

THE CORPORATE CAPTURE OF FOOD AND NUTRITION GOVERNANCE: A THREAT TO HUMAN RIGHTS AND PEOPLES' SOVEREIGNTY

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Social movements, civil society organizations and some governments are increasingly becoming aware of the 'corporate capture' of the international and national food and nutrition policy spaces, particularly since the food price volatility crisis of 2007/08.² This crisis, in association with other crises (stock market, financial, energy, climate change) clearly demonstrated the inability of the present hegemonic international 'free' trade economic model to guarantee the conditions necessary for national governments to fulfill their territorial and extraterritorial human rights obligations, including the right to adequate food and nutrition (RtAFN).³ This even remained true for the richest countries in the world. Yet the establishment led by the United States (US), United Kingdom (UK), Canada and other like-minded governments, and supported by high-level United Nations (UN) officials, reacted by becoming increasingly aggressive in proposing more of the same policies that had led to the crisis.

In 2008 the UN Secretary General established a High-Level Task Force on the Global Food Security Crisis (HLTF) to tackle the crisis.⁴ The World Bank and the World Trade Organization (WTO), which were clearly part of the problem, were included in this Task Force. Initially excluded, the Office of the High Commissioner for Human Rights (OHCHR) could have helped elaborate a more coherent document than the Comprehensive Framework for Action (CFA).⁵ Two months later the G8 launched a parallel public-private partnership (PPP) initiative called Global Partnership for Agriculture and Food Security,⁶ with a strong participation by the corporate sector—despite that being part of the problem.

Prior to the above mentioned food crisis there were several attempts by members of the Organisation for Economic Co-operation and Development (OECD) to: 1) reduce the political mandate of the UN Food and Agriculture Organization (FAO) to just providing agricultural technical assistance; 2) dismantle the Committee on World Food Security (CFS); and 3) close the UN Standing Committee on Nutrition (SCN),⁷ the UN harmonizing body of global nutrition. The push to close the latter was particularly due to its resistance to creating a private sector constituency. The OECD members believed that only the liberalization of international trade would guarantee food and nutrition security (FNS), with no need for global governance.⁸ The food crisis derailed some of these initiatives and reaffirmed the need for these inter-governmental bodies, leading to more FNS policy spaces. The CFS, for instance, was reformed and its mandate strengthened.⁹ The FAO's reform highlighted the need to strengthen the links between agriculture, food and nutrition.¹⁰

However, the SCN's functioning as the UN harmonizing body of global nutrition programming was severely constrained from 2008 onwards under the chairpersonship of Ann Veneman. She was also Executive Director of UNICEF at the time.¹¹ In FIAN's view, this appointment was part of a broader strategy to replace the

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² For more information on the food crisis, please see the first edition of the *Right to Food and Nutrition Watch*, "The World Food Crisis and the Human Right to Food", from 2008. Available at: www.rtfn-watch.org/en/home/watch-2008/the-right-to-food-and-nutrition-watch-2008/.

³ Valente Schieck, Flavio Luiz and Ana María Suárez Franco. "Human Rights and the Struggle against Hunger: Laws, Institutions, and Instruments in the Fight to Realize the Right to Adequate Food." *Yale Human Rights & Development Law Journal* 13:2 (2010): 37–64.

⁴ For more information on the HLTF, please see: www.un-foodsecurity.org/structure. For a critical view, please see: FIAN International. *Time for a Human Right to Food Framework of Action*. Heidelberg: FIAN, 2008. Available at: www.fian.org/fileadmin/media/publications/Time-for-a-Human-Right-to-Food-Framework-of-Action-2008.pdf.

normative, transparent, and broadly representative institutions with those easily controlled by the private sector. Veneman was at the right place at the right time to move things in this direction. Prior to being selected by George W. Bush to lead UNICEF as its Executive Director, Veneman was one of the negotiators of the North American Free Trade Agreement (NAFTA).¹² She also worked for Calgene, the first company to register a genetically modified seed, and was secretary of the US Department of Agriculture (USDA) under George W. Bush. Veneman presently is a member of Nestlé's Board of Directors.¹³ She also had the full support of the World Bank and the World Food Programme (WFP)—both of which have their governance, as UNICEF, defined by the US—to severely curtail SCN's working methods.

From 2008 onwards the inclusive annual SCN sessions have been cancelled and the technical working groups have been dormant. In 2010 the Steering Committee, in which civil society representatives were active, was eradicated. Instead the only 'members' of the SCN are now high-level staff from four UN organizations who were to meet quarterly. However, such meetings ended after taking place only twice. In the meantime the Secretariat serves only the needs of the Scaling Up Nutrition (SUN) initiative, as discussed below.

In 2009 the corporate capture process gained impetus from the World Economic Forum's (WEF) decision to invest in the Global Redesign Initiative (GRI).¹⁴ This built on the Global Compact¹⁵ and the experience with PPPs since 1997.¹⁶ The 600-page GRI report, launched in 2010, clearly establishes guidelines for the corporate takeover of numerous policy areas at international and national levels. This takeover is justified by the alleged lack of capacity and competence of national states and the UN to govern and solve the existing challenges facing humankind. Nothing is mentioned in the report about the impact of structural adjustment, the totally unfair international trade conditions imposed by the US and the European Union (EU), and the active campaign by the US to reduce or avoid its core contributions to the UN.

Undoubtedly, the most advanced pilot experiment in implementing the GRI principles can be found in the area of food and nutrition with the establishment of the Global Food, Agriculture and Nutrition Redesign Initiative (GFANRI).¹⁷ According to the GRI report "the goal of the GFANRI is to guide the development of food and agriculture policy and supportive multi-stakeholder institutional arrangements that will address current and future food and nutrition requirements within the realm of environmentally sustainable development."¹⁸ The initiative appears to combine several initiatives including the Global Alliance for Improved Nutrition (GAIN),¹⁹ the African Green Revolution Association (AGRA),²⁰ the G7 New Alliance for Food Security and Nutrition for Africa, the aforementioned UN HLTF, and the SUN initiative.²¹ The latter is the most developed of these, having 123 businesses as members.²² It emerged from a World Bank idea,²³ which was based on several initiatives by the Bill & Melinda Gates Foundation, and intensely promoted by staff of the office of the UN Secretary General. SUN argues that donors will not support nutrition as long as different ideas are publicly debated, and suggests that only issues with global consensus should be focused on. This implies technical issues and not those concerned with political (non-neoliberal) content.

SUN occupied the vacuum created by the 'reforming' and subsequent curtailing of SCN activities. Curiously the international organizations and funds that withdrew support, such as the World Bank, UNICEF and WFP, were the ones that later launched SUN. Apparently, the approval of very strict rules governing SCN's engage-

- 5 FIAN International. "FIAN challenges Comprehensive Framework of Action (CFA) adopted by the High Level Task Force on Global Food Crisis." *FIAN*, September 23, 2008. Available at: www.fian.org/en/news/article/detail/fian_challenges_comprehensive_framework_of_action_cfa_adopted_by_the_high_level_task_force_on_glob/.
- 6 G8. *Efforts Towards Global Food Security: G8 Experts Group on Global Food Security*. L'Aquila, Italy: 2009. Available at: www.g8italia2009.it/static/G8_Allegato/G8_Report_Global_Food_Security2.pdf.
- 7 The UNSCN was created in 1977 as the Subcommittee on Nutrition, which was then accountable to the Administrative Committee on Coordination of the UN (ACC). As a result of the UN Reform of the ACC (renamed the United Nations System Chief Executives Board, CEB), the Subcommittee continued its functions as the United Nations System Standing Committee on Nutrition (UNSCN). It reported to the CEB. More information is available at: www.unscn.org/en/mandate/.
- 8 *Supra* note 2.
- 9 CFS. *Reform of the Committee on World Food Security: Final Version*. Rome: CFS, 2009. Available at: www.fao.org/fileadmin/templates/cfs/Docs0910/ReformDoc/CFS_2009_2_Rev_2_E_K7197.pdf.
- 10 The FAO reform process ran from 2005 to 2012. For more details, see: FAO. *Final Management Report on Immediate Plan of Action Implementation and the FAO Reform Process*. Rome: FAO, 2013. Available at: www.fao.org/docrep/meeting/027/mq067e.pdf.
- 11 For excellent critical pieces on the discrediting of the SCN, see: World Public Health Nutrition Association (WPHNA). *United Nations Standing Committee on Nutrition: No flowers please*. WPHNA, 2011. Available at: www.wphna.org/htdocs/2011_july_hp5_sun.htm; "Billanthropy. He's Got the Whole World in his Hands: The Gates Foundation and World Food and Health Governance." *World Nutrition* 6:6 (2015). Available at: wphna.org/worldnutrition/past-issues/.
- 12 The first of a series of bilateral free trade agreements which negatively impacted the capacity of national governments to promote and protect the food and nutritional security of those inhabiting their territories. See "Tortilla Wars—Cargill and the (Not So Free) Market." *The Mex Files*, April 15, 2007. Available at: mexfiles.net/2007/04/15/tortilla-wars-cargill-and-the-not-so-free-market/.
- 13 WPHNA. *Ann Veneman. USDA. UNICEF. SCN. Nestlé Public-private partnerships personified*. WPHNA, 2011. Available at: wphna.org/wp-content/uploads/2013/08/2011_March_Ann_Veneman_joins_Nestle.pdf.
- 14 WEF. *Everybody's Business: Strengthening International Cooperation in a More Interdependent World: Report of the Global Redesign Initiative*. Davos: WEF, 2010. Available at: www3.weforum.org/docs/WEF_GRI_EverybodysBusiness_Report_2010.pdf.

ment with the private sector in 2006 to prevent private sector corruption or takeover of the SCN was the last straw and the organizations withdrew support.²⁴ During the early 2000s these actors proposed to include private sector representatives in the SCN civil society constituency; this was rejected.²⁵ Their proposal to create a fourth constituency (private sector) was also rejected by the civil society and bilateral constituencies.

In 2007 the SCN Chair alleged that the 'nutrition community' was unable to reach consensus on the causes of malnutrition and resulting policies, and that the SCN was ineffective and needed to be reformed. The Chair proceeded to request—without a discussion with the full Steering Committee—an external evaluation of the SCN. The results of this evaluation, funded by the Gates Foundation, were briefly presented to the 2008 SCN annual plenary under protest.²⁶ These results were coincidentally in line with the recommendations of the renowned 2008 Nutrition Lancet series, also funded by Gates, which basically delinked malnutrition from its social, economic, political and cultural causes, including questions such as who produces the food, how, and for what reason.²⁷ Academics with public health or political economic perspectives were excluded from the evaluation. These developments helped the further 'medicalization' of nutrition, which presented donor agencies with simplistic, 'magic bullet' product-based solutions to malnutrition.

These 'medicalization' and product-based approaches were boosted at the 2008 SCN annual session by Doctors without Borders (MSF), demanding that the SCN stop 'blocking' the use of ready-to-use therapeutic foods (RUTFs) to treat acute malnutrition. The SCN Technical Working Group on Human Rights, Nutrition and Ethics, and other participants opined that the SCN should propose guidelines regulating the use and, particularly, the advertising and marketing of RUTFs. The plenary debate was heated and allegations were made by MSF representatives that the SCN civil society constituency did not want to save children's lives. Interestingly, under Veneman, UNICEF began wholesale use of RUTFs, in both the field and fundraising, and has become by far the largest purchaser.²⁸

No one, particularly conscientious social movement leaders or health professionals, would deny the enormous relevance of adequately handling acute malnutrition cases, as well as cases of moderate and mild malnutrition. The issue is how to do it in a way that provides the best treatment possible for the child, while simultaneously promoting the support needed by the family and the community to recover their capacity to adequately feed all their members. Excessive attention to food supplements (like in the case of food aid when food surpluses were 'dumped' on developing countries) has been shown to negatively impact on healthy eating practices and local small-scale producers.²⁹

The criticisms of the SCN civil society constituency to the multi-partner Global Action Plan for Scaling Up Nutrition (GAP),³⁰ proposed by the World Bank, went along the same lines. While SCN's constituencies had nothing against prioritizing the first 1,000 days of life of a baby, as proposed by GAP and later SUN, they simply questioned the lack of a human rights orientation of both initiatives, and their heavy emphasis on using products such as RUTF and food supplements. The companies providing these are usually based in Western Europe and Northern America.

The prioritization of the 1,000 days was originally described in SCN's 2020 Commission Report,³¹ and was clearly contextualized within a person's life cycle and with consideration to the social, economic, political and cultural determinants of malnutrition. In the 1,000 days initiative, as proposed by the World Bank,³² and later

- 15 The Global Compact (GC) was an initiative created in 1999 during the WEF to strengthen cooperation between the UN and business enterprises. It is not a binding instrument, relying instead on voluntary engagement of the business sector, and has been vehemently criticized by social movements and civil society organizations at local and international levels. The GC in no way holds transnational corporations (TNCs) accountable for their activities' impact on human rights worldwide. For a critical approach, see the activities of Corporate Europe Observatory (corporateeurope.org/) and CorpWatch (www.corpwatch.org/), two international NGOs involved in monitoring and denouncing TNCs' threats to human rights.
- 16 Richter, Judith. "Public-private Partnerships and Health for All: How can WHO Safeguard Public Interests?" *GASPP Policy Brief 5* (2004). Available at: www.ibfan.org/art/538-5.pdf.
- 17 The GRI also established the Global Agenda Councils on Food Security and on Nutrition that are mainly composed of members directly or indirectly connected to TNCs or international institutions like the World Bank or WTO. The Councils have, for instance, representatives of Bunge, Coca-Cola, Nestlé, PepsiCo, and Unilever as their members. This illustrates the corporate capture of the food and nutrition agenda setting and governance. *Supra* note 14, p. 374.
- 18 *Supra* note 14, p. 367.
- 19 International Baby Food Action Network (IBFAN). *GAIN, a Wolf in Sheep's Clothing, Will Try Once Again to Enter WHO's Policy Setting Process*. Geneva: IBFAN, 2014. Available at: ibfan.org/pr/Wolf-GAIN-PR.21.1.14.pdf.
- 20 African Centre for Biosafety. "The True Beneficiaries of AGRA's 'Soil Health Program.'" *Right to Food and Nutrition Watch* (2013): 20–21. Available at: www.ibfan.org/fileadmin/media/publications/Watch_2013_eng_WEB_final.pdf.
- 21 For further information on SUN, please see: www.unscn.org/en/sun-scaling-up/. See also the article "The 'Business of Malnutrition': The Perfect Public Relations Cover for Big Food" in this issue of the *Right to Food and Nutrition Watch*, and Schuftan, Claudio and Ted Greiner. "The Scaling Up Nutrition (SUN) Initiative." *Right to Food and Nutrition Watch* (2013): 22–23. Available at: www.rfn-watch.org/fileadmin/media/rfn-watch.org/ENGLISH/pdf/Watch_2013/Watch_2013_PDFs/Watch_2013_eng_WEB_final.pdf#page=22.
- 22 For detailed information on the business members of SUN, see: 2fe0ur3bix01clgx344dzbo3f.wpengine.netdna-cdn.com/wp-content/uploads/sites/2/2015/01/SBN-Company-Commitments1.pdf.
- 23 World Bank. *Repositioning Nutrition as Central to Development. A Strategy for Large Scale Action*. Washington: World Bank, 2006. Available at: www.unhcr.org/45f6c4432.pdf.
- 24 For more information on the SCN Private Sector engagement policy, please see: www.unscn.org/en/mandate/private_sector/.
- 25 Especially during the 31st Session that took place in New York in March, 2004. Available at: www.unscn.org/files/Annual_Sessions/31st_SCN_Session/31st_session_REPORT.pdf.
- 26 At the time, only a document of one and a half pages was submitted to members of the SCN, informing them about the implementation of an internal reform of the committee. The document stressed the necessity to "bring private sector representatives into all levels of the structure of new SCN." (Virtual document).

by SUN,³³ however, this perspective has been surgically removed, and it now only targets part of the problem. It does not address issues such as power relations, social exclusion, exploitation, poverty, discrimination, low pay, land grabbing, genetically modified organisms (GMOs), the agro-industrial model as a whole, child marriage, rape and other forms of violence against women, abusive marketing of food products, and child labor, all of which can cause all forms of malnutrition and hunger.³⁴

The destruction of SCN's original functioning,³⁵ and the establishment of SUN, did not change the fact that the social, economic, political and cultural causes of malnutrition remain unaddressed. It also fails to address the differences within the nutrition community regarding, *inter alia*, the definition of priorities and the planning of policies and programs to address malnutrition. In reality, this development has masked the differences existing between conceptual frameworks, world views, and policy proposals by suppressing debate and devaluing the views of a significant proportion of the nutrition community. It presents governments with an imaginary consensus on the way to solve malnutrition that emphasizes the role of the private sector and the need to include it in policy formulation. Effective and efficient policy options cannot be made, much less put in place, when an untested neoliberal approach is the only one allowed to be aired in public.

In response to criticism from the human rights community, SUN Business Network uses human rights language, like in the UN Global Compact. For example, Principle 1 stipulates that “businesses should support and respect the protection of internationally proclaimed human rights”; similarly, Principle 2 requires business to “make sure that they are not complicit in human rights abuses.”³⁶ In essence, however, the corporations are trying to capture the human rights agenda to make it serve their interests, i. e., ‘privatizing’ them. In this regard it is worth noting that the members of the SUN Business Network include large food and beverage corporations that have been accused of human rights abuses.³⁷

Historically, peoples’ struggle against abuses of power by the ‘sovereign’ led to the creation of human rights principles and standards for all and not just the elite. Examples include the signing of the *Magna Carta*, and the American and French Revolutions. They are part and parcel of the shift to peoples’ sovereignty that legitimizes the governing role of national states, and indirectly the UN, as an expression of peoples’ will. Peoples’ sovereignty is the source of states’ obligations to respect, protect and fulfill (promote, facilitate and provide) all human rights, and to recognize their indivisibility and interdependence. This clearly includes the obligation of states to prevent human rights abuses through regulation and to hold those responsible accountable at national and international level—be they petty criminals or large corporations.

The ongoing corporate capture of nutrition threatens the achievement of food sovereignty and the full emancipation of women. The corporate capture of nutrition brings with it industrialized food supplements, nutrient pills and powders, and other means of food fortification that do not serve public health goals. While GMO crops like Golden Rice claim to solve global malnutrition problems, they are actually a stunt to silence critics. Meanwhile, the efforts of the food sovereignty movement to treat food and nutrition as inseparable entities, and link food, health and nutrition with the health of the planet have no place in SUN or other corporate capture agendas. This takes us further away from the establishment of collectively managed, socially, economically and environmentally sustainable local and regional food systems based on agro-ecological principles that are capable of producing and offering a diversified,

27 For more information, please see: Schuftan, Claudio and Radha Holla. “Two Contemporary Challenges: Corporate Control over Food and Nutrition and the Absence of a Focus on the Social Determinants of Nutrition.” *Right to Food and Nutrition Watch* (2012): 24–30. Available at: www.rfn-watch.org/fileadmin/media/rfn-watch.org/ENGLISH/pdf/Watch_2012/Right_to_Food_and_Nutrition_Watch_2012_en_web_rz.pdf#page=24.

28 *Supra* note 13.

29 Kripke, Gawain. *Food Aid or Hidden Dumping? Separating Wheat from Chaff*. Oxford: Oxfam, 2005. Available at: www.oxfam.org/sites/www.oxfam.org/files/bp71_food_aid.pdf.

30 Susan Horton et al., *Scaling up Nutrition: What Will It Cost?* Washington: The World Bank, 2010.

31 Report available at: www.unscn.org/en/publications/2020_commission_report/.

32 *Supra* note 23.

33 For more information, see: www.thousanddays.org/partnerships/scaling-up-nutrition-info/.

34 Schieck Valente, Flavio Luiz, Ana Maria Suárez Franco and Rita Denisse Córdova Montes. “Closing Protection Gaps Through a More Comprehensive Conceptual Framework for the Human Right to Adequate Food and Nutrition.” In *Gender, Nutrition and the Human Right to Adequate Food: Towards an Inclusive Framework*, edited by Anne C. Bellows, Flavio Luiz Valente Schieck, Stefanie Lemke and Daniela Núñez. New York: Taylor & Francis/Routledge, forthcoming.

35 The SCN was reformed in the late 1990s. In its reformed format, which lasted until 2008, the SCN effectively had three constituencies: UN agencies, governmental representatives (bilateral donors and recipients) and civil society. The steering committee, the technical working groups and the plenary meetings in the annual sessions reflected this composition. In 2008, UNICEF announced that it would no longer support the SCN secretariat, and the annual sessions were cancelled and working groups deactivated. For information about the last broadly participative SCN annual session, in 2008, please see: www.unscn.org/files/Annual_Sessions/35th_SCN_Session/Report_35th_session.pdf.

36 The principles of the Global Compact are available at: www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html.

37 “Blood sugar: Made in Cambodia.” *The Phnom Penh Post*, April 2, 2014. Available at: www.phnompenhpost.com/analysis-and-op-ed/blood-sugar-made-cambodia. See also: Saage-Maaß, Miriam. *Holding Companies Accountable—Lessons from Transnational Human Rights Litigation*. Aachen/Berlin: ECCHR, MISEREOR, Brot für die Welt, 2014. Available at: www.ecchr.eu/en/documents/publications.html?file=tl_files/Dokumente/Publikationen/Booklet_HoldingCompaniesAccountable.pdf.

safe and healthy diet to all in line with their cultural and religious practices. This would help guarantee that all human beings can reach their full human potential.³⁸ This form of corporate capture, therefore, represents a 'life grab'.

Clear signs of this threat were observed during the preparatory and follow-up processes to the Second International Conference on Nutrition (ICN2), held in Rome in November 2014, including in its final document and in the governance of the food and nutrition policy spaces. Civil society clearly proposed that the CFS should be the overarching intergovernmental policy space to harmonize and coordinate food and nutrition policies. They also suggested that the WHO and FAO intergovernmental governing bodies should coordinate the normalization, regulatory and standard setting initiatives for food and nutrition. Civil society further stipulated that an SCN-like body should facilitate the global and national harmonization of food and nutrition policies, elaborate and implement the necessary programs, and report to the intergovernmental bodies of WHO, FAO, CFS and UN General Assembly (UNGA). These bodies must all act in accordance with the human rights framework, and follow strict procedures to prevent and confront conflicts of interest. However, in early 2015, different allies of SUN clearly attempted to increase the visibility and role of SUN in the CFS, and in the overall structure of the UN, including by trying to consolidate the Secretariat of the UN SUN network in the WFP. The Gates Foundation also made incursions in the CFS process.³⁹ At the time of writing, the outcome was still unclear.

The corporate capture of nutrition strengthens the instrumentalization of women's role as mothers and providers of food and nutrition to their families in the name of 'empowering' women.⁴⁰ In reality this pushes women further away from real emancipation. To prevent this, emphasis must be placed on the complete fulfillment of human rights throughout the life cycle of women on an equal footing with men and independent of their role as mothers. They must be guaranteed the right to make their own decisions, gender equality, study, work, receive equal pay, have access and control over land, choose their partners and jointly decide whether and when they want to become mothers.

For all these reasons, and taking into account the need to face this corporate capture of the food and nutrition policy space, and of the right to food, FIAN International, the social movements and civil society organizations that constitute the Global Network for the Right to Food and Nutrition (GNRtFN)⁴¹ have interpreted the right to adequate food and nutrition as embedding food sovereignty, the full realization of women's human rights, and the indivisibility of all human rights. This revised conceptual framework of the right to adequate food returns the ownership of human rights to the peoples. It is in full accordance with the Universal Declaration of Human Rights and includes all the present demands of the food sovereignty movement. It is also a useful analytical tool to bring together national, regional and global social struggles capable of creating another world based on gender equality, equity, justice, non-discrimination, human dignity, and participatory democracy to put an end to all forms of exploitation.

38 For more articles on food sovereignty, please see: Claeys, Priscilla. "From Food Sovereignty to Peasants' Rights: An Overview of Via Campesina's Struggle for New Human Rights." In *La Via Campesina's Open Book: Celebrating 20 Years of Struggle and Hope*. Jakarta: La Via Campesina, 2013; Fairbairn, Madeleine. "Framing Resistance: International Food Regimes and the Roots of Food Sovereignty." In *Food Sovereignty: Reconnecting Food, Nature & Community*, edited by Hannah Wittman, Annette Desmarais, and Nettie Wiebe, 15–32. Halifax: Fernwood Publishing, 2010; Windfuhr, Michael and Jennie Jonsén. *Food Sovereignty: Towards Democracy in Localized Food Systems*. Warwickshire: ITDG Publishing and FIAN, 2005.

39 In 2014, the Bill & Melinda Gates Foundation provided a grant of USD \$745,473 to the Secretariat of the CFS to support the discussion of Food and Nutrition Governance. For more information, see: www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database/Grants/2014/06/OPP1103948. The draft document *CFS and its role advancing Nutrition* (CFS, BurAG2015/02/02/03), presented in February 2015 to the CFS Bureau focuses, to a large extent, on how the CFS could strengthen SUN, a PPP supported by the same foundation. Available at: [www.csm4cfs.org/files/News/216/cfs_bur_ag_2015_03_02_03_cfs_and_its_role_advancing_nutrition_\(1\).pdf](http://www.csm4cfs.org/files/News/216/cfs_bur_ag_2015_03_02_03_cfs_and_its_role_advancing_nutrition_(1).pdf)

40 For a detailed description of the instrumentalization of women by traditional food security policies and the food sovereignty framework for the human right to adequate food and nutrition, please see: Anne C. Bellows *et al.*, *Gender, Nutrition and the Human Right to Adequate Food: Towards an Inclusive Framework*. New York: Taylor & Francis/Routledge, forthcoming. See also Córdova Montes, Denise and Flavio Luiz Schieck Valente. "Interdependent and Indivisible: The Right to Adequate Food and Nutrition and Women's Sexual and Reproductive Rights." *Right to Food and Nutrition Watch* (2014): 32–33. Available at: www.rftn-watch.org/fileadmin/media/rftn-watch.org/ENGLISH/pdf/Watch_2014/Watch_2014_PDFs/R_t_F_a_N_Watch_2014_eng.pdf#page=32.

41 See the *Global Network for the Right to Food and Nutrition Charter*. Geneva/Vienna: GNRtFN, 2013. Available at: www.fian.org/fileadmin/media/publications/GNRtFN_-_Formatted_Charter.pdf.

The peoples of the world must call on states to reject corporate capture and reaffirm peoples' sovereignty and human rights as a fundamental step to addressing all forms of inequity, oppression and discrimination, and to democratize national and global societies. Peoples must hold their governments, and through them the inter-governmental spaces, accountable for the implementation of their national and extraterritorial human rights obligations. Given this, we emphasize that states must:

1. Recognize peoples' sovereignty and food sovereignty as the source of the legitimacy of the mandate given to the state.
2. Recognize that ensuring human rights is part and parcel of the mandate given by the people to the state, and that they must hold themselves accountable for the implementation of their obligations to respect, protect and fulfill human rights, and recognize their indivisibility, interrelatedness and universality.
3. Recognize that the global and national governance of food and nutrition policy spaces must be under the exclusive responsibility of national states, and regulated by stringent conflict of interests procedures, in line with states' human rights obligations.
4. Recognize that human families, communities and peoples are diverse and complex entities, and that they must therefore, respect, protect and fulfill the human rights of each individual member, while respecting and promoting diversity.
5. Recognize that food and nutrition, and the realization of the right to adequate food and nutrition, are intimately intertwined with all human rights, human activities and policy areas, and that they must be dealt with by taking a holistic, multi-sectorial and participatory approach.
6. Recognize that private corporate entities are neither rights holders nor duty bearers. They must be considered in global and national processes as powerful third parties with strong private interests.
7. Regulate at national and international level all corporate sector initiatives that hamper or abuse the enjoyment of human rights, ensure the timely accountability and punishment of those responsible, guarantee redress for damages and prevent repetition.

INSIGHT 1

Why the Reformed Committee on World Food Security Could Be an Opportune Space in Which to Finally Consume the Marriage between Agriculture and Nutrition

Nora McKeon⁴²

The match between the artificially separated couple—agriculture and nutrition—has been in the making since the 1930s,⁴³ when the paradoxical co-existence of widespread malnutrition and global over-availability of food was brought to the attention of the League of Nations. However, World War II broke out before remedial measures could be taken and the issue was parked until the international community sat down to design post-war global institutional structures conceived to help keep the peace and ensure the welfare of the world's population.

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⁴³ For further information on the artificiality of this separation, please see articles "Gender and Food Sovereignty: Women as Active Subjects in the Provision of Food and Nutrition" and "The Corporate Capture of Food and Nutrition Governance: A Threat to Human Rights and Peoples' Sovereignty" in this issue of the *Right to Food and Nutrition Watch*.

In 1945 the Food and Agriculture Organization of the United Nations (FAO) was given a mandate that combined “raising levels of nutrition and standards of living” with “securing improvements in the efficiency of the production and distribution of all food and agricultural products”.⁴⁴ Although nutrition received top billing in the FAO’s constitution, in reality the agricultural part of the equation ruled the culture of the organization, whose reference point in member countries was the Ministry of Agriculture. The nutrition division of the FAO remained something of a poor sister for decades, thanks also to an approach to food security that viewed inadequate food supply as the problem and targeted producing more food through green revolution technologies as the solution. It was not until the FAO World Food Summit in 1996 that the pillars of food security were brought to four: availability, access, stability and—finally—utilization, thus incorporating the idea of food quality or nutrition.

Fragmentation of global responsibility for food security and nutrition has been a problem for decades. Brokering the marriage between separate organizations coming at the issues from different entry points was further complicated in the 1990s when the UN system began to recognize the need to open up governance by nation states alone to incorporate a whole host of other actors who were impacting on how global challenges were addressed, from civil society to the private sector.⁴⁵ This trend had profound implications for the FAO and World Health Organization (WHO), both of which are particularly subject to the attentions of multinational corporations: the Big Food agribusinesses⁴⁶ in the case of FAO and the Big Pharma corporations in the case of WHO.⁴⁷ Overt corporate participation in the FAO’s governing bodies took the form of granting observer status not to single enterprises but to business associations like the International Fertilizer Industry Association (IFA) and the International Agri-Food Network. While technically non-profit organizations, they represent the interests of their corporate members. Of course, corporate influence ‘in the corridors’ of the FAO has been far more pernicious and difficult to track.

At the same time, however, since the World Food Summits of 1996 and 2002 the FAO has been the preferred global terrain of rural social movements seeking an alternative policy space to the WTO and the World Bank. The civil society forums held in parallel to these Summits put rural producers’ organizations in the majority and in a decision-making role, unlike in other UN processes in which NGOs have dominated. The 2002 civil society forum adopted ‘food sovereignty’⁴⁸ as its platform and the rural movements established their own global network to take it forward in their interaction with FAO. Since 2003, the International Planning Committee for Food Sovereignty (IPC) has opened up significant space for representatives of organizations of peasants, artisanal fisherfolk, pastoralists, indigenous peoples, agricultural workers and other constituencies in FAO global policy forums. These representatives had rarely set foot in such forums before, and the IPC supported them to use the space effectively.⁴⁹

This networking and capacity building experience has put the food sovereignty movement in a good position to exploit the window of political opportunity that opened up with the food price crisis of 2007/2008,⁵⁰ and to play a major role in the reform of the UN Committee on World Food Security (CFS).⁵¹ The resulting outcome is the foremost inclusive global food policy forum, which deliberates on food issues from a human rights perspective, and in which civil society organizations are full participants rather than observers. The right of civil society to autonomy and self-organization was recognized, and the resulting Civil Society Mechanism (CSM)

44 The Constitution of the FAO is available at: www.fao.org/docrep/x5584e/x5584e0i.htm.

45 McKeon, Nora. *Food Security Governance: Empowering Communities, Regulating Corporations*. Oxford/New York: Routledge, 2015, p. 89–91.

46 For further information on Big Food agribusinesses, please see the article “The ‘Business of Malnutrition’: The Perfect Public Relations Cover for Big Food” in this issue of the *Right to Food and Nutrition Watch*.

47 These two universes have come closer together with the successive trend towards corporate conglomeration.

48 Food sovereignty was a term first coined by La Via Campesina during a parallel forum to the World Food Summit in 1996, highlighting peoples’ sovereignty to define their own food and agrarian policies in order to guarantee their food security.

49 For further information on the IPC, please see: www.foodsovereignty.org.

50 For further information on the 2007/2008 food crisis, please see “The World Food Crisis and the Right to Food.” *Right to Food and Nutrition Watch* (2008): 2–39. Available at: www.rtfn-watch.org/en/home/watch-2008/the-right-to-food-and-nutrition-watch-2008/.

51 For further information, please see: De Schutter, Olivier. “Governing World Food Security: A New Role for the Committee on World Food Security.” *Right to Food and Nutrition Watch* (2009): 13–17. Available at: www.rtfn-watch.org/fileadmin/media/rtfn-watch.org/ENGLISH/pdf/Watch_2009/WATCH_2009_English.pdf#page=13. See also: *supra* note 4, p. 105–111.

gives pride of place to the constituencies of those most affected by food insecurity.⁵² The private sector is present as well, but in a separate mechanism. Opinions are divided as to whether this presence is a negative factor on the grounds that corporations should have no place in a normative forum, and those who feel that it is better to have them there, obliged to state their positions transparently. Experience indicates that the civil society positions are inevitably more legitimate and convincing, although there is a tendency to seek a 'balance' between the different views expressed without recognizing power imbalances and conflicts of interest.

If civil society would like to see the CFS play a central role in nutrition governance in the follow-up to the Second International Conference on Nutrition (ICN2), it is because its dowry chest contains items that address some of the key challenges highlighted in the above article.⁵³ The food sovereignty movement is strongly represented in the CFS and defends with force the vision of "collectively managed, socially, economically and environmentally sustainable local and regional food systems based on agro-ecological principles."⁵⁴ Differences among conceptual frameworks and policy proposals are brought out into the open, and civil society has succeeded in changing the terms of the debate on some important points. It has been recognized that small-scale producers are responsible for 70% of the world's food, which reaches those who consume it through local food webs without going anywhere near a corporate supply system. Although the various actors are in the room in the CFS, which is often referred to as a "multi-stakeholder platform", it is in fact governments who take the decisions at the end of the debate and hence can be held accountable.

This does not mean that the wedding bells are already ringing. The conflicting institutional, corporate and geo-political interests described at the end of the above article are still very much at war. Corporations are likely to continue to oppose the marriage between agriculture and nutrition since the current business model of corporatized agriculture and the junk food industry thrives on their separation. It is therefore to be expected that the CFS will come under considerable pressure to retain the *status quo* rather than strengthening local food systems and promoting nutritional outcomes based on local agro-biodiversity and further incorporating the health and care dimensions of nutrition into the equation, with the necessary closer involvement of WHO and UNICEF in the process. An agreement has not yet been reached on a clear and powerful global governance role for the CFS. But nutrition will be at the top of the agenda of the coming CFS plenary session in October 2015, and it seems likely that a serious process of investigation and negotiation to define the way forward will be adopted. This is what civil society is fighting for!

52 For more information on the CSM, please see: www.csm4cfs.org.

53 Please see the article "The Corporate Capture of Food and Nutrition Governance: A Threat to Human Rights and Peoples' Sovereignty" in this issue of the *Right to Food and Nutrition Watch*.

54 *Ibid.*