



**International Baby Food Action Network - IBFAN**  
*Red internacional de grupos pro alimentación infantil*  
*Réseau international des groupes d'action pour*  
*l'alimentation infantile*

**Geneva Infant Feeding Association - GIFA**

**1998 Recipient of the Right Livelihood Award**



**OHCHR Consultation on business and human rights: Operationalizing the “Protect, Respect, Remedy” framework**  
*International Baby Food Action Network*  
*Intervention on the Agenda item: Responsibility to Respect II*  
*Conceptual Issues and Challenges*

The International Baby Food Action Network is a 30-year old coalition of more than 200 not-for-profit NGOs in more than 100 developing and industrialised nations working for better child health through the protection and promotion of breastfeeding and the elimination of irresponsible marketing of breastmilk substitutes.

We commend the efforts to date of Professor Ruggie. We echo his recent pronouncement that in the wake of the global economic crisis: “The terms transparency and accountability resonate more widely than before. And calls for fairness are more insistent.”

These terms also resonate with us as they raise crucial issues intrinsic to business and human rights that have yet to be adequately addressed. We provided an extensive submission for this consultation that details our comments in this regard.

With respect to the agenda item at present: “what should companies do when faced with conflicts between international human rights standards and national law?” We find this question inherently problematic. It is our position and experience that companies are often responsible for the incoherency and conflicts between international standards and national human rights laws.

Analysis of the baby food industry’s responses to efforts to strengthen and implement the International Code of Marketing of Breastmilk Substitutes highlights the limits of current legal mechanisms to address the undue influence of corporations on human rights policy-making and implementation. The International Code, adopted by the World Health Assembly (WHA) in 1981 aims to protect all mothers and babies from inappropriate corporate marketing practices. Furthermore, Article 24 of the Convention on the Rights of the Child (CRC) explicitly states the importance of breastfeeding as part of the child's right to the highest attainable standard of health. It is our position that any corporate conduct that is in violation of the International Code is a human rights violation.

The baby food industry consistently claims to support the International Code. Despite such assurances, companies continue to violate it in a systematic manner and attempt to undermine its implementation.

The baby food industry maintains a powerful influence in the many forums where policy decisions affecting infant and young child feeding are made. At the UN level, both WHO and the UNICEF have come under incredible pressure from the baby food industry to drop the protection and promotion of breastfeeding from their agendas. At the national level, the industry has lobbied governments to adopt narrow implementation of the International Code, preferably voluntary codes.

Through its lobbying tactics, the baby food industry has managed to create and perpetuate “conflicts between international human rights standards and national law.”

In addition, since the late 1990's, the trend of public private partnerships or PPPs has permeated the UN. IBFAN has been concerned by this trend as it tends to extend the role of policy-making and implementation to for-profit entities that have a direct commercial interest

in the outcome. We encourage you to read our submission to this consultation for precise examples in this regard.

In short, the baby food industry's undue influence over policy making and implementation is a striking example of the necessity for effective and enforceable legal mechanisms to ensure accountability, transparency and fairness. Accordingly, we respectfully request Professor Ruggie to do the following as part of fulfilling his mandate:

1. Clarify the legal and ethical framework underlying the private sectors' lobbying practices of UN bodies and Member States
2. Advocate for and assist in the development of a system for defining, classifying and evaluating various forms of PPPs at the UN level. This includes effective and enforceable policies to manage conflicts of interest and ensure transparency.

We urge Professor Ruggie to assist in developing and implementing the above policies and procedures at the UN level and to encourage all Member States to do the same. We thank you for your consideration.