

CSM comments on the Zero Draft of the HLPE Report on ‘Multistakeholder Partnerships to Finance and Improve Food Security and Nutrition in the Framework of the 2030 Agenda’

This document conveys the comments of the Civil Society Mechanism (CSM) Working Group on Global Food Governance. Despite the language restriction (the English-only text significantly limits the capacity of non-English speaking constituencies to participate in this important step), it conveys the collective comments of a broad array of civil society constituencies that actively participate in the CSM/CFS process.

These comments are divided into two sections. The first sets out basic principles which we would like to see reflected in the report. The second provides more specific considerations on the content of the report as presently drafted.

Overarching Principles

The CFS is not a Multistakeholder Partnership

It is absolutely essential to correct the misapprehension whereby the CFS is classified as one of a multitude of ‘multistakeholder partnerships’. The CFS is rightly defined in the reform document as an ‘international and intergovernmental platform’. The distinguishing characteristics here are: (1) the CFS is a UN Committee; (2) membership in the CFS is open to all UN member countries – not just a selected or self-selected sub-set as in MSPs like SUN; and, (3) CFS decision-making rests unequivocally with member governments. Following the argument portrayed in the report, even the UN General Assembly and its Economic and Social Council, given the mechanisms of participation by the so-called Major Groups and other Stakeholders (MgoS), would become a MSP! It is therefore essential to clarify that legitimate intergovernmental bodies with universal membership are not classified under any formulation as MSPs, no matter what mechanisms of structured participation with other actors they might include. Unless clarity is maintained on this point the report will lack the needed legitimacy in the CFS process.

MSPs should be assessed in function of the CFS vision and mission

The HLPE Report should be set squarely in the context of the vision and mission of the CFS. This means that it should:

- Assess MSPs from the viewpoint of their potential to promote attainment of the human right to adequate food and nutrition (RtAFN) and enhance FSN particularly for vulnerable sectors of the population. The assessment should therefore be conducted from the perspective of human rights based principles (e.g. PANTHER), to which any other objectives or indicators should be subsumed;
- Consider that ‘rights-holders’ is a significantly different designation than ‘stakeholders’ from a governance perspective. The notion that ‘stakeholders’ may recomprise ‘rights-holders’ along with other categories is profoundly problematic. In fact, it subsumes ‘rights’ as a sub-category of ‘stakes’, rather than recognizing them as the foundational basis of human existence as well as the of the concept of the State within modern constitutionalism. The distinction between “rights-holders” and “duty bearers”, as defined in international human rights law, is fundamental and cannot be ignored. One significant risk of the term ‘multistakeholder’ is that it places all actors on an equal footing and suggests they have equal legitimacy to participate in decision-making and/or assume certain roles and functions. In the CFS context it is essential, instead, to distinguish and prioritize those actors who are directly affected by hunger and malnutrition and whose human rights must be respected and guaranteed by the State.

The concept of multistakeholderism should be subjected to a critical examination

The Report should undertake a critical assessment of the current trend to assume that ‘MSPs’ are the best or only means to encourage collaboration among different actors to attain development goals. The Report should refrain from assuming that multistakeholderism is unavoidable and limiting its scope to exploring how best to implement partnerships of this nature while not addressing or circumscribing their limitations. In this respect, the Report’s methodological approach to broaden the definition of MSP to include almost any form of interaction between different actors should be completely reversed in favour of a much more limiting definition of MSP. This would allow greater comparison potential between an MSP-based approach and a non-MSP-based one, which is at the core of the HLPE mandate with this Report.

The vocation of the HLPE is to critically assess concepts that are often taken for granted and to document different perspectives and options. The Report should emphasize the need to contextually explore the various actors referred to when talking about “stakeholders” - the interests they represent; their roles in society and their legitimacy with regard to various functions and roles; the power they wield (economic, political) and the power asymmetries among them. The discussion of MSPs involving the private sector should unpack this category and clarify differences of interest and power between small-scale family farmers and multinational agribusinesses. At the same time, the Report should also acknowledge the often increasingly problematic relations governmental institutions have with autonomous organised social movements and marginalized populations. As a part of the power analysis, the Report should therefore also address the concerning trends of criminalisation of human rights defenders and the shrinking space for independent civil society voices.

The Report should therefore consider the option of rejecting the concept of multistakeholderism and replacing it with that of ‘multi-actor’ in order to underline the different natures of different actors and the need to take these into account in constituting multi-actor platforms and partnerships.

The concept of ‘financing’ should be critically examined

One of the assumptions that underlies the acritical idea that MSPs are ‘a good thing’ is the enunciation that much more funding/investment is required in order to attain SDG2 and the other related goals. This eludes the basic questions of ‘financing by whom? for whom? for what? under what conditions? for whose benefit?’ These questions have been raised in the CFS in the past, notably in the 2013 HLPE report on investing in smallholder agriculture and the ensuing policy recommendations. It has been clearly stated that small-scale producers are themselves responsible for the primary and largest investment in agriculture and the production of most of the food consumed in the world. The recommendations concluded that priority attention should be given to supporting their efforts, and that the packages of policies and investments required to do so are very different from those designed to support large-scale, export-oriented agribusiness. If small-scale producers are the primary investors in agriculture, policy that protect and strengthen them have profound ‘financing implications’. The CFS’s subsequent work on ‘Connecting Smallholders to Markets’ (2016) has extended this reflection to conclude that territorially embedded markets are more beneficial for small-scale producers – particularly women – than the kind of formal value chains that are normally promoted by external financing/investment. The Report should build on this work in order to maintain coherence among CFS outcomes and progressively demonstrate the value added of the CFS.

Beyond the CFS, the extensive references to Financing for Development (FfD) and AAAAA tend to misrepresent the primary focus of that process, which emerged at the insistence of developing countries as an attempt to strengthen the role of the United Nations in global economic governance and establish a policy space where they address the systemic development implications of monetary, financial and economic frameworks. Despite its name, the key focus of the FfD process is not really about ‘financing’ but rather about policies to change

financing dynamics. For instance, the primary issue of domestic resource mobilization is related to illicit financial flows. Once again, policies rather than a narrow definition of financing. We would expect the HLPE to have a more sophisticated analysis than what portrayed in the Zero Draft.

The primacy and legitimacy of public policies must be defended

One of the most questionable aspects of the trend towards multistakeholderism is the way in which it opens the door to powerful corporate actors who pursue their economic profits in public policy spaces which ought to be promoting public interests and defending the human rights of the vulnerable, a trend which inevitably provokes conflict of interest. It could very well be argued that corporate investors have no place in public policy spaces in which visions for the future of society are being discussed and regulatory frameworks for achieving the visions are being negotiated. If at all, partnerships with these interests could be envisaged in the context of operational programmes on condition that robust policy frameworks are in place and that the State plays its role of guaranteeing the weaker parties in contractual negotiations.

The report should clearly distinguish between multi-actor policy processes and operational partnerships, clarifying the requirements, in the two cases, for maintaining the legitimacy of the public sphere and fulfilling the State's human rights obligations. In this connection, the factor of power asymmetries and the threats they introduce must not only be acknowledged but also addressed. In this context, the introduction of PPPs in the context of MSPs is highly questionable and the Zero Draft often blurs the lines between PPPs as long-term contractual arrangements and the broader notion of public-private partnership. Even more questionable, is the light and superficial approach with which PPPs are introduced in the discourse when they are one of the most contested issues within the public policy discourse, today.

In this context, the Report should provide a much more robust articulation of all issue pertaining to the domain of conflicts of interest and institutional corruption. In this respect, the Report needs to articulate conflicts of interest at various levels, starting from the power of capital/money in re-shaping notions of public interest in a profoundly biased manner. Conflicts of interest materialize at many levels, from the biased analysis of development challenges to the articulation of false solutions; but they can also relate to the trustworthiness of the claimed evidence that supports policy making and the financial integrity of public policy spaces.

Specific Comments on the Zero Draft

The CSM appreciates the difficulties the HLPE team has encountered in preparing this Zero Draft. HLPE Reports are normally based on collection and analysis of existing and often contradictory research and evidence and are aimed at highlighting key issues that need to be addressed in a policy convergence process. In the case of this topic, existing research on MSPs for FSN is very scarce, as the report notes, and the potential policy convergence objective is unclear. We renew our confidence in the HLPE and our appreciation of the quality of its work, recalling that the CSM did not feel that this was an appropriate topic for an HLPE process. This said, we note that the Zero Draft does not adequately address the points raised in the previous section on 'Overarching Principles'. Examples will be given in following comments.

Introduction

Para. 3 contains the first of several references to the CFS as a MSP. This is not the case, as explained in the previous section, and should be corrected. Once again, the attempt to suggest a requalification of the 'P' of MSP as 'participation' is to be rejected. The proposal to bridge between 'partnerships' and 'platforms' by including both categories under the umbrella of 'participation' is totally inadequate as it would merge together organizations that have profoundly different roles from a democratic governance perspective.

1. Context and definitions for multistakeholder partnerships

This section should set the frame for the study in a clear way, but fails to do so. It considers some of the ‘wicked’ aspects of determining a meaningful field of study (different interests of different actors, power asymmetries, etc.) but does not adequately draw the consequences. It mentions the implications of setting the discussion in a human rights framework privileging rights-holders and duty-bearers, but does not do so in the end. The MSP debate blurs the context of the Right to Adequate Food and Nutrition. The Zero Draft does not provide an analysis of the implications of applying a market-driven policy orientation in the context of food security nor does it acknowledge the failure of this orientation – which has dominated global policy for two decades - to ensure nutritious, safe and culturally acceptable food. The analysis and the remedies proposed avoids the basic issue of the extent which MSPs are addressing or exacerbating the structural causes of FN insecurity.

The definition of MSPs adopted for the purposes of the study (p. 15) is flawed. It internalizes a major contradiction by coupling ‘collective and/or public interest’ into a single category while specifying that ‘collective’ is understood as a ‘common’ interest shared only by those stakeholders that are involved in a particular MSP. Instead, it is precisely the tension between the two sets of interests – i.e. the collective, intended as internal to the MSP, and the public ones - that constitutes a major problem of MSPs.

The discussion of the ‘emergence of a new approach to governance’ is incomplete and not instructive. It misses out on the decades-long efforts within the UN system to open-up intergovernmental process to other actors well before the term ‘MSP’ appeared on the scene. It does not even mention the highly problematic efforts led by the World Economic Forum to ‘redesign’ governance by attributing the solution of difficult issues to unaccountable multistakeholder partnerships in which governments would be only one ‘and not necessarily the most important’ component.

Further confusion has been created by failing to set a clear demarcation on partnerships that cannot or should not be defined as a MSP. The reference to PRA (box 2) is symptomatic in this respect, or table 1 (p25), which includes networks that have nothing to do with MSP.

The discussion on value-addition of MSPs is symptomatic and another major inadequacy of the Zero Draft, i.e. that of acknowledging critical issues (see pg. 18, lines 30-34) but then failing to address them. The Zero Draft acknowledges the lack of evidence on which to base an assessment of the utility of MSPs (p. 19 lines 12-18) but persists in seeking to do so. Rather than seeking to generate questionnaires on MSPs specifically for the purposes of the study, it could be useful to consult the existing ample civil society literature on a range of MSPs, including the New Alliance for Food Security and Nutrition, SUN, GAIN, GROW AFRICA and others. This literature does not purport to be neutral but it is often well researched and documented.

The 7 step-approach for MSP analysis (pg. 20) is an interesting proposal although it should be completed with other elements such as internal and external accountability. An approach of this kind should have been adopted throughout the rest of the report but this has not been done. The result is a confused as well as confusing attempt at categorization and analysis in the successive sections. The tables on pp. 25-27 are not useful in terms of categorizing MSPs in ways that make it possible to address the key issues. The analysis should not attempt to deal with all cases in which more than one stakeholder group are involved in whatever combination. It should rather address situations where right holders and duty bearers are opening up to other actors, exploring the consequences on rights-based governance as well as conditions that are required to ensure that MSPs work for the public interest.

2. Clustering multistakeholder partnerships

Most of the examples of the different MSP clusters that are cited in the report are global market/trade and value-chain oriented and weighted in favour of large (corporate) private sector. Prominent groups that have

been identified as part of MSP include: (a) governments, (b) private/corporate sector, (c) private foundations, (d) financial institutions, (e) knowledge based institutions, and (d) NGOs (Table 2, pp. 26-27). Mention of communities as participants, and especially as leaders, in the MSP are rare. The only example of grassroots community involvement cited is the women's group Kudumbashree in Kerala (p. 34). The MSPs including governments that are featured in the report are largely donor-driven. Consequently, the two prongs of MSP – action oriented or policy oriented (p 22) - are dominantly advocating for policies and programs based on a neoliberal paradigm fuelled by private sector priorities. In contrast, a previous HLPE report (Investing in Smallholder Agriculture – 2013) characterizes PPPs which are beneficial for smallholders and FSN as involving governments, small-scale producers and their organizations and other domestic SMEs that are embedded in territorial economies.

The 'knowledge generation and sharing' cluster appears biased towards agricultural technologies/systems stemming from, or compatible with, industrial (corporate) agriculture, intensification, etc. Local communities are presented as development 'beneficiaries' rather than primary development agents as well as people with valuable knowledge, abilities, skills, etc. This is particularly problematic given the many cases in which people's knowledge is captured or co-opted by other interests. The major driving partners of this cluster of MSPs are donor governments and private foundations. In the context of Pakistan, for example, these 'MSPs' are mostly a combination of private and public universities and their research agenda is influenced by donor funds. There is huge funding from donors (such as USAID, AusAID) who create collaboration between state agricultural departments and government universities where PPP models are imposed and commercialization of technology, protection of IPRs and use and dissemination of agro-chemical technologies are promoted, even enforced. The report cites delivery action such as 'use of new or improved seeds' through participatory trials or new technology. This cannot be considered a value-free agenda. TRIPs and GE seeds have been highly contested by farming communities all over the world.

The 'food policy and advocacy cluster' is the most problematic, since it is at the heart of the key function of the public sector of developing and enforcing public policies in defense of public interests determined in consultation with the rights-holders of their respective countries as well as ensuring high standards of due diligence and complaint/redress mechanisms in case of violations. The very fact of coupling 'policy' and 'advocacy' into a single cluster is analytically and politically mistaken. The discussion of this cluster is disturbingly superficial and unproblematic, even though the lack of legitimacy of MSPs like SUN in terms of conflict of interest is acknowledged. None of the MSP sustainability standards referred to in the report have human rights as the centre.

The 'action-oriented cluster' is largely anecdotal and not analytical. All of the sub-clusters are heavily dominated by private sector objectives. Even the discussion of food delivery (p. 34), which cites women groups and peoples' participation, gives no details on important aspects such as how the food is being produced (agro-chemical production system versus agroecology) or who owns the land. The example of Balochistan, Pakistan (p. 35) is indicative since this project is very USAID tilted, promoting use of US technology, and targets middle-income and rich farmers. This example also illustrates how stretching the use of the term 'MSPs' to cover 'classic' initiatives such as development projects becomes meaningless. As mentioned among the overarching principles, including 'PPPs' as a sub-cluster is indicative of the faulty analytic grounding of the report, since PPPs are (questionable) instruments used in the context of other sub-clusters such as agribusiness development, not a separate cluster on their own. As hinted before, this section offers only a shallow analysis of risk distribution and how PPPs influence the direction of policy thinking. The example of the New Alliance for Food Security and Nutrition (from which key G8 governments are currently withdrawing) is emblematic in this regard.

The 'finance and resource mobilization' clusters uncritically cites the purported objective of finance for development MSPs – that of mobilizing resources for 'vulnerable populations that are otherwise excluded from finance' - without any mention of the growing body of criticism of 'innovative' mechanisms such as blended finance (cf. CONCORD 2016) or the serious discussion of what kinds of mechanisms are required to

reach small-scale producers that is taking place, for example, in the context of civil society advocacy for the 'Missing Middle Initiative' of the GAFSP.

3. Multistakeholder partnerships: potentials and limitations

The potential of MSPs to contribute to attaining the Right to Adequate Food and Nutrition and FSN is not assessed, nor a clear assessment framework is methodologically defined. MSPs are depicted as arrangements that might help to build consensus, reduce tensions in decision-making, mobilize resources, but how much they really contribute to FSN it is not clear. MSPs are mentioned as a useful tool to mobilize resources, but the Zero Draft lacks a critical analysis of how – and by whom - the final decision on the use of these resources are made, and which arrangements are necessary to make these decisions equitable and consistent with public interests rather than being determined by private ones. There is a mention of the influence of the big and powerful interests in the agenda setting and in budget allocations, but this is reduced to a risk to be mitigated, rather than as something that disqualifies the MSPs as useful tools for FSN. Furthermore, the structural bias in promoting an enabling – meaning deregulated - environment for corporate business is left entirely unaddressed.

The section on the potential and value-added of MSPs is sketchy and (understandably) not convincing. The section on limitations and challenges is more detailed and better documented. It clearly highlights the imbalance of power among the stakeholders in MSPs and cites examples of concentration of power in the hands of corporations in the agro-chemical and food sector. It also highlights the control of funds by the private sector and other limitations such as lack of communication skills in terms of the languages utilized for ongoing work. Although the Zero Draft has articulated well the limitations of MSPs, it fails to suggest a way out of these inherent fault lines.

The section on 'qualities that shape the performance of MSPs' fails to bridge the gap between limitations and solutions since it is theoretical and draws on literature that is not necessarily useful for the purpose at hand. For example, resource mobilization theory was developed in the context of social movement analysis, which is not relevant to the kinds of private sector-led mechanisms that are being examined.

Chapter 3 concludes with a *non sequitur* statement that is disconnected from the discussion conducted thus far in the Zero Draft, undocumented by any evidence, and highly open to critique:

'The question is what can we expect from MSPs and what can we learn to improve outcomes in the future? Most of the answer to this question rests on how MSPs take full advantage of the Partnership SDG 17 and effectively merge it with the new FFD modality of financing, targeting FSN positioning and operational effectiveness strategies.'

4. Pathways to improve multistakeholder partners' contribution to FSN and Conclusions

The final chapter and the conclusions attempt to do the impossible given the faulty framing of the issue from the outset and the lack of any convincing evidence that the potential of MSPs to promote FSN and the Right to Food outweighs their striking limitations. The Zero Draft is self-contradictory and superficial in addressing the deep chasm that exists among different 'stakeholders' in the FSN arena. Given the dominant role played by corporate interests with the backing of donor governments, the power they exercise over funds and policies, their ability to influence public policies and shape the agenda of public research institutions and governments, there is very little chance that the voices and demands of the vulnerable will be given due recognition in the governance and operations of MSPs. Will MSPs generate funds for agroecology as a method to address FSN? Will MSPs generate funds for promoting equitable distribution of land and other productive resources? Will they look for holistic traditional methods to rejuvenate nutritional content of our foods through organic methods based in advancing biodiversity?

The Zero Draft also fails to provide substantive guidance about the required governance mechanisms of MSP. Set in the framework of the CFS (and even of the 2030 Agenda), the Report needs to identify minimal sets of standards of participation, accountability, rights-based, transparency, roles and responsibilities, conflicts of interests, etc. that are in line with the CFS vision, and the spirit of the reform. Some reflections on which to build can be found in sources such as the CSM assessment of the use and application of the Tenure Guidelines, McKeon (2017) and Gleckman (2016).

The following excerpt from the IPC Working Paper “Policy dialogue spaces and multi-actor platforms in the context of tenure governance. A civil society perspective on experiences and criteria to advance human rights-based governance of tenure” (Philip Seufert, FIAN International, November 2017) exemplifies the kind of analysis the Report could greatly benefit from:

“The creation and/or existence of policy dialogue spaces or platform alone does not automatically generate an inclusive, equitable, transparent and accountable process, nor produce outcomes geared towards the rights and needs of the most marginalized groups, as stipulated by the Guidelines. In order to achieve such results, policy dialogue spaces need to fulfil to certain criteria/parameters:

- *The active role of social movements and CSOs in the creation and functioning of policy dialogue spaces.*
- *The participation of representatives of the most marginalized groups and those most affected by tenure insecurity is a key component of human rights-based governance. Special attention needs to be given to the adequate representation and participation of the named groups, respecting their forms of organizing and of defining positions. Generic reference to “civil society” should not lead to rendering invisible the difference between, for instance, social movements and NGOs and, consequently, their legitimacy.*
- *They need to be able to organize autonomously. Strengthening social movements and CSOs as well their networks needs to be an explicit objective of such spaces.*
- *Social movements and CSOs engage in dialogues with state authorities in order to improve democratic decision-making and to achieve outcomes that respect, protect and advance the rights of people and communities. Human rights-based governance is based on a clear accountability framework, which frames the engagement of organizations of rights-holders with state authorities (duty-bearers).*
- *In cases where other actors than CSOs (as organizations of rights-holders) and state authorities (duty-bearers) participate in policy dialogue spaces, the distinct role of such actors need to be clearly defined and differentiated.*
- *In order to advance human rights-based governance of tenure, policy dialogue spaces need to be geared towards outcomes, which benefit the most marginalized groups and those most affected by tenure insecurity and human rights violations. This requires that the issues, which are a priority for these groups need to be taken into account when establishing the priorities of the space and put at the center of discussions and activities.*
- *Apart from the need for clear and commonly accepted working procedures/terms of reference, it is important that the relation between a policy dialogue space or platform and other existing decision-making spaces and processes is clearly defined. This is also crucial in order to ensure accountability of such spaces.”*

The Report could fulfil a useful purpose if it provides governance guidance of this kind; a synthesis of the issues posed by MSPs from a FSN and human rights viewpoint; and an examination of alternative and potentially better ways of promoting improved cooperation, convergence, and coherence among public institutions and between them and other actors in order to better respond to the causes and challenges of FSN. The Report could also identify areas requiring future research, acknowledging the fact that the ‘evidence base’ for the trend towards promoting MSPs is severely inadequate.