

# WPHNA position paper on strengthened governance and accountability in public health nutrition<sup>\*+</sup>

## INTRODUCTION

The World Public Health Nutrition Association (WPHNA) affirms that the right to adequate food and nutrition (RtAFN)<sup>1,2</sup> is not only integral to the right to health, and interdependent with all human rights, but it is also an independent and universal right, as defined and applied at a global level.<sup>3,4</sup>

The RtAFN "*is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement.*"<sup>5</sup> It is further defined in terms of *adequacy* (quantity and quality, food safety, cultural adequacy, and sustainability), *accessibility* (physical and economic) and *availability* (of food and/or natural resources to feed oneself).<sup>5</sup>

As public health nutritionists and professionals concerned with the wellbeing of all and especially vulnerable populations accessing a healthy diet, we need to monitor and critically assess the governance and accountability related to our food systems. This includes monitoring policies and actions at global and country governance level, as well as monitoring the roles and influences of the private sector on public health nutrition policies, on regulatory mechanisms, on social programs aimed at supporting access to healthy food, and on nutrition and health services and their compliance with the RtAFN.

Several approaches to strengthen the accountability of PHN programs and policies have been proposed.<sup>6,7</sup> However, WPHNA uses the RtAFN approach as the primary approach to secure accountability.

## PRINCIPLES

### A. On Strengthening Governance

1. Global food and nutrition governance is defined as “the actors and institutions taking actions with the primary purpose of improving nutrition within the global food and nutrition system”.<sup>8,9</sup> Global governance for food and nutrition thus refers to all national and international actors and institutions from different areas that can and do affect nutrition, not just health.<sup>10</sup>

Global food governance remains siloed and this limits the remit of what WPHNA, as an association can do. For example, food safety, trade, and biodiversity are just a few of the issues that are difficult to address by just one



professional association. Partnering with others seeking to protect the wellbeing of all, and particularly vulnerable populations, becomes a necessity.

2. The attributes of good governance in public affairs that WPHNA is seeking are:
  - transparency in decision-making
  - democratic and impartial institutions with no conflicts of interest (CoI)
  - the dissemination of information to the public
  - the participation of all actors with voice and influence, i.e., with equal power at the discussion table
  - free and fair elections
  - sensitive management of all resources, including finances and food and nutrition services
  - expert competence in assessing situations
  - accountability and integrity
  - explicit inclusion of human (people's) rights in all aspects of access to food and clean water, and
  - policies based on independently sourced scientific data.
  
3. Attributes of poor governance that WPHNA denounces are:
  - power imbalances and non-inclusiveness in the governance structure
  - lack of accountability
  - discrimination in any decision
  - lack of responsiveness to inequality
  - ignoring or overlooking human rights-oriented policies and practices
  - lack of engagement of those most marginalized in developing solutions
  - skewing public health nutrition governance away from the RtAFN, and
  - absence of benchmarks of progress that would enable recurrent civil society monitoring of governance practices.
  
4. WPHNA understands that better governance does not automatically mean that governments will prioritize or address the RtAFN, general human rights violations, or poverty with any greater urgency. Governance processes and structures will only resolve social and political issues when those rendered marginalized (people, groups) are genuinely included in the decision-making process.

## B. On Strengthening Accountability

5. The focus for accountability in the human rights framework is based on two main groups of actors: Claim Holders and Duty Bearers.<sup>1</sup> An accountability analysis

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<sup>1</sup>Claim Holders are the groups whose universally recognized entitlements are or are not being catered for by the societies they live in, and thus whose rights are either being upheld or violated. Duty Bearers are those individuals or institutions that are supposed to uphold the specific right related to each entitlement of the claim holders



(also called a Capacity Analysis) then identifies the often-complex relationships among them so that specific corrective actions and plans of action can be carried out.

6. Holding public and private institutions accountable has two distinct phases: *detection* (determining whether they are violating the right to nutrition), and *correction* (doing something with the information obtained to get duty bearers to change their behavior). For these mechanisms of accountability to work, we need claim holders actively voicing concerns and placing demands for their rights to be met. Civil society and public interest advocacy groups must be included in the mechanisms for strengthening accountability.
7. There is also a need to assess:
  - the human rights principles and standards knowledge (and the capacity to execute them) of members of the private and public sectors (duty bearers) involved in food-system and nutrition policy making
  - the adherence of duty bearers to the legal obligations established by the UN Committee on Economic, Social and Cultural Rights (CESCR)<sup>ii</sup> (including the right of children to be free from commercial exploitation) and by the Convention on the Rights of the Child<sup>11</sup> to protect children from harmful advertising, including of highly processed foods and beverages; and the right to the enjoyment of the highest attainable standard of health
  - the way the pertinent institutions conduct (or not) human rights assessments
  - the degree to which these institutions include the most vulnerable groups in their programs and policy making processes, and
  - the availability of transparent complaint procedures for claim holders to seek redress.
8. The ‘standard model’ of accountability through electoral/political and administrative mechanisms has failed to deliver public goods – thus the need for social accountability mechanisms. It is the people and groups whose RtAFN are being violated who must ultimately lead the action to hold public and private institutions accountable. But such groups must be supported to empower themselves to stake such claims and to demand their rights. To do so, they must first be aware of their rights, and how to have them fulfilled. These groups may need capacity building (human rights learning) to recognize and claim such rights in the pursuit of effective solutions.

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<sup>ii</sup>The UN Committee on Economic, Social and Cultural Rights (CESCR) is charged with the authoritative interpretation and monitoring of the implementation of rights enshrined in the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966)



9. Public health nutritionists committed to advocate and pursue the RtAFN for all, must also be made aware of the barriers to adequate food and nutrition that have led to intolerable levels of inequity.<sup>12</sup> If we fail to address these barriers and base our actions on the wrong analyses, no amount of effort will be sufficient to achieve the RtAFN.

## THE STATUS QUO: WPHNA CRITICISM

### Governance

10. The present system of global governance fails to adequately protect and cater to the needs of public health nutrition. Power asymmetries between claim holders, duty bearers and actors with conflicting interests,<sup>13</sup> particularly segments of the food industry, clearly exist and do shape the social and political determination of health and nutrition.<sup>6,14,15</sup>
11. Existing global governance structures are constrained by conflicting interests of for-profit food industries and their stated aims of addressing nutrition inadequacies. Take, for example, the Scaling Up Nutrition (SUN) Initiative with its conflicted food industry partners heavily biased in favor of giving greater power to corporations than to public sector representatives or claim holders.<sup>9,16</sup>
12. Human rights principles and standards are more often than not lacking as a part of good governance. In the absence of good governance, people rendered poor are deprived of their right to participation in instances where decisions that affect them are taken.
13. Legal rights, that ought to be implemented for everyone, are too often a privilege accessible to and used by only those with economic and political power.
14. Compliance with laws and regulations must be monitored and evaluated by an independent actor to ensure that the RtAFN, in particular the RtAFN of those who are marginalized, is protected from all commercial interests.
15. Despite the Sustainable Development Goal targeting Zero Hunger by 2030 (SDG 2), the SDGs Declaration does not once mention the RtAFN. Without any focus on the RtAFN, the SDGs are at risk of failure, indeed of allowing the corporate sector to justify development actions purely for financial gain and governments not to report on progress on Goal 2 of the SDGs.<sup>17</sup>
16. The RtAFN is also only summarily mentioned in the United Nations Food Systems Summit documents, carrying no weight in its recommendations.<sup>18,19</sup>

### Accountability

17. Most UN agencies, bilateral external funders, philanthropic agencies and recipient governments do not actively-apply the human rights framework nor are



they being held accountable for this.<sup>20,21</sup> This can be achieved in a variety of ways, e.g., through claim holders staking concrete demands, questioning their budget allocations, and through building the capacity of their staff on key human rights issues.

18. Private corporations have an unwarranted and unaccountable role in contemporary global food and nutrition governance.<sup>22,23</sup> They strongly influence global and national food and nutrition policy, programs and science, ensuring their interests are served. Numerous examples have been documented.<sup>24-27</sup>
19. These commercial entities are interfering with nutrition policy formulation, implementation, and evaluation. They are presenting contrasting views about what constitutes a CoI and/or what level of intervention in public health nutrition is acceptable or not.<sup>28,29</sup> A priority for WPHNA has been to build capacity to rectify these misunderstandings. (See <https://www.wphna.org/>)

## ACTIONS NEEDED TO IMPROVE GOVERNANCE AND ACCOUNTABILITY

20. A radical adjustment of food and nutrition governance and accountability mechanisms and tools is needed. The human rights framework suggests the following pathways:
  - conducting a causal analysis of why governments, institutions, global nutrition initiatives and funding agencies are reluctant to apply the human rights framework to food and nutrition policies and practices, and thereafter
  - performing a capacity analysis that identifies specific claim holders and duty bearers and then identifies relationships among them so that specific corrective action plans can be made to protect claim holders' rights.
21. UN agencies, external funders, governments and private operators in the food and nutrition sector need to review and address long-held practices at odds with the RtAFN. For this, accountability actions must also ultimately have the power to impose appropriate and meaningful sanctions.

### Public interest groups should:

22. Mobilize marginalized social groups and pertinent actors in the public interest civil society space, so they can also take part in actions challenging international organizations, external funders and the private sector.
23. Act to support population groups rendered marginalized in their own country to assess their problems and needs and then to look into the actions taken (or not) by government to address them. Such assessments have to identify duty bearers and claim holders to demand:



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- duty bearers fulfill their RtAFN obligations, and
- claim holders actively start claiming those rights.

24. Act to publicly expose public health nutrition policies or actions that:
  - do not comply or follow good governance principles, and
  - are compromised by the interference of industry interests, and/or whose members or institutions have clear conflict of interest with the RtAFN principles or aims.
25. Improve the capacity on the right to adequate food and nutrition among policy makers, journalist, nutrition and dietetics professionals and academicians.

## WHAT WPHNA WILL DO

The Association and its members will join other groups working on capacity building and advocacy to strengthen the use of human rights instruments and to reduce the influence of commercial and political determinants in public health nutrition. Specifically:

26. WPHNA will advocate for claim holders' participation to be a requirement in any policy decision-making process related to food and nutrition policy and actions.
27. WPHNA will emphasize that inequalities in access to food and nutrition are not, in any sense whatsoever, a 'natural' phenomenon, but the result of a combination of disparity in social policies and programs, unfair economic arrangements and bad politics all skewing the distribution of public health nutrition benefits.
28. WPHNA will advocate that it is these political and commercial determinants of malnutrition that ought to be the targets of global public health nutrition governance.
29. WPHNA will advocate to mandate institutions in the public sector to carry out RtAFN impact assessments, as well as due diligence assessments among participants in the policy making process. WPHNA will also help put in place necessary mechanisms to expose and deal with conflicts of interest in all policy making.
30. WPHNA will join others in demanding transparency in trade and investment negotiations that relate to or have an impact on the RtAFN. These negotiations cannot be carried out behind closed doors. For instance, we are joining the Civil Society Mechanism (CSM) of the Committee on Food Security at FAO in its denunciation of the CoI and lack of transparency in the processes leading to the UN Food Systems Summit in 2021.
31. WPHNA will also join others to improve capacity building about the commercial determinants of malnutrition and how to identify them; it will further act as an



agent of accountability in the area of corporate influence and conflicts of interest.<sup>iii</sup>

## Mid-term goals for WPHNA action

- a. Increased participation in international public health fora to have a voice (as observers of UN processes such as Codex Alimentarius, WHO, UNCN, FAO's Committee of Food Security CFS, and its Civil Society Mechanism).
- b. Continued membership and participation in international networks whose aims and objectives are in line with ours. For example, the Governance, Ethics and Conflict of Interest Network- (GECOI-PH), the Global Health Advocacy Incubator and the the Global Network for the Right to Food, and Society for International Development.<sup>30-33</sup>
- c. Supporting other voices advocating for the same matters in the Global South (FIAN, Global Health Advocacy Incubator, IBFAN, WABA).<sup>31,34,35</sup>
- d. Improving our members' capacity by building online resources, including webinars, and an e-archive of literature on the topic.
- e. When possible, engaging in dialogue with local governments and consumer's rights organizations, and with international governing bodies and human right advocates.
- f. Supporting and publishing in our journal, [World Nutrition](#), research in the areas of governance, accountability, commercial determinants of health and in human rights, all within their relevance to food systems.
- g. Raising the visibility of WPHNA among health and nutrition professionals as advocates for the RtAFN and for an accountable nutrition governance free from CoI.
- h. Becoming a reference and support organization for people and groups whose rights are being violated.
- i. Advocating for RtAFN training in public health nutrition training courses.
- j. Achieving synergies, joining coalitions and collaborating with a wider set of actors advocating for similar causes.

**To make comments on this paper please contact the External Affairs Secretary of WPHNA at [schuftan@gmail.com](mailto:schuftan@gmail.com) or the Policy Secretary [angela.carriedo@yahoo.com](mailto:angela.carriedo@yahoo.com) and cc [secretariat@wphna.org](mailto:secretariat@wphna.org)**

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<sup>iii</sup>WPHNA. Conflict of Interest in Public Health Nutrition and in Food, Nutrition and Health Policy Making. <https://www.wphna.org/conflict-of-interest> WPHNA also invites reporting on CoI violations here: <https://www.wphna.org/conflict-of-interest/report>



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