



CORPORATE CAPTURE OF FAO: *Industry's Deepening Influence on Global Food Governance*

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AUTHORS:

Ashka Naik, T.J. Faircloth,
Charlotte Dreger,
Simone Adler

EDITORS:

Lizzie McQuillan,
Ilang-Ilang Quijano

LAYOUT:

Harjyot Khalsa

COVER ILLUSTRATION:

Adapted from [Zago Brothers](#)

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1. THE FAO AND THE PRIVATE SECTOR

A. FAO'S HISTORY OF PRIVATE SECTOR ENGAGEMENT

Contested definition of the private sector

The FAO increasingly considers the private sector to be an important stakeholder in the organization's mission to achieve food security and lead global efforts to reduce hunger and support farmers and rural communities. Under the title *private sector*, the FAO confuses a mix of different actors, ranging from "Farmers and farmers' organizations; Producers' organizations and cooperatives; Micro-, small and medium-sized enterprises (MSMEs); Large firms: large national and multinational companies, including state-owned enterprises; Financial institutions; Industry, trade associations and private sector consortia; and philanthropic foundations."

This approach ignores that the nature, mandate, and aim of these diverse actors differs greatly, including in terms of interests and power. Considering that the risk of undue corporate influence or capture is generated especially by large firms, industry, and trade associations and private sector consortia and philanthropic foundations, our analysis is especially concerned with these actors, to which we refer as the *corporate sector*. We consider that small-scale food producers should not be regulated in an identical manner than the corporate sector, as happens when they are all subsumed under the umbrella of *private sector* in the FAO private sector engagement strategy. Small-scale food producers and MSMEs should be treated in a differentiated manner, with rules that are close to those foreseen for civil society organizations established in the FAO Strategy for Partnership with Civil Society Organizations. This approach tends to subsume organizations of small-scale producers under the scope of civil society, by taking into account their power, aim, and capacities. FAO regulations on engagement with the private sector need to be fine-tuned and take into account that small-scale food producers are those to be protected by the FAO and be sensitive to the existing power asymmetries between the *corporate sector* and small-scale food producers and MSMEs. This differentiation of course does not impede the application of the exclusionary principles, as for example the commission of human rights abuses or corruption, when alliances are done by the FAO with small-scale food producers and MSMEs.

It is important to note that large, including multinational, firms and private sector associations, account for a large majority of all private sector engagements in the FAO. These are corporations and trade associations whose consortia and membership have a far (often global) reach and therefore extensive impact on communities protected by the UN instruments.

Due to the role of corporations in the market economy of our food systems, such as their political influence on national-level subsidies for agricultural inputs or crop protection programs, **effective mechanisms for accountability and public transparency of the FAO's private sector engagements** are fundamental to ensuring that Non-State Actors (NSAs) are not unduly influencing the FAO's priorities.

FAO's changed approach to the private sector would not have been possible without the support by Member States. Those Member States that have allowed this process of opening up to corporate sector engagement in the FAO are responsible of depriving in particular the poorest countries of a space in which to defend their interests.

BOX 1: LACK OF TRANSPARENCY ON FAO'S FUNDING

The FAO's overall programme of work is funded by assessed and voluntary contributions. Member countries' assessed contributions comprise the regular budget, set at the biennial FAO Conference.

The total FAO budget planned for 2022-23 is USD 3.25 billion. Of this amount, 31% comes from assessed contributions paid by member countries, while 69% is expected to be mobilized through voluntary contributions from Members and other partners. The voluntary contributions provided by Members and other partners support technical and emergency assistance to governments as well as direct support to FAO's core work. They remain under the control of the donors (public or private), who set priorities and determine how these resources are used, with strict principles of conditionality.

The FAO's 2020 Resources Partnerships Impact Report includes the trend of total contributions from 2010 – 2019. Over this period, voluntary contributions rose from 62% to 72% of total contributions. ⁶

Despite such a large percentage of the FAO's budget coming from voluntary contributions that include private sector funding, the FAO provides very little publicly available information that details the financial relationships that exist with the private sector and corporate donors.

The FAO's Finance Committee provides the most detailed accounting relating to FAO budgetary matters through its annual audited accounts. However, a review of the FAO's Audited Accounts over the past five years (2016, 2017, 2018, 2019, and 2020) do not provide any detailed breakdown of private sector contributions. ^{7,8,9,10,11}

In FAO's annual partnership impact reports, some additional information is included on private sector resource mobilization, namely the financial detail for the top voluntary contributions. The 2017/2018 partnership impact report included CropLife International as part of its list of top contributors at approximately \$2.6 million (USD) ¹² and the 2019 partnership impact report included PhosAgro (Russian chemical company) on its list of top contributors at \$1.2 million (USD). ¹³

Increased promotion of partnerships with the private sector – changing from a risk adverse to a risk-conscious approach

The FAO has applied an evolving process for reviewing and evaluating its work with the private sector overtime, demonstrating an increased interest in establishing and implementing private sector partnerships.

Managing and minimizing risk – 2000 to 2013

The FAO established its initial *Principles and Guidelines for Cooperation with the Private Sector* in 2000, and initiated an in-depth process in 2010 that led to the approval of the *FAO Strategy for Partnerships with the Private Sector* in 2013. The Principles and Guidelines established in 2000 emphasized the importance of managing risks from increased partnership with private sector entities and acknowledged the threats to the organization posed by private sector conflicts of interest (Col) (see box 2 for a definition of Col) ¹⁴ :

“FAO must at all times preserve its neutral and impartial role in partnerships and act in a transparent manner while at the same time avoiding any conflict of interest.” ¹⁵

The 2013 Strategy for Partnerships with the Private Sector was developed in response to comments of the Programme and Finance Committee. The revised strategy sought to increase and optimize private sector partnerships. It had a focus on risk management, avoiding potential conflicts of interest, and included elements of due diligence and evaluating and monitoring impact:

“To ensure that partnerships ***will not compromise FAO’s neutrality and impartiality***, this Strategy foresees a risk assessment process and a monitoring and evaluation system to measure outcome and impact of collaborations. ***Potential risks include: conflict of interest, undue influence on standard setting, and unfair advantages to specific private sector entities***. The risk assessment and management process involves preliminary screening, review and endorsement by the FAO Partnerships Committee and subsequent ongoing monitoring and evaluation.” ¹⁶ (emphasis added)

The Office of Partnerships, Gender, Advocacy and Capacity Development (OPC) was given the responsibility of screening potential partners against UN Global Compact Principles, human and labour rights, environmental and governance practices; as well as FAO’s risk factors (conflict of interest, threat to neutrality/scientific credibility, unfair advantage, and financial risk). ¹⁷

A new vision of a “risk conscious” approach: 2019 to present

In 2019, the Programme Committee supported development of a new vision for private sector engagement that would “balance” concerns around due diligence with goals of facilitating cooperation with the private sector. The resulting updated *FAO Strategy for Private Sector Engagement 2021-2025* (“the Strategy”) encourages increased private sector partnership and resource mobilization, stressing that FAO should move from a risk-adverse to a risk-conscious approach:

“At the same time, in light of the new approach for a revitalized partnership with the private sector requested in the 2030 Agenda, FAO is committed to offering a “proactive” approach to due diligence (facilitating the formulation and implementation of partnerships), going beyond a “defensive” approach (safeguarding the integrity, impartiality and independence of FAO and managing risk), in line with 2017 UN Joint Inspection Unit (JIU) report.” ¹⁸

The updated FAO Strategy for Private Sector Engagement from 2021, endorsed by the FAO Council in December 2020 and adopted at the June 2021 Council Session, and its relevant Update & Implementation Documents, encourages expanded and increased private sector partnerships of both formal and informal nature.

The Strategy includes updated principles for engagement with the private sector with a policy for disengagement and non-compliance. However, the new approach is clear that risks should not be avoided, but be managed. Even engagements that comply with exclusionary criteria can be pursued if the potential benefits may outweigh the risks, under a specific procedure (see box 2 and 3). The strategy also includes a new framework on conducting due diligence (FRAME) and a process for implementing risk management plans for private sector partnerships (see point B). ¹⁹

In 2021, the FAO further set the trajectory of increased partnerships with the private sector through its 10-year strategic plan. The FAO’s strategic framework 2022-2031 ²⁰ encourages increased engagement, partnership and investment of the private sector. The Director General’s Medium Term Plan 2022-2025 ²¹ likewise puts more emphasis on garnering funding, mobilizing budgetary resources, and increasing outreach to establish partnerships with the private sector.

BOX 2: DEFINITION OF CONFLICTS OF INTEREST

The UN’s Ethics Office has outlined in its “Fact Sheet: Conflicts of Interest” from 2020 that *“a conflict of interest occurs when our private interests, such as outside relationships or financial assets, interfere—or appear to interfere—with the interests of the UN... and we have a duty to avoid even an appearance of a conflict between our personal interests and those of the UN.”* ²² If such guidelines are expected to be followed by individual staff of the U.N., then it is imperative that the FAO, as an entire agency of the UN, follow rigorous guidelines to “avoid even an appearance of a conflict” between its mandate and that of the engaged non-state private actors. So far, minimal progress has been made on creating such clear guidelines, with some recent partial developments such as that of the FRAME related discourse.

B. FAO'S LIMITED FRAMEWORK FOR DUE DILIGENCE AND CORPORATE ACCOUNTABILITY

The new Framework for Due Diligence and Risk Assessment/Management for Engagements with Private Sector and other Non-State Actors (FRAME) was presented to the Programme Committee in November 2021 ²³ and is the first due diligence process that the organization has in place for engagements with the private sector. The FRAME is to apply to all prospective engagements with the private sector and other Non-State Actors (NSAs) and any significant new commitment to an existing private sector or other NSA engagement. ²⁴ However, prior to the adoption of the Strategy, FAO was already engaged in at least 41 private sector agreements. ²⁵ **These prior engagements had not gone through the due diligence screening and risk assessment process outlined in the FRAME. However, the FRAME doesn't foresee the revision of already existing engagements, unless they expire and are to be renewed.** ²⁶

In order to uphold the FAO's mandate and commitments to transparency and accountability under the Strategy to take appropriate action, including the development of Impact/Benefit and Risk Mitigation/Management Plans (IBRMP), ²⁷ **it is imperative that FAO carry out the due diligence screening process under the FRAME against the specific sets of criteria, and provide public reports on outcomes for all engagements with the private sector, including those entered prior to implementation of the FRAME.**

BOX 3: EXCLUSIONARY CRITERIA AND HIGH-RISK SECTORS

The FAO Strategy on Private Sector Engagement – Updates and Implementation Status ²⁸ describes specific sets of criteria for the FAO's due diligence screening of the private sector. These include Exclusionary Criteria and the definition of High Risk sectors.

Exclusionary Criteria refers to business categories and/or practices considered inherently incompatible with the UN's values, treaties, or other international standards. They include, among others, that FAO does not engage, in principle, with entities that are directly engaged in activities inconsistent with the UN Security Council Sanctions, Resolutions, Conventions or that are complicit in human rights abuses (Appendix I (p.21).

The Strategy makes clear that FAO must not pursue partnerships with entities that fall under this criteria, and end those that do during their engagement. However, in exceptional cases, FAO must complete full due diligence and provide evidence of how it will prioritize alignment with its mandate, compliance with international standards and principles protecting Human Rights:

"In principle, engagements with entities falling within the FAO exclusionary criteria will not be pursued, and existing partners should be disengaged if evidence of FAO exclusionary criteria arises during implementation. However, interactions may still be possible with some private sector or other NSAs assessed to present significant risks in exceptional cases (only after completion of the full due diligence process, including review and decision

by the EPC), where there would be a substantial benefit to FAO's beneficiaries and stakeholders of a clearly defined engagement *supporting delivery of FAO's mandate, and if mechanisms can be put in place to protect FAO's interests.*" (p.17)

This illustrates the new approach to "risk management" of FAO as described above in Section A.

High risk sectors are those that "might have potential to negatively impact communities and the environment." Engagements with an entity operating in any high-risk sector relevant to FAO's mandate is only considered after a comprehensive due diligence screening and assessment of risk, with risk mitigation measures and a risk management plan (p.17). As described in Appendix II, these sectors are:

- Oil and gas
- Metals and mining
- Utilities
- Large infrastructure
- Large-scale agriculture and fishing
- Alcohol
- Chemicals
- Genetically Modified Organisms (GMOs)
- Fast food and Sugar-Sweetened Beverages

Additionally, the due diligence screening is carried out against the Ten UN Global Compact Principles to meet fundamental responsibilities in the areas of human rights, labour, environment, and anti-corruption outlined in Appendix III; and the Environmental, Social, and Governance (ESG) reputational risks and assessment of any potential incident or breaches of the ESG components (p.17).

Lack of public transparency on the nature of partnerships: Informal vs. Formal

The portfolio of the FAO's private sector engagements is not transparent in terms of what explicitly constitutes a "formal" and "informal" engagement. The public-facing information on the FAO's private sector partnerships does not define the lines between informal and formal in either the Strategy or the private sector partnership portal CONNECT. ²⁹ The FAO nonetheless refers to formal and informal engagements, yet is inconsistent as to which legal instruments, including Letters of Intent (LoIs), Memoranda of Understanding (MoUs), and Exchanges of Letters (EoLs) fall under the formal and informal categories. ^{30, 31, 32}

Despite the emphasis on conducting private sector engagements transparently, the public-facing CONNECT portal provides a very limited amount of information on the FAO's engagements, namely a limited summary relating to the purpose and geographic focus of the partnership. There is no public information on whether an engagement is formal or informal, the starting date or duration of any particular partnership and only some but not all partners

are identified as having an Lol ³³ or MoU, ³⁴ and no EoLs are noted. The only public-facing record available, which lists this information, is from an Information Note ³⁵ prepared for the 165th Session of the FAO Council in 2020.

Ultimately, the Strategy orients the FAO toward informal engagements. In 2021, the FAO states that the vast majority – 90% ³⁶ – of its private sector engagements were *informal*, noting that engagements may take the form of “any type of interaction with business entities.” ³⁷ But what constitutes an *informal* engagement? As of October 2021, FAO reported that 69% of its engagements were through an MoU, 6% through an EoL, and 25% through an Lol. ³⁸ As reported in April 2022, ³⁹ the FAO concluded 2021 with 40 active *formal* partnerships, noting that these are established through MoUs, Lols, and EoLs. Furthermore, the FAO is not consistent or transparent in publicly reporting its active partnerships. The FAO currently lists 39 active partnerships on the CONNECT portal. ⁴⁰ In a November 2021 Plant Production and Protection Division (NSP) seminar, the Director of the Resource Mobilization and Private Sector Partnerships Division noted that the organization maintains about 55-60 formal partnerships with the private sector. ⁴¹ Therefore, an estimated 16-21 formal partnerships are not publicly listed.

As presented in the NSP seminar, *informal engagements represent 90%* and *formal partnerships represent 10%* of FAO’s engagements with the private sector. ⁴² The presentation notes that *engagements* “remain informal – policy dialogues, workshops, joint events” and explains that *partnerships* “are formalized via legal instruments – e.g. MoUs with mutual commitment to multi-year joint workplans, Lols” and “large-scale engagements where we work together over a period of 4-5 years.” ⁴³ Thus, one could infer that all private sector partnerships engaged through an MoU, Lol, and EoL are categorically formal engagements, and thus must encompass the risk management plans (IBRMP) if they score as medium or high risk. This also means that the official numbers of formal private sector partnerships and engagements of the FAO at 39-60 partnerships represent only 10 % of the organization’s engagements, leaving an open question regarding FAO’s actual collaboration with the private sector.

Yet, there is a dangerous inconsistency regarding the formality of Lols. The Director General wrote in November 2020 in response to a letter from civil society and Indigenous Peoples organizations on the FAO’s partnership with CropLife International (see case study below), that “*The Letter of Intent does not create any legal, financial or other obligations for FAO or CropLife International, nor does it create any formal relationship between our two organizations.*” ⁴⁴ If an Lol is not considered a formal engagement, or is inconsistently applied, the terms of FAO’s engagement with multinationals operating in high-risk sectors become even more unclear.

If the FAO is committed to its principles for private sector engagement to benefit smallholder farmers and to be “driven by real needs and demands on the ground... in close prior consultation with local and indigenous communities,” ⁴⁵ then full disclosure of the nature, duration, type and complete areas of collaboration for every private sector engagement must be publicly viewable on the CONNECT portal.

Concerns with Risk management for High-Risk Sectors

The FAO’s explicit transition “from a risk averse to a risk-conscious approach to partnerships” ⁴⁶ allows engagements with entities determined as medium to high risk to move forward with legal instruments, whether considered formal or not, through an IBRMP. The due diligence

screening process therefore does not adequately protect the FAO from high-risk private entities and instead creates a pathway for FAO's engagement. As described in box 3, the FAO acknowledges, "some sectors, by their nature or operational context, might have potential to negatively impact communities and the environment." ⁴⁷

The question remains how the FAO plans to guarantee the "commitment of entities operating in high-risk sectors and their practices to reduce these risks" ⁴⁸ and with what types of risk management measures. Ensuring proper management of risks instead of avoiding them in the first place leaves the FAO open to the "most frequently identified risks of proposed engagements" ^{49, 50} (See box 4).

BOX 4: THE MOST FREQUENTLY IDENTIFIED RISKS OF PROPOSED ENGAGEMENTS ⁵¹

i) conflicts of interest; **ii)** undue or improper influence by an entity on FAO's work, especially, but not limited to, policies, norms and standard-setting; **iii)** negative impact on FAO's integrity, independence, credibility, reputation, or mandate; **iv)** the engagement being primarily used to serve the interests of the entity, with limited or no benefit to FAO; **v)** the engagement conferring an endorsement of, or an unfair advantage to, the private sector entity's name, brand, product, views or activity; and **vi)** the blue-washing of a private sector entity's image through an engagement with FAO' and the failure of the partnership to provide the expected benefits.

Missing mechanisms for accountability

Missing from the Strategy are clear mechanisms for accountability. There are no grievance, liability and remedy mechanisms set into place for the implementation and evaluation of engagements whether formal or informal, which would allow partners and beneficiaries of the FAO, particularly marginalized constituencies and affected communities, to hold the FAO and the involved corporate sector entities and their associations accountable in cases of breaches or non-compliance of the Strategy's exclusionary criteria, principles for engagement, ⁵² and specific areas of collaboration.

Missing mechanisms for avoiding Conflicts of Interests

Importantly, the FRAME ensures only segregation of duties in the FAO structure to avoiding Col. "To avoid potential conflicts of interest, the Project Support Division (PSS) has assumed due diligence and risk assessment responsibility for private sector and other non-state actors partnerships, thus ensuring segregation of duties with Partnerships development (PSR/ PSU)". ⁵³ This means that the FRAME claims that Col will be avoided simply because the due diligence screening is done by another unit than the partnership development units. However, the question remains, what specific mechanisms are in place to avoid Col inside the different units (PSR/PSU, PSS; EPC)?

2. MAKING THE CASE: CORPORATE CAPTURE OF THE FAO

A. FAO & CROPLIFE INTERNATIONAL – A TOXIC ALLIANCE WITH CONFLICT OF INTEREST

The FAO signed a Letter of Intent with CropLife International (CLI) in October 2020. It was the first time an FAO Director General delivered a keynote speech to the Board of Directors of CLI, wherein he invited pesticide companies to work with FAO and its Members, saying that the partnership “will allow us to combine our efforts even further and explore more collaboration.” ^{54, 55} CropLife announced this enthusiastically as a “strategic partnership agreement.” ⁵⁶

CLI is a global trade association whose members are the world’s largest agrichemical, pesticide and seed companies: BASF, Bayer Crop Science, Corteva Agriscience, FMC and Syngenta. CropLife member companies make over one-third (35%) of their sales from Highly Hazardous Pesticides (HHPs) ⁵⁷ – the pesticides that pose the highest levels of risk to health and the environment and are behind some of the most egregious poisoning cases and environmental destruction.

The use of toxic pesticides is a global threat ^{58, 59} to human health and the environment. ⁶⁰ They are a major driving factor in the unprecedented collapse of insect populations and biodiversity loss. ^{61, 62} Each year, 385 million farmers and farmworkers suffer from acute pesticide poisoning – that’s 44% of the global population working on farms. ⁶³

Civil society has been vocal in response

In November 2020, 352 civil society and Indigenous Peoples’ organizations from 63 countries, representing hundreds of thousands of farmers, fisherfolk, agricultural workers and other communities, sent a letter to Director General Dongyu Qu expressing concerns as rights holders and urging the FAO to abandon its plans to partner with the pesticide industry. ⁶⁴ More than 250 scientists, academics and researchers sent a letter that same day, ⁶⁵ soon followed by 47 foundations and funder networks. ⁶⁶ Director General Qu wrote back to civil society and Indigenous Peoples’ organizations as well as scientists and academics, however the major concerns outlined were not addressed. ⁶⁷ Representatives of 11 global civil society and Indigenous Peoples’ organizations have formally requested to meet with the Director General ⁶⁸ without due response. In December 2021, over 187,300 individuals from more than 107 countries submitted a global petition ⁶⁹ urging an immediate end to FAO’s partnership with CropLife.

An incompatible partnership for FAO

The FAO’s agreement with CropLife threatens the FAO’s integrity, credibility, impartiality, independence and neutrality, undermines FAO’s priority of reducing reliance on pesticides and its commitment to agroecology, and is incompatible with FAO’s obligations to uphold

human rights such as the rights to adequate food, health, clean water, safe working conditions, and a clean, healthy and sustainable environment.

The Lol with CropLife has been inconsistently referred to as a formal and informal engagement, but clearly represents a “strategic partnership” ⁷⁰ for the industry that formally ties the FAO with producers of deadly, harmful, unsustainable chemical pesticides. It cannot be ignored that as profit-driven corporations, CropLife International’s primary aim is to maximize sales of their members’ products. This is especially true in the Global South. CropLife International member companies explicitly target countries in Africa, Latin America and Asia, where the proportion of their HHP sales is even higher. ⁷¹ Furthermore, there is evidence of CropLife members’ interfering in national policy and exerting enormous pressure on governments that take measures to protect people and environment from pesticide harms (see Box 5).

The Lol was entered prior to the development of FRAME, and without transparency on previous procedures or reports thereof, it is unclear whether CropLife International was evaluated through a due diligence screening. It is also not clear whether CropLife was assessed against the Exclusionary Criteria, Environmental, Social and Governance risk elements, and other criteria for private sector partnerships embodied in the FRAME. Therefore, there remains a lack of transparency regarding whether a risk assessment was conducted and which procedures if any were undertaken to evaluate the collaboration, the risks identified, and any plans to mitigate these risks.

Aligning with the pesticide industry can increase FAO’s reputational risk and threaten FAO’s ability to fulfill its mandate to reduce hunger and support farmers and rural communities.

BOX 5: CROPLIFE’S INTERFERENCE ON PESTICIDE POLICY

The FAO’s engagement with CropLife International gives additional space for these pesticide and GM seed manufacturers to more aggressively promote their harmful products. The pesticide industry exerts an enormous amount of pressure and influence on governments that take measures to protect people and environment from pesticide harms.

- CLI member company Bayer played a key role in Thailand’s decision to overturn an earlier ban on the cancer-causing glyphosate. Communications between US government officials and Thailand were largely scripted and pushed by Bayer. Bayer lobbied support from USDA, pressuring Thailand to reverse its ban from warnings of trade impacts to US commodity exports. ⁷²
- CLI member Syngenta consistently refused to modify its deadly weedkiller formula of paraquat, claiming it was safe. Syngenta manipulated scientific data to circumvent a ban and keep paraquat on the market for 40 years in order to protect its bottom line. As a result, hundreds of people, especially in rural communities in the Global South, continue to use and die from paraquat poisoning. ⁷³
- Bayer exerted enormous pressure against Mexico upon the Presidential decree to phase out glyphosate and GMOs. CropLife America and Bayer

lobbied the USTR and USEPA which then took up industry's concerns against Mexico to pressure them to drop the ban. ⁷⁴

Undermining FAO's own Code of Conduct on Pesticide Management and commitments to reducing reliance on pesticides

In Director General Qu's response to civil society, he said that the FAO's cooperation with CLI has been ongoing since 2010, focusing—appropriately—“on the removal of highly hazardous obsolete pesticides.” ⁷⁵ However, the Lol stipulated much more: a collaboration with CropLife on “reducing pesticide risks through sound management and crop production intensification,” ⁷⁶ which goes directly against FAO and WHO's International Code of Conduct on Pesticide Management. ⁷⁷

The Code's implementation document, Guidance on Pest and Pesticide Management Policy Development that was developed and approved by the Joint FAO/WHO Meeting on Pesticide Management (JMPM) puts reducing reliance on pesticides as the first, and thus most critical, step towards pesticide risk reduction. ⁷⁸ The reduction in use and dependency on agrochemicals is underscored as a priority for concerted action in other UN fora, and conventions, including the JMPM, the International Conference on Chemicals Management (ICCM1 & ICCM4) ⁷⁹ and Strategic Approach to International Chemicals Management (SAICM). ⁸⁰

Furthermore, by deepening its collaboration with CropLife International, the FAO undermines global progress towards progressively banning HHPs, as recommended for consideration by the FAO Council as early as 2006. ⁸¹ The FAO and WHO Code's Guidelines on HHPs recommends phasing out and ending the use of HHPs through banning, canceling or withdrawing registration, noting “ending use” as a mitigation option in Article 4.1. ⁸² Article 7.5 of the Code describes the consideration of a prohibition on the distribution, sale and purchase of HHPs based on unacceptable risks to humans and the environment; and Article 3.6 states that “Pesticides whose handling and application require the use of personal protective equipment that is uncomfortable, expensive or not readily available should be avoided, especially in the case of small-scale users and farm workers in hot climates.” ⁸³ Yet CLI companies continue to promote exactly these pesticides in such situations.

The sound management of chemicals perpetuates a dangerously ineffective paradigm of ***responsible use***. There is no downward trend in pesticide poisoning from sound management provided by pesticide companies. Rather than centering the false solution of sound management, FAO should follow its own Code Guidelines to prevent, reduce and minimize risk of pesticide exposure, “through non-chemical pest management techniques.” As outlined in the Code, “Pest management strategies should include such IPM approaches and not solely rely on chemical control” which can be achieved through agroecological knowledge and practices. ⁸⁴ This is also underscored by the UN Environmental Program which calls to include “prevention, reduction, remediation, minimization, and elimination of risks during the life cycle.” ⁸⁵ Further, UNEP has proposed that legally binding instruments may be necessary to strengthen international support for the management of HHPs, especially for developing and transition countries. ⁸⁶

Recognizing CLI's vested interest in maintaining, if not increasing, its profits from the

continued sale of HHPs, how can we expect CLI to support efforts to reduce farmers' reliance on its products? This is counter to their business, yet it is, according to FAO's guidance, the first and most important step in preventing and reducing risk.

Undercuts FAO from leading global efforts to support just & resilient food systems and agroecology

Finally, this engagement with CropLife International undercuts the FAO and several Member States' support for agroecology, ⁸⁷ an approach that offers viable and sustainable proposals for generating ecologically-based food and farming systems without the use of HHPs. CLI asserts that it aims to provide sustainable plant science technology through the genetically modified (GM) seeds that its member corporations produce. ⁸⁸ Often these seeds are engineered to be used in conjunction with proprietary chemical herbicides. These GM seeds are thus a mechanism to boost associated chemical sales and the combined package of proprietary seeds and pesticides can bury farmers in debt. ⁸⁹ This threatens the urgently needed transition to innovative, knowledge-intensive agroecological approaches that FAO has been supporting in recent years.

If the FAO is to help Member States successfully scale up agroecology initiatives globally ⁹⁰ to support small-scale farmers, food producers and agricultural workers as a response to the challenges of climate change and the need for a transition to a resilient food system, it must lead the way in pursuing decisive action to phase-out HHPs globally. This would be difficult to achieve with the FAO also pursuing active collaborations with the world's largest pesticide companies.

In conclusion, Member States of FAO must not allow the agency to partner through an Lol or through any other engagement mechanism with the pesticide industry – nor allow it to hold sway over the agency. The FAO must prioritize the increase of farmer access to agroecological practices and tools that help them grow their crops sustainably without harming their health. To safeguard the health and well-being of the people and the planet, the FAO must end its engagement with CropLife International.

BOX 6: FAO-CROPLIFE PARTNERSHIP: UNDERMINING HUMAN RIGHTS

Reliance on hazardous pesticides undermines the rights for present and future generations. Hazardous pesticides are inconsistent with the rights to:

- Health and to a clean, healthy and sustainable environment
- Safe working conditions
- Adequate food and clean water
- A dignified life
- Rights of Indigenous Peoples, women, children, workers, and peasants and other people working in rural areas, which includes the right to not use or be exposed to hazardous pesticides

UN Special Rapporteurs have identified the sale, export and relentless pressure to use chemical pesticides as responsible for the violation of human rights because of their catastrophic impact on the environment, human health and society as a whole:

"If a country bans the use of pesticides because they are deemed to be too dangerous, it should not allow its companies to export them ... This is an unacceptable double standard," – Michael Fakhri, UN Special Rapporteur on the Right to Food. ⁹¹

"Highly hazardous pesticides should be phased out because they pose unacceptable harms to internationally accepted human rights" – Marcos Orellana, UN Special Rapporteur on Toxics and Human Rights. ⁹²

"Under the shadow of the existential threats of climate change and biodiversity collapse lies another, insidious extinction crisis: the toxification of our planet and our bodies. The invisible proliferation of toxic substances poses a global threat to individuals, communities, and human rights" – Baskut Tuncak, former UN Special Rapporteur on Toxics and Human Rights. ⁹³

UN Special Rapporteur Michael Fakhri raised in his report to the 49th Session of the UN Human Rights Council ⁹⁴ : ***"institutionalized agreements between organizations, such as CropLife International, representing and lobbying for the pesticide producers, and United Nations agencies may raise questions of conflict of interest and result in undue corporate influence over international policymaking."*** Fakhri's recommendation strongly encourages the FAO Council "to review the agreement with CropLife International with an eye to human rights concerns" and ***"to consider directing the Director-General of FAO to rescind the agreement."***

B. THE NEW MOU BETWEEN FAO AND THE INTERNATIONAL FERTILIZER ASSOCIATION (IFA)

In December 2021, the FAO renewed their Memorandum of Understanding with the International Fertilizer Association (IFA). The two organizations collaborate since the early 2000s and the MoU follows a previous one signed by FAO and IFA in October 2016. ⁹⁵

Synthetic N fertilisers have severe negative environmental impacts ⁹⁶ and are a major driver of the climate crisis. ⁹⁷ Their use has increased by 800% since the 1960s and while the fertiliser lobby claims that the excessive use of synthetic N fertiliser can be resolved through more precise application (e.g. "precision agriculture" or "climate-smart agriculture"), studies find no significant impact of those programmes. ⁹⁸

IFA was founded in 1927 and describes itself as the only global fertilizer association. It has more than 400 members in some 70 countries and a mission to promote efficient and responsible production, distribution and use of plant nutrients. Members include fertilizer

producers, traders and distributors, as well as their associations, service providers to the industry, research organizations, ag-tech start-ups and non-governmental organizations. ⁹⁹ The website lists Members of IFA under the category of Industry Stewardship Champion which include BASF, Nutrien and Ravensdown. ¹⁰⁰ The board of directors include representatives from the Syngenta Group, Yara International, and Kingenta. ¹⁰¹

The FAO CONNECT Portal ¹⁰² informs about the objectives of the engagement as follows: “The partnership will promote sustainable food and agriculture and address related topics such as assessment of soil fertility and the sustainable use of fertilizers. Together, FAO and IFA will encourage the continuous improvement of fertilizer statistics to inform agriculture policy and support evidence-based decision making; support increased agricultural productivity through the implementation of the International Code of Conduct for Sustainable Use and Management of Fertilizers; and work to minimize the impact of fertilizers on the environment through integrated approaches to plant nutrition, including efficiency in use of fertilizers and promotion of bio fertilizers and biostimulants”. The portal does not include a link to the MoU document.

Voluntary contribution of IFA- associated fertilizer company to the FAO

The FAO partnership impacts report from 2019 includes a list of the top 15 voluntary contributions from institutional resource partners, which includes the Russian fertilizer company PhosAgro with a contribution of \$1,200,000 (USD) without specification of its use. ¹⁰³ PhosAgro doesn't seem to be an official member of IFA, but has the status of Industry Stewardship Champion at IFA. ¹⁰⁴ The website of PhosAgro also states a close collaboration with IFA and that in 2018, PhosAgro (represented by the Cherepovets branch of Apatit JSC) received an award by IFA for the company's excellent results in energy efficiency; environmental indicators and safety and labor protection. ¹⁰⁵ Furthermore, the website informs that PhosAgro has been participating in FAO's Global Soil Partnership and in the development of the International Code of Conduct for Sustainable Use and Management of Fertilizers and states a contribution of \$ 150 thousand to the organisation – without referring to the much bigger contribution registered in the FAO partnership impact report. ¹⁰⁶

IFA, CLI and the UNFSS: Advancing corporate solutions to food systems transformation

IFA has been actively involved in the UN Food Systems Summit (UNFSS). During the Pre-Summit, the Private Sector Guiding Group (PSGG) to the UN Food Systems Summit submitted the Coalition for Soil Health. ¹⁰⁷ IFA describes itself as a facilitator and supporter of this coalition. ¹⁰⁸ Besides IFA, other supporters of the Coalition are BASF, Bayer, Corteva, Nestlé, Nutrien, OCP, PepsiCo, Rabobank, Syngenta, Yara, WBCSD as well as Croplife International. ¹⁰⁹

After the Pre-Summit, the coalition evolved into the Coalition of Action 4 Soil Health (CA4SH), listing again IFA among the main supporters ¹¹⁰ and the Food Systems summit community website indicates the IFA as key contact for the call for action for the coalition. ¹¹¹ Interestingly, however, the official article on the UNFSS website on the CA4SH does not list the IFA as a member of the coalition. ¹¹²

Critically, the CA4SH is based on the interest of the private sector in creating investment opportunities related to soil health by understanding soil carbon storage as an important value-chain asset and attractive return on investment. The basis for this idea is a 2018 WBCSD

publication with the title “The Business Case for Investing in Soil Health”. ¹¹³ According to the UNFSS website, the coalition “identified the development of more effective financial mechanisms and investment solutions as key to supporting farmers in their adoption of better soil management practices and scaling healthy soil agricultural practices.” ¹¹⁴ In fact, one of its solutions is the proposal of a Soil Investment Hub. ¹¹⁵

Considering soil as a financial asset is an aspect of the critical development towards financialization of food and agriculture, which can lead to land grabbing and corporate concentration. ¹¹⁶ It is often promoted under the umbrella of nature-based solutions which can promote carbon and nature neo-colonialism, discredited market mechanisms and corporate greenwashing. ¹¹⁷

The two partnerships of FAO with CLI and with IFA must therefore be seen as part of the larger trend of corporate capture of the UN (see box 7).

BOX 7: THE UN OPENING UP TO THE CORPORATE SECTOR: THE PUSH FOR MULTISTAKEHOLDERISM

The primacy and legitimacy of the public sector is increasingly under attack by corporate capture of policy processes and a development narrative that assigns a lead role to private sector investment while questioning multilateralism. ¹¹⁸

Multilateralism is where states lead decision-making, regulate private actors in the public interest, and are accountable to their citizens for the decisions they take.

Multistakeholderism implies that all actors that have a “stake” in an issue have an equal say, without the identification of roles, responsibilities and power imbalances among them. This leads to a situation where the most powerful actors can impose what they want and accountability disappears. This changed governance approach can be seen not only in the food, agriculture and nutrition domain, but also in a broader range of areas. ¹¹⁹

The World Economic Forum (WEF) is among the main proponents of multistakeholderism, promoting a corporate-friendly vision through its Global Redesign Initiative (GRI) since 2010. The GRI framework aims at replacing multilateralism by a loose ecosystem of multi-actor-coalitions partnering around common goals, but without mechanisms of accountability. ¹²⁰

Lately, the UN Secretary General is promoting a similar approach under the term ‘*networked multilateralism*’ through its 2021 “Our common agenda” report. ¹²¹ According to the report, the UN is a “trusted platform for collaboration between a growing number and diversity of actors” ¹²² and we are witnessing a more networked, inclusive and effective form of multilateralism because “**a broader range of State and non-State actors are participating in global affairs** as part of open, participatory, peer-driven and transparent systems, geared at solving problems by drawing on the capacities and hearing the voices of all relevant actors rather than being driven by mandates or institutions alone”. ¹²³

After signing a strategic partnership between the UN and the WEF, the UN Food Systems Summit (UNFSS) that was held in September 2021 represented a benchmark of corporate capture through multistakeholderism, ¹²⁴ in line with the idea of networked multilateralism. Not only did corporate actors play a significant role in the process, the preparation of the summit deliberately excluded the foremost inclusive and democratic UN forum for tackling food security issues: the Committee on World Food Security (CFS). ¹²⁵ Its President was only invited after civil society protest and Member States were not in the driving seat for shaping the summit. ¹²⁶ According to the “Our common agenda” report, the UNFSS seems to be a blueprint for further similar developments in the UN.

The UNFSS follow up process is advancing vulnerabilities of corporate capture

Despite its non-negotiated outcomes, the UNFSS includes a massive follow up mechanism, which includes the continuation of its infrastructure, creating parallel structures in the UN system. The UNFSS Secretariat is transitioning to the FAO-based Coordination Hub which will likely encroach key functions of the CFS. ¹²⁷ It will be led by the UN Secretary General and the FAO Director General and staffed by six UN Agencies, Funds or Programmes. Its oversight will fall on a Steering Group comprised of the Principals of the three Rome-based Agencies FAO, IFAD and WFP, the Development Coordination Office (DCO); and the UN Environment Programme (UNEP). ¹²⁸

There is no intergovernmental mechanism for political oversight of the Hub’s work which amounts to less transparency and accountability for the actions taken.

Furthermore, at the heart of the UNFSS outcomes are the so-called Coalitions of Action, such as the Coalition for Soil Health as mentioned above. These are loose multistakeholder alliances that emerged in the run up to, during and after the summit in an opaque way. ¹²⁹ Many of the Coalitions of Action stem from earlier WEF initiatives that will now deliver private sector solutions under the guise of the UN. They create new spaces to address food systems issues without transparency and accountability mechanisms, nor meaningful ways of participation for rights holders, while giving special power to those who can fund and influence the coalitions. An especially important dimension is the implementation of UNFSS outcomes at national levels through the so-called “national pathways”, where corporations, that have gained legitimacy through the summit, can easily advance their proposals.

Given the positioning of networked multilateralism as inclusive governance form in the UNSG’s “Our common agenda” report, the consequences of more such summits to come in order to shape the UN in direction of a multistakeholder platform, is that the corporate sector is allowed to dominate policy processes while member states and civil society have no meaningful participation.

C. THE NEW MOU BETWEEN THE INTERNATIONAL CHAMBER OF COMMERCE (ICC) AND THE FAO: BRINGING THE VIEWS OF 45 MILLION COMPANIES TO THE FAO

In March 2022, the FAO signed a MoU with the International Chamber of Commerce (ICC) to strengthen their partnership and increase public-private collaboration. The MoU focuses on climate change mitigation and the resilience of agrifood systems. The MoU also emphasizes knowledge exchange between the two parties especially related to zero hunger. As part of this, the ICC will provide FAO with a platform to share knowledge on agricultural practices in order to increase collaboration with the private sector. The MoU will further connect relevant FAO offices with the ICC's network of National Committees and National and Local Chambers of Commerce as part of the partnership. The FAO and the ICC have agreed to collaborate to enhance the participation of the private sector in the Hand-in-Hand initiative. **130**

The ICC, the world's largest business organization, was founded in 1919 and now represents 45 million companies in over 100 countries. **131, 132** The ICC has consultative status with the UN and collaborates with specialized UN agencies on behalf of member companies. In addition to the UN, the ICC engages with other intergovernmental bodies such as the World Trade Organization and the G20. **133** The membership of the ICC's individual chapters is highly secretive. It is governed by the World Council, a group of its member business executives, and is made up by sub-chapters, or national committees, from around the world. The ICC's Executive Board is composed of corporate leaders, several of which have direct ties to the food industry. In June 2020, MasterCard CEO Ajay Banga was elected as the new ICC Executive Board Chair. **134** Previously, Banga served on the Board of Directors of Kraft Foods (2007 - 2012). **135** This followed the separation of the food company Kraft from its tobacco corporation parent group, Altria. **136, 137** The previous ICC Chair, Paul Polman, held the role from June 2018 to June 2020 then becoming ICC Honorary Chair. **138** Polman was CEO of Unilever for 10 years (2009-2019). **139**

The ICC is tied to some of the world's most abusive corporations through both revolving door relationships with industry CEOs and the member corporations of its chapters, which pay dues to the ICC. **140** While we don't have transparency on ICC's corporate members, the organization is tied to industry leading corporations - including ExxonMobil, Chevron, Dow, and Coca-Cola - that have been implicated in human rights violations as well as engaging in political interference that undermines environmental protections and public health. **141, 142** The ICC utilizes a range of tactics to interfere in global public policy including lobbying, junk science, dispute arbitration, and promoting self-regulation as a substitute for public policy. The ICC has a long history of employing these tactics to undermine global tobacco control policies such as plain packaging. **143**

The ICC and global food policy

Despite the fact that the ICC represents corporations whose profit motives run counter to global public policy efforts which presents an inherent conflict of interest, the ICC actively engages in global food policy arenas at the highest levels of governance. In addition to the partnership with the FAO, the ICC maintains an active partnership with the World Food Programme (WFP) that focuses on leveraging private sector expertise to address global hunger. **144, 145** One area of partnership with the WFP is the ICC's Agri-Food Hub, which is a project aimed at providing support for innovation and digitisation, trade and policy, and sustainability. The platform allows companies to discuss policy and regulation at the national

and international level. ¹⁴⁶

The ICC is also a member of the International Agri-Food Network (IAFN), ¹⁴⁷ which is a network of international trade associations involved in global agriculture. The IAFN acts as a liaison between members and international organizations involved in global food policy. The IAFN has been elected to coordinate the Private Sector Mechanism (PSM) at the Committee on World Food Security (CFS) in Rome. ¹⁴⁸ These examples further underscore the formalization and legitimization of the compounding power and deep influence of commercial interests of agro-food industries on the UN's food policy work and multilateral institutions.

In addition to formal partnerships and projects aimed at influencing global food policy, the ICC also utilizes resources to develop voluntary corporate initiatives to undermine regulatory efforts to advance public health. The ICC's Framework for Responsible Food and Beverage Marketing Communications sets forth a self-regulatory code for global food corporations to lessen the impact marketing has on global diet-related disease rates. ¹⁴⁹ The ICC's marketing code runs counter to the WHO's Set of Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children, in which the WHO offers guidance to Member States to develop and implement public policies to curb irresponsible marketing. ¹⁵⁰

Given the ICC's history of interfering with public policy and UN agencies, the new MoU between the ICC and the FAO raises significant questions regarding conflicts of interest. The revamped partnership demonstrates the ICC's interest in deepening its access to food policy makers in order to advocate for its corporate members. In addition, the lack of transparency of ICC's membership creates challenges for policy makers in both identifying and mitigating the inherent conflict of interest that the ICC presents when engaging in public policy at any level. Based on these fundamental concerns, FAO Member States should challenge and urge the FAO to end the MoU with the ICC immediately. The FAO must prioritize applying stronger safeguards and exclusionary criteria to ensure that the organization avoids partnering with the ICC in any form given its track record of political interference on behalf of the world's largest corporations and representing human rights violators across sectors.

3. LOOKING FORWARD: URGENCY TO ACT

A. WHY IT IS IMPORTANT FOR FAO TO BE ACCOUNTABLE AND TRANSPARENT

As a specialized agency of the United Nations, FAO is bound by the UN Charter and therefore to the international human rights framework (Arts. 57 and 103 of the UN Charter). The agency therefore shall not engage in any activities that harm human rights, but respect, protect and fulfill human rights, especially of vulnerable groups.

Secondly, FAO is a public institution, which must serve public interest. It is crucial that this role is not be affected by commitments or partnerships that put the organization under Conflicts of Interest. Cooperation with the private sector must follow clear rules, allow for transparency and impartiality, and establish clear accountability mechanisms, instead of serving the interest of the private sector.

According to its constitution, ¹⁵¹ FAO is mandated to “bettering the condition of rural populations”, “raising levels of nutrition and standards of living of the peoples” as well as to conserve natural resources, among other aspects. Small-scale food producers and agricultural workers are the ones who are feeding the world, while at the same time being among those most affected by hunger and malnutrition. Therefore, FAO shall give centrality to their protection in any action or agreement.

Furthermore, it is FAO’s stated goal and mission to lead global efforts towards scaling up agroecology which are severally under threat by partnering with the corporate sector, and can instead be enhanced by partnering with civil society organizations, small scale food producers and Indigenous Peoples.

B. WHAT FAO CAN LEARN FROM WHO IN TERMS OF TRANSPARENCY AND ACCOUNTABILITY

Based on the findings from a preliminary scan of the FAO resources and historical documentation publicly available through the FAO’s web portal, it is evident that FAO can find itself behind the curve related to the transparency and accountability of its engagement with the private sector and non-state actors. Although, models and precedents exist within the UN ecosystem that can assist the FAO find a path toward developing a comprehensive accountability framework, which includes effective safeguards against Col. A few such models and guidelines related to advancing accountability and transparency from the U.N. system include:

Preventing and managing Conflicts of Interest in policy-making: In 2012, the World Health Assembly (Res. WHA65.6) requested the Director-General of the World Health Organization (WHO) to create tools for risk assessment, disclosure, and

management that can help “protect against possible conflicts of interest in policy development and implementation of nutrition programs consistent with WHO’s overall policy and practice.”¹⁵² Following the consultations with Member States in 2014, which concluded in 2015, the WHO released a Draft Approach for the Prevention and Management of Conflicts of Interest in the Policy Development and Implementation of Nutrition Programmes at Country Level for a public consultation.¹⁵³ Subsequently the WHO Regions were requested to pilot this approach at country level to test its applicability and practical value, and the Pan American Health Organization (PAHO) initiated its work in 2018, which resulted in the development of the roadmap that is aimed to help Member States identify, prevent, and manage potential conflicts of interest in any engagement with non-state actors in their nutrition policies and related programs. The FAO can greatly benefit from developing similar guidance for all its work in the food and agriculture sector across regions where Member States are actively engaged with the FAO programs. Additionally, the Framework Convention on Tobacco Control (FCTC) Article 5.3 offers a guideline for ensuring the conflicts with industry are prevented, including measures to denormalize “corporate social responsibility”, reject partnerships, and require transparency of the tobacco industry.¹⁵⁴

Due diligence to duty of care: A starting point for developing guidelines for financial engagement is the WHO Framework for Engagement with Non-State Actors (FENSA), which address that there should be adequate due diligence in the engagement with business and also to protect the agency’s work, credibility, and mandate. Here the ‘due diligence’ should incorporate a holistic ‘duty of care’ system of accountability, outlining full breadth obligations for the industry actors addressed within the framework.¹⁵⁵ The concept of duty of care, as opposed to due diligence, imposes a legal obligation on corporations of reasonable care towards individuals and the environment, which they could foreseeably harm through their operations. The duty of care, in addition to imposing a legal requirement to prevent harm, therefore also triggers the civil liability of businesses when harm occurs.¹⁵⁶

Financial rules and regulations: Related to implications for private sector funding that contributes to FAO’s budget, another guiding model could be the WHO’s complimentary and multiple sets of Financial Regulations and Policies, which together strengthen the prevention of Col. Based on the WHO FENSA Rules Guide for Staff on Engagement with Non-State Actors, ‘Procurement of goods and services’ and ‘Financing from non-State actors’ should adhere to the WHO procurement policy and Financial Regulations.¹⁵⁷ These recommendations are noteworthy to ensure conflicts are prevented via strategic, complementary, and in-depth regulations, in this case specifically related to financial conflicts. The FAO’s private sector engagement strategy can benefit from articulating FAO’s conflicts vis-à-vis financial dealings and funding sources following the WHO FENSA precedent. Addressing conflicts of interest from such multiple perspectives could help ensure conflicts are prevented through complementary and holistic sets of regulations.

C. WHAT MUST CHANGE GOING FORWARD - RECOMMENDATIONS FOR THE FAO AND MEMBER STATES

The FAO, Member States, and civil society will have to prioritize safeguarding the work and mandate of the FAO from the private sector if the agency is to truly “achieve food security for all and make sure that people have regular access to enough high-quality food to lead active, healthy lives (FAO, 2022).” ¹⁵⁸ The following recommendations must be adopted to ensure progress is achieved on preventing corporate capture of the agency, which has a risk to jeopardize the wellbeing of myriads of communities that the FAO is mandated to serve.

1. **Recommendations for the FAO:**

- a. FAO should **end its partnership agreements with corporate actors, especially of transnational nature**, which have conflicts of interest with the FAO’s mandate. These include, but are not limited to, high-risk sectors such as agrochemical, fast food, beverage, tobacco, and fossil fuel industries. **Specifically, FAO must immediately end its partnership with CropLife International.**
- b. **The FAO should undertake a full review** in accordance with the due diligence screening process and risk assessment against all exclusionary criteria and other principles outlined in the FRAME **of all existing partnerships and engagements with private sector entities that were in effect prior to the adoption of the Strategy for Private Sector Engagement and the FRAME and put an end to those in non-compliance with such exclusionary criteria and principles.**
- c. The **FAO should commit to full financial transparency by publicly disclosing all financial contributions** from private sector actors to the FAO and its Member States. This reporting should at least include how much funds have been contributed by which entity, for what projects, for what length, and the details of diligence and conflict of interest assessments for those relationships as well as corrective measures undertaken to eliminate those conflicts of interests.
- d. The FAO should **not receive funds from private entities that are in conflict with FAO’s mandate** and undertake all efforts to **strengthening FAO’s budget with public funding.**
- e. The FAO should **commit to full transparency of the nature, duration, type and complete areas of collaboration for every private sector engagement** to be publicly viewable on the CONNECT portal. Further, the FAO must make **publicly transparent its reports on outcomes of the due diligence screening and whether there is a risk management plan** (e.g. IBRMP) **for all engagements** with the private sector.
- f. The FAO should **strategically and in-depth define what ‘private sector’** means and entails, and subsequently **clarify differentiated treatment** for entities that have an expansive global scope and influence including large firms, industry and trade associations and private sector consortia, and philanthropic foundations; as opposed

to treatment for small-scale farmers and producers and their associations as well as MSMEs. Likewise, **FAO should consider small-scale producers under the scope of civil society**, in line with FAO Strategy for partnerships with civil society organizations, ¹⁵⁹ as requested by the International Planning Committee on Food Sovereignty (IPC). ¹⁶⁰

- g.** The FAO should **function as a regulatory body** ensuring industry's abusive practices do not run counter to the FAO's mandate, rather than serving as a "matchmaking hub" for industry interests as it has currently positioned itself.
- h.** Any due diligence mechanism put in place by the FAO, such as the FRAME, should expand its scope to address duty of care, grievance, liability, and remedy mechanisms. **Clear, accessible and effective accountability mechanisms should be available, which allow civil society actors to denounce risks, adverse impacts or non-compliance with the new Private Sector Strategy and FRAME principles, by private sector actors with which FAO wants to engage or has engaged (including through less formal manners of engagement as Lols). If the denunciations are proofed, the engagements shall be avoided or brought to an end. In case of doubt, a precautionary principle should be applied and the engagement should be avoided or brought to an end.**
- i.** The FAO should **urge Member States to exclude nominating delegates who might have conflict of interest** with industries such as agrochemical, fast food, beverage, tobacco, digital economy and fossil fuel industries, and commit to publicly sharing conflict of interest disclosures.
- j.** The FAO **should not hire staff, consultants, or other human resources with conflicts of interest** with the above-mentioned industries, and should have strong and comprehensive revolving doors, disclosure of CoI, and CoI prevention protocols.
- k.** The **FAO should embrace, mutatis mutandi, precedents such as Framework Convention on Tobacco Control (FCTC) Article 5.3 on COI** and FCTC Article 19 on industry liability to ensure protection from corporate capture and to hold industry to account for abusive behavior.
- l.** The FAO should **strengthen its collaboration with civil society and Indigenous Peoples towards food sovereignty and agroecology**, consistently implement FAO's strategy for partnerships with Civil Society Organizations (CSOs), and effectively recognize small-scale food producers as rights holders and key actors in food security. In contrast to the private sector that sees food essentially as a commodity and engages with the FAO based on private interests, CSO's, small scale food producers and Indigenous Peoples recognize food as a common and a human right, are ensuring the majority of food security in the world and are knowledgeable about the problems on the ground and therefore committed to strengthen FAO's work in the public interest.

2. **Recommendations for Member States:**

- a. Member States should request FAO to **respects its mandate as the UN multilateral agency responsible for promoting the human right to food and nutrition**, and to **take effective measures to end undue corporate influence on its strategic direction and work.**
- b. Member States Representatives must **ensure that the corporate sector is not capturing the role of Member States** or ceding the capacities of official government representatives to engage in democratic and accountable processes on the direction of the FAO's work.
- c. Member states should **take the leadership in ensuring their fiscal support to the FAO is advancing FAO's mandate** pertaining to food security, sovereignty, and justice, and that the FAO remains accountable to Member States.
- d. Member states should **demand FAO to publicly disclose all financial contributions from private sector actors to the FAO and its Member States** and adopt all needed measures **to ensure that corrective measures are taken when these are needed to preserve FAO mandate** and to prevent that the engagement with private actors negatively impacting on human rights and or the environment.
- e. Member states should **reform the procedures for allocating resources provided voluntarily by the private sector by placing them under the direct control of all member states** so that they determine their use, allocation and objectives, as well as how they are used.
- f. Member States should **demand transparency and accountability from the FAO about its engagement with the private sector** on a regular basis, especially on how funds are being contributed to and consumed by the FAO.
- g. Member States should demand the FAO to **end its relationship with corporate actors, especially of transnational nature, which have conflicts of interest with the FAO's mission.** These include, but are not limited to, agrochemical, fast food, beverage, tobacco, and fossil fuel industries, or any other actors violating or abusing human rights. **Specifically, Member States must urge the Director General to immediately end its engagement with CropLife International.**
- h. Member States should **not nominate delegates who might have conflict of interest** with industries such as agrochemical, fast food, beverage, tobacco, digital economy and fossil fuel industries, and commit to publicly sharing conflict of interest disclosures.
- i. Member States should demand FAO to **revise FRAME in the light of the mentioned concerns through a transparent and participatory process** in order to **work towards comprehensive legal frameworks for corporate accountability** in FAO.

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