

1. INTRODUCTION

WHY A RIGHT TO FOOD ASSESSMENT?

This guide has been written to assist countries in undertaking a right to adequate food assessment as a first step in the process of developing a right to adequate food strategy and in implementing specific measures that respond to their obligation to progressively realize this human right.

The importance of initially undertaking a right to food assessment is also recognized in the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (thereafter referred to as “Right to Food Guidelines”), which provide a framework for the realization of the right to adequate food at country level.

Guideline 3.1 calls on states to:

...consider adopting a national human-rights-based strategy for the progressive realization of the right to adequate food in the context of national food security as part of an overarching national development strategy, including poverty reduction strategies, where they exist.

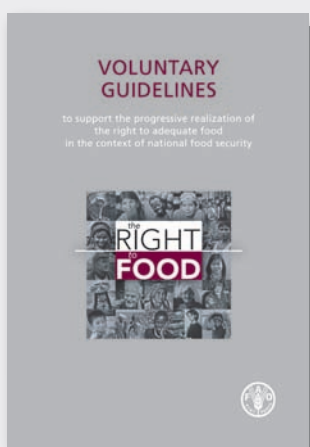
Guideline 3.2 states that:

The elaboration of these strategies should begin with a careful assessment of existing national legislation, policy and administrative measures, current programmes, systematic identification of existing constraints and availability of existing resources.

Guideline 3.2 goes on to state that such an assessment should enable states to “*formulate the measures necessary to remedy any weakness, and propose an agenda for change and the means for its implementation and evaluation*”.

The Guidelines include more recommendations of relevance to assessment. This guide will mention them throughout the text whenever necessary.

BOX 1.1 - Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (FAO. 2004a)



*The **Right to Food Guidelines** are the first interpretation by governments of the right to adequate food. The Guidelines provide practical guidance and highlight the different areas to be considered when implementing a rights-based approach to food security. The Guidelines also needed to be general enough to cover all different realities in the world. Implementation at national level needs to take into account the country's specific situation, geography, resources and culture, while upholding the universal human rights principles.*

The assessment is part of the entire implementation process of the right to food at national level which encompasses seven steps:

Seven steps for the implementation of the right to food

- ✓ IDENTIFYING THE HUNGRY AND THE POOR.
- ✓ CONDUCTING A THOROUGH ASSESSMENT OF THE LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK.
- ✓ ELABORATING A SOUND FOOD SECURITY STRATEGY.
- ✓ STRENGTHENING THE LEGAL FRAMEWORK.
- ✓ ALLOCATING OBLIGATIONS AND RESPONSIBILITIES.
- ✓ MONITORING THE PROGRESSIVE REALIZATION OF THE RIGHT TO FOOD.
- ✓ ESTABLISHING RECOURSE MECHANISMS.

The “careful assessment”, as stipulated by the *Right to Food Guidelines*, focuses on the first two steps of the implementation process. Typically, such an assessment can be summarized by the following core elements:

- Identifying and characterizing food insecure, vulnerable and marginalized groups that do not enjoy the right to adequate food (and most likely other economic, social and cultural rights).
- Understanding the underlying reasons why each group is food insecure, vulnerable and/or marginalized.
- Understanding the legal and institutional environment within which policy and programme measures need to be implemented, and potential risks that could jeopardize the furthering of the right to adequate food.
- Understanding the implementation processes and impacts of existing (or proposed) policy and programme measures and the needs for policy and programme re-design to facilitate the realization of the right to adequate food.

The identification of the food insecure, vulnerable and marginalized groups is important in order to measure the extent to which these groups are being reached and how they are affected by policy and programme measures. Individuals can be vulnerable to food insecurity for physiological (e.g. lactating mothers), economic (e.g. no access to natural resources) or political reasons (e.g. discrimination against certain ethnic groups). It is necessary to describe these groups in terms of location, demographic, socio-economic, and livelihood characteristics, and to understand why they suffer from hunger and malnutrition. This enables policy implementers to design well-targeted policy and programme measures that address the underlying causes of hunger and malnutrition effectively.

The analysis of the underlying and root causes of undernourishment will reveal the best entry points for the implementation of measures and actions to further the realization of the right to adequate food. A possible finding could show that the legal framework is inappropriate, does not enable the realization of rights, and thus has to be amended. It could also be that policies, strategies and programmes in place are insufficiently targeted towards those in greatest need in the country. Other examples of shortcomings could be the lack of capacity of the responsible entities to deliver public services, or stakeholders’ inadequate coordination to develop and implement measures towards the enjoyment by all of the right to adequate food.

It is thus important to link the causality analysis of hunger with the assessment of the overall situation in the country closely. The analysis of the legal framework for instance cannot be detached from the lives of the vulnerable populations. Therefore, while the assessment of the laws and constitution of a country is a useful and interesting exercise, it should not be carried out in isolation. The

assessment should reveal the impacts of the constitution and the laws on the lives of the food insecure and suggest entry points for change.

Not only are the outcomes and impacts of policy and programme measures important, but so too are the processes by which these are implemented. Those processes need to be *rights-based*, i.e. be transparent, participatory and equitable, and empower right holders to hold duty bearers accountable. Both the impacts and implementation processes of policy and programme measures are conditioned by the legal, legislative and institutional settings in which they are implemented. These environments thus need to be understood and examined to ascertain whether they are conducive to outcomes that are consistent with human rights principles.

The right to food assessment is not only relevant to countries with acute food insecurity problems; food adequacy concerns, such as unhealthy life-styles that could lead to obesity, and marketing issues (e.g. labelling), are also relevant for developed countries.

ABOUT THIS ASSESSMENT GUIDE

This guide describes methods and tools with which to undertake a right to adequate food assessment. No recipes are presented. The guide attempts to be practical, and to provide the most relevant methodological and operational information. The material contained in the guide draws on lessons learned from FAO-supported country case studies on the right to adequate food, which were prepared as part of the background documentation for the Intergovernmental Working Group (IGWG) (FAO, 2006a). A preliminary version was already used in a number of countries. Findings from these exercises also enriched this guide. The way the methods presented in this guide are actually applied depends on the country situation and the specific purpose of the assessment.

The section following this introduction discusses the value-added of a rights-based approach to food security and clarifies how the two concepts can be distinguished. Based on these arguments, the section goes on to indicate why a right to adequate food assessment is an important first step for the implementation of needed measures to further the right to adequate food at country level. These first two sections will be of most interest for decision makers who decide to explore the right to food and request an assessment of the current situation to be done.

The third to the last section are targeted at technical staff who may be assigned to actually conduct an assessment. The Assessment Guide attempts to be practical and to provide the most relevant methodological and operational information needed to undertake the assessment. Flexibility in selecting the methods to be applied is needed to recognize the different realities in the world and the different demands for assessing the right to adequate food situation.

This guide is targeted at government officials who may require an assessment to make and implement decisions and actions to further the right to adequate food as part of their responsibilities. These could include representatives of the national human rights institution, the food security council or alliance or a line ministry. An assessment may also be undertaken by a non-governmental organization or a UN agency with a view to stimulate national discussion about how to implement right to food actions, or to provide support to government proposed actions aimed at the implementation of the right to adequate food.

The right to food assessment as indicated by Guideline 3.2 may be closely linked to the formulation of a rights-based food and nutrition security strategy. The assessment is then a fundamental part of the preparatory work to formulate such a strategy. Another application of a right to food assessment is to support the preparation of a national report on the status of the right to adequate food for international human rights monitoring bodies, such as the Committee on Economic, Social and Cultural Rights (CESCR). Governments might also decide to undertake such an audit without having a clear idea on how to comply with their human rights commitments. The assessment will structure the planning of right to food implementation, will propose priority areas and will point to the most important activities to be conducted.

It should also be noted that the right to food, and the right to food assessment, should not be seen as relevant only for developing countries. All states, whether rich or poor, have an obligation to progressively realize this right. While they are at different developmental levels and the problems differ between rich and poor countries, the need to assess the right to food situation and to identify ways to advance the realization of this right holds for both.

CRAFTING A RIGHT TO ADEQUATE FOOD ASSESSMENT

Generally, a right to adequate food assessment is initiated by governments: this does not mean that civil society organizations (CSOs) cannot undertake an assessment on their own initiative. However, it is advisable that the assessment is conducted in partnership with government as this will enhance the probability that the conclusions and follow-up actions recommended as part of the assessment will be implemented. Multiple stakeholders then own the assessment results and outcomes. This approach is referred to as the “common-sense” approach, which puts more emphasis on a common understanding than on academic precision. In this spirit, right holders must be consulted during the preparation of the assessment and included in subsequent activities. The assessment should be written in an accessible and comprehensive manner and be widely shared with all stakeholders.

The UN OHCHR *Handbook on National Human Rights Plans of Action* (UN OHCHR, 2002) recommends establishing a coordinating committee led by

a high-ranking government official. A similar approach could be followed for a right to food assessment. The committee would be in charge of coordinating the assessment and drafting of the assessment report, supported by a secretariat. It might also coordinate the implementation of follow-up actions. The secretariat would undertake the technical work of conducting the assessment. Whatever the approach, it is important to ensure adequate consultation and interaction with important stakeholders at different levels. A draft assessment report should be disseminated to all stakeholders in the consultation process with enough time given to prepare comments and observations. A final consultation workshop should be organized to allow stakeholders to interact face to face.

It is strongly recommended that the assessment team, or committee secretariat, include staff of different disciplines. This may include a food and nutrition security specialist, a development economist, a public budget analyst, a social policy analyst and a human rights lawyer. Given the complexity of assessing the institutional framework, inclusion of an expert in this field should be considered. It is assumed that all members of the assessment team are experts in their respective fields, but may have only limited knowledge of the human right to adequate food. Therefore, the assessment work needs to be guided by a right to food expert who continuously briefs the team on the right to food dimensions. The group should work on the assessment together, rather than just submitting individual reports. This ensures that due regard is paid to the holistic nature of the assessment.

DISSEMINATING THE ASSESSMENT FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The findings of the right to food assessment should be shared widely. It is advisable to prepare a relatively short report that describes the key elements of the analytical component of the overall report. Longer descriptive parts on the individual steps outlined by this manual can be produced as reference or resource documents. According to user groups, findings should be reproduced in different formats. For example, it might be necessary to add a two- to three-page summary with the main findings for decision makers and a more general presentation of the contents and the main findings for non-experts.

The assessment report should be comprehensive, concise and draw on existing studies and information.¹ The core report should be restricted to 30–40 pages, supplemented by annexes, in order to facilitate distribution and to encourage a broad audience to consult it. The assessment report can be distributed and made available in different ways. Posting of the report on appropriate websites (downloadable in pdf-form) or distribution on CD-ROM are less costly, but may reduce the access to the report among duty bearers and right holders, particularly in countries or areas where computer access and software availability are still limited.

¹ In the last chapter some guidance about information gathering methods is provided.

A period of two to three months is reasonable for the preparation of the draft assessment study, with an additional two months for comments and finalisation of the report. This suggested timeframe and length of the study are only indicative; the actual time needed depends heavily on the level of complexity of the assessment and the size of the country in question. Once a core assessment report has been produced, it may be useful to contemplate the production of a number of spin-off information outputs. These could include pamphlets or short articles printed or made available electronically, that succinctly focus on one specific issue or set of issues to reach defined target audiences.

The more salient points related to a right to adequate food assessment covered in this introductory chapter, are presented in Box 1.2 below.

BOX 1.2 - A Brief Outline of a Right to Food Assessment

Objective of this Assessment Guide

- *Provide practical and methodological guidance on conducting in-country assessments.*
- *Contribute to capacity strengthening among government officials and non-governmental actors with responsibilities related to the realization of the right to adequate food (for example, the national human rights institution, a food security and nutrition council, specific line ministries, a national alliance against hunger, or a right to food NGO alliance).*

Objective of the assessment

- *Understand who suffers from food and nutrition insecurity, where food insecure and malnourished people are located, and the reasons why they are food insecure and/or malnourished.*
- *Provide necessary information to government and non-governmental stakeholders to decide what direct measures are needed to foster the progressive realization of the right to adequate food, and indirect measures to create an enabling legal, legislative, policy and institutional environment.*
- *Contribute to the understanding and continuous dialogue between government and relevant stakeholders on what the current situation is, and on future requirements for action to achieve the enjoyment of the right to adequate food by all.*

Expected outcome of the assessment

- *Common understanding of the right to adequate food situation in a country.*
- *Provide information that represents the cornerstone of an agenda for change.*
- *The report should be comprehensive, concise and easily accessible by all stakeholders.*



BOX 1.2 - A Brief Outline of a Right to Food Assessment - CONT.**Who initiates and conducts the assessment?**

- *Government should initiate the assessment, preferably in partnership with civil society organisations; this is thought to enhance the probability for the implementation of the assessment conclusions and recommendations.*
- *The final assessment findings, conclusions and recommendations should represent the outcomes of a highly consultative process, managed on a collaborative basis between government and civil society.*
- *The assessment should be undertaken by a multidisciplinary team.*
- *A government-led right to food coordinating committee could guide the right to food implementation process, including the right to food assessment.*

When to undertake the assessment?

- *A right to food assessment can be motivated by very different purposes. An assessment could provide good inputs to a food security strategy; a country's reporting needs to CESCR; a specific social protection programme, etc.*
- *The assessment should go hand-in-hand with in-country advocacy and public education efforts to raise awareness and understanding by duty bearers and right holders of the right to adequate food, and what this means in practice.*

2.

A HUMAN RIGHTS-BASED APPROACH TO FOOD AND NUTRITION SECURITY

The human right to food is firmly established in international law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR)² and the Convention on the Rights of the Child (CRC)³. By ratifying these legal instruments, states have recognized the obligation to realize the right to food and other rights contained in them. Translating this obligation into practice has remained largely elusive.

The ultimate objective of the right to food is to create an environment that enables all people to feed themselves, either by producing food or by earning a living. When people are unable to care for themselves (e.g. because of age, sickness or times of crisis), states should provide support directly. The concept builds on the rich experience of food security strategies and programmes in development. For the countries that have ratified the ICESCR, the right to food adds a legal dimension to conventional economic food security strategies. 'Political will' is substituted by 'State obligations' to address food insecurity, hunger and poverty. States as the primary duty bearers to realize human rights in a nation state have the obligation to respect, protect and fulfil the right to food (CESCR 1999).

Under a right to food framework, those who would normally endure inappropriate policies become right holders or rights claimants. They are empowered and can hold their government accountable for violations and omissions, seek redress and can motivate duty bearers to act in positive ways. Civil society thus has a say

² Most relevant are Articles 2 and 11 of ICESCR.

³ Articles 24.2c and 27 (CRC).

in decisions that directly affect their ability to fulfil their human right to food. This ultimately shifts the focus from state benevolence to greater equality in power relations.

A human rights-based regime elevates outcome and process to the same level of importance. Not only is the final outcome important, i.e. food secure individuals, but also the way in which this outcome is achieved. Human rights principles and approaches ensure that no discriminatory practices are used to achieve food security. These principles demand transparency, peoples' participation and social inclusion.

The principles outlined in international human rights agreements stem from a moral perspective: that every human being has a right to food, and that no one should suffer from hunger, is widely acknowledged.⁴ For most development practitioners, however, putting these principles into practice remains a huge challenge. To date, 159 governments⁵ in the world have ratified the ICESCR in which the right to adequate food is enshrined. States are thus obliged to act to progressively realize the right to adequate food as outlined in ICESCR Article 11. In addition to the moral imperative and the legal obligation, there are a number of convincing arguments to tackle the hunger problem.

From an economic point of view, realizing the right to adequate food is a good investment. Food secure individuals are more productive, are less frequently sick and tend to invest more in the future. FAO has estimated that, on a global scale, if deaths and disability caused by hunger persist at current levels, it will cost developing countries in terms of future productivity US\$500 billion or more. Every child whose physical and mental development is affected by hunger and malnutrition stands to lose 5 to 10 percent in lifetime earnings.⁶

A rights-based approach empowers local communities to participate in decision-making. Such an approach facilitates people's efforts to take direct responsibility for themselves and reduces their dependence on state assistance. They become part of the solution rather than the problem.

Effective realization of the right to adequate food cannot be accomplished for free and at once; this can only occur progressively and over time. Depending on the concrete activities and the pace by which a government wants to proceed with the implementation process, costs are involved. However, FAO has shown that a reduction in hunger can be understood as an investment in the national economy. Direct and indirect transfers targeted at vulnerable population groups may also stimulate the economy, as well as serve the pursuit of equity.

4 *The World Food Summit (WFS) in 1996 was instrumental in setting in motion a process "to clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger".*

5 As of 14 November 2008. Consult <http://www.unhchr.ch/tbs/doc.nsf>

6 **FAO, 2004b. *The state of food insecurity in the world 2004*. pp. 10–12.**

The main aspects of the human rights-based approach to food and nutrition security are summarized in Box 2.1 below.⁷

BOX 2.1 - A brief outline of a human rights approach to food security

- *Recognizes adequate and sustainable access to nutritious and culturally acceptable food as a human right.*
- *Recognizes that all individuals are right holders, not mere beneficiaries.*
- *Makes the progressive realization of the right to adequate food an obligation of the state, not a matter of choice.*
- *Introduces complaint and redress mechanisms to deal with alleged violations of the right to adequate food.*
- *Ensures that duty bearers can be held accountable for their actions and omissions.*
- *Makes states aware of their responsibilities and assists with understanding the state's capacity to fulfil those responsibilities.*
- *Supports the avoidance of policies and actions that result in, or contribute to, violations of the enjoyment of the right to adequate food.*
- *Prioritizes the fight against hunger at national levels.*
- *Applies the following human rights principles to policies, regulations, and laws, and pro-food security actions at all levels (also known as the **PANTHER**):*

Participation.

Accountability.

Non-discrimination.

Transparency.

Human dignity.

Empowerment.

Rule of law.

- *Recognizes that all human rights are universal, indivisible, interdependent and interrelated, meaning that the right to adequate food directly relates to all other human rights, and cannot be considered in isolation of other rights.*

⁷ **FAO. 2006b. The right to food – putting it into practice. Brief No. 1 “Introduction to the Voluntary Guidelines”, Rome.**

3.

ASSESSING TRENDS AND CAUSES OF FOOD AND NUTRITION INSECURITY

The food and nutrition insecurity situation of a population is a consequence of the non-realization of the right to adequate food. The state and trends of food insecurity can be used as a proxy for the degree to which the right to food has been realized. The food security and vulnerability analysis includes the identification and characterization of food insecure and vulnerable population groups. It provides baseline information that allows planners and other decision makers to establish targets and benchmarks against which to monitor progress. In-country experience shows that a sound assessment of the nature, extent and causes of food insecurity is necessary in order to realize the right to food. Without a solid and valid understanding of the root causes of hunger, targeted laws, policies and institutional regulations cannot be established that are conducive to the realization of the right. In other words, without a reasonable consensus on causality, it is unlikely there will be a consensus on solutions.

Three basic questions to guide the assessment of the food and nutrition security situation

- ☒ WHO ARE THE PEOPLE WHOSE RIGHT TO FOOD IS NOT REALIZED OR VIOLATED? WHO IS FOOD INSECURE OR AT NUTRITIONAL RISK?
- ☒ WHERE ARE THE FOOD INSECURE POPULATIONS LOCATED?
- ☒ WHY ARE THOSE PEOPLE DEPRIVED FROM THEIR RIGHT AND WHAT ARE THE DYNAMICS OF THAT DEPRIVATION?

Answers to these questions will guide the formulation of adequate policies and laws, define duty bearers' obligations and prioritize the different entry points for the

implementation of measures to further the right to adequate food – especially among those whose right to adequate food is not respected, protected and/or fulfilled.

This part of the assessment is structured in line with these central questions:

- The severity and magnitude of non-realization of right to food is measured using traditional food and nutrition indicators.
- The food insecure and vulnerable groups are identified and briefly described in socio-economic or livelihood terms, and are located geographically.
- The causes for non-realization of right to food will be analysed for different food insecure and vulnerable groups. For this, the concepts of immediate, underlying and root causes of malnutrition will be used.

The two main analytical approaches are: (i) vulnerable-group profiling and (ii) causality analysis. The first approach involves identifying and describing food insecure groups and groups that are vulnerable to food insecurity and malnutrition. This attempts to find answers to the first two questions above. The second approach, causality analysis, tries to explain why specific groups are food insecure, malnourished and/or are vulnerable. This section will present the main elements involved in the assessment (Section 4). Section 5 should be referred to for an elaboration of the analytical approaches and techniques involved in assessing the food and nutrition situation assessment, and for assistance in identifying who does not enjoy the right to adequate food.

A GENERAL OVERVIEW OF FOOD INSECURITY AND MALNUTRITION

As a first step, and before looking at vulnerable groups specifically, it is good practice to obtain a general overview of the food and nutrition situation of the country and the trends in the prevalence of hunger and malnutrition. It is recommended that inadequate intake of energy (for example, undernourishment) and micronutrient deficiencies (often referred to as “hidden hunger”) are examined. This type of overview will “set the scene” and describe the severity of the problem. Nonetheless, as this is only a pre-product of the actual assessment, not too much time and effort should be spent on it. In most countries, such an analysis already exists and can be referred to.

Indicators for undernourishment, as used by FAO, are easy to obtain and exist for most countries. The number of people who are undernourished and the proportion of undernourished people in the total population (in percentage terms) are proxies for under-nutrition. Aggregated data per country can be obtained from the annual FAO-publication *The State of Food Insecurity in the World*. Disaggregated data per geographic regions or units, administrative boundaries and/or according to socio-economic characteristics and gender are preferred, and usually need to be obtained from national data sources. The nutritional status of individuals is commonly evaluated through the use of anthropometric measurements that reflect both food and non-food factors that affect

nutritional status.⁸ Under-nutrition (encompassing stunting, wasting and underweight) in children, and a low body mass index (BMI) in adolescents and adults, are some of the major consequences of protein-energy deficiencies. Excessive energy intake leads to overweight or obesity, which is associated with higher morbidity levels. The problem of obesity increasingly co-exists with stunting in children, especially in poor urban populations (SCN, 2005).

Table 1: Nutrition indicators

Nutritional Status (*)	STUNTED		WASTED		UNDERWEIGHT		OVERWEIGHT		OBESITY	
	M	F	M	F	M	F	M	F	M	F
<12 months										
12–24 months										
25–60 months										
School age										
Youth (10–19 years)										
Economically active individuals										
>60 years										

(*) *The physiological state of an individual that results from the relationship between nutrient intake and requirements and from the body's ability to digest, absorb and use these nutrients.*

A table, such as this example, can be used to summarize the nutritional status data, and can be adapted as required. It presents by age groups and gender and statistics for the different nutritional status indicators. For this summary to be meaningful, it is necessary to:

- State what the indicator is:
 - i. stunted: height-for-age;
 - ii. wasted: weight-for-height;
 - iii. underweight: weight-for-age (in children); BMI <18.5 (in adults).

⁸ Consult, e.g. **Inwent**. 2005. or **Eide K**. 2005, Chapter 5.

- Specify what criterion is used for each indicator to classify someone as stunted, wasted, etc.
- Express the number of people who meet the criterion as a ratio or percentage; for example, the percentage of stunted children in the age group 25-60 months equals the number of children who are stunted divided by the total number of children in that age group who were measured.

In addition to the adequacy of energy consumption, the nutritional quality of food being consumed should also be assessed. There is a growing consensus that from a nutritional perspective, the nutritional quality of food is as important, if not more important, than the quantity of food. The most common nutrient deficiencies are shortages of iron, vitamin A and iodine. Outcomes of micronutrient deficiencies include “impaired growth and cognitive development, poor birth outcomes, anaemia, cretinism and blindness”.⁹ Definitions for vitamin A deficiency, iodine deficiency disorder and nutritional anaemia are given in Annex 2.

Table 2 is for illustrative purposes only. Deficiencies of other micronutrients can be added depending on local conditions and availability of micronutrient intake or status data.

Table 2: Micronutrient deficiency

Micronutrient deficiency (*)	ANAEMIA		IODINE		VITAMIN A		OTHER		OTHER	
	M	F	M	F	M	F	M	F	M	F
<12 months										
12–24 months										
25–60 months										
School age										
Youth (10–19 years)										
Economically active individuals										
>60 years										

(*) Deficiency of the vitamins, minerals and certain other substances that are required by the body in small amounts. They are measured in milligrams or micrograms.

⁹ Eide, K. 2005. p. 123.

Data can be presented as point prevalences or even trends, if comparable data for several points in time are available. If the data permit, disaggregation by demographic and socio-economic characteristics is also recommended. The progress made since 1992 (the reference period of the World Food Summit Goal),¹⁰ and whether or not a country is on track to achieve Millennium Development Goal 1 (MDG1) are important cornerstones that can be used to assess a government's commitment to tackling hunger seriously. Of course, those achievements do not only depend on a government's performance, and thus a more complete analysis is required to understand what has contributed to current achievements or lack thereof.

WHOSE RIGHT TO FOOD IS NOT REALIZED?

Right to Food Guideline 13.2 invites states to:

...systematically undertake disaggregated analysis on the food insecurity, vulnerability and nutritional status of different groups in society, with particular attention to assessing any form of discrimination that may manifest itself in greater food insecurity and vulnerability to food insecurity, or in a higher prevalence of malnutrition among specific population groups, or both, with a view to removing and preventing such causes of food insecurity or malnutrition.

Vulnerable-group profiling is one method that can be used to determine whose right to food is not realized. This entails identifying and describing food insecure and vulnerable people clustered by livelihood characteristics, and determining the reasons why those groups suffer from hunger and malnutrition. Profiling is conducted for the groups who do not enjoy the right to adequate food, or often other economic, social and cultural rights (ESCR). Throughout the assessment, reference is made to the vulnerable groups identified throughout this section. The adequacy of the legal and political framework for example will be viewed through the lens of the most marginalized population groups of a society. The human rights environment should be assessed to understand what elements hinder or support the achievement of the right for adequate food and other ESCR among the food insecure and vulnerable, and what actions and changes are required to speed up the realization of human rights. Identifying and describing these groups carefully is, therefore, extremely important for the remainder of the assessment.

A common list of food insecure and vulnerable groups can be obtained from FAO's *State of Food Insecurity in the World 1999*; this could serve as a starting point in identifying food insecure and vulnerable groups. Some vulnerable groups are often mentioned in the human rights field – such as indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, individuals living with HIV/AIDS and refugees and internally displaced people (IDPs). Women and children are also always

¹⁰ At the World Food Summit in 1996, Heads of States agreed to the target of halving the number of undernourished people by 2015.

mentioned as groups requiring specific attention. Vulnerable groups defined by livelihood characteristics may be urban poor, rural landless or smallholder farmers. Some of these livelihood groups can then be further subdivided, for instance, urban casual workers, street hawkers, rural seasonal workers, subsistence farmers with less than 2 acres in mountainous areas, etc.

Informed stakeholders (ministries, United Nations agencies, bilateral development agencies, etc.), knowledgeable about the food security situation in a country may easily identify five or six groups that are worse off and whose right to food is not realized. The same stakeholders, however, may not have enough insight to describe correctly *why* these groups are in this stage of destitution.

In one of the case studies prepared for the *Right to Food Guidelines*, participatory poverty assessments led to the identification of various categories of “vulnerable groups” – vulnerable in terms of poverty and, by inference, *at risk* of food and nutrition insecurity, and in terms of needing special assistance. The three principal categories that emerged from these assessments have been classified as related to (i) armed conflict situations, (ii) demographic criteria, including HIV/AIDS-affected families, people with disabilities and ethnic minorities, and (iii) to specific poverty situations (see Table 3).

Table 3: Vulnerable Groups in Uganda

CONFLICT RELATED	DEMOGRAPHIC CATEGORIES	POVERTY RELATED
• Refugees • IDPs • War orphans • Abductees • Traumatized civilians • Households living in or near conflict zones	• Asset-less widows and widowers • Orphans and abandoned children • Female-headed households • Child-headed households • People with disabilities (PWD) • Chronically sick • HIV/AIDS sufferers and carers • Victims of domestic abuse • Ethnic minority groups • Street children • Elderly	URBAN • Urban unemployed • Low-paid workers • Informal sector workers • Beggars • Squatters RURAL • Rural landless • Cash crop farmers • Pastoralists • Plantation workers

Source: FAO 2006a

Each group should be described along the same pattern; subgroups may be created if the initial categories are too broad. An example of a structure that could be used for this task is given in Annex 3. This is for illustration purposes only and should be adapted to local needs. However, the profiling should comprise a descriptive (general information about the group) and an analytical part (which points to the causes of their deprivation).

The profiling starts with listing the determining factors of the group – such as size of group, ethnicity, age, common characteristics, etc. The **number of undernourished** per group should be estimated. These are the people who fall below a selected minimum of per capita energy and nutrient intake, and **vulnerable people**, those who are exposed to high risk factors and are, therefore, vulnerable to becoming food insecure (FAO, 2004c; FAO, 2004d). During the same exercise the **kind of food insecurity** that each vulnerable group is facing will be characterized: “chronic”, “transitory” or “acute” undernourishment. The degree of their malnutrition should also be characterized: “severe”, “moderate”, “mild”, “marginal” or “at risk”. This will determine the kind of intervention needed to support those groups.

In order to understand fully the livelihood of individuals and groups, the **vulnerability context** and **livelihood assets** should be determined. Vulnerability context refers to unpredictable events that can undermine livelihoods and cause households to fall into poverty (or poor households into deeper poverty). It is important to distinguish between shocks originating from outside the community, which affect all people in the same locality, and idiosyncratic shocks that only affect individual households (FAO, 2003). Some illustrations are:

- **Weather-related shocks and natural calamities:** drought, earthquakes, hurricanes, tidal waves, floods, heavy snow, early frost, extreme heat or cold waves.
- **Pest and disease epidemics:** insect attacks, predators and diseases affecting both animals and people.
- **Economic shocks:** drastic changes in the national or local economy and its insertion in the world economy, affecting prices, markets, employment and purchasing power.
- **Civil strife:** war, armed conflict, displacement, destruction of lives and property.
- **Seasonal stresses:** hungry season (food insecurity).
- **Environmental stresses:** land degradation, soil erosion, bush fires and pollution.
- **Idiosyncratic shocks:** illness or death in family, job loss or theft of personal property.

Livelihood assets refer to the resource base of the community and of different household categories. The vulnerable group profiling technique presented below specifically draws from the sustainable livelihoods approach (SLA) developed by the Department for International Development (DFID). A core feature of the livelihoods framework is an analysis of the five different types of asset upon which individual households draw to build their livelihoods, and to withstand the impacts of shocks. These are natural, social, human, physical and financial capitals (Ashley and Carney 1999). The SLA provides a lens for analysing how people go about maintaining a livelihood. It helps in analysing how people combine the different assets to which they have access in order to pursue activities to attain a livelihood objective, within the policy and vulnerability context within which they are embedded:

- **Natural capital:** the natural resource stock useful for livelihoods (e.g. land, water, wildlife, biodiversity, environmental resources).
- **Social capital:** the social resources (networks, membership of groups, relationships of trust, access to wider institutions of society) upon which people draw in pursuit of livelihoods.
- **Human capital:** the skills, knowledge, ability to work and health important for the ability to pursue different livelihood strategies.
- **Physical capital:** the basic infrastructure (transport, shelter, water, energy and communications) and the production equipment and means, which enable people to pursue their livelihoods.
- **Financial capital:** the financial resources available to people (whether savings, supplies of credit, regular remittances or pensions) and which provide them with different livelihood options.

Knowing more about the capitals of vulnerable individuals is central to identifying appropriate measures to improve their situation. In many cases, support is needed with regard to all five types of capitals. An example may illustrate this:

The income source of most poor households in rural areas is agriculture. Their quality of life and the probability to realize their right to food depends on the availability of land and water (“natural capital”). Owing to the absence or weakness of government institutions, individuals in rural areas rely heavily on the existence of social and informal networks. The dependency on these networks is even bigger in times of crisis. Strengthening their “social capital” will facilitate realizing their right to food. Progressive development and a more sustainable way out of food insecurity into a stable situation where basic food needs are met depend on the existence of opportunities. When people are better trained and have sufficient information (“human capital”) they can identify alternatives to or improve their current lifestyle. Better infrastructure (health posts, schools etc.) directly fosters

the realization of right to food but is also necessity to grow out of poverty on a sustainable basis (“physical capital”). Access to financial resources (“financial capital”) enables individuals to cover basic needs (grants, social protection programmes) or to invest in productive factors (credits).

The SLA is a multisectoral approach that takes into account the multidimensionality of factors that determine food security. It provides a way of looking at the macro-, meso-, and micro-linkages, thereby accounting for the fact that household food security is determined by household-level factors such as a household’s food production, but also by macro-level factors such as inflation, devaluation, changes in world markets etc. In this way, it allows the identification of the appropriate type and best level of interventions for improving food security. The participatory principles underlying the SLA mean that through its application the perspectives of different stakeholders, including those whose food security is being analysed, are included in the analysis. This contributes to increasing the ownership and accuracy of findings and the success of the ensuing interventions.

CAUSALITY ANALYSIS

The causality analysis is singly the most important factor of a right to food assessment and completes the trend and causes of food insecurity assessment. Only when the factors that hinder individuals to realize their right to food are known can a targeted right to food strategy be pursued. The reasons for food insecurity and vulnerability must be understood clearly by those who are formulating right to food strategies, pro-poor policies or implementing targeted programmes. Under a rights-based approach to food security the legal, policy and institutional framework must respond to the causes of malnutrition.

The proposed structure for such an analysis is based on UNICEF’s conceptual framework (UNICEF, 1990) that distinguishes three causality levels:

- Immediate causes of malnutrition are those that are directly related to food intake and the possibility of the body to adequately use these food items.
- Underlying causes analyse what determines the food intake and body functions, i.e. to what extent does the environment in which an individual is functioning support or hinder adequate nutrition intake.
- Root causes are addressed to the macro-level and assesses the system at subnational, national and international level that affects the potential of an individual to realize the right to food.

Causality analysis is a typical tool used in most development approaches. It will reveal to what extent – and why – the right to food is *either being violated or at risk of being violated*, together with the major causes of these violations and

the key actors involved (Jonsson, 2004). The causality analysis seeks to match government decisions with the final nutritional outcome of individuals. Looking at the three levels of possible causes separately and gradually should be viewed as a conceptual framework. During the assessment itself, some steps could be skipped. The expected outcome of the causality analysis is a clear understanding of the main obstacles of vulnerable groups to realize their right to food. Presumably, those factors will be found under the “root causes of malnutrition”. These factors will be taken into consideration when assessing the legal, policy and institutional framework of a country.

In some instances too many different vulnerable groups will be identified in one country. Performing a causality analysis for all groups might not be possible. In these instances four to five groups should be chosen that represent most appropriately the entire spectrum of marginalized people.

4.

ASSESSING THE ENVIRONMENT FOR THE RIGHT TO ADEQUATE FOOD

Assessing the environment for the right to food follows the normative indications contained in Guideline 3.2. This states that before developing a right to adequate food strategy and action plan national legislation, policy and administrative measures, current programmes, and the availability of existing resources must be assessed. This also requires identifying existing implementation constraints. It is recommended that general descriptions on the four broad themes are limited to a few pages only: a synthesis of the findings will suffice. Long descriptions of public policies and laws are not necessary. Detailed information, if needed, can be presented in an annex and referred to in the text.

This part of the assessment is organized as follows:

- ☒ LEGAL FRAMEWORK.
- ☒ POLICY ENVIRONMENT.
- ☒ INSTITUTIONAL ARRANGEMENTS AND ADMINISTRATIVE MEASURES.
- ☒ BUDGET ANALYSIS.

The first three themes share one central question, and that needs to be decided when the assessment gets under way. **How can the relevant legal framework, policies, institutional arrangements and administrative measures to be**

included in the assessment be identified? Clearly, for the assessment to be manageable within a reasonable period of time, and for the assessment findings and results to be most relevant to the right to adequate food, an *assessment domain* needs to be defined up front. Specifically, when time is short and resources for the assessment are limited, some sort of prioritization will need to be taken, focusing on the most important and relevant aspects.

Some ideas as to how the assessment team may start to create an inventory of laws, regulations, policies and the institutions responsible for these are presented in Box 4.1. These starting points can of course be combined, depending on what the specific country situation is. The important part is to find a way to delineate what is to be included in the assessment and what will remain outside the assessment. A SWOT-analysis (strengths, weaknesses, opportunities and threats) could be a good tool for getting a first overview of the likely entry-points for a right to food implementation strategy (see chapter 5, '**Constraints analysis**').

**BOX 4.1 Options to define the assessment domain:
Inventory of relevant laws, regulations, policies and institutional settings**

- *Refer to the causal analysis results: select the laws, regulations and policies most directly related to the underlying causes of food insecurity and vulnerability, and the institutions with responsibilities for those laws, etc.*
- *Start with a national food security and nutrition (FSN) policy and/or strategy, if in place, and examine linkages with sector policies, specific laws and regulations, and the institutions responsible for implementation of the FSN policy and/or strategy.*
- *Start with laws and policies that relate more directly to the core content of the right to adequate food: food availability, economic and physical access to food, food adequacy and food utilization.*
- *Conduct one or more brainstorming session(s) with key informants from key line ministries, a human rights institution, office of the ombudsman or national rapporteur, to draw up an initial inventory or to validate an inventory of laws, regulations, policies, and of the institutions responsible for these.*
- *Examine similar assessments conducted in other countries, and internalize the process and results within the context of your country.*

LEGAL FRAMEWORK

The purpose of an analysis of the legal framework for the right to food is to determine the conduciveness of the legal environment to the progressive realization of the right to food. The legal environment consists of different interrelated components:

- international obligations of the state;
- national laws; and
- rights protection institutions.

The right to food assessment will serve to gauge whether changes in the legal framework are a priority issue in a given country. Where change is necessary, it will also identify those areas that are in need of further study in order to develop concrete proposals for legislative changes, judicial or general human rights institutional reform.¹¹

International Obligations and their Adoption in National Law

A useful starting point for the analysis of a state's legal framework is its international human rights obligations. Because of the complexities involved in determining customary international law, the analysis should be restricted to treaty obligations, i.e. the obligations that a state has accepted to fulfil by ratification of human rights treaties. Human rights treaties create inter-state obligations, as well as subjective individual rights. Therefore, obligations undertaken at this level can play an important role in the domestic sphere, for example, in proceedings before domestic courts.

For a right to food assessment, it is sufficient to present a succinct overview of which relevant global and regional human rights treaties a state has ratified or at least signed, including information on reservations made with respect to articles that protect explicitly or implicitly the right to food in full or in part. Protection in part refers both to protection of components of the right to food as elements of other rights such as nutrition and the right to health and to restriction of the protection to specific groups such as children or women. Moreover, information on the ratification of relevant protocols (where applicable) such as protocols enabling individuals to bring alleged violations to the attention of international mechanisms (e.g. the Optional Protocol to CEDAW) or protecting specific groups (e.g. the Protocol to the African Charter on Human and Peoples' Right on the Rights of Women) should be included.

¹¹ For a detailed discussion on right to food legislation, please consult **FAO**. (forthcoming). **Guide on Legislating for the Right to Food**.

International instruments to be taken into account in this section include: the International Covenant on Economic, Social and Cultural rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the African Charter on Human and Peoples' Rights and its Protocol, the San Salvador Protocol on ESC Rights and the European Social Charter.

Whether any human rights body has dealt with the right to food with respect to the country assessed should also be explored.

Further, the question of how international treaty obligations are validated in national law should be addressed. Some key questions are:

- Are international treaties directly applicable at the national level?
- Are international treaties incorporated in the national level system as national law, or is national law amended in order to meet international obligations (without necessarily using the same language as the international treaty)?
- If the latter is the case, are there differences in scope between the international obligation and the national law – for example, does the national law protect only a survival minimum?
- What hierarchical rank do international treaties or the instruments that incorporate the treaties have in national law?
- Is the right to food, as for example contained in Article 11 of the ICESCR, accepted as an individual right or does a country (and its courts) take the position that the right to food is an obligation of programmatic character that does not bestow on an individual a justiciable right?

How the right to food enshrined in international treaties is protected in the domestic sphere has important implications for the manner in which individuals can claim these rights. The nature of these questions underlines the necessity of having a legal expert in human rights as a member of the assessment team.

The National Legal Framework

The litmus test of international obligations is their adoption in national law, as an adequate national legal framework is a crucial prerequisite for the successful realization of a right (see Right to Food Guideline 7). A wide array of laws serves the realization of the right to food with topics ranging from food safety, to laws governing access to natural resources (land, water, forests, fisheries, etc.), to private law areas such as inheritance law, to labour legislation, and finally to social security and welfare legislation. A right to food assessment cannot deal comprehensively with all issues

relevant to the right to food, but should give an overview of what is in place and then focus on the most relevant areas and those fields in which shortcomings can be detected.

a) Constitutional Rights

A first step concerns an assessment of the provisions in the Constitution, to examine whether:

- The right to food is explicitly protected as a constitutional right.
- Aspects of the right to food are protected by other constitutional rights (health, nutrition, social assistance, life and human dignity, work).
- The right to food or aspects of it are protected only for certain groups (e.g. nutrition rights of children).
- The constitution contains principles or state directives relevant to the right to food.

If the right to adequate food is recognized as an individual right, is it also a justiciable right? If a constitution contains only state directives or principles, which role do such directives and principles play? Do they inform policy-making or do they also serve (such as in India or Bangladesh) to interpret the scope of other rights, such as the right to life?

b) National Legislation

While the recognition of the right to food takes place at the constitutional level, its effective protection needs to be ensured at the statutory level, i.e. mainly through sector legislation dealing with issues such as food safety, social security legislation, access to natural resources or labour laws (see Right to Food Guidelines 8, 9, 13 and 14). In order to prevent a meaningless list of laws and regulations in force that are related to the right to adequate food, the assessment team may revert to some of the procedures outlined in Box 4.1, setting out clearly the criteria for the inclusion of specific legislation in the assessment.

The existence of a framework law on the right to food or on food and nutrition should also be noted here along with an analysis of how it furthers the realization of the right to food.

c) Customary Law

In many countries, customary law interplays with statutory law in fields of relevance to the right to food. In particular, access to resources such as land and water may be regulated, to a large extent, by customary law. The extent to which customary

law plays a role should be analysed as well as the manner in which it interfaces with statutory law. If possible, tensions between customary law and statutory law and between customary law and human rights principles (often discrimination can be an issue in customary law) should be identified. While it is likely that the assessment will not be able to deal with the content of – typically unwritten and diverse – customary law, it should try to identify whether right to food problems originate from the content of customary law or its interface with statutory law and whether these problems merit a more detailed follow-up analysis.

d) Implementation of Laws and Regulations

An assessment based on human rights principles includes not only an examination and analysis of outcomes and impacts, but also of the processes by which certain measures are elaborated and implemented, to assess whether these processes conform to human rights principles and approaches. Thus, the assessment should extend to the degree of implementation and of the de facto reach of the most relevant pieces of legislation.

Some sample questions that are relevant here are:

- To what extent are laws relevant to the right to adequate food – covering for example social assistance, access to land or water etc. – implemented effectively?
- Where and under what conditions are they implemented?
- Does implementation reach the rural areas and cover rural populations, or food insecure and vulnerable population groups?
- Do administrative processes foreseen in the legislation de facto exclude certain groups from access to benefits (regardless of the text of the law)?

The assessment should focus on the contents of the laws, and on the actual implementation practices and procedures, to examine whether the contents are conducive to furthering the right to adequate food, and whether the implementation processes conform to human rights principles of non-discrimination, equity, participation, protection of human dignity, transparency, etc.

Assessing implementation is more difficult than analysing legal instruments abstractly. A right to food assessment might only be able to give a rather superficial and sketchy account (possibly based on anecdotal information) of actual implementation practices. Often intricate questions might be involved which presuppose a certain familiarity with and insight into administrative practices (e.g. how many requests for welfare assistance are made and denied, and on which legal/illegal grounds?). However, examining implementation is crucial: inadequate implementation can undermine the best legal framework. Therefore, it may become

evident on examination that shortcomings in administrative capacity are not the problem but indeed laws that are too ambitious/complicated and, therefore, ill suited to the national context.

Recourse Mechanisms

When rights are violated, compensation should be awarded (see Right to Food Guidelines 7.2 on Remedies). Consequently, the right to food assessment should describe what administrative, quasi-judicial and/or judicial recourse mechanisms exist for the violation of statutory and constitutional rights, who can access them (individuals, groups, NGOs etc.) and how they can be used. Some countries have established commissions to comment on alleged violations and direct these to designated duty bearers. This implies that such interlocutors know what constitutes a violation of the human right to food.

Relevant questions include:

- Are general recourse (review) mechanisms available for administrative decisions?
- Is access to courts available to all layers of society and is it facilitated for the poor through a system of legal aid?
- Are there mechanisms in place, such as public interest litigation or class actions, through which the interests of the poor can often be better represented than through individual cases?
- Is there an institution responsible for receiving allegations?

Case Law

Case law gives meaning to the abstract provisions of a constitution or statute. It shows what individuals can actually claim and how well their rights are protected in practice. The section on case law of the assessment should look at the following issues:

- To what extent is the existing access to recourse mechanisms used?
- What kind of case law exists with respect to socio-economic rights in general and the right to food in particular (e.g. the Brazilian State Prosecutor of Alagoas in a public civil suit¹² against the municipal government of the city of Maceió)?

¹² *State of Alagoas, Proc. No. 4.830/07.*

- Have constitutional rights, equality and non-discrimination provisions, or directly international law provisions formed the basis of submission of claims?
- Have the ICESCR (or other relevant human rights treaties) or General Comments of the ICESCR been used in national case law, and if so, in which manner (basis of a claim, interpretative tool etc.)?
- Is the right to food justiciable?

What matters here is not so much whether there is or is not a specific right to food case. In many countries, no right to food case law exists. It is, however, important to determine the overall attitude of the judiciary towards socio-economic rights in order to have an indication of whether socio-economic rights are regarded as justiciable individual rights. A right to housing or health case can provide important insights regarding the possibility of future right to food cases. The analysis of case law should be limited to cases where socio-economic rights have provided the concrete basis of a claim. Hence, cases dealing with questions such as whether the specific prerequisites for food assistance set out in national legislation are met should be left out as such an analysis would go beyond the scope of a right to food assessment. If relevant case law exists, it should be set out what kinds of remedies were granted in cases of violations of socio-economic rights (guarantee of non-repetition, damages, compensation, restitution; constitutional remedies such as declaring a law invalid, etc.).

Human Rights Institutions

Human rights institutions play an important role in supporting the realization of human rights (see Right to Food Guideline 18). Therefore, it is useful to find out what kind of human rights institutions exist (ombudspersons, human rights commissions etc.), whether their mandate encompasses the right to food, and which tasks and powers they have. The latter could be expressed in different forms:

- Submission of *amicus curiae* briefs in court proceedings.
- Ability to receive individual complaints.
- Power to bring a case to court.
- Monitor the realization of the right to food.

If a human rights institution exists which has a mandate that covers the right to food, has it acted upon this mandate and undertaken any right to food activities?

If a human rights commission exists, does it meet the requirements of the Paris Principles¹³ for independence, pluralism and competence?

Similar to the approach taken in analysing case law, the attitude of duty bearers to consider recommendations made by human rights institutions is important. Are reports of alleged violations ignored or are they taken seriously?

POLICY FRAMEWORK

The purpose of assessing the policy framework of a country is to reveal to what extent policies, strategies and programmes are conducive to progressively realizing the right to adequate food and whether the policy framework responds to the underlying and root causes of the non-realization of the right to adequate food of certain groups. Specifically, the assessment should focus on the impacts, and on the distributional effects of those impacts, particularly among food insecure and vulnerable groups. The assessment should also be extended to include the processes by which policies and programmes are formulated and implemented.

To be able to conduct such an assessment, it must be clear what is meant by a human rights-based policy. Such policies should fulfil all of the following three criteria, which can be used as the main reference point for the assessment.

What makes a policy or programme human rights-based?

- ✓ THE POLICY OR PROGRAMME SHOULD CONTRIBUTE TO THE REALIZATION OF HUMAN RIGHTS.
- ✓ HUMAN RIGHTS PRINCIPLES (PARTICIPATION, ACCOUNTABILITY, NON-DISCRIMINATION, TRANSPARENCY, HUMAN DIGNITY, EQUITY AND THE RULE OF LAW) SHOULD GUIDE ALL PHASES OF THE PROGRAMMING AND IMPLEMENTATION PROCESS.
- ✓ HUMAN RIGHTS-BASED POLICIES OR PROGRAMMES SHOULD CONTRIBUTE TO THE DEVELOPMENT OF CAPACITIES OF RIGHT HOLDERS TO CLAIM THEIR RIGHTS, AND OF DUTY BEARERS TO MEET THEIR OBLIGATIONS AND UNDERTAKE THEIR RESPONSIBILITIES.

In the specific case of the right to adequate food, the policy framework should contribute to creating an enabling environment that allows everyone to feed him/herself. Direct food policies should have clear and practical definitions of policy objectives towards the progressive realization of the right to food. Indirect food policies should, at least, respect and protect the right to adequate food. The minimum standards to be met by duty bearers should be defined. Mechanisms for

¹³ Principles relating to the status and functioning of national institutions for the protection and promotion of human rights, endorsed by General Assembly res. A/RES/48/134 of 20 December 1993. For a detailed list of responsibilities consult original text, e.g. www.un.org/documents/ga/res/48/a48r134.htm.

assessing progress should be provided. All policies have to be sound, coherent and appropriate, and incorporate human rights principles.

The Right to Food Guidelines include all policy areas to be considered when implementing the right to food. The assessment team can use the Guidelines to check if the policy framework of their country is complete. Guidelines 8 (Access to Resources and Assets), 9 (Food Safety), 10 (Nutrition), 11 (Education), 13 (Support to Vulnerable Groups) and 14 (Safety Nets) will be most relevant to this section. This “gap analysis” obviously has its limitations. We will only know whether a specific area has been addressed, but little about the quality of the policy. A deeper analysis of the most relevant policies will be required.

Global View

The entire policy framework should be assessed before looking at specific policies in detail. The results of the causality analysis should indicate to what extent and in which instances the policy framework or individual policies hamper or negatively affect the realization of the right to adequate food. In general, there are two possibilities where the overall policy framework does not contribute to an enabling environment for the realization of the right to adequate food: (i) adequate policies targeted at the food insecure and vulnerable do not exist (policy gap), or (ii) existing policies adversely impact the food insecure and the vulnerable.

The policy gap analysis refers, within a human rights framework, to the omission of state obligations to respect, protect and fulfil. It should state clearly which type of policies is missing to respond adequately to the findings of the causality analysis and the recommendations of the Right to Food Guidelines. For this macro-view, Guidelines 2 (Economic Development Policies), 3 (Strategies) and 4 (Market Systems) seem to be most relevant.

The second part of the policy framework assessment refers to the existing set of policies and analyses whether those are sound, formulated and implemented in accordance with human rights principles, address causes of food insecurity and vulnerability, are targeted at the most needy, and impact positively on the realization of the right to adequate food among high priority population groups.

BOX 4.2 - Stakeholder consultation to gain an understanding of the extent to which the policy framework is rights oriented

A stakeholder consultation could be an excellent starting point for assessing the policy framework as a whole. This will include looking at the major development strategies of a country (e.g. Poverty reduction strategy paper [PRSP]); the spirit of development thinking; and the coherence of policies.

Guiding questions: Does actual implementation comply with government intentions and goals? Are policies funded sufficiently? Do policies compete with each other and have contradictory objectives and targets? Are there any major gaps and shortcomings that violate human rights principles?

Criteria for the assessment of the policy framework are:

General criteria

- *Policies include “objectives, targets, benchmarks and time frames” (see Guideline 3.3).*
- *Policy objectives are not conflicting or contradictory.*
- *Activities, outputs and objectives of individual policies are coherent and financial resources are adequate.*
- *Policies are regularly monitored and evaluated.*

Human Rights principles

- *Findings of results of causality analysis¹⁴ feature in policies.*
- *Policies comply with the principles of participation, accountability, non-discrimination, transparency, human dignity, equity and the rule of law.*
- *Duty bearers and their responsibilities are identified clearly.*
- *Accountability mechanisms are established, accessible and known to duty bearers and right holders.*
- *All policies recognize human rights explicitly and strive to realize them (i.e. compliance with Art. 11, ICESCR).*

A certain familiarity with the design and implementation processes of relevant policies is necessary for a meaningful assessment. Stakeholder discussions with broad policy experts and others are likely to be quite productive for this part of the assessment (for assessment criteria please refer to Box 4.3).

¹⁴ They should “in particular, address the needs of vulnerable and disadvantaged groups” (Guideline 3.3).

Impact of Food and Nutrition Security Policies on the Right to Adequate Food

Targeted food and nutrition security policies and programmes, can, by definition, address the immediate and underlying causes of food insecurity. They can either address immediate food requirements (e.g. emergency food aid, safety nets, foods fortified with some micronutrients, school meals, food for work, etc.) or improve long-term sustainability of food access (for example, investing in rural markets and infrastructure, facilitating the creation of rural non-farm enterprises, safe drinking water and sanitation, etc.).

The inclusion of specific public policies, strategies and programmes in the assessment is determined by the outcome of the causality analysis. However, the main development strategies of the country, such as the poverty reduction strategy, the rural development strategy, and the food and nutrition security strategy, should clearly be part of the endeavour. The selection process will inevitably be a matter of judgement at the country level, and will likely depend on factors such as the:

- expected size and direction of the poverty and social impacts;
- prominence of the issue in the government's policy agenda;
- timing and urgency of the underlying policy or reform;
- level of national debate surrounding the reform.

Where the causality analysis, combined with stakeholder consultations, show that some specific policies or programmes have a significant and direct impact on the capacity of vulnerable groups to realize their right to adequate food, these should be analysed in more depth. This includes food and nutrition security policies as well as macro-economic policies (see next section). Most of the Right to Food Guidelines will have some relevance for this part of the assessment. Particular attention should be paid to Guidelines 8 (Access to Resources and Assets), 13 (Support for Vulnerable Groups) and 14 (Safety Net).

Three main aspects must be covered by the assessment:

- ✓ PROGRAMMES TARGET VULNERABLE GROUPS AND RESPOND TO CAUSES OF FOOD INSECURITY.
- ✓ HUMAN RIGHTS PRINCIPLES ARE APPLIED IN PROGRAMME DESIGN, IMPLEMENTATION AND EVALUATION.
- ✓ DUTY BEARER OBLIGATIONS ARE KNOWN, DUTY BEARERS ARE HELD ACCOUNTABLE AND RECOURSE IS POSSIBLE.

An inventory of relevant food security policies and programmes, including their respective target audience, will reveal whether the current policy framework targets the underlying and root causes of hunger (i.e. those causes identified by the causality analysis) and whether programmes exist for the most vulnerable and marginalized individuals. The information can be collected in a simple table that illustrates the programme, the main objective and the beneficiaries (example given in Table 4 below):

Table 4: Inventory of policy framework

Programme	Main objective	Targeted beneficiaries	Weaknesses
School feeding programme	Provide high nutrient food to school children Increase school attendance	All school children	Coverage of programme is below 100% with most remote regions not included. Thus, children most in need are excluded
Seed hand-outs to poor farmers	Support resource poor farmers	Smallholders owing agricultural land not bigger than 2 ha	Security of land titles and additional support (e.g. irrigation) not granted

This inventory will clarify if the food security policy framework considers the most vulnerable groups and targets the reasons for their deprivation; it will highlight gaps. However, the inventory will not throw light on the quality and sustainability of programme implementation: this depends on a number of factors, such as management capacity of the responsible person/institution; the capacity of right holders to draw benefits from this programme; linkages of a specific policy with other public policies (to what extent do they advance or hinder the programme in question) etc. This part of the assessment can be supplemented by stakeholder consultations and interviews with vulnerable groups.

Right holders need to be aware of which rights they have (e.g. certain entitlements, service deliveries, etc.). Duty bearers' responsibilities should be transparent and

clear to all parties. In case duty bearers do not fulfil their duty, or if any other violation linked to the programme occurs, complaint mechanisms must be in place. Where complaint mechanisms do exist, even if only rudimentarily or informally, it is important to ensure that claims are taken seriously and channelled to the responsible entities. Annex 4 proposes a matrix for compiling data on relevant programmes.

BOX 4.3 - Assessment criteria for the policy framework

DESIGN

- **Focus on vulnerable groups:** *to what extent do the policies consider the results of the analysis of the food and nutrition insecurity status and the resources available? Are vulnerable groups clearly identified and targeted?*
- **Duty bearers identification:** *are the responsible entities (institutions, duty bearers) clearly identified and can they be held accountable? Are adequate benchmarks agreed on and monitored regularly?*
- **Participation:** *were vulnerable groups or their representatives consulted during the design of the programme?*
- **Holistic approach:** *do the right to food and food security plans reach across governmental departments, including finance and justice? Is the cross-cutting nature of food security taken into account? Based on principle of indivisibility and interrelatedness of all human rights, the right to food is related to other human rights, such as the right to water, health, work, housing, and other economic, social and cultural rights, as well as to civil and political rights, such as freedom of assembly, information and association.*
- **Sustainability:** *which measures are taken to ensure sustainability? Is an exit strategy built in programme design?*

IMPLEMENTATION

- **Duty bearer performance:** *is the institution in charge delivering the services according to the plan and its capacity?*
- **Absorption capacity of beneficiaries:** *are beneficiaries able to take advantage of the services provided? Are potential weaknesses that could hamper the impact of the programme taken into consideration?*
- **Participation:** *were vulnerable groups or their representatives consulted during the implementation and monitoring of the programme?*
- **Non-discrimination:** *are any groups or individuals (intentionally or unintentionally) excluded due to racial or other discrimination?*
- **Transparency:** *are the objectives, outputs and activities clear to the beneficiaries? Is it transparent how decisions are taken ("transparent, inclusive and comprehensive, cut across national policies, programmes and projects, take into account the special needs of girls and women, combine short-term and long-term objectives, and be prepared and implemented in a participatory and accountable manner", see Guideline 3.9)?*
- **Equity:** *is the need to ensure equal opportunity to those who are traditionally disadvantaged and between women and men, considered (Guideline 3.5)?*

Impact of Macro-Economic Policies on the Right to Adequate Food

The emphasis in the previous section was on specific food and nutrition security policies. However, broader policies – such as fiscal, monetary or general development policies – are likely to have a direct or indirect impact also. These can, for example, condition both the implementation and outcomes of more narrowly focused food and nutrition policies, and thus influence the constraints and incentives which individuals face when trying to satisfy their food needs.

The macro-economic environment is determined by certain crucial parameters and rules, often set by government; these affect the basis on which nations trade with each other, and the conditions for longer-term economic growth within the economy. These parameters can be classified into three broad areas (FAO, 1998):

- Those affecting international resource flows, such as exchange rate regulations.
- Those concerned with the monetary regime, such as the rate of interest.
- Those set by government to finance its own operation such as taxation and public expenditure levels.

These parameters and policy options may well have as much, or more effect, on food security as policies aimed specifically at the food and agricultural sectors: “While economic growth and pro-poor development policies can be complementary, under certain circumstances, economic growth policies can jeopardize the realization of the right to food for some” (FAO, 2004b).

There must be a clear understanding of how macro-economic policy affects those suffering from food insecurity, based on a well-developed analysis of policy linkages for the specific country concerned.

The analysis for the impact of macro-economic policies on food security can follow two consecutive steps:

- Analysis of the effects of the various policies at the macro-level down to the factors determining food security at the micro-level.
- Examination of how these policies specifically affect those population groups that are vulnerable to food insecurity (based on the results of the causality analysis).

FAO’s policy assessment document “Implication of economic policy for food security” (FAO, 1998) may be useful here. This looks at five key factors:

- Degree of monetization in the economy.

- Nature of international markets for the commodities produced in the national economy.
- Degree of urbanization.
- Capacity of state administration.
- Overall philosophy of the government in power (for example, the importance it puts on its own role as a provider of goods and services).

This manual acknowledges that, although all those policy areas are important for food security, such a broad assessment requires expertise, time and resources that may be beyond those available. Nevertheless, linkages between key macro-economic policies and the realization of the right to adequate food should be sketched out and analysed to the extent possible. At the very least, a general statement about the stability of the national economy should be made.

Every policy change creates winners and losers. From a right to food perspective, it must be ensured that the hungry and destitute are not affected negatively by policy changes. This implies that between alternate strategies the favoured approach should be more beneficial to the vulnerable. At a minimum, negative effects that threaten the ability to realize the right to food should be compensated for.

One technique is to identify negative linkages between the macro-economic policies and the right to food situation for specific population groups. The impact of main policy changes can be expressed as rough trends (losers are identified with a minus-sign; winners with a plus-sign; a question mark indicates uncertainty).¹⁵ Table 5 illustrates a hypothetical example of this exercise. The left column shows the most important groups of the population, with vulnerable groups identified and some comparison groups. The top row shows the policy changes under consideration.¹⁶

¹⁵ Multiple plus or minus signs could be used as well to highlight how severely a group is affected.

¹⁶ For selection of policy changes and explanation of impact linkages between those policies and food security, consult **FAO**. 1998.

Table 5: Identifying impact of policies on food security

Policy Areas (examples) Population Groups (Examples)	Exchange Rate Policy (e.g. devaluation)	Fiscal Policy (e.g. increase of price of public service)	Monetary Policy (e.g. adjustment of interest rates)	Trade Policy (e.g. Removal of import quota)
Unskilled landless				
Smallholder farmers				
Cash crop farmers				
Informal sector (urban areas)				
Public sector employees				
Female-headed household				
Male-headed households				

The assessment should list the positive and negative impacts for every policy area, indicating the:

- Probability of a positive or negative impact.
- Severity of a negative impact and the significance of a positive impact.
- Duration (short term/long term gain or loss).
- Incubation period (immediate effect or time lag? Sudden effect or progressive).
- Dynamics of change (how will the impacts change over time, taking into account likely adjustment processes?).

It is important to acknowledge that it can be difficult to identify clearly the positive and negative impacts for every policy area, while considering changes in various actors' behaviour. A change in interest rates, for instance, can have a wide-ranging impact. However, in most cases changes will be minor and will go unnoticed by the majority.

INSTITUTIONAL FRAMEWORK AND PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS

Implementing right to food policy and legal frameworks requires effective institutions at all levels. Experience in many countries shows that the realization of the right to food is dependent on the duty bearers' performance in implementing their respective obligations and responsibilities. Sometimes legislation and policies are formulated and appropriate institutions are in place, but do not function adequately to provide the specific services demanded.¹⁷ As part of the assessment, it is important to follow the normative advice contained in the Right to Food Guideline 5.1 to assess "the mandate and performance of relevant public institutions". Particular attention should be paid to food security and nutrition councils that play a particular role in coordinating and monitoring food security policies and actions.

The cross-sectoral nature of the right to food requires coordination across government ministries and offices at the national, subnational and local levels. Clarifying the allocation of roles and responsibilities between sectors and levels of government can lead to enhanced accountability and more effective action. Additional information is provided in Annex 5 for "Assessing institutional motivation, capacity and performance". This tool is too broad for this assessment, but it helps illustrate the different dimensions of an institutional framework assessment; extracts of which are included in the body of the manual.

An institution can be regarded as an agent for performing a specific function that is foreseen in a public policy, strategy or programme, or for executing a law or regulation. It thereby functions as a duty bearer for this particular item. In this regard, an institution could be a ministry or a department of a ministry, an organization or office entrusted by government, a committee or secretariat etc. In the literature "institutions" are often understood in a much broader sense. In FAO (2003), for example, both membership organizations and invisible "rules of the game" are included under the term institution.¹⁸

Although it is acknowledged that all these entities influence how the right to food is or can be realized, it is too broad for a rapid assessment. Therefore, only the narrow interpretation of public institutions is used.

¹⁷ For a detailed discussion on duty bearers' and right holders' roles, see **Jonsson**. 2004.

¹⁸ Including (a) formal membership organizations (cooperatives, and registered civic groups); (b) informal organizations (exchange labour groups, rotating savings groups); (c) political institutions (parliament, law and order); (d) economic institutions (private companies, land rights or the tax system); and (e) social-cultural institutions (kinship, marriage, inheritance, religion).

Identification of Key Institutions

A contributing factor to the non-realization of the right to adequate food may be inadequate and ineffective institutional performance, or a lack of institutional response because no appropriate institution exists. A lack of capacity to deliver needed services may be one cause of inadequate institutional performance. A first step in the assessment must thus be the identification and screening of the institutions responsible for ensuring the right to food: this will provide an overview of the institutions that must be examined during the assessment and highlight where gaps in the institutional environment may exist.

Given the vast number of institutions, which of these should be included in the assessment? In principle, all institutions that influence right to food implementation, but this is likely to generate too large a number of entries. The following institutions are likely to be of particular interest:

- Institutions in charge of social protection programmes (school feeding programmes, food stamps, cash transfer, food aid, food for work, etc.).
- Overarching commissions or committees responsible for coordinating food security/right to food at different level.
- In countries where hunger is predominantly a rural problem, institutions for agrarian development and land administration might influence realization of right to food.
- Institutions in charge of health, nutrition, education, agriculture, sanitation, housing or similar functions highly relate to the realization of the right to food.

This list is only indicative. In a specific country the causality analysis will determine the most crucial institutions for right to food realization. A list of maximum ten institutions should be sufficient to analyse the capacity of the institutional framework to respond to the real causes of hunger and to pursue a rights-based approach.

The following sections suggest how a rapid assessment should be conducted for each of the institutions identified.

Institutional Capacity to Pursue Right to Adequate Food

FAO's five country case studies showed that coordination of institutions across government ministries and offices at the national, subnational and local levels is important to advance on right to food in a meaningful way. Jonsson (2004) suggests looking at four broad areas when assessing institutions:

- **Responsibility:** has the institution the mandate to act? What are its terms of reference?

- **Authority:** can the institution speak with authority about a specific topic? What is the institution's standing?
- **Access and control of resources:** does it have sufficient resources to fulfil their mandate?
- **Capacity:** has the institution the technical capacity to fulfil its tasks?

The allocation of roles and responsibilities between different sectors and levels of government must be clear in order to ensure transparency and accountability. With respect to the institutions selected for assessment: what is their mandate with regard to realizing the right to adequate food? Is there legal clarity with regard to the institutional arrangements? To what extent do the mandates of key institutions include the targeting of food insecure and vulnerable groups? What adjustments in institutional mandates are needed?

Ideally, the terms of reference of institutions with regard to a specific aspect of the right to food should be well articulated. Often this is not the case, and results in duty bearers being unaware of their role: consequently they do not undertake specific actions to address a specific problem. Of course, there are also many instances where institutions know about their duties but are not committed or motivated to fulfil them – or they face other constraints. Assessing the informal rules that govern actual behaviour in decision-making processes is thus more difficult and delicate.

In these instances, the reasons that prevent institutions from fully committing themselves to the right to food have to be described. This of course could stem from a number of reasons, such as lack of funds, missing leadership, non-motivated staff, wrong incentives, shadow agendas, etc. It could also be that the institution in fact has the mandate to perform certain function but lacks the necessary authority to do so. This might be because other institutions and individuals are regarded as more suitable for a given task. The activities might then not be conducted at all or taken over by another institution.

The World Bank (World Bank, 2003) elaborated a method called process mapping to identify current practices and norms in relevant organizations. This technique involves tracing flows of critical resources, decision-making authority and information in the current system. This helps creating an understanding of the rules and incentives that affect internal behaviour and the extent to which organizations pursue development objectives. Process mapping can help identify constraints to effective policy implementation.

A preliminary analysis of the country cases that have conducted a right to food assessment suggests that particular attention should be paid to assessing the effectiveness of coordinating bodies. Given the complexity and the cross-cutting nature of the right to food concept, it is deemed necessary to assign a coordinative function to one institution, like for instance a food security council or interministerial

chamber. Some pointers may help assessing whether the effectiveness of this body is satisfactory:

- What is the mandate of the council?
- What authority has it? Does it submit only suggestions or are its recommendations binding?
- Who is the recipient of the recommendations (e.g. parliament, ministry, president) and what is the recipient supposed to do with them (e.g. mandatory reaction within a certain period of time)?
- Who chairs the council (government, non-government)? Where is the council located institutionally?
- Who decides on the members? If civil society organizations are involved, how are the representatives selected?
- What are the incentives of the council members to contribute to the discussions?

Being aware of the role as duty bearer and having the authorization to perform certain functions is only half of the institutional assessment. In order to be able to hold institutions accountable, it must have command over sufficient resources and the capacity to fulfil its role. An institution's access to human, financial and operational resources is central to its ability to execute its mandate.

The assessment should also examine staff's capacity to perform its functions. Even when an individual accepts that she or he has a certain role and the authority to do it, she or he may still lack the knowledge about the particularities of a human rights approach and/or about the subject matter. Key questions may include:

- Are the duty bearers able to perform their functions effectively, efficiently and sustainably?
- Are they trained adequately?
- Are they aware of the importance of their work?
- What is their perception of the real food security problem in the country?
- To what extent do they understand and internalize the notion of fulfilling a specific task as duty bearer to realize a human right?

The assessment of key institutions in the last two sections should conclude with recommendations for change. Given the current shortcomings, which are the priority measures to improve the institutional framework? Table 6 shows a simple structure for assessing the institutions identified:

Table 6: Framework for assessing institutions

Institution: NAME		
AREA	GUIDING QUESTION	ASSESSMENT
Responsibility (mandate)	What is the role of the institution in implementing the right to food?	
	Are the mandates of these institutions defined in a clear and transparent manner?	
	Are the institution and its staff aware of their task and their role as duty bearer?	
	Are the institutions willing to conduct the tasks foreseen?	
Authority	Does the institution have the necessary authority to perform the functions foreseen?	
	If the institution is lacking authority to achieve their tasks (partially), who is filling the gap?	
Access and control of resources	Does the institution have command over sufficient resources to perform its functions?	
	Is enough staff hired to conduct the tasks?	
	Is the institution equipped with office space, computer, telephone, vehicle, etc.?	
	Does the institution interact and coordinate with other institutions?	
Capacity	Are the institution and its staff capable of conducting those tasks?	
	Is the staff adequately trained on their subject matter and the right to food?	
	Are methods and tools used to pursue a rights-based approach	
	Any other limiting factors that prevent the institution fulfilling its mandate?	

Stakeholder Participation

Stakeholders in the realization of the right to adequate food are not limited to the public sector. The country studies conducted by FAO (2006a) showed that civil society can play a vital role in participating in public institutions and decision-making processes in addition to putting pressure on all spheres of government. CSOs are also central to empowering vulnerable groups in claiming their rights and improving their access to food, utilization of food and recourse mechanisms. There are many positive examples of civil society involvement in the preparation, implementation and monitoring of policies. Countries such as Brazil and India also show that civil society can be the main driving force for social programmes and the realization of ESC rights.

The Right to Food Guidelines address the role of multiple stakeholders in the process of implementing right to food measures. States are “encouraged to apply a multi-stakeholder approach to national food security to identify the roles of and involve all relevant stakeholders, encompassing civil society and the private sector, drawing together their know-how with a view to facilitating the efficient use of resources” (Guideline 6). Furthermore, states “are invited to encourage efforts by national human rights institutions to establish partnerships and increase cooperation with civil society” (Guideline 18.2).

A first step is to analyse the current capacity of a CSO with respect to promoting the right to food. The following checklist can guide this task:

- How many CSOs/NGOs currently work explicitly on food security and the right to food?
- Do any alliances or networks exist to promote the realization of the right to food? What can be said about the quality of these alliances?
- Have CSOs started with explicit institutional measures to realize right to food (e.g. establishing a rapporteur for the right to food)?
- Do CSOs and NGOs basically provide “charity” to beneficiaries or are their activities based on human rights? In the latter case, how is the rights-based approach constituted?
- Do CSOs at large know about the concepts of right to food and the commitments their government has undertaken (e.g. ratification of ICESCR)?

If time allows, asking a CSO what constitutes a violation of the right to food can be informative: the responses spell out clearly to what extent the concept has been fully understood.

After this rapid inventory of CSOs and their engagement in the right to food, their capacity to influence policy decisions should be examined. The first step for successful civil society entails knowing about and promoting the right to food and being well organized. The ability to participate (that is, the policy space) is the second.

The assessment should look at the entry points for CSOs in designing, implementing and monitoring policies and rating the quality of involvement. In some countries CSO involvement is institutionalized. For instance, some food security councils with a mandate to recommend specific action to enhance food security programmes have strong CSO participation (for example, Brazil's CONSEA with a two-thirds CSO membership). Other countries consult CSOs on a regular basis or while elaborating important development strategies. This, for instance, is mandatory for PRSPs!

Certain conditions need to be met for civil society participation to be meaningful. These may include:

- CSOs need to have a fair chance to express their opinions in debates.
- They need to be able to obtain all necessary information about the subject matter to be discussed.
- Their contribution has to be sought in timely ways, i.e. when the subject matter is still open for discussion and substantial changes can be introduced.
- The organizations can select their own spokespersons, and can be represented in ways in which they can decide.

Some leading questions are: How and to what extent is civil society organized in their effort of pursuing right to food (alliances, networks...)? To what extent is social inclusion already institutionalized? What is civil society's capacity to play an active role in advancement of right to adequate food? Do they have the knowledge? Do they have human, material and financial resources to make a significant contribution?

Right to Adequate Food Awareness among Right holders

For the progressive realization of the right to adequate food, right holders (or their representatives) have to be aware of this right, understand its content, and know how to claim the right. An important ingredient is that right holders have access to complete, up-to-date and unbiased information, at least about issues that directly affect their livelihoods, and the enjoyment of the right. They need to know whom to hold accountable in case of violations of their human right to food and to whom they should direct complaints. This knowledge should include an understanding of the extent to which they as individuals are also responsible for fulfilling their right to adequate food.

BOX 4.4 - How to measure “Rights Awareness” among right holders

Group discussions at community level and interviews with individuals may be necessary to assess to what extent right holders are informed about the right to adequate food. The question is: When can a person be regarded as adequately informed about the right? Some guiding principles might help in the assessment:

Individuals...

- *know that food is a human right;*
- *understand the roles of duty bearers and right holders;*
- *are aware of their own responsibility;*
- *know their legal entitlements;*
- *understand what constitutes a violation of the right to food; and*
- *are informed about complaint and recourse mechanisms (if there are any), and about procedures required to submit a claim.*

In addition, civil society groups as right holders’ representatives...

- *are well organized;*
- *are accountable to their constituency;*
- *pursue a human rights approach;*
- *have identified entry points for claiming the right; and*
- *promote the realization of the right to adequate food.*

This part of the assessment should augment the understanding to what extent the right to food concept is known and understood by right holders (particularly those who are most vulnerable). A concrete answer is only possible once a survey has been conducted and many right holders have been interviewed. This is beyond the rapid assessment envisaged by this manual.

It is fair to assume that the majority of right holders are not familiar with the concept. In all of the countries FAO works with, only a tiny group of experts – in most cases government officials, NGO leaders and UN agency staff – know what the right to food means and implies. The assessment should report on the positive events rather than confirming the obvious. While poor people are often well informed about government programmes that are or could be of direct benefit to themselves, they may not know where to go when access to these programmes is denied or the promised services are not delivered. They are also often unfamiliar with the notion of holding human rights.

Of most interest are *specific* examples of civil society pursuing right to food or using rights-based principles. One could look at the relationship between community groups (e.g. an irrigation maintenance group) and the subnational government representatives. How is the right to food practised, if at all? Is there talk about rights instead of charity? How are the beneficiaries selected for a specific service? Do channels exist for claims? Are the responsibilities of the actors involved clear to everyone?

BUDGET ANALYSIS¹⁹

The government's budget is the most important economic policy instrument any government produces. Formulating a public budget requires concrete decisions about how money should be raised and how it will be spent. The budget analysis constitutes an important part of the assessment of the country's policies and programmes. Public budget allocations and expenditures, when adequately analysed, reflect the implementation of political commitments (or the lack thereof) towards policy goals and targets, including those that relate to the realization of the right to adequate food.

Budget analysis from a human rights perspective is based, among other things, on Article 2.1 of the ICESCR, which obliges its state parties to "take steps (...) to the maximum of its available resources with a view to achieving progressively the full realization of the rights". This article implies that states must not regress from levels of fulfilment previously achieved, and that the government as primary duty bearer should prioritize the allocation of resources to necessary public services. The assessment should concentrate on these two issues.

Ideally, budget analysis will reveal which resources are available, how those resources are used and what the priorities are within government policies. The findings have to be analysed together with the results of the previous sections. For example, money allocated to anti-poverty or food security programmes may never reach the intended right holders owing to weak expenditure and programme management and the lack of political power among the poor to demand the resources. It is necessary to analyse the government's strategies and programme, the institutional set-up and power structures of society. Comparing this with fund allocations and spending paints the full picture.

¹⁹ For a detailed discussion on budget analysis, please consult **FAO**. (forthcoming). **Budget Work to Advance the Right to Food**.

BOX 4.5 - When does a public budget further the right to adequate food?

- *The fight against hunger is reflected in the budget as a government priority.*
- *A growing proportion of the budget is targeted to food insecure, vulnerable and marginalized populations with resources allocated to improve their quality of life.*
- *The budget allocations and expenditures are equitable and non-discriminatory, and promote social and economic inclusion.*
- *Detailed budget information is fully accessible at all stages of the budgeting process (formulation, legislative, implementation and audit phases).*
- *Budget cuts are not disproportional at the expense of social policies.*
- *In case of signs of retrogression from already achieved levels of right to adequate food, compensatory measures are included in the budget.*

It should be stated at the outset that a fully fledged budget analysis is a huge endeavour and might not be feasible within the limited scope of the assessment. Furthermore, there are a number of limiting factors that must be borne in mind:

- Due to the multi-faceted nature of right to food measures, it is difficult to determine clearly which budget lines correspond to the right to food.
- The discrepancy between the budget allocations and actual spending can be significant.
- When comparing budgets over time to assess trends in allocations and expenditures, inflation-adjusted data should be used.
- In some countries, the difference between the budget as it is enacted and as it is implemented can be significant.
- Time-lag: actual spending is only known a considerable time after the end of the budget year.
- Attention must be paid to different “budgets”, such as the “operating budget” for ordinary government programmes, “capital budget” to account for long-term infrastructure spending and spending “off-budget” which keeps some programmes outside of the normal budget process.

- The actual spending does not give much insight if funds have been spent effectively and efficiently and whether the allocated resources have reached their intended purpose.
- It is possible to measure what is allocated, and what has been spent, but not what should be spent. It is necessary then to refer to human rights commitments that should guide policy and programme priorities.
- There may be no direct insights into how well the poor are actually being targeted. It is essential to complement the analysis with on-the-ground assessments and observations.
- Budget analysts may not have access to detailed information related to specific areas of economic, social and cultural rights.

Due to the intricacy of the budget analysis, it has to be conducted by an expert who is familiar with both budgets and the right to food. Budget analysis is a continuous exercise that requires the comparison of data from different periods. Looking at one yearly budget provides only limited information.

Government Revenues

To gauge levels of government revenues, as well as the stability or trends in government revenues over time, some leading questions may be:

- What are the sources of government revenues? (Main revenue sources are taxes, public sector borrowing and foreign grants and loans.)²⁰
- What parts of these funds are already committed (debt re-payment,²¹ personnel cost, pensions, completion of projects from previous years, maintenance of public facilities, etc.)?
- What share of the revenues can be allocated according to current government priorities?

20 See **OCED**: <http://www.oecd.org/dataoecd/19/52/34352584.pdf> or MDG database: http://millenniumindicators.un.org/unsd/mi/mi_series_results.asp?rowID=568

21 **WDI**: <http://devdata.worldbank.org/data-query/> (needs to be derived).

Table 7 can be used to summarize information related to the financial situation of a country:

Table 7: Budget Trends

	← TREND →			
	Year 1	Year 2	Year 3	Year 4
Total Revenue				
Tax income				
Government borrowing				
Foreign assistance				
Miscellaneous ²⁰				
Macro Economy data				
GDP growth				
Inflation				
Interest rate				
Trade deficit/surplus				

Identifying the main source of income can give some indication on stability of funds. If, for example, a country mainly depends on revenue from exports of raw material, fluctuating world market prices can seriously disturb projected revenues. Other countries are highly dependent on Official Development Assistance (ODA), such as Mozambique with ODA being 58 percent of the total Gross National Income. A change in priorities of the donor country could lead to a huge reduction of funds. Those risks of highly fluctuating and instable revenue inflow should be documented.

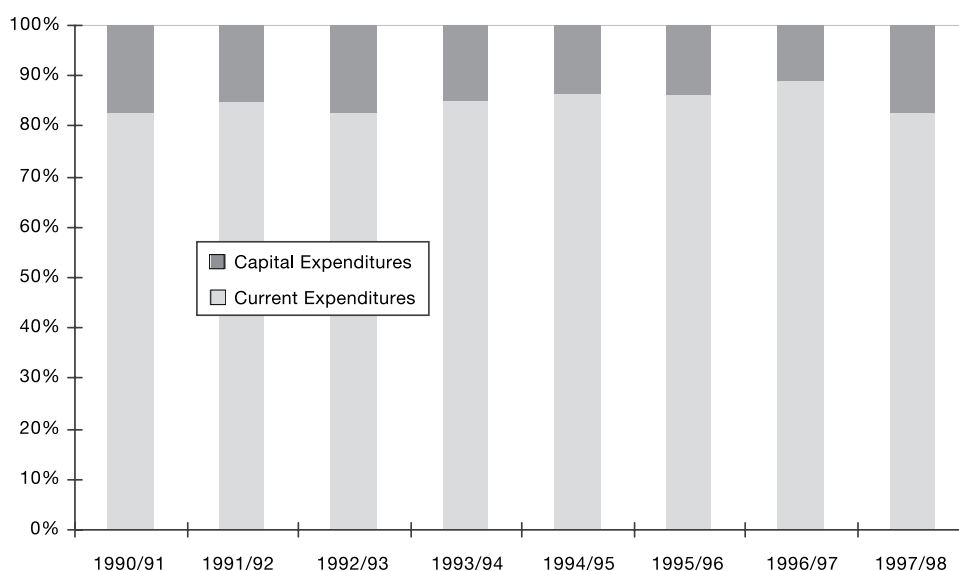
²² Property income, administrative fees, incidental sales, capital repayment, etc.

Government Spending

The second step of budget analysis is to assess government spending. The main budget priorities should be indicated. A time series of government expenditures over the last decade or so, adjusted for inflation, will be helpful.

Another important budget parameter is the proportions of recurrent and capital expenditures. The graph below shows an example of the Government of Namibia in the early 1990s.²³ As a general rule, the capital expenditure should not be lower than 10 percent of total expenditure.²⁴

Figure 1: Comparison between capital and current expenditure



The proportion of revenues used for the realization of the right to food is the main focus. The problem is that most budgets do not have a specific budget line for food security, let alone for the right to food. Some countries, such as Sierra Leone, include “food security” as a crosscutting budget-item, but this is still on a trial basis. In most cases, expenditure to advance food security will be “hidden” in various budget lines and sectors.

Even if no “food security budget” can be identified, it is insightful to compare the main expenditure lines (health, education, economic development, defence, etc.)

²³ National Democratic Institute for International Affairs (1998) *Understanding the Budget*, NDI, Namibia, available at: <http://www.cbpp.org/intl/NDIHandbk.pdf>

²⁴ *Ibid.*

and assess the fluctuations over time. This is fundamental to reveal government priorities.

1. Total government expenditure (breakdown per section depending on the budget structure of the country):
 - i. Food security (if possible).
 - ii. Defence.
 - iii. Education.
 - iv. Health.
 - v. Finance.
 - vi. Security (police).
 - vii. Infrastructure.
2. Budget priorities (of reporting period)
 - i. Social priorities (education, health, food security investments) – please specify type of expenditure and amount.
 - ii. Infrastructure and economic growth.
 - iii. Peace and security.

It is, however, a matter of debate what to include in this “food security budget line” and what to leave out. As this debate goes well beyond the right to food assessment, the use of the following eight proxy indicators may be a good approach:

1. **Action against hunger:** percent of budgetary investments on action against hunger. This indicator will register the government’s commitment to promote actions to eradicate hunger, e.g. within a wider strategy to achieve the MDGs. Activities may include programmes, such as school feeding, food stamps and direct support to the most hungry (adheres to the state obligation to provide).
2. **Institutionalization of combating hunger:** another indicator for the relative weight granted to food security is the funds allocated to the main institution in charge of food security concerns. In many countries this institution (sometimes a food security secretariat, committee or council) is heavily underfunded, lacks

human resources and equipment (state obligation: to facilitate). The overall asset situation of this institution provides a good idea on the importance given to food security. The assessment of the appropriateness of funding of such a food security or right to food coordinating body has to be compared with similar institutions in charge of other goals (health, education institution, organization for economic development, etc.)

3. **Investment in agriculture:** percentage expenditure on resource-poor agriculture compared to percentage of expenditures on agrobusiness. As most food insecure people live in rural areas and depend on agriculture, investment in small-scale agriculture is a fundamental part of an anti-hunger strategy.
4. **Employment:** percentage of resources executed to stimulate job creation and income generation as a priority to hunger eradication.
5. **Basic health services:** investment in basic health services/national budget.
6. **Emergency mitigation:** percentage of executed budget destined for social emergency situations. This indicator evaluates government attention to protect people in emergency situations and if the government has programmes to assist those people.
7. **Participation:** civil society's participation in the decision-making process is a crucial principle of human right promotion. In this sense, it is necessary to identify if there are mechanisms of participation in the budgetary process and if these are effective (state obligations: to respect and facilitate).
8. **Public debt:** debt payments as a percent of the national budget. This indicator will verify the amount of the budget destined to the public debt payment. Depending on this amount, the government compromises the budgetary execution as a whole. It establishes contingencies, specifically on social areas, and other fiscal adjustments that would make the execution of the budget difficult or impossible.

Budgets should ideally be policy driven and embody the policy priorities of the spending agency. Analysis should attempt to assess whether the allocation of resources implicit in the budget (financial, human resources, etc.) reflects and promotes stated policy objectives. Are the funds allocated sufficient to meet these goals?

In most cases only projected or planned expenditure are accessible. What really matters, however, is the actual spending which sometimes can vary significantly from allocations for a number of reasons. The best possible outcome would be to obtain actual spending in various departments and then compare this to what has been budgeted. In this way, systematic over- or underspending can

be detected. This allows an understanding of hidden and informal forces that influence spending patterns. Unspent funds could be symptomatic of a capacity bottleneck or of financial mismanagement.

Maximum of Available Resources

The two previous steps will show whether or not a government is using the “maximum of available resources to progressively realize” the right to food as stipulated in Article 2 of the ICESCR. To date, no objective indicators exist that could measure government performance with regard to budgeting. Conclusions here can only be indicative.

To arrive at such a conclusion, the severity of the problem (the prevalence of undernourishment), the programmes and institutions in place and the human and financial resources allocated to overcome the problem must all be considered. This cannot be done in isolation but with reference to the overall situation of the country and the government’s attitude to the realization of other policy areas. In essence, it is a well-educated assessment of government priorities and to what extent “the words match the deeds”.

As shown above, an assessment of the entire national budget on its conformity with human rights obligation is both tedious and challenging. In a specific case, however, budget analysis is manageable and could be an excellent way of verifying whether a government complies with its obligations at a micro level.

The assessment guide suggested analysing government programmes that are geared towards realizing the right to food of a specific group. Often, these programmes do not function as intended. The reasons for this can be manifold: mandate of the institution in charge is not clear; human resources are not well trained or the institution is understaffed; staff are not motivated or follow a different agenda; or the programme itself is underfunded. Some of these reasons have a budget dimension; some do not. If the assessment confirmed the former, budget analysis can be a helpful tool.

FAO’s manual on budget analysis (FAO, forthcoming) provides detailed guidance on how to use different budget analysis techniques. Interested readers should consult this publication. In short, budget analysis becomes relevant if a change in the budget – whether in revenues, allocations, expenditures or the impact of the expenditures – would likely result in a significant improvement in a specific right to food of concern.

Some guiding questions may help in identifying whether a remedy for a right to food violation is linked to the national budget:

- What specific role does the government budget play in the problem?
- What is wrong with the way the budget has been raised, allocated or spent that has caused the problem?
- At what point or points in the budget process (formulation, enactment, expenditure, audit) does the problem arise?
- At what level of the government's budget structure does the problem arise (national, state or provincial, or local level)?
- What would the government need to do with regard to the budget to help ameliorate the problem?

5. RELEVANT ANALYTICAL METHODS

Throughout the text, reference is made to analytical tools that could be helpful in the course of the assessment. This section describes the techniques in more detail. The user of this manual is not required to exactly use the tools described; there might be other methods better suited depending on the situation.

The first section explains in more detail how to conduct a causality analysis. It looks at the identification of immediate, underlying and root causes, and suggests methods to link the causality analysis with the macro environment (policies, institutions and laws).

The next section looks at the assessment of institutions, including the informal rules that determine the performance of an institution.

The last technique suggested here is a constraints analysis (or SWOT analysis), which could be helpful when writing the concluding remarks. The goal of this tool is to summarize the strengths, weakness, opportunities and constraints (or threats) and identify priority areas for action.

METHODOLOGICAL GUIDANCE TO CONDUCTING A CAUSALITY ANALYSIS

Causality analysis is part of the assessment of trends and causes of food and nutrition insecurity in a country. Chapter 3 explained why this type of analysis is necessary and the steps that are involved. This section provides further guidance on how to conduct such an analysis.

Immediate Causes of Malnutrition

From a conceptual point of view, analysing immediate and underlying causes has some merits. It helps understand the food and nutrition situation of deprived individuals and facilitates the identification of the structural or root causes of hunger. Those structural causes are the most interesting ones and guide the way towards the formulation of new legislation and policies and help identify major areas of concern. Looking at immediate and underlying causes might still be necessary from an analytical point of view. The results do not necessarily need to be reflected in the final report.

BOX 5.1 - Summary of immediate causes of malnutrition

Immediate causes of malnutrition can be:

- **Inadequate energy and nutrient intake** (kcal/day/person)²⁵; and/or
- **Inadequate utilization of food due to high prevalence of disease.**²⁶

In most cases, malnutrition is the combined result of both causes. It should be explained why those groups suffer from food insecurity by looking at:

- **Food consumption** (collection, preparation and consumption of food, quality of diet);²⁷
- **Health status** of those individuals.

The concept of adequacy is particularly significant in relation to the right to food since it serves to underline a number of factors which must be taken into account in determining whether particular accessible foods or diets can be considered the most appropriate under given circumstances. Not only the final outcome (in this case adequate energy and nutrient intake) is relevant, but also the process by which food is chosen and how and where it is consumed. A person begging for food or an individual searching for food on a garbage dump may receive sufficient food from an energy point of view but it is in stark contrast to human dignity, and does not conform with human rights principles.

There are strong synergistic relationships between **health** and **nutritional** status. A sick person is likely to lose his or her appetite, eat a poor diet, digest his or her

²⁵ Source, FAO: <http://www.fao.org/faostat/foodsecurity/Files/FoodConsumptionNutrients.xls>

²⁶ Disease, in particular infectious diseases, affects dietary intake and nutrient utilization.

²⁷ Indicator of national diet diversity, which estimates the percentage of energy coming from foods other than the "staple foods", source, FAO: <http://www.fao.org/faostat/foodsecurity/Files/DietNonStarchyFoodsEnergy.xls>

food poorly and use some of the nutrients to fight infection. A poorly nourished person has a weakened immune system and is more prone to infections. Infections, in turn, increase the potential for and severity of malnutrition. Indicators that measure the health status of an individual and the prevalence of diseases can be used as a proxy for debilitating infections.

Common health indicators as used by the MDG Indicators Database²⁸ could be helpful to measure the ability of individuals to adequately utilize food. Those comprise: mortality rates; progress in immunization; prevalence of diseases and use of contraceptives.

In addition, UNICEF²⁹ recommends looking at newborns with a birth weight of at least 2.5 kg (percent); the probability of dying before reaching the fifth birthday per 1,000 live births (percent); and expectancy at birth (years).

Underlying Causes of Malnutrition

The reason why individuals do not consume sufficient food or are too sick to eat and utilize food, can be explained by four broad areas of underlying causes:

1. No food is available due to climatic conditions, market failures or violent destruction.
2. The access to existing food stocks is denied due to economic or physical constraints.
3. The individual lacks knowledge to collect, store, prepare and eat food.
4. The health and sanitation condition is unfavourable and may lead to sickness.

In broad terms, the challenge of this part of the assessment is to analyse the living conditions that determine food consumption and inadequate utilization of food.

Depending on the vulnerable group identified, not all sections of this part of the assessment will be applicable. Given the huge differences between countries and groups, the examples provided can only be indicative.

The immediate causes of malnutrition identified may be determined by a seemingly endless list of underlying causes. It will suffice to restrict the assessment to most critical factors.

28 http://millenniumindicators.un.org/unsd/mi/mi_goals.asp

29 UNICEF: http://www.unicef.org/infobycountry/stats_popup1.html

A short narrative for each vulnerable group, underpinned by hard data and references to the source of information, is expected. References to some key indicators are provided in footnotes in case disaggregated data are not available.

Availability of food

Undernourishment can be determined by the absence of sufficient food due to climatic reasons (drought, flood, cyclone, etc.), destruction of harvests or agricultural assets and market failures (insufficient imports or transfers from other regions). After considerable progress in agricultural production, food availability is no longer the main cause of food insecurity. Improvements in infrastructure and transport have created better opportunities to deliver food to areas where it is scarce. Even if the relative impact of the availability problem is decreasing, no serious assessment should exclude it.

Food availability concerns are important for vulnerable groups who heavily depend on subsistence farming. It will also be important for people who live in areas of climatic risk (drought, floods, hurricanes etc.). Forceful eviction from agricultural land and destruction of harvest and resources and assets, also lead to unavailability of food. Common to all three examples, is that the food availability is a seasonal or transitory incidence.

Agriculture data, land use, and irrigation³⁰ combined with climatic data³¹ could provide some insight in the risk of food unavailability. The quality of resources (soil erosion, land degradation, water pollution) might give some ideas of potential agricultural activity.

Accessibility to food

Accessibility encompasses both economic and physical accessibility. In most cases, people cannot access sufficient amounts of food for economic reasons (no or too little income, food prices too high, etc). A poverty analysis and economic indicators may be helpful for this part of the assessment. Some useful indicators are: the percentage of population below US\$1 (PPP) per day consumption;³² the percentage of the population living below the national poverty line³³; and the share of the poorest quintile in national consumption.³⁴ Poverty data and food insecurity data should be compared to elucidate how many of the poor also face food insecurity.

30 FAO: <http://faostat.external.fao.org/faostat/collections?version=ext&hasbulk=0&subset=agriculture>

31 FEWS-NET (www.fews.net), FAO GIEWS (<http://www.fao.org/giews/english/index.htm>) or national early warning systems could provide data.

32 WDI: http://millenniumindicators.un.org/unsd/mi/mi_series_results.asp?rowID=580

33 WDI: <http://devdata.worldbank.org/data-query/> or MDG-Indicators: http://millenniumindicators.un.org/unsd/mi/mi_series_results.asp?rowID=581

34 MDG: http://millenniumindicators.un.org/unsd/mi/mi_series_results.asp?rowID=585

It is known that poor individuals spend a relative high proportion of their income on food. The expenditure for food items as a proportion of total income should be contrasted with the supply side. What type of goods is available at local markets? How high are prices and how do prices fluctuate?

Food insecurity is an instable phenomenon; as a result, individuals go in and out of food insecurity. Type of income sources, their diversity and in-kind distribution should be analysed. The determining factors of falling below the food security line (what has triggered the change from a “normal” to an emergency situation?) should be also be examined.

Nutritional education and caring capacity

Poor people often have a poor diet with a high proportion of staple foods which lack fruits, vegetables, fish and meat. This is often because of financial constraints, but can also be determined by the individual’s nutritional knowledge. Knowledge of caregivers on health and nutrition related topics (in particular, child feeding practices and hygiene) has an indirect impact on food security.

Nutritional knowledge is comprised of food preparation, food processing, eating habits/beliefs (e.g. food taboos) and intra-household food distribution. Examples of caring practices are child feeding and weaning practices (breastfeeding), health-seeking behaviours, support and cognitive stimulation for children, and care and support for mothers during pregnancy and lactation. The adequacy of such care is determined by the caregiver’s control of economic resources, autonomy in decision-making, and physical and mental status. Decisive to their ability to execute control is the caregiver’s status relative to other household members.

This section is more of a qualitative nature and might emerge as anecdotal. However, some proxy indicators can be found to underpin these qualitative descriptions. The indicators of the second MDG (“Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling”), for example, may serve as a proxy for nutritional knowledge. Indicators provided by UNESCO on the MDG website³⁵ comprise: Net enrolment ratio in primary education; proportion of pupils starting grade 1 who reach grade 5; and literacy rate of 15–24 year-olds.

Not many data are available that measure caring capacity. The capacity of a mother to care adequately for her children will depend to some extent on how she allocates her time between productive (income-earning) and reproductive (domestic) work as well as on her access to health services, water and fuel supplies, and markets for food. Within the household, her economic and social status will govern her degree of control over her time and income, and hence her capacity to care for her children and ensure their health and well-being. In some

³⁵ http://millenniumindicators.un.org/unsd/mi/mi_goals.asp

countries, national statistics may be available that measure some of the factors mentioned above.

Health and sanitation

A functioning health service has a direct impact on morbidity and mortality and, consequently, on an individual's nutritional status. This is determined mainly by the availability of safe water, sanitation, and environmental safety, including shelter. Water and sanitation improvements, in association with changes in hygiene behaviour, can have significant effects on population and health by reducing a variety of disease conditions such as diarrhoea, intestinal helminthes, guinea worm and skin diseases.

In their 2005 report on world health statistics,³⁶ WHO offers a range of indicators for health services, such as number of doctors, nurses, health workers per 10,000 inhabitants, or per capita expenditure on health.

To obtain information on health services at individual and household level, the utilization of health care services and their quality, as well as the financing and resource allocation of the household are areas to be considered. This has already been captured in the indicators used for analysing the immediate causes of malnutrition. WHO indicators on health service coverage³⁷ (e.g. birth attended by skilled health personnel in percent or number of vaccination) give some indication on the quality of treatment.

Indicators for sanitation can be extracted from UNDP's database.³⁸ Of interest are: percentage of population without sustainable access to an improved water source; population with sustainable access to improved sanitation (percent); and proportion of households with access to secure tenure.³⁹

Identifying the Root Causes of Hunger

With the root or structural causes of hunger the analysis goes a step further by asking what determines the underlying causes. To what extent do the general socio-economic and political conditions of a country influence the determinants of nutrition?

The assessment of the root causes of malnutrition is the missing step to end the analysis of cause and effect. The ultimate goal is to link the prevalence of malnutrition with the enabling environment of a country, and thus connect the

36 <http://www.who.int/healthinfo/statistics/en/>

37 <http://www.who.int/healthinfo/statistics/en/>

38 http://hdr.undp.org/statistics/data/index_indicators.cfm

39 UN-Habitat: http://millenniumindicators.un.org/unsd/mi/mi_indicator_xrxx.asp?ind_code=32

causality analysis with the assessment of the legal, political and institutional framework.

Again, the assessment must be made on the basis of the findings so far differentiated by the vulnerable group. The identification of the correct root cause, which ultimately leads to malnutrition, is extremely complicated. In many cases, the causality cannot be proven, leaving the analysis on the level of beliefs and ideology.

The list of causes found that determine the various underlying causes can be long. In order to still be able to operate with the findings, only the most striking causality effects should be considered for further analysis.

The results should be discussed separately and tested with key informants and vulnerable group representatives.

Subnational level

The smallest economic unit is the household. There might be **household characteristics** that are impossible to overcome in the short term and constitutes a major (root) cause of malnutrition. A household with a very high dependency ratio (say one adult and many older people and children) has enormous difficulties to produce enough food or gain sufficient income to provide food for all household members.⁴⁰

The root causes of malnutrition can be found in the livelihood system itself. The livelihood assets (human, natural, financial, social and physical assets) may be insufficient. The **vulnerability context** of the group in question has to be analysed also. Shocks, negative events, trends and seasonality – combined with inadequate mitigating or coping mechanisms – may be the structural causes of malnutrition. This has been considered already in the vulnerable group profiling but should be taken up again with a view of linking it with the enabling environment of the country (see the following sections). For example, the group might live under great climatic risk. The government should establish an early warning system for disasters and climatic shocks, and have a short-term relief programme in place to mitigate negative effects.

Institutions are relevant on a national, subnational and local level. Often lack of capacity or will of duty bearers on lower levels compromises the right to food. In many countries, appropriate policies and laws are formulated and adopted but do not reach the rural areas where most food insecure people live. Making these linkages can be invaluable for subsequent right to food implementation.

⁴⁰ For dependency ratio see, for example, UN Population Division <http://esa.un.org/unpp/index.asp?panel=2>

Ideological factors cover even broader aspects of society such as religion, culture, tradition and beliefs. Root causes can be discriminatory practices that continuously disadvantage one group. For example, the right to inherit is often restricted to men only. If not discriminated by law, society often excludes groups that are somehow different. Indigenous groups often have the same rights but, nevertheless, not the same opportunities. The reason for the imbalance often cannot be explained by unjust policies or laws, but by social behaviour inherent in a given society. In other words, the power structure within and among households is often legitimized by traditional ideology, which is imbedded in the accepted culture. These traditions are sometimes arbitral to human rights principles and structurally disadvantage certain groups.

The expected output of this section is a description underpinned by hard and soft data on potential improvements of right to food implementation at subnational level.

National level

The level of root causes is best described by Guideline 1.1:

1.1 States should promote and safeguard a free, democratic and just society in order to provide a peaceful, stable and enabling economic, social, political and cultural environment in which individuals can feed themselves and their families in freedom and dignity.

What is called the “national level” is congruent with the enabling environment assessed in the following sections. The main difference is that legal, policy and institutional frameworks, as well as the allocation of resources, is being viewed through the lens of vulnerable group profiling. The causality analysis will so far have revealed the immediate and underlying causes of malnutrition: those must now be linked with government action at the macro-level.

The main task though is to identify the laws, policies and institutions that played a dominant role in the non-realization of the right to food of certain groups. This analysis could be conducted according to the structure given above in Section 3 but it should not stop here. Ideally, it will go on to identify the factors that do not fit it the ordinary boxes of government action – for example, civil unrest, corruption, and a lack of interest in complying with human rights obligations.

Political factors primarily reflect the structure and function of the state, and include income/tax policies price and subsidization policies, the legal system, the policy framework and the role and power of national institutions. The stability of the entire system, the risk of civil strife or armed conflict is another important factor to look at.

The unequal distribution of resources and assets, and management of resources could become important **economic** factors that ultimately cause malnutrition. These include the potential resources available to a country or community, which are limited by the natural environment, access to technology and the quality of human resources. Macro-economic policies can have a huge impact on the ability of individuals to fulfil their right to food.

While plentiful good-quality food, available health services and a healthy environment are necessary, they are not in themselves enough to guarantee the realization of the right to food. There must also be a system in place that ensures that food and health services are properly used. As all human rights are interrelated and interdependent, it is thus impossible to analyse non-realization of the right to food without assessing the attainment of other human rights (education, health, housing, etc.). Formal and informal **institutions** play an important role as the interface between underlying and root causes as they provide basic services and, if properly implemented and operated, foster the advancement of right to food.

International level

States are connected on a political level (regional alliances, defence alliances, United Nations); an economic level (free trade zones, WTO); and a legal level (international human rights laws). Depending on the power and weight of a state, it will always be influenced by the performance of neighbouring countries, be it for good (e.g. stimulation of own economy) or for bad (e.g. crisis that affects the economy; conflict). Climatic change, pandemics and cross-boundary pests are other examples of international constraints that might be relevant for the vulnerable groups under discussion.

The influence of other countries or the international system of states as a whole that (indirectly) contribute to the prevalence of malnutrition should be mentioned. The international level must always be clearly linked to the underlying and root causes identified so far. The argument should be strengthened by hard data wherever possible.

The expected output of this section is the identification of effects that are beyond the direct influence of the national government. Strategies to overcome these constraints depend on the nature of the problems. Strategies to eradicate the root cause of the problem may be reached through inter-governmental negotiations. If only mitigation of the problem is possible, a country may have to adapt its national policies and laws. In some cases, neither eradication nor mitigation is possible. In that case, the only coping strategy seems to be choosing a different path for development in which the international constraints are no longer harmful.

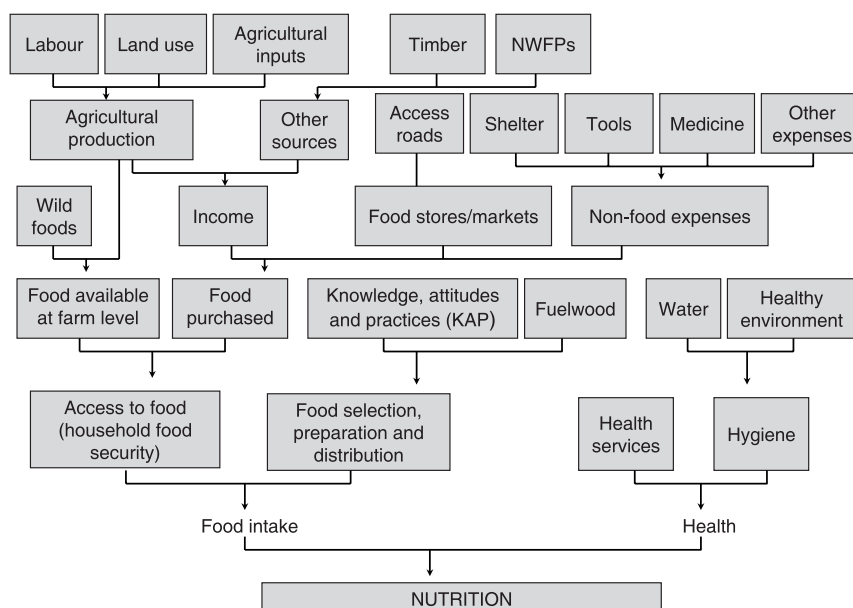
Techniques to link the causality analysis and the macro environment

Linking the findings of the causality analysis to the assessment of the macro environment (i.e. the legal, political and institutional frameworks) is essential and determines the quality of the right to food assessment.

Section A and B of the vulnerable group profiling (Annex 3) should be completed. The assessment team, together with national development experts and the representatives of the vulnerable groups themselves, will identify the most essential underlying and root causes, hence those that have the biggest negative impact on the realization of their right to food.

Once the causes of malnutrition are identified and prioritized for each of the vulnerable groups, the assessment team could draw up a “problem tree”, which can be turned into a “solutions tree” later on (see Figure 2 for an illustrative problem tree of a hypothetical case). This way, it is possible to clarify and prioritize aims and activities with a view to progressively realizing the right to adequate food (FAO, 2000).

Figure 2: Problem tree



The root or structural causes have to be related to policies, institutions or legislation. In the case of a peasant who was evicted from his or her land, the causes for his or her deprivation can be linked to many government decisions, which, in the end, culminated in his or her present situation. An expert consultation might reveal

the most important aspects that affected the end result. In our small example, the legislation that regulates land tenure can be important. The land reform or agrarian development policy could also be at the root of the problem. A step beyond this would be discriminatory practices or even discrimination enshrined in the society that disadvantages certain groups. Such behaviour can be reflected in government products and services.

The right to food is an integrating concept that allows the correlation of a household's productive and domestic activities with a reflection on social aspects (health, education, care of those most at risk) and means of livelihood (farming, forestry, artisanal activities, employment, etc.). Life style and constraints are directly related to the agro-ecological, economic and socio-cultural environment in which different population groups live, and thus vary from one group to another. The construction of a problem tree (as in Figure 2) makes it possible to define and visualize the interface between the food and nutrition system of a household (or group of households) and the various development sectors.

In a subsequent step the constraints that have the greatest influence and the most negative impact on the realization of the right to food of the individual or group in question must be related to a government action. This could lead to laws, rules or even the constitution; policies, strategies or programmes; weakness of institutions, inefficient implementation of policies; insufficient allocations of national budget etc.

Such an approach could also lead to a range of solutions that have to be explored further. These could be the entry points for a right to food implementation strategy.

CONSTRAINTS ANALYSIS

Guideline 3.2 recommends that governments conduct a “systematic identification of existing constraints”. This is already implicit in the several parts of the assessment. Nevertheless, a summary of the constraints most relevant to the realization of the right to adequate food is helpful to identify the most pertinent areas for action.

Every country has different strengths and opportunities, but also weaknesses and constraints that determine the way in which the right to food can be advanced. Such a SWOT analysis⁴¹ is a very effective way of identifying strengths and weaknesses (internal analysis), and of examining the opportunities and constraints/threats (external analysis). Carrying out an analysis using the SWOT framework helps to focus activities in areas where a country is strong and where the greatest opportunities lie. It also identifies the biggest constraints that need to be addressed to make headway with the realization of the right to adequate food.

⁴¹ *Strength – Weaknesses – Opportunities – Threats; sometimes referred to as “SWOC” analysis with “C” standing for “Constraints”.*

Strengths

A country's strengths are its resources and capabilities that can be used as a basis for developing a right to adequate food strategy. Examples of those strengths may include:

- Human resources and strong capacity (duty bearers understand their role, right holders are informed and empowered).
- Good policies and strategies already in place (Policies and strategies to support the most vulnerable by targeting the underlying and root causes of undernourishment).
- Good legislation, good laws in place (right to food is recognized in legal system, recourse mechanisms exist, legal system is accessible to right holders, etc.).
- Strong institutional environment (a platform exists where right to food policies and strategies can be discussed and recommendations made to government).
- Powerful and committed government (evidence for strong statements and political decision to pursue a rights-based approach).
- Well-organized civil society and strong government-civil society partnerships (CSOs are able to articulate their claims).

Weaknesses

Under weaknesses, the main obstacles for a successful realization of the right to food should be mentioned. Those can be an unfavourable status quo to the extent to which the right to food is realized, e.g. an unequal distribution of income and assets, which cannot be changed sustainably in the short or medium term. Examples include:

- Low capacity in institutions and judicial system and impossibility to replace staff (duty bearers are not aware of the right to food concept, see it as a threat, do not have the financial and human resources to pursue it etc. Right to food remains as a slogan but is not put into practice).
- High level of corruption.
- The rule of law is not respected (there might be legislation to respect and protect the right to food but violated in practice. No recourse mechanism exists).
- The power of government does not reach remote areas.

- People are not aware of their rights and do not organize themselves (they are not informed about their rights and entitlements and ways to express their discontent).
- Internal strife and armed conflicts.

Opportunities

What are potential events in the future that can be used to strengthen the country or that can help overcome its weaknesses? Only external events are regarded as opportunities. Examples include:

- Opportunities for economic growth (such as new trade rules, increased demand on products of the country, etc.).
- Donor money that can be used efficiently to foster the realization of the right to adequate food.

Threats

Changes in the external environment may also present threats to a country. When including negative external events in this list, the reasons why they potentially undermine the government's capacity to realize the right to food have to be explained. Examples include:

- Conflict imposed by other country or group.
- Disadvantages in international trade expected.
- Degradation due to long-term climatic changes.
- Skilled personnel leaving the country – “brain drain”.

The SWOT analysis is a useful brainstorming tool at the very beginning of a right to food assessment. It will already touch upon a number of factors that determine the status of the right to food in a country and/or the government's ability to create an enabling environment. The SWOT analysis does not replace the assessment steps elaborated in Chapter 4 but is a useful tool overall outline before getting into details.

6.

FINAL REMARKS

This publication aims to guide practitioners responsible for conducting a right to food assessment in their country. It can also be used by non-state actors who want to assess the extent to which the legal, policy and institutional framework of a country complies with the provisions of ICESCR (Art. 11).

When the assessment is done, what next? The assessment team will have produced a succinct report of between 30 and 40 pages, including a summary for decision makers. The assessment will have begun by examining the state of food and nutrition insecurity and the underlying and root causes of this situation. The legal, policy and institutional framework as well as budgetary issues will have been analysed and their impact on the food situation of vulnerable groups detected.

In most cases, the assessment team will have found many causes that ultimately affect the state of food insecurity of the vulnerable groups identified. The tricky part is to identify the priorities. In times of scarce financial and human resources, government has to decide what to prioritize. Should the government first fix loopholes in the legal framework or should the establishment of a new inter-ministerial committee for right to food be given priority? Is it more important to increase investment in the school feeding programme or should the agriculture programmes be prioritized? All activities on their own are laudable, but some have a bigger impact than others on reducing hunger. The right to food assessment analyses all these options and presents them to decision makers. By providing a complete picture, decision makers have a better chance to allocate resources effectively and efficiently.

We should also turn back to one of the key questions we asked in the first section: when should a right to food assessment be conducted? Guideline 3.1 suggests that a government should undertake such an assessment when it considers adopting a human rights-based strategy for the right to food or including a section on the right to food in an overarching development strategy (e.g. PRSP). The assessment serves for two purposes:

- It presents a complete picture of the food-security situation of the country, including the legal framework and national budgets – domains that are often ignored by food security planning.
- It also provides a baseline against which to measure progress.

A right to food assessment is an excellent start of a broader implementation process of this right. It should not be a one-time event. Partial and in-depths assessments can be conducted whenever needed, for example when a country wishes to elaborate a new piece of legislation. A complete assessment could be worthwhile when an overarching strategy, such as a PRSP, is drafted or revised. Finally an assessment is a necessary first step for any monitoring exercise. The assessment tool is flexible enough to cater for all these different uses. At the same time, it is a living document that, in a possible future revision, may be enriched by country experience.