World Nutrition

Association position paper. Annex 1
Governance and structure of the UN Standing Committee on Nutrition

On 22 November the 'Group of Four' UN agencies now with chief responsibility for the SCN (WHO, FAO, UNICEF, World Food Programme) held a meeting in New York, further to discuss reform of the SCN. The Group asked that representatives from the SCN bilateral group and from the SCN NGOs/CSO group 'identify mechanisms for better organizing their constituencies'. The request was for a prompt response.

On 3 December we responded, with a draft of this Annex to our position paper on the SCN published in WN last month. Its scope was – and is – broad, because we conclude that reform of any one non-UN group should apply to all groups. We also comment on the organisation of the UN group. On 14-15 December the SCN reform was discussed further at a meeting in Rome to which we were invited. The final Annex is here, below. It takes into account points made at the Rome meeting. It is not substantially different from the draft circulated on 3 December.

This note is an annex to the position paper of the World Public Health Nutrition Association (the Association) concerning the reform of the United Nations System Standing Committee on Nutrition (SCN). This was published in the December edition of *World Nutrition*. It is not exhaustive. We believe we have touched on most key points. Further discussion and agreement on important details, especially those governed by points of principle, will be necessary.

Our recommendations for the constitution of the recommended harmonisation governing body of the SCN and of its deliberative forum, and also of all groups of the SCN including the UN group, are outlined in our full position paper. On most while not all points, as confirmed at the SCN meeting held in Rome on 14-15 December, our position is similar to or consistent with the position of the SCN itself. For convenience, some points in the position paper are here repeated or rephrased. If anything here seems to be at variance, the position paper should be preferred.

A   General

Points made here follow from the general principles in section (1) of our position paper, on nature, scope, scale, functions, membership, representation, and conflicts of interest.

A.1   Governance

The SCN is a United Nations body. It follows that the UN, as represented by its agencies that are SCN members, and the SCN chair (who always should come from the

UN system), have formal authority over all aspects of the SCN, including the harmonisation body and deliberative forum that we propose, and also for the general direction and governance of non-UN groups. The non-UN groups are not autonomous. Nor could they be, as long as they are part of the SCN. It follows that UN rules and procedures apply throughout the SCN.

A basic task for the SCN secretariat is to support and provide infrastructure for SCN work, including that of its harmonisation body and its deliberative forum, and also for all the SCN groups – UN as well as non-UN. This is necessary to ensure that they work collaboratively and effectively. This support includes human and other resources, and electronic facilities to promote discussion in an economical and organised way. Support should also include supply of a member of the SCN secretariat to prepare all meeting agenda, to attend, and to take notes, and thus ensure that all those who are agreed to be involved, whether or not members or present, have equal access to information.

A.2   Finance

Income for the SCN secretariat, and its recommended harmonisation body and deliberative forum, should come from UN agencies that are SCN members, in appropriate proportions, and also from governments and UN member states. Income may also be accepted in the form of grants from non-conflicted foundations and other non-conflicted sources. Internal and external donors should gain no special status or privileges. Income from conflicted sources, which include conflicted industry and its associated bodies including business interest NGOs, with or without charitable status, is not acceptable for any aspect of SCN work, including that of non-UN groups.

As already stated, we believe that the SCN as a whole needs to be adequately funded, with two years' reserves. All sources of income, for any purpose, as well as all expenditures, should be declared in an independently audited annual report of accounts.

A.3   Representation

Criteria for eligibility as members of all groups, UN and non-UN, should be clearly defined and made publicly available.

All members of the SCN – including the UN group itself – need to represent and to be able to speak for their organisations. Scholars can be an exception. Members of any meetings can also speak for themselves, as long as they make clear that such remarks are personal.

Not all people involved with the SCN need to be SCN members. Observers and guests may be invited, subject to the usual rules and conventions. These include

speaking when invited to do so, and playing no part in SCN governance, including having no voting power.

B   The harmonisation governing body

See the general points in A, above. Also:

B.1   Governance

As stated, we recommend that the SCN has two main functions, harmonisation and deliberation. These are separate and should be separated. We have also recommended that the harmonisation governing body members are exclusively from UN agencies. (In this respect the composition of the harmonisation body is fairly similar to the SCN in its early period, when it was the ACC-SCN).

The UN-only group responsible for harmonisation of UN policies, as the governing body, has formal authority over all aspects of the SCN, including for the deliberative forum, and also for the general direction and governance of non-UN groups.

B.2   Representation

As already stated, we believe that the UN group should be more fully representative of relevant UN agencies, and that amount of annual fees paid should not be the qualification to be a voting member of the group.

C   The deliberative forum

See the general points in A, above.

C.1   Governance

The deliberative forum should have a permanent majority of UN members, together with the convenors of the non-UN groups. (In this respect the composition of the deliberative forum is similar to that of the current SCN steering committee). As already stated, people who are not members may be invited to attend formally as observers. Such invitation is from the chair or convenor of any meeting, with the agreement of its members, who may ask for written confirmation from the head of the organisation that the person invited is indeed its representative.

The deliberative forum is the place for a selected number of representatives of UN agencies that are SCN members to meet, together with convenors of the three non-UN groups. The results of their deliberations are referred to the harmonisation governing body.

C.2   Representation

We recommend that the UN agencies and each non-UN group of the SCN are all represented in the deliberative forum by two members, the convenor of the group and an alternate. This enables continuity.

Members of the forum represent their agency or group as a whole. In their role as convenors, non-UN members of the forum therefore do not represent their own organisation. The chair of the forum, with the agreement of its members, may invite advisors to meetings, with observer status.

C.3   Task forces

The forum should do much of its work by means of commissioned task forces, funded by the SCN or by special non-conflicted subventions. Their task is to draw together relevant evidence and knowledge in urgent or important areas, including those that are currently contentious, and to make recommendations. These will replace the current SCN working groups. They should be time-limited. After agreement in the deliberative forum, the task force reports should be referred to the harmonisation body for final discussion and agreement. There need to be clear guidelines for the operation of the task forces. Membership of each task force should be representative of key areas of knowledge and approach, and not be dominated by one viewpoint, ideology or philosophy.

Choices of topics for task forces are crucial. We recommend that a broad approach be taken to all selected topics. Among other things this means consideration of the underlying and basic social, economic and environmental causes of disease, health and well-being, as well as of biological and behavioural causes. The work of the forum should always be based on general United Nations principles, take into account the range of well-attested views and perspectives, should take the broad 'food, health and care' approach to nutrition, and avoid solutions that are solely or mainly technical.

D   Non-UN groups. General

We recommend three non-UN SCN groups: member states (as bilaterals); civil society organisations (in a broad sense); and the private sector (meaning industry). The basic rules governing these groups are crucial. Transparency and accountability are also crucial.

As stated above, convenors of the three non-UN groups, together with representatives of the UN agencies that together form a majority, are represented on the deliberative forum that we propose.

D.1   Governance

Formally it follows that the non-UN groups report to the SCN centrally, meaning the SCN chair through the SCN executive secretary. The formal structure of and arrangements for the non-UN SCN groups should be identical, as a matter of principle.

The SCN chair and secretariat should not micro-manage the non-UN groups. But the convenors of those groups and their alternates, and any other members identified as officers, formally report to the UN SCN group, meaning in practice the general secretary and SCN chair. Every year they should give an account of their work, to include issues of governance and finance, and this and other such information should be published on the SCN website.

D.2   Finance

All the non-UN groups should pay their own way. Their income may include funds raised from their own member organisations. Application for or offer of funds from any source above a certain level (say, $US 25,000) should be referred to the SCN chair through the executive secretary. Member organisations that contribute funds to their group should not have any special or additional say in the business of the group. The non-UN groups can apply for funds from the SCN centrally but should not expect that such funds will be available. Funds can also be applied for from other non-conflicted sources. All sources of income, for any purpose, should be declared in an annual report of accounts, separately identified within the SCN accounts.

D.3   Elections

As indicated above, the system for elections should be the same across all the non-UN groups. We recommend electronic elections. There is no good reason to confine

elections to those willing and able to attend SCN meetings, which in any case would be unfair.

We suggest that as part of the reform process the initial choice of the convenors and alternates of the three non-UN groups be made by the SCN chair, after consultation with the current UN members of the SCN, and the current convenors (chairs) and alternates. Subsequently the non-UN groups should be more responsible for their own governance, subject to candidates for convenor and alternates being submitted to the SCN chair through the executive secretary for comment and guidance. The chair of the SCN should retain last-resort veto power over candidates.

At the same time, the non-UN groups should have reasonable freedom to run their own business, subject to overall direction and other general and commonly applied rules and conventions. Common sense will be needed. A balance needs to be struck.

D.4   Representation

All members of all non-UN groups need to represent their organisation or entity in the sense either of having executive powers or delegated responsibility. Scholars who are not representatives of organisations can be exceptions. It is the responsibility of the convenors or other officers of each group to see that this is carried out. People who are not representatives may be invited to attend meetings. If so they cannot vote, and speak when invited. Voting is one organisation or entity one vote, not one person one vote. The convenor of any non-UN group may judge that two or more people stating that they are representing two or more organisations, when these organisations evidently have practically identical natures and policies, may have one vote only.

The officers of all non-UN groups are responsible for seeing that the group members taken together are a reasonable representation of the constituency as a whole.

E   The bilaterals group

See the general points in A, C and D, above. Also:

E.1   Membership

To repeat a point made above, criteria for eligibility as members of this group should be clearly defined and made publicly available.

We recommend that this group includes representatives of

- National and supra-national governments (politicians or civil servants).
- Governmental aid agencies.
- Other agencies whose work includes aid, such as the World Bank, ADB.

E.2   Representation

By definition, national governments as member states in their role as bilateral are in formal relations with a relevant UN agency. The only possible issue here is whether or not the people in the group are properly representative. The judgement here should be taken by the convenor of the bilateral group, who will refer any case of doubt to the SCN chair.

It is the responsibility of the convenors and other officers of the group, and as advised by the SCN executive secretary, that the group is reasonably representative of all levels and types of governmental organisations. Balance includes as between parts of the world and average national income level.

F   The CSO group

See the general points in A, C and D, above. Also:

F.1   Membership

To repeat a point made above, criteria for eligibility as members of this group should be clearly defined and made publicly available.

As already indicated, we recommend that this group includes

- Civil society and other public interest including consumer organisations
- Non-government nutrition, health, professional, aid, relief organisations
- Scholars

Having a separate group for scholars when so many are also members of NGOs or CSOs would be unhelpful. The CSO group should be 'broad church', and when necessary thrash out differences of view – which after all, is what the UN group has to do.

F.2   Representation

Organisations eligible to have representatives as members of this group should either already be in formal relations with a relevant UN agency; or else in the view of the SCN chair, after advice from the convenor of the CSO group, are qualified to be so.

It is the responsibility of the convenors and other officers of the group, and as advised by the SCN secretariat, that the group is reasonably representative of all levels and types of governmental organisations. Balance includes as between the three different categories of member, different parts of the world, areas of expertise and interest, and types of policy and practice.

G   Foundations

It has been suggested that foundations form a group. We recommend against any such suggestion. Instead, we propose that representatives of foundations, and of other grant-giving bodies that have no conflicted interests, be invited as advisors with observer status, on an occasional or *ad hoc* basis, to the harmonising governing body or the deliberative forum, as appropriate.

H   The private sector group

See the general points in A, C, and D, above. Also:

H.1   Governance

The SCN private sector group now recommended is new. We therefore also recommend that the SCN chair has special powers to ensure that the governance of this group is in the interests of the UN and also of the other groups involved with the SCN.

The same rules and guidelines should apply to all SCN groups, allowing for the different nature of their constituencies and members. This said, in the case of the private sector group now recommended, it needs to be recognised that the issue of relations between the UN, and the SCN, and the private sector – meaning industry – has been vexed and is not simple. One problem has been, and remains, that while the term 'private sector' is very broad, in practice the membership of industry groups engaged with UN agencies has been mainly made up and even dominated by transnational food and drink manufacturers and caterers. Our recommendation is that the SCN, and specifically the SCN chair on advisement, ensure that the new private sector group is representative of industry as a whole, insofar as practically possible. We also recommend that the SCN recognise the principle of conflicted interests and make provision for this.

H.2   Membership

To repeat a point made above, criteria for eligibility as members of this group should be clearly defined and made publicly available. The judgement of the Association is that the current SCN rules of engagement with the private sector are basically correct, subject to revision and updating of detail.

In proposing the admission of 'the private sector', which we take to mean industry, to the SCN, the reform documents so far have not been clear about which sectors are being referred to. We see three categories.

- Non-food industry. Those industries whose business has nothing directly to with food, nutrition, or public health.

- Non-conflicted food industry. Those industries whose business is to do with food, drink, associated businesses, nutrition, or public health, but whose products, brands or services have harmless or beneficial effects on public health. Both these categories should be eligible to be members of this group.

- Conflicted food industry. As (2), except that their products depend on products that are harmful to public health. Included here are sectors of industry associated with the food and drink industries, and also their representative organisations, and also entities with or without charitable status whose core funding is supplied by conflicted industry. This category is eligible not as members but as non-voting observers of this group.

Members and also observers of this group should usually come from specific companies, rather than from trade or other representative organisations, or from business interest NGOs (including those with charitable status)

Members or observers of this group should be senior executives with decision-making powers, subject when necessary to reference, and usually should not be public affairs officers, irrespective of seniority. Conflicts of interest, and potential conflicts, need to be stated in advance in writing and declared during meetings as needed. The convenor of the group may ask members or observers of the meeting with a conflict, to retire from discussion, and may also be advised by the member of SCN staff acting as secretary of the meeting to do so. (This is not to suggest that this group is the only one where the issues of conflicts arise).

H.3   Representation

It is the responsibility of the convenors and other officers of the group, and as advised by the SCN secretariat, that the group is reasonably representative of categories of member. Non-food industry may for example include banking, transport, energy, built environment.

Food industry includes the main areas of food systems, such as producers, manufacturers, distributors, retailers, caterers. Balance also needs to be struck as between scale of industry, from small business to regional and national, to transnational. Another balance needs to be between types of product that are the main business of the food industry sector, and whether these are fresh or minimally processed or ultra-processed.

on behalf of the Association Council and membership
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