

SHOULD SOME NUTRITION GOALS BE TRANSFORMED INTO RIGHTS?

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ABSTRACT: The achievement of ambitious health goals depends on strategies through which their achievement could realistically be expected. Sometimes, pathways are known but not used. Treating goals as rights could strengthen the motivation to follow them. Rights-bearers and their representatives would know their rights. Duty-bearers would be clearly identified and held accountable for doing what they are supposed to do. Thus, important nutrition goals might be more likely to be achieved if the goals were treated as rights.

KEYWORDS: navigation, rights, acute malnutrition, wasting, stunting, pediatric growth.

PATHWAYS TO GOALS

A good strategy is one for which there is a clear goal, an adequate commitment of resources, and a clear management structure. It sets out a program of action that would be expected to result in achievement of the goal. The pathway toward the goal might not be obvious, especially if there is no history of achievement of the same sort of goal in various contexts. Whether the challenge is to build a bridge across a river or reduce the number of deaths due to a disease, there is a need to devise a strategy, a pathway toward the goal.

In unfamiliar territory, the pathway might be worked out in steps. Strategic goal-seeking requires continuous determination of where you are (monitoring) and having that information linked to a systematic action to adjust speed and trajectory as needed (correction). This is like what is done in steering a ship to a distant port. The ship might be pushed off course due to winds, tides, and equipment failures. No matter what might cause the disruption, accurate monitoring leads to steering action to correct the ship's trajectory and get it on a good pathway to the intended destination. There might be several different corrective actions to be considered. Given access to accurate monitoring data, the advice for pathfinding toward a goal such as reducing your weight or reducing the number of infections in a population is simple: *Do more of what works and less of what doesn't work, repeatedly, until the goal is reached* (Kent 2021).

Electronic devices now make it easy to find pathways to geographical destinations. Guidance like that is needed when pursuing social goals (Kent 2010a). Systematic rights-oriented steering can help.

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WELL-FUNCTIONING RIGHTS SYSTEMS

Knowing how to get to a destination, does not mean that this knowledge will be used. Those in power might know ways to solve problems such as climate change and poverty but choose not to take that action. Transforming weak aspirations into firm assertions of rights could strengthen the duty-bearers' incentives to go down that path. Well-functioning local rights systems can be an important component of the navigation process, adjusting the action choices when the trajectory goes wrong.

Rights imply entitlements, claims to specific goods or services. Rights are—or are supposed to be—*enforceable claims*. Well-functioning rights systems are based on three major components:

- A. *Rights holders* and their rights;
- B. *Duty bearers* and their obligations (duties) corresponding to the rights of the rights holders. Duty bearers are obligated to do what they can do to ensure fulfilment of the rights
- C. *Methods of accountability* designed to ensure that the duty bearers meet their obligations to the rights holders.

For this system to work, rights holders must know their rights and know how to use them. Duty bearers must know their duties, accept them, and carry them out. There must be some institutional arrangement, a method of accountability, through which rights holders whose claims are not satisfied can appeal to have the situation corrected. If accountability arrangements are absent or do not function properly, rights holders or their representatives must have access to higher level accountability systems such as courts.

Good accountability systems play an important role in ensuring that goals are achieved. They also empower rights holders and their representatives, giving them a way to be heard (Kent 2019).

There are many different rights systems -- in nations, prisons, schools, homeowners' associations, and other bodies. There can be rights systems with no direct government involvement. For example, a private school could set up a school lunch program with clear rights, duties, and accountability that do not involve any governance body beyond the school's owners and managers. Clubs can have their own rights systems, perhaps saying that members in different categories have various privileges and duties.

The global *human rights* system based on global human rights treaties is different. It rarely addresses the concerns of individual rights holders. Its primary function is to facilitate the development of national-level rights systems (OHCHR 2021).

Here are two illustrations of ways in which the ABCs of well-functioning rights systems can be applied locally, even without any linkage to government agencies.

Example: ending severe acute malnutrition

Severe acute malnutrition in settings such as child daycare centers can be reduced by changing the food that is provided, improving sanitation facilities, and other actions. Choices among possible actions can be guided by systematic monitoring of their impacts and correction of the pathway toward the goal. For example, this steering process could be based on the aspiration that children should get everything they need to prevent severe acute malnutrition (SAM) through daycare centers (Kent 2021).

The staff of day care centers might have little motivation to pursue this goal. The managers could ask them to pursue it, but attention to it could fade over time. To ensure that the motivation is maintained, the initiative could be embedded into the rights framework. The program could be driven by commitment to an unambiguous law or rule, such as: “every child has a right to whatever is needed to prevent SAM or remedy it if it occurs.”

The details could be worked out using the World Health Organization’s definition of SAM and its recommendations regarding the measurement of SAM (SAM 2021; WHO 2021a; WHO 2021b). A commitment of this sort is most likely to be made by some level of government, but it could be made by nongovernmental agencies that have the political and material resources needed to implement it. To illustrate, a wealthy foundation might support establishment of such programs to show how SAM could be ended in specific populations.

Making this a right and not just an aspiration could transform the incentives in the situation. A good accountability system would increase the likelihood that the pathway to the goal would be followed until the goal is reached. It would strengthen the managers’ and staff’s commitment to achievement of the goal.

The accountability system could include strong consequences for serious failures, and it could also arrange soft forms of accountability to prevent those failures. Praise could be given to staff members who do well. Private discussions could be conducted with those that do not. Managers could tell staff members, “Here are the current trends in child wasting in our place. Here is how our rate of reduction compares with that in other places. Let’s talk about what we could do to make things better.” This might provide all the accountability that is needed. The discussion would provide error-sensing feedback. This feedback could trigger corrective action when that is needed and affirmation when the system is on track and doing well.

Example: school meals

This approach can be applied to support goal-seeking in many different contexts, including, for example, school meals programs. Some might already have clear standards, but the commitment to those standards might not be firm. If higher authorities allow it, even a single school could set up a rights-based lunch program. Parents or others who represent them could call the managers to account if they fail to fulfill their duties (Kent 2010b).

The program’s design could be based on the ABCs of well-functioning rights systems.

First, what are the children supposed to get? How much fresh fruit should be provided each week? How many eggs? Which foods are acceptable, and which are not? Some standards could be described in ways that could be assessed with the help of professional dietitians or nutritionists. The standards could be refreshed periodically, based on estimates of the health impacts of various actions that might be taken to modify the menu.

Second, the designers would describe the obligations of duty bearers such as the managers, food suppliers, and others who work to fulfill the rights. Their duties could be described in detail in employment or purchasing contracts. The contracts would say who is supposed to do what to ensure fulfillment of the children's rights, and also say what the consequences might be in case of failure.

Third, an effective accountability system should be designed. It could be led by a committee that is asked to oversee (monitor) the performance of the school meals program. Members could talk with the children and staff members, and occasionally join the children at their meals. The members would be expected to call duty-bearers to account if they did not do what they were supposed to do (correction).

These institutionalized arrangements could allow schools to make choices on their own, in a framework established and overseen as required by relevant state and national government agencies. If they wished, the designers could draw ideas from global and national discussions about human rights, especially the right to food (FAO 2022). There would be room for local interpretation of the global guidance.

CONCLUSIONS

At every level of governance, it is important to have clear goals for improvement of the nutrition status of people in their jurisdiction. The work begins with finding or devising pathways to achievement of those goals. It is also important to muster the motivation to go down those pathways to achieve the goals. The commitment can be strengthened by understanding the goals as rights. Goals that begin as vague aspirations could be transformed by formulating them as detailed rights. Then accountability arrangements could nudge duty bearers along the pathway, helping them know what needs to be done and pressing them into doing it. Good accountability arrangements empower right-holders, providing a safe way to seek redress if their rights that are not fulfilled (Kent 2019).

The rights-oriented approach could be tested in various settings to determine whether it can accelerate achievement of specific health goals. Successes might inspire others to design comparable rights-based strategies, adapted to fit their circumstances

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