

Public interest civil society organizations statement to the ICN 2 Open Ended Working Group

Geneva, 22 September 2014

This document has been prepared as a joint effort by the public interest civil society organizations that are actively engaging the ICN2 preparatory process. While the group is diverse and positions might differ on specific issues, this statement expresses the elements of common concern among this diverse group of organizations.

Governance, Agency and Fundamental Principles

1. **Decade of Action on Nutrition:** We welcome the proposal for a Decade of Action on Nutrition. It is our understanding that this would amplify the impact of the ICN2 outcome by promoting coherence across different policy domains, multiplying spaces for action and broadening the agency of the implementation platform. However, there is very limited articulation of what such proposed Decade would actually entail and how it would relate to other relevant negotiations, such as the post-2015 development agenda, the commitments of the United Nations Decade (2011-2020) on Biodiversity (Resolution 65/161), as well as the ongoing work of the Committee on World Food Security (CFS). Additionally, the FFA and the Decade of Action on Nutrition should include a clear timeline of key moments in which progress will be reviewed, while providing some flexibility for countries to select priorities and actions based on their specific needs and capabilities. Progress review might include publicly available periodic reports to the UNGA and CFS, hosting an ICN3 in 5 to 10 years, as well as conduct a 5-yearly review to track implementation, including progress towards the 2025 World Health Assembly global nutrition targets, the 2020 World Health Assembly NCD targets, and all relevant components of the post-2015 development agenda;
2. **Governance and Accountability Framework:** We appreciate the efforts by FAO and WHO to coordinate their work plans in the light of the ICN2 outcomes and welcome the UN General Assembly (UNGA) endorsement and oversight as proposed by the second draft of the FFA. However, we remain concerned that the governance and accountability mechanisms for the implementation of the ICN2 outcomes appear unclear, fragmented, disconnected and duplicative. It is therefore fundamental that Member States commit to develop a legitimate, coherent, accountable and participatory governance mechanism. In this context, the implementation of the FFA must be led by Member States and facilitated by FAO and WHO under the overall umbrella of the UNGA in order to ensure coherence, coordination and integration with the broader development agenda. Member States should request the CFS - reaffirming its role as the foremost inclusive government-led global platform on food security and nutrition with a specific mandate to establish coherence and coordination among all concerned actors - to address nutrition in all its discussions much more prominently than it did in its past proceedings and build the necessary capacity to perform this enhanced role. This might include, among others, the stronger direct engagement of WHO. At the same time, it is fundamental that the ICN2 outcomes be coherent with the CFS Global Strategic Framework and other relevant CFS policy documents. It is equally essential that Member States establish a clear accountability framework – one based on principles of human rights, transparency, and democracy - that includes mechanisms for citizens' participation and the direct engagement of the populations and communities which are most affected by different forms of malnutrition. The accountability framework should also address private sector partnerships and ensure that transnational corporations and other economic actors act in accordance to the public good and follow human rights-based frameworks and norms;
3. **Right-based Approach & Policy Coherence:** The respect for, protection and fulfillment of human rights (in particular, adequate food and nutrition, access to clean water and sanitation, health, sexual and reproductive, and women's rights), and the needs of populations and communities most affected by different forms of malnutrition must be at the core of policy-making related to the implementation of the FFA and the Decade of Action on Nutrition. In this respect, Member States should affirm their determination to ensure that national and international policies be coherent within and across sectors as well as in line with their human rights obligations. Member States, together with FAO and WHO, must

ensure that other intergovernmental organizations and multilateral regional institutions all act in accordance with and promote the realization of the right to adequate food and nutrition. Furthermore, Member States should ensure this same coherence in their participation to other international policy fora as well as in their regulation of and dealings with transnational powerful actors such as multinational corporations;

4. **Strengthening Governments' policy space on Health, Food and Nutrition:** We are deeply concerned that, under current trade and investment regimes, the governmental policy space for advancing public health, food and nutrition measures is severely limited. An informative example in this regard is offered by the investor-state-dispute-settlement (ISDS) mechanism incorporated in free trade agreements (FTAs), which allows private investors to bypass domestic legal systems and sue governments for potential losses in profit caused inter alia by enactment of public health regulation or to question in the WTO national food security and nutrition programs. Such mechanisms severely undermine States' sovereign rights and obligations to regulate in the public interest. We therefore urge Member States to protect their public policy space for food, nutrition and health by ensuring that trade and investment agreements do not take primacy over the implementation of the right to adequate food and nutrition and the right to health. Food and agriculture policies and investments must lead to improved nutrition for all citizens. Furthermore, we call on Member States to promote transparency and accountability of trade and investment negotiations to all citizens, particularly the people most affected. In order to do this, governments will have to secure the significant involvement of public health and nutrition advocates in these national or regional processes; ensure that all treaties include explicit clauses to respect and protect the human right to adequate food and nutrition and the right to health; encourage societal scrutiny over the implementation of such agreements and increase investments that directly and indirectly improve people's nutritional status;
5. **Conflict of Interest:** Governments' policy space must be protected, in all phases and at all levels, against possible conflicts of interest introduced by powerful economic actors, including transnational corporations. In this respect, Member States are urged to design and implement proper rules and regulation on conflict of interest and review accordingly (and potentially terminate) all Public-Private Partnerships (PPP) involving such actors. Furthermore, we call upon Member States to regulate those initiatives of the corporate sector that might negatively interfere with the enjoyment of the human right to adequate food and nutrition, women's rights and the right to health. Among others, these may include land and water grabbing; soil, food, water and human contamination with agrochemicals; the commodification of seeds; the marketing of breast milk substitutes; and the production and marketing of ultra-processed and junk food in particular though not exclusively towards children;
6. **The Key Agency of Public Interest Organizations:** The role of civil society organizations (CSOs) and social movements needs to be highlighted as a clear and strategic component of the ICN2 outcome implementation. The active participation of those representing and/or working with communities which are most affected by malnutrition must be guaranteed and enhanced in both the implementation process and the formulation of subsequent policies and legislations. In this respect, the implementation of the FFA should fully respect the CFS principles for effective participation by civil society with priority to small-scale food producers and workers, women's groups, cooperatives, trade unions and other most affected constituencies.

Priority Recommendations on the Political Declaration and Framework for Action (FFA)

1. **The imperative to end malnutrition in all its forms:** The FFA must address malnutrition in all its forms, including undernourishment, stunting, wasting, underweight and overweight and obesity. To that end, Member States should first and foremost dramatically accelerate progress to achieve the WHA global nutrition targets for 2025 that were unanimously agreed in 2012 as, currently, the world is off track to meet **all six** of the targets. It is also imperative to recognize that malnutrition is a leading cause of death in children under-5 and ensure that both documents address the profound social, economic and political determinants of this situation rather than purely propose treatment approaches that only address the symptoms of the problem. In this context, the FFA must urge countries to strengthen health and food

systems to enable the long-term expansion and affordability of community-based management of acute malnutrition (CMAM) into the essential package for the management of common childhood illnesses, where applicable using the Integrated Management of Childhood Illness (IMCI) strategy at facility level and Integrated Community Case Management (ICCM). It is also equally important to acknowledge the many barriers that still remain with regard to the protection, promotion and support of optimal breastfeeding. We therefore call on Member States to ensure the implementation of existing resolutions and guidelines and further strengthen the rights of working mothers by instituting justiciable maternity entitlements. Additionally, countries are facing complex overlays of connected malnutrition burdens: Member States need to recognize the reality of overweight and non-communicable diseases as severe problems by committing to accelerate progress on the 2020 Global NCD Action Plan and to policies that encourage the consumption of nutritious, micronutrient-rich foods, discourage the overconsumption of sugar and saturated fats, and promote physical activity;

2. **Human Rights as the central pillar**: The unambiguous affirmation of the human right to adequate food and nutrition, right to health, and women’s sexual and reproductive rights, among other rights, should be the rationale and central pillar of both the Political Declaration and FFA. Such articulation must include the profound interrelation, in real life, of nutrition with women’s and child’s rights and empowerment, and the recognition of adequate diet as the stepping stone of healthy lives across the lifecycle. In this respect, both documents must recognize and promote the unique opportunity for reshaping food systems to improve nutrition for greater health impact and least detrimental planetary consequences, with an understanding of food as being the expression of values, cultures, social relations and people’s self-determination. In this context, we would like to express strong concern for the lack of reference to “rights” in the FFA section on reproductive health and family planning, while these are not mentioned at all in the current draft of the Political Declaration;
3. **Sovereign Local Food and Agricultural Systems as the foundations of the Global System**: The ICN2 outcome documents should affirm a conception of the “global food system” as being built of local food and agricultural systems based on food sovereignty, small-scale food producers, agro-biodiversity, deep ecological foundations and sustainable use of natural resources, native seeds and traditional knowledge, and local markets and value chains. Furthermore, the FFA must provide/embrace a definition of agricultural productivity that fully incorporates the ecological, social, cultural and political dimensions of production, embodies the sustainable livelihoods of families and communities, is capable of providing for a healthy and diversified diet in line with culturally accepted eating patterns, and contributes to the reduction of the emission of greenhouse gases. The ICN2 outcome documents should underline the importance of Local Authorities, as they are primarily responsible for most of the food provision to vulnerable and excluded populations. This should also include the reform of current local food procurement practice for school canteens, homes for the elderly and hospitals as well as social groceries to include clauses that privilege the provision of fresh local produce by small-scale local producers;
4. **Centrality of small-scale and family food producers**: The centrality of small-scale and family food producers must be re-affirmed and enhanced in both documents. They are the key actors and drivers of local food systems and the main investors in agriculture, as internationally celebrated in 2014 as the International Year of Family Farming (IYFF). Their secure access to, and control over, productive assets such as land, water, seeds, technical and financial resources, and social protection, particularly for women, is essential for a diversified diet and adequate nutrition and must be convincingly spelled out and integrated in the FFA. In this context, we also stress the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for enhancing food security and access to adequate, safe and nutritious food and in providing for the livelihoods of the people who depend on these ecosystems. It is therefore essential to enhance the resilience of agriculture and fisheries to the adverse impacts of climate change, ocean acidification and natural disasters. This is of particularly vital importance for Small Islands Developing States;
5. **Agro-biodiversity, women’s empowerment and community capacity building as key drivers of dietary diversity and nutritional wellbeing**: We are deeply concerned with any approach that promotes food fortification as the main path to address nutritional unbalances and we reject purely technological fixes that do not recognize the social determinants of preventable malnutrition. Biodiversity loss - especially

loss of diversity within crops and some animal species - is in itself an important cause of malnutrition. In this respect, agro-biodiversity and the development of new plant varieties need to build on traditional methods and approaches that protect native seeds rather than engaging in forms of genetic modification that may present grave consequences for biodiversity and food sovereignty. Farmers must also be protected against the contamination risks that GM crops might cause to conventional varieties and the associated contamination with agrochemicals. The FFA should rather emphasize policy and research support to a vibrant, public, plant breeding and conservation agenda led by farmer-researchers. Furthermore, we urge Member States to address the underlying causes of malnutrition so that existing product-based approaches (e.g., vitamin A capsules, ready-to-use foods) can be phased-out in favor of human rights- and food-based, local, bottom-up, capacity-building approaches for the prevention of all forms of malnutrition at community level. At the core of this approach, we also call on Member States to unambiguously re-affirm the centrality of women's empowerment and gender equality;

6. **The full realization of women's human rights:** The full realization of women's human rights is central to the pursuit of the right to adequate food and nutrition for all. Despite all advances women have conquered in relation to past conditions, most women in the world today continue to remain submitted to several layers of structural discrimination and violence, at societal, community and household levels. Not only this has negative implications for the full enjoyment of their human potential, it also contributes to render women and their rights invisible in the food security policies, leads to programs that tend to overburden women even more with additional responsibilities, and promotes the intergenerational reproduction of malnutrition. Promoting and protecting women's rights, including the social recognition of unpaid work – through social and community support mechanisms – and gendered redistribution of household tasks must therefore be integral part of an effective strategy for the reduction of malnutrition in all its forms;
7. **The baseline of any agriculture and food policies should be the “do no harm” principle to human health:** Governments have a strong role to play in reshaping the food system by ensuring that food and agriculture policies and investment lead to improved health outcomes for all citizens. We therefore call on Member States to fully embrace the “do no harm” principle as the baseline of any agricultural and food policy and ensure that these policies *at a minimum* do not harm people's nutrition and rather aim at improving people's nutrition status;
8. **Urgent action required on quality health systems:** Swift and urgent action to strengthen health systems is needed in order to minimize and avoid the risk of death. In many developing countries, the majority of children who fall ill are never brought to health facilities. Strengthening and investing in health systems – from national to district and community levels – with the aim of achieving quality Universal Health Coverage (UHC) is essential and will help improve the identification and targeting of malnutrition in all its forms. A focus on identifying the most vulnerable groups is welcome and the FFA should stress that improved nutrition services are free at the point of delivery. In this context, we would like to highlight WHO's six building blocks for strong health systems¹, which are indispensable for adequate nutrition;
9. **Water and sanitation are critical:** Ensuring universal access to clean drinking water, basic sanitation and improved hygiene facilities and practices can promote healthy environments and reduce infectious diseases amongst infants and mothers. Repeated bouts of diarrhea, intestinal worms and fecal contamination – often contacted through open defecation – can impede nutrient absorption and diminish appetite, resulting in stunting and undernutrition. This issue must be specifically mentioned and solutions must be prioritized in the FFA in line with UNGA strategy to tackle inequalities in access to services, also reflecting the established principles of the human right to water and sanitation, as recognized in Resolution 64/292 of the UN General Assembly in July 2010;
10. **Counteract power imbalances and regulate the actions of powerful economic actors:** Both documents must explicitly recognize that the realization of the right to food and nutrition, and of the right to health, are hampered by economic, social and political inequalities as well as by existing power imbalances. They should therefore embrace the need to ensure proper regulation, transparency and accountability of

¹ The Six building blocks are the following: Service delivery; Health workforce; Information systems; Essential medicines and supplies; Financing; and, Governance.

powerful economic actors, such as transnational corporations. In this context, it must be recognized that the greatest distortions in the trading system lie in agriculture. We therefore call on Member States to address the negative consequences of the WTO's rules on agricultural subsidies and counteract the trend for current trade regimes to significantly reduce the policy space for public health, food security and nutrition measures. In this respect, we welcome the establishment of an open-ended intergovernmental working group on a legally binding instrument on transnational corporations and other business enterprises with respect to human rights.

Specific comments on the Political Declaration and Framework for Action (FFA)

1. **References to International Agreements:** The documents referred to in the FFA should be limited to those agreed upon by governments in multilateral policy spaces. Documents issued by PPP and related platforms should not be referred to unless fully discussed and approved in the respective intergovernmental multilateral fora. Additional documents proposed for inclusion are the following ones:
 - a. International Covenant on Economic, Social and Cultural Rights (1966); Convention on Rights of the Child (1990);
 - b. Fourth World Conference on Women/Beijing Declaration and Platform of Action (1995);
 - c. International Conference on Population and Development (1994);
 - d. International Code on the Marketing of Breast-milk Substitutes (1981) and subsequent relevant WHA resolutions;
 - e. Voluntary Guidelines on the Progressive Realization of the Right to Food;
 - f. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012);
 - g. World Health Assembly nutrition targets (2012);
 - h. World Health Assembly NCD targets (2013).

2. **Root causes of malnutrition:** The root causes and factors leading to malnutrition in all its forms are insufficiently presented. The following should be recognized as major causes:
 - a. Lack of respect, protection and guarantee of women's and girls' rights;
 - b. Unemployment and inequitable working conditions (including low salaries);
 - c. Lack of access to productive resources (among others due to land grabbing, seed patenting, expansion of agribusiness, soil degradation, production of biofuels);
 - d. Lack of support for local markets that benefit small-scale food producers and market distortions generated by unjust international trade rules and practices, such as dumping, and unbalanced/unfair international trade system, including bilateral treaties;
 - e. Lack of protection, promotion and support of early, exclusive breastfeeding up to 6 months and continued breastfeeding for 2 years or beyond with adequate complementary feeding afterwards;
 - f. Lack of focus on adolescent girls' nutrition and the impact it can have on breaking the intergenerational cycle of malnutrition;
 - g. Lack of access to adequate food (including healthier food products such as fruits, vegetables, whole grain, etc.), living conditions (water and sanitation, safe food, housing), and social services (education, quality health service, food safety);
 - h. Lack of effective social protection schemes;
 - i. Lack of multi-sectorial policies to promote increased physical activity;
 - j. Absence of or insufficiently established or enforced labelling and nutrient/health claim regulations;
 - k. Abusive food marketing to children;
 - l. Diet monotony and promotion of ultra-processed products and junk food (e.g., through fiscal and trade policies and deficient marketing regulations);
 - m. Abuses of power by powerful economic actors, in particular multinational corporations, and absence of clear frameworks to guide engagement with Big Food and Big Soda (compared to the FCTC for tobacco);

- n. Hegemony and promotion of non-sustainable food systems based on agro-industrial production methods, responsible for dietary monotony and high levels of availability/ consumption of ultra-processed products and junk food, as well as major contributors to climate change.
- o. Climate change.