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The right to food, finance and national action plans

Report of the Special Rapporteur on the right to food, Michael Fakhri

Summary

In the present report, submitted to the Human Rights Council pursuant to Council resolution 43/11, the Special Rapporteur on the right to food, Michael Fakhri, provides a way to develop national right-to-food action plans within existing budgets that can transform food systems and progressively realize the right to food. In the 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. In the report, the Special Rapporteur suggests how significant improvements in food systems – and the conditions for transformation – could be achieved by redesigning public budgets.

I. Introduction

1. There is still little consensus over what food systems transformation specifically entails.[1] It suggests a radical change in food systems and implies a complete rethinking of their attributes, including their purpose, rules and power structures. There is no 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 food systems need to be transformed into. The challenge with transforming food systems is not a scarcity of food, but a resistance to reconfiguring power relations in food systems in the spirit of solidarity, care and respect for all life.

2. Nevertheless, the Special Rapporteur on the right to food has already put forward global 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.[2] In sum, this entails the following transformations: (a) from industrial agriculture to agroecology; (b) from giving priority to global markets to supporting territorial markets; (c) from a reliance on corporations to more support for social and solidarity economy entities; and (d) from a multilateralism based on multi-stakeholderism to one based on solidarity and food sovereignty.

3. In the present report, the Special Rapporteur offers guidance to national Governments on how to analyse their domestic food systems and develop action plans to transform them. The Special Rapporteur draws from his previous thematic reports, updated research and consultations with various government representatives, national public institutions, international organizations and civil society actors.

4. The general trend over the past 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 they have to deal with new ones in a context of limited fiscal resources, concentration of power in food systems and inequality in supply chains. The rate and risk of food insecurity has increased since temporary relief programmes, put in place to respond to the coronavirus disease (COVID-19) pandemic, were ended, while the cost of living has quickly increased.

5. Moreover, industrial food systems contribute approximately one third of greenhouse gases, enabling climate change and reducing biodiversity.[3] Human rights-grounded measures can minimize the adverse impact of climate change on the full realization of the right to food and transform food systems in a way that can help mitigate climate change.[4]

6. Thus, while crisis-induced food insecurity is often addressed through emergency measures, such as food assistance or subsidies, to realize the right to food, Governments need to address the root causes of protracted crises, including the contributions of their national food systems. States face three issues. They must:

(a) Respond to the food crisis with national plans;

(b) Develop an international coordinated response to the food crisis;

(c) Transform their food systems to make them more equitable and resilient to climate change and to prevent biodiversity loss.

7. States must address all three issues as interdependent. If they do not cooperate and develop an internationally 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

[1] Silvana Juri, Naomi Terry and Laura M. Pereira, “Demystifying food systems transformation: a review of the state of the field”, *Ecology and Society*, vol. 29, No. 2 (2024).

[2] See A/78/202.

[3] See https://www.fao.org/family-farming/detail/en/c/1379538/.

[4] See A/HRC/55/37.

within and between countries lies at the heart of the problems of food systems all over the world.

8. The Special Rapporteur has already provided States with guidance on how to develop an internationally coordinated response to the food crisis. He has also identified the elements of food systems that need to be transformed.[5] The present report is a guide to how countries can develop national plans within this context, using existing national food systems budgets. One important task that national Governments can undertake is the redistribution of significant degrees of power and resources to create new patterns of production, processing, distribution and consumption. The framework set out in the present report 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.[6]

9. Based on the premise that law and finance are powerful levers of change, part II of the report contains an outline of the international legal framework on the right to food and part III contains a description of national contexts. Part IV contains an outline of the current financial context in the light of the debt crisis. Parts V and VI contain a review of food system transformation initiatives by the World Bank and the International Fund for Agricultural Development (IFAD). Part VII contains conclusions and a guide to transforming national food systems using the right to food.

II. International law: a systematic framework

10. 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, supply and consumption trends – often in the form of an economic or socioeconomic snapshot or a set of policy choices.

11. By contrast, a human rights framework starts with an outline of a State's obligations to ensure that all human beings live in dignity and measures State action against that standard. This includes a mapping of power and governance. The right to food provides a specific framework to identify who needs to do what to transform a food system and how it should be done.[7] Because a right-to-food framework describes a food system in terms of rights and obligations, it is action-oriented and driven by people's sense of agency.

12. The right to food is the fundamental right to be free from hunger.[8] For at least the past 70 years, hunger, malnutrition and famine have always been caused by political actions and failures and not a shortage of food supply as such. This means that every instance of hunger – including malnutrition, famine and starvation – can be understood as the result of a system that is stripping people of their fundamental freedoms through exploitation, oppression or dispossession of land.

13. 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 in which 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 and affordable food with dignity, now and in the future.

14. The twentieth anniversary of the adoption of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security by the Council of the Food and Agriculture Organization of the United Nations (FAO) marks a milestone in advancing the right to food. Over the past two decades,

[5] See A/77/177, A/78/202 and A/HRC/52/40.
[6] International Covenant on Economic, Social and Cultural Rights, art. 2 (1).
[7] See Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999).
[8] International Covenant on Economic, Social and Cultural Rights, art. 11.

significant progress has been achieved, particularly in areas promoted by the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. These include the rights of persons with disabilities,[9] rural[10] and Indigenous women,[11] Indigenous Peoples,[12] workers[13] and small-scale fishers and fish workers,[14] as well as land rights[15] and farmers' rights in relation to seeds.[16] Moreover, the right to food has been strengthened through policy developments promoting agroecology and the growing political recognition of the concept of food sovereignty.

15. The International Covenant on Economic, Social and Cultural Rights defines the right to food. The following essential elements for the realization of that right are set out in its article 11:

(a) International cooperation;

(b) Improving food production and conservation;

(c) Knowledge;

(d) Reforming agrarian systems;

(e) Equitable trade.

16. These elements must be interpreted within the context of the past two decades of normative developments and contemporary understanding of how food should be adequate, available and accessible.

A. International cooperation

17. The International Covenant on Economic, Social and Cultural Rights requires States parties to cooperate to realize all of the rights set out therein, but the essential importance of this obligation is emphasized in particular with regard to the right to food (arts. 2 (1) and 11 (1)). International cooperation should ensure that all people, including all people living in acute and protracted crisis contexts, have adequate food available to them to sustain a life of dignity.

18. International cooperation has primarily entailed a focus on working through international institutions. Unfortunately, international cooperation, stemming from trade agreements or through development projects advancing industrial food production, has increased dependency relationships in global food systems within and between countries.

19. Instead, international cooperation should be understood as a means of increasing 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 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

[9] Convention on the Rights of Persons with Disabilities, arts. 25 (f) and 28 (1).

[10] Convention on the Elimination of All Forms of Discrimination against Women, art. 14; and Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016).

[11] Committee on the Elimination of Discrimination against Women, general recommendation No. 39 (2022).

[12] United Nations Declaration on the Rights of Indigenous Peoples, art. 20.

[13] See ILO, "Policy guidelines for the promotion of decent work in the agri-food sector" (Geneva, 2023).

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

[15] Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022); and Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

[16] International Treaty on Plant Genetic Resources for Food and Agriculture, art. 9; and United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 19.

should be intentional and enhance a community's holistic quality of life.[17] International cooperation should support the flourishing of biodiversity and not lead to the loss of local crops or create market incentives to shift to monocultures or patented seeds.[18]

20. Food sovereignty is an expression of the right to self-determination and applies to local food producers and consumers equally. The power of food sovereignty lies first and foremost in the hands of people.[19] It obliges States to respect people's campaigns to reclaim power in the food system and to take more control from corporations and financial markets over how food is cultivated, processed, traded, priced and consumed. States must also protect people from the harms of increasing corporate power in food system activity. Food sovereignty means respecting and protecting people's special relationship with their lands as well as their knowledge of how to cultivate it. The persistent violation of the food sovereignty of a group is a violation not only of the right to food, but also of cultural identity and dignity and may raise the risk of genocide when it results in the deliberate infliction on that group of conditions of life calculated to bring about its physical destruction in whole or in part.[20]

21. For local and small-scale food producers, such as peasants, food sovereignty signifies the right to determine their own agricultural systems, the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.[21] In relation to Indigenous Peoples, States are obliged to consult in good faith and cooperate with the respective People concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing any legislative or administrative measures that may affect them.[22] For consumers, food sovereignty means that people are empowered to decide what they eat, based on their cultural and religious beliefs and specific needs, and that they have access to sufficient information, in a language and form that they can understand, on the nutritional value and health impact of food, particularly processed and ultraprocessed food.

B. Improving food production and conservation

22. In the past, policies on the right to food were focused on improving food production and conservation by emphasizing efficiency, food safety and economic growth. However, since the 1970s, wildlife populations have declined by 73 per cent, with wildlife in global freshwater systems declining by 85 per cent.[23] Globally, food systems are responsible for 80 per cent of deforestation and 70 per cent of freshwater use and are the single greatest cause of terrestrial biodiversity loss. Meanwhile, agronomists have mostly neglected soil health and biodiversity below ground over the past century even though these factors are essential for the flourishing of life. Most carbon emissions associated with land use change arise from intensive monocultures and the destruction of forests. Although food systems are the source of approximately one third of global greenhouse emissions, the largest and most potent share of these comes from nitrous oxides from fertilizer use and methane emitted by ruminant livestock.[24]

23. Despite the astonishing scale of industrial food production and its devastating planetary cost, 1 in 11 people face hunger today, while one third of the global food production

[17] See General Assembly resolution 77/281; and A/75/219.
[18] See A/HRC/49/43.
[19] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 15 (4).
[20] See A/79/171.
[21] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 15 (4).
[22] United Nations Declaration on the Rights of Indigenous Peoples, art. 19.
[23] World Wide Fund for Nature International, *Living Planet Report 2024 – A System in Peril* (Gland, Switzerland, 2024).
[24] United Nations Convention to Combat Desertification, *Global Land Outlook*, 2nd ed. (Bonn, 2022), p. 8.

is lost or wasted.[25] To sustain a liveable planet for future generations, a radical change in the way in which food is produced is urgently needed and mandated by international law. International law requires States to conserve biological resources and use them sustainably, to develop and adapt strategies to minimize the loss of biodiversity and to protect ecosystems from genetically modified organisms, particularly food crops.[26] It requires the sustainable and equitable use of freshwater systems and waterways [27] and mandates sustainable land management practices.[28]

24. Transforming food systems to reduce the planetary impact of food production requires agroecological practices that enhance local economies through locally adapted processing technologies and storage capacities. It also requires the transformation of the entire supply chain of food to make it more sustainable and equitable.[29]

C. Knowledge

25. There have been two challenges in food systems over the past few decades. First, industrial food systems have been designed and expanded to generate profits at the expense of human and environmental health. These food systems have been innovative in producing edible commodities and not food that is a prerequisite for life, health and dignity. As a result, they are premised on the exploitation of both land and workers and promote poor nutritional habits.[30]

26. Second, traditional and Indigenous knowledge has not been sufficiently included in the development of international food systems. 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. Moreover, technical and scientific knowledge taken in isolation has proved limited. It is now well recognized that technical and scientific knowledge must be embedded within traditional and Indigenous knowledge systems to enable a comprehensive understanding of the full range of health and nutritional elements of food.[31]

D. Reforming food systems

27. The International Covenant on Economic, Social and Cultural Rights requires States to develop or reform agrarian systems to achieve the most efficient development and utilization of natural resources. Interpreted narrowly, this primarily concerns agricultural and economic efficiency. Today, however, the policy scope is broader, examining food systems as a whole, and includes ecological and social issues as central concerns. These concerns are more acute when considered together with a global call for food system transformation and not just reform.

[25] FAO and others, *The State of Food Security and Nutrition in the World 2024: Financing to End Hunger, Food Insecurity and Malnutrition in all its Forms* (Rome, 2024); and see https://www.fao.org/nutrition/capacity-development/food-loss-and-waste/en/.

[26] Convention on Biological Diversity, arts. 8–10; and Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

[27] Convention on the Law of the Non-navigational Uses of International Watercourses; and Convention on Wetlands of International Importance especially as Waterfowl Habitat.

[28] United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, art. 10. See also Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests.

[29] A/76/237, paras. 11–16.

[30] Jennifer Clapp, *Food*, 3rd ed. (Cambridge, United Kingdom of Great Britain and Northern Ireland, Polity, 2020).

[31] Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge, preamble and arts 3 (2) and 10 (1) (c); United Nations Declaration on the Rights of Indigenous Peoples, art. 31; United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, arts. 18 (3), 19, 20 (2) and 26; and Committee on World Food Security, Voluntary Guidelines on Food Systems and Nutrition.

28. Contemporary food systems produce as much violence as food.[32] Transforming food production is urgently needed not only to prevent planetary collapse, but also to address the erosion of communal and social relations. Food systems must be as diverse as the communities for which they produce. Reform efforts should therefore promote the plurality of food systems. Reform should be focused on increasing food system stability and transparency and paying attention to food workers, who are among the most exploited categories of workers, by improving accountability and the rule of law, trust among individuals and communities, regulating corporate power and ensuring that power and wealth in food systems are shared equitably. In sum, food production needs to be understood not as a commodity sector, but as a dynamic set of social, cultural, ecological and economic relations.

E. Equitable trade

29. The fact that the International Covenant on Economic, Social and Cultural Rights explicitly addresses trade reinforces the fact that the international trade in food is a matter not just of international economic law, but also of human rights law. The Covenant requires States to take into account matters concerning both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need (art. 11 (2) (b)).

30. In contemporary terms, this means that international trade is not just an economic or supply management issue but also 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. 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 intercommunal self-reliance.[33]

31. It is well recognized that the Agreement on Agriculture of the World Trade Organization (WTO) has become obsolete.[34] Considering that WTO agricultural negotiations have been at an impasse for decades, combined with recent acute disagreements at the Organization over food security, a right-to-food approach to trade is more important than ever.

III. Domestic law: right to food in action

A. Right to food in national contexts

32. The right to food can be found in many constitutions in the form of explicit reference, implicit reference, directive principles of State policy or ancillary provisions.[35] 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 that creates some degree of government obligation and personal entitlements to consumers or producers.

33. The legal status of the right to food should not, however, determine whether action is taken. Instead, the legal status will inform the nature of the political process and social power necessary to activate the right to food. Regardless of the form of its 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

[32] See A/HRC/52/40.
[33] See A/75/219.
[34] Ibid, paras. 22–32, 85 and 103.
[35] See https://www.fao.org/right-to-food-around-the-globe/en/.

are using a common international language, thereby making it easier to coordinate and cooperate internationally.

34. Indeed, part of States' obligations in terms of the right to food is to develop a national strategy that addresses the production, processing, distribution and marketing of food and ensures that everyone is free from hunger as soon as possible. This includes identifying the resources available to meet the objectives and the most cost-effective way of using them. It also includes ensuring that current and future generations have access to adequate food.[36]

35. Human rights in general are focused on the relationship between the Government and the people. Drawing from the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, FAO has described this relationship in terms of seven principles, known as the PANTHER Principles:[37]

(a) Participation: participation of all relevant actors at all levels of decision-making processes;

(b) Accountability: having effective mechanisms in place to hold States, but also other human rights duty bearers, such as corporations, to account;

(c) Non-discrimination: ensuring that laws and policies do not have any discriminatory effects;

(d) Transparency: enabling monitoring through transparency at all levels of decision-making and implementation processes;

(e) Human dignity: valuing human dignity above all;

(f) Empowerment: empowering rights holders to claim their rights;

(g) Rule of law: ensuring compliance with the rule of law, including substantive and procedural human rights obligations.

36. As such, the PANTHER Principles inform all elements of the right to food framework presented herein.

B. Lessons learned

37. Examples from Brazil and the Dominican Republic highlight how a national plan in which the entire Government commits to the right to food, regardless of the legal status of the right to food, can create relatively effective changes in food systems. These cases also highlight the importance of the participation of all levels of government, not just at the national level. The most successful programmes include school feeding programmes and support for small and family farms.

1. Brazil[38]

38. In Brazil in 2003, 78 million out of a total population of 185 million were affected by food insecurity. At the time, civil society organizations and communities mobilized in unprecedented ways around the right to food, demanding the participation of civil society organizations in decision-making processes on law and policy change to address the stunning rates of hunger in one of the world's largest food-exporting nations. In response to this

[36] Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), paras. 7 and 21–28.

[37] FAO, "Human rights – a strategy for the fight against hunger", Fact Sheet No. 2, March 2012.

[38] The present section is based in part on interviews conducted by the Special Rapporteur with officials of the Government of Brazil and civil society in Brasilia. See also Brazil, "Democratic governance of food systems for the realization of the human right to adequate food: Brazil's experience", document prepared for the Sixth National Conference on Food and Nutritional Security, Brasilia, December 2023 (available at https://brasilparticipativo.presidencia.gov.br/assemblies/cnsan6/f/76/); FAO, "Right to food: lessons learned in Brazil" (Rome, 2007); and The Food Foundation, "Brazil's Food and Nutritional Governance Plan", International Learning Series No. 4 (July 2017).

pressure, the Government recognized hunger as a political problem, and not just an economic one, and made the fight against it a priority.

39. The key institutional result was the reinvigoration of the National Council of Food and Nutritional Security (CONSEA) in 2003 to serve as an advisory council to the President. CONSEA councils were also set up at the state level. CONSEA includes representatives from various branches of Government alongside civil society actors from which the CONSEA president is elected. The CONSEA Standing Commission outlines what policies and programmes the Government should implement.

40. CONSEA has been the engine of the legal, social and political reform of the Brazilian food system. This highlights that civil society participation through a human-rights based approach is a precondition to any food system transformation. The Brazilian experience also highlights that there is no singular legal sequence necessary to create or transform a food system: countries can create institutions committed to realizing the right to food before (or along with) legislative or constitutional reform.

41. Through CONSEA, in 2006, Brazil passed a framework law, the Organic Law on Food and Nutritional Security, which recognized the Government's obligation to guarantee the right to adequate and healthy food and created the National System on Food and Nutritional Security. Under that system, a governance structure was created to coordinate and monitor decentralized public policies to ensure the right to adequate food. The institutional corollary was the creation of the Interministerial Chamber for Food and Nutritional Security, which is composed of approximately 20 ministers responsible for the coordination and monitoring of policies necessary to guarantee the right to adequate food.

42. By 2010, CONSEA had successfully campaigned to recognize the right to food in the Brazilian Constitution. In 2011, Brazil developed the regulatory scheme implementing the National System on Food and Nutritional Security through the National Policy on Food and Nutritional Security of 2010, which provided a more integrated framework, with clearly defined guidelines, management procedures and mechanisms for the funding, monitoring and evaluating of State actions on food and nutrition.

43. The National Conference on Food and Nutritional Security is held every four years and is one of the most important expressions of citizen participation in the food policy of Brazil, as it approves the guidelines and priorities for the National Policy on Food and Nutrition Security and its annual plan. The National Conference brings together 2,000 people, two thirds of whom are from civil society and the remainder from government. The event is preceded by provincial and municipal conferences that are held across all of the country's 27 states and the Federal District, along with 986 municipal, regional and territorial conferences.[39]

44. Among the achievements of the zero-hunger policy was the expansion of the National School Feeding Programme to provide school meals to all children in public primary and secondary schools, as well as schools teaching young people and adults; and support to family farmers, for which state and municipal authorities were mandated to spend at least 30 per cent of the funding they received from federal sources for the public procurement of agricultural products from family farms. In addition to supporting local farming communities, this measure reduced the ecological footprint of the agricultural sector and, accompanied by educational programmes on healthy nutrition, reduced the prevalence of nutrition-related diseases, such as those related to the consumption of ultraprocessed food.

45. In sum, these policies have significantly lowered the prevalence of hunger, strengthened domestic food systems and improved nutritional outcomes. There remain, however, challenges that arise from the corporate sector's significant political power.[40] At the same time, the Brazilian example shows that, through a commitment to the right to food, it is possible to strengthen domestic food systems at every level. When a change in government led to the abolishment of the institutional infrastructure and some of the laws and policies designed to address hunger, a resurgence was seen in food insecurity and hunger

[39] The Food Foundation, "Brazil's Food and Nutritional Governance Plan".

[40] Submission from FIAN Brazil.

across the country, including among Indigenous Peoples. Following the subsequent change of government, in 2023, Brazil managed to reduce the rate of hunger from 33.1 million people facing food insecurity in 2022 to 8.7 million in 2023. The reduction of hunger was accompanied by a reduction in inequality between regions, between rural and urban areas, between men and women and between different ethnic groups.[41]

2. Dominican Republic

46. In 2016, the Dominican Republic passed the Act on Food Sovereignty and Food and Nutrition Security, in which it is recalled that adequate food and nutrition is a fundamental human right and is legally binding, in accordance with the provisions enshrined in the Constitution of the Dominican Republic and international human rights law.[42]

47. The process of drafting the law started in 2011 and was led by the Interinstitutional Committee for Food and Nutrition Security, composed of the Ministries of Agriculture and Health and the Parliamentary Front against Hunger, with the technical support of FAO, the World Food Programme, the Pan American Health Organization and the United Nations Development Programme (UNDP). Regional forums, with the participation of 543 food experts, were organized to gather views about the law. A comparative study on best practices and existing legal frameworks in Latin America was also carried out. The draft law was then submitted for consultation – online and in person – with the participation of 74 organizations from 25 provinces.[43]

48. As part of this pathway, the Dominican Republic has also been deeply involved in the United Nations Decade of Family Farming 2019–2028, which is aimed at highlighting the important role that family farmers play in eradicating hunger and shaping society's relationship with food in the future. Public policies, programmes and projects with a rights-based approach have been implemented to guarantee the availability of, access to and consumption of nutritious food by all, especially those in conditions of vulnerability. The Government developed a national plan,[44] increased the agricultural budget to support family farming initiatives and promoted family farming as a feasible economic activity for rural communities, especially women and young people.

49. One important aspect was stimulating access to markets for this production system, so that it would not be considered only as a matter for national social protection programmes. The school feeding national programme and the tourist sector started purchasing from family farmers. The importance of the social and solidarity economy and agroecology is recognized in the national plan as a knowledge-based way of producing and consuming while preserving the environment and the ecological sustainability of the planet.

IV. Implementing the right to food in times of financial and debt crisis

A. Debt is constraining Governments' ability to realize the right to food

50. In response to the 2008 financial crisis, almost every country borrowed from international financial institutions and private investors to support affected businesses. The working assumption was that the tax revenue generated by economic recovery and expansion would permit the repayment of those loans. Instead, as of 2020, the COVID-19 pandemic and its devastating economic consequences, coupled with its high demand on public

[41] Submission from Brazil.

[42] See https://www.fao.org/faolex/results/details/en/c/LEX-FAOC159064 (in Spanish).

[43] FAO, "New draft law on food sovereignty and food and nutrition security, for the right to food in the Dominican Republic", 25 March 2013, available at https://www.fao.org/right-to-food/news-and-events/news/news-detail/New-draft-Law-on-Food-Sovereignty-and-Food-and-Nutrition-Security-for-the-Right-to-Food-in-the-Dominican-Republic/en.

[44] See https://www.fao.org/family-farming/detail/en/c/1491926/ (in Spanish).

spending, pushed Governments across the globe to once again borrow capital at unprecedented rates, pushing sovereign debt to record levels.

51. In the aftermath of the pandemic, central banks in rich countries raised interest rates to curtail inflation, which particularly harmed low- and middle-income countries. By the end of 2023, the total external debt owed by all low- and middle-income countries stood at a record $8.8 trillion. In the same year, developing countries spent a record $1.4 trillion on servicing their foreign debt, with surging interest payments accounting for most of the increase in overall debt-service payments. On average, those countries spent 6 per cent of their export earnings on interest payments alone, although, for some of them, the rate was as high as 38 per cent.[45]

52. To make their loan payments, many Governments have had to dramatically cut down on public spending, including on critical social services that are vital to ensure access to adequate food for the poorest and most affected segments of society, such as older women and single mothers.[46] The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, noted that the 2023 draft budget of Argentina foresaw a 15 per cent increase in debt interest payments at the expense of, among other things, a 12 per cent decrease in spending for social programmes, including food allowances and child support payments.[47]

53. At the same time, inflation has significantly increased the cost of food, making it less affordable for low-income households and pushing more people further into hunger. Food-importing nations are spending significantly more to import the same quantity of food, hitting low-income countries the hardest. As of 2021, 17.2 per cent of the population of the Bahamas was facing moderate to severe food insecurity, which largely stemmed from the country's heavy reliance on food imports. Extreme weather occurrences present challenges to the agrarian sector and lead to a reliance on imports. Only 10 per cent of the food that people consume in the Bahamas is produced there, leaving food supplies vulnerable to international factors.[48] Between 2021 and 2023, inflation levels of 70–95 per cent forced persons on low incomes in Argentina to spend most of their income on food.[49] In 2022, sub-Saharan African countries spent $4.8 billion more to import about the same quantity of food as in previous years.[50]

B. Contemporary food systems are contributing to sovereign debt

54. The unsustainability and inequality of contemporary food systems are contributing to foreign debt. Broadly speaking, this is due to four factors characterizing food systems in their interplay with public finance.

55. The first factor arises from how banks and traders are increasingly dependent on the United States dollar. The dominance of the dollar makes trade-dependent nations vulnerable to the political economy of the United States of America and at the mercy of the Federal Reserve of the United States, as it sets interest rates.[51] The result over the decades is that many developing countries have designed food systems specialized in cash crops for the purpose of export in order to draw in foreign currency, especially dollars, often at the expense of the diverse food crops traditionally consumed by local populations.[52]

[45] World Bank, *International Debt Report 2024* (Washington, D.C., 2024).
[46] A/73/179, para. 30.
[47] A/HRC/52/34/Add.1, para. 30.
[48] A/HRC/55/54/Add.2, para. 15.
[49] A/HRC/52/34/Add.1, paras. 43 and 46.
[50] International Panel of Experts on Sustainable Food Systems, "Breaking the cycle of unsustainable food systems, hunger, and debt" (2023), p. 14.
[51] Ntina Tzouvala, "Sanctions, dollar hegemony, and the unraveling of Third World sovereignty", *Yale Journal of International Law* (2024).
[52] International Panel of Experts on Sustainable Food Systems, "Breaking the cycle", p. 14.

56. The second factor is extractive financial flows. For decades, Governments have disinvested from agriculture and social spending, leaving food system investment to corporations and financial institutions. The result has been the limiting of State capacity and the transfer of wealth and resources from rural communities to the corporate and financial sectors and from low-income to high-income countries. These flows are driven by unsustainable development financing models, such as structural adjustment programmes, public-private partnerships and foreign investment, which prioritize export-driven growth and corporate interests over local needs. Tax evasion, capital flight and debt servicing exacerbate fiscal strains, especially in low-income countries, leaving them unable to invest in essential social services, including measures to address malnutrition and hunger. Ultimately, these financial dynamics create a cycle of dependency, austerity and reduced State accountability, weakening the capacity to build equitable and sustainable food systems.[53]

57. The third factor by which global food systems affect sovereign debt is by contributing to periods of price volatility and crises, so-called boom-bust cycles. When food prices rise, multinational corporations use their purchasing power and dominance of supply chains to capture all the gains, leaving very little for small and medium-sized enterprises or farmers. For example, between 2020 and 2022, fertilizer and grain trading corporations profited immensely, with fertilizer companies' profit margins quadrupling, at the expense of farmers and Governments in the global South. These profits are rarely reinvested to strengthen food systems' crisis resilience or to provide social services. Instead, corporate consolidation allows firms to shape food systems for their benefit, further entrenching inequalities and power imbalances. In times of low prices, many farms and small businesses fail, which large corporations treat as an opportunity to acquire more land and businesses, further consolidating their market power. Breaking these cycles is crucial for achieving sustainable food systems and financial equity.[54]

58. The fourth factor is climate change and the resulting financial burden for the countries most affected by it. Climate change increases borrowing costs for low-income countries, as financial institutions and private lenders penalize climate-vulnerable nations with higher interest rates, leading to higher debt and reduced capacity for resilience investments. At the same time, the capacities of such countries to develop their own strategies to adapt their food systems to climate change is systematically undermined. For instance, only 2 per cent of the funding of Africa-focused agricultural research projects funded by the Gates Foundation goes to sub-Saharan research institutes. Meanwhile, carbon offset schemes and debt-for-nature swaps often prioritize large-scale commodity production, undermining food security and failing to deliver meaningful emission reductions.[55]

V. World Bank "repurposing" national budgets

59. Total support to agriculture reached a record high of $851 billion per year during the period 2020–2022 across Organisation for Economic Co-operation and Development countries and major emerging economies. This is a significant increase compared with the pre-pandemic period 2017–2019, when it was $696 billion per year. There was a significant growth in support to both consumers and producers. However, aggregate support remains highly concentrated in a few large economies, namely China, India, the United States and the European Union.[56] Most of the per capita support goes to middle- and high-income farmers and a little over 80 per cent of global support goes to farmers in high- and upper-middle-income countries.[57] In sum, most agricultural support goes to rich farmers in rich countries.

[53] Ibid., pp. 17 and 18.
[54] Ibid., pp. 19 and 20.
[55] Ibid., pp. 21 and 22.
[56] See https://www.oecd.org/agriculture/topics/agricultural-policy-monitoring-and-evaluation/support-agriculture-reached-record-levels.htm.
[57] Joseph W. Glauber and David Laborde, "Repurposing global agricultural support", American Enterprise Institute for Public Policy Research (September 2022).

60. The World Bank has advocated the repurposing of at least one third of the $600 billion–$900 billion of agricultural subsidies that "have no public good benefit" in favour of attracting capital to invest in new business opportunities in the agrarian sector by 2030.[58] It encourages countries to redirect national funds away from practices that increase greenhouse gases, reduce biodiversity and encourage unhealthy diets and, instead, move towards more sustainable practices.[59] To this end, the World Bank has developed a toolkit to guide national Governments in repurposing their agricultural support policies.[60] The recommended approach involves repurposing agricultural support, mainly by redirecting resources towards innovation and technology to boost productivity and resilience, while minimizing the ecological impacts of food production. It also entails shifting support for recurrent expenditure such as import subsidies towards infrastructural investments to enhance long-term productivity. FAO, UNDP and the United Nations Environment Programme (UNEP) have made similar proposals.[61]

61. Repurposing national budgets for the reasons enumerated above is, of course, commendable. However, the World Bank's approach and its ability to sustainably transform food systems is limited by several fundamental issues. The World Bank's focus is on agricultural support and not food systems budgets more broadly. Specifically, the World Bank is concerned that some forms of support "distort" market prices. Most developing countries provide support in the form of price incentives and direct payments to producers, which the World Bank argues will create unnaturally high (or low) prices, thereby creating inefficiencies and contributing to global warming and biodiversity loss.[62] It puts forward that Governments should instead commit to expenditure on general services support – such as investments in research and innovation and rural infrastructure – and find ways to align those programmes with sustainability goals.[63]

62. While the World Bank is right to describe government support for industrial agriculture as unsustainable, this does not mean that certain forms of government support for food producers are inherently inefficient or unsustainable. Different forms of support can lead to a wide array of outcomes depending on the social, political, cultural and ecological context. The reason that current agricultural systems produce undesirable outcomes arises from the fact that industrial food systems 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 that is the problem.

63. Moreover, the reliance on "distortions" overlooks different contexts and does not provide any clear analysis regarding the full aspect of food systems or on how certain policies affect food security. A distortion is any policy that adjusts the price from the price in market conditions of "perfect competition". No market is perfect. Therefore, the concept of distortion relies on an idealized model market in which 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. A focus on "distortion" also inherently privileges international markets over domestic or territorial markets. Subsidies linked to outputs, inputs or production factors such as land area and price supports, especially those that restrict trade, are commonly treated as inherently problematic as they deviate from the constructed ideal model.

64. 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

[58] World Bank, Food and Land Use Coalition and International Food Policy Research Institute, "Food finance architecture: financing a healthy, equitable and sustainable food system" (2021).

[59] Madhur Gautam and others, *Repurposing Agricultural Policies and Support: Options to Transform Agriculture and Food Systems to Better Serve the Health of People, Economies, and the Planet* (Washington, D.C., World Bank and International Food Policy Research Institute, 2022).

[60] *Repurposing Agricultural Support Policies for Sustainable Food Systems: Toolkit* (2023).

[61] FAO, UNDP and UNEP, *A Multi-Billion-Dollar Opportunity: Repurposing Agricultural Support to Transform Food Systems* (Rome, 2021).

[62] Gautam and others, *Repurposing Agricultural Policies and Support*.

[63] World Bank, *Repurposing Agricultural Support Policies for Sustainable Food Systems: Toolkit*, p. 13.

disagreements for over a century over which policies and institutions distort markets and which are necessary to support a stable, fair market.[64] As a political matter, in WTO agricultural negotiations, there has been a profound disagreement since 2001 over which subsidies are distorting and which are necessary. These conceptual and political disagreements have not only led to a stalemate at WTO but become even more acute since the tenth WTO Ministerial Conference, held in Nairobi from 15 to 19 November 2015, over the issue of public stockholding programmes for food security. Instead, it is worth exploring how government price-support programmes can better maintain stable, remunerative prices for producers and safeguard plurality and sustainability in local food systems.[65]

65. The World Bank's theory of change focuses on creating new incentives. The assumption is that "hundreds of millions of atomistic and rational economic decision-makers make up the agrifood system" and "actors on the farm and along food value chain 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."[66]

66. The focus on incentives is limited because it reduces people to individual decision-makers who decide only on economic basis. The theoretical limit of focusing on incentives is that people make decisions based on social, cultural and political values in individual but also communal contexts. The practical limit of a theory of change based on economic incentives does not acknowledge the crucial role of market regulation. The political limit of incentives is that they will reward actors who already have economic power.

67. The Special Rapporteur recommends that, instead of starting with an economic analysis that limits policy decisions, policymakers should begin with developing a national action plan based on the right to food. Economic and financial analysis is necessary but it should be driven not by a specific set of economic beliefs, but by efforts to tailor budgetary reforms to country-specific values and needs.

VI. Evaluating existing approaches to measuring national budgets from a human rights perspective

68. Following the United Nations Food Systems Summit, held in New York on 23 September 2021, IFAD and the World Bank, as the two largest development finance donors of food systems, became the designated co-leads for the development of the financing agenda for food systems transformation. Since then, their joint agenda has involved steering resource flows to food systems by fostering domestic resource mobilization, increasing international development financing (including boosting the capital base of IFAD), promoting private investments through blended finance and earmarking resources in a new global financing pact. In addition, they are aiming to mobilize international financial institutions to advocate for expanded financing. IFAD and the World Bank estimate that, until 2030, high-performing food systems require $300 billion–$400 billion in annual investment. However, this prognosis is not well grounded in financial data because very few countries currently track how their food systems are financed. Therefore, IFAD and the World Bank have accelerated their development of a tool to measure financial flows to food systems.

69. From a human-rights perspective, and in the current context of protracted crises, including a crisis of foreign debt, a few problems arise with this agenda. Firstly, as IFAD acknowledges itself, the most high-performing food producers today, yielding the highest production output from their lands, are small-scale farmers. However, it is not clear how their production would be enhanced by private investment. In fact, history shows that many forms

[64] Michael Fakhri, *Sugar and the Making of International Trade Law* (Cambridge, United Kingdom, Cambridge University Press, 2014); and Andrew Lang, "Heterodox markets and 'market distortions' in the global trading system", *Journal of International Economic Law*, vol. 22, No. 4 (2019).

[65] Isabella Weber, "Could strategic price controls help fight inflation?", *The Guardian*, 29 December 2021; and Garrett Graddy-Lovelace and others, "Parity as radical pragmatism: centering farm justice and agrarian expertise in agricultural policy", *Frontiers in Sustainable Food Systems*, vol. 7 (2023).

[66] World Bank, *Repurposing Agricultural Support Policies for Sustainable Food Systems: Toolkit*, p. 12.

of private investment tend to create or exacerbate liquidity and debt problems in farming communities. Secondly, the sovereign debt crisis across the world – and its origins in the 2008 financial crisis due to government bailouts for financial institutions that were at risk of defaulting on their bad investments – raises very serious questions about the sustainability of the blended finance model.

70. Blended finance is a strategic approach to financing that combines public or philanthropic funds with private sector investment to mobilize additional capital for projects that pursue public interests but have the potential to yield private profit. It is aimed at reducing risks for private investors by using public funds as a safety net, thereby encouraging private sector investment that might otherwise be considered too risky or unprofitable. The obvious problems with this model of finance are that it ties food systems transformation to investment profitability and places the responsibility for the success of the model on the State. This means that in instances where the model is not successful, the State becomes financially liable. Concurrently, the sums that IFAD and the World Bank wish to mobilize for food systems transformation risk increasing the debt of low- and middle-income countries.

71. While still in the process of development, the tool to measure financial flows to food systems is aimed at measuring financial flows to food systems across five interconnected expenditure components, namely: (a) agricultural development and value chains; (b) infrastructure for food systems; (c) nutrition and health; (d) social assistance (including emergency food assistance); and (e) climate change and natural resources. The financial flows that the tool is aimed at considering include national public expenditure on food systems from the central Government's budget, bilateral and multilateral development financing for food systems at the country and global levels, and private sector investment.

72. The tool is intended to provide Governments, donors and private investors with a clearer picture of country-specific food systems budgets. Its purpose is to enable informed decision-making based on information about how much financing goes to food systems overall and where this funding is allocated. This would particularly help Governments to evaluate whether the allocation of funds is aligned with their national objectives for domestic food systems and to determine where further transformation may be needed. It will also allow them to identify funding gaps.[67]

73. 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. Comparing financial flows across different countries or looking at global trends does not provide any insight into 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 programmes in that sector that create a more equitable food system, provide adequate food and ensure a healthy environment. As the tool was intended to provide a globally harmonized metric, it may miss local contexts and nuances. Lastly, it is not clear how "financial gaps" can be identified, given that most national food pathways still fall short of describing what needs to be transformed and how, and there is no indication as to what the right financial flow should be to generate transformation, as more or less financial flow in a particular direction does not necessarily translate into transformative changes.

VII. Conclusions and a guide to transforming national food systems using the right to food

74. **Many countries are facing impossible choices of either feeding people or servicing debt. Nevertheless, Governments are already directing significant resources towards their food systems. Against the context of the sovereign debt crisis around the world, action plans to redesign existing food budgets for the purposes of urgently needed food systems transformation are required. Significant improvements in food**

[67] IFAD and World Bank, "The 3Fs: keeping track of financial flows to food systems – factsheet" (Rome, 2023).

systems – and the conditions for their transformation – could be achieved by redesigning public budgets.[68]

75. **The Special Rapporteur provides a framework for States to use the right to food to develop national action plans and reconfigure national budgets accordingly.**

76. **Right-to-food changes require international cooperation. Therefore, right-to-food national action plans require transition funding from international financial and development institutions. Such funding should be provided in a way that does not add to debt loads and in a way in which the international financial and development institutions serve the national action plans and are held accountable to the rights holders themselves.**

A. Step 1: conversations on the right to food

Identify the problems and potential solutions through popular engagement

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

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

79. **Therefore, the first step that a national Government should take is to develop or enhance existing mechanisms to convene a series of conversations on the right to food 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 the problems in the national food system and the potential solutions. The conversations should be organized around the essential international legal elements for the realization of the right to food (as defined above): (a) international cooperation; (b) improving food production and conservation; (c) knowledge; (d) reforming the food system; and (e) equitable trade. This process would include ensuring that everyone can participate without discrimination or reprisal, supporting marginalized communities to participate and reaching out to particular constituents to ensure that there is adequate representation.**

80. **States would be encouraged to use and/or enhance existing mechanisms to host such conversations, such as local food councils, local governments, national food councils and national human rights institutes. States could also designate a national special rapporteur on the right to food or similar to convene and facilitate these national conversations.**

81. **States could turn to the FAO Right to Food Unit and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for assistance in developing these conversations. They could also request guidance from the Committee on World Food Security, in particular its Civil Society and Indigenous Peoples' Mechanism.**

82. **As the outcome of these 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 an agenda that captures the complexity and diversity of views**

[68] Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), paras. 21–28.

while also providing specific action points. The Committee on World Food Security 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 national plan. 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 or plan would be able to do.

83. **As part of the United Nations Food Systems Summit, States designated Member State dialogue convenors who organized national food systems dialogues.**[69] **In turn, those dialogues informed the creation of national food pathways whose purpose is to outline a way towards developing a sustainable food system.**[70] **The dialogues were not informed by any human rights principles. Participants were selected by Governments and the process was not transparent or necessarily inclusive.**[71] **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, the least cited was human rights: human rights were mentioned in 0.61 per cent of the different priorities. Governance for sustainable food systems was the third least cited and mentioned in 2.06 per cent of the different priorities. The following made some mention of human rights in their food pathways: Brazil, Canada, Colombia, Gambia, Germany, Haiti, Malaysia, Nepal, Nigeria, Peru, Sudan, Sweden, Tajikistan, Togo, Türkiye, United States, Yemen and Zimbabwe, as well as the European Union.**[72]

B. Step 2: outline the right to food

1. Outline the Government's existing role and obligations in the food system

84. **After capturing people's 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 obligations in terms of the right to food.**

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

86. **To ensure that food is available, States must ensure that everyone has a reliable source of food. States can make sure that food is available either by creating conditions that enable people to feed themselves from the land or waterways or by ensuring that food is available in shops and markets. Fairness implies that access to land and waterways must be just and equitable and markets should be fair.**

87. **States must ensure that food is always economically accessible to everyone. This means that 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. The key value here is inclusivity.**

88. **States must ensure that people have adequate food, which includes respecting their right to determine what constitutes "good food". This means that everyone must be able to decide for themselves what is culturally, nutritionally, socially and**

[69] See https://summitdialogues.org/overview/member-state-food-systems-summit-dialogues/.
[70] See https://www.unfoodsystemshub.org/member-state-dialogue/dialogues-and-pathways/en.
[71] A/76/237, para. 46.
[72] See https://www.unfoodsystemshub.org/member-state-dialogue/national-pathways-analysis-dashboard/fr.

ecologically appropriate food, based on their particular conditions. The key value here is dignity.

89. **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 State's duty to fulfil the right to food requires the State to facilitate access to adequate food. This could be done by providing the conditions that enable individuals to produce food, namely 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 that everyone can buy adequate food, in which case individuals would need income from employment, self-employment and/or social transfers when they 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 fulfil the right to food would be any measure that improves the adequacy of income, such as increasing employment, improving public education or increasing the funding and reach of social protection programmes.**

90. **An outline entails the following:**

(a) **Legal analysis;**

(b) **Right to food analysis of the legal system;**

(c) **Accountability;**

(d) **Food accessibility and availability;**

(e) **Food adequacy.**

2. Legal analysis: identify relevant laws, regulations and policies

91. **Legal analysis 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 the FAOLEX Database of FAO using terms such as "right to food" and "human rights". FAOLEX purports to be one of the world's largest online repositories of national laws, regulations and policies on food, agriculture and natural resources management.**

92. **Some laws, regulations and policies may not explicitly reference the right to food or human rights, but their objective may fulfil people's right to food in practice. For example, the Government of the United States often claims not to recognize the right to food as an international legal obligation. However, its largest federal food and agricultural programmes could be understood as a State policy fulfilling the right to food. The Supplemental Nutrition Assistance Program provides food benefits to families on low incomes to supplement their grocery budget so that 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, healthcare referrals and nutrition education for pregnant, breastfeeding and non-breastfeeding postpartum women on low incomes and to infants and children up to 5 years old who are found to be at nutritional risk. In sum, these programmes are targeted at persons in a situation of vulnerability and provide social protection and food as a matter of entitlement and not charity.**

3. Right-to-food analysis of the Government's law, regulations and policies[73]

93. **Each relevant law, regulation and policy should then be individually examined in terms of how it respects, protects and fulfils the right to food. When that analysis is**

[73] The present 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,

completed and collated, it should provide a detailed outline of the State's existing obligations in the food system.

4. Accountability: determine who is doing what to whom

94. **The relevant ministries and agencies granted authority to implement the relevant laws, regulations and policies should be identified. It is important to note whether the respective laws and regulations target certain individuals or segments of the population. This analysis should be focused on aspects of implementation such as geographical scale, level of government, coordination among different public bodies, progressiveness (i.e. mechanisms that prevent regressing on right to food standards) and the explicitly articulated relationship to other human rights. The analysis should also include 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.**

5. Food accessibility and availability: determine where and how the State is acting in the food system

95. **Analysing 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 should be combined in the analysis to capture certain nuances, such as small-scale food producers who produce for subsistence and commercial sale and labourers who migrate from rural communities to work.**

6. Food adequacy: determine what is being done

96. **To understand how and whether food is adequate, the health, environmental and sociocultural dimensions of food should be examined.**[74] **As such, the laws, regulations and policies should also be examined as to how they fulfil these dimensions.**

C. Step 3: right-to-food budget

Determine the existing revenue of, expenditure on and allocations for the food system

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

98. **Using the laws, regulations and policies identified in step 2 above as the object of analysis, States can tabulate their budget in the form of revenue, expenditure and allocation. The primary focus would be the national budget. However, it would be most helpful to also tabulate subnational government budgets and international expenditure.**

99. **Along with the FAO Right to Food Unit,**[75] **OHCHR may assist States with working on the budget to progressively realize the right to food. The High Commissioner has recently called for and started initiatives on 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. 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**

University of British Colombia, 2024, available at https://open.library.ubc.ca/soa/cIRcle/collections/ubctheses/24/items/1.0440968.

[74] See Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999).

[75] FAO, *Budget Work to Advance the Right to Food* (Rome, 2009).

“follow the money” – bolstering trust in government and ensuring that policies will be more effective and advance everyone’s rights.[76]

D. Step 4: right-to-food action plan

Use the right-to-food conversations and right-to-food outline to identify legal and budget reform

100. **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 rights holders can engage in a critical debate over what reforms are needed to generate the necessary transformations.**

101. **As 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 in itself, but an important milestone that generates renewed popular energy, discussion and focus.**

[76] OHCHR, “Türk calls for a human rights economy”, 6 February 2023; and OHCHR, “Building economies that place people’s human rights at the center”, 6 April 2023.