PART ONE.

CHAPTER 1.
BUILDING A RIGHT TO FOOD CASE

INTRODUCTION

From community-based organizations to NGOs to State agencies, many people and institutions are labouring to ease the plight of the food insecure, and to ensure that people's right to food is guaranteed. They undertake research and analyses of situations or cases. They publish reports and seek to draw attention to them through the media. They urge governments to design and implement more effective programmes and projects as well as increase government spending to that end. Communities mobilize to articulate their own concerns and demands.

The struggle, however, is not easy. Even when a government has the will to make human rights a reality, it is confronted with a multitude of needs and interests as well as international pressures and commitments. A government may not be clear about the root causes of hunger and poverty in the country, or how best to address them. Furthermore, governments are not homogenous, often getting bogged down in internal competition for the same pot of money. Indeed, there *is* many a slip between cup and lip. Ensuring that the right to food is assigned its appropriate place on the political agenda is not easy.

This is the first of the three chapters devoted to how to use budget analysis, and budget work more broadly, in efforts to ensure that the right to food is accorded its proper place. The bulk of this chapter concerns the four steps that are important, first of all, to defining, building and refining a right to food case.

They are:

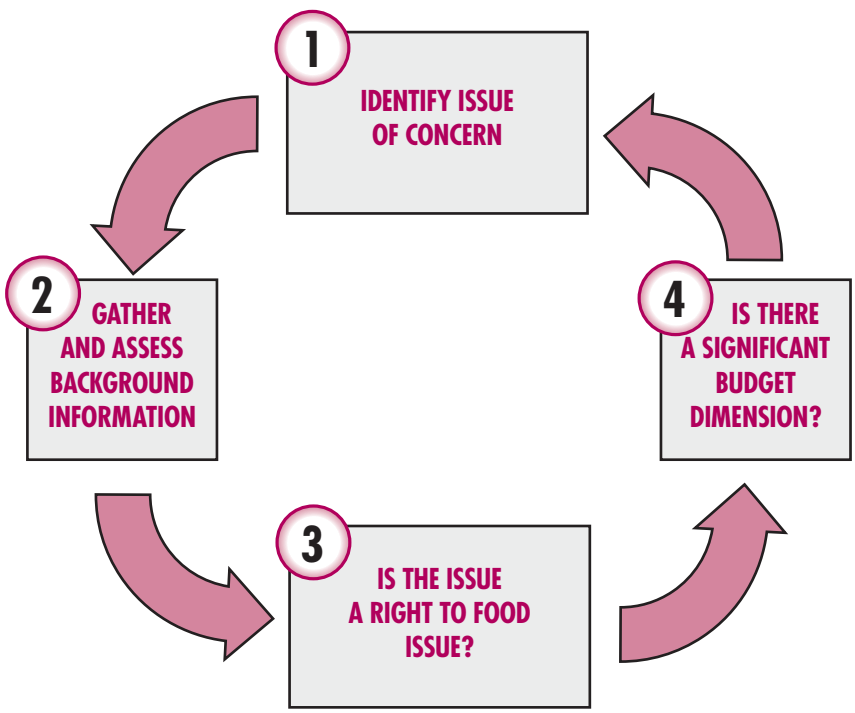
1. Identifying the issue that is of specific concern to an organization or institution.
2. Gathering and assessing relevant background information.
3. Determining whether the issue is (at least in part) a right to food issue.
4. Determining whether there is a significant budget dimension to the issue. (There may not be!)

At the end of these four steps, in a transition to Chapter 2, there is a discussion about the importance of an institution's or organization's being clear, before starting budget work, about its capacities. What skills and knowledge does it already have, and what additional skills and knowledge will it need, to undertake the budget work it envisages doing?

The first four steps

The Introduction to this guide mentioned the value of an iterative process. One place to pursue such a process is with regard to the steps in each chapter. What does this mean for Chapter 1? Figure 4 illustrates the iterative steps. It is followed by a detailed explanation of each of them.

Figure 4. Four steps in building a right to food case



STEP 1: IDENTIFYING THE ISSUE OF CONCERN

For a human rights organization or institution, 'the issue' is typically one that arises out of its work with a community or constituency. For a legislator, someone in the person's province or district may have come to them for help. A human rights commission may become aware of an issue through complaints brought to it by individuals or civil society groups, or through media reports. In any of these situations, the issue usually does not come neatly delimited and defined. Indeed, clarifying the nature and extent of an issue or issues is part of the task ahead. At the same time, it is important for an organization or institution, even at the beginning of the process, to state its issue as clearly as it can with the information initially available to it.

BOX 2. Identifying an issue in the Philippines

ESCR Asia, which works on economic and social rights issues in the Philippines, consulted the fisher community in Barangay Manocmanoc, which is part of the Malay municipality in Aklan Province. A lot of the coastline of the Province has been converted into beachfronts for hotels catering to a growing tourist industry. At the same time, access to the sea is essential to the fisher community's livelihood. Fishers keep their boats tied up at docks along certain areas of the coast. When ESCR Asia consulted them in early 2008, they were very anxious about plans that were afoot to build a hotel on the beach where they dock their boats. Their principal concern was the likelihood of eviction from the area, and with eviction, loss of their ability to pursue their livelihood in the locality.

STEP 2: GATHERING AND ASSESSING BACKGROUND DATA

Once an organization or institution has identified its issue of concern, the next step is to pull together other information that will be useful in providing it with a better, broader understanding of how the issue fits into the larger political, social and economic picture in the country (or the locality within which it works), as well as the opportunities and limitations of working on the issue. Some of this information may already be familiar, but some is likely to be new. There is no fixed rule as to what information an organization should gather. It will depend on the organization's or institution's pre-existing understanding of the facts of the situation and a common sense judgment about what more is needed. Nonetheless, here is a short checklist that might be helpful:

- *Relevant government policies and plans*. Policies provide insights into a government's vision and broad intent about an issue, while plans give more detailed information about projected areas of work, together with a calendar for implementation.[8] As was already mentioned in the Introduction, it is possible that the government's policy or plans related to an issue of concern are non-existent or seriously flawed in design, which might mean that the most appropriate target for action is not the budget, but the policy or plan itself.

- *Government statistics*. Which government statistics will be relevant to an organization will depend on the issues on which it is working. When those are right to food issues, important data will probably include statistics on poverty, as well hunger and malnutrition. In Box 3, on the Manocmanoc case, mention is made of data on poverty incidence in the country, as well as on the number of registered fisherfolk in the Malay municipality. Typically, the more disaggregated the statistics (i.e. the more broken down by demographic or other groupings, such as, for example, fisherfolk), the more useful they will be.

- *The legal framework in the country*. This includes not only relevant rights and other provisions in the national constitution, but also national and local laws (if the concern is about a local issue), ordinances and regulations relevant to the case. With regard to the Manocmanoc situation, ESCR Asia, for example, looked at the Philippines Constitution to see what it said about the right to food. They also reviewed laws setting out the powers of Local Government Units, because that was who ultimately controlled the situation they were concerned about, and the Fisheries Code, to see what it said about fisheries development, the rights of fisherfolk and so on. The provisions in international human rights treaties that the country has ratified can also play an important role when national standards are non-existent, or have gaps and weaknesses.

  In addition, it is important to know what legal channels exist to secure recourse in the country. Everyone has a right to an effective remedy for a violation of his or her rights. While a legal channel may not be the most promising or appropriate route, information about what is available can nonetheless be useful. Awareness of legal processes that exist for resolving an issue can strengthen negotiations (whether by a civil society group, legislator or national human rights commission) with government officials, because the availability of such a course of action can put pressure on the latter to work towards a resolution.

8 Examples of policies and plans: Uganda's Food and Nutrition Policy (see Box 14) and the Philippine's National Fisheries Plan (see Box 3).

- ☑ *Information about the government's budget, the budget process and budget actors*.[9] To do effective budget work, it is important as a starting point to know the legal framework for the budget, which sets out who is responsible for developing, approving and executing the budget. This may be contained in the national constitution or in laws specifically related to the budget.

  Information about the degree of real transparency in the budget process is also important. What budget information is produced? Is it publicly available, for example, on the Web? What is the quality of information that is available? Also important is similar information on the law, and the reality, with regard to people's ability to participate in the budget process.

This Step 2 is about collecting and reviewing information to develop a broad overview. Later on in the process, it may be necessary to undertake a deeper analysis of this information (as well as of other information that might be identified). Reviewing and assessing relevant background information at this stage, however, may produce some valuable initial insights into:

- the strengths and weaknesses of government policies and plans, which is one piece in the puzzle of identifying if and where there have been shortcomings in the government's actions to date;

- the government ministries, departments and agencies that are involved in the situation of concern. They may be key to resolving the situation and they may be an important target for advocacy by a civil society group;

- whether ministries, departments or agencies are acting outside the laws governing the situation;

- whether the situation is unusual, or if other communities or populations in the country are in similar straits. It may be possible with this knowledge to identify both potential allies as well as strategies that have already been tried, with or without success, by others; and

- potential human rights violations (if, for example, government statistics that have been identified show disproportionate poverty or hunger among certain populations).

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9 The Right to Food Guidelines address the role of government budgets in advancing the right to food in Guideline 12, 'National Financial Resources.' For more information on budget processes and related documents typically produced by a government, see *A Guide to Budget Work for NGOs* from the International Budget Project; and *Monitoring government budgets to advance child rights* by IDASA in South Africa. Details on these publications are available in References. Civil society organizations in a good number of countries have also produced guides to the budget processes in their own countries. For more information on these, see
http://ibp.forumone.com/resources/library/search.php (Accessed 24 July 2008).

BOX 3. Gathering and assessing background information

With regard to the Manocmanoc case, ESCR Asia reviewed their existing knowledge and pulled together new information as necessary, including:

- *the legal framework (in the constitution, national laws, etc.) related to the right to food. In the laws, of particular interest was the Fisheries Code, which was intended to create an enabling environment to ensure the rights of fisherfolk;*
- *the poverty situation in the country, poverty incidence by regions in the country, as well as the government's framework for poverty alleviation;*
- *the food security situation in the country and statistics on the extent of hunger in different regions;*
- *the government's National Fisheries Plan, the national GMA-Fisheries Programme, local fisheries plans, and related ordinances and regulations. Also of interest was the Malay Municipality's Comprehensive Land Use Plan of 2000, and its Coast Resource Management Plan;*
- *numbers of registered fisherfolk in Malay municipality;*
- *current local livelihood projects in fisheries;*
- *the government bureaus and agencies responsible for fisheries at the national level;*
- *the political and judicial decision-making process in the country;*
- *the powers of the Local Government Units (LGUs), including those at the provincial, municipal and barangay levels (including the Tourism Development Councils). Of specific interest was the role of municipal powers in setting aside or demarcating fishing rights over near-shore coastal waters; and*
- *the budget process, and the situation with regard to access to information.*

Having gathered and reviewed this type of information, before going on to the next step, it may be desirable to look again at the way the issue of concern was initially articulated. Taking into account insights gained from assessing this background information, is the initial statement of the situation still as accurate and precise as it can be, or has the background information offered a new perspective on the situation, and on any issues that are or should be of greatest concern?

STEP 3: IS THE ISSUE OF CONCERN A RIGHT TO FOOD ISSUE?[10]

In any situation of concern, it is likely that there will be more than one human right at risk, and it may turn out that some other right is at greater risk in the situation than is the right to food. This then seems like a good point to stress that much of the thinking process set out in this guide would be equally valid for human rights and budget work related to other than the right to food. However, because this guide is about the right to food, that will be the focus of attention in this section.

What is the right to food?

People have human rights, because they are human. These rights exist whether or not they have been embodied in law. However, when someone asks 'What is the right to food?' they generally mean 'How is the right to food understood in law—whether national, regional or international?' or 'What would the courts in our country recognize as the right to food?'

As was said earlier, the right to food has been recognized in the national constitutions of a number of countries. The nature and extent of the guarantees accorded that right through a national constitution will depend on what the constitution actually says, the legal status of constitutional provisions in the country, and the related national-level jurisprudence.

The right to food as guaranteed in international law has been discussed and written about at great length.[11] The following definition of that right by the UN Committee on Economic, Social and Cultural Rights (CESCR) is considered authoritative:

> *The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall … not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.*[12]

10 An organization or institution that already focuses on the right to food has probably, in Step 1, selected a right to food issue as their issue of concern. In such a case, they would not need to go through this Step 3.

11 See References for resources that discuss the right to food in more detail.

12 General Comment 12, para. 6. See References.

BOX 4. Food security, food sovereignty and the right to food

Three terms are often used interchangeably: food security, food sovereignty and right to food. All three strive for the same ultimate goal (access to food and the elimination of hunger). There are, however, some important differences among them. Food sovereignty is a political concept, while food security is both a technical term and a political goal. The right to food is a legal concept. It is important to be careful in using these terms, as the concepts are based on different principles and approaches, and have involved different actors. Here are some useful definitions:

- Food sovereignty *is the right of peoples to define their own food and agriculture; to protect and regulate domestic agricultural production and trade in order to achieve sustainable development objectives; to determine the extent to which they want to be self reliant; to restrict the dumping of products in their markets; and to provide local fisheries-based communities the priority in managing the use of and the rights to aquatic resources. Food sovereignty does not negate trade, but rather, it promotes the formulation of trade policies and practices that serve the rights of peoples to safe, healthy and ecologically sustainable production. ('Statement on Peoples' Food Sovereignty' by Via Campesina)*
- Food security *exists when all people, at all times, have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. (From World Food Summit, Plan of Action, 1996)*
- *The* right to food *in international law provides a legal guarantee of food security. This legal guarantee empowers individuals to hold their government accountable for its acts or omissions related to food security. The right to food goes beyond food security to consider* how *people access food. It must be in ways that respect human dignity. People should not have to depend on others to provide them with food. The right to food guarantees people access to resources that enable them to feed themselves.*

Assessing whether the issue of concern is a right to food issue

Again, each problematical situation probably contains threats to a number of rights. A decision to focus specifically on the right to food will depend upon the facts of the situation, the priority concerns of the individual or community that has raised the issue, and the strategic possibilities and value of focusing on one right rather than another.

The following box contains short descriptions of some typical right to food situations. They underscore the fact that the right to food can be threatened by a wide range of factors.

BOX 5. Typical situations where the right to food is threatened

- *Huge development schemes (like hydropower stations or large farms devoted to agribusiness) often require the relocation of individuals or entire communities. Often the affected groups are not consulted and may even be forcefully evicted from their lands. In many countries, property rights are not well documented, leaving affected groups with only vague legal protection. They may be evicted from agriculturally productive land and relocated to a place with inferior soil quality (if they are compensated at all). They are no longer able to realize their right to food and cannot readily change livelihoods.*
- *When a country signs a trade liberalization agreement, there are some losers, at least in the short run. Small farmers who are too weak to participate in the export market cannot reap the benefits of the new agreement. As domestic markets become dominated by cheap imports, they can only realize an inferior price for their produce, with the result that their income becomes insufficient to provide for their families. The government may plan compensatory measures according to a twin-track approach: enabling individuals to take advantage of the new opportunities and cushioning actions for individuals who in the short run or due to reasons beyond their control (e.g. age, sickness) suffer serious setbacks in their ability to realize their right to food. The snag to this approach is that these programmes are implemented with huge delays and provide incomplete coverage, while the negative impacts of the trade liberalization agreement kick in immediately.*
- *A persistently high number of individuals are food insecure in many countries. The government may do too little to support these individuals, even while it can often be argued that enough resources are available to maintain food security programmes. Food-insecure individuals eke out a miserable existence, but are neither seen nor heard by officials. They do not know that they have rights nor how to claim them, and thus they do not use any of the legal recourse mechanisms that the country may offer.*
- *A government may use its safety net system as a political weapon by including its supporters in schemes and deliberately excluding supporters of the opposition. Exclusion of certain groups could also happen inadvertently by a scheme's being designed in a way that impedes access by some groups.*
- *A fisher community sees its catch declining since a chemical plant started contaminating the water by using the same water source for cooling its engines. The fisher community is unable to maintain its livelihood and fishers are unable to feed their families.*
- *A very inefficient government misuses public resources. The effectiveness of an agricultural support programme, for example, may suffer because of corruption and other illegal practices, or due to a lack of capacity and/or coordination in the public sector (with resulting duplications, competing methods, etc.). If public resources were used more efficiently, the right to food of many more individuals could be better realized.*

To determine whether a situation being addressed by an organization or institution raises a right to food issue, the questions to ask will be:

1. Are there problems with access to food in the situation?

If not, it probably does not raise right to food issues. If there are, it will be necessary to gather information on *how* access to food became a problem and *who* played a role in creating the situation.

While there are many actors in a problematical food situation, under the laws of most countries and under international law, direct legal responsibility for failure to guarantee the right to food currently rests only with the government. An organization or institution may choose to target other important actors (such as multinational corporations) in their research and advocacy, but in the absence of a direct legal responsibility, they will probably need to pursue other than strictly legal remedies. In any event, this guide focuses on the government's budget in right to food situations, so the focus will stay on the government's acts or omissions.

2. What factors have led to the problems related to access to food?

The factors will probably fall into one or more of the following categories:

- Government action interfered with prior access to food (e.g. eviction from coastal areas as a result of permits issued to private enterprises by government agents, as was threatened in the Manocmanoc case);
- Action by a private party (also called 'a third party') interfered with access to food (e.g. through eviction from land by a private company);
- Exclusion on some ground from a government food or land programme; or
- A lack of, or the inadequacy of, government programmes to meet food needs (as happened in the Guatemala case discussed in the next few pages).

It is important to carefully analyze the facts in the situation of concern together with any background data to determine which of these factors has given rise to the access to food problem. This analysis is essential in order to pinpoint if there is any government responsibility in the situation.

If there is government responsibility, it is important to determine the *level* of government that bears responsibility. Are the responsible actors national government departments or agencies, or are they state/provincial government, or perhaps local government officials? All levels of government are responsible for realizing human rights. However, when it is time to frame research findings, make a claim or put forth recommendations, it will be important to be precise as to the level of government that bears responsibility and that needs to take action.

Having identified the factors leading to the access to food problem, it is time to pose a third question, which seeks to 'translate' the identified government responsibility into human rights obligation terms:

3. What government human rights obligation is involved with the access to food problem?

Annex 1 provides detailed information on government obligations, particularly as these relate to right to food situations. In general, however, it is possible in broad terms to 'translate' the four categories of factors just set out in question 2 into statements about government human rights obligations as follows:

- Government interference with existing access to food would imply non-compliance with the government's obligation to *respect* the right to food;
- Action by a private party would raise the possibility of the government's failure to meet its obligation to *protect* the right to food;
- Depending upon the fact situation, exclusion from a government food or land programme brings into question either the government's compliance with its obligation of *non-discrimination* or to *progressively achieve* the right to food; and
- Depending upon the specific fact situation, the lack of or inadequacy of government programmes points to several possible failures, with regard to the obligation to *fulfil (provide)*, to *fulfil (facilitate)*, or to use the *maximum of available resources* to realize the right to food.

BOX 6. Did the Manocmanoc situation raise right to food issues?

ESCR Asia concluded that the situation presented by the Manocmanoc fisher community did indeed raise right to food issues:

1. The community's concern was about access to food—access to fishing and the food that fishing had historically provided them, and/or to a livelihood, income from which would enable them to meet their food needs;
2. The factor giving rise to the concern with regard to access to food was the threat of eviction from coastal areas and land, either by the municipal government or the hotel owners, thereby depriving the community of their direct access to food and to their livelihood;
3. These factors point to a potential government failure either to respect the community's right to food, or to protect it from interference by a third party—depending upon how the eviction might occur.

If the situation of concern raises a right to food issue, then what?

If, based on this preliminary assessment, it appears that the situation raises a right to food issue or issues, it would then be wise to dig more deeply into the information already gathered, and perhaps pull together some additional information, about the right to food. This will facilitate a deeper analysis—both with regard to the fact situation, and later on, with regard to any findings from the related budget work—about the government's compliance or failure to comply with its right to food obligations.

☑ *What does the national law say about the right to food?*[13]

Are there provisions in the national constitution that guarantee the right to food? How do these relate to the issue? Are there specific laws and policies on the right to food? What do they say? How do they relate to the issue?

Understanding the relevant national constitutional provisions, laws and policies will strengthen analysis of the issue of concern, and also later enable the organization or institution to refer to appropriate national standards in discussions with government officials and/or in advocacy.

☑ *What international and regional treaties has the government ratified (or acceded to)?*

What do these treaties say about the right to food? How do specific articles in these treaties relate to the issue of concern?

Provisions in international and regional human rights treaties provide an important overall rights framework. National constitutional provisions, policies and laws should be in line with commitments made by the government at the international level. These guarantees may also be stronger or more detailed than those provided in the national constitution and laws, and if they are, could add strength to the analysis, aid in framing the related claim and in developing any advocacy message.

The right to food is part of the right to an adequate standard of living, enshrined in Article 25 of the Universal Declaration of Human Rights and in many international treaties. The most relevant such treaty is the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Committee on Economic, Social and Cultural Rights (CESCR) is the international body charged with the responsibility for monitoring implementation of the treaty. The Committee on occasion develops and adopts 'General Comments,' some of which are designed to shed light on the meaning of specific rights. The Committee has issued a General Comment on the meaning of the right to food, General Comment 12.[14]

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13 Of relevance here is Guideline 7 on 'Legal framework' in the Right to Food Guidelines.

14 For General Comment 12, see References.

BOX 7. Key international standards related to the right to food

These standards can be very helpful in analyzing a situation, because they aid in fleshing out the meaning of the right to food and what a government should do to realize that right. Fuller information on international standards is available in some of the materials listed in References.

- *International Covenant on Economic, Social and Cultural Rights, Article 11:*
  1. The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food …
  2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:
     a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems …
     b) … to ensure an equitable distribution of world food supplies in relation to need.
- *Convention on the Rights of the Child, Articles 24 and 27*
- *Convention on the Elimination of All Forms of Discrimination against Women, Article 12.2(g)*
- *Relevant documents from international conferences:*
  - Rome Declaration on World Food Security and World Food Summit Plan of Action (1996)
  - Declaration of the World Food Summit: Five years later (2002)
  - Millennium Development Goal 1 (eradicate hunger)

- *General Comment 12 (1999): principal elements*
  - The right to food implies 1) the availability of food in sufficient quantity and quality to satisfy the dietary needs of all individuals in a form that is culturally acceptable; and b) the accessibility of food in ways that are sustainable and do not interfere with the enjoyment of other human rights. (para. 8)
  - Accessibility encompasses both economic and physical accessibility:
    Economic accessibility implies that the personal or household costs associated with acquisition of food for an adequate diet should be at a level such that the satisfaction of other basic needs is not compromised.
    Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, as well as victims of natural disaster and armed conflicts. (para. 13)
  - The minimum core obligation related to the right to food: Requires governments to provide access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure individuals' freedom from hunger. (para. 14)

BOX 7. Key international standards related to the right to food - CONT.

- *FAO's Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (2004)*

  The Voluntary Guidelines (generally referred to as the Right to Food Guidelines) were developed by governments, and while not legally binding on States, States are encouraged to apply them in developing their strategies, policies, programmes and activities.

  The Right to Food Guidelines touch on a very broad range of issues. They provide guidance on how governments can best create an enabling environment, provide assistance and ensure accountability related to the right to food. In this area, the Right to Food Guidelines address, among other topics:

  - Democracy, good governance, human rights, and the rule of law
  - Economic development policies and market systems
  - Institutions and legal framework
  - Access to resources and assets, including labour, land, water, and services
  - Food safety and consumer protection as well as nutrition
  - Support for vulnerable groups and safety nets
  - Monitoring, indicators and benchmarks
  - National financial resources

  The Right to Food Guidelines also propose international measures, actions and commitments, which touch on, among other topics:

  - The role of the international community
  - International trade and external debt
  - Official development assistance and food aid
  - Partnerships with NGOs, CSOs and the private sector

☑ *What specific government obligation(s) appear to be at issue?*

Reference has already been made to the government's human rights obligations. These obligations relate specifically to commitments made by States that have ratified the relevant international treaties. If the assessment undertaken thus far points to a right to food issue, then it is time to analyze these obligations more closely. This would be an appropriate point at which to review Annex 1 on 'Governments' Human Rights Obligations.' Which obligation or obligations appear to apply to the situation of concern?

Of additional help in identifying and understanding government obligations with respect to a right to food issue is the CESCR's General Comment 12 (GC12), because it provides extended explanations of how the different obligations may apply to a range of situations. Which paragraphs in GC12 appear to be relevant to the situation of concern?

The Right to Food Guidelines are also useful, as they identify what governments can and should do in various spheres to realize the right to food. Do the Guidelines have something to say about what the government should be doing with regard to issue that the organization or institution has identified?

Both General Comment 12 and the Right to Food Guidelines are potentially invaluable in informing and directing analyses of fact situations, but also, because of their authoritative status, providing legitimacy to discussions with government officials and in advocacy about a situation of concern. Full citations for both are provided in References.

BOX 8. In-depth information related to the Manocmanoc situation

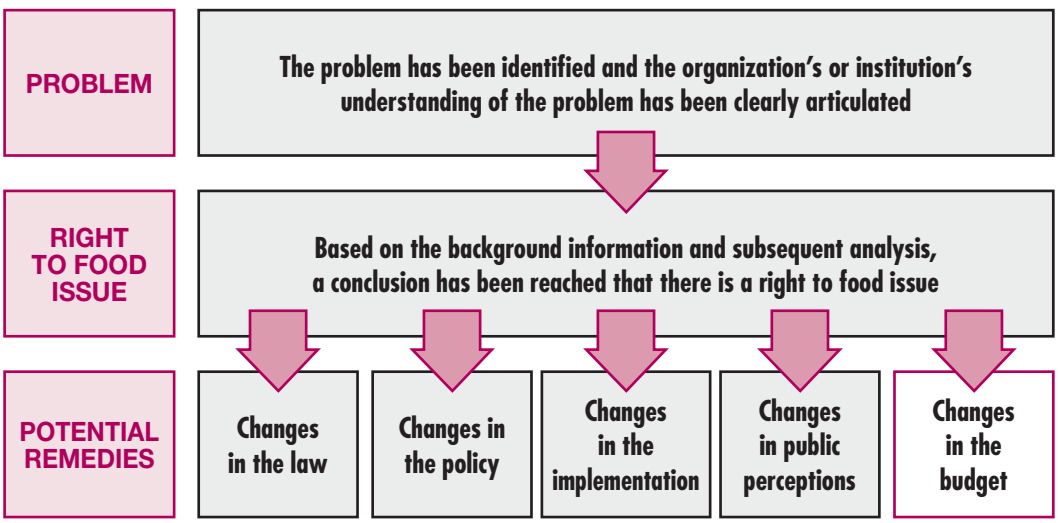
1. There is no constitutional provision in the Philippines explicitly guaranteeing the right to food. Among state policies in the Constitution, however, Section 9 says that 'the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.' Section 10 reads: 'The State shall promote social justice in all phases of national development.'
2. The Philippine Government has ratified both the ICESCR and the Convention on the Rights of the Child (CRC), whose relevant articles (cited above) apply to the situation of concern.
3. In Box 6 on the Manocmanoc situation, it was mentioned that the relevant obligations appear to be those of respect and protect. While several paragraphs in General Comment 12 could also be useful for this case, of particular relevance is paragraph 15. In the Right to Food Guidelines, among the several guidelines that are potentially pertinent are 2.5, which talks about the need for a sound fisheries policy, and 8.1, which says that States should facilitate secure access and utilization of resources that are important to people's livelihoods.

STEP 4: IS THERE A SIGNIFICANT BUDGET DIMENSION TO THE CASE?

One way to rephrase this question would be: Is the government's budget a determining cause of the right to food problem being addressed? If changing the budget will not help remedy the situation, then there is no need to do budget work.

Perhaps it would be useful to look at this diagramme:

Figure 5. Can budget work help?



Only if it is realistic to include changes in the government's budget on such a list of potential remedies for the situation should an organization or institution consider using budget work. There is a saying: 'If all you have is a hammer, everything looks like a nail.' Budget analysis or budget work is a tool, but it should not be treated like this proverbial hammer. It should not be, nor should it be thought of as, the only (or necessarily most appropriate) tool in an organization's or institution's analytical toolbox.

Learning about and using budget work can require significant commitments of time and personnel. There is little point in pursuing the work if, with regard to the problem being addressed, changing the budget (whether revenue, allocations or expenditures) will not allow for a significant improvement in the situation. Thus, at this point in the analysis, it is essential to ask: Has the government's budget played a significant role in creating the problem? Only if it is possible, with reasonable certainty, to answer 'yes' to that question should an organization or institution proceed to include budget work in its action plan.

BOX 9. Budget dimensions of the Manocmanoc situation

Having consulted the fisher community of Manocmanoc and learned of their concerns about eviction, ESCR Asia gathered a significant amount of background information. They concluded that they were, indeed, facing a right to food issue. And so, next: Where was the significant budget dimension to the problem? They concluded that, as the problem was stated (eviction and loss of livelihood), there was, in fact, no such significant budget factor in the problem at that point. It appeared instead that a more effective remedy to address the situation would be a change in government practices with regard to prioritizing tourism development to the detriment of the livelihood of fisherfolk communities.

What was the reason for presenting the Manocmanoc case when, in the end, budget work turned out not to be a useful tool to address the fisherfolk's situation? It was presented to stress a point, which is that it is often not possible at the outset of research on a case to know if and how the government's budget plays a role. It may be necessary to gather the background information already discussed, and analyze it in light of right to food commitments, before being able to say with any certainty that modifications in the government's budget would or would not provide a significant remedy in the situation.

To understand, however, how the proposed thinking process *can* lead an organization or institution to actually pursue budget work, consider the following case from Guatemala. It is not provided with as much detail as was the Philippines case, but it does illustrate the value of following Steps 1-3 as well as the importance of the iterative process mentioned in the Introduction.

BOX 10. Hunger and malnutrition in Guatemala

The *Centro Internacional para Investigaciones en Derechos Humanos (*CIIDH) has worked for several years with indigenous communities in different regions of Guatemala. As a result of this work and related research, CIIDH was aware that hunger and malnutrition were problems plaguing substantial segments of the communities.

The organization had in previous work researched and analyzed a lot of background information, including materials on local government systems and decision-making processes, the budget process and actors, Guatemala's ratification of various human rights treaties, the national food and nutritional security policy, and the governmental institutions charged with implementing and monitoring implementation of this policy.

BOX 10. Hunger and malnutrition in Guatemala - CONT.

Because access to food was a significant problem among indigenous communities, CIIDH concluded that what they were addressing was a right to food issue (or issues). In addition, government programmes appeared to fall short in addressing the scope of the problem.

This pointed to questions about the government's compliance with its obligation to fulfil (facilitate) the right to food. Moreover, because according to government data hunger and malnutrition were unevenly experienced in the country, CIIDH believed that discrimination in the implementation of these programmes—to the detriment of indigenous people—could also be a factor in the hunger experienced by indigenous communities in the country.

In other words, CIIDH restated their initial problem—hunger among indigenous peoples in the country—and started the cycle again, this time with a more narrowly defined issue, the VLE programme. They then had to work only with the related background information, more specific right to food provisions, and so on.

CIIDH concluded that the government's budget, which was basic to realization of any of these government programmes, was a significant element to be examined in the quest to determine the causes of the hunger.

With this last conclusion, CIIDH had done a 'once around' in the cycle illustrated in Figure 4 (page 14). However, their conclusion left the organization without a clear idea of how to proceed. The problem, as stated, was too broad to enable them to make an impact. They thus decided to narrow their focus and work on one piece at a time. In reviewing the various government food and agriculture programmes, CIIDH decided to look more closely at the *Vaso de Leche Escolar* (VLE) (glass of milk) programme, which was designed to provide a nutritional supplement to school children, particularly those who were most food-insecure, through providing them with a glass of milk each day.

Having gone through the steps illustrated in Figure 4 (page 14) and come to this point of the chapter, an organization or institution will have:

- ☑ defined its issue of concern (at least once, and perhaps might even have revisited it and restated it as a result of following an iterative process);
- ☑ gathered and reviewed related background information;
- ☑ identified its right to food issue (at least once); and
- ☑ articulated the relationship between that issue and the government's budget, and determined that the budget has been a significant factor in the situation.

Before moving on to budget work, it would be wise at this point for an organization or institution to critically review its research and findings to date. This could perhaps be done through a reference group of individuals within the organization or institution, or from colleague organizations or institutions, who would be willing to act as 'devil's advocate.' The group would help test the research and findings through considering such questions as: Has the organization focused on the right issue? Have all the necessary supporting materials/documentation been collected and reviewed? How would the government counter the findings thus far? What are the holes in the information? Are there shortcomings in the analysis? If certain information is lacking or it has been impossible to undertake certain analyses, has the organization or institution stated clearly what information is missing and why (e.g. access problems)? What analysis has not been done, and why?

Having gone through this process, it is almost time to do the budget work, but first…

ORGANIZATIONAL CAPACITY AND BUDGET WORK

Before moving on to Chapter 2 and budget work, it would be useful to spend a bit of time talking about organizational capacity. This could have been discussed earlier in the guide, as it was relevant right from the start, just as it will be relevant throughout Chapters 2 and 3. However, this is also a logical place to bring attention to it, because before deciding on the type of budget work to pursue, it is essential for an organization or institution to reflect on its own capacities.

Budget work has been undertaken by a wide range of organizations, many of whom started the work simply because they felt moved or outraged by a situation they had learned about. They began without carefully assessing their capacities, and many have done good work. In other words, the lack of certain skills and capacities need not be a complete deterrent. If the work is important, then the challenge is to figure out a way to make it happen!

Normally, however, an organization or institution can be more effective if it first reflects on its capacities to do the work it contemplates, and plans for that work with identified strengths and weaknesses in mind. The following points are made to aid in that reflection.

Firstly, to do human rights budget work, it is not always essential for one organization or institution to have all the necessary knowledge and skills within its own staff. If it does not have everything it needs to do the work, there may be partner organizations or institutions (or potential partners) who can help fill in the gaps and who should be invited to work in a coalition with the organization.

It is not by chance that coalition work is mentioned first. The ability to work in coalitions can be an invaluable asset for an organization or institution contemplating human rights budget work, as that work has many dimensions and

relies on a complex set of knowledge, skills and contacts. Groups in a coalition can each contribute to the diverse range of capabilities needed for the task at hand. An organization that works closely with communities, for example, is in a good position to identify right to food problems of the community and assess the impact of government food programmes. This same organization, however, may not have the experience and capacity to work with government ministries. If there is a need for changes in a government policy or in budget lines in order to improve the community's access to food, then having partners with experience working with government agencies can be a real plus.

Legislators or government institutions concerned about the right to food may also find their work strengthened through involvement in formal or informal coalitions with other bodies in government or with CSOs. Few legislators or government human rights commissions, for example, have ready access to budget analysis capabilities, and may need to rely on other bodies or organizations to do that work.

In addition to the capacity to work in coalition, other capabilities have implications for an organization's or institution's budget work. Here is a descriptive checklist, which would be worthwhile reviewing.

☑ *At what level of government does the organization or institution normally work (i.e. national, state/provincial and/or local)?* Budget work can take place at the national level (for example, looking at the national budget), at the state or provincial level, and at the local level, within communities. The capability to do specific types of budget work will often vary with the particular level at which an organization or institution has experience working. While an organization that works within a community, for example, may need to know about specific food- or agriculture-related allocations in the national budget, it may not have the capacity to determine the amount due to its local government, and, if that amount has not successfully reached there, what happened to it. At the same time a community-based organization is the logical group to take on tracking of local government expenditures. Thus, one factor that will influence a strategy for doing budget work is the level at which an organization or institution has experience working.

Remember, though, that even if an organization or institution works primarily at the national level, it can get involved in budget work that involves communities by collaborating with community-based organizations or through other connections it has developed in those communities. And vice versa: community organizations can develop the working relationships necessary, for example, to get fuller access to national budget information, or to help them track funds as they flow from the national level, through the provincial or state level, to the locality. Indeed, effective budget work often depends on developing and maintaining collaborative relationships with organizations that can access and analyze information at different levels of government. An example of this type of collaboration is reflected in the VLE case in Guatemala.

- *Has the organization or institution developed access to government ministries, departments and agencies?* It will probably need such access to secure information about the budget, government policies and plans, relevant statistics and so on. If it works at the local level, it will need comparable access to local authorities. Such access can also be useful in enabling an organization to influence a ministry or department's budget, urge changes in policies, affect local government expenditure practices, etc. Does the organization or institution regularly engage with ministries or departments of the government? Local authorities? What is the nature of its relationships?

- *How much does the organization or institution know about economic and social rights in general, and the right to food in particular?* Most (although not all) human rights budget work focuses on issues related to economic and social rights, which means that it is important to have a solid understanding of those rights. Knowledge of those rights and the related government obligations will help define the sorts of information to be gathered, the type of budget analysis to undertake, as well as how most effectively to present findings. Does an organization have a solid grasp of economic and social rights standards in general and of standards related to the right to food in particular? Does it currently research and document abuses of the right to food? If it does not currently focus on that right, who might be a helpful partner organization?

- *Does the organization or institution have a capacity for socio-economic research/analysis?* Certain types of budget work (for example, undertaking socio-economic analyses of the government's budget) require skills in statistical analysis and complex budget analysis. Does the organization or institution itself have the capacity to do statistical analysis, or can it secure the necessary assistance from one of its coalition partners? Who on the staff knows budget analysis? If no one, does the organization or institution have access to individuals in other organizations or institutions with the relevant expertise?

When assessing an organization's or institution's capacities, it is also important to factor in the external environment, as that will certainly affect its ability to do different types of human rights budget work. Consider:

- *The openness and responsiveness of government:* This issue is a bit different from access to government ministries or departments that an organization may have worked to develop. It has to do with the political environment in more general terms. Any individual organization's or institution's capacity to do budget work is significantly affected by the degree of openness of the government. Are government ministries accessible to civil society, or to human rights commissions? Are legislators accessible, and are they responsive to their constituents? Is the judicial system fair and efficient?

- ☑ *The availability of government information:* One of the principal challenges facing organizations or individual trying to analyze a government's budget is securing the necessary information, whether of the budget itself, policy documents, information on plans and programmes, demographic information, and so on. Is there a Freedom of Information law that guarantees access to government information? Is the law respected? What type of budget information is easy to get? What is more difficult?[15]

- ☑ *Citizen participation in the budget:* Does the government facilitate the participation of civil society and individuals in the various stages of the budget process? Knowing the extent to which it can have a voice in the formulation, enactment and implementation of the budget will help an organization or institution shape its research and advocacy strategy.

- ☑ *Civil society budget work:* Are there civil society organizations already doing budget work in the country? If so, what kind of work have they done? Are there examples of successful budget campaigns by civil society? What have they managed to do—and how? Such individuals and organizations can be key resources for anyone, whether a legislator, a government institution or civil society group, seeking to do budget work.

BOX 11. CIIDH's capacities to do budget work on the right to food

- *CIIDH is unusual among civil society groups in Guatemala (and elsewhere) in having staff in house who are knowledgeable about government budgets, socio-economic research and analysis, as well as economic and social rights, including the right to food. This combined capacity has opened up possibilities for ground-breaking work on economic and social rights.*
- *The organization works on national policies and laws, as well as the national budget, but has also provided support to communities in specific localities affected by the internal armed conflict. This support work has focused on violations of civil and political rights. However, CIIDH was able to rely on these pre-existing contacts in investigating the situation in communities with regard to the VLE.*
- *Access to information is a challenge in Guatemala. Over the years, CIIDH has identified which information is more difficult to access, and has established relationships with legislators, who provide CIIDH with some of the information they need, but cannot otherwise get. It also has contacts with technical personnel in relevant ministries.*

15 Earlier reference was made to IBP's Open Budget Index (OBI), which has gathered a lot of very useful information about the transparency of budget processes and availability of budget information in different countries. (http://www.openbudgetindex.org).

BOX 11. CIIDH's capacities to do budget work on the right to food - CONT.

These individuals have more ready access to information that is supposed to be publicly available, but which, in reality, is very hard for civil society organizations to access.

- *In 2007 Guatemala experienced a change in government. The new Vice Minister of Finance (who had previously worked with CIIDH) has succeeded to a certain extent in opening up information channels for civil society, and is working to make the budget process more transparent. These changes have somewhat facilitated CIIDH's research;*
- *CIIDH works with a range of other civil society groups. It sees itself as a research organization that supports the demands on government from social movements and civil society through providing them with financial information. It works through two coalitions: the* Colectivo de Organizaciones Sociales *(Collective of Social Organizations), which pushes for implementation of the Peace Agreements, particularly related to the reform of social policies; and the* Convergencia por los Derechos Humanos *(Human Rights Convergence), which works for the respect of the rule of law, particularly with regard to civil and political rights.*

CHAPTER 2. ANALYZING THE GOVERNMENT'S BUDGET

INTRODUCTION

Chapter 2 assumes that an organization or institution has gone through the steps in Chapter 1 and has decided that the government's budget is a significant factor in the right to food issue it is addressing, and that a change in the budget—whether in revenues, allocations, expenditures or the impact of the expenditures—is likely to result in a significant improvement in the right to food issue that is of concern.

Chapter 2 discusses the four next steps in the overall process set out in the Introduction. Steps 5 to 8 are:

5. Stating clearly the organization's or institution's assumptions about the relationship of the government's budget to the right to food problem, and what it anticipates being able to determine through its budget work (i.e. its hypothesis).

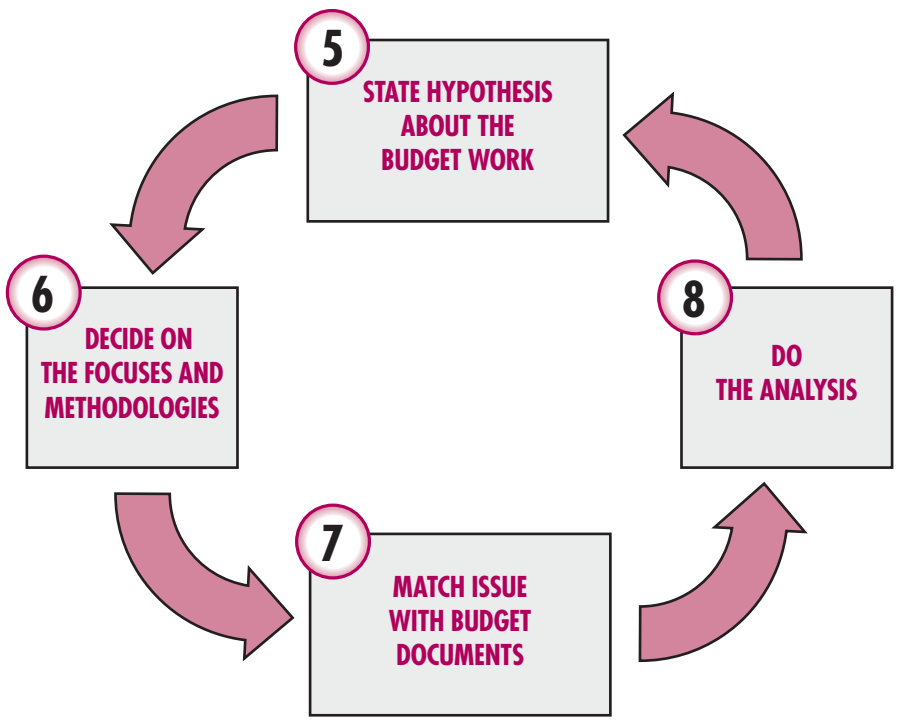
6. Deciding on the focuses of the budget work, as well as the methodologies to be used.

7. Matching the budget issue with relevant budget documents.

8. Doing the analysis.

Here is an illustration, which is similar to Figure 4 in Chapter 1. Steps 5 to 8 can also usefully be undertaken in an iterative manner.

Figure 6. The next four steps — analyzing the government's budget



By the time an organization or institution completes Step 8, i.e. when it has completed its analysis, it should be able either to confirm, reject or modify the hypothesis articulated in Step 5. If the analysis does not support the hypothesis, but the organization or institution still considers the government's budget to be significant to its problem, then it may want to restate its hypothesis (by returning to Step 5), and, having done so, as needed go through one or more of the remaining steps (Steps 6 to 8). In other words, pursue an iterative process.

STEP 5: ARTICULATING THE ORGANIZATION'S OR INSTITUTION'S HYPOTHESIS

The hypothesis is the organization's or institution's initial assumptions about the relationship of the government's budget to the right to food problem, and what it anticipates being able to determine through its budget work. Questions that might help in formulating a hypothesis are:

- 'Where' is the government budget in the right to food problem; i.e. 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 helped create the problem? It is important to remember that a human rights problem can be rooted not only in a government's action, but in its inaction.
- 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?

BOX 12. The Glass of Milk (VLE) programme in Guatemala: CIIDH's hypothesis

Having narrowed its right to food problem down to the Glass of Milk (Vaso de Leche Escolar, VLE) programme, CIIDH formulated the hypothesis that would direct its budget work:

> *The VLE programme could have a positive impact on the enjoyment of the right to food in Guatemala, by enabling children who are at risk of malnutrition to have access to a nutritious drink each school day. However, the programme has not met its potential because of weakness, not in its conception, but in its implementation.*

CIIDH hoped, through its budget analysis, to be able to pinpoint the specific reasons for the weakness.

STEP 6: DECIDING ON THE FOCUSES AND METHODOLOGIES OF THE BUDGET WORK

In this context 'focuses of the budget work' means:

- Will the organization or institution be looking primarily at what is happening at the national level, or will it probably focus more on the local level, or something in between (state or provincial)?

- Is the concern principally with how the government raises its revenues? Or is the greater concern with allocations in the budget, or with how the allocations are spent (expenditures)? It might be desirable or necessary to focus on more than one of these areas.

In this context, 'methodologies' mean the type of budget work an organization or institution decides to pursue. A few examples are:

- analyzing figures in the government's budget, for one or more years, by socio-economic analysis (class, sex, ethnic group, etc.) or by sector (health, education, etc.);

- comparing expenditures against allocations, looking not only at the budget, but also at monthly or quarterly budget reports produced by the government, or the audit report at year's end;

- undertaking independent tracking of government expenditures, with or without community participation; or

- assessing the impact of government expenditures related to specific programmes on the intended beneficiaries' enjoyment of the right to food.

The focus of the work and the methodologies to be used will be determined by the nature of the right to food issues being addressed, what the organization or institution wants to achieve through the intervention or advocacy, its organizational or institutional capacities, and the external environment within which it works (which, as was noted earlier, can have a significant effect on capacities).

If, for example, the concern is about inadequate coverage of the school feeding programme in a district and the organization or institution wants to see improved coverage, it will probably want to limit its focus to the local level, and look at how the funds for the programme are being spent (expenditures). Perhaps this will involve it in analyzing the local government's procurement practices; i.e. how are contracts being awarded to businesses to supply the food? Who is getting the contracts, and why?[16] Or perhaps parents have expressed concern to the organization together

16 For more information on how to monitor government procurement practices, see Ramkumar, *Our money, Our responsibility.* See References.

with an interest in trying to do something, so the organization wants to involve them in developing a 'report card' on the programme, one that will lead to a more detailed picture of what the problems with the programme are, and which are more troubling.[17]

Or alternatively: Suppose the organization or institution works at the national level on a specific issue such as land reform. The principal documents of the government's budget are available on the Web. It has some good contacts within the government and can get data on land ownership and land use. It also has an in-house capacity to do budget and data analysis. Given these favourable factors, the organization is in a good position to be able to analyze allocations in the Agriculture Ministry's budget, together with data on the geographical and *per capita* distributions of those allocations, to assess the equity among provinces of allocations provided for land acquisition and distribution. (Depending upon the problem, it may then want to work in coalition with organizations at the provinces level, to ensure that funds that might be equitably distributed among the provincial are spent within the provinces in a way that benefits the landless and not the large landowners.)

Box 13 provides a real life example.

BOX 13. Agricultural extension services to subsistence farmers in Uganda

The Uganda Debt Network (UDN) and ActionAid International–Uganda (AAI–Uganda) worked together to analyze the implementation and impact of the National Agricultural Advisory Services (NAADS) programme through which the government supports the provision of advisory services to improve agricultural productivity in the country. The government has a Plan for the Modernization of Agriculture (PMA), of which NAADS is a part. Both the PMA and NAADS, in aiming to increase agricultural productivity, are intended to enhance people's access, directly or indirectly, to food. In other words, to enhance people's enjoyment of their right to food.

The emphasis in the PMA is on achieving food security through the market; in other words, it is based on the assumption that as people become involved in commercial enterprises, they will earn the income necessary to realize their right to food. NAADS is funded in significant part from the central government budget, and allocations to districts are made in proportion to the population in the district. However, funding is provided to districts only on a matching fund basis, as follows: A district government must allocate 5 percent of its budget to the NAADS programme, as must each of the sub-counties in the district, before the central government will release the NAADS funds it has allocated for the district. In addition, NAADS funds are not available to individual farmers, but only to groups of farmers who have organized a joint project

17 For more information on citizen report cards, see Ramkumar, *Our money, Our responsibility.*

BOX 13. Agricultural extension services to subsistence farmers in Uganda - CONT

through which they can apply for NAADS support. Their applications for support must be accompanied by a fee, and farmers' fees together also must comprise 2 percent of the sub-county's NAADS budget before the NAADS funds are released by the central government.

UDN and AAI–Uganda were concerned about the access to NAADS of poorer sub-counties and of subsistence farmers. How was their right to food being taken into account in the design and implementation of NAADS?

Both UDN and AAI–Uganda work at the national level and also have experience in and capacity to work in particular communities around the country. AAI–Uganda has a programme on the right to food, while UDN has extensive experience analyzing the government's budget as well as working with specific communities to monitor budget expenditures.

Because of the nature of NAADS, together with their combined knowledge and skills, the two organizations decided to do a survey of farmers and farmers' groups, to assess their satisfaction with the NAADS services as well as the impact of NAADS expenditures on agricultural productivity. They also agreed to look at the revenue side, to evaluate the impact of the matching funds and fee requirements on the access of farmers' groups in different counties to NAADS services.

STEP 7: MATCHING THE ISSUE WITH THE RELEVANT BUDGET DOCUMENTS

Step 2 (discussed in Chapter 1) involved an organization's pulling together a lot of background material, which probably included some budget information. However, once an organization or institution has decided upon its specific focuses and methodologies, as suggested in Step 6, it will probably need to dig deeper and find more budget and related documents, ones that are particularly useful for the focuses and methodologies decided upon. Table 1 lists some of the different types of documents that may be useful, depending upon the level at which an organization or institution is going to work, and whether it will focus on revenue, allocations, expenditures or the audit.[18]

18 For more detail on budget documents, see http://www.openbudgetindex.org/OpenBudgetQuestionnaireGuide2005.pdf , pp. 6–8, and http://www.oecd.org/dataoecd/33/13/1905258.pdf.

Table 1. Sources for budget documents

TYPE OF DOCUMENT BY LEVEL OF GOVERNMENT	TYPICAL CONTENT	SOURCE
NATIONAL LEVEL		
Poverty reduction strategy paper (PRSP)	Plans and policies for fostering growth and reducing poverty over 3-year periods. Includes information about macro-economic, structure and social policies.	Ministry of Finance World Bank
Pre-budget statement	Sets out the parameters within which the Executive will form its budget proposal.	Ministry of Finance
Executive's budget proposal	A comprehensive statement of government finances, including spending, revenues, deficit or surplus, and debt.	Ministry of Finance Legislature
Supporting documents	Documents released with the budget, such as economic surveys.	Ministry of Finance
Extra-budgetary funds	Funds typically supported by earmarked revenue, whether from internal or external (e.g. donor) sources. Revenue and expenditures are recorded separately from the budget.[19]	Ministry of Finance
Mid-Term Expenditure Framework (MTEF)	Typically covers a three-year period; attempts to link plans, policies and budgets.	Ministry of Finance World Bank
Enacted budget	Budget as enacted after legislative debate on the Executive's budget.	Legislature
In-year reports	Monthly reports or quarterly reports on revenues and expenditures.	Ministry of Finance Other ministries and agencies
Mid-year review/report	Comprehensive update on the implementation of the budget, including review of economic assumptions.	Ministry of Finance
Year-end report	Reports on expenditures by end of year. Typically contains more detailed information than the auditor's report.	Ministry of Finance Other ministries and agencies
Auditor's report	Report issued by the country's Supreme Audit Institution attesting to soundness of the government's year-end final accounts.	Supreme Audit Institution
Sector-specific policy and planning papers	Policy papers articulate vision, goals and objectives for government investment in sector. Plans tend to include more timelines, benchmarks and indicators.	Ministry of specific sector
Government statistics	These include census data, performance indicators, benchmarks, etc. Statistics, particularly disaggregated statistics, can be very important for making sense of budget data. The statistics a researcher needs will depend upon the case she is working on.	Statistics office or department Specific ministries or departments

19 In some countries, for instance, large pension or social security programmes can be set up as extra-budgetary funds, where the revenues collected and the benefits paid out are recorded in a separate fund outside the budget. In some cases, the separation engendered by an extra-budgetary fund serves a legitimate political purpose, and the finances and activities of these funds are well documented. In other cases, however, this structure is used for obfuscation, and little or nothing is known about a fund's finances and activities.

Table 1. Sources for budget documents - CONT.

TYPE OF DOCUMENT BY LEVEL OF GOVERNMENT	TYPICAL CONTENT	SOURCE
STATE/PROVINCIAL/MUNICIPAL LEVEL		
Budgets	A statement of revenue and spending at the state/provincial or municipal level.	State/provincial or municipal finance office
Reports	Reports on revenue and expenditures.	State/provincial or municipal finance office
Audits	Report by auditor or audit institution reporting on the soundness of revenue and expenditure reports.	State/provincial or municipal auditor
VILLAGE LEVEL		
Accounts on expenditures	Listing of expenditures under different categories.	Office of village official

In looking for budget data, an organization or institution should be sure to look for all budget-related documents that may be relevant. It is also important to remember that because of the complexity of the right to food, depending upon the specific issue of concern, it may be necessary to look at the budgets of different ministries or departments. For example, supplementary food programmes may fall under the ministry of education (if the programmes are directed at students), the ministry of agriculture, the ministry of health, or even the ministry of social welfare.

It is essential for an organization or institution to be systematic, and as creative as pos–sible, to ensure that it identifies as many of the potentially relevant documents as it can.

BOX 14. Budget-related documents for the Uganda NAADS case study

The NAADS case study is described in Box 13. Here is a list of budget-related documents on which that case study relied:

- *The Budgets, Medium-Term Expenditure Framework in Uganda, and Annual Performance Reports 1997-2006.*
- *Approved Estimates of Revenue and Expenditures, Ministry of Finance, Planning and Economic Development, 2005/06 – 2007/08.*
- *Maputo Declaration on Agriculture and Food Security.*
- *Plan for the Modernization of Agriculture (PMA).*
- *NAADS Implementation Guidelines.*
- *NAADS budgets and reports.*

BOX 14. Budget-related documents for the Uganda NAADS case study - CONT.

- *Development Strategy and Investment Plan (2005/06 – 2007/08) of the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF).*
- *Ugandan Poverty Eradication Action Plan (PEAP) of 2004/2005.*
- *Ugandan Food and Nutrition Policy (UFNP) of 2003.*
- *Proposed National Food and Nutrition Strategy (NFNS) of 2005.*
- *Background Report on the Assessment of the Food and Nutrition Security Situation in Uganda (2004).*
- *District budgets and development plans.*
- *National Service Delivery Survey 2004.*
- *Extracts from 2002 population and housing census final results.*

A few additional thoughts on tracking down budget-related information:

- The absence of a budget figure that an organization needs may be important in itself. It may be that the government has failed to budget for a policy or programme that otherwise looks good on paper.

- When looking for budget information for a number of years, an organization or institution may find that budget lines have changed from year to year. This will put the burden on the organization to determine where the figures for a given programme are in each year. Similarly, the statistics that the government has collected may not be consistent from one year to the next. It may be necessary to consult with someone knowledgeable in handling statistics to know how to work with such incomplete data.

- What should an organization or institution do if it cannot get all the information it needs? If a civil society group is unable to access the necessary government-produced information through formal channels, it may want to check with legislators or government institutions that are sympathetic to its issues. They may be able to get a hold of documents that have been denied to the organization.
- There may also be others, such as academics, research institutes, the World Bank, other UN agencies or international NGOs, who have gathered or produced data and information that is relevant to the government's budget and the issue of concern. That information can be useful for comparison or supplementary purposes even in those fortunate situations where all the relevant government information is available. It can be essential in the absence of government-provided data.

- If an organization or institution cannot get all of the government-produced information it wants, then it will need to use what it does have in creative ways. It may be able to do some useful analyses on the basis of information (e.g. surveys) that it has gathered itself or that is produced by others. If the government then challenges the validity of the organization's findings, that will be an opportunity to encourage the government to provide the necessary data to allow the organization to come up with more accurate findings.

STEP 8: DOING THE ANALYSIS

Doing budget analysis and work to better understand a government's compliance with its right to food obligations (or any human rights obligations) is often challenging. Legal standards related to the right to food can be quite complicated and the budget work itself may require careful focus on a lot of details and working with large sets of data. However, persevering with the work has the potential to provide an organization with some startling insights into the government's policies, programmes and budgets, as well as powerful evidence to bring to discussions with the government, and to help shape and support an organization's or institution's advocacy claims.

Experience has shown that the easiest way to approach government budgets when an organization or institution has a human rights concern in mind is to focus on the government's obligations with respect to the particular right or rights.[20] What is the government supposed to do to help realize the right, and is it doing what it is supposed to do (what it is obligated to do) in the way that it is developing and implementing the budget? This is the fundamental question in human rights budget work.

It is also important to remember that one situation or case can involve several different concerns related to the government's international (or national) human rights obligations. For example, one aspect of a case may involve failure of the obligation to *respect* enjoyment of the right to food, while another aspect points to a failure to *progressively achieve* enjoyment of the right. It can be complicated in itself to sort out the different failures. At the same time not all of these failures may have a relationship to the budget. What are the apparent failures, and which of them are related to the government's budget in a significant way?

In addition, the nature of the government's obligations may vary depending upon whether an organization or institution is analyzing its case using national law or provisions in international human rights treaties. While some of the obligations in national and international law will be similar (e.g. most national constitutions guarantee equality and non-discrimination, as do international treaties), others may vary (the international obligation to use the 'maximum of available resources'

20 It may be useful at this point to review the information about a government's human rights obligations under international law that is set out in Annex 1.

to advance enjoyment of a right may not have its counterpart in national law). Identifying the specific human rights obligations relevant to a case not only highlights the government's legal obligations, but also points an organization towards one or another type of budget analysis or budget work, as will become clearer in the sections, below.

Because this guide is directed to audiences in different countries, it uses international human rights obligations in the analyses in the following pages. If, however, an organization or institution is using its national constitution and laws in analyzing a case, it will need to extrapolate from the thinking set out below, as applicable to its own case and context.

The following pages focus, in turn, on government revenues, allocations, expenditures, and the impact of the government's budget. None of the sections is comprehensive in its treatment of relevant human rights obligations. Instead, priority is given to obligations that are likely to be more commonly encountered in doing budget work on the right to food.

Brief suggestions are provided for a methodology or methodologies that may be useful in assessing the budget in regard to the identified problem. The methodologies are generally not set out in detail. In some cases, reference is made to other publications that contain further discussion. Annex 2 also includes short descriptions of specific analytical tools frequently used in budget work. However, none of these descriptions on its own will fully equip an organization or institution to do the necessary analysis. If it does not have budget analysis knowledge and skills 'in house,' this is where the capacities of other organizations or institutions in a coalition can be essential.

BOX 15. Obligations of conduct and obligations of result*

Analyzing budget allocations or assessing expenditures to determine compliance with right to food obligations will generally produce findings that only highlight *potential* or *likely* problems, as there normally is little hard evidence at the time allocations or expenditures are made as to the actual impact of the allocations and expenditures on people's access to food. Failure to properly allocate funds in line with right to food requirements or to spend money in line with appropriate allocations thus points principally to a failure of the government to comply with its 'obligation of conduct'.

However, even if the government allocates and spends its funds in line with right to food requirements, it is unlikely to be clear at the time of allocation or expenditure whether it has complied with its 'obligation of result'. A government may, for example, have increased funds for a school feeding programme over the course of a few years, and more subsidized lunches may have been purchased or produced (the 'output').

* Short explanations of the obligations of conduct and result are available in Annex 1.

BOX 15. Obligations of conduct and obligations of result - CONT.

However, in the context of the right to food, the ultimate goal (the desired 'outcome') of government spending should be increased access to food by all students, particularly those who are food insecure. Only an assessment of whether the students, particularly those who are food insecure, are, in fact, enjoying greater access to food as a result of the programme—which is evidence of the *impact* of the allocations and expenditures on people's access to food—will enable an organization/institution to draw conclusions about the government's compliance with its 'obligation of result'.

Step 8 - Section 1: Analyzing a government's revenues in light of its right to food obligations

Governments raise their revenue from a wide variety of sources. Taxes are the most common, and these come in many forms: income taxes, property taxes, sales taxes, value-added taxes, tariffs, etc. For some countries natural resource extraction and public enterprises are important sources of revenue; for others, grants from donors. Fees on government services (for example, for access to health services or, as in the NAADS case, for access to agricultural support services) are a further form of revenue.[21]

How a government raises its revenue is not rights neutral. It has to raise revenues in amounts, from sources, and through formulas and processes all of which are responsive to its human rights obligations—and, in this case, to its obligations to advance the right to food.

While most government revenue is typically raised at the national level, some is raised at the state, provincial or local level. Where provincial or local revenue is relevant to an organization's or institution's issue of concern, that revenue would also need to be assessed for its human rights implications. Governmental bodies at all levels are responsible for meeting a government's human rights obligations.

Here are three hypothetical cases where government revenue decisions may result in the government's failure to comply with a human rights obligation. An analysis of revenue in the NAADS case follows.

- *A government decides to increase revenue by imposing a value-added tax (VAT)[22] on some basic food items*. Most governments do not impose VAT on such

21 For more information on government revenue (and revenue analysis), see Joel Friedman, *A Guide to Tax Work for NGOs*. See References.

22 A value-added tax on goods is imposed by a government at each stage of the production process, rather than when goods are sold at the retail level (which would be a sales tax). Governments like VAT, because it is easier to administer than sales taxes, since there are fewer transactions on which to levy them. VAT and a sales tax are similar in that consumers end up paying both, although they may be more aware of paying one than the other.

items, because they recognize that the poor would be hit hardest by such a tax. This is because the poor use a greater share of their income for basic items, would thereby use a greater share of their income for such tax, and would have less money available to pay for other necessary food, clothing, housing, etc. Imposing VAT on basic food items would raise questions about a government's compliance with its obligation to *respect* the right to food, and also its obligation of *non-discrimination* (because VAT affects people differently on the basis of property and income).

- *Despite growth in a country's GDP (or national income), the government projects no increase in revenue*. A growth in GDP implies that there is more income in the society from which the government could draw revenue through taxation. In such a context, a failure by the government to increase revenue in step with the increasing income could be seen as a failure to 'use the maximum of available resources' (ICESCR Article 2(1)) to meet its right to food commitments.

  However, without more information, it is not possible to say with certainty that the government has failed to meet this obligation. For example, there may be fewer hungry people in the country as a result of the growing income, so less need for revenue to fund some food programmes. Or the government could be pursuing a strategy of not taxing increased income in order to encourage private investment, with the expectation that this would on its own increase well-being. However, in the absence of mitigating considerations, it is important to raise the question of whether, in failing to increase its revenues in the context of a growing GDP, the government is doing everything it reasonably can to secure funds it needs to enhance people's enjoyment of the right to food.

  Annex 2 includes brief descriptions of a number of common budget calculations. One formula mentioned there, which could be used in this context, calculates the government's budget (or revenue) as a share of the GDP. The calculation can provide insights into whether or not a government's revenue is increasing in step with growth in the GDP.

- *Despite donors' willingness to contribute more to specific programmes, the government does not accept the additional contributions, because the macro-economic strategy it is pursuing dictates a cap on government expenditures*. The impact of various macro-economic strategies on the enjoyment of economic and social rights has been explored very little in a systematic way.[23] At the same time these macro-economic strategies are the framework within which government budgets are developed, and they thus have an enormous impact on the size and shape of budgets.

  While the situation just described is stated in hypothetical terms, the NAADS case, in fact, provides a relevant example, as UDN and AAI–Uganda learned that donors were interested in directing more funding to NAADS, but the

23 One of the few in-depth studies that has been done is by Radhika Balakrishnan and Diane Elson, *Auditing economic policy in the light of obligations on economic and social rights*. See References.

BOX 16. The obligation of non-discrimination and government revenue – The case of NAADS (Uganda)

As was already mentioned in the earlier discussion of NAADS (Box 13), most of the funding directed to NAADS comes out of the national budget. A smaller share is provided by the district and sub-county governments through their allocating 5 percent of their respective budgets to the program. In addition, 2 percent of a sub-county's NAADS budget must be raised through fees charged to farmers wishing to access NAADS services. All three matching requirements must be satisfied before the national government will release the NAADS funding to the district and sub-counties.

Imposing matching requirements is not, in itself, a problem, and, in fact, it can be a means by which a national government, for example, stresses the importance of agriculture to all levels of the national economy. However, requiring that the fees paid by the farmers amount to 2 percent of a sub-county's NAADS budget before the national government will release NAADS funds does, in practice, raise questions about the government's compliance with its obligation of non-discrimination.

Through their survey, UDN and AAI–Uganda learned that the fee imposed on farmers' groups has proven to be too onerous for the poorest farmers, who are thereby excluded from the program. In addition to the disadvantage to individual farmers, certain districts suffer as well. This is because some districts (and sub-counties) in Uganda are wealthier than others, and farmers in the wealthier counties, as a whole, have less of a problem paying the fee. Where farmers are having difficulty paying the fee, the sub-county government will, in turn, have a more difficult time raising the 2 percent of its NAADS budget from fees, as required. If it fails to raise this 2 percent, the sub-county will not receive any NAADS funds. Thus it is not only the poorest farmers that are excluded from the program by the fee requirement, but, potentially, the poorest sub-counties.

NAADS is explicitly directed to 'economically active' farmers, which means, in effect, the less poor farmers, and in that light, the fee structure makes a certain sense. Indeed, if there were other advisory services available to the poorest farmers, ones that didn't depend upon payment of a fee, there would perhaps be no problem. However, NAADS is currently the only government advisory services program available to farmers in Uganda, and thus the fee, which is an obstacle to the participation of the poorest farmers and the poorest sub-counties, raises concerns that the government through this revenue structure is failing to comply with its obligation of non-discrimination.

government turned down the funding out of a concern that added funding would be inflationary. This highlights the need for those concerned about economic and social rights, including the right to food, to become more familiar with various macro-economic strategies, so as to be in a better position to assess the validity of judgments governments make about the impact of such strategies on the economy and budget.

Step 8 - Section 2: Analyzing budget allocations in light of right to food obligations

Budget allocations are a statement by a government of how it intends to spend funds available to it. They are a key indication of what the government considers to be priorities in real, as opposed to rhetorical, terms. Because human rights should be priorities for the government, the extent to which budget allocations actually prioritize human rights provides a good idea of the government's seriousness with regard to rights. (An even more accurate picture would be provided by government expenditures, which are addressed in Step 8 - Section 3).

It is worthwhile stressing at this point that problems apparent in a situation may not be due to the allocations in the government's budget, but rather may be rooted in the design of a policy or programme. Assessing whether a policy, programme or project in the way it is designed is likely to facilitate people's enjoyment of the right to food is often difficult without considerable research and analyses, and typically requires a solid knowledge of the context and situation which the policy, programme or project is intended to address. Examples of such analyses and understanding are reflected in the Guatemala and Uganda cases discussed in the next several pages.

Assuming, however, that it is the allocations that are a problem, where should an organization or institution look for the allocations relevant to its issue? If the issue is related to a specific project, the relevant allocation would probably be in one place in the budget (although probably in a disaggregated budget, that of the related department or agency, rather than in the central budget itself). However, if the concern is broader (such as agricultural support programmes), there may be relevant allocations in the budgets of a number of departments or even ministries. It is important to be careful and comprehensive in tracking down allocations relevant to an issue, and to keep in mind that different budget classifications will provide different information on allocations.[24]

Before moving to examples of allocations as they relate to specific obligations, it is worthwhile taking a moment to consider the obligation to fulfil (facilitate) the right to food, because this obligation will arise repeatedly in the examples. It would translate into the question: Is the government allocating funds in a way and in amounts that will probably facilitate people's enjoyment of their right to food?

24 See Annex 2 for more information on budget classifications.

The obligation to fulfil (facilitate) requires governments to develop and implement policies, plans, programmes and projects to realize the right to food, and it is thus the most sweeping of obligations. It may be relevant for situations where there is no funding or inadequate funding for a policy or programme. It is often paired with the obligations of non-discrimination, progressive achievement or use of maximum available resources. This obligation appears often in budget work.

Finally, it is essential to underscore that when assessing the human rights dimensions of allocations, one is considering the *likely* or *potential* impact of the funding. The actual impact can only be known later, after the funds have been spent.

The following are some examples of specific obligations and what they might look like when analyzing budget allocations. Suppose:

- *Drought occurs on a fairly frequent basis in a part of the country that depends on rain-fed agriculture. When the rains fail, many people living there go hungry*. Despite this knowledge, the government allocates only limited funds for the provision of basic food stuffs to respond to such situations. A failure to plan for adequate food to mitigate likely hunger would point to a potential failure to fulfil (provide) people's right to food.

  A possible methodology for assessing compliance with this obligation would be to find the allocations in the budget (whether at the national, state, provincial or local level) earmarked for such food programmes. Look for government records on the number of people who have gone hungry in recent years as a result of such droughts. If there are no governmental records, see if any civil society group or international agency has figures. If not, consider doing a survey to come up with a solid estimate. Using those figures or that estimate, calculate the *per capita* allocation provided in the budget for emergency food. Do a rough costing to determine if that *per capita* allocation is likely to provide adequate food during a drought period. (See Annex 2 for some information on calculating *per capita* allocations and about costing).

- *A government, at the prompting of international financial institutions, decides to cut allocations earmarked for food price subsidies*. If it fails to take additional steps to ensure that the access to food of the poorest population in the country is not threatened by its actions, the government may well be failing to meet more than one of its human rights obligations:

  - In originally introducing the food price subsidies, the government was arguably moving to fulfil people's right to food. By cutting the programme, the government is taking a step backwards; in other words, failing to live up to its obligation to ensure progressive achievement (from one year to the next) of the right to food.

A suggested methodology: Progressive achievement implies increases over time. Thus, considering this obligation involves looking at multiple years' budgets. When comparing budgets from one year to the next, or over a number of years, it is essential to first adjust the yearly figures for inflation. Having done that, the question is: Are the budget allocations increasing or decreasing from one year to the next? To answer that question, use a calculation to measure changes over time. (Calculations for adjusting for inflation and measuring changes over time are both discussed in Annex 2). But what changes are being measured? The total allocation has changed, but then, so too has the population, so it is not enough to know that the allocation has gone down. What is important is to measure how much is available to subsidize each person's access to food. Assuming that the programme in this case was intended to benefit the whole population, one would use the whole population figure to determine the *per capita* allocation for the food subsidies programme for each year, and measure the change in that *per capita* allocation from one year to the next. With a cut in the budget, it is most likely (but not necessarily, depending upon the population) that there will be a drop in the *per capita* figure; in other words, less money will be available for food subsidies for each person in the country. This is arguably a step backwards, as more people are likely to be unable to access adequate food in the absence of subsidies.

- Without special provisions for the poorest in the country, who may well be left hungry because they cannot afford food at market prices, the government could also be failing to meet its obligation to fulfil (provide) the right to food of the poorest people in the country.

- It would also be important to look at what the government has done with the revenue no longer directed to food price subsidies. If it turns out that the revenue is being directed to non-priority areas (in other words, to other than pressing economic and social rights issues, particularly the right to food), the government may also be failing to meet its obligation to use the maximum of its available resources to advance enjoyment of the right to food.

  One way to examine this question is to look at shares of the budget. What areas of the budget are getting larger shares this year than last? Which are getting smaller? While this will give only a very rough picture of where the 'extra' revenue has gone, it will at least provide a point from which to start a discussion with the government. The formula to calculate shares of the budget is given in Annex 2.

This hypothetical situation illustrates that one case may raise questions about a government's compliance with more than one of its rights obligations. This will also become apparent in the following descriptions about the VLE programme in Guatemala and NAADS in Uganda.

BOX 17. The Glass of Milk (VLE) programme in Guatemala: Allocations and human rights obligations

The VLE programme was introduced in 2005 as a pilot programme and formally established only in 2006. A two-year period (2006–2007) does not allow for valid conclusions to be drawn as to trends in allocations; in other words, it is not possible to say anything about progressive achievement within the VLE programme itself. Nonetheless, a few other insights can be drawn from the data available for the two years.

The programme was an initiative of the Chamber of Milk Producers in Guatemala, which sought to reactivate the national dairy industry. The authorship of this initiative had a number of budget and non-budget implications. For example, milk is not a traditional part of the diet of the indigenous peoples of the country—indeed, there appears to be considerable lactose intolerance in this population—and there were thus non-budget questions as to the cultural appropriateness of the programme. In addition, and here the budget does come in, milk costs more than, for example, a traditional drink, *atole*, which is nutritious, cheaper and not as difficult to store.

CIIDH also learned that as a result of an 'informal' agreement between the Milk Producers and the government at the time, the price the government paid for the milk was almost at market levels. As a result, the funds allocated for the VLE did not stretch as far as they might have, which raises questions about the government's compliance with its obligation to use the maximum of available resources to advance the children's right to food.

It is often difficult, if not impossible, to separate the budget and non-budget aspects of a problem. However, budget analysis can provide insight into non-budget aspects of a problem, and vice versa. In this case, for example, in pursuing data for its budget analysis, CIIDH learned that the government had also agreed to use the transportation facilities owned by the Milk Producers, which, it turned out, limited the reach of the VLE programme. The government did not make other provisions for transportation that would have carried the milk to the Guatemalan highlands. It thereby effectively excluded some of the most food insecure populations.

This situation raises questions about the government's compliance with two other of its obligations. One is the obligation to fulfil (provide), since there were no VLE allocations for some of the most food-insecure children. The second obligation is that of non-discrimination, as the highland populations were and are disproportionately poor and indigenous.

BOX 18. Questions about right to food obligations and budget allocations – The case of NAADS in Uganda

Allocations to NAADS raise a number of questions about the Ugandan government's compliance with its right to food obligations:

- *In 2003 the African Union endorsed the 'Maputo Declaration on Agriculture and Food Security in Africa', which called on governments in Africa to allocate at least 10 percent of their budgetary resources to agriculture. Uganda devotes between 4 percent and 5 percent to agriculture. Given that 80 percent of the population lives in rural areas and derives its livelihood from subsistence agriculture, this 10 percent figure should be particularly compelling for Uganda.*
- *One of the ways to consider the obligation to use the maximum of available resources to realize the right to food is to look at the breakdown of the government's overall budget by sector. Which sectors are getting the larger allocations, and are those sectors in line with the priorities that should be given to economic and social rights? (See the formula in Annex 2 on calculating shares of the budget). While UDN and AAI–Uganda did not do this analysis (because their focus was more specifically on NAADS), a regional standard such as that proposed in the Maputo Declaration together with the government's right to food obligations, and the fact that the preponderance of the rural population in Uganda depends on subsistence farming, would lead one to question whether the government is pursuing the most appropriate priorities.*
- *UDN and AAI–Uganda discovered that a significant share of the allocation to NAADS is devoted to administration and salaries. (Here it would be appropriate once again to use the formula to calculate shares of the budget, focusing this time on the NAADS budget rather than the national budget). While less significant than the previous question, this fact also makes one wonder about the efficiency of use of NAADS funds to actually achieving its purposes, and this arguably raises again the question as to whether the government is using the maximum of its available resources. (It should be said, however, that high overhead costs are not unusual when a program is first starting. Usually these costs decrease over time.)*
- *Prior to the introduction of NAADS, Uganda had had another agricultural extension services program which reached the poorest farmers in the country. There were problems with that program. However, eliminating it without ensuring that another program (and adequate funding) was in place to guarantee continued support to the poorest farmers was arguably a step back by the Ugandan government, and thus a failure to comply with its obligation to progressively achieve realization of the right to food of these farmers.*

Step 8 - Section 3: Tracking and analyzing expenditures as these relate to the right to food

Why are expenditures important? A government may develop a 'model' budget, where its allocations seem well in line with its right to food obligations, or its human rights obligations more generally. However, the reality is that government expenditures rarely match allocations, and indeed, they can often be significantly at odds with the allocations. Thus, it may be that from the allocations it appears that the government is doing a good job of progressively achieving the right to food. However, looking at expenditures, it may be that less is being spent this year than in the past. Or perhaps funds are being expended in line with the allocations, but the quality of the goods and services provided falls far short of what should be expected from the money spent. Thus, while it may appear from allocations that the government is using the maximum of its available resources, an examination of expenditures may lead to a conclusion that the money is, in fact, not being spent in a way that makes maximum use of the funds.

Why do expenditures fail to match allocations? And why do public funds so necessary to ensure the enjoyment of human rights often fail to have the impact they should be expected to have? There are many reasons, the most common of which are:[25]

- *Corruption in the management of funds or inefficient use of funds*: Corruption can take many forms, a common one of which is the siphoning off of funds as they make their way from the central government coffers down through the state/provincial level to district and local levels. False entries into account books ('creative accounting') is another typical form of corruption, as are procurement irregularities, where vendors are paid more than they should be, or are paid for shoddy goods and services. Inefficient use of funds is also a problem. One need only think back to the VLE case, where the government paid close to retail prices for bulk purchases of milk (and where the milk had often gone bad before it arrived at the school). To the extent that a government does not take vigorous steps to counter corruption or this type of inefficiency in expenditures, it would be failing to comply with its obligation to use the maximum of available resources to advance the right in question.

- *Poor financial management resulting in under-spending*: Sometimes government departments or agencies may not have the institutional capacity, or in some cases the will, to spend all the funds they have been allocated for specific purposes. It is also possible that donor money may arrive late, so that it becomes difficult to spend all the funds effectively by the end of the fiscal year. While the latter is not normally the fault of the government, the former situation raises questions about the government's compliance with its obligation to use the maximum of available resources, since the allocated funds were there to be spent.

25 The points are from Ramkumar, *Our money, Our responsibility.* See References.

- *Unauthorized expenditures*: A governments may shift funds from one programme to another, sometimes legally, sometimes not. The legal means through which government departments or agencies do this include *virement* (a technical term meaning a certain margin within which expenditures are allowed to vary from appropriations) and supplemental budgets. However, even though *virement* and supplemental budgets are legal, they may not, in practice, be in keeping with a government's human rights obligations. An example: Allocations for an emergency food fund at the start of the fiscal year are in keeping with the government's obligation of progressive achievement. However, in the course of the year the government shifts some of those funds to other uses, so that expenditures of the fund end up below those of previous years, even while the need has remained constant.

- *Inflexible rules*: Despite good will on a government department's or agency's part, their efforts to realize the right to food may be stymied by inflexible rules in financial management processes. If, for example, existing rules require an agency to accept the lowest bid in a procurement process, the agency, in doing so, may end up with poor quality goods or services. Thus a rule that would seem to be in step with the obligation to use the maximum of available resources may result in an inefficient use of funds, when the goods and services are shoddy. The NAADS case provides one such example.

A government's human rights obligations require that it not simply allocate funds in furtherance of human rights, but that it spend them to that end. Tracking and analyzing government expenditures are thus very important areas of work for those committed to advancing the right to food. The key question in this context is: Is the government spending its funds in keeping with its right to food obligations? Practices such as those just cited can continue for years if the government's oversight institutions are not paying attention, or do not have the resources to monitor government expenditures and their impact on an ongoing basis. While the supreme audit institution in a country has primary responsibility for monitoring problems such as those just summarized, other government institutions, like human rights commissions, that are concerned about the right to food, can also undertake valuable monitoring.

In addition to the work of government agencies, civil society groups can and have pursued important initiatives to track and analyze government expenditures. They have used a number of different methodologies for doing so, which include:[26]

- *Social audits and community monitoring*: These methodologies involve communities in various ways in monitoring the implementation of government programmes in their localities. UDN, for example, has developed a system for monitoring government programmes from the district level down to the village level. These initiatives often involve communities in discussions with government authorities in which they demand an accounting when the communities' findings have shown serious shortcomings in implementation.

- *Procurement monitoring*: Once a budget has been approved by the legislature, the government can spend the funds. A principal way it does this is by securing goods and services through a procurement process. The process of soliciting and approving bids by outside vendors can and does go wrong at times, with a result that the government pays more than it needs to for the goods and services, gets poor quality goods for what it pays, and so on. The VLE programme suffered from this, as CIIDH discovered in examining the details of the contract with the Milk Producers. Groups in some countries have established 'procurement watch' processes through which they analyze documents related to government procurement of specific goods, assess the bid process, monitor delivery of the goods, and evaluate the quality of the latter.

- *Public Expenditure Tracking Surveys (PETS)*: PETS were originally commissioned by the World Bank, but have since been used by a range of other groups. These surveys track the flow of resources from central governments to local governments to service providers, to identify possible leakages between the different levels of government. This type of tracking can make a substantial difference in ensuring that funds reach their intended destination.[27]

These and other methodologies used by civil society groups could also be used by government institutions, such as national human rights commissions, that have the resources and mandates to pursue them. In the absence of resources or mandate, these institutions could work collaboratively with civil society groups who are employing the methodologies.

The Guatemalan and Ugandan cases provide examples of the relationship of government expenditures to specific right to food obligations.

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26 Further information on civil society expenditure tracking is contained in Ramkumar, *Our money, Our responsibility*. See References.

27 For information on a very interesting and encouraging experience in Uganda with PETS, see Ramkumar, p. 33.

BOX 19. The Glass of Milk (VLE) programme in Guatemala: Expenditures and human rights obligations

CIIDH started its investigation by looking at expenditures under the school food programmes within the Ministry of Education budget over a course of 11 years (from 1997 to 2007). They noted that expenditures in the food programmes increased markedly over those years (from the equivalent of US$4.40m in 1997 to US$59.03m in 2007). That growth was consistent through different administrations and with different political parties in power. This growth could be understood in human rights terms as the government's demonstrating a significant commitment to meet its obligation to progressively achieve realization of the right to food.

However, CIIDH encountered a number of difficulties with expenditures under the VLE programme itself (which is administered by the Ministry of Agriculture, Livestock and Food (MAGA)), some of which are captured in the following chart on VLE distribution in 2007:

DEPARTMENT	SCHOOLS		SCHOOL POPULATION		RATIONS PROVIDED	
	QUANTITY	%	QUANTITY	%	QUANTITY	%
Departments of Very High Vulnerability						
Huehuetenango	149	4.22	18 775	4.18	241 000	0.81
Chimaltenango	0	0.00	0	0.00	0	0.00
El Quiché	118	3.34	13 691	3.05	63 910	0.22
Sololá	180	5.10	24 654	5.49	1 136 871	3.84
Totonicapán	41	1.16	7 666	1.71	412 593	1.39
San Marcos	65	1.84	9 401	2.09	774 113	2.62
Departments of High Vulnerability						
Alta Verapaz	315	8.93	37 760	8.41	3 063 809	10.36
Baja Verapaz	350	9.92	39 530	8.81	2 710 024	9.16
Chiquimula	372	10.54	23 176	5.16	1 574 053	5.32
Jalapa	219	6.21	20 856	4.65	1 820 369	6.15
Quetzaltenango	48	1.36	7 665	1.71	431 419	1.46
Suchitepéquez	210	5.95	31 026	6.91	2 177 313	7.36
Departments of Moderate Vulnerability						
Petén	164	4.65	24 014	5.35	1 805 249	6.10
Izabal	0	0.00	0	0.00	0	0.00
Retalhuleu	266	7.54	28 098	6.26	2 296 115	7.76
Sacatepéquez	0	0.00	0	0.00	0	0.00
Santa Rosa	161	4.56	14 745	3.28	1 273 206	4.30
Departments of Low Vulnerability						
El Progreso	0	0.00	0	0.00	0	0.00
Escuintla	158	4.48	19 874	4.43	1 676 096	5.67
Jutiapa	276	7.82	27 664	6.16	2 233 153	7.55
Zacapa	143	4.05	10 011	2.23	773 951	2.62
Guatemala	293	8.30	90 282	20.11	5 123 029	17.32
TOTAL	**3 528**	**100.00**	**448 888**	**100.00**	**29 586 273**	**100.00**

Source: Area of Food Security Information (*Área de Información de Seguridad Alimentaria*) MAGA

BOX 19. The Glass of Milk (VLE) programme in Guatemala: Expenditures and human rights obligations - CONT

From this data, which reflected actual expenditures under the VLE programme, CIIDH concluded that the most food insecure—the intended targets of the programme—had been receiving smaller shares of programme benefits. For example, those Departments characterized as of very high vulnerability to food insecurity, while having 17 percent of the school-age population, received only 9 percent of the VLE rations, at the same time that the 33 percent of population at low vulnerability received 33 percent. These findings raise questions about the government's compliance with its obligation to fulfill (provide), because the food was not reaching many of its intended beneficiaries. There are also questions related to the obligation of non-discrimination, as the poorest (indigenous) communities were receiving a disproportionately smaller share of the rations.

CIIDH encountered a number of difficulties in analyzing VLE programme implementation and expenditures, which led it to also conclude that there were problems with management of the programme. For example, the chart above shows that in the whole of 2007 (the school year ends in October), 29 586 273 rations of milk were provided to students throughout the country. However, CIIDH also found the following figures, reported by the Deputy Minister of Food Security, MAGA, for VLE implementation up until 8 June 2007.

DEPARTMENT	MUNICIPALITY	SCHOOLS SERVED	RATIONS	INVESTMENT (QUETZALES)
Alta Verapaz	7	315	3 414 836	7 541 222
Baja Verapaz	6	350	2 710 024	5 906 312
Chiquimula	4	372	1 574 053	3 895 782
Escuintla	5	158	1 677 096	3 769 642
Guatemala	13	290	5 123 029	8 479 471
Huehuetenango	5	149	241 000	521 361
Jalapa	5	219	1 784 369	3 622 535
Jutiapa	9	276	2 233 153	4 443 973
Petén	4	164	1 805 255	6 083 338
Quetzaltenango	10	48	431 421	664 385
Quiché	3	118	63 910	105 452
Retalhuleu	4	266	2 296 115	4 713 924
San Marcos	2	65	774 113	1 722 401
Santa Rosa	2	161	1 273 206	2 533 680
Sololá	10	180	1 136 871	1 875 415
Suchitepéquez	6	210	2 177 313	4 692 109
Totonicapán	3	41	412 593	635 394
Zacapa	2	143	773 951	1 661 673
TOTAL	**100**	**3 525**	**29 902 308**	**62 868 069**

BOX 19. The Glass of Milk (VLE) programme in Guatemala: Expenditures and human rights obligations - CONT

According to this chart, the total number of rations distributed by 8 June (29 902 308) was more than was reported elsewhere as distributed for the whole school year (see the previous chart). Both sets of figures were obtained in December 2007, so both should have been final, and thus definitive, yet they contradict each other.

BOX 20. Questions about right to food obligations and budget expenditures: The case of NAADS in Uganda

UDN and AAI-Uganda looked more closely at allocations for the NAADS programme rather than at expenditures. Despite that, they were able, through their interviews and other research, to identify some potentially troubling questions about expenditures under NAADS. In particular, they encountered reports of corruption related to the programme, such as leakages as the funds made their way from the national government to the district governments. Leakages between different levels of government are a common occurrence in many countries. If the funds are diverted through corruption or other forms of waste, this would raise questions as to the government's compliance with its obligation to use the maximum of available resources to advance the right to food.

Step 8 - Section 4: Assessing the impact of the government's budget on the right to food

The preceding sections, on revenues, allocations and expenditures, talked for the most part about the *likely* or *potential* failure of a government's compliance with its human rights obligations, because the actual impact of decisions and actions in those areas on enjoyment of the right to food often does not take place at the time that the decisions related to revenue, allocations or expenditures are made (although the impact sometimes occurs very shortly thereafter). However, as was mentioned above, a government has not only an obligation of conduct (i.e. an obligation to raise, allocate and spend funds in line with its human rights obligations), but of result. This means that it has an obligation to ensure that the *impact* of its revenue, allocation and expenditure decisions is to advance enjoyment of human rights, and in this context, the right to food.

It can be difficult to assess this impact, because many factors can contribute to a situation of hunger, malnutrition or lack of access to adequate food. These include, singly or in combination:

- insufficient allocations in the budget;
- insufficient funding reaching the point of service delivery;
- inappropriate design and delivery of services;
- factors external to the particular programme; or
- factors external to the budget as a whole.[28]

To isolate and assess the impact of the government's budget, it would typically be necessary to 'control' other factors that could be affecting the situation, and this can be very hard, if not impossible, to do. However, short of a highly scientific study, there are techniques that can be used to produce some valuable insights.[29]

Regardless of which techniques are used to determine the impact of a government's budget on people's access to food, the following are relevant questions to ask in order to evaluate the findings in light of the government's human rights obligations:

- Has the government's budget had the *effect* of interfering with someone's current enjoyment of the right to food? This would implicate the obligation of respect. One example would be a situation where a government introduces a VAT on basic food items, with a result that the poorest people in the country are able to buy less food and so suffer increased hunger.
- Is the government's budget having the *effect* of providing people who are hungry or malnourished with the goods and services they need to alleviate the hunger or malnourishment? If the government has introduced a line item into the budget to fund a food-for-work programme directed at the most food-insecure groups in the country, and the programme actually provides such people with additional food, this would demonstrate compliance with the obligation to fulfil (provide).

28 Elson, *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW*, p. 66. See References.

29 For a good discussion of techniques that governments have used to evaluate the impact of their budgets, see Ramkumar, *Our money, Our responsibility*, pp. 68–74. The same publication, on pp. 75–99, gives some interesting examples of civil society initiatives to measure impact.

- Are government expenditures having the *effect* of increasing people's enjoyment of the right to food over time? This question relates to the obligation to progressively achieve enjoyment of the right. An example of compliance with this obligation would be if a government steadily expands funding to agricultural support programmes, these in turn result in increased production of food crops for domestic consumption, and over time, rural communities report greater access to food.

While difficult to do, assessing the human rights impact of the budget is oftentimes key to effective human rights budget work. The techniques referred to in the Ramkumar publication can be effectively adapted to provide answers to right to food/budget questions such as those just posed.

BOX 21. The impact of the NAADS programme on enjoyment of the right to food

NAADS was structured so that the agricultural advisory services were provided not by government employees (as had been true under the earlier advisory services programme), but through contracts with outside individuals or companies. Farmers who had used these services reported to UDN and AAI–Uganda that they had received poor seeds and tools, and poor quality advice about animal husbandry from these outside vendors. This situation gives rise to questions about the government's compliance with its obligation to protect the farmers' right to food against the actions of these third parties who, through providing poor goods and services, undercut the farmer's access to food.

THE IMPORTANCE OF VERIFYING THE HYPOTHESIS

Having gone through the steps illustrated in Figure 6 and come to this point of the chapter, an organization or institution will have:

☑ stated its initial hypothesis about the relationship of the government's budget to its issue of concern, and what it anticipated the budget work would help it determine;

☑ decided on the focus(es) of its budget work, as well as the methodologies it would employ;

- ☑ found as many of the budget documents as it could related to the type of budget work it decided to do; and
- ☑ done its initial budget work or analysis.

Having reached this point and hopefully anxious to go on, an organization or institution should nonetheless take time to reflect on the iterative process that has been mentioned several times. What that process means here is that the organization needs to ask itself whether its research and analysis has confirmed its hypothesis. If it has, then the organization or institution can, in fact, move on to Chapter 3.

If, however, it has not, that would hardly be surprising. It would be important, however, to identify specifically why it has not.

- Did the analysis lead to the conclusion that the role of the government's budget in the problem was different from what the organization or institution had originally assumed? In that case, it will be necessary for the organization or institution to re-state its hypothesis and go through Steps 6 to 8 again to confirm its new hypothesis.

or

- Did the analysis lead to the conclusion that the government's budget was not a significant cause of the problem the organization or institution was addressing, and that the principal causes lie elsewhere? If so, now is the time to remember the arrow in the diagram in Figure 3 in the Introduction, which goes from Chapter 2 back to Chapter 1. In other words, when the budget is not a significant cause, the organization or institution will need to return to Chapter 1, to analyze once again the causes of the right to food problem. It will probably still have research and analysis to do, but they are likely to be in areas other than the budget.

BOX 22. The Glass of Milk (VLE) programme in Guatemala: CIIDH's hypothesis—What did the research find?

CIIDH's hypothesis was that:

> *The VLE programme could have a positive impact on the enjoyment of the right to food in Guatemala, by enabling children who are at risk of malnutrition to have access to a nutritious drink each school day. However, the programme has not met its potential because of weakness, not in its conception, but in its implementation.*

▼

BOX 22. The Glass of Milk (VLE) programme in Guatemala: CIIDH's hypothesis—What did the research find?

The research, summarized in earlier boxes, pointed, in fact, to weaknesses in both the conception of the programme *and* in its implementation, as follows:

- *The programme focused on milk as a nutritional supplement, although milk is not a culturally traditional food among the indigenous peoples of Guatemala, who constitute the largest share of the food-insecure population in the country;*
- *Milk is more expensive than viable alternatives such as* atole*, which means that the programme funds could not reach as many children as a less costly intervention would have;*
- *The procurement agreement with the Milk Producers specified a price that was close to the retail price. In addition, the government agreed to use the transportation facilities of the Milk Producers, although this limited the geographical reach of the programme. Both of these elements raise questions about corruption;*
- *The programme was not reaching many of the most food-insecure children (those who should be the priority), because the Milk Producers did not have the transport facilities to deliver to the highlands; and*
- *Delivery to the schools was erratic. Some schools received milk only half the time. On average for all the schools included in the programme, milk was delivered only 127 days out of the 180 days schools were in session. In addition, the quality of the milk was an issue, as milk reaching the schools was often spoiled.*

  (In the summer of 2008, the new Guatemalan government suspended the VLE programme, following unsuccessful attempts to renegotiate the price of the milk with the Milk Producers.)

CHAPTER 3.
PRESENTING A CLAIM

INTRODUCTION

Chapter 3 is for organizations and institutions that have concluded that they are facing a right to food issue. The budget work they have done has confirmed that the government's budget has played a significant role in creating or aggravating the issue, and they now have the research and analysis to back up their conclusion. How then do they use their findings to maximum effect to advance their right to food claim? This chapter talks about two final steps such an organization or institution would need to take, ones that will help ensure that their findings are understood and their concerns are heard. They are:

Figure 7. Communicating the findings

STEP 9: STATING THE FINDINGS AND THEIR RELEVANCE IN POLICY, BUDGET AND LEGAL TERMS

As with most well done research and analysis processes, budget work relies on and produces a wealth of information. The intertwined significance of policy documents, budget information, accounting documents, surveys, public interest litigation cases and other material grows throughout the process of research. Whether the different pieces of the puzzle relate or fail to relate with each other, as well as the ways in which they relate when they do, all play a crucial role in determining the end results of the organization's or institution's analysis. It is only by putting these pieces together that an organization will discover some of the reasons for, as well as the logic and dynamics of, the problem they are addressing, and will be able to identify potential solutions.

After an organization has done all its research and analysis, if it wants to gain maximum benefit from that work, it will need to distinguish its principal findings from the rest of the information generated—and express those findings in a clear and convincing form.

At this point in the process it would be productive for the organization or institution to take some time, sit back and reflect on what its research is saying, through considering the following questions:

1. What are the 3 to 5 most important findings that have come out of the work that has been done? What do the findings say about the government's compliance or its failure to comply with its right to food obligations?

2. How relevant are the findings in policy terms; i.e. do the findings highlight inadequacies in current policies with regard to the right to food? How relevant are the findings in legal terms; i.e. do the findings point up inadequacies in current laws?

3. What policy modifications, reforms in the law, changes in the budget or other actions would address the findings? The organization or institution should analyze the political feasibility of each potential action.

4. What connections with the broader picture should the organization or institution make to clearly illustrate the relevance and role of the findings, and of the solution?

Some answers to these questions as they relate to the NAADS case are shown in Box 23.

BOX 23. Key findings of the Uganda NAADS case and their implications

1. Overall conclusion: 80 percent of Uganda's people live in rural areas and derive their livelihood from their own farm production. At the same time only 4-5 percent of Uganda's national budget is directed to agricultural development, while the Maputo Declaration calls for a 10 percent allocation to agriculture. In failing to implement food and agricultural strategies that have been developed, and providing agriculture with such low allocations in the budget, the government is failing to advance the right to adequate food of a large share of the country's population.
2. The most important specific findings of UDN's and AAI–Uganda's research were:
   - *While Uganda has adopted some strong policies and strategies related to food security, these have to date been inadequately implemented;*
   - *Within the Plan for Modernization of Agriculture, NAADS is the only one of seven programmes that is highly feasible and attracts significant funding;*
   - *In the way that it is structured (for example, with the fee requirement), NAADS provides minimal services to the poorest farmers, and no other agricultural services programme exists to support the latter; and*
   - *In the way that it is implemented, NAADS in many cases provides poor quality services to those farmers that are able to access it.*
3. The findings point to the following specific shortcomings in the government's compliance with its right to food obligations:
   - *Failure to implement its food and nutritional policies and strategies, and allocating funds for agriculture at only 4-5 percent of the budget leave many people vulnerable to food insecurity. This is a failure of the obligation to fulfill (facilitate);*
   - *Because NAADS is the only functioning agricultural advisory services programme within the PMA, as currently structured and implemented the PMA discriminates against the poorest farmers in fulfilling the right to food;*
   - *The poor quality services frequently provided under NAADS point to a failure of the government to meet its obligation to protect farmers' right to food from the actions of the contractors. By paying for ineffective or inefficient services, the government is also failing to use the maximum of available resources to fulfill the right.*
4. The findings point to the need for:
   - *Existing food and nutritional security strategies and plans to be converted into laws, programmes and projects, and these should be implemented as soon as possible;*
   - *Implementation of the remaining programmes within the PMA, particularly those designed to meet the needs of the poorest farmers;*
   - *In the absence of other agricultural services programmes, the restructuring of NAADS to eliminate the matching funds and fee requirements, which are an obstacle to the participation of the poorest districts and farmers; and*
   - *Closer monitoring of outside contractors to ensure that the costs and quality of services provided make the most efficient use of the government's funds.*

Stepping back and looking from a distance at work that has been done is a healthy process. It is particularly essential when addressing issues that straddle the line between common knowledge and technicalities. When working closely with piles of data and undertaking a large number of technical calculations, an organization or institution risks getting caught up in the technicalities, failing to keep a clear head about the practical and political implications of its findings.

After an organization or institution has answered the four questions above as clearly and simply as possible, it would be advisable to incorporate them into a small document or presentation, and present them to a test audience. Depending upon whether one is working in civil society, as a legislator or with a government institution, the test audience can be composed of CSO partners (particularly those working on the same or similar issues), academics close to the topic, other legislators or activists working with legislatures and decision-makers, other members of relevant government institutions, and communication and dissemination experts, among others. It would be very useful to get their feedback on questions such as:

- ☑ Are the findings of the work relevant? Are they timely with regard to the issue?
- ☑ Is the organization or institution expressing the relationship among the pieces clearly? Is the presentation accessible?
- ☑ Are the findings accurate? Does the existing information substantiate the findings, and has the organization or institution appropriately described the relationship of its findings to the policy and the legal frameworks?
- ☑ Are the solutions being proposed feasible?
- ☑ What alternative proposals does the test audience consider politically viable?

The input and knowledge of the test audience can be valuable in enabling an organization or institution to fine-tune its selection of arguments.

When an organization or institution reaches a point where the conclusions from its right to food analysis and budget analysis are clear and in agreement with each other, it should prepare its findings for broader consumption by carefully citing the national and international standards related to the right to food to pinpoint where and how the government has failed to meet its right to food obligations (see Chapter 1).

Having considered and articulated the key findings of its research, it is time for an organization or institution to start strategizing.

STEP 10: DEVELOPING A BUDGET ADVOCACY STRATEGY

Once an organization or institution has identified its main findings and their implications, it will need to develop a budget advocacy strategy to takes it from where it is to where it wants to be. While advocacy is generally understood as a function of civil society groups, in reality legislators and members of government institutions, such as national human rights commissions, when they are seeking changes in a law, policy or programme are also engaged in advocacy. As a result, much of what follows is relevant to them, particularly when they are playing such a role.

The first part of developing a strategy is to clearly define the organization's or institution's *objective*, which is, ultimately, the place it wants to get to. It is easy to get confused between the initial cause that sparked an organization's or institution's concern and the specific objectives for its advocacy campaign. The former would be, for example, hunger caused by the increase in basic grain prices, while the latter might be a subsidized grain programme for rural populations. In short, the objective of the advocacy strategy is not the problem, but the process and policy goals that can contribute to its solution.

To effectively develop a strategy, an organization or institution also needs to clearly recognize the rationale for its objective. What is important about its objective? How will it make a difference? Why does it have to happen now? The organization or institution has started putting together the answers to these questions in the previous step, by identifying the pieces of information that hold together its main findings. Now, the task is to develop them into what will be the core message of the advocacy.

The Guatemala VLE case is helpful in illustrating these steps. It should be said, however, that the following line of thinking is somewhat hypothetical, since as was mentioned at the end of Chapter 2, the Guatemalan government recently cancelled the VLE programme when the Milk Producers refused to renegotiate the contract and accept lower prices for the milk. (This occurred after CIIDH had finished its research and analysis). However, even though the objective that will be stated is no longer politically apt and the process proposed thus hypothetical, it is at least possible with the information that CIIDH developed to illustrate the steps using real data. For example, with regard to this first step, see Box 24.

The second part of developing a strategy is to develop a *message*. The *message* should be composed of three main elements: (1) a clear statement of the problem, (2) the solution, and (3) the actions needed to get there. It is only by integrating these three elements that it is possible to convey the importance of the issue, how it can be addressed, and the steps needed to implement a solution. A message that does not state a clear solution fails to make the

BOX 24. VLE Budget Advocacy Strategy – Objective

Objective: MAGA should redesign the VLE programme to prioritize delivery of milk rations to the most food-insecure students.

CIIDH's original concern was hunger and malnutrition among the poorest, largely indigenous, communities in Guatemala. As can be readily seen, the objective of this advocacy strategy is much narrower and quite specific.

The rationale for choosing this objective is that, although flawed in certain respects, the VLE programme was an existing programme, and it was politically more feasible to urge re-targeting of this programme than to push for the creation of a new programme.

best use of the organization's or institution's work and findings. It should not want the government to 'do something.' It should ask the government to make very specific budget policy or process decisions, which the organization or institution believes will contribute to the solution of the problem.

Many civil society campaigns put too much emphasis on the problem and very little thought to its solution, what needs to be done. They may succeed in shaming the government into action, but often that action is a one-time, small remedy that speaks more to the publicity around the problem than to a solution that can be monitored. Budget work can provide insights into what is not working, or what is completely absent from the government's actions to realize the right to food. This in turn is very useful in enabling an organization or institution to determine what needs to be done and then needs to be monitored.

To enhance the impact of advocacy, it is important to have a single, unified message. An organization or institution might want to elaborate more on some parts of the message, depending upon with whom it is speaking, but the problem, the solution and the actions needed to reach that solution will remain the same regardless.

Legislators often state their messages in exactly the terms described in box 25. Since they have the power to change laws and to hold the government accountable as well as ask for specific, concrete redress, they normally speak about the *problem*, its *solution* and the *actions* required for achieving that solution. Despite this, their messages may vary in clarity and accessibility, sometimes being so long and complicated that it is difficult for ordinary citizens to understand them. This can be true of civil society groups as well, of course, and in both cases is self-defeating.

BOX 25. VLE Budget Advocacy Strategy – The Message

Problem: Many of the students who are most vulnerable to hunger and malnutrition do not get the nutritional supplement the VLE provides.

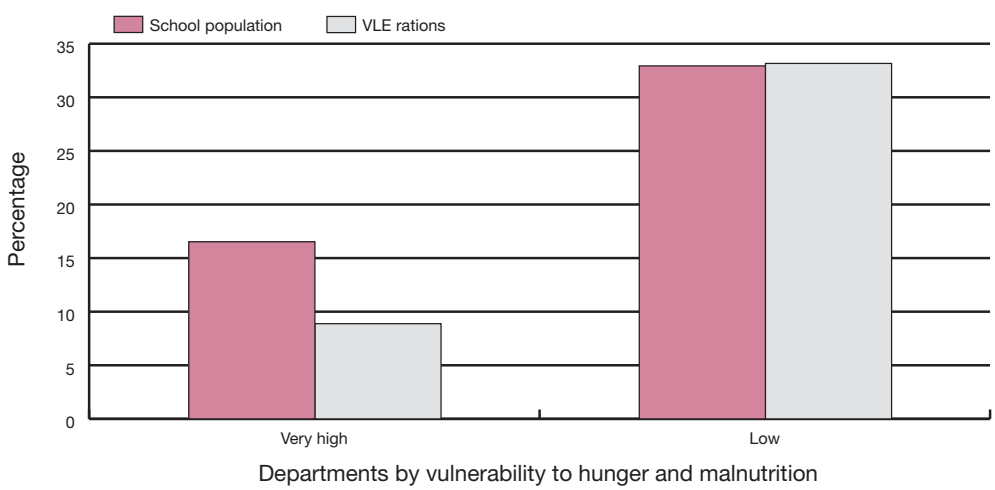
Solution: The VLE should go to all those students who are the most vulnerable to hunger and malnutrition.

Action: MAGA should maintain VLE allocations at the current level, but redesign the program to ensure that the most vulnerable students are given priority in the expenditure of program allocations.

An organization or institution, in conveying its message, may be quite tempted to use some of the data it has uncovered or developed in its research. This can make a lot of sense and can strengthen the advocacy. However, if it is to be effective, the data should be presented as clearly and accessibly as possible. When using data, an organization should always remember its audience. The data the Ministry of Finance will have patience for will be quite different from the data journalists or members of communities will be able to understand.

Graphs and charts (which are touched upon in Annex 2) can be a powerful visualization of an organization's or institution's message. When creating them, it is important to ensure that they can be easily read and understood by the intended audience. If their import is not immediately clear, they may end up confusing the very people an organization or institution wants to persuade. The following is an example of such a graph. It is based on data in the first chart in Box 19. Keeping in mind CIIDH's message (Box 25), it is possible to distil the most important data from that chart as follows.

Figure 8. Glass of milk (VLE) distribution - 2007



From this Figure, an audience can see right away that the students in very high vulnerability departments are receiving proportionately less of the milk than are those students who suffer little hunger or malnutrition. The problem is visible at first sight, and needs little further explanation. The chart also establishes an automatic connection between the problem and the proposed solution, which, in turn, provides support for the actions the organization or institution wants the government to take.

Having now twice mentioned audience, it seems time to move on to this next important part of an advocacy strategy: those who can bring about the changes that an organization or institution is seeking. There are two kinds of *audiences* that should be kept in mind. Firstly, there are the organization's or institution's primary audiences. These are the decision-makers who have the actual authority to change the design or rules of a government programme, its allocation, the way in which the money is disbursed or the target population. As the word primary indicates, this audience is those people the organization ultimately has to reach, either directly or indirectly, to get the solution implemented.

In contrast, secondary audiences are all those who can exert pressure on or influence the primary audience. The secondary audiences include people such as decision-makers who are not directly responsible for the solution the organization or institution is advocating, but who have power to move other parts of the government to action. They also include legislators, opinion-makers, the media, and civil society groups.

Secondary audiences can play a huge role in raising the profile of an issue and pushing for its resolution. Community-based organizations might organize protests, while the media can increase the exposure of the topic. Legislators and government commissions may request clarification or emergency actions. In the end, however, resolution depends on those directly responsible for the decisions affecting the problem.

Many groups mistakenly identify the media as their primary audience. Their objective then becomes to obtain media coverage, as if the media by itself had the power to change the government's actions. While it is true that media can put a lot of pressure on a government, and persuade it to discuss or negotiate relevant issues, in the end, resolution depends on those in government *directly* responsible for the decisions affecting the problem, and hence those should be the primary audience.

One of the strengths of budget work is that it makes it possible to clearly identify who is responsible for different parts of a process, and thus who an organization's or institution's primary audience ought to be. It also allows it to identify the role that the secondary audiences can play.

Applying this to the VLE case, one gets Box 26.

BOX 26. VLE Budget Advocacy Strategy – The Audience

Primary audience: The Ministry of Agriculture, Livestock and Food (MAGA)

Secondary audiences:

- Ministry of Education
- Sympathetic legislators
- Human Rights Commission
- Commission for Food Security and Nutrition
- First Lady of Guatemala
- Journalists
- Teachers
- CSOs concerned with hunger, education, indigenous populations
- Communities affected
- Affected students

Having identified its primary and secondary audiences, how can an organization or institution actually reach these audiences? What needs to be done to convey the importance of the issue to them, in a clear and compelling way?

One important element is for the organization or institution to carefully choose the *messenger* that it will use for addressing particular audiences. Not everyone can deliver a message in a compelling fashion to the media, civil society groups, legislators and public officials. Finding the right person for each case and audience helps the organization or institution to communicate its message more effectively. High profile activists or persons with moral authority on the topic may be better suited to speak to the media about it. People affected by the problem may be willing to state their case to the parliament. Those involved in the development of the work know the details and have the in-depth understanding, and should thus be involved in at least some of the meetings, particularly those where details might be requested.

Choosing the right messenger is equally important for government actors. It is often the case, for example, that a human rights commission cannot investigate a potential human rights violation until a case has been brought to it. In such a situation, a strategic alliance between the commission and CSOs can be very useful. In such a scenario, a CSO might be acting as a messenger that raises the relevant issue, and 'legitimizes' the action of the commission.

There have also been situations in which officials of the very programme that is causing or failing to address a problem identify an outside messenger to help increase attention to the problem. Astute and committed government officials have learned that civil society's budget work can actually improve their chances for increasing resources for needed programmes, which for one reason or another do not make it onto the list of priorities within their department. They may leak information to independent researchers, journalists and CSOs, with the purpose of raising the stakes and putting pressure on their own department.

BOX 27. VLE Budget Advocacy Strategy – The Messenger

- *If the audience is MAGA, then students and teachers working in affected schools could bring direct testimony as to the absence of the VLE and its impact. However, MAGA will also want to talk about the details of the findings, so any meeting with MAGA should include a researcher. If there is an academic or a former government official who has moral authority in the field of food programmes or right to food issues, having that person as an ally to address MAGA could be very helpful.*
- *If the organization or institution has a meeting with members of the legislature, messengers again could include students representing the marginalized communities that have not been reached by the programme, despite needing its support. It would be useful to have a researcher along, in case a legislator would like more details about the findings. Someone familiar with who is who in within the legislature, and politically aware, would be an excellent broker, or even messenger, for a meeting.*
- *If the audience is the Human Rights Commission, then it would be essential to bring along someone who can speak to the human rights standards applicable to the situation and how the government is falling short of meeting its obligations in the current situation. It would not be desirable for the organization/institution to talk to the Human Rights Commission only about numbers. It should go deeply into the substance of the problem and the government's actions and omissions. Having other respected human rights groups along would also be strategically important.*
- *To increase its leverage, especially if public opinion plays an important role in the case, an organization/institution should always explore diverse options for getting the media to pick up the case. The media can put the case in the spotlight, which will help persuade stakeholders whom the organization/institution is targeting to attend the meetings it is planning.*

Once again it is important to stress that alliances, whether short or long term, are vital. They are important to all advocacy work, but when the inaccessibility and technicalities of budgets are involved, the careful building of alliances is that much more essential. Because of the diverse capacities and roles of different players,

alliances can add strengths that an organization or institution may be lacking. With regard to reaching the target audiences, alliances add legitimacy (particularly if the organization or institution is a civil society group), which is important to ensure that the topic gets a place on the public agenda. They also allow for a stronger stand vis-à-vis the government, while remembering that there may be individuals within government who could be allies, facilitating access to key decision-makers.

The definition of messengers is only one part of the *action plan* that an organization or institution will have to put together so as to successfully deliver its message and reach its primary and secondary audiences. Such an action plan should include:

- Identifying primary and secondary audiences, as well as people who can facilitate the organization's or institution's access to them. If the Ministry of Agriculture, Livestock and Food (MAGA) is the primary audience, who can help in reaching the right persons within the Ministry? Who has connections inside? If the First Lady plays a role in food programmes, how it is possible to get to her?

- Identifying potential allies, brokers for some of the meetings and messengers. It is useful to make a list identifying who can be most helpful with what audience and at what moment.

- Making a schedule: When is the best moment to release the organization's or institution's information? Is there a date that is politically appropriate? When are the decisions that the organization wants to influence taken in the budget cycle?

- Planning specific actions that will help the organization or institution reach its primary audience and put its message across. These include public hearings, testimonies to the legislature, press conferences, release of relevant information (in formats suitable for each audience), public demonstrations, interviews on radio and TV, photographic exhibits, etc. It is important to make a schedule that is politically smart and that gives all allies a role (e.g. Box 28).

BOX 28. VLE Budget Advocacy Strategy – A Hypothetical Action Plan

	AUG.	SEP.	1ST HALF OF NOV.	2ND HALF OF NOV.
Presentation to test audience and feedback	✓			
Discussion with allies about message and action plan	✓			
Identification of primary and secondary audiences—as detailed as possible	✓			
Identification of brokers to access audiences	✓	✓		
Finalization of message		✓		
Identification of messengers	✓	✓		
Finalization of materials (research documents, presentations, podcasts, campaigns, etc.)		✓		
Development of media strategy		✓		
Release of information to media		✓		
Meeting with Human Rights Commission			✓	
Meeting with National Council of Food and Nutritional Security			✓	
Meeting with MAGA			✓	✓
Follow up activities with media			✓	✓
Meeting with Budget Committee in Congress				✓

A FINAL CHECKLIST

The end of Chapter 1 included a recommendation that the organization or institution turn to a reference group to present its findings up until that point and receive their feedback. Earlier in this chapter, the importance of a test audience to assist an organization or institution to develop greater clarity about the accuracy and importance of its findings was also mentioned. The following is a final checklist that an organization might use before stepping out the door and going public with its research and concerns. A checklist like this can help ensure that an organization or institution is clear about its information and findings, and ready for the many questions and challenges it is likely to face.

☑ Are we and our allies clear and in agreement on the action plan? Who is doing what in the action plan?

☑ Do we have a common understanding of who our primary audience is? Our secondary audience?

- ☑ Have we developed a clear and compelling message? What is it? Do all our allies understand and agree to this message?
- ☑ Who are our messengers for specific audiences? Why have we chosen them? Do our allies know who the messengers are?
- ☑ Have we developed appropriate background material for each audience? What is it and why is it suited for each particular audience?
- ☑ Are we familiar with and ready to argue the government's history of action and inaction on our issue of concern?
- ☑ Are we ready to explain in clear terms the approach, methodologies and information used in our budget work if called upon to do so? Is our background and budget information stored in a manner that will allow for ready retrieval, should that be necessary?
- ☑ Are we able to explain in what ways our issue of concern represents a failure of the government to comply with its right to food obligations, and which obligation(s)?
- ☑ Are we able to explain why the solution we are proposing would be a way for the government to better meet its right to food obligations, and which obligation(s)?

If the organization or institution can answer all of these questions, then it is ready to start presenting its case!

CONCLUSION

The Introduction of *Budget Work to Advance the Right to Food* began with the story about Roshni. Was Roshni's dire situation the result of inappropriate priorities in the government's budget? Was it due to a failure by the local government to receive, or perhaps properly expend, funds intended for food-for-work programmes that would have benefited Roshni's parents, or child feeding programmes designed specifically for malnourished children like Roshni? From the few facts provided in the story on page 1, it is not possible to say. However, this guide suggests a step-by-step process that a civil society group, a legislator or government institution such as a human rights commission, can follow to find answers to these questions and, if the government's budget did play a significant, negative role in the situation, to develop proposals for targeted actions to ameliorate it.

Budget work to advance human rights is no longer an entirely new area of endeavour for civil society groups, legislators or government institutions. It can and has been undertaken by individuals and groups around the world to important effect. It is hoped that many more individuals and groups will become involved in the work, because it can have a significant impact on the lives and well-being of individuals and communities everywhere.

In considering the ten steps described in Chapters 1 to 3, an organization or institution that has not yet done human rights budget work has nonetheless taken an essential step forward. It is now in a position to determine whether it has the necessary knowledge and skills to use budget work to address a right to food issue about which it is concerned.

If it has the needed knowledge and skills, then it also has some detailed, step-by-step information, which is grounded in others' real-life work and experiences, that it can use to guide its own efforts. If it does not, that would hardly be surprising as the range of knowledge and skills needed to do the work is quite broad and varied. Nor would the organization or institution be in a unique position, as many other organizations have had to learn new skills to do the work or identify others with the needed skills with whom to collaborate. *Budget Work to Advance the Right to Food* details the knowledge and skills that are necessary, and urges organizations to identify allies in other organizations or institutions who can help fill in the gaps.

Budget Work to Advance the Right to Food is designed to encourage government institutions, legislators and civil society groups to take on the challenge and great opportunity of budget work. Roshni's situation is tragically one that is shared by millions of children and adults in countries around the world. Budget work is a potentially powerful tool for bettering the situation of Roshni and so many others, and thereby helping guarantee that every person's right to food is realized.