

CSM Nutrition Working Group – Preparations for OEWG (Preliminary Version)

January 2016

This brief document aims to provide an initial conceptual framing to the CSM preparations for the CFS Open-Ended Working Group (OEWG) on Nutrition. While waiting for the final proposal of the Technical Task Team, the CSM Working Group agreed to define an initial set of driving principles and ideas that could lead the CSM engagement in the OEWG process.

Preamble

Understanding the challenge of malnutrition in all its forms requires a holistic and multidisciplinary analysis, one that combines the political and technical perspectives. Above all, it requires recognizing the need for urgency and justice, the appreciation for diversity and the values of human dignity, equity, sustainability and sovereignty. It is our common understanding that food is the expression of values, cultures, social relations and people's self-determination, and that the act of feeding oneself and others embodies our sovereignty, ownership and empowerment. When nourishing oneself and eating with one's family, friends, and community, we reaffirm our cultural identities, our ownership over our life course and our human dignity. Nutrition is foundational for personal development and essential for overall wellbeing.

1. Role of the CFS in the global architecture of nutrition governance

1.1 Policy coherence: The prime legitimate intergovernmental policy spaces that have a mandate on nutrition are the FAO Conference¹ (food angle of nutrition), the World Health Assembly (health angle of nutrition)² and the CFS (policy coherence, across different policy domains, with the UN charter and with human rights/the right to adequate food and nutrition), in addition to the UN General Assembly (which delegates to its subsidiary bodies and specialized spaces in-depth thematic discussions). In reality, only the WHA and CODEX, and to a lesser extent the FAO Conference, played regular roles in nutrition policy making in recent years, though many agencies and programmes often transcended their implementation functions and contributed to establishing policies through their operations, despite not having a normative mandate. While this state of affairs generated significant fragmentation, it also means that there is no other legitimate body other than the CFS (unless one calls in the General Assembly) that is responsible for policy coherence (with the UN charter and the human rights framework) on nutrition. It is therefore important to “debug” the on-going narrative that suggests that the CFS needs to “find a niche and avoid duplication”. The role of the CFS should be complementary to those of the WHA and FAO Conference and remains central when it comes to policy coherence, as no other institution has been assigned a similar mandate at global level;

¹ Reference is made to the FAO Conference and the World Health Assembly to distinguish between the normative functions of the Member States-driven Assemblies/Governing Bodies and the respective functions of the technical agencies (FAO and WHO), without underestimating the key roles that these agencies play in preparing and supporting the normative process.

² FAO and WHO jointly support the Codex Alimentarius, or food code, as “the global reference point for consumers, food producers and processors, national food control agencies and the international food trade”.

1.2 Global coordination: It is equally important to clearly differentiate the role of normative spaces, such as those mentioned above, and the institutions and organizations that implement programmes and actions on nutrition and their related coordination mechanisms. In this respect, policy coherence and normative vacuums are coupled with corresponding asynchronies between policy and implementation as well as lack of coordination between programmes and actions on nutrition. In this context, the coordination role of the CFS, supported by its convening power to bring Member States together with civil society and all its constituencies, UN agencies and other actors, could potentially provide a significant contribution, also in conjunction with the closer collaboration with the UN Standing Committee on Nutrition (UNSCN), which may be facilitated by the recent move from its previous WHO-base to its new FAO-base;

2. **Centrality of the RTF in the nature of the CFS policy space (coherence with human rights):** The CFS is firmly centred on the human rights framework, as also stated in the CFS Reform Document and recalled in the MYPOW 2016-2017. Both documents explicitly state that the “CFS strives for a world free from hunger where countries implement the voluntary guidelines for the progressive realization of the right to adequate food in the context of national food security”. While this definition does not yet properly incorporate a holistic understanding of nutrition (from the food to the health angle), it remains understood that policy coherence means coherence with the UN charter and the human rights framework and, more particularly, with the right to adequate food and nutrition and all its related instruments³. It also means that the CFS policy products⁴ are decided by Member States (as duty-bearers) in order to clearly respond to right-holders. In this respect, a challenging dimension is related to ensuring that the human rights framework have primacy over all other international and national legal frameworks, in order for the process to remain focused on responding to human rights rather than private “economic” rights (i.e. IPR, investor rights, etc.). This requires the unambiguous affirmation of a clear normative hierarchy between human rights and private economic rights;
3. **Essential need for robust safeguards against conflict of interest:** Given the multi-actor nature of the CFS process, robust safeguards against conflict of interest are required to ensure that engagement with third parties, in particular with private corporations and philanthropic foundations, does not interfere with the primary purpose of the CFS, which is the promotion of food security and nutrition in the context of the right to adequate food and nutrition. Such safeguards to protect the CFS from undue corporate influence are essential to guarantee that CFS decisions are centred on human rights and respond to the interests of right-holders rather

³ For instance, there is a whole set of normative instruments related to breastfeeding, such as the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the ILO 183 Maternity Protection Convention, the International Code of Marketing of Breast-milk Substitutes (including subsequent relevant WHA resolutions), with their respective monitoring bodies (Child Rights Committee CEDAW Sessions, etc.).

⁴ Notably, the Global Strategic Framework for Food Security and Nutrition (GSF), the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), the Framework for Action for Food Security and Nutrition in Protracted Crisis (CFS-FFA), among others, as well as all the various policy recommendations (anyhow annually included in the GSF).

than those of private corporations, in line with the CFS mandate and member States' human rights obligations. They should include: (1) Adequate protection of the integrity of decision making processes (i.e. by regulating access and participation to the process); (2) Financial integrity and independence of the CFS (i.e. by ensuring public unrestricted financing for the CFS - this being particularly relevant in the present conjuncture); and (3) Trustworthiness of the scientific/knowledge generation process (i.e. by ensuring the integrity and independence of HLPE Steering Committee and Project Team members). The need for such safeguards is explicitly affirmed by the ICN2 Framework for Action on Nutrition;

4. **Nutrition as central focus rather than being an appendix to other issues (coherence requires a holistic vision on nutrition)**: One of the main problems of global and national nutrition policy is fragmentation. Both the FAO Conference and the WHA (the two main global normative bodies) address nutrition from their respective angles, leaving significant policy vacuums that are often filled by implementation policies and programmes by technical agencies rather than Member States-centred policy decisions.

It must be recognised that such fragmentation is, to a large extent, also the result of a fragmented and reductionist conceptual framework of agriculture and food and nutrition sciences. Human beings do not feed on Iron, Calcium or Trans Fats, to mention just a few. They breastfeed or are bottle-fed, and they eat meals, that may be more or less diversified, healthy, safe, culturally and nutritionally adequate. The food may be sourced locally or from the other side of the world, from an agro-ecologically based diversified small scale agriculture, or from an input-intensive monoculture agriculture. Who has access to what and why? People eat a different ratio of food products from the 3 newly defined food groups⁵, certainly due to their eating habits or wishes, but being heavily influenced by purchasing power, relative price and marketing, with different implications for their nutrition and health⁶. Why do children go malnourished? Why do women go anaemic? How does all of this relate to access to land, water seeds? How does it relate to women's rights, child marriage, lack of access to education, reproductive health, etc.? How does it relate to wages and working conditions? How does it relate to health, level of immunity, sanitation, and housing conditions? Is it a coincidence that poorer families are the ones that present the highest prevalence of undernutrition and stunting, among other problems, or are these rather the results, to a large extent, of structural determinants? Which are the underlying drivers of the increasing incidence and prevalence of overweight, obesity and diet-related non-communicable diseases? What political economies underlie the emerging plague of obesity and its related diseases?

To address this fragmentation (rather than to contribute to it), the CFS should take a holistic view of nutrition, provide answers to these complex questions and offer guidance to governments and UN agencies, in line with the human rights based vision and mission decided by its Member States with the 2009 Reform. Nutritional wellbeing must be addressed as a

⁵ Three main groups are defined: unprocessed or minimally processed foods (group 1), processed culinary and food industry ingredients (group 2), and ultra-processed food products (group 3).

⁶ MONTEIRO, Carlos Augusto et al. A new classification of foods based on the extent and purpose of their processing. *Cad. Saúde Pública* [online]. 2010, vol.26, n.11 [cited 2016-01-05], pp. 2039-2049. Available from: http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0102-311X2010001100005&lng=en&nrm=iso ISSN 0102-311X. <http://dx.doi.org/10.1590/S0102-311X2010001100005>

central consideration of the CFS process, rather than by adding the “... and nutrition” notation to other policy concerns. Policy convergence – by definition – requires an interdisciplinary and inter-sectorial approach and should not be confined to one angle of the nutrition question. In this respect, it must be noted that no other UN normative space has such a holistic mandate on nutrition and no overlap or conflicting mandate therefore exists, as mentioned in item 1 above.

However, taking such a holistic approach on nutrition would require significant transitions:

- (a) It involves bridging and integrating the conceptual and normative framework of the right to adequate food and nutrition with the right to health and all other related rights, particularly women’s rights, child rights, peasants’ rights and workers’ rights;
- (b) It calls for a renewed emphasis on the critical importance of agrobiodiversity and requires an explicit and continued public policy focus in promoting diversified, balanced, sustainable and healthy diets, one that demands the convergence of the food, health and environmental policy dimensions of nutrition.

This holistic approach will obviously be challenging in the short-term, as CFS capacity needs to be strengthened over time and at all levels to perform such a mandate (Member States, Secretariat, HLPE, Advisory Group, etc.). A more focused action (i.e. the agreed HLPE Report on Food Systems and Nutrition) might be an appropriate starting point. This will also involve establishing mechanisms for the CFS to work closely with a renewed UN Standing Committee on Nutrition (SCN), given its mandate to seek harmonization and coordination between all UN agencies, funds and programs dealing with different facets and aspects of food and nutrition. Equally so, it will also involve closer coordination with WHO, and the 2012 WHA nutrition targets, also in conjunction with the recently adopted 2030 Sustainable Development Agenda⁷;

5. **Tackling the socio-political-economic determinants of malnutrition in all its forms**: The centrality of human rights and the need for a holistic view of nutrition demand that the key focus of CFS policy concerns should be that of addressing/removing the structural determinants of malnutrition in all its forms, rather than focusing on nutrition as a need to be delivered (obviously without ignoring or underestimating the urgency of nutrition and food emergencies). This is the reason why policy coherence with human rights is central, both at national and international level, as well as a strong gender approach and a key focus on women’s rights and non-discrimination. Policy decisions of the CFS should be geared towards the creation of an international environment that is conducive to the realization of all human rights for all people, including the right to adequate food and nutrition and the right to health, in line with the UN Charter and subsequent human rights instruments.

Policies should emphasize that States must respect the right of the people to breastfeed and produce their own food, within their national territory as well as in other territories/countries (i.e. with reference to land grabbing, dumping, environmental pollution, climate change, etc.). Furthermore, policies should reaffirm that States must protect the rights of people, in their territory as well as in other countries, against harm provoked by powerful actors, such as TNCs

⁷ The document does not elaborate on the nexus with the 2030 Sustainable Development Agenda, as this is the subject of another CFS workstream and corresponding CSM WG.

(i.e. low pay and indecent working conditions, eviction, contamination with agrochemicals, aggressive marketing of breastmilk substitutes, misleading publicity, marketing and labelling, production and dumping of ultra-processed foods high in sugar, salt and saturated fat, etc.), and that they must cooperate internationally in this regard. Finally, policies should reinforce States' duties to fulfil (facilitate, promote and provide) all indivisible human rights through specific policies and programs (agrarian reform, guarantee of women's rights, reduction of inequality, universal social protection, guarantee of water access rights, consumer protection, etc.), individually and through international cooperation;

6. **The full realization of women's human rights**: Widespread violations of women's and girls' rights, women's lack of control of economic resources, lack of focus on adolescent girls' nutrition and reproductive health are some of the most pervasive determinants of malnutrition in all its forms. Despite some advances, most women in the world today continue to be subject to several layers of structural discrimination and violence, at societal, community and household levels. Not only does this have negative implications for the full enjoyment of their human potential, but it also contributes to rendering women and their rights invisible in food security and nutrition policies, leads to programmes that tend to overburden women even more with additional responsibilities, and promotes the intergenerational reproduction of malnutrition. The full realization of women's human rights is therefore central to the pursuit of the right to adequate food and nutrition and the right to health. The provision of paid maternity benefits, the social recognition of unpaid work through social and community support mechanisms, the gendered redistribution of household tasks, the prevention of child, early and forced marriages, and the protection of women and girls against all forms of violence are all critical components of an effective strategy for tackling malnutrition in all its forms. Equally importantly, optimal breastfeeding must be promoted and protected, as the best alternative for mother to feed their babies, and for that women must have all legal, public, community and family support;

7. **From food-product approaches to food systems that support diversified, balanced, sustainable and healthy diets**: The ultimate consequence of this approach (nutrition policy coherence with RTF aimed at removing structural determinants of malnutrition) is the centrality of diversified, balanced, sustainable and healthy diets versus industrial food products and other product-based solutions⁸ that address specific deficiencies or forms of malnutrition. Such diets must be promoted and supported by sustainable, local and regional food systems, firmly centred on small-scale sustainable food producers, protected against unfair competition and aligned with agro-ecological and food sovereignty principles. This approach inextricably links healthy nutrition to agricultural biodiversity, which is a direct function of the genetic diversity maintained by small farmers, fishers, indigenous peoples and food producers, through their existing and diverse knowledge systems. These knowledge systems should be protected and supported by health, agricultural and other policies, rather than undermined by nutritional research and approaches that do not take them into account.

⁸ It remains understood that product-based solutions remain important in nutritional emergencies and disaster relief conditions.

Agroecology and food sovereignty therefore offers an alternative vision of food systems that provides for a concrete and viable path to diversified, balanced, sustainable and healthy diets.