

A GUIDE FOR COUNTRIES TO DEVELOP NATIONAL RIGHT-TO-FOOD ACTION PLANS

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I. BACKGROUND

This report provides national governments a framework to examine their food system and develop a right-to-food action plan to transform their food system. It draws from my experience and thematic reports as UN Special Rapporteur on the Right to Food, updated research, and consultations.¹

The general trend over the last few decades has been cycles of crises with spikes in the rates of hunger, malnutrition and famine. These crises have multiple interlinked causes and origins and continue to intensify. The repeated shocks are not anomalous but instead are symptomatic of structural issues. Countries are often still reeling from one shock, when dealing with new ones in a context of limited fiscal resources, concentration of power in the food systems, and inequality in the supply chains. Moreover, industrial food systems contribute approximately one third of greenhouse gases enabling climate change and reduce biodiversity.

States face three issues. They must:

- 1) Respond to the food crisis with national plans;
- 2) Develop an international coordinated response to the food crisis;
- 3) Transform their food systems to make them more equitable, resilient to climate change, and prevent biodiversity loss.

States must address all three issues as interdependent. If they do not cooperate and develop an international coordinated response, their national plans to recover from the food crisis will fail. At the same time, how they respond to the multiple crises at hand will significantly affect the nature of their food systems for decades to come. Moreover, inequality within and between countries lies at the heart of the problems of food systems all over the world.

In my work thus far, I have focused on helping States develop an international coordinated response to the food crisis. I have also identified what elements of food systems need to be transformed.² This study provides a guide as to how countries can develop national plans within this context.

¹ My thanks to Nevine Soliman, Keila Perez, and Paola De Meo for their invaluable support.

² A/77/177; A/HRC/52/40; A/78/202.

II. SUMMARY

Step 1: Right To Food Conversations – Determine What are the Problems and Potential Solutions Through Popular Engagement

The conversations should be organized around the international legal elements of the right to food: 1) international cooperation; 2) improving food production and conservation; 3) knowledge; 4) reforming the food system; and 5) equitable trade.

This process would include ensuring people can participate without discrimination or reprisal, supporting marginalized communities to participate, and reaching out to particular constituents to ensure there is adequate representation.

Step 2: Right To Food Outline – Outline the Government’s Existing Role and Obligations in the Food System

- a. Legal Analysis: Identify Relevant Laws, Regulations and Policies that Enact the Right to Food
- b. Right to Food Analysis of the Government’s Law, Regulations and Policies

Each relevant law, regulation and policy should be individually examined in terms of how they respect, protect, and fulfill the right to food. When that analysis is collated, it provides a detailed outline of what obligations the State is already meeting in the food system. This involves examining how the laws, regulations and policies enact:

- 1) Accountability: Determine who is doing what to whom.
- 2) Food Accessibility and Availability: Determine where and how the State is acting in the food system.
- 3) Food Adequacy: Determine what is being done.

Step 3: Right To Food Budget – Determine the Existing Government Budget on the Food System in the Form of Revenue, Expenditure, and Allocation.

Using the laws, regulations, and policies identified in Step 2 as the object of analysis, States can then tabulate the existing budget in the form of revenue, expenditure, and allocation. If law provides a map of political authority and policy potential, the budget provides a map of political priorities.

Step 4: Right To Food Action Plan – Use the Right to Food Conversations and Right to Food Outline to Identify Legal and Budget Reform

With the framing of the problem garnered from public conversations and the information about existing enactments of the right to food in law and through the government budget, the State and people are able to engage in a critical public debate over what reforms are needed to generate the necessary transformations. The final outcome is the creation of a National Right to Food Action Plan, outlining State obligations for food system transformation. The Action Plan is not an end unto itself, but an important milestone that generates political economic change and renewed popular energy, discussion and focus.

III. THE MEANING OF THE RIGHT TO FOOD

The right to food's international legal framework not only articulates State obligations, but also provides a detailed, coherent, and cohesive framework that States can follow when transforming their food systems.

The right to food is the fundamental right to be free from hunger.³ This means that every instance of hunger – and malnutrition, famine or starvation – can be understood as the result of a system that is exploiting or oppressing people, stripping them of a fundamental freedom.

The right to food is also the right for everyone to celebrate life through their meals with each other in communion. Food is inherent to life itself and a key way that people define their very understanding of community. Food is also central to how people establish their relationship with the land and with waterways. People must have as much power as possible within their food system, power over their own destiny. In turn, governments are obliged to create the conditions for all people to be able to access good, nutritious affordable food with dignity, now and in the future.

The twentieth anniversary of the Right to Food Guidelines marks an incredible progression of the right to food over the past two decades – particularly in relation to the rights of persons with disabilities,⁴ women⁵ especially rural⁶ and Indigenous women,⁷ peasants,⁸ Indigenous peoples,⁹ workers,¹⁰ small-scale fishers and fish workers,¹¹ land rights,¹² and farmer's rights in relation to seeds.¹³ There have been policy advancements connecting the right to food to agroecology and political advancements connecting it to the concept of food sovereignty.

The International Covenant on Economic, Social and Cultural Rights defines the right to food and details its elements:

- 1) international cooperation;
- 2) improving food production and conservation;
- 3) knowledge;
- 4) reforming the agrarian system; and
- 5) equitable trade.

³ International Covenant on Economic, Social and Cultural Rights, Article 11.

⁴ Convention on the Rights of Persons with Disabilities, Arts. 25(f); Art. 28(1).

⁵ Convention on the Elimination of All Forms of Discrimination Against Women, Art. 12.

⁶ *Ibid.*, Art. 14; Committee on the Elimination of Discrimination against Women, General recommendation No. 34.

⁷ Committee on the Elimination of Discrimination against Women, General recommendation No. 39.

⁸ UN Declaration on the Rights of Peasants and Other Working People in Rural Areas.

⁹ UN Declaration on the Right of Indigenous Peoples.

¹⁰ There are scores of relevant ILO treaties and policy instruments. The foundational treaties are the Convention on the Right of Association (Agriculture), 1921 (No.11); ILO Convention on Rural Workers' Organizations, 1975 (No.141). Most recently see [Policy guidelines for the promotion of decent work in the agri-food sector](#) (2023).

¹¹ Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication.

¹² Committee on Economic, Social and Cultural Rights, General comment No. 26; Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

¹³ International Treaty on Plant Genetic Resources for Food and Agriculture, Art. 9; UN Declaration on the Rights of Peasants and Other Working People in Rural Areas, Arts. 19, 20.

These elements must be interpreted within the context of the two decades of normative developments and contemporary understandings of how food should be adequate, available, and accessible. With the shared commitment to transform food systems in mind, the contemporary elements of right to food are the following:

(1) International cooperation:

This is not just about international institutions but in more modern terms can be understood as international solidarity and food sovereignty. Solidarity means developing a national food policy that is not only generous and fair to people and ecosystems within a country but is also generous and fair to other communities as a matter of reciprocity. An economy built on solidarity relies on organizing commerce through democratically governed enterprises designed to meet human needs instead of pursuing profit. How and with whom people trade with should be intentional and enhance a community's quality of life.

(2) Improving food production and conservation:

This requires a focus on increasing biodiversity and is not just a matter of efficiency, food safety, and economic growth. It relies on agroecological practices, enhancing local economies through locally adapted processing technologies and storage capacities. It includes people's right to determine what is culturally, nutritionally, socially and ecologically adequate food, based on their particular conditions and sense of dignity.

(3) Knowledge:

At the heart of this is traditional and Indigenous knowledge and not just scientific and technical knowledge. Good nutrition is key to fulfilling the right to food, but it should be understood within appropriate cultural contexts and broader dynamics of public and environmental health.

(4) Reforming food systems:

The scope of reform is not just the agrarian element of food systems. Reform is about the food system and includes recognizing the plurality of food systems and their inherent link to different cultural understandings, values and cosmovisions. This also entails understanding food systems as a dynamic set of relationships that could be based on social and solidarity economy. Reform should focus on increasing food system stability and transparency, paying attention to food workers who are among the most exploited categories of workers, by improving accountability and the rule of law, trust amongst individuals and communities, regulating corporate power, and ensuring power and wealth in food systems are shared equitably.

(5) Equitable trade:

This is not just a supply management issue but a matter of food sovereignty and labour rights. A trade policy informed by food sovereignty and labour rights means that food markets are not simply about buying and selling commodities. Markets need to be fair and stable. Subsidies should be repurposed to realize human rights. This means that trade policy should be woven into how

people co-design food systems with different levels of government and across different territories. Trade policy should strengthen local, regional, and inter-communal self-sufficiency.

IV. THE RIGHT TO FOOD PROVIDES A SYSTEMIC FRAMEWORK

A “food system” is usually described as a network of consumers, distributors and producers interconnected through value chains and across multiple economic sectors. Such an analysis provides a broad understanding of consumption, distribution, and supply and consumption trends – and often in the form of an economic or socio-economic snapshot or a set of policy choices.

Whereas a human rights framework starts with an outline of a State’s obligations to ensure people live in dignity and measures State action against that standard. A right to food framework,¹⁴ when it includes a mapping of power and governance, provides an account of a food system that makes it easier to identify who needs to do what to transform a food system and how it should be done. Because a right-to-food framework describes a food system in terms of entitlements and obligations, it is action-oriented driven by people’s sense of agency.

The right to food can be found in many constitutions in the form of explicit reference, implicit reference, directive principles of state policy, and ancillary provisions.¹⁵ The right to food is also applicable in national contexts by the nature of the applicability of international legal obligations. Moreover, elements of the right to food can be found in almost every national legal context through legislation, policy or judicial recognition which creates some degree of government obligation and personal entitlements to consumers or producers.

The right to food’s legal status, however, should not determine whether action is taken. Instead, the right to food’s legal status will inform the nature of the political process and social power necessary to activate it. Regardless of the form of the right to food’s legal status in a national context, all levels of government, individuals, communities, and organizations can take up the right to food as an international human right to develop an analytical framework and plan of action. Moreover, if countries use the right to food to develop a national plan of action, they are using a common international language thereby making it easier to internationally coordinate and cooperate.

Indeed, part of State’s obligations under the right to food is to develop a national strategy that addresses production, processing, distribution, and marketing of food and ensure everyone is free from hunger as soon as possible. This includes identifying resources available to meet the objectives and the most cost-effective way of using them.¹⁶ This also includes ensuring that current and future generations have access to adequate food.¹⁷

¹⁴ This framework draws from United Nations Committee on Economic, Social and Cultural Rights, *General Comment 12* (1999).

¹⁵ <https://www.fao.org/right-to-food-around-the-globe/en/>

¹⁶ General Comment 12, paras. 21-28.

¹⁷ General Comment 12, para. 7.

Human rights in general focus on the relationship between the government and the people. Drawing from the Right to Food Guidelines,¹⁸ FAO has described this relationship in terms of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law (PANTHER Principles) when applying a human rights-based approach to policies and programs related to food security and nutrition at all levels and stages of the process. As such, the PANTHER principles inform all elements of the right to food framework presented herein.

One important role that national governments play is they can redistribute significant degrees of power and resources in a way that creates new patterns of production, processing, distribution and consumption. This framework herein focuses on the first step for change, which entails States using the maximum of their available resources towards the ultimate goal of fully realizing the right to food as soon as possible (the “progressive” realization of rights).¹⁹

In light of the global debt crisis, high inflation and high food prices, many countries are faced with the impossible choice of either feeding people or servicing debt. Using public funds to ensure that people have access to adequate food can cause a government to fall into arrears, worsening financial shocks; servicing debt instead leads to more hunger and malnutrition. This means that the current international system of finance resolutely impedes the ability of governments to meet their obligations with regard to the right to food. Nevertheless, significant improvements in food systems - and the conditions for transformation – could be achieved by redesigning public budgets.

International law also recognizes that national right to food changes require international cooperation.²⁰ Therefore, for these national right to food action plans to work, it will require transition funding from international financial institutions. Such funding would have to be provided in a way in which the international financial institutions serve national Right to Food Action Plans and were held accountable to the rights holders themselves.

V. WHAT IS FOOD SYSTEM TRANSFORMATION?

Food system transformation suggests a radical change of food systems. It implies a complete rethinking of its attributes, including its purpose, rules, and power structures. Regardless of whether a food system transformation occurs through ongoing processes or through deliberate action, it creates new sets of winners and losers.²¹ As a concept, however, there remains little consensus over what food system transformation specifically entails.²²

The Food Systems Summit and now the Food Systems Summit Hub have marginalized human rights and governance. Thus, all ideas that have arisen from this context have a high chance of failing to meet the goals of eliminating hunger and increasing sustainability. This is because if one enacts a good policy idea through problematic institutions, the outcome will be poor. There is no

¹⁸ Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

¹⁹ Art. 2(1).

²⁰ Art. 2(1); Art. 11(1).

²¹ Just Dengerink and others, *Food Systems Transformation: An Introduction* (2022).

²² Silvana Juri, Naomi Terry, and Laura M. Pereira, “Demystifying food systems transformation: a review of the state of the field” 29(2) *Ecology and Society* 5 (2024).

international consensus on *how* food system transformation should happen, nor is there a clear guide for States as to *what* needs to be transformed and what it needs to be transformed into.

The challenge with trying to transform food systems does not lie in a scarcity food or of solutions. The problem is how to reconfigure power in food systems to ensure that relationships are based on care and reciprocity and that meaningful change can occur.

In my previous work,²³ I have outlined which practices should end and the policies with which they should be replaced, namely, policies based on existing practices that would enable both recovery and transformation and that would reconfigure power in food systems in a way that fulfils the right to food. In sum, this includes the following transformations:

- 1) From industrial agriculture to agroecology
- 2) From giving priority to global markets to supporting territorial markets
- 3) From corporations to social and solidarity economy entities
- 4) Reinvigorating multilateralism to become a multilateralism anchored in food sovereignty (and not “multistakeholderism”).

VI. THE FOOD SYSTEM SUMMIT HUB APPROACH

The Food Systems Summit Hub claims that it “exists to serve countries”, but it lacks a clear mandate and vision from States. This is because States were not substantively involved in the preparations for the Summit. The Summit was designed to provide countries with a menu of options for how to transform their food systems, resulting in a jumble of ideas, with no clear, coherent framework to guide States in their choice. The result is that most of the National Food Pathways are not effective guides for a way forward.

The Hub and Summit organizers have instead focused their energy on increasing capital flows into food systems in the form of finance and investment. From the Summit perspective the priority is “to accelerate the shifts in what and how we finance to ensure our food systems are more equitable, sustainable, resilient and healthier for both people and planet.”²⁴ The Food Systems Summit model is to focus on increasing food production by using less resources while making the system more sustainable and equitable. This approach leaves the notion of sustainable and equitable undefined and focuses on the symptoms of the problem in the form of climate change and biodiversity degradation. What is left unclear is what are the root causes of the problem, what aspects of the food system need to be transformed, how food systems are to be transformed, and what will be the distributive effects these transformations.

All substantive matters regarding what is sustainable and equitable are left to be answered on a project-by-project basis by experts. Government expenditure is treated as a source, amongst others, of financing and investment. Moreover, public funds are encouraged to be used in a way that subsidizes private investment through a system of reducing risks and creating incentives.

²³ A/78/202.

²⁴ <https://documents1.worldbank.org/curated/en/879401632342154766/pdf/Food-Finance-Architecture-Financing-a-Healthy-Equitable-and-Sustainable-Food-System.pdf>

In sum, the Food Systems Summit process and Hub has created a financial target driving the normative agenda. It has left questions of governance as a secondary matter and effectively ignored human rights. Instead, I recommend starting with human rights and governance, and use a clear normative framework based on common public values to direct financial flows.

VII. WORLD BANK “REPURPOSING” NATIONAL BUDGETS

The World Bank has focused some of its efforts on repurposing at least a third of the \$600-900 billion of agricultural subsidies which “have no public good benefit” and to attracting high-quality capital to invest in \$4.5 trillion of new business opportunities by 2030.²⁵ The World Bank wants to encourage countries to transform national food systems by “repurposing” their current systems of national agricultural support so that governments redirect national funds away from practices that increase greenhouse gases, reduce biodiversity and encourage unhealthy diets and move towards more sustainable practices. The FAO, UNDP and UNEP published a report in 2021 making this similar argument.²⁶ However, the World Bank and International Food Policy Research Institute have since taken the lead publishing a report in 2022²⁷ and the World Bank recently developed a toolkit to guide national governments to repurpose their agricultural support policies for sustainable food systems.²⁸

Total support to agriculture reached a record high of USD 851 billion per year in 2020-22 across OECD countries and major emerging economies. This is a significant increase compared to USD 696 billion per year in pre-pandemic 2017-19, with significant growth in support to both consumers and producers. Aggregate support remains highly concentrated in a few large economies namely China, India, US and the EU.²⁹ Per capita, most of the support goes to middle- and high-income farmers and a little over 80% of global support goes to farmers in high and upper-middle income countries.³⁰ In sum, most agricultural support goes to rich farmers in rich countries.

Support in food systems usually come in the following forms:³¹

1. Market price support (or price incentives) – These are usually in the form of import tariffs and quotas or minimum farm gate prices. Their purpose range from remunerative support to local producers, providing stable prices, and enhancing local food security. These are the most common forms of support do not require any budgetary outlay.

²⁵ <https://documents1.worldbank.org/curated/en/879401632342154766/pdf/Food-Finance-Architecture-Financing-a-Healthy-Equitable-and-Sustainable-Food-System.pdf>

²⁶ FAO, UNDP, UNEP, *A Multi-Billion-Dollar Opportunity – Repurposing Agricultural Support to Transform Food Systems* (2021), <https://doi.org/10.4060/cb6562en>

²⁷ Madhur Gautam and others, *Repurposing Agricultural Policies and Support* (World Bank and IFPRI, 2022), <http://documents.worldbank.org/curated/en/099535001242227409/P17064300a6dea0db09c8b0cf6a1dfe8b8a>

²⁸ World Bank, *Repurposing Agricultural Support Policies for Sustainable Food Systems*

Toolkit,

<https://documents1.worldbank.org/curated/en/099121823174517138/pdf/P1736580e6f98e05088070e95fabf1175c.pdf> (“World Bank Toolkit”).

²⁹ <https://www.oecd.org/agriculture/topics/agricultural-policy-monitoring-and-evaluation/support-agriculture-reached-record-levels.htm>

³⁰ <https://www.aei.org/wp-content/uploads/2022/09/Repurposing-Global-Agricultural-Support.pdf?x85095>

³¹ World Bank Toolkit, pgs. 14-16.

2. Direct payment to producers – These are budgetary expenditures usually in the form of payments to farmers linked to the output of a specific commodity, linked to different inputs (e.g., seeds, fertilizer, energy, credit), based on production factors (e.g. current or past area of land allocated, number of animals, receipts or income, with production required), or payments decoupled from production (e.g. retiring land out of production, payments for adopting environmentally friendly practices such as organic farming, planting cover crops, or implementing buffer zones).
3. Consumer subsidies – These are budgetary expenditures to support consumption, including final consumers and intermediaries such as mills and slaughterhouses. Key mechanisms used for this are food vouchers, school feeding programs, and payments to mills for processing grains.
4. General service support – This is expenditure not directed at individual producers but at providing public goods and services. This spending aims to enable conditions for agricultural growth, increased farm income, and improved environmental sustainability. Some of the most relevant expenditure categories in general services include investments in research and innovation, extension services, rural infrastructure, irrigation infrastructure, and food inspection and control systems.

Trying to repurpose national budgets towards more sustainable practices is commendable. However, these approaches are seriously limited by several fundamental issues.

The scope is limited because the focus on agricultural support and not food systems. Not all agriculture is geared towards food, and not all food is produced from agriculture.

More fundamentally, the World Bank does not provide any clear explanation of what are more sustainable practices or what needs to be transformed into what, nor does it link to any work that substantively addresses these issues. Instead, the World Bank and FAO's principal focus is to delineate certain *forms of support* as problematic and others as ideal.

The World Bank is most concerned about forms of support which “distort” market prices. This argument, which first became popular in the 1980s, is that policies which are government interventions in the market interventions will create unnaturally high (or low) prices thereby creating inefficiencies. The World Bank puts forward that distortive policies are also unsustainable creating greenhouse gases and biodiversity loss. Accordingly, the ultimate goal of repurposing budgets is to eliminate distortive agricultural support policies and redirect funds towards practices that are more decoupled from production.

The World Bank's argument that current systems of support create unsustainable outcomes because of the form of support is unconvincing. Different forms of support can lead to wide array of outcomes depending on the social, political, cultural and ecological context. The reason that current agricultural systems produce undesirable outcomes is because they are preoccupied with constantly increasing the rate of production, treating environmental and human health as an “externality”. The current system is also problematic because most support goes towards corporations and large farm operations which by definition prioritize profits. In other words, it is the substance of the support and not the form which is the problem.

Most countries provide support in the form of price incentives and direct payment to producers, which the World Bank argues are distortive. They put forward that governments should focus instead on expenditures on general services support and find ways to align those programs with sustainability goals.³²

A distortion is any policy that adjusts the price from the price in market conditions of “perfect competition”. No market is perfect and the concept of distortion relies on an idealized model. Such an idealized market is when all participants have complete information, there are no entry or exit barriers to the market, there are no transaction costs or subsidies affecting the market, all firms have constant returns to scale, and all market participants are independent rational actors. Subsidies linked to outputs, inputs, or production factors like land area and price supports especially those that restrict trade, are commonly treated as inherently problematic since they “distort” the market.

A focus on “distortion” might indicate how a market operates measured against a perfect ideal. It also inherently privileges international markets over domestic or territorial markets. This focus, however, abstracts out different contexts and does not provide any clear analysis regarding the full aspect of food systems or on how certain policies affect food security. Relying on the economic concept of “distortion” at the front of end of policy analysis is too limiting.

So for example, it is well worth exploring how government price-support programs can better maintain stable, remunerative prices for producers while also ensuring people have access to adequate food.³³

As a practical matter, most food markets are informal, so such a model provides little guidance. As a conceptual matter, policymakers and researchers have had fundamental disagreements for over a century over which policies and institutions distort markets and which are necessary to support a stable, fair market.³⁴ As a political matter, in WTO agricultural negotiations, there has been a profound disagreement over which subsidies are distorting and which are necessary since 2001. This disagreement has not only led to a stalemate at the WTO but became even more acute since the 2015 Nairobi Ministerial over the issue of public stockholding programs for food security.

The World Bank’s theory of change focuses on creating new incentives. The assumption is that there are “hundreds of millions of atomistic and rational economic decision-makers make up the agrifood system” on the farm and along food value chain who respond to economic incentives”. Therefore, the “core priority for food system transformation should be ensuring that economic agents receive appropriate incentives to guide meaningful change.”³⁵

³² World Bank Toolkit, pg. 16.

³³ Isabella Weber, “Could strategic price controls help fight inflation?” *The Guardian* (29 December 2021), <https://www.theguardian.com/business/commentisfree/2021/dec/29/inflation-price-controls-time-we-use-it>; Garrett Graddy-Lovelace and others, “Parity as Radical Pragmatism: Centering Farm Justice and Agrarian Expertise in Agricultural Policy” 7 *Frontiers in Sustainable Food Systems* (2023), <https://www.frontiersin.org/articles/10.3389/fsufs.2023.1066465>.

³⁴ Michael Fakhri, *Sugar and the Making of International Trade Law* (2014); Andrew Lang, “Heterodox Markets and ‘Market Distortions’ in the Global Trading System”, 22:4 *Journal of International Economic Law* 677 (2019).

³⁵ World Bank Toolkit, pg. 12.

The focus on “incentives” is limited in that it abstracts people into individual decision-makers deciding only economic basis. The theoretical limit of focusing on incentives is that people make decisions based on the complexity of social, cultural, and political values in individual but also communal contexts. The practical limit on incentives is that it leaves out regulation and legislative imperatives as a policy option. The political limit of incentives is that they will reward actors who already have economic power – considering that most agricultural support goes to rich farmers in rich countries, repurposing the current system will simply redirect the actions of these rich farmers, continuing the system of subsidizing the rich, without addressing questions of power concentration or inequity.

Thus, if a policy-maker starts with the World Bank approach, they start their analysis by identifying which forms agricultural support are problematic. They are then encouraged to redirect funds towards forms of support which are deemed to be economic beneficial. They are then encouraged to align those policies with more sustainable goals that will transform their food system. But they are not provided any guidance – neither from the World Bank nor from the Food Systems Hub – on identifying what those transformative policies should be nor how to implement them.

Instead of starting with an economic analysis that limits policy decisions, policymakers should begin with developing a national plan based on human rights outline their substantive values and goals. In turn, they can use an economic and financial analysis to serve their substantive goals.

VIII. IFAD’S AND THE WORLD BANK’S FINANCIAL TOOL

Following the Food Systems Summit, IFAD and the World Bank have become the designated co-leads for the development of the financing agenda for food systems transformation. Their priority is to respond to the Food Systems Summit call for a new food finance architecture to support the world’s transition to high-performing food systems with between US\$300 billion and US\$400 billion of new investment per year globally up to 2030. As co-leads, the IFAD’s and the World Bank’s objective is to influence financial flows in the form of:

- Substantial international development financing in the form of official development assistance, including an ambitious increase in the capital base of international financial institutions such as IFAD;
- Transformative private investment through blended finance;
- The earmarking of resources for food systems as part of a new global financing pact.³⁶

As part of this larger endeavor, IFAD and World have accelerated their development of a tool to measure Financial Flows to Food Systems (3FS).

To date, the first element of the 3FS has been developed that provides a harmonized standard to measure and track domestic public expenditure for food systems. IFAD and the World Bank are also working with the OECD to develop to measure international development financing. IFAD and the World Bank also plan to develop a methodology to track private investments.

³⁶ <https://webapps.ifad.org/members/eb/139/docs/EB-2023-139-R-11.pdf>

To measure financial flows to food systems, the 3FS drew from the United Nations High-Level Panel of Experts on Food Security and Nutrition (HLPE) definition on food systems, encompassing various subsystems and activities related to food production, processing, distribution, and consumption. The 3FS also relied on the Classification of the Functions of Government (COFOG), the international classification system from the UN Statistics Division (UNSD), that categorizes government expenditure by functions, designed to be applicable universally across countries. Drawing upon the HLPE's definition of the food system and aligning with COFOG, the 3FS measures financial flows to food systems in a across five inter-connected expenditure components for food systems:

- 1) Agricultural development and value chains
- 2) Infrastructure for food systems
- 3) Nutrition and health
- 4) social assistance (including emergency food assistance)
- 5) Climate change and natural resources.

For each of these components, the 3FS methodology tracks relevant expenditures to food systems based on popular methodologies, namely:

- The FAO's MAFAP methodology for measuring financial flows to agricultural development and value chains, and infrastructure for food systems.
- The SUN's methodology for measuring financial flows to nutrition and health.
- The World Bank's ASPIRE methodology for measuring financial flows to social assistance.

The model provides an estimate of the food system budgets to show how much and where domestic resources are being allocated. Like with any model, if this tool is used, it should be used with an awareness of its underlying limitations. The 3FS tool focuses on public expenditure and therefore does not capture other financial elements such as tax expenditure or asset management. It excludes important aspects of food systems such as rural education, rural health, general healthcare, reproductive health, and contributory social protection systems. It also does not indicate how a country is meeting its right to food obligations.

More broadly, the 3FS tool is intended to provide governments, donors and stakeholders a description of annual trends in domestic public and international development financing to food systems, informing resource-allocation and investment decisions. It is purported to track financial flows and help answer the following questions, such as:

- How much financing goes to food systems at country and global levels?
- To which areas of the food system is the financing going?
- Is financing aligned with national priorities for food systems transformation?
- Where are the financing gaps?³⁷

However, without an accompanying normative framework, the tool is very limited in its use to guide food system transformation. Decision-makers need evidence of the impact of financial flows on people's access to food to determine how financial flows should be redirected.

³⁷ *3Fs Factsheet* (on file with author).

Comparing financial flows across different countries or looking at global trends does not provide any insight into the how a food system is operating or its effects. For example, a country may not be spending a relatively large amount in a certain sector but may be running very effective programs in that sector that create a more equitable food system, provides adequate food and ensures a healthy environment. The tool does provide some guidance as to whether expenditure aligns with national priorities. This enhances political transparency. However, since the tool was intended to provide a globally harmonized metric, it may miss local contexts and nuances. Finally, it is not clear how “financial gaps” can be identified unless there is a clear normative framework that outlines what needs to be transformed and how – which most national food pathways still fall short in describing. There is no indication as to what the right financial flow should be to generate transformation: more or less financial flow in a particular direction does not necessarily translate into transformative changes.

In sum, the 3FS tool will probably best serve the international financial industry which benefits from increasing and redirecting financial flows, but it does not provide a clear guide for food system transformation or meeting local needs.

IX. GUIDE TO TRANSFORM NATIONAL FOOD SYSTEM USING THE RIGHT TO FOOD

A human rights approach to transformation starts with outlining the human rights obligations that lead to a dignified life. Focusing on the right to food, States start by outlining what obligations they have already enacted and tabulating their existing budget around those endeavors. The accompanying theory of change is that once the legal and government financial architecture is outlined, then it is easier to identify legal, policy and expenditure reform that can redistribute power more equitably in the food system. Financing and investment flows should be directed in a way that meets human rights obligations.

Step 1: Right To Food Conversations – Determine What Are the Problems and Potential Solutions Through Popular Engagement

On a global level, the main problems in food systems are caused by high concentration of power in the hands of a small number of multinational corporations and philanthropies operating with little accountability. However, at the national and local level, there are specific mixes of political, economic, social and ecological challenges with their own historical, geographic and cultural contexts.

One important lesson from the food crisis during the COVID-19 pandemic is that local communities and local governments are best situated to understand what the local problems are, who is causing those problems, and what are the solutions. National governments are well situated to respond to local demands considering national, regional and global contexts. That being said, local governments have proven to be very effective in enacting right to food policies with an acute awareness of national and global contexts.

Therefore, the first step a national government should take is to develop or enhance existing mechanisms to convene a series of “Right to Food Conversations” across the country. These

conversations would have to account for power imbalances and encourage meaningful participation from people who have the most at stake. These would be conversations that empower people to identify what are the problems in the national food system and what are the potential solutions. The conversations should be organized around the international legal elements of the right to food (as defined above): 1) international cooperation; 2) improving food production and conservation; 3) knowledge; 4) reforming the food system; and 5) equitable trade. This process would include ensuring people can participate without discrimination or reprisal, supporting marginalized communities to participate, and reaching out to particular constituents to ensure there is adequate representation.

States would be encouraged to use and/or enhance existing mechanisms to host such as local food councils, local governments, national food councils, or national human rights institutes. States could also designate a national Special Rapporteur on the Right to Food or the like to convene and facilitate these national Right to Food Conversations.

States could turn to the FAO Right to Food Team and the Office of the High Commissioner for Human Rights for assistance in developing these Right to Food Conversations. States could also request guidance from the Committee on World Food Security (CFS) especially from its Civil Society and Indigenous Peoples Mechanism.

Because the outcome of these Right to Food Conversations would be a popular articulation of people's entitlements based on international legal obligations, the conversations would provide a set of duties that the government needs to act upon. The most typical outcome of these conversations would be a report that captures the complexity and diversity of views while also providing concrete action points. The CFS provides a wide range of internationally negotiated policy tools grounded in the right to food that could assist States turning the result of these conversations into an internationally supported policy report. However, because food is an inherently cultural and existential matter, States should also consider commissioning artists to participate in and witness these conversations to produce an expression of what the right to food means through different artistic media. This would also capture the complexity of rights and duties in a food system in a way that no report would be able to do.

As part of the Food System Summit, States designated a Member State Dialogue Convenor who organized National Food Dialogues.³⁸ In turn, these Dialogues informed the creation of National Food Pathways whose purpose is to outline a way towards developing a sustainable food system.³⁹ The Dialogues were not informed by any human rights principles. Participants were selected by governments and the process was not transparent or necessarily inclusive.⁴⁰ Moreover, the Summit events left human rights at the margins. It is therefore not surprising that of all the means of implementation identified in all the National Food Pathways, human rights was the least popular. Human rights was mentioned in 0.61% of the different priorities. Governance for sustainable food systems was the third least popular and mentioned in 2.06% of the different priorities. The following countries made some mention of human rights in their National Food pathways: Brazil,

³⁸ <https://summitdialogues.org/overview/member-state-food-systems-summit-dialogues/>

³⁹ <https://www.unfoodsystemshub.org/member-state-dialogue/dialogues-and-pathways/en>

⁴⁰ A/76/237, para. 46.

Canada, Colombia, European Union, The Gambia, Germany, Haiti, Malaysia, Nepal, Nigeria, Peru, Sudan, Sweden, Tajikistan, Togo, Türkiye, USA, Yemen, and Zimbabwe.⁴¹

If the Food Systems Summit Hub was given political direction by the CFS to center the right to food and human rights, the Hub could overcome its international legal shortcomings and be an effective resource for States.

*Step 2: Right To Food Outline –
Outline the Government's Existing Role and Obligations in the Food System*

After capturing people's popular understanding of their entitlements and expressing those entitlements as a matter of State obligations, the next step is to outline how the State is already meeting its existing right to food obligations.

Generally, States must respect, protect and fulfill the right to food. And in so doing, States must ensure that food is available, accessible, and adequate.

To ensure food is available, States must ensure that people must have a reliable source of food. States can make sure food is available either by creating conditions that enable people to directly feeding themselves from the land or waterways or by ensuring that food is available in shops and markets. The key value here is fairness since people's access to land and waterways must be equitable and markets should be fair markets.

States must ensure that food everyone is always economically accessible to everyone. This means institutions must ensure that people should always be able to get a good meal. This may be through free school meals, fair markets, or a social system ensuring that people have the time and resources necessary to cook at home and feed their communities. Food must also be physically accessible. This means that States must ensure that all food systems and institutions are universally inclusive regardless of a person's physical abilities, state of health, legal status or housing condition. The key value here is inclusivity.

States must ensure people have good food, which includes the right to determine what is good food. This means that people must be able to decide for themselves what is culturally, nutritionally, socially and ecologically appropriate food, based on their particular conditions. They key value here is dignity.

To protect the right to food, states must not take any measures that result in preventing access to adequate food, such as large-scale expropriation of agricultural land for industrial development. To protect the right to food states are required to regulate the power of businesses and individuals so that these third parties do not violate or threaten the right to food. The States duty to fulfil the right to food requires the State to facilitate access to adequate food. This could be by providing the conditions that enable individuals to produce food i.e. access to land, water, seeds and other resources including access to credit, insurance and technical knowledge. Fulfilling the right to food includes the State obligation to make sure people can buy adequate food, in which case individuals would need income from employment, self-employment and/or from social transfers when they

⁴¹ <https://www.unfoodsystemshub.org/member-state-dialogue/national-pathways-analysis-dashboard/en>

cannot obtain sufficient income to lead a life in dignity. This is why the right to food is above all a right to feed oneself with dignity and not a right to be fed. An example of a state action intended to fulfill the right to food would be any measure that improves the adequacy of income, such as by increasing employment, improving public education, or increasing the funding and reach of social protection programs.

An outline entails the following:

- a. Legal Analysis
- b. Right to Food Analysis of the Legal System
 - (1) Accountability
 - (2) Food Accessibility and Availability
 - (3) Food Adequacy

a. Legal Analysis: Identify Relevant Laws, Regulations and Policies

This requires identifying the relevant national laws, regulations and policies. Different countries will have different legal research tools available, but international researchers may want to start with FAOLEX using keywords such as “Right to food” and “human rights”. This FAO database purports to be the one of the world’s largest online repositories of national laws, regulations and policies on food, agriculture and natural resources management.

Some laws, regulations and policies may not explicitly reference the right to food or human rights, but their objective may fulfill people’s right to food in practice. For example, the US federal government often claims to not recognize the right to food as an international legal obligation. But its largest federal food and agricultural programs could be understood as a US policy fulfilling the right to food. The Supplemental Nutrition Assistance Program provides food benefits to low-income families to supplement their grocery budget so they can afford the nutritious food essential to health and well-being. The Special Supplemental Nutrition Program for Women, Infants, and Children provides federal grants to states for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age 5 who are found to be at nutritional risk. In sum, these programs target vulnerable people and provides social protection and food as a matter of entitlement and not charity.

b. Right to Food Analysis of the Government’s Law, Regulations and Policies⁴²

Each relevant law, regulation and policy should then be individually examined in terms of how they respect, protect, and fulfill the right to food. When that analysis is collated, it provides a detailed outline of the State’s existing obligations in the food system.

⁴² This analytical framework is adapted from Laura Castrejón-Violante, *The Right to Food Matters. Implementing the Constitutional Right to Food In Mexico And Bolivia*, PhD Dissertation, University of British Columbia (2024), <https://open.library.ubc.ca/soa/cIRcle/collections/ubctheses/24/items/1.0440968>. See also Laura E. Perez Gomez and Ivet M. Perez Molina, “Critical evaluation of regulatory frameworks and public policies on the right to adequate food in Latin America, based on the reports for the San Salvador Protocol”, 39 *Revista Economía y Política* 92 (2024), <https://doi.org/10.25097/rep.n39.2024.06>.

(1) Accountability:

Determine who is doing what to whom.

Identify the relevant Ministries and agencies granted authority to implement the relevant laws, regulations and policies. It is important to note whether the respective laws, regulations target certain individuals or segments of the population. This analysis focuses on aspects of implementation such as geographic scale, level of government, coordination amongst different public bodies, progressiveness (i.e. mechanisms that prevent regressing on right to food standards), and the explicitly articulated relationship to other human rights.

This analysis also includes identifying procedural rights and relevant opportunities for remedy, whether it be through courts, administrative agencies or non-state-based mechanisms such as labour inspectorates; consumer protection agencies; access to information agencies; public health and safety agencies; and state ombudsperson services and national and regional human rights institutions.

(2) Food Accessibility and Availability:

Determine where and how the State is acting in the food system.

Analyzing how laws, regulations and policies make food available and accessible highlights where in the food system the government is focusing its efforts. Availability and accessibility are combined in the analysis to capture certain nuances, such as small food producers who produce for subsistence and commercial sale, or labourers who migrate from rural communities to work.

(3) Food Adequacy:

Determine what is being done.

To understand how and whether food is adequate, one must examine the health, environment and socio-cultural dimensions of food.⁴³ As such the laws, regulations and policies should be examined as to how they fulfill these dimensions.

Step 3: Right To Food Budget –

Determine the Existing Revenue, Expenditure, and Allocation on the Food System

After creating a legal outline of the food system, it is important to measure the corresponding budget. If law provides a map of political authority and policy potential, the budget provides a map of political priorities.

Using the laws, regulations, and policies identified in Step 2 as the object of analysis, States can then tabulate their budget in the form revenue, expenditure, and allocation. The primary focus

⁴³ These are defined in greater detail in General Comment 12.

would be national budget. However, it would be incredibly helpful to also tabulate sub-national government budgets and international expenditure.

Along with the FAO Right to Food Team,⁴⁴ the Office of the High Commissioner of Human Rights may provide States with assistance on measuring the right to food budget since High Commissioner has recently called and started initiatives for a human rights economy. This envisions an economy that seeks to redress root causes and structural barriers to equality, justice, and sustainability, by prioritizing investment in economic, social and cultural rights. In the words of the High Commissioner: this includes support for the design of more redistributive fiscal policies and efforts. It also includes support for participative, inclusive, transparent and accountable budget processes that allow the public and civil society to “follow the money” – bolstering trust in government, and ensuring that policies will be more effective and advance people's rights.⁴⁵

Step 4: Right To Food Action Plan –
Use The Right-to-Food Conversations and Right-to-Food Outline to Identify Legal and Budget Reform

With the framing of the problem garnered from public conversations and the information about existing enactments of the right to food in law and through government expenditure, the State and people are able to engage in a critical debate over what reforms are needed to generate the necessary transformations.

Since this is a political debate, States must ensure that the information generated is not just publicly accessible but is shared in a way that educates the public and empowers them to engage in a public debate. The final outcome is the creation of a National Right to Food Action Plan, outlining State obligations for food system transformation. Thus, the process is circular in that the Action Plan provides a focal point for public campaigns around advocacy and accountability. The Action Plan is not an end unto itself, but an important milestone that generates renewed popular energy, discussion and focus.

⁴⁴ FAO, *Budget Work to Advance the Right to Food* (2009),
<https://openknowledge.fao.org/server/api/core/bitstreams/2dbfdd9c-99b8-475d-a187-b998c1fb2eec/content>

⁴⁵ <https://www.ohchr.org/en/statements-and-speeches/2023/02/turk-calls-human-rights-economy> ;
<https://www.ohchr.org/en/stories/2023/04/building-economies-place-peoples-human-rights-center>