but still leaves doubts about what the intent is:
- (c) © © if the information covers at least some of the dimensions of this item;

It may be useful to complete first column 4 by providing a succinct description and/or comments related to each item, before applying a rating in column 3. The description and comments in column 4 should help with understanding a particular rating and should expand on it. In completing column 4, describe and comment on the specific dimensions of the item on the content list. For example, referring to good governance practices, comment on which practices are likely to be adhered to, and which ones not.

#### **Summary Statement**

Once the summary table has been completed, we suggest that the findings and conclusions be summarized in an overall statement which focuses on the right to food and good governance in the policy. We further suggest that this statement be divided into four parts:

- (a) Policy intent, with respect to the protection and realization of the right to food, summarizing the findings related to prioritizing improvements in the food security and nutritional status of the most food-insecure, and the most vulnerable and marginalized groups;
- (b) Policy intent, with respect to the implementation of the policy and the degree to which the policy implementation process is likely to support the policy's priorities – especially as these relate to the most food-insecure and vulnerable – while adhering to good governance practices during implementation;
- (c) An overall assessment of the policy formulation process and the degree to which good governance practices were adhered to, and to which those practices laid a basis for policy implementation with good governance practices;
- (d) Lessons that can be learned from this analysis with respect to best practices for integrating the right to food in food and nutrition security policies, and for undertaking policy formulation with a strong adherence to good governance practices.

#### **Summary Table of Findings and Conclusions**

#### Which policy?

Policy Design: Intent, Implementation and Formulation Process	Contents/Right to Food Entry Points (based on Checklists 3 and 4)	Rating blank = no mention  □ = weak, little mention  □ □ = moderate, some mention  □ □ □ = strong, significant mention	Description/ comments
Policy Intent	Comprehensive right to food situation assessment done – results used in policy document – includes a causality and equity analysis.		
	Government's political commitment to the right of adequate food affirmed; legal basis stipulated for the right to food provisions in the policy.		
	Food insecure & vulnerable groups identified and described as well as structural inequities in FNS outcomes.		
	Policy prioritizes FNS improvements in worst-off and marginalized groups.		
	The full protection and eventual realization of the right to adequate food are part of the long term goal to which the policy intends to contribute.		
	The creation of an enabling environment for the protection and fulfilment of the right to adequate food is included among the main policy objectives.		
	Policy objectives and targets are SMART and present a basis for holding government accountable.		
	Policy strategies and general action areas address the main food insecurity & vulnerability causes for different worst-off, marginalized, food-insecure and malnourished groups.		

Policy Design: Intent, Implementation and Formulation Process	Contents/Right to Food Entry Points (based on Checklists 3 and 4)	Rating blank = no mention © = weak, little mention © © = moderate, some mention © © © = strong, significant mention	Description/ comments
Policy Implementation	Policy document specifically refers to drawing up operational plans within a specific time period that prioritize targeted policy actions for the most food insecure and malnourished.		
	Policy implementation principles include good governance practices based on human rights principles.		
	Specific reference is made in operational plans to the need for actions to ensure adherence to human rights principles and good governance practices.		
	Policy document mentions resource mobilization strategies and indicates the links to budgetary processes.		
	Mention is made of the need for a legislative act for policy implementation covering budgetary allocations and the institutional framework for policy implementation and coordination.		
	A participation framework is specified and includes CSOs, human rights institutions, social movements and grassroots organizations.		
	Institutional mandates and responsibilities for policy implementation are specified for key stakeholders including public institutions.		
	Mechanisms are specified to hold key stakeholders accountable and to exercise social audits of policy progress at all levels.		
	The policy mandates the monitoring of both implementation processes and policy impacts.		

Policy Design: Intent, Implementation and Formulation Process	Contents/Right to Food Entry Points (based on Checklists 3 and 4)	Rating blank = no mention  □ = weak, little mention  □ □ = moderate, some mention  □ □ □ = strong, significant mention	Description/ comments
Policy Implementation	Specific mention is made of policy monitoring that focuses on impacts on the protection and realization of the right to food (among the most food-insecure and vulnerable), and on adherence to good governance practices.		
Policy Formulation Process	Special efforts were made to include worst-off and marginalized groups in the process.		
	Participation by many different stakeholders.		
	Effective participation by representatives from grassroots level.		
	The process empowered the participants through concrete efforts.		
	Care was taken to use only formulation methods that fully respect human dignity and maximize effective participation.		
	Special efforts were made to build consensus on policy content among the participating stakeholders.		
	Proposals for policy content were explained and discussed among the participating stakeholders, and information about the process was often made widely available.		
	A work plan was drawn up that specified outputs, timelines, resources and responsibilities, was widely made known among stakeholders, and was completed in timely ways.		

# **Summary Statement** Policy Intent: Protection and realization of the right to food Policy Intent: Implementation with good governance practices Policy Formulation Process: Adherence to good governance practices **Lessons Learned through the analysis:** 1. \_\_\_\_\_



#### METHODOLOGICAL TOOLBOX ON THE RIGHT TO FOOD

The purpose of the Methodological Toolbox is to provide a practical aid for the implementation of the Right to Food Guidelines.

It contains a series of analytical, educational and normative tools that offer guidance and hands-on advice on the practical aspects of the right to food. It covers a wide range of topics such as assessment, legislation, education, budgeting and monitoring. It emphasises the operational aspects of the right to food and contributes to strengthening in-country capacity to implement this right.

Visit our website http://www.fao.org/righttofood

#### **METHODOLOGICAL TOOLBOX ON THE RIGHT TO FOOD:**

- 1. GUIDE ON LEGISLATING FOR THE RIGHT TO FOOD
- 2. METHODS TO MONITOR THE HUMAN RIGHT TO ADEQUATE FOOD [VOLUME I VOLUME II]
- 3. GUIDE TO CONDUCTING A RIGHT TO FOOD ASSESSMENT
- 4. RIGHT TO FOOD CURRICULUM OUTLINE
- 5. BUDGET WORK TO ADVANCE THE RIGHT TO FOOD
- 6. INTEGRATING THE RIGHT TO ADEQUATE FOOD IN NATIONAL FOOD AND NUTRITION SECURITY POLICIES AND PROGRAMMES

