**Please provide examples of ways in which the environmental impacts of the global food system are having adverse impacts on human rights.**

Ultra-processed products to eat and drink (hereinafter UPPs) are increasingly providing most of the energy intake worldwide[[1]](#footnote-1). The increasing consumption of these products is linked to the development of non–communicable diseases (NCDs) such as diabetes type 2, cardiovascular diseases, and some types of cancer, amongst others.[[2]](#footnote-2) Companies that are responsible for the production and distribution of these products of non or little nutritional value use a wide range of strategies to maintain, concentrate and amplify their market power and to influence and shape food systems.

Companies are using their market power to displace traditional foods towards UPPs[[3]](#footnote-3), therefore changing both diets and food production. They do so in using intensive and aggressive marketing to promote snacking over regular meals, investing in producing hyperpalatable and less–satiating products, and therefore incentivizing their consumption. In addition, these companies take advantage of economies of scale and their access to cheaper supplies to maintain the prices of their products below those of healthier alternatives[[4]](#footnote-4). Moreover, dominant UPPs’ companies have the capacity to buy and integrate food production firms, as well as to control and access key elements for producing UPPs such as land, water, and certain crops varieties[[5]](#footnote-5).

Therefore, the UPP industries are increasing their ability to produce edibles and beverages that pose a risk to health and doing so in a cheap way. At the same time, they consolidate a food system based on monocultures rather than diversity of crops, on the one hand, and on the intensive and non-sustainable use of natural resources, on the other hand, displacing not only traditional foods, but also local and more ecologic ways of production.

Moreover, UPPs industries deploy strategies to deter the adoption of regulations aimed at protecting public health and human rights, but that are not favorable to their economic interests. For example, the UPPs’ industries used different strategies to obstruct the adoption and implementation of front-of-package labeling regulations, in multiple countries across Latin America[[6]](#footnote-6).

In this regard, the increasing consumption of UPPs and the strategies deployed by the industry to incentivize their consumption and deter the adoption of strong regulation measures by governments have negative consequences not only on the environment, but also on the rights to health, adequate food (which includes the right to access nutritious and quality food), equality and non-discrimination, and on the rights of children, to name a few.

**Intensive extraction and use of water**

In Mexico, inhabitants of the municipality of San Cristóbal de las Casas - Chiapas, have no regular access to potable water, while Coca–Cola FEMSA, one of the main bottling companies of The Coca–Cola Company in Latin America, has two permits to extract water for its factory[[7]](#footnote-7). The National Water Agency granted such permits for 20 years and renewed them for 20 years more in 2014 and 2015[[8]](#footnote-8). Together, they allow the bottling company to extract more than 400,000 m3 of water each year, or more than 1,150,000 liters per day. The intensive extraction of water under these conditions allows the Coca-Cola FEMSA to sell sugar-sweetened beverages even a 30% cheaper than the national average;[[9]](#footnote-9) therefore, promoting the consumption of these unhealthy products. It is noteworthy that people in San Cristóbal de las Casas drink an average of two liters of soda per day, and that diabetes-related mortality has increased in the municipality an average of 30% between 2013 and 2016[[10]](#footnote-10). While the population in San Cristóbal de las Casas has no regular access to potable water, this company uses water of the best quality on a regular basis for the elaboration of its products.

Similarly, in Colombia, at least 2 out of 26 factories of Postobón, the biggest producer of sugar-sweetened beverages in the country, are installed in zones where communities lack access to potable water.[[11]](#footnote-11) Through its subsidiary company, Central Cervecera de Colombia, Postobón, in associaton with the Compañía Cervecerías Unidas, installed a beer factory in the municipality of Sesquilé, Cundinamarca. Through another subsidiary company, Gaseosas Lux, Postobón has a permit to use water for industrial purposes that is valid for 10 years. This permit allows the company to extract 140 liters of water per second, or more than 4,000 millions of liters per year[[12]](#footnote-12). Meanwhile, the population of Sesquilé receives poor quality water that is not suitable for drinking.

Notably, the Organización Ardilla Lülle, the parent company of Postobón, owns 4 enterprises in charge of sugar cane processing in Colombia.[[13]](#footnote-13) This type of industry requires an intensive use of water and generates contamination derived of the use of pesticides and other chemicals. In Caloto and other municipalities in the department of Cauca, the cane sugar industry uses great extensions of land and water and has licenses to discharge sewage in the rivers, while the locals, including indigenous and afro-descendant communities in the region, lack access to potable water.[[14]](#footnote-14)

**On “green-washing” through corporate social responsibility activities.**

UPPs’ industries produce and sell both sugar-sweetened beverages and bottled water using extracted water of the best quality, while –as described above– the communities in which their factories operate lack proper access to drinkable water. Companies spread the idea that they are compensating the negative impact of such extraction through corporate social responsibility activities, including in environmental matters. For example, Nestlé’s factory in Coatepec, Veracruz, in Mexico, allows the inhabitants of this municipality to fill jugs with drinkable water, while the population has limited access to running water.[[15]](#footnote-15)

These industries also argue they are replenishing water through environmental activities, even though the water returned to nature cannot be classified as pure.[[16]](#footnote-16) Regarding reforestation in particular, the communities affected by water extraction usually do not have information about the zones where the reforestation is taking place, making it impossible to establish if these activities are aimed at recharging groundwater that is being extracted, as in San Cristóbal de las Casas. Even if these activities are taking place at the appropriate places, they are mostly beneficial to companies as they allow for sustained water extraction, while the lack of access to potable water for the communities remains[[17]](#footnote-17).

In addition, sugar-sweetened beverages companies use PET packages that have extensive negative impact on the environment. To counter this form of environmental damage, they build a narrative focused on recycling, but fail to implement comprehensive processes to effectively mitigate the environmental impacts associated to their operations, including strategies to take responsibility (directly or through contracting) for the entire recycling process: collection, elimination, and recycling of PET packages.

In the end, the relative positive impact of corporate social responsibility is surpassed by the negative impact of the activities of UPP industries on both the environment and human rights.

Throughout 2020, in the context of Covid-19, several UPP industries carried out different corporate activities that were profit-driven as this allowed them to consolidate and amplify markets for their products.[[18]](#footnote-18) Postobón, for example, donated bottled water and other beverages to communities in a situation of vulnerability in Colombia[[19]](#footnote-19). Part of these donations could be made up of sugar-sweetened beverages, which do not have any nutritional value; on the contrary, they pose a risk to health. And in Mexico Coca – Cola FEMSA also donated sugar - sweetened beverages and snacks in Monterrey also to families in precarious situations[[20]](#footnote-20). Furthermore, donations of these type of beverages heightened the risk to health and to adequate food that these communities were already subject to, considering that they were in a situation of vulnerability.

Through corporate social responsibility, UPP companies aim to incentivize the consumption of their products and to expand their claim over the market. Therefore, they are in reality, increasing the use of land for monocultures, the intensive extraction of water, and the need for PET packages. In consequence, their activities are having negative impacts not only on the environment but also on human rights, as they continue behaving as a vector of non-communicable diseases.[[21]](#footnote-21)

**To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of preventing, reducing, or eliminating environmental impacts caused by the unsustainable production or consumption of food? How can we shift to food systems that restore and regenerate nature rather than degrading ecosystems, while providing healthy diets for a global population that will exceed nine billion by 2050?**

In complying with the obligations to respect human rights. States often breach such duty when they prioritize the private interest of companies over human rights. Given that the consumption of UPPs is associated with negative health outcomes, and its production entails negative impacts on the environment and human rights, States should avoid promoting and fostering the consumption of this type of edibles and beverages. Therefore, States should avoid acquiring UPPs through public procurement or receiving them as donations from private companies.

Regarding the duty to protect and fulfill, States should adopt and implement legislation, regulations, and public policies aimed at, on the one hand, disincentivizing the consumption of ultra- processed edibles and beverages and, on the other hand, promoting the production and consumption of less-processed or minimally processed foods, such those produced by local farmers[[22]](#footnote-22).

Examples of the first type of legislation, regulations, and public policies are the adoption of front-of-package labelling to warn consumers of the excess in fat, sugar, and salt that can be found in most ultra-processed edibles and beverages and the adoption of regulations to restrict the sale, advertising, promotion, and marketing of unhealthy food and beverages in school environments, both of which have been called for by public health institutions[[23]](#footnote-23)[[24]](#footnote-24) and human rights bodies[[25]](#footnote-25)[[26]](#footnote-26). Moreover, States should adopt an array of mutual reinforcing policies, rather than isolated ones, thus promoting structural and sustained changes in the long-term.

Examples of the second type of legislation, regulations, and policies are the arrangements that facilitate the use of healthy foods produced by local farmers in school, hospitals, and other public facilities.[[27]](#footnote-27)

The duty to regulate includes not only the suppression of norms, policies and practices that generate negative impacts on human rights, but also the adoption of measures that uphold human rights in relation to the corporate activity of UPPs’ companies.[[28]](#footnote-28)

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