

FOOD CORPORATIONS AND HUMAN RIGHTS

A Conference Statement

A multidisciplinary conference¹ convened in Oslo, Norway on September 11th and 12th 2014 considered as a matter of urgency the need to bring human rights norms and principles into debates and actions to promote healthy food and nutrition in the diverse world food systems, from production and processing to marketing and consumption.²

The Conference took note of:

- The human right of all to adequate, safe and affordable food, requiring standards that have long been recognized but are frequently not attained;
- The intertwining of the right to adequate food with other human rights, notably those with respect to health, gainful employment and adequate standard of living;
- The increasing levels of overweight and obesity globally, with consequent increasing incidence of chronic diseases, concurrently with the sustained high levels of poverty-related under-nutrition;
- The now dominant role and power of major commercial undertakings in the food sector in the agricultural field, areas of industrial production, processing, trade, and marketing of foods and drinks, and that may be in potential conflict with human livelihood and health, especially of the most vulnerable and marginalized groups in society;
- The imperative need for valid business interests and responsibilities to develop in a manner fully compatible with respect for human rights, the protection of the environment, and the long-term sustainability of food security and healthy nutrition for all.

The Conference also recognized:

- The recent adoption (2011) by the United Nations Human Rights Council of the United Nations Guiding Principles on Business and Human Rights which emphasises the role of governments to protect and companies to respect human rights³;

¹ *Corporations in the Global Food System and Human Rights: Exploring Problems and Potentials for Governments and Companies*". Organized by Norwegian Centre for Human Rights, Faculty of Law/ Research Group on Human Rights and Development, the Interfaculty LEVE Network (Livelihoods in Developing Countries) and Department of Nutrition, Faculty of Medicine, all at the University of Oslo; The Oslo and Akershus University College for Applied Sciences; FIAN Norway and Redd Barna, Norway. Other sponsor: Norwegian Consumer Council .

² This Statement aims to reflect and share the general spirit of the contributions and discussions at the conference. It does not commit individual participants, most of whom took part in their own capacity, or representatives of any institution or organization present, to approve all formulations in the statement.

³ *UN Guiding Principles on Business and Human Rights. Implementing the Protect, Respect and Remedy Framework*. UN Human Rights Council, Geneva, 2011.

- Resolution 26/9 adopted by the United Nations Human Rights Council on 26 June 2014⁴ which directs the Council to establish an open-ended intergovernmental working group with the mandate to elaborate an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights;
- Resolution 26/22 adopted by the United Nations Human Rights Council on 27 June 2014⁵, supporting the existing UN Working Group on Business and Human Rights and its role in guiding governments in implementing the UN Guiding Principles on Business and Human Rights, requesting also that the Working Group launch a consultation process to explore, among other things, the benefits and limitations of a legally binding instrument, and to prepare a report⁶;
- Recent Guidelines^{7, 8, 9} and Principles¹⁰ to support sustainable development and responsible investments in agriculture and food systems built on human rights norms and principles;
- The Committee on the Rights of the Child's General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights (CRC/C/GC/16)¹¹, dealing in part with the impact of marketing of food;
- The final report of the UN Special Rapporteur on the Right to Health in 2014 which identified the need for an international framework for accountability and monitoring of the food and beverage industry;¹²
- The call by the UN Special Rapporteur on the Right to Food in 2014 for “a bold framework convention on adequate diets”¹³.

⁴ *Elaboration of an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights*, Ecuador & South Africa resolution,, signed by Bolivia, Cuba, Ecuador, South Africa, Venezuela. U.N.Doc. [A/HRC/26/L.22/Rev.1](#)

⁵ *Human rights and transnational corporations and other business enterprises*, Norway resolution, signed by Andorra, Argentina, Australia, Austria, Bulgaria, Colombia, France, Georgia, Ghana, Greece, Guatemala, Iceland, India, Lebanon, Liechtenstein, Mexico, New Zealand, Norway, Russia, Serbia, the former Yugoslavia, Turkey. U.N.Doc. [A/HRC/26/L.1](#)

⁶ Some conference participants felt that this needs to be complemented by the examination of benefits, limitations and risks of legally non-binding instruments and that all instruments need to be examined in their concrete political and historical context.

⁷ Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, FAO 2004.

⁸ Voluntary Guidelines on the Responsible Governance of Tenure in Land, Fisheries and Forests in the Context of National Food Security, Committee on World Food Security (CFS) 2012.

⁹ Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, adopted by the FAO Committee on Fisheries on 10 June 2014.

¹⁰ Draft Principles for Responsible Investments in Agriculture and Food Systems, launched by a CFS Intergovernmental Working Group on PRAI, 11 August 2014.

¹¹ http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf.

¹² http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-31_en.doc

¹³ <http://www.srfood.org/en/unhealthy-diets-greater-threat-to-health-than-tobacco-un-expert-calls-for-global-regulation>).

Having examined a number of specific situations and having reviewed experience to date in the attainment of human rights in other sectors, the Oslo Conference:

1. *Recommends* that in the further work and developments of current and potential international legal and quasi-legal instruments on business and human rights, special attention be given to the policies, products and marketing practices by corporations in the food, beverage and agricultural sectors with a view to their impacts in possible conflict with human rights to an adequate standard of living including food and health;
2. *Proposes* that as part of this, existing and forthcoming standards, codes and other instruments regarding harmful marketing of breast milk substitutes and unhealthy foods and beverages, especially to children as well as initiatives towards healthy eating, should be strengthened and their implementation ensured in line with relevant international human rights standards and principles for business and human rights;
3. *Suggests* that priority should be given to the full implementation by States of the International Code of Marketing of Breastmilk Substitutes and relevant subsequent World Health Assembly resolutions, including by the adoption of appropriate enforcement mechanisms, as well as to the adoption of measures to combat the advertising and marketing practices that encourage unhealthy diets and the consumption of unhealthy products by children;
4. *Appeals* to relevant intergovernmental institutions, in particular the UN *Committee on World Food Security* (CFS), the newly established WHO *Commission on Ending Childhood Obesity*, and the *World Health Organisation*, to make progress towards the adoption of a Framework Convention to Promote and Protect Healthy Diets¹⁴, and to actively contribute to the further concretization of the UN Guiding Principles on Business and Human Rights¹⁵ applied to the food sector and similarly in formulating a possible international binding instrument on business and human rights;
5. *Encourages* the incorporation of these standards into national law;¹⁶
6. *Advises to consider* the active adoption of these standards by industry and business, including the creation of mechanisms for their mutual enforcement by joint action within the sector.¹⁷

¹⁴ <http://www.worldobesity.org/what-we-do/policy-prevention/advocacy/global-convention/>

¹⁵ See note 3.

¹⁶ The incorporation of these ethical standards into legal systems would require legislative measures, primarily at the national level but where appropriate by joint regional action.

¹⁷ The application of these standards in business practice seems most likely to succeed if they are incorporated into sector-wide codes of practice, with each individual corporation both conforming to these norms within its own business and monitoring the practice of its competitors.