

## **Promoting the Right to Food through South-South Cooperation: Linking Rights Approaches to Food Assistance for School Feeding and Smallholder Farming Programmes**

Christiani Amaral Buani, PhD in International Law, University Centre of Brasilia, Head of Programme, World Food Programme Centre of Excellence Against Hunger – [christiani.buani@wfp.org](mailto:christiani.buani@wfp.org)

Bruno Valim Magalhaes, M.Sc. in International Politics, University of Brasilia, Programme and Research Assistant, World Food Programme Centre of Excellence Against Hunger – [bruno.magalhaes@wfp.org](mailto:bruno.magalhaes@wfp.org) (corresponding author)

Yasmin Wakimoto Scheufler, M.A. in Public Policy, the University of York/International Institute of Social Studies, Programme and Research Assistant, World Food Programme Centre of Excellence Against Hunger - [yasmin.wakimoto@wfp.org](mailto:yasmin.wakimoto@wfp.org)

### Introduction

In May 2018, the United Nations Security Council passed the Resolution 2417, that acknowledges the link between violence/conflict-induced food insecurity, and the threat of hunger. The Resolution calls on all parties in conflict scenarios to comply with their obligations under international humanitarian law, by protecting civilians and guaranteeing the necessary conditions for food production and distribution. Accordingly, the resolution recalls and stresses the importance of fully complying with international humanitarian law and other applicable human rights in contexts where food security needs to be protected as a socio-economic disposition for realizing rights.

A large share of international socio-economic development actions does not entail an explicit commitment to human rights. Food assistance, for example, delivers aid not only within emergency operations that fill food gaps in the short term, freeing targeted people from immediate hunger. It also promotes programs that foster long-term development, attacking root-causes of hunger and, thereby, breaking deep hunger-poverty cycles. Practices like this might not work straightforwardly on human rights issues because this is not conducive to achieving the aims of their needs-based demands.

Food assistance, as a needs-driven approach, focuses on program design and implementation for delivery of services and goods to targeted and specific groups at emergency situations that, after a state-reconstruction or transition period, might be converted to nationally-owned programs and policies that contribute to general human development. Whereas, rights-based approaches call for existing initiatives to be shared more equally, assisting all people to be entitled for realizing their rights in relation to those resources. Thus, making this latter approach an explicitly political process in which human rights are considered constitutive development goals by development actors.

Therefore, several important socio-economic development practices might not be considered originally as rights-based by Law and Human Rights specialists. They recognize human rights-based approaches (HRBA) as practices explicitly integrating or mainstreaming human rights in their development work. This includes: efforts to ensure that human rights are integrated into all sectors of existing assistance and aid initiatives; policy and development rights-talk that include human rights issues, sometimes linking aid and assistance to human rights conditionality sets; projects or programmes directly targeted at the realization of specific rights or in support of human rights organizations.

More specifically, HRBA appears to consist of three bottom-line notions<sup>1</sup>:

1) A focus on protection of individuals and groups against power exertion, not only from states, but also from other agencies exerting power, such as transnational corporations, NGOs, and international organizations.

2) A focus on non-discrimination, equal opportunity and participation irrespective of race, color, sex, language, religion, political or other opinion, national or social origin, property,

---

<sup>1</sup> Hans-Otto Sano. "Human Rights and Human Development". Human Rights Quarterly 22 (2000) 734–752.

birth, or other status. Participation and to some extent also non-discrimination will relate to political rights including freedom of association, assembly, and speech.

3) A focus on enabling support that allows individuals and groups to lead a life in dignity, free of poverty, with access to certain minimum standards of living, health, water, and education. What is central here is to approach basic capabilities via human rights, including an effort to enable people to organize and to demand their rights.

However, human rights, such as the right to food, might be only fulfilled after they needs-based actions have promoted significant and influenceable socio-economic freedoms, such as freedom from hunger. Amartya Sen<sup>2</sup> problematizes this thread of thought by debating that: if a determined set of human rights cannot be realized because of inadequate institutionalization and programs' set-up, therefore, policymaking and advocating for institutional expansion or reform can be a part of the duties generated by the recognition of these rights by legal and institutional frameworks of socio-economic development programs.

This critique is reinforced by the fact that freeing people from hunger is one fundamental part of the right to a human life with dignity and security. The 1948 Universal Declaration of Human Rights, under its Article 25, states that as a freedom to live in dignity, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food". From this point on, freedom from hunger got its food variable as an international lawful right, even though international practitioners work it out as a socio-economic and needs-based.

Approaching food as a socio-economic issue affecting a human right was strengthened after the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), which reiterates the Universal Declaration of Human Rights. The ICESCR reinforces, under its Article 11, the freedom from want as "the fundamental right of everyone to be free from hunger". The socio-economic aspect became starker when debates around ICESCR brought light into understandings that freeing people from hunger for realizing the right to food should focus not only on food availability (food production), but also on food access (means to acquire food). After 1966, the concept of food for development was introduced and institutionalized.

The creation of the World Food Programme (WFP) in 1963 is one prominent example of that. Scheduled to go into operation in 1963, as a three-year experimental aid program and not as a rights organization, WFP's efforts focused on emergency aid, relief and rehabilitation, and special operations. As the years passed, WFP followed the legal development set by the international community after the ICESCR. After the survival aid, featuring emergency relief and rehabilitation, WFP started seeking a fair programming performance for its served communities through technical cooperation programs. This new approach composed WFP's food for development, or the food assistance logic.

Upon this scenario, we argue that WFP's food assistance deployed through WFP Centre of Excellence in Brazil's South-South cooperation tools for developing a school feeding and nutrition program strategy in Kenya, as a needs-based approach, could still incorporate an implicit rights-based work. Even if it prefers to use other descriptors such as: rehabilitation, development, empowerment, transition or assistance. We base this subject-matter on the understanding that policy objectives and outcomes of implicit rights-based approaches can be overlapped to other explicit forms of rights integration if the former approach can include legal and institutional frameworks for the realization of

---

<sup>2</sup> Amartya Sen. "Elements of a Theory of Human Rights". *Philosophy & Public Affairs*, Vol. 32, No. 4 (Autumn, 2004), pp. 315-356."

specific human rights – such as the right to food – through promoting significant socio-economic freedoms – such as freedom from hunger.

### Drawing the links between Food Security and the Right to Food

The Resolution 2417 has been hailed by food-mandated United Nations agencies, especially the Food and Agriculture Organization of the United Nations (FAO)<sup>3</sup> and the World Food Programme<sup>4</sup>. More specifically, WFP - whose work takes place in a number of war-torn countries - has responded to the resolution, saying that “without peace, we will not achieve zero hunger; and while there is hunger, we will never achieve our global goal of a peaceful world where human rights are respected<sup>5</sup>.”

In spite of this declaration, it remains important to highlight that the world’s largest humanitarian and food assistance agency is neither protection-mandated nor human rights-centered. Then, why is WFP concerned with the connection between food security and human rights as incentivized by this recent resolution? Because achieving food security – one of WFP’s main guiding objectives – depends on the protection and realization of human rights, and on the legal tools used to fulfill them.

This relationship between food security and human rights is structured in several international legal tools. Seventy years before the Resolution 2417, food was recognized as a fundamental part of the right to a human life with dignity and security. The Article 25 of the 1948 Universal Declaration of Human Rights states that “(e)veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food”. After continuous debates, in 1966, the International Covenant on Economic, Social and Cultural Rights (ICESCR) reiterates the Universal Declaration, under its Article 11, and translates the fulfillment of right to food as “the fundamental right of everyone to be free from hunger”.

Years after ICESCR had come to effect, the Committee on Economic, Social and Cultural Rights (ECOSOC) was established to oversee the ICESCR implementation. Alongside the Security Council, ECOSOC is one of the UN’s six main organs<sup>6</sup>. Regarding food, specifically, ECOSOC adopted General Comment No. 12 to the ICESCR: *The Right to Adequate Food*. This comment describes UN member-states’ various obligations, regarding the right to food and freedom from hunger through the achievement of two food security basic variables: sustainable food availability and access. Since then, food security can be considered as part of a legal framework language and a technical parameter for the realization of the right to food, and freedom from hunger as its consequence<sup>7</sup>.

More recently, other perspectives have become influential under global community debates on how to fulfill the right to food through food security. Specific constructivist approaches of International Relations and International Law propose reading the right to food as no longer simply translated as the supply and access to food items (or freedom from hunger *stricto sensu*)<sup>8</sup>. The right to food and, more specifically, food security also entails the social relations that can provide appropriate measures to guarantee the exercise and enjoyment of the right to food. This renewed and more complex

---

<sup>3</sup> Food and Agriculture Organization (FAO), “FAO hails UN Security Council Resolution on hunger and conflict”, *FAO news*, May 24, 2018, <http://www.fao.org/news/story/en/item/1135838/icode/>.

<sup>4</sup> World Food Programme (WFP), “World Food Programme applauds UN Security Council for tackling link between conflict and hunger”, *WFP news*, May 24, 2018, <http://www.wfp.org/news/news-release/world-food-programme-applauds-un-security-council-tackling-link-between-conflict-a>.

<sup>5</sup> WFP, “World Food Programme applauds UN Security Council for tackling link between conflict and hunger”, *WFP news*, May 24, 2018, <http://www.wfp.org/news/news-release/world-food-programme-applauds-un-security-council-tackling-link-between-conflict-a>.

<sup>6</sup> The main organs of the UN are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the UN Secretariat. All were established in 1945.

<sup>7</sup> Christiani Amaral Buani and Bruno Valim Magalhães, “WFP’s role in building sustainable bridges between the right to adequate food and the freedom from hunger”, *Brazilian Journal of International Law* 14, no 1 (2017): 15-19, <http://dx.doi.org/10.5102/rdi.v14i1.4463>.

<sup>8</sup> Buani and Magalhães, op.cit.

understanding of the right to food requires that this human right be approached as an international development issue, rather than the simple fulfillment of a timely emergency need<sup>9</sup>.

Consequently, as international regulations that touch upon human security move beyond protecting people from weapons (following the traditional Security Council mandate), international legal tools have become more concerned with a human secure life with dignity (which coincides with ECOSOC's mandate and theme of Resolution 2417). This reinforces the considerations of the 1948 Declaration and the 1985 General Comment No. 12, and reflects WFP's concerns. Human security is not only connected to being free from conflict, it entails the realization of a broader set of human rights.

This recent Security Council resolution can also lead to new global conversations within the United Nations 2030 Agenda and SDG 2 – Zero Hunger. This goal seeks to keep people free from hunger and any form of malnutrition, to achieve food security and to promote sustainable agriculture. To reach such targets, SDG 17 – Partnerships for the Goals, aims at enhancing capacity building, policy and institutional coherence, and promoting multi-stakeholder partnerships.

This is why this article and the WFP are concerned with the connection between human rights and food security, reflected in the content of Resolution 2417. Responding to the Security Council document, non-protection agencies can now deploy a set of actions to impact on the most emergent and urgent human food and nutritional needs. These actions can transit from employing quick protection and relief measures, to investing in programs that stimulate locally owned capacities for sustaining the right to food. Ultimately, the combination of these two approaches should result in avoiding the recurrence of inhumane conditions in the long run, as well as tackling the immediate connection between hunger and conflict.

For instance, within WFP's *2014-2017 Strategic Plan*, WFP actions designed to attend an emergency or hunger relief call - such as school feeding programs receiving support from WFP - should be scaled-up and transitioned to governments, to result in a locally owned program, backed by efficient food and nutrition policies and legal landmarks. This framework should be integrated to relevant national social protection and food and nutrition security strategies. To operationalize the connection between human-rights and protection mandates, WFP considers the following<sup>10</sup>:

1. Food assistance, as a scarce and strategic commodity, is a fundamental tool to protect the basic right to life.
2. Hunger can cause and exacerbate existing protection risks, such as forced displacement, child labor, gender-based violence, exploitative and dangerous work environments and human trafficking.
3. Food is a key factor impacting people's exposure to and ability to cope with protection risks.
4. Food assistance can be a powerful tool to help keep people safe and maintain their dignity if implemented taking protection risks into account.
5. WFP's assistance can inadvertently create new risks or cause further harm to vulnerable populations who are already at risk.

WFP further understands that its engagement with protection and humanitarian principles does not require a change in mandate or in its methods to achieve food security. This engagement is consistent with WFP's efforts to meet SDG 2. In practice, integrating protection from a Human-Rights-Based Approach (HRBA) into WFP's

---

<sup>9</sup> *Ibid.*

<sup>10</sup> WFP Emergencies and Transitions Unit (OSZPH) - Programme and Policy Division, *Protection Guidance Manual* (Rome: WFP, 2016), 11.

operations should consider good programming for development assistance, not only providing protection in contexts of violence and conflict.

Protection guidelines, as described in the bullet-points above, can enhance WFP's development programs' positive impacts. Moreover, these guidelines can help to avoid potential negative impacts for the people WFP serves, by ensuring that food assistance is provided in an appropriate manner<sup>11</sup>. Therefore, although more acute and widespread during humanitarian emergencies, the protection debate brought to light by Resolution 2417 has also become a concern in more stable development contexts. These are the contexts where specialized development and South-South cooperation WFP offices work – such as the WFP Centre of Excellence against Hunger in Brazil.

Still responding to its engagement with humanitarian principles, WFP adopted several *Foundations of Humanitarian Action* to guide its operations, which are coherent with HRBA demands. These foundations define that food assistance should strengthen the capacities of food insecure communities, aiming to prevent, prepare and respond to crises and conflicts<sup>12</sup>.

Outside the WFP, many development actors follow a HRBA and follow the core of protection: non-discrimination, equality, participation, accountability, and the rule of law. Even though WFP respects these principles, it does not follow a HRBA. Therefore, if WFP development offices must respond to the same HRBA principles and the recent Security Council resolution ideals, how do they position themselves in this environment?

Looking specifically at the WFP Centre of Excellence in Brazil, it has a development mandate, via SDG 17. Nonetheless, beyond ensuring quality and comprehensiveness within its development programs, WFP should actively identify opportunities for supporting protection outcomes through food assistance. In that sense, the WFP Centre of Excellence is entirely capable of providing food assistance that complements other actors' protection programs. This can be done by supporting the potential of food and nutrition security programs both in emergency and development times.

Thinking of school feeding programs as enablers of protection, in emergencies and conflict-torn countries, schools can be safe places where children are protected from abduction, recruitment into militias, and sexual and economic exploitation. Schools represent therapeutic spaces by re-establishing a daily routine and helping to restore a sense of normalcy for children. Through psychosocial programmes, learning and play, schools serve an essential role in children's healing process<sup>13</sup>. In countries affected by long-term conflict, education can also act as a catalyst for peace, encouraging parties that once opposed each other to work together for the sake of their children<sup>14</sup>.

In post-conflict and development settings, education contributes to build children's long-term resilience and to break inter-generational cycles of poverty and related rights violations, such as early marriage and child labor. A high-quality basic education equips girls and boys with the knowledge and skills that they need to: know and claim their rights; adopt healthy lifestyles; protect themselves from HIV; and take an active role in social, economic and political decision-making, as they transition to adolescence and adulthood. Educated adults are more likely to have healthier families, to be informed

---

<sup>11</sup> WFP Executive Board, *Humanitarian Protection Policy* (Rome: WFP, 2012), accessed Jul 20, 2018. <https://documents.wfp.org/stellent/groups/public/documents/eb/wfpdoc061670.pdf>

<sup>12</sup> WFP, *Terms of Reference: Evaluation of WFP's Policies on Humanitarian Principles and Access in Humanitarian Contexts* [Internal document, 2016].

<sup>13</sup> Donald Bundy, Carmen Burbano, Margaret Grosh, Aulo Gelli, Matthew Jukes, and Lesley Drake, *Rethinking School Feeding: Social Safety Nets, Child Development, and the Education Sector* (New York: The World Bank, 2009).

<sup>14</sup> WFP Emergencies and Transitions Unit (OSZPH) - Programme and Policy Division, *Protection Guidance Manual* (Rome: WFP, 2016).

about healthy/nurturing child-bearing practices, and to ensure that their children start school on time and are ready to learn<sup>15 16</sup>.

School feeding programs greatly impact the education status of beneficiary children, by increasing their school enrollment and attendance, decreasing drop-out rates, and improving cognitive abilities and learning achievements<sup>17</sup>. More specifically, sending children to a school in which school meals are served incentivizes families not to consider schooling as an additional cost for the household<sup>18</sup>. School meals have been shown to increase the nutritional status of school-age children in a variety of ways. For example, there is a notable reduction in malnutrition via diet diversification and an increased absorption of micronutrients. By increasing the quality of the nutrition of a school-going child, her/his family also has their nutrition status also increased as their familial demand and requirement for food is decreased because the money that would be invested to feed the beneficiary children can be “transferred” to other family members<sup>19</sup>.

Finally, school feeding programs, and particularly home-grown modalities, can achieve outcomes and impacts in the areas of agricultural and local economic development, by purchasing food from local farmers and producers<sup>20 21</sup>. This program modality has the power of increasing rural people’s food security, by improving their food access and utilization.

#### Programming and policymaking as tools to promote the right to food

Three basic elements are essential for populations to achieve a state of Food and Nutritional Security: availability, access and proper utilization of food items. Brought together, these three pillars can assist communities in strengthening their capacities to deal with shocks caused by crises, therefore maintaining stability in food supply and in their food and nutrition security (FNS) status. Protecting people’s FNS, just as preventing food crises, requires short and long-term actions. These can, respectively, respond to emergencies, and combat the structural drivers of hunger and malnutrition<sup>22</sup>.

In November 2004, the FAO council adopted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security. These guidelines aim to provide practical measures to assist States in fulfilling the right to food and FNS among their populations. In fact, “(t)he Voluntary Guidelines represent a step towards integrating human rights into the work of agencies dealing with food and agriculture”<sup>23</sup>. This is the case of FAO, but also of the WFP.

Among the nineteen guidelines presented in this document, two are central to our discussion in this article, and to the work of the WFP in capacity building for partner

---

<sup>15</sup> WFP, *School Feeding Policy: Promoting innovation to achieve national ownership* (Rome: WFP, 2013), accessed July 18, 2018. [https://documents.wfp.org/stellent/groups/public/documents/communications/wfp263529.pdf?\\_ga=2.4185392.18340899.87.1533050831-1664943802.1518714657](https://documents.wfp.org/stellent/groups/public/documents/communications/wfp263529.pdf?_ga=2.4185392.18340899.87.1533050831-1664943802.1518714657)

<sup>16</sup> James Sumberg and Rachel Sabates-Wheeler, “Linking agricultural development to school feeding in sub-Saharan Africa: Theoretical perspectives” *Food Policy* 36, Issue 3 (June 2011): 341-349, <https://doi.org/10.1016/j.foodpol.2011.03.001>

<sup>17</sup> African Union et al., *Sustainable School Feeding Across the African Union* (Addis Ababa: African Union, 2018), accessed July 15, 2018. [http://centrodeexcelencia.org.br/wp-content/uploads/2018/03/SUSTAINABLE-SCHOOL-FEEDING\\_FINAL.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2018/03/SUSTAINABLE-SCHOOL-FEEDING_FINAL.pdf)

<sup>18</sup> Case studies on social protection and food and nutrition security [http://centrodeexcelencia.org.br/wp-content/uploads/2018/02/SocialProtection\\_FoodSecurity.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2018/02/SocialProtection_FoodSecurity.pdf)

<sup>19</sup> Case studies on social protection and food and nutrition security [http://centrodeexcelencia.org.br/wp-content/uploads/2018/02/SocialProtection\\_FoodSecurity.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2018/02/SocialProtection_FoodSecurity.pdf)

<sup>20</sup> Sustainable School Feeding Across the African Union [http://centrodeexcelencia.org.br/wp-content/uploads/2018/03/SUSTAINABLE-SCHOOL-FEEDING\\_FINAL.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2018/03/SUSTAINABLE-SCHOOL-FEEDING_FINAL.pdf)

<sup>21</sup> Linking agricultural development to school feeding in sub-Saharan Africa: Theoretical perspectives <https://www.sciencedirect.com/science/article/pii/S0306919211000406>

<sup>22</sup> World Food Assistance 2018 – Preventing Food Crises [https://docs.wfp.org/api/documents/WFP-0000070719/download/?\\_ga=2.27545788.1834089987.1533050831-1664943802.1518714657](https://docs.wfp.org/api/documents/WFP-0000070719/download/?_ga=2.27545788.1834089987.1533050831-1664943802.1518714657)

<sup>23</sup> FAO voluntary guidelines (FAO, 2005, p. iii) <http://www.fao.org/3/a-y7937e.pdf>

countries: 1. the adoption of national strategies that encompass a human-rights based approach to programs, policies and projects in FNS <sup>24</sup>; and 2. the inclusion, within domestic legal and policy frameworks, of provisions to assist in the realization of the right to food <sup>25</sup>. Naturally, these two elements will also have impacts on others that are equally related to the right to food and also listed in the guidelines, such as: 1. Sustainable and non-discriminatory market systems for food; 2. Improved organization and structure of government institutions, with determined roles and responsibilities within the FNS system; 3. Improved nutrition and dietary diversity, particularly for vulnerable populations; 4. The proper allocation of financial resources for FNS programs; 5. The composition of social and food safety nets; and 6. Proper monitoring and evaluation systems to ensure compliance with the guidelines presented in policy and legal frameworks.

Solid policy and legal frameworks are an essential element to help countries in reaching stability in food availability, access and adequate utilization. In Brazil, for example, the establishment of a well-structured framework for FNS strongly contributed to transform the country in an international reference in fighting hunger and malnutrition. By 2015, Brazil had left the world's hunger map - having achieved the MDG 1 target of eradicating extreme poverty and hunger more than 10 years before the deadline envisioned.

From 2003 onwards, FNS and the fight against hunger were placed as a central element in the governmental agenda. Since then, a series of policies, institutional mechanisms and legal instruments were established, aiming to strengthen the commitment to the FNS of the population, through a process of institutionalization. These tools are the basis for the respect and promotion of the human right to food in Brazil <sup>26</sup>. They include the national Zero Hunger Strategy, the organic law that regulates and establishes a national FNS system, the regulations of the national school feeding program, among many others that constitute a complex and robust basis for the realization of the right to food – which is enshrined in the constitution.

Having become a reference of good practices in these areas, Brazil was chosen as the site of a pioneering initiative of the WFP. In 2011, the Centre of Excellence against Hunger was created in partnership with the Brazilian government. The Centre is a hub for exchanging knowledge and experiences in FNS through South-South Cooperation, and its work will be further explored in the following items.

The Centre of Excellence's work on technical assistance in formulating FNS policies and legislation - more specifically those on school feeding - is guided by the principle that legal and institutional frameworks are crucial tools for the maintenance of public policies and for achieving the right to food. Thus, it is assumed that the more consolidated the right to food is in national and international contexts, the greater the commitment to promote it.

In that sense, the following item will describe how the WFP Centre of Excellence uses South-South cooperation as a means to share the successful Brazilian experience in fulfilling the right to food, further stimulating the development of FNS policy and legal frameworks within partner countries.

#### WFP Centre of Excellence and South-South Cooperation

In the first section, we have brought WFP's *2014-2017 Strategic Plan*, which acts as a basis for institutionally considering school feeding programs as initiatives that should be scaled-up in a locally-owned and backed by efficient food and nutrition policies and legal landmarks; all integrated to social protection and food and nutrition security strategies.

---

<sup>24</sup> FAO voluntary guidelines (FAO, 2005, p. 11-12) <http://www.fao.org/3/a-y7937e.pdf>

<sup>25</sup> FAO voluntary guidelines (FAO, 2005, p. 15-16) <http://www.fao.org/3/a-y7937e.pdf>

<sup>26</sup> Conselho Nacional de Segurança Alimentar e Nutricional – CONSEA; Food and Agriculture Organization – FAO; Instituto Interamericano de Cooperação para a Agricultura - IICA. Construção do Sistema e da Política Nacional de Segurança Alimentar e Nutricional: a experiência brasileira. Brasília: CONSEA/FAO/ IICA, 2009.

In addition to that, there are three basic concepts WFP uses to instrumentalize that: *World Food Assistance*<sup>27</sup>, as the connection to human-rights and protection mandates; *WFP Country Capacity Strengthening*<sup>28</sup> approach as the tool; *WFP South-South and Triangular Cooperation Policy*<sup>29</sup> as the means; and WFP Centre of Excellence in Brazil<sup>30</sup> as the catalyst and operator for realizing food assistance backed up by legal frameworks based on the Brazilian experience.

In choosing approach food assistance as defined above, WFP is saying that “food assistance is important in its own right, and it matters enormously to the world”<sup>31</sup>. Effective food assistance measures anticipate and mitigate the effects of flawed, disrupted and broken food systems with a view to ensuring that vulnerable groups have access to the right food at the right time. Food assistance, as a scarce and strategic commodity, is a fundamental tool to protect the basic right to life. Food is a key factor impacting people’s exposure to and ability to cope with protection risks. Finally, food assistance can be a powerful tool to help keep people safe and maintain their dignity if implemented taking protection risks into account<sup>32</sup>.

By food assistance WFP does not mean old-style “food aid” handouts<sup>33</sup>, but rather the full range of instruments, activities, and platforms that empower vulnerable and food-insecure people and communities so they can regularly have access to nutritious food. Food assistance thus extends beyond the traditional view of “food aid” as transfers of food commodities to hungry people to include development and implementation of interventions to prevent hunger and address its myriad drivers and implications. More specifically, food assistance refers to multi-faceted efforts to empower vulnerable and food-insecure people and communities to access nutritious food. It seeks not only to save lives and livelihoods in the short term, but also to combat the root causes of hunger over the medium to long term.

Therefore, food assistance includes instruments such school feeding to assure recipients’ access to food of a given quantity, quality, or value. Focused food procurement is a powerful demand-side tool as is translated as home-grown school feeding. These instruments are applied in specific programs to pursue a range of objectives for targeted populations, such as nutrition improvement, increased agricultural productivity, gender equality, education expansion, or disaster risk reduction. Several supporting activities and institutional platforms such as early warning and preparedness systems, vulnerability analyses, needs assessments, supply-chain arrangements, information and communication technology, and capacity development of national agencies, safety nets and social-protection systems define the effectiveness and sustainability of these instruments relative to the objectives.

Food assistance agencies, such as WFP, are entrusted with responding to the needs of people affected by food insecurity and malnutrition. They should ensure that **programs are accountable to affected people is therefore a major aspect of rights-based programming**. Engaging affected people in program decisions makes food assistance more effective. Basing programs on the preferences of affected people helps to ensure

---

<sup>27</sup> World Food Assistance 2017: Taking Stock and Looking Ahead [https://docs.wfp.org/api/documents/WFP-0000019564/download/?\\_ga=2.13141943.1285994266.1533082473-1319176106.1515592562](https://docs.wfp.org/api/documents/WFP-0000019564/download/?_ga=2.13141943.1285994266.1533082473-1319176106.1515592562)

<sup>28</sup> Capacity Strengthening: Overview of WFP Kenya’s approach to capacity strengthening <https://www.wfp.org/sites/default/files/WFP%20Kenya-Capacity%20Strengthening%202016.pdf>

<sup>29</sup> <https://documents.wfp.org/stellent/groups/public/documents/eb/wfpdoc063835.pdf>

<sup>30</sup> WFP Centre of Excellence Against Hunger Annual Report 2013 [http://centrodeexcelencia.org.br/wp-content/uploads/2017/05/WFP\\_CENTRE\\_REPORT2013\\_ENGLISH\\_WEB.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2017/05/WFP_CENTRE_REPORT2013_ENGLISH_WEB.pdf)

<sup>31</sup> WFP, *World Food Assistance 2017*, ii.

<sup>32</sup> Steven Were Omamo, Ugo Gentilini and Susanna Sandström, *Revolution: From Food Aid to Food Assistance - Innovations in Overcoming Hunger* (Rome: WFP, 2010): 11, accessed July 10, 2018. [https://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp228797.pdf?\\_ga=2.262577164.1834089987.1533050831-1664943802.1518714657](https://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp228797.pdf?_ga=2.262577164.1834089987.1533050831-1664943802.1518714657)

<sup>33</sup> Raymond Hopkins, “Reform in the international food aid regime: The role of consensual knowledge”, *International Organization*, 1992. 46(1), 225-264. <https://www.jstor.org/stable/2706956>.



that needs are correctly identified and understood, and that programs are designed in a manner appropriate to the context <sup>34</sup>.

For realizing this connection to HRBA, WFP utilizes a *Country Capacity Strengthening* approach (WFP, 2016c). In Kenya, for example, capacity strengthening of the national state is the main mechanism WFP uses to integrate programs into the national social protection framework, and to engage with other actors to ensure that the portfolio of Kenya's safety nets in the arid and semi-arid lands meets the needs of food insecure and vulnerable households efficiently, effectively and promotes the progression of smallholder farmers up the economic value chain.

WFP began an important capacity strengthening work in the country in the 1980s, by providing technical assistance to the Kenyan government to design and establish a national school feeding program; along with a plan for transitioning schools from the WFP-supported programme to the Government's Home-Grown School Meals programme. Five years later, that hand-over had continued to progress well as the local WFP agents joined efforts with WFP Centre of Excellence in Brazil technical support. As WFP's implementation responsibilities continue to decrease, and the focus of the school meals team in WFP is increasingly focused on supporting and strengthening the Kenyan Government's program through WFP Centre's technical assistance: helping to develop strategies and guidelines, modeling new approaches, policy level engagement, legal frameworks, and joint monitoring and advocacy.

In *grosso modo*, capacity strengthening is about taking what WFP knows how to do and has been doing in Kenya already for many years, and helping governments to be able to do this too by catalyzing from other developing country best practices, gaps, challenges and opportunities. For doing that WFP local agents and the WFP Centre of Excellence identify needs, design and implement programs. WFP has successfully mobilized resources to support these workstreams based on our strong technical capacity. As WFP and the Kenyan Government begin to show results, we can anticipate expanding these workstreams and adding new ones. All of this within the overarching goal of supporting national government to design and implement nationally-owned safety nets, and promoting an integrated approach to social protection that addresses food and nutrition insecurity, especially thought school feeding.

Facilitating South-South and triangular cooperation (SSTC) is a way to expand WFP's engagement with developing countries to support progress towards SDG 2, achieving food security and improved nutrition. For WFP local agents, South-South cooperation can be an important source of support for nationally owned efforts and WFP's evolving role in developing countries, especially in strengthening country capacities thought food assistance.

This is relevant to WFP because developing countries are increasingly interconnected and have started to work with each other on food security and nutrition in "horizontal" partnerships. Many of the best experts and most innovative "solutions" to challenges in food security and nutrition come from developing countries nowadays – such as school feeding comes from Brazil. SSTC is a "partnership among equals" which usually involves a learning process or transfer of expertise to develop skills and capabilities. It aims at promoting solidarity, mutual benefit, learning and innovation among countries whose characteristics, challenges and areas of opportunity are similar <sup>35</sup>.

WFP SSTC initiatives can take on different forms <sup>36</sup>:

- Study tours and peer learning;
- Knowledge-sharing platforms;

---

<sup>34</sup> WFP, *World Food Assistance 2017*

<sup>35</sup> WFP, *Fast Facts: WFP's policy for South-South and Triangular Cooperation* (Rome: WFP, 2015), accessed July 11, 2018. <https://www.wfp.org/content/2016-fast-facts-wfps-policy-south-south-and-triangular-cooperation>.

<sup>36</sup> WFP, *Fast Facts: WFP's policy for South-South and Triangular Cooperation*

- Technical cooperation and capacity development;
- Mobilization and transfer of in-kind support;
- Partnership building;
- Policy advocacy;
- Research collaboration.

To facilitate the sharing of country experiences, knowledge, skills, information and innovative practices related to ending hunger and improving food security and nutrition WFP has partnered with emerging Global South countries, like Brazil and China to celebrate the WFP Centres of Excellence. The WFP Centre of Excellence against Hunger is a unique partnership between WFP and the Government of Brazil. It makes the Brazilian experience in addressing the Zero Hunger Challenge available to developing countries. Especially the National School Feeding Programme (PNAE). The Centre advocates and establishes appropriate and customized institutional mechanisms for sharing country specific knowledge and expertise.

More specifically, the WFP Centre the Centre recognizes the need for high-level political commitment, civil society engagement, intersectoral institutional coordination, and the existence of supportive legal frameworks <sup>37</sup>. The WFP Centre theory of change brings that for nationally-owned sustainable school feeding to be implemented and/or scaled-up and become efficiently managed and perennial, legal and institutional frameworks for school feeding should be established and aligned with national intersectoral strategies. Which is the case for Kenya we analyze in the next section <sup>38</sup>. For that to happen, we will analyze how the WFP Centre has promoted the same parameters existing in the PNAE experience into Kenya's school feeding and nutrition strategy and how it connects to a HRBA approach.

#### Kenya national school feeding programme case

The origins of school feeding in Kenya date back to the 1980s, when the Government of Kenya entered a partnership with WFP, to provide school meals with the aim to increase school enrolment-, retention- and completion rates. A few decades later, the introduction of Free Primary Education in January 2003 boosted school enrolment, so that by 2007, School Meals reached more than 1.2 million school children.

However, increased commodity and transportation cost led WFP to partially withdraw from the provision of school meals in the country, resulting in a reduction of beneficiary numbers to in 2009. To respond to WFPs retraction and yet prevailing food insecurity, the Government of Kenya, under the leadership of the Ministry of Education, Science and Technology, introduced the project for a **Home-Grown School Meals** (HGSM) program in 2009.

HGSM formed part of a broader strategy to strengthen government ownership and implementation control over school feeding in the country. The HGSM programme currently provides one hot mid-day meal to children in primary schools located in semi-arid and arid areas with low education achievements and high food insecurity, and unplanned settlements/slums of Nairobi.

In addition to the HGSM programme, the Ministry of Agriculture implemented the Eradicate Hunger in Kenya program, which was launched in 2005. As part of the 10-year action plan for poverty and hunger reduction in Kenya, the programme aims to contribute to the reduction of poverty, hunger and food insecurity among poor communities, support health and nutrition interventions that target the poor and the vulnerable, as well as strengthen and support private sector participation in food security and livelihood intervention. This program is comprised of three components: i) support to community-driven projects for food security improvement; ii) support of community nutrition

<sup>37</sup> Centre of Excellence Against Hunger: Impact Evaluation Report (2011-2016) [http://centrodeexcelencia.org.br/wp-content/uploads/2017/08/CP05\\_IER\\_Web.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2017/08/CP05_IER_Web.pdf)

<sup>38</sup> Centre of Excellence Against Hunger: Impact Evaluation Report (2011-2016) [http://centrodeexcelencia.org.br/wp-content/uploads/2017/08/CP05\\_IER\\_Web.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2017/08/CP05_IER_Web.pdf)

awareness and school feeding programs; and iii) support to, and up-scaling of private sector food security innovations.

In the context of the work on food security initiatives, Kenya requested a study visit to learn how Brazil designed its HGSF program in 2013. Later in 2013, the Centre of Excellence deployed a technical mission to Kenya to assist the government in improving a National School Nutrition and Meals Programme Strategy, along with the WFP local agents. A two-day workshop was fundamental to build the national school feeding strategy, which will be submitted for approval in national stakeholders.

The first idea was to connect the strategy to existing legal frameworks on right to food. To operationalize that, the legal background was suggested to focus on the same parameters for realizing the right to food Brazilian school feeding model had adapted since the Brazilian Zero Hunger Strategy in 2003. For that, the WFP Centre of Excellence focused on study tours and peer learning; knowledge-sharing platforms; technical cooperation and capacity development; and policy advocacy as its SSTC for capacity strengthening approach.

In 2013, the WFP Centre of Excellence supported the in Nairobi, Kenya, the UN System Network for Scaling Up Nutrition (SUN) workshop. This activity sought to establish procedures and goals to increase the cooperation between the many UN agencies in food and nutritional security. Parallely to this event, the WFP Centre supported the meeting of the Renewed Efforts against Hunger and Undernutrition (REACH), to present the activities of the Centre of Excellence. REACH is a partnership among UN agencies, non-governmental organizations, private companies, donors and the Government to give scale to effective interventions for child nutrition.

In 2016, the WFP Centre of Excellence hosted a study visit focused on nutrition for delegations from Kenya. The group, composed of representatives of the ministries of Health and Agriculture, civil society and WFP local agents, have taken part in field trips to understand how Brazil has implemented its multi-sectorial nutrition policies. The delegations visited two schools to see first-hand the Brazilian school feeding programme and talk to nutritionists, school staff and children. They also visited a smallholder farmers' settlement, a popular restaurant, a human milk bank, and a health care centre, to understand how the nutrition- related policies of Brazil are integrated to each other.

In that same year, the government of Kenya and the WFP organized a workshop to discuss and finalize the country's National School Meals and Nutrition Strategy. The final document was submitted to the Kenyan Ministry of Education and was approved and published in early 2018.

The Kenyan Ministry of Education highlighted the Brazilian initiatives in school feeding, social protection and Zero Hunger incentivized the Kenyan commitment to serve at least one meal for every student enrolled in pre-primary and primary schools<sup>39</sup>. According to the Brazilian experience diffused, translated, and transferred by the Centre of Excellence to Kenya, the African country seized for its strategy a national constitutional disposition that regulates and establishes a national response to the right to food, incentivizes the realization of a national school feeding program, among many others that constitute a complex and robust basis for the realization of the right to food.

Among the nineteen guidelines presented in the FAO Voluntary Guidelines that orient our analysis, we can find the following ones as existing in the Kenyan School Meals and Nutrition Strategy:

- 1. The adoption of national strategies that encompass a human-rights based approach to programs, policies and projects in FNS;**

---

<sup>39</sup> Centre of Excellence Against Hunger: 2016 Annual Report. [http://centrodeexcelencia.org.br/wp-content/uploads/2017/05/WFP-\\_-PUBLI-\\_-PIT-8931A-\\_-INGLES\\_V3.pdf](http://centrodeexcelencia.org.br/wp-content/uploads/2017/05/WFP-_-PUBLI-_-PIT-8931A-_-INGLES_V3.pdf)

The Government of Kenya is committed to improving the livelihood of its citizens, as demonstrated by the various policies and legislative steps that have been undertaken by ministries in recent years. This commitment is an extension of the Kenya Constitution in 2010, that expressly guarantees all Kenyans their social, cultural and economic rights, including the right to health, education, food and decent livelihoods.

The strategy further complements the provisions of the National School Health Policy and the associated National School Health Guidelines 2009 into a school meals framework with six strategic objectives. Above all, the strategy encourages inter-ministerial coordination, multi-sectoral planning, stable funding and monitoring and evaluation for home-grown school meals to all children in Kenya.

“The development of this strategy was characterized by extensive stakeholder consultation and analytical work by a multi-sectoral team. The process identified key areas of concern for school meals provision in Kenya, namely:

- hunger, malnutrition and unfolding negative impacts among school-age children;
- the need for sufficient and stable financial sources for school meals at all levels; the need for stable school meal governance and management structures;
- a transition to home-grown school meals models; adequate capacity-development support for food procurers and smallholder farmers to provide suitable and diverse production for school meals; participation of governments at all levels as well as communities and parents;
- and the need for adequate infrastructure and environmental safety in schools.

These concerns are addressed in this strategy. The strategy is a progressive document that will be subject to revisions and improvements as the need arises. The strategy articulates government objectives in school meals, health and nutrition and clarifies the roles and responsibilities of all partners involved<sup>40</sup>.

## **2. The inclusion, within domestic legal and policy frameworks, of provisions to assist in the realization of the right to food.**

“Universal access to free and compulsory basic education is a key tenet of the Kenyan Constitution (2010), which provides the mandate for school meals by stipulating in

Article 53 b and c: “(1) every child has the right to: [...] (b) Free and compulsory basic education; (c) Basic nutrition, shelter and healthcare.”

The first six Sustainable Development Goals clearly identify the leading cross-cutting issues of the global agenda as to 1) eradicate hunger and poverty, 2) end hunger and achieve food security, 3) promote healthy lives, 4) ensure inclusive and equitable quality education, 5) achieve gender equality and empower all women and girls and 6) ensure availability and sustainable management of water and sanitation for all. These goals guide countries to improve their population welfare and to promote long-term development<sup>41</sup>.

Because, those two elements have impacts on others that are equally related to the right to food and also listed in the guidelines, such as:

### **1. Sustainable and non-discriminatory market systems for food;**

“This strategy recommends the home-grown school meals approach as the most appropriate and sustainable in the Kenyan context. Evidence shows that home-grown

---

<sup>40</sup> Government of Kenya: National School Meals Strategy 2017-2022. P.8. <https://docs.wfp.org/api/documents/WFP-0000070917/download/>

<sup>41</sup> Ibid. P.13.

school meals bring about improvements in children's access to education and nutrition, whilst strengthening the food and nutritional security of children, households and communities. It also improves the access of smallholder farmers to stable markets, acting as a fruitful vector of local development<sup>42</sup>.

"Direct purchase from local smallholder farmers: Smallholder farmers, firstly from local and secondly from regional levels, will be prioritized for direct purchase of food, so stabilizing markets, strengthening the capacities of smallholders and communities, and improving their incomes and livelihoods<sup>43</sup>".

## **2. Improved organization and structure of government institutions, with determined roles and responsibilities within the FNS system;**

"Institutional capacity and coordination are achieved by ensuring that specific government institutions are responsible and suitably prepared to manage the National School Meals and Nutrition Programme, ranging from the national to local levels. It also implies the creation of adequate coordination mechanisms and clear roles of stakeholders towards the programme<sup>44</sup>".

"Design and implementation must tap into assessments of the underlying context as well as integrate with broader policies. This dimension provides guidance on procurement procedures, monitoring and evaluation, accountability and roles and responsibilities of different actors among the institutions involved<sup>45</sup>".

## **3. Improved nutrition and dietary diversity, particularly for vulnerable populations;**

"This strategy emphasizes dietary diversity and minimum standards for macronutrient and micronutrient provision through school meals integrated with specific micronutrient deficiency prevention strategies from the health sector whenever appropriate. Specific guidelines and complementary documents will provide minimum standards for food quality and safety and promote hygiene to minimize any risk to the health of children originating from school meals. To realize the objective of improved nutrition awareness, this strategy therefore promotes the link between school meals with health and nutrition education for school-age children to enable them make nutritious informed food choices throughout their lives<sup>46</sup>".

"Cultural sensitivity: The composition of school meals should adapt to locally and regionally available nutritious foods and ingredients in order to promote culturally sensitive, healthy dietary habits<sup>47</sup>".

## **4. The proper allocation of financial resources for FNS programs;**

"Currently, funds from the Government are disbursed directly to school accounts. The national budget for the National School Meals and Nutrition Programme ought to be ringfenced to ensure regular and sufficient funds to run the programme, protecting the fund from reallocation to other budget lines. The budgeting process should take into consideration increasing needs due to changes in enrolment and the cost of food items in subsequent years.

The county governments shall support all school meals offered in public early childhood development centres. For primary schools, complementary funding from counties should

---

<sup>42</sup> Ibid. P.13.

<sup>43</sup> Ibid. P.21.

<sup>44</sup> Ibid. P.25.

<sup>45</sup> Ibidem.

<sup>46</sup> Ibid. P.19.

<sup>47</sup> Ibid. P.21.

be established through an agreed agenda and responsibilities shared through pacts between the national and county governments. From the national government, disbursements will then be either transferred to counties or directly to schools, depending on the pact established with each county government<sup>48</sup>.”

#### **5. The composition of social and food safety nets;**

“Social protection recognizes school meals as a safety net for vulnerable school children and their households. The implementation of school meals in itself is often a safe and fruitful pathway to channel and scale-up specific emergency response measures to vulnerable households. Therefore, social protection can financially support and actively participate in the coordination of school meals nationwide. Support from other actors Other funding sources, such as development partners, faith-based organizations and the private sector, can supplement the national budget or budgets of vulnerable schools that do not have government support. This support should be in accordance with principles, guidelines and goals established within the National School Meals and Nutrition Strategy. In-kind support Schools may receive in-kind support—a traditional modality of support for school meals. This must also abide by the guidelines of the National School Meals and Nutrition Strategy. Likewise, nutrition, food safety and food quality standards as well as the design, implementation and monitoring of in-kind support to schools should follow the strategy’s guidelines<sup>49</sup>.”

#### **6. Proper monitoring and evaluation systems to ensure compliance with the guidelines presented in policy and legal frameworks.**

“Institutional capacity is recognized as a key element for successful and effective implementation and delivery of the National School Meals and Nutrition Programme”. Among the activities needd to be explicitly identified from the start of implementation of school meal and nutrition initiatives and must be undertaken on a regular basis:

“Preparation of guiding documentation, including detailed implementation standards and guidelines, formats for reporting, monitoring and evaluation systems as well as an accountability framework<sup>50</sup>”.

### Conclusion

To begin a conclusion process, based on the preceding demonstration, WFP Centre of Excellence in Brazil’s South-South cooperation tools for developing a school feeding and nutrition program strategy in Kenya, as a needs-based approach, can incorporate an implicit rights-based work. From what we have found, the WFP Centre’s work in Kenya has consisted of one essential a rationale of the three HRBA bottom-line notions:

“A focus on enabling support that allows individuals and groups to lead a life in dignity, free of poverty, with access to certain minimum standards of living, health, water, and education<sup>51</sup>”.

What is central here is an attempt to conceptualize WFP and WFP Centre of Excellence food assistance approach basic capabilities via human rights, including an effort to enable people to organize and to demand their rights. The core of a human rights approach to development thus relates to personal integrity, equal opportunity, and livelihood security. It is important to realize that such an approach will not solve all injustices and developmental problems. Human rights initiatives relate only indirectly to inter-state relations, and they are not adept in addressing issues of efficient resource

---

<sup>48</sup> Ibid. 30

<sup>49</sup> Ibidem.

<sup>50</sup> Ibid. P.39.

<sup>51</sup> Hans-Otto Sano. Op. Cit.

allocation and in reconciling different strategies and struggles for development. What human rights can achieve in development initiatives proposed by WFP Centre of Excellence relates to the creation of a space of protection and dignity around the human person from where development can move forward.

For our analysis of an implicit rights-based approach, we feature two possible ways in which human rights are deployed in socio-economic and needs-based approaches to development through WFP Centre of Excellence food assistance and South-South cooperation for school feeding:

1. As a set of instruments within countries policies and strategies that are backed by legal frameworks for fulfillment of human rights.
2. As a component to be integrated into programming cycles and implementation.