

# WHO HAS THE POWER IN A MULTI-STAKEHOLDER WORLD?

Protecting women's and children's health and human rights in the 'first food' system:  
commercial influence and conflicts of interest on infant and young child feeding in Australia

Australia National University, Crawford School of Public Policy

15<sup>th</sup> February 2021

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# The baby food market was built on 'trust'

*“In less developed countries, the best form of promoting baby food formulas may well be the clinics which the company sponsors”*

Nestlé in Developing countries 1970



*“....international capital at the top is mobile and is running circles around governments....”*

Jeffrey Sachs quoting a CEO and talking about *The Price of Civilisation* BBC Radio 4 Today :

*The top strategic priority of the food industry is to change traditional food patterns and cultures in lower and middle-income countries.”*

Prof Philip James, the founder of the Obesity Task Force

# Three global governance approaches

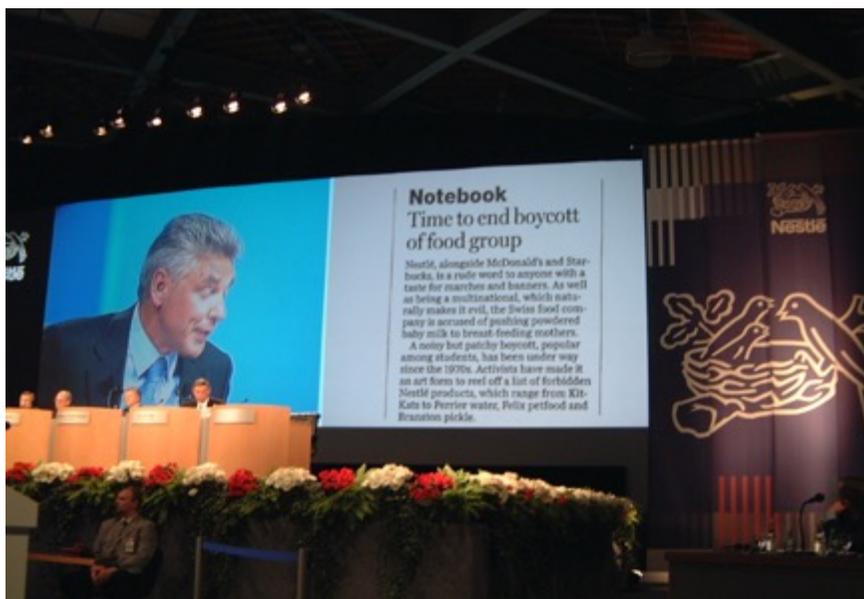
- 1. **Neoliberal** – rich states and TNCs control global governance. TNCs deny their bad impact and shift blame and costs.
- 2. **Nationalist/authoritarian** – ‘my country first’, denies risks and costs.
- 3. **Multi-stakeholderism** – TNCs admit problems – but claim they can *only* be solved if they have a seat at the table.

# Multi-stakeholderism leads to:

- undue corporate influence on policy-setting
- Partnerships are, by definition, arrangements for 'shared governance' to achieve 'shared goals'
- shared decision-making is a unifying feature that implies 'respect, trust, shared benefits'
- Governments and the UN become mere facilitators rather than primary actors  
They generally have no accountability mechanisms, independent monitoring or assessments

# Assumptions are made that:

- complex problems can **ONLY** be solved with **EVERYONE** around the table
- commitments (with long end dates) will be respected.
- there is **NO NEED** for regulations, international codes or Resolutions
- self-regulation works



*“Tying corporations up in regulatory straightjackets is unnecessary when companies such as Nestlé already have sound principles and core values.”*

Peter Brabeck, Nestle Chair and CEO, Nestlé AGM in Lausanne 2010. Vice-Chairman, Foundation Board, World Economic Forum.

# World Economic Forum 'Global Redesign Initiative' GRI

- WEF members typically >\$5b turnover - proposed that issues are taken off the agenda of the UN system and are addressed instead by *'plurilateral, often multi-stakeholder, coalitions of the willing and the able.'*
- The GRI envisages a world managed by a coalition of multinational corporations, nation states, the UN System and *select* civil society organisations.



sounds alluring and reassuring  
until we look deeper and see

It leads to business as  
normal

## SELF REGULATION - 'HERE TODAY - GONE TOMORROW'

- works *only* as long as companies want it to and *only* while they are being watched.
- *doesn't* reduce the extent and impact of harmful marketing – It invariably increases if companies are granted nutrition education roles)
- *undermines* governments' will to legislate

# Commercially influenced assessments how they work ....

Dr Mark Carney, UN Special Envoy on Climate Action and Finance, cited Danone as an example of an ethical company that *“has totally re-oriented itself and shifted along that continuum towards rebalancing purpose and profit”*

*Possibly on the basis of Access to Nutrition Index, (ATNI), BCorps and other commercially influenced assessments*



 Listen now

## From Moral to Market Sentiments

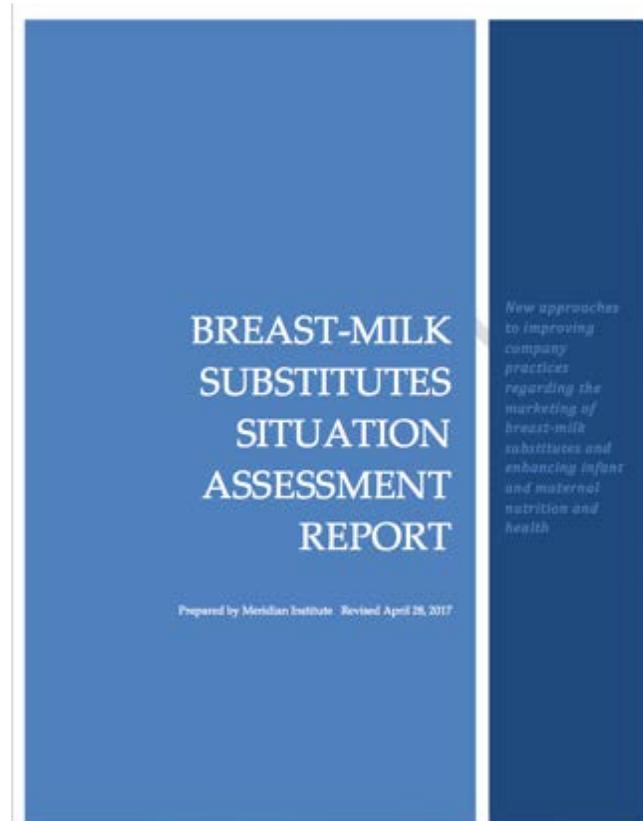
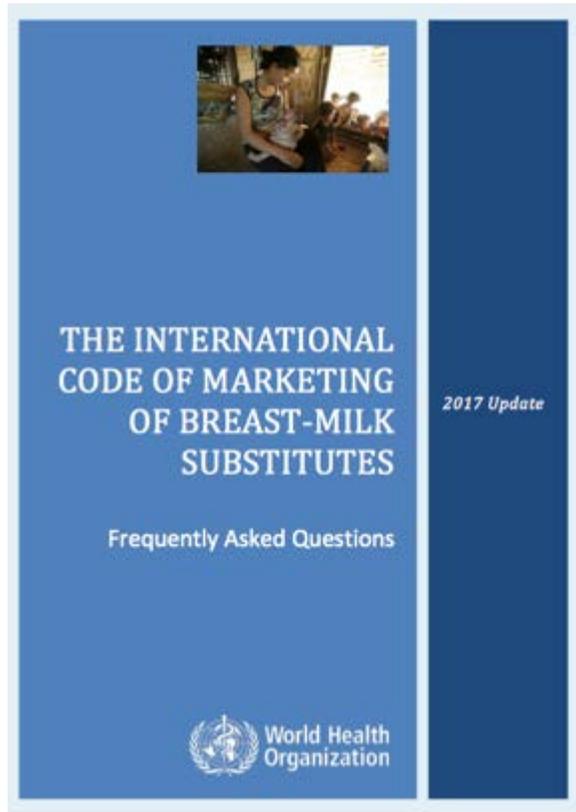
2020: Mark Carney - How We Get What We Value Episode 1 of 4

Mark Carney, the former Governor of the Bank of England, assesses value. Why have financial values come to be considered more important than human ones?

Available now  
🕒 42 minutes

Reith Lectures BBC Radio 4. December 2020  
[www.bbc.co.uk/programmes/b00729d9](http://www.bbc.co.uk/programmes/b00729d9)  
For IBFAN's letter see:  
[www.babymilkaction.org/archives/28183](http://www.babymilkaction.org/archives/28183)

# Which one WHO? Which one BMGF?



The Meridian Institute report on the right is funded by the Bill and Melinda Gates Foundation, and proposes a multi-stakeholder partnership, **Global Monitoring Mechanism**, that was abandoned after [IBFAN's Note of Dissent](#):  
<https://tinyurl.com/1laz8bx0>

# Baby food companies use the tobacco playbook

1. **Hijack/manipulate** the political and legislative process;
2. Exaggerate the economic importance of the industry;
3. **Manipulate public opinion** /look respectable;
4. **Use front groups**;
5. **Discredit science/fund science**, infiltrate food safety systems
6. **Intimidate governments** – threaten litigation



*Interference in public health policy: examples of how the baby food industry uses tobacco industry tactics*

<https://doi.org/10.26596/wn.201782288-310>

# They exert undue influence at Codex

In 2019 44% (164) of the 370 delegates represented food and related industries.

They fund dinners, receptions and meetings. 67 sat on government delegations.

There were more industry than government delegates in the room.

In 2011 all 4 Mexican delegates we from industry.



Food industry sponsors of the 19th Session of the FAO/WHO Coordinating Committee for Africa 2011.

# WTO is outside the UN system

In the event of a trade dispute, the WTO is mandated to refer to [Codex Alimentarius standards](#).

Codex has a dual mandate: to *protect consumers* and *facilitate fair trade*

• <http://www.babymilkaction.org/archives/23295>

# Why FAO/WHO Codex is important

- Strong health protective Codex standards make the adoption and retention of good national laws easier and reduce the likelihood of challenges. IBFAN helps bring Codex Standards into line with the WHA recommendations.
- However, Codex bases its decisions - not on independent and convincing evidence and science – but on politically and commercially influenced consensus. In the case of infant formula – nonsensical claims of *'history of safe use'*.



## Currently FAO/WHO Codex is fighting over cross-branding and the Code

*Nigeria: "if anything the situation with cross-promotion is on the increase just as malnutrition of infants and young children continues to be a challenge."*

*'Cross Promotion' or 'brand stretching' is a well-known, deceptive marketing technique used to expand the sale of products such as alcohol, tobacco, soft drinks and baby formulas,*



Codex Secretariat, the Chair of the meeting and UN delegates. Photo credit: Codex Alimentarius

Exporting countries put trade before the health of the planet and children

# New Zealand instigated the revision of the 1987 follow up milk standard. It was not needed.

- True the standard was out of date, but....
- *“a kilo of infant formula is worth ten times the value of a kilo of milk powder, so it's obvious which product New Zealand should be selling”*
- Gerry Brownlee, New Zealand Minister for Economic Development 2011



US, EU, New Zealand and Canada – large exporting countries Photo credit: Codex Alimentarius

# DSM Speaks for governments



why is DSM - manufacturer of formula ingredients speaking for Chile at the Codex meeting in Hamburg?



# Multi-stakeholder GAIN questions the value of eggs to create doubt in their nutritional value



# Infiltrating food safety systems: UK/India



## Further information for consumers on Maggi Noodles

Last updated: 5 June 2015

The FSA is aware of the recent incident in India involving Maggi Noodles. We are currently working with Nestlé UK and the European Commission to investigate the cause of the high levels of lead in the product.

### Post Maggi row, Nestle offers to set up Food Safety Institutes for FSSAI

Company has proposed to collaborate with the food regulator on the same contentious issue of food safety

ETBrandEquity | 24 March 2016, 9:00 AM IST

After a bitter fallout with the Food Safety & Standards Authority of India (FSSAI) following the ban on Maggi noodles, Nestle has proposed to collaborate with the food regulator on the same contentious issue of food safety.

Chairman and CEO to



### TWEET LIVE #MaggiMess

AMITY UNIVERSITY PRESENTS THE NEWS HOUR with ARNAB GOSWAMI

tweet @thenewshour Tweets as of 10:59pm 680

FAVOURS RECALL	FOLLOW PROCEDURE	AGAINST RECALL	ENCOURAGES ACTION

TWEET LIVE WITH #MaggiMess

FIRM STILL DEFEND ITSELF BY CLAIMING ONLY U.P SAMPLES HAD A PROBLEM?



# Scaling up Nutrition (SUN) – another multi-stakeholder hybrid entity

SUN pretends to be a broad and inclusive people's 'movement' but legitimizes more corporate influence in public affairs **SUN lacks:**

- accountability procedures
- democratic scrutiny
- Undermines the efforts of those calling for effective conflict of interest regulations.
- promotes short-term medicalized and technical solutions(UPFs)
- fails to meaningfully address the concerns of communities most affected by hunger and malnutrition



*When the SUN casts a Shadow*  
IBFAN,SID,FIAN 3-country report:  
[/www.babymilkaction.org/archives/24042](http://www.babymilkaction.org/archives/24042)

# SUN's faulty COI

- SUN hired the corporate-funded Global Social Observatory (using \$1m Gates funding) to develop a COI process. The GSO has poor understanding of COI concepts.
- For example, they:
- focus on **trust** and **collaboration** rather than **caution** or **arm's length** approaches.
- confuse **conflicts of interest** with **disagreements** and **differences in opinions**.
- **Confuse COI within** an institution or person with conflicts **between** actors who have diverging or fiduciary duties.
- At a fundamental level WHO's approach to Conflicts of Interest **mirrors** [SUN's Ethical Framework](#)

# The Business of Malnutrition: the perfect cover

Industry's top strategic priority is to change traditional food cultures

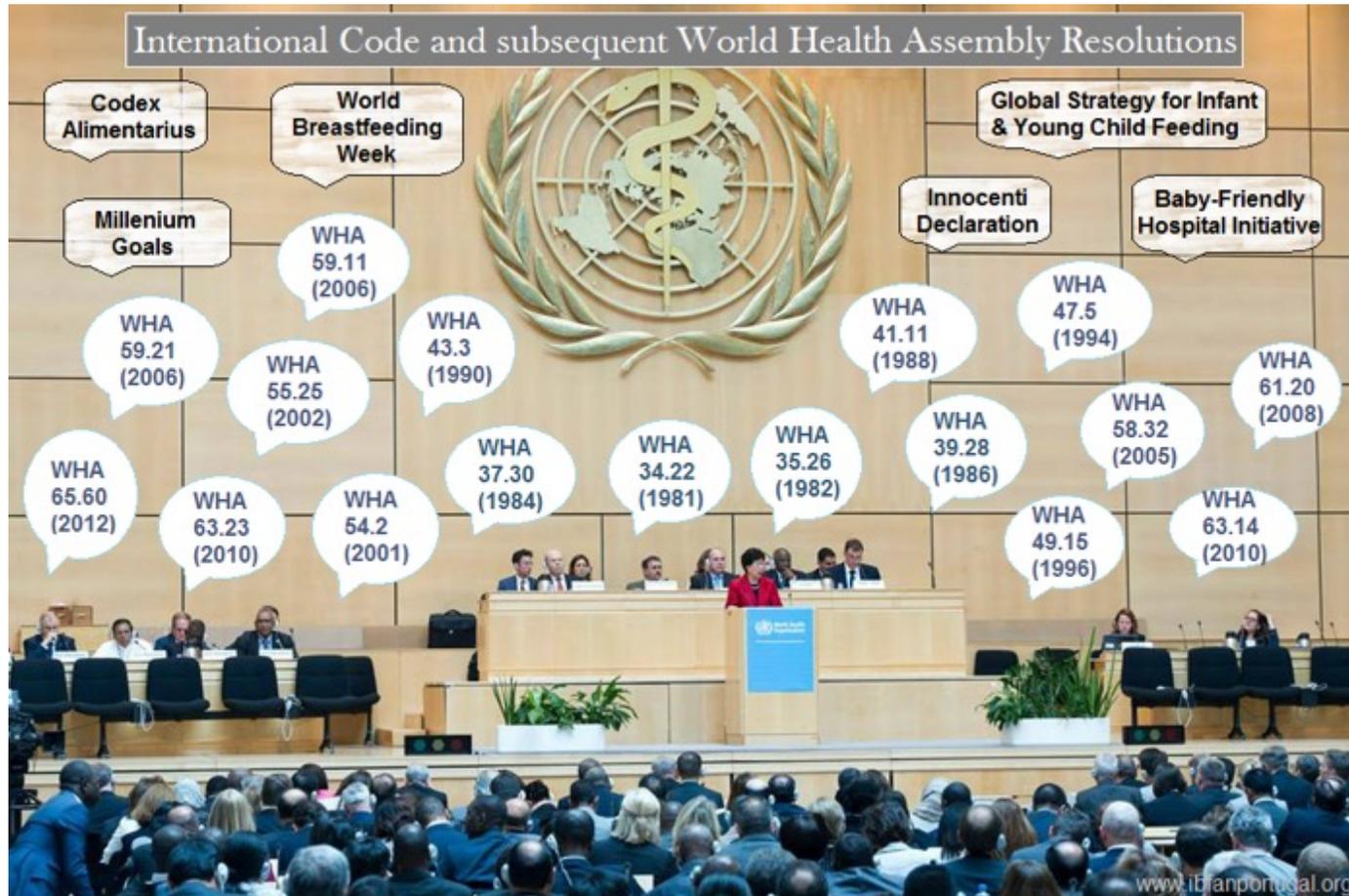
Babies are the perfect entry point for market-driven solutions.

SUN and GAIN provide that entry point



# Industry friendly guidelines and commitments undermine the Code and WHA Resolutions

# Baby food industry has always wanted the Code to come off the agenda.



The first WHA Resolution on COI was 1996

# 9,000 petition to stop the 'sunseting' of the Code.

change.org

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Welcome back to Change.org! A new petition wins every hour thanks to signers like you.

What's new **Petition details** Comments Updates Discover

## Apoya a IBFAN en oposición a decisiones



Yerónique Lasolme started this petition to Organización Mundial de la Salud and 2 others

Estamos ante la posibilidad de un hecho que atenta gravemente contra la salud de la infancia en el mundo. Nuestra responsabilidad de velar por el cumplimiento del Código Internacional de Comercialización de Sucedáneos de la



### IBFAN calls for reconsideration of harmful decision on baby food marketing

27th November 2020

The International Baby Food Action Network (IBFAN) [1] met WHO's Assistant Director-General, Dr Yamamoto and other senior staff this week to explain why there needs to be a reconsideration of a Decision [2] to end biennial reporting to the World Health Assembly on baby food marketing after 2030.

IBFAN pointed out that the obligations of WHO and Member States to report to the World Health Assembly are embedded in the *International Code of Marketing of Breastmilk Substitutes* (the Code) and WHO's *Constitution* and are one of its core strengths. The removal of these obligations will weaken the effectiveness of the Code and have harmful consequences for mothers and children. The Decision was 'noted' at the online 73<sup>rd</sup> World Health Assembly on 10th November and follows a streamlining decision (EB/146/21) intended to create more space on WHO's packed agendas.



[www.babymilkaction.org/archives/27834](http://www.babymilkaction.org/archives/27834)



# BMS Call to Action – 10-year licence to harm children – no company reaches the mark



IBFAN's Counter Call:

<http://www.babymilkaction.org/archives/25260>

# Nutrition for Growth (N4G) – will baby food companies get in?



Ending malnutrition in all its forms by 2030 requires that the world prioritize nutrition in food systems, health systems, and the needs of the most vulnerable.

# Industry friendly guidelines undermine the Code

February 2021

CFS 2021/47/7

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## COMMITTEE ON WORLD FOOD SECURITY

<b>Forty-seventh Session</b> <i>"Making a Difference in Food Security and Nutrition"</i>
<b>8-11 February 2021</b>
<b>THE CFS VOLUNTARY GUIDELINES ON FOOD SYSTEMS AND NUTRITION (VGFSyN)</b>

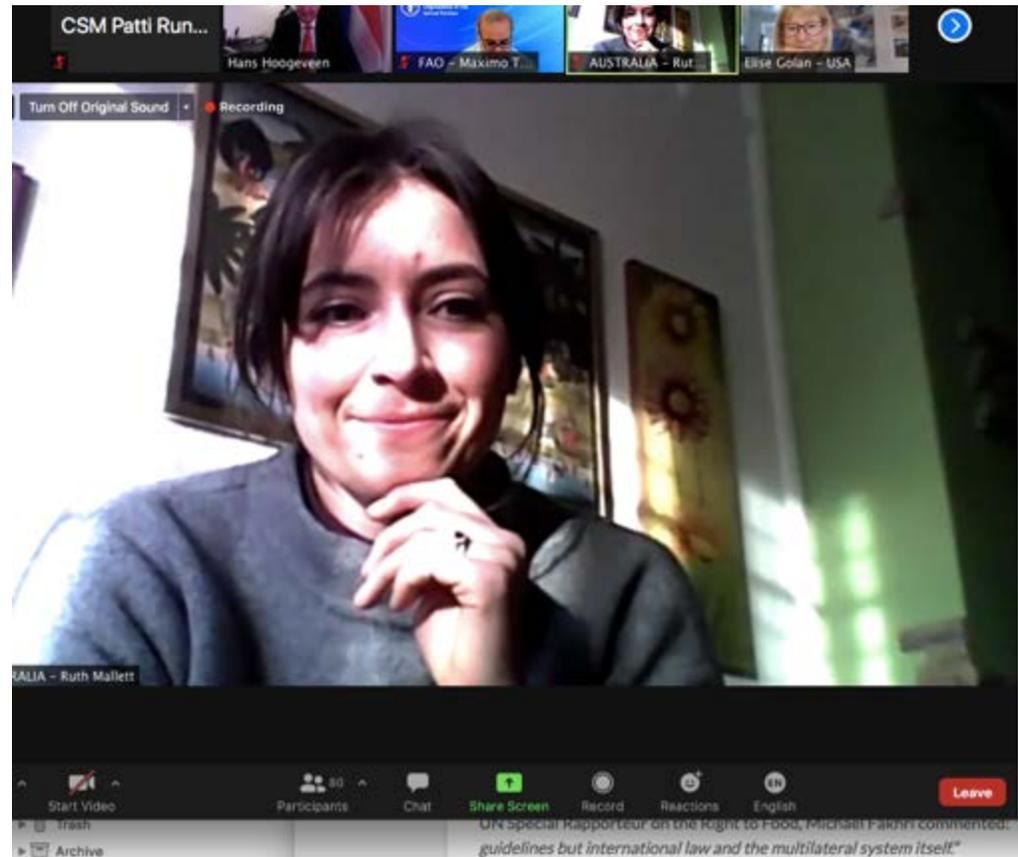
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The US said it would not support any mention of the Resolutions because it had disassociated itself from a number of them.(5) It would, however, accept the original Code (which it didn't vote for in 1981) and 'evidenced-based' recommendations 'where applicable' that are 'in line with national legislations.'

# US-drafted para on the Code – no resolutions – no regulation. Industry keen to promote the Guidelines

- 3.5.1.d “Governments should implement **measures or national mechanisms related to** the marketing of commercial infant formula and other breast milk substitutes aimed at giving effect to the International Code of Marketing of Breast-Milk Substitutes (fn58), **as well as other WHO evidence-based recommendations, where applicable, in line with national legislations.** Governments should monitor and continue to assess the impact of their measures.
- (fn58) International Code of Marketing of Breast-Milk Substitutes. WHO, 1981. Geneva

# Australian delegate to CSM last week



# Key messages: be careful with terminology

- Avoid business terms such as **STAKEHOLDER**
- **Partnerships** by definition are arrangements for **'shared governance'** to achieve **'shared goals.'** *Shared decision-making is their single most unifying feature.*
- They imply **'respect, trust, shared benefits'**
- The **'image transfer'** from UN or NGO 'partners' has strong emotional and financial value.
- Call a spade a spade - use **Interactions - citizens - industry funding**
- Monitor what companies **DO** not what they **SAY** they do
- **Protect rather than Promote Breastfeeding**
- **Governments must not forget to GOVERN!**

# lastly

- Ensure monitoring is truly independent
- Support Whistleblowers (ask to show Tigers)
- **Thank you!**

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- @pattirundall

- [www.babymilkaction.org](http://www.babymilkaction.org)

- [www.ibfan.org](http://www.ibfan.org)

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