



**WHAT DOES
NUTRITION MEAN
FROM RIGHT TO
FOOD PERSPECTIVE?
AND HOW IS NUTRITION
MONITORED IN BELGIUM?**

MODULE 4
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WHAT DOES NUTRITION MEAN FROM A RIGHT TO FOOD PERSPECTIVE? AND HOW IS NUTRITION MONITORED IN BELGIUM?

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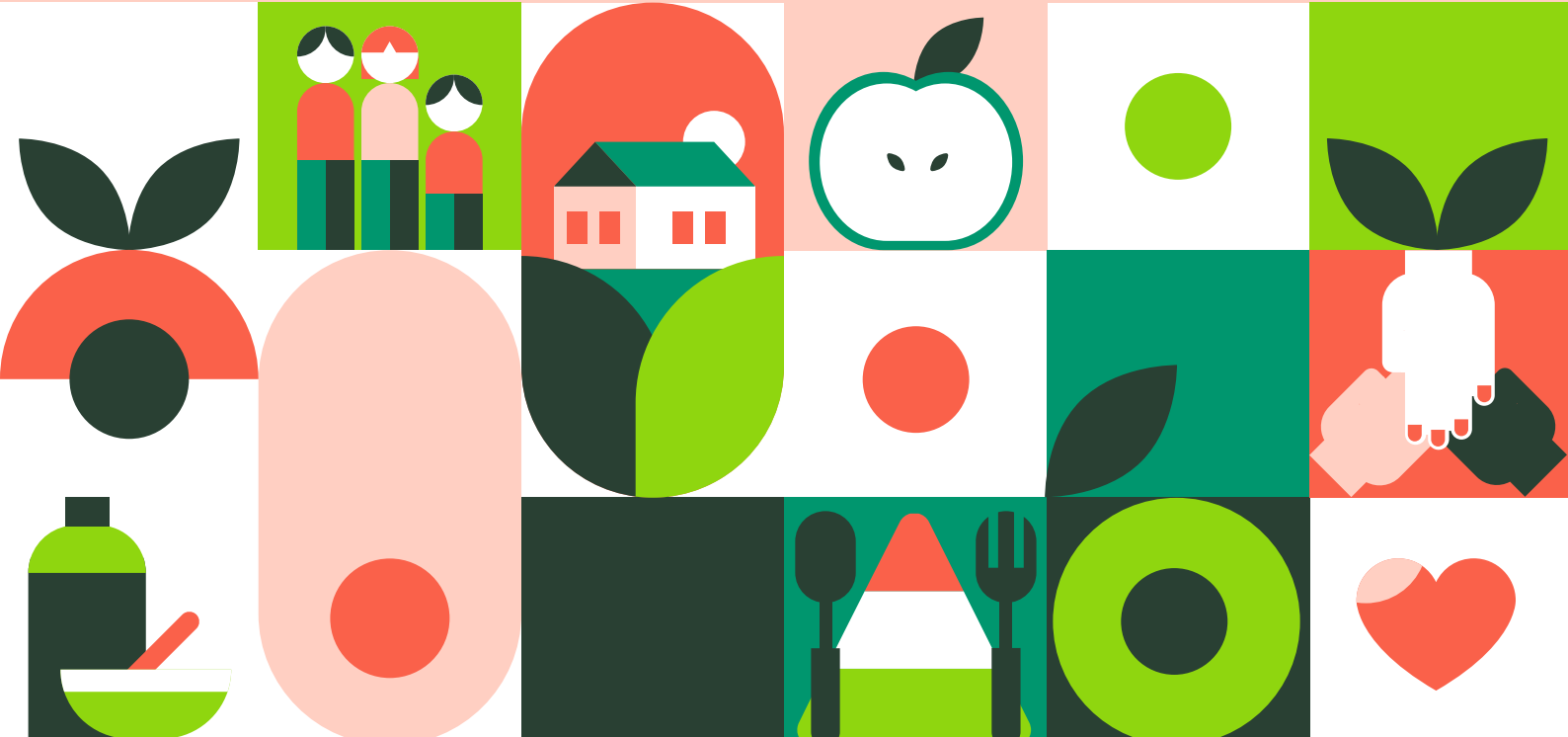
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INTRODUCTION



This module focuses on food systems and nutrition. The right to food does not only entail having access to sufficient food or calories. Food must also be adequate, diverse, and of good nutritional quality. According to the former UN special rapporteur on the right to food, Olivier De Schutter, the adequacy of the right to food means that: "food must satisfy dietary needs, taking into account the age of the individual, his or her living conditions, health, work, gender, etc. (...). Food must also be safe for humans and free from harmful substances, such as pollutants from industrial or agricultural processes, including residues of pesticides, hormones, or veterinary drugs"¹. In other words, food must be safe and of good quality to enable each person, in accordance with their needs, to live with dignity and good health (both physical and mental).

Unfortunately, at the global level, malnutrition in all its forms continues to be a major problem. According to the Food and Agriculture Organization of the UN (FAO), in addition to the 811 million people plagued by hunger, more than 2.37 billion people lack access to adequate food and suffer from severe or moderate food insecurity and micronutrient deficiencies².

On the other hand, overweight and obesity rates are on the rise and have become pressing issues around the globe. In 2016, according to the WHO, 1.9 billion people were overweight, of which 650 million were obese³. The scale of this phenomenon has led the World Health Organization (WHO) to classify obesity as a pandemic.

A poor diet directly impacts health. It is closely linked to the rapid increase of non-communicable diseases (NCDs), such as cardiovascular disease, diabetes, hypertension, and certain types of cancer. NCDs have become the leading cause of death worldwide. International estimates indicate that poor diet causes 11 million deaths each year⁴.

In Europe, the landmark Global Burden of Disease study estimates that more than 950,000 deaths are directly related to poor diet (one in five deaths)⁵. Poor diet is also responsible for the loss of 16 million years of healthy life⁶. An unfortunate fact characterizes modern-day Europe: we are living longer, but in poor health. Nutrition is therefore a crucial matter, lying at the crossroads between the right to food and the right to health. It perfectly illustrates the interdependence and interconnectedness of human rights.

Addressing the challenge of malnutrition in all its forms requires a comprehensive and multidisciplinary analysis of the violence and structural problems that undermine our food systems and lead to unhealthy diets. It is important to avoid a medicalized view of nutrition that focuses solely on nutrients and promotes simplistic, narrow interventions designed simply to provide nutrients (e.g., fortified food products and micro-nutrient supplements).

1 See: <http://www.srfood.org/fr/droit-a-l-alimentation>

2 FAO et al (2021) "The State of Food Security and Nutrition in the World 2021".

3 <https://www.who.int/features/factfiles/obesity/fr/>.

4 GBD (2019), "Health effects of dietary risks in 195 countries, 1990–2017: a systematic analysis for the Global Burden of Disease Study 2017"

5 https://knowledge4policy.ec.europa.eu/health-promotion-knowledge-gateway/eu-burden-non-communicable-diseases-key-risk-factors_en

6 The loss of healthy life years is calculated by the DALY (Disability-adjusted life years) indicator. In Europe, the Global Burden of Disease study estimates that more than 16 million years of life are lost each year due to poor diet.

A food-systems approach to nutrition allows for a holistic understanding of the issues at stake and takes into consideration all interactions comprising a food system: from production and processing to distribution, preparation, and consumption. Such analysis of a food system also needs to consider the complex interdependence with other domains and systems that impact food, nutrition, and health (such as medical care, agriculture, climate and environment, poverty and social protection, etc.), as well as the political, economic, social, institutional, and cultural contexts that shape food systems.

The objective of this module is to conduct an analysis of nutrition issues, from a human rights-based perspective and from a food-systems perspective, which complement each other in many ways.

This analysis is based on a case study of Belgium. As with other modules from the project "Responding to Hunger: A toolkit for learning and action", the methodology utilized herein is intended to be replicated and will hopefully inspire future case studies in other countries or regions.

The methodology is based on three components:

1 — The work is based firstly on a **review of the international obligations of states regarding the right to food and nutrition**. To this end, we refer to the principal international human rights instruments that enshrine the right to food and nutrition, as well as interpretations by the respective human rights bodies and experts, and relevant international guidelines. These include, but are not limited to:

- The International Covenant on Economic, Social, and Cultural Rights (1966);
- General Comment No. 12 on the Right to Food and Nutrition (1999);
- The Right to Food Guidelines, adopted by FAO member states in 2004⁷; and
- Reports from UN special rapporteurs.

We were also able to draw on a set of guiding questions developed by FIAN International as part of the "People's monitoring for the Right to Food"⁸. This tool proved to be very useful for assessing states' compliance with their obligations in terms of the right to food and nutrition by using concrete and operational questions (see Box 1). These questions have been used as a guide throughout the development of this module. However, the intention herein is not to provide an exhaustive answer to all the questions.

7 "Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security", FAO, October 2004. Available in English, French, Spanish, Chinese, Arabic, Russian, and Nepali at: www.fao.org/docrep/009/y7937e/y7937e00.htm.

8 <https://gnrtfn.org/peoples-monitoring/>

People's Monitoring Tool: Healthy and Sustainable Food Systems and Diets Module – Guiding Questions on health and well-being:

- What is the situation in your country regarding malnutrition in all its forms? What are the current trends in obesity, overweight, and associated non-communicable diseases (NCDs), especially in children and adolescents?
- Does your state promote healthy and sustainable diets based on diverse, local, fresh, organically grown, unprocessed or minimally processed, and homemade food ('real food')?
- Do policy and/or legal frameworks recognize the importance of healthy ecosystems and their sustainable use for nutrition, health, and well-being?
- Does your state promote healthy and sustainable diets in public institutions, including daycares and schools?
- Does your state promote traditional culinary cultures, as well as culinary education in schools and community centers, and take measures to prevent conflicts of interest in the selection of food providers?
- Are women able to make free and informed decisions about breastfeeding? Does your state take measures to protect, promote, and support breastfeeding?
- Are regulatory measures in place regarding the production, advertising, marketing, and consumption of ultra-processed food products, including breastmilk substitutes, through policy, price, and other interventions (e.g. taxes on sugar-sweetened beverages)?
- Has your state made progress in the formulation and implementation of unbiased, interpretive front-of-package labeling that warns and informs people about the risks of consuming ultra-processed food products and their critical nutritional content?
- Based on the experience of the COVID-19 pandemic, has your state developed strategies involving the participation of rights-holders to prevent and cope with future food (or other) crises?
- Does your state guarantee the right to water and sanitation?
- What is your state's approach to new technologies (e.g. biofortification, genetically modified seeds and organisms)? Does it use human rights criteria to evaluate such products and techniques? And does it implement the precautionary principle when risks are uncertain?
- Does the government provide widely accessible information on the health risks related to GMOs? Are regulations and mechanisms in

place to control the presence of food products containing GMOs? Are products containing GMOs labeled?

- What is the approach taken to food safety? What measures are in place to prevent harm?
- Does your state internationally promote or export, including through food aid, food products that include substances prohibited in your state?
- Does your state regulate medicalized solutions to malnutrition, such as ready-to-use therapeutic foods and micronutrient supplements?
- Does your state regulate the quality of food products received in the form of food aid?

2— The second methodological component consists of contributions made by experts and resource persons during a learning event⁹ organized as part of the "Responding to Hunger: A toolkit for learning and action" project. Their testimonies and expertise have played a key role in our analysis, as these experts and practitioners provided input on issues of international debate regarding food systems, understanding food environments, social policies for people experiencing poverty, and sustainability, climate, and environmental degradation as well.

3— The third methodological component consists of consulting with numerous partners from civil society and social movements in Belgium, within the framework of the continuous educational activities carried out by FIAN Belgium. The most important events supporting this work were: the organization of a debate on "precariousness at both ends of the food chain" on October 17, 2021 (the International Day for the Eradication of Poverty) with actors in the fight against poverty; two lectures by Mathieu Dalmais on social security for food, as part of the Nourrir Liège festival (May 15, 2021) and as part of the Nourrir Bruxelles festival (September 17, 2021); and finally, discussions as part of the "Nourrir le quartier" event (October 14 and 15, 2021) which investigated the eating habits of residents in a specific neighborhood in Brussels (Cureghem). The questions and concerns that arose during these various activities provided the basis for the third methodological component applied in the analysis presented in this module.

9 The learning event, entitled "Healthy Food System in Europe?", was held on September 20 and 21, 2021 and can be viewed here: <http://fian.be/Healthy-Food-System-in-Europe-Revisualisez-le-webinaire>



PART I

Food systems and nutrition: theoretical input



Before commencing our in-depth analysis of the situation in Belgium, let us recall the overall international, political, and historical context of the roots of the relationship between “nutrition” and “food system”. Four aspects of this relationship are discussed herein: the progressive clarification of nutrition as a human rights factor; the two conflicting views on what nutrition is and what it entails; how the industrialized food system affects nutrition; and how low-cost products can be understood as a limited social policy.

The progressive clarification of nutrition as enshrined within the right to food

As mentioned in the introduction, nutrition is an integral part of the right to food. Since the right to food was established, its content and states’ obligations have been clarified over time by human rights bodies and experts.

The Committee on Economic, Social, and Cultural Rights – the human rights body that monitors the implementation of the International Covenant on Economic, Social, and Cultural Rights – explained in its 1999 General Comment No. 12 on the Right to Adequate Food that “[e]very state is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger”. Even at this nascent stage, the Committee clarified that “[t]he right to adequate food shall [...] not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins, and other specific nutrients”.

Rather, “the diet as a whole should contain a combination of the nutrients required for physical and mental growth, development and sustenance, as well as for physical activity, in accordance with the physiological needs of the human being at all stages of the life cycle and according to gender and occupation”¹⁰. Through the concept of nutrition, the link between food and health is thus made clear by the Committee. It is not a question of ensuring minimum macronutrient intake in order to stay alive, but rather of guaranteeing access to a diet capable of laying the foundations for a full life.

The Right to Food Guidelines include a specific guideline on nutrition: Guideline 10. It provides specific suggestions to states to help them meet their obligations concerning the nutritional dimensions of the right to food. The guideline states, in general terms, that: “Where appropriate, States should take measures to maintain, adapt or enhance dietary diversity, as well as healthy eating habits, food preparation methods and eating behaviours (...)”.

It then goes on to make more specific recommendations. States are invited to take educational and informative measures to benefit consumers (§10.2) and to increase the production and consumption of healthy and nutritious foods, particularly those rich in micronutrients (§10.3). Creating vegetable gardens, at home or in schools is also mentioned. In addition, the Guidelines place emphasis on certain social groups, including children, infants and nursing mothers (§10.5 and 10.6), and peo-

¹⁰ ESCR Committee, General Comment 12 on the right to adequate food, §9.

ple affected by epidemics (10.4). It also encourages states to promote intersectoral collaboration (§10.7). Finally, it calls on states to put an end to discrimination, particularly on the basis of gender (§10.8), and of cultural eating habits and practices (§10.9 and 10.10).

Since 2000, all special rapporteurs on the right to food have addressed nutritional issues. Special Rapporteur Jean Ziegler, in his final report of 2008, made no distinction between hunger and malnutrition (§2-4). Both appear to be closely related, with similar causes and effects¹¹. They can both lead to death and undoubtedly to incomplete, limited physical and intellectual growth. Both violate the right to live in dignity. The right to food is the right to have access to sufficient and adequate food in order to live with dignity. Hence, living in a situation of malnutrition is not consistent with the right to food.

This view was taken a step further by the next special rapporteur on the right to food, Olivier De Schutter. In a report submitted to the 19th session of the Human Rights Council, he emphasized that malnutrition refers to undernutrition and micronutrient deficiencies as much as overweight and obesity. Moreover, he placed these issues within the context of the agro-food system and therefore introduced a food-systems perspective on the right to food. He explained that in the aftermath of the Second World War, food issues were perceived in terms of famine, which led governments to focus on protein-calorie malnutrition, and "to neglect the issue of dietary adequacy" (§4). For De Schutter, guaranteeing the right to food means taking immediate steps "to achieve a progressive transition to more sustainable diets¹², which in turn requires reforming the entire food system with the objective of providing sustainable, healthy, and nutritious diets.

Special Rapporteur Hilal Elver eventually elaborated on this point, when she cemented the complementary relationship between the right to food and the right to health¹³. In a specific report on nutrition from 2016¹⁴, she points out that nutrition is considered "the vital link" between the right to health and the right to food: "if nutritious food is not readily available, accessible or affordable, the right to the enjoyment of the highest attainable standard of physical and mental health cannot be realized" (§58). In addition, the right to health imposes an obligation on states to "ensure access to the minimum essential food which is nutritionally adequate and safe", as set out in General Comment No. 14 by the CESR¹⁵. Since nutrition is crucial to achieving and maintaining a state of good health, the realization of the right to health is conditional on the realization of the right to food¹⁶.

And most recently, the current special rapporteur, Michael Fakhri, has placed an overarching strong emphasis on food systems and food-systems governance, the need to transform the industrial food complex, and the importance of agroecology

¹¹ Jean Ziegler, Report of the special rapporteur on the right to food, Human Rights Council, A_HRC_7_5-FR, 2008.

¹² O. De Schutter, Health and Malnutrition. Report submitted by the special rapporteur on the right to food, Geneva, Human Rights Council, 2011, p. 19.

¹³ At the time of writing, Mr. Michael Fakhri, appointed in May 2020, had not yet reported specifically on nutrition issues.

¹⁴ Hilal Elver, Progress report of the special rapporteur on the right to food, Geneva, 2016.

¹⁵ ESCR Committee, General Comment No. 14: The right to the highest attainable standard of health (Art. 12 ICESCR), UN Doc. E/C.12/2000/4, 11 August 2000.

¹⁶ E. K. Aguirre, 'The Importance of the Right to Food for Achieving Global Health', Global Health Governance, IX, no 1, 1er January 2016, pp. 164-178.

for the realization of the right to food and nutrition. Thus, he stresses that the nutritional dimension of the right to food must go hand in hand with other dimensions, such as sustainability.

Two competing perspectives on nutrition

During this project's learning event, Hernando Salcedo from FIAN Colombia underscored that nutrition should be interpreted within the comprehensive scope of the right to food, even if some narrow definitions aim to render it an independent topic¹⁷. Firstly, from a "narrow" perspective of nutrition, it is merely about ensuring that everyone has access to the micro-nutrients that are biologically necessary for our bodies. By this definition, nutrition needs a technical solution. However, it is possible and necessary to develop a more holistic view of nutrition that includes all aspects of food that contribute broadly to healthy and sustainable diets and healthy living¹⁸, and underscores the indivisibility of the right to food and the right to health.

It should be noted that these two points of view of nutrition (the biologically restricted view and the holistic view) can come into conflict in policy-making arenas. The biologically restricted view of the right to nutrition can be realized through a medical approach to nutrition. This would consist of establishing a list of necessary nutrients and their corresponding recommended quantities; and the state would be tasked with guaranteeing the recommended daily intake. To compensate for nutritionally inadequate diets, states could provide food supplements and fortified foods to meet their nutrition obligations¹⁹.

Such a vision underestimates the profound need for transforming food systems and fails to take into account the responsibility of agro-industrial actors insofar as they create and promote diets inconducive to health. Above all, it is incoherent and incompatible with the human right to health, which must be understood as a "state of well-being"²⁰. And this right includes two inextricable dimensions: biological and mental.

Let us be clear, food and the way we eat have a meaningful impact on mental health. On the one hand, food must be culturally "adequate", a concept which is both deeply personal and at the same time undoubtedly social. "We are what we eat", asserted sociologist Claude Fischler. Food is a gateway between the outside world and our inner, intimate world. To attain and sustain mental well-being, food must allow us to connect with a world that we understand, can manage, and support, and which at the same time supports us. This psychological dimension of food is essential to well-being, but nevertheless it is marginalized by medicalized approaches to nutrition.

¹⁷ H. Salcedo, "Nutrition and the Right to Food", introduction to the webinar organized by FIAN Belgium in the framework of the Erasmus+ Responding to Hunger project, June 2021.

¹⁸ T. Lang et P. Mason, « Sustainable diets: a bundle of problems (not one) in search of answers. », Sustainable diets: linking nutrition and food systems, 2019 (DOI : 10.1079/9781786392848.0001)

¹⁹ H. Salcedo, "Nutrition and the Right to Food", op. cit.

²⁰ O. De Schutter (dir.) et E. Decaux (dir.), Commentaire du Pacte international relatif aux droits économiques, sociaux et culturels, Paris, Economica, 2019, chap. Commentaire de l'article 12

On the other hand, food first and foremost serves to allow us to make social connections. This point has been made particularly evident by testimonies from people living in precarious situations²¹. Eating alone is not eating well. Most people dislike cooking for themselves but enjoy cooking for others. Eating well is above all an act of reunion, of companionship, of conviviality. Eating is intrinsically social, collective, and even political²².

Food adequacy also has a cultural dimension. According to De Schutter, "[a]n adequate diet must also be culturally acceptable. Aid containing, for example, food that is religiously or culturally taboo for its recipients or that is contrary to their eating habits would not be culturally acceptable"²³. Food plays a key role in identifying each person as a member of a group.

For these reasons, understanding the right to nutrition as the sum of molecules each individual must consume in order to be in good health cannot be considered consistent with a fair reading of the right to food. It is necessary to take into account the cultural, social, and political dimensions of nutrition, and, in more general terms, to integrate nutrition within the food-system perspective and overall human health.

A systemic and holistic analysis of the right to food also involves considering the historical, economic, political, and cultural aspects that influence and shape people's diets. By analyzing economic and agricultural policies since the end of the WWII, we can better understand why and how unhealthy diets have become so widespread and globalized.

Agricultural products adapted to the globalized industrial system

The industrial food system and malnutrition in all its forms are closely related. The fact that malnutrition has become a global problem over the course of just a few decades is clearly tied to the displacement of local food systems based on peasant agriculture by the global, corporate food complex. The corporate food system (also referred to as the industrial food system) tends to select certain products, favoring some while excluding others. This selection is reflected in final food consumption, as diets have become increasingly homogenized and based primarily on a few staple crops. Consumption of ultra-processed food products has also increased; these products have a high profit margin but lead to poor health outcomes. The current food system and the overemphasis on macronutrients have grown out of the food shortage problems that followed WWII. At that time, scarcity and famine posed a menacing threat, thus a strong emphasis was placed on the production of macronutrients, particularly in the form of grains and potatoes. This prioritization neglected - and continues to neglect - the importance of other crops, such as vegetables and legumes, which are critical for a diversified diet and nutrition.

²¹ During the "What are your needs? workshop at the "Feeding the neighbourhood" event in Brussels on October 14, 2021, this point was particularly striking. Beyond the quality and types of products, the first need that food must address is conviviality. See also: M. Ramel et al., *Se nourrir lorsqu'on est pauvre*. Analyse et ressenti de personnes en situation de précarité, Montreuil, ATD Quart Monde, 2016 ; O. De Schutter, « Se nourrir lorsqu'on est pauvre. "Low cost" et politique à courte vue », *Beet the system*, no 4, octobre 2020, p. 20-26.

²² P. Ariès, *Une histoire politique de l'alimentation: du paléolithique à nos jours*, Paris, Max Milo, 2016

²³ <http://www.srfood.org/fr/droit-a-l-alimentation>

The dominant industrial food system has also been strengthened by the development of specific technologies (mechanization, agrochemicals, monoculture, logistical and large-volume commercial processing), some of which were passed down from the arms industry, while others were catalyzed by international regulations favoring market globalization through standardization (Codex Alimentarius²⁴) and free trade (World Trade Organization). In the case of the European Union, this process was facilitated by the Common Agricultural Policy and other free trade agreements.

This globalized industrial model has now become a victim of its own success: by prioritizing calories over micronutrients, fresh and diverse produce is left at a disadvantage, which leads to problems of malnutrition. As supply chains have become increasingly complex, nutritional quality has suffered tremendously. Multiple reports²⁵ agree on the following perspective: the industrialized food system favors those food products best suited to its preferred mode of production, distribution, and consumption.

The globalization of the food system has geopolitical consequences. The war in Ukraine, for example, has revealed the extreme dependence of many of the poorest countries on the Black Sea grain basin and the trade flows from these countries. It has also adversely impacted the availability of wheat and oil around the globe, and fuel price variation and speculation. Butter, bread, and oil prices in Belgium, for example, have increased by 10% between November 2021 and April 2022 (as of date of writing)²⁶.

For example, grains, vegetable oils, sugar, certain meats (frozen or fattened during transport), bottled drinks or milk powder are particularly compatible with such a system and can be consumed directly: "Global availability of cheap vegetable oils and fats has resulted in greatly increased fat consumption among low-income nations"²⁷. In addition, these types of foods are created from cheap raw materials that the global processing industry can assemble into a vast range of ultra-processed food products with wide profit margins, and then export these products to nearly every corner of the globe.

Agricultural products have been transformed by major scientific developments (in terms of standardization of plant varieties and animal breeds) and by extremely elaborate marketing techniques (for example, Monsanto's sterile GMO seed and herbicide/pesticide packages)²⁸. Immersed within the global market, consumption and production become de-territorialized. Driven by the industrial food system, diets

²⁴ The Code Alimentarius is a collection of international standards for food quality, hygiene, and packaging information to facilitate marketing.

²⁵ Global Panel, *Food systems and diets: facing the challenges of the 21st century*, London, UK, Global Panel on Agriculture and Food Systems for Nutrition, 2016; HLPE, *Nutrition and Food Systems*, Rome, CFS, 2017; IPES-Food, *Unravelling the Food-Health Nexus*, op. cit.

²⁶ Comeos, *Webinaire about Food crisis*, Observatoire du credit et de l'endettement, May 3rd 2022.

²⁷ A. Drewnowski and B. M. Popkin, "The Nutrition Transition: New Trends in the Global Diet", *Nutrition Reviews*, vol. 55, no 2, 1er February 1997, pp. 31-43.

²⁸ J. Bové and G. Luneau, *L'alimentation en otage*, op. cit.

across the planet are becoming increasingly homogenized. The sourcing of macro-nutrients is becoming more diverse as the standard of living increases²⁹. Although cultural appropriation and adaptation are taking place in parallel, traditional diets are gradually being sidelined, and traditional cooking techniques and the related know-how are undermined. The specialization of agricultural production has led to a decline in food diversity, even though the raw materials that form the basis of the human diet are highly adaptable³⁰. For example, even if rice and maize alone provide about 60% of humanity's caloric intake, they can be prepared in a wide variety of ways according to different cultures, countries, cooking techniques, etc³¹.

Fresh produce, including fruit, vegetables, and pulses, is not very compatible with an international food system, as it is fragile, and requires a large workforce for production and harvesting as well as complex storage conditions (often necessarily fast-paced and refrigerated). In addition, the flavor qualities of fruit and vegetables deteriorate rapidly when they are grown in industrial conditions. In addition, their preparation is often demanding and ultimately not very profitable compared to processed and especially ultra-processed food products. Meanwhile, ultra-processed products, enriched with salt, sugar or sweeteners, fat, and/or additives are addictive, cheap, and convenient to produce on a massive scale, and then store, transport, distribute, and consume. The goods that are the most convenient and economical to produce, transport, process, and distribute have proven to lead to nutritional deficiencies³². It appears that easily and widely available fresh produce, especially fruit and vegetables, and moderate meat consumption, both of which have been at the heart of nutritional recommendations for decades, have not been realities since the industrial food system came into being after WWII. This situation is illustrated in a study by Marion Nestle, which shows that the American Dietary Guidelines have remained surprisingly stable since they were introduced in 1862, consistently calling for more fruit and vegetable consumption. Despite the fact that there is not much consumers alone can do about this.

Moreover, the best selling messages are not often attached to products that actually offer healthy nutrition. More often the most outstanding promotional messaging appeals to consumers' pleasure and pocketbook. And pleasure is often found on the wrong side of the nutritional spectrum³³. In order to increase eaters' enjoyment of a product, the industry uses excessive and therefore unhealthy amounts of sugar, fat, and salt. Michael Moss has made a compelling case for how the most profitable and successful food companies, such as Coca-Cola, Nestlé, Kraft Food and Mars, primarily sell sugar³⁴. Additionally, the food industry as a whole spends billions to make their products appealing to consumers (including by making false health claims).

29 A. Drewnowski and B. M. Popkin, "The Nutrition Transition", op. cit.

30 M. Figuié and N. Bricas, "Reinvesting public regulation: the risk of over-responsibilising consumers", Political and Social Problems. World News Articles and Papers, 2011 (online: <http://agritrop.cirad.fr/561867/>; accessed 15 June 2019)

31 HLPE, Nutrition and Food Systems, op. cit. p. 25; B. Burlingame and S. Dernini (eds.), Sustainable diets: linking nutrition and food systems, Wallingford, CABI, 2019, p. 44

32 P. McMichael, "Commentary: Food regime for thought", The Journal of Peasant Studies, vol. 43, no 3, 3 May 2016, pp. 648-670; B. M. Popkin, L. S. Adair and S. W. Ng, "Global nutrition transition and the pandemic of obesity in developing countries", Nutrition Reviews, vol. 70, no 1, 1er January 2012, pp. 3-21.

33 F. Étilé, Obesity. Santé publique et populisme alimentaire, op. cit.

34 M. Moss, Salt, Sugar, Fat: How the Food Giant Hooked Us, op. cit.

The displacement of local food systems, which are traditionally based on a wide variety of crops and culinary practices, by the global industrial food system and its corresponding homogenized diet and increased consumption of ultra-processed food products (industrial formulations of food) have had massive environmental, biodiversity, social (e.g. workers' and peasants' rights), and health consequences, including malnutrition. Moreover, the industrial food system makes it harder for local and peasant supply chains to operate successfully and in particular for them to access markets for their products, or to access land and other non-polluted natural resources. These conditions severely undermine the right to food and nutrition and related human rights.

Agricultural specialization in Belgium

Since the end of the 1980s, Belgium has become highly specialized in potato production (in order to produce industrial chips). The quantity of potatoes processed by the Belgian industry has increased tenfold, from 500,000 tons in 1990 to more than 5 million tons in 2020³⁵. Belgium has thus become the leading exporter of frozen potato products. More than 90% of production is exported around the globe.

Belgium's specialization is also evident in the vegetable sector. In the Walloon Region, peas, green beans, carrots, and onions account for 83% of vegetable production. 96% of this production is allocated to processing and destined for the industry³⁶.

This is detrimental to nutritional diversity but also to food sovereignty, as the supply chain is oriented toward exportation and thus leads to land concentration and reduces the number of farms. In Wallonia, this figure has dropped dramatically from 37,000 farms in 1980 to 12,500 in 2018. This shift undermines peasants' political and social standing. In addition, industrialization further constrains the supply chain, reducing farmers' economic independence as their status shifts from food producer to raw material supplier.

Clearly the globalization of the agro-industrial system has impacted the nutritional quality of our diets. It provides the population with a variety of processed food products made from a limited range of basic, high-calorie ingredients. The supply is cheap, widely available, accessible, and widespread. However, this transformation has diminished regional autonomy and food sovereignty and undermines access to a diversified and balanced diet wherein eaters hold the reins.

³⁵ M. EGGEN, *Angry Potatoes*, How potato farming has been hijacked by agribusiness, FIAN and AiA study, 2021.

³⁶ A. RIERA, C. ANTIER AND P. BARET, *État des lieux et scénarios à horizon 2050 de la filière légumière en Région wallonne Cas des petits pois, haricots verts, carottes et oignons*, 31 janvier 2020

An informal social policy that is itself low-cost

The Green Revolution, supported by Western governments and pushed by large corporations, has been able to drastically slash agricultural costs, for three main reasons: economies of scale, subsidies, and cost containment³⁷. Meanwhile, the following are the hidden costs inherent in the prices consumers pay: low incomes for farmers and food system workers, major adverse impacts on ecosystems and the climate, neglected human health, and social disasters. In return, consumers see cheap food on supermarket shelves. The most blatant indicator of this situation can be found in the relatively small share of the average household budget designated for groceries: around 14% in 2018³⁸.

In the European Union, the Common Agricultural Policy (Article 39 TFEU) aims to ensure optimum use of resources while guaranteeing that the population as a whole has sufficient food in terms of quantity and quality. This is not, however, a formalized or satisfactory social policy³⁹. Indeed, ensuring the availability and affordability of food is not enough to solve social problems. Today, we know that the 'low-cost' food supply is a trap for almost everyone, and even more so for the poorest households. Low-end products are in fact harmful to our health, guilt-inducing (because even if we realize that our diets are imbalanced, we may not be able to do anything about it), degrading (because we eat what we can, and not what we want), and even stigmatizing (bodies are subject to judgment and shame). This creates a double punishment: one eats poorly and suffers psychologically and socially⁴⁰.

Another aspect of lack of food affordability is food aid. While this is a problematic trend (see module 2), it has increasingly become a life-line for many people across Europe. Food aid programs distribute products for free or at a very low cost. However, there is often not much choice, and these services increasingly rely on “redistribution” from supermarkets and donations from private individuals and entities. Food aid is not a long-term solution, but rather a short-term fix which often reinforces the stigma around poverty. Many food distribution agencies and providers dictate a set of requirements, and fulfillment must be documented to prove that the person or family is indeed experiencing poverty. This so-called “deserving poor” are then granted access to certain services and food support. However, the products are often of poor quality and offer little to no choice⁴¹.

Thus, this 'low-cost policy' keeps people experiencing poverty from starving, but it certainly does not empower them to feed themselves with dignity, or support structural solutions to poverty, marginalization, and discrimination. Moreover, it ignores the far-reaching implications of cheap industrial diets, including environmental degradation and exploitation of peasants and workers. Strategies based exclusively on affordability not only fail to address the structural causes of food insecurity and malnutrition, but in fact may exacerbate the conditions of a large percentage of the population who depend on food production or work in the food sector.

³⁷ O. De Schutter, « The political economy of food systems reform », *European Review of Agricultural Economics*, 2017, p. 1-27

³⁸ It should be noted that in 2020, it rose to 15.9%, in the context of COVID, mainly due to the decrease in HORECA earnings because of restaurant closures.

³⁹ O. De Schutter, « Se nourrir lorsqu'on est pauvre. “Low cost” et politique à courte vue », *op. cit.*

⁴⁰ M. Ramel et al., *Se nourrir lorsqu'on est pauvre. Analyse et ressenti de personnes en situation de précarité*, *op. cit.*

⁴¹ A. Osinski, Joos Malfait et FdSS, *L'expérience de l'aide alimentaire. Quelles alternatives ? Rapport d'une recherche en croisement des savoirs*, Bruxelles, 2019

For a long time, the idea of guaranteeing a poor-quality food supply for everyone, with more or less complex products depending on available resources and preferences (both nutritional and taste), may have seemed like enough. However, rising poverty and social inequalities make amenities increasingly difficult to access. People in vulnerable situations are encouraged, and to some extent forced, to turn to the cheapest, although nutritionally inadequate, options.

Meanwhile, other consumers are also guided towards the most convenient and accessible products, which are also seldom adequate. Consumers must go to great lengths in terms of time, money, and information to simply eat well.

For these reasons, nutrition issues cannot be detached from poverty alleviation and social justice. At the same time, more and more voices are calling for social food policies to be redesigned.

PART II

Analysis of the state of nutrition in Belgium



Taking a snapshot of a country's nutritional situation is a challenging task when a systemic perspective is considered. In Belgium, there are two main dimensions relevant to understanding the consequences of the propagation of inadequate industrial food products. Firstly, the effects on the population must be considered (consumers and those working in the food system); and secondly, the effects on the food environments. Concerning the effects on the general population, one should consider food consumption, as well as the status of nutrition-related health risk factors. The data referenced in the following section are primarily based on the results of two surveys conducted by the Federal Institute of Public Health (Sciensano): the food consumption survey (2004 and 2014) and the population health survey (2013 and 2018)⁴².

Food consumption

In Belgium, the Food Based Dietary Guidelines are established by the High Council of Health, an official body of independent experts. The High Council of Health regularly publishes advice on nutrition and has, among other things, developed "Nutritional Recommendations for Belgium⁴³" (2016) and "Dietary Recommendations for the Belgian Adult Population" (2019)⁴⁴.

Based on the recommendations of the Higher Health Council, the public health organization Sciensano conducts food consumption surveys. According to these surveys, the Belgian diet is characterized by an excessive consumption of red meat, processed meat, and sugary drinks, and by insufficient consumption of fruit, vegetables, nuts and seeds, milk, eggs, and fish. In 2018, only 12.7% of the population ages 6 and over consumed the recommended daily amount of fruit and vegetables (at least 5 portions). In 2018, 20.4% of the population consumed sugary drinks daily, while 4.1% consumed one liter or more per day. Belgians consume about one third of their daily energy in the form of ultra-processed food products, and consumption of ultra-processed food products is even higher among children⁴⁵. Belgium performs just slightly better than the EU average. In 2019, only 12% of Europeans ate the recommended number of fruits and vegetables, as shown in the graph below.

42 <https://www.sciensano.be/fr/projets/enquete-de-sante#style-de-vie> The "lifestyle" part of the health status survey is particularly interesting because it includes elements concerning nutritional habits. Available here: https://www.sciensano.be/sites/default/files/nh_report_2018_fr_v3.pdf

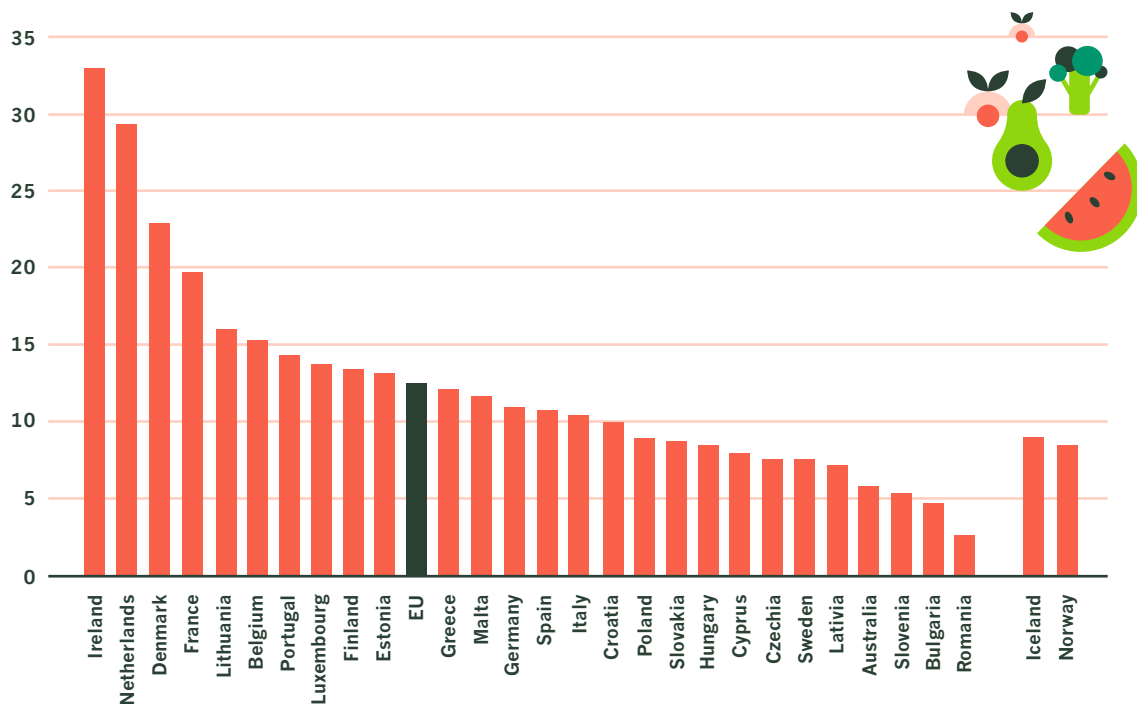
43 <https://www.health.belgium.be/fr/avis-9285-recommandations-nutritionnelles-pour-la-belgique-2016>

44 <https://www.health.belgium.be/fr/avis-9284-fbdg-2019>

45 Consumption of ultra-processed food products and diet quality among children, adolescents and adults in Belgium, Vande vijvere et al, Eur J Nutr, Dec 2019 · <https://pubmed.ncbi.nlm.nih.gov/30511164/>

DAILY CONSUMPTION OF 5 PORTIONS OR MORE FRUITS AND VEGETABLES

(% of the population aged 15 and over)



Nutritional status of the population

To measure the effects of poor diet on the population, Sciensano studies the nutritional status of the population⁴⁶. This analysis shows that overweight and obesity rates are increasing in Belgium (as in many other countries).

In Belgium, in 2018, 49.3% of the population was overweight, of which at least 15.9% were obese⁴⁷. The increase in the obesity rate is almost linear: at 10.8% in 1997, by 2018 it was estimated at 15.9% (an increase of almost 50%). It should also be noted that this is a minimum estimate, given that this figure is based on a declarative survey⁴⁸. Although obesity is not a disease in and of itself (as it is possible to be in good health while having a body mass index greater than 30), it is nonetheless an important health risk factor as diabetes, stroke, heart attack, cancer, and psychological malaise are directly related to it. In Belgium, non-communicable diseases are said to be responsible for 87% of all deaths in the country. The main culprits are cardiovascular diseases and cancers, which are responsible for 30% and 27% (respectively) of all deaths for all ages, men and women alike⁴⁹. However, it should be noted that nutrition is not the only cause contributing to these deaths: other factors, such as a sedentary lifestyle and smoking, must also be taken into account. 11% of deaths in Belgium are directly linked to nutrition, compared to 17% to smoking⁵⁰.

⁴⁶ https://www.sciensano.be/sites/default/files/ns_report_2018_fr_v3.pdf

⁴⁷ Sciensano, Health Survey 2018, "Nutritional status".

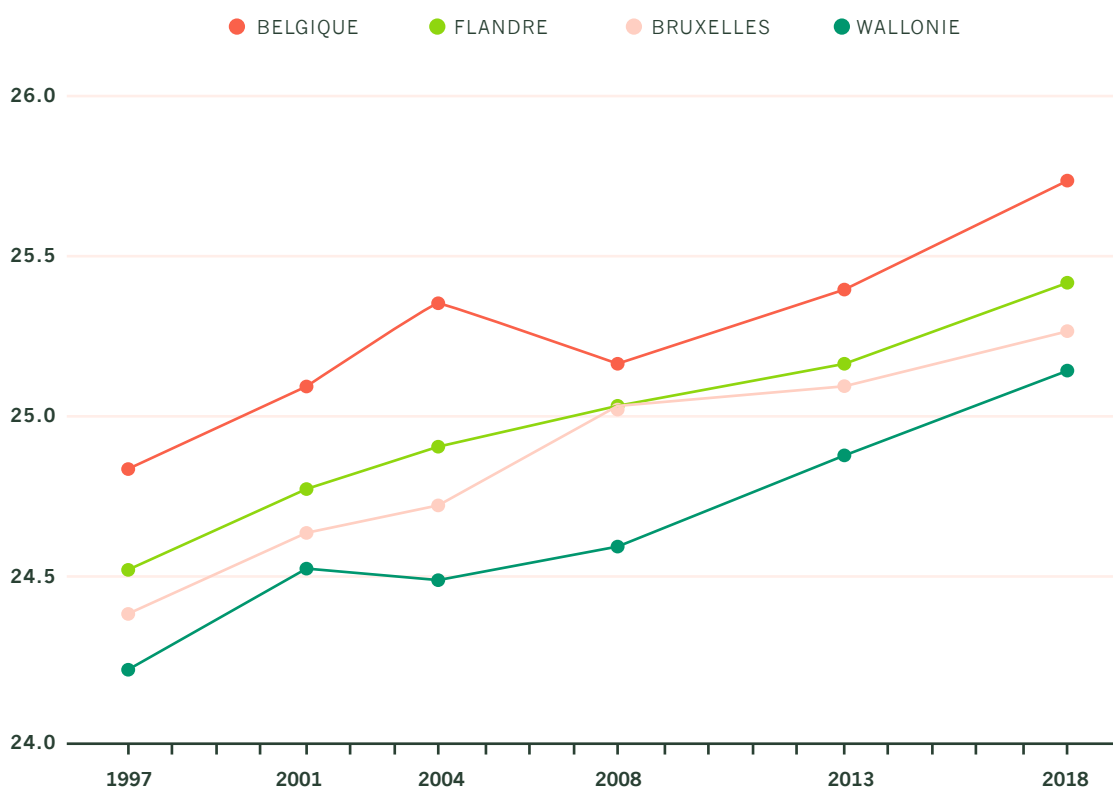
⁴⁸ Sciensano, Health Survey 2018, "Nutritional status", p.15

⁴⁹ APES-ULiège and AViQ, Plan de prévention et de promotion de la santé en Wallonie à l'horizon 2030. Axis "Promotion of healthy lifestyles and living environments", 2018, p. 5

⁵⁰ The rate decreased from 14% to 11% between 2020 and 2021 without any explanation regarding change of lifestyle. Perhaps some deaths related to co-morbidities were attributed exclusively to COVID-19. OECD, State of Health in the EU Belgium, Country Health Profiles, 2021. <https://www.oecd-ilibrary.org/docserver/17c34ec7-fr.pdf?expires=1649690944&id=id&accname=guest&checksum=9E9276E45D93813BD5A4DB2E726E8BCB>

EVOLUTION OF AVERAGE BMI, ACCORDING TO BELGIAN REGIONS BETWEEN 1997 AND 2018 (Source: Sciensano 2018)

NS_1_(moyenne)



The Belgian health surveys also found an additional compounding factor related to obesity: lower education attainment, which in turn correlates with income poverty. And food and health literacy are at stake. Food literacy means understanding the impact of one's food choices on personal health, the environment, and the economy, and understanding that these impacts are not experienced equitably. The 2013 Consumer Survey found that the prevalence of obesity was 23.5% for people with less than a secondary education, and 7.7% for those with higher education degrees. Income is also an explanatory factor, although to a lesser extent. In 2013, the poorest quintile had an obesity prevalence rate of 17.8%, while the wealthiest had a rate of 9.9%. However, among those individuals with an income that places them in the poorest quintile, those with a higher education degree had an obesity prevalence rate of just 7.7%. Similar results were also found in France⁵¹.

Poor nutrition also has economic consequences. The cost of obesity can only be roughly estimated as it is difficult to isolate all the variables. Obesity is estimated to cost 1% of GDP in several European countries and 2.8 % of GDP globally. A report estimated that the impact of malnutrition is equivalent to that of tobacco, at \$2.1 trillion in 2014⁵². Nowadays in Belgium, malnutrition may cost over 1 billion euros per year. In the year 2000, it amounted to €600 million in public health expenditure alone, which is a very restrictive calculation⁵³.

⁵¹ N. Darmon, "Inégalités sociales de santé et nutrition", in L'alimentation à découvert, Montpellier, CNRS Éditions, 2015, p. 140-141

⁵² McKinsey, Overcoming obesity: an initial economic analysis, 2014.

⁵³ <https://www.sciensano.be/fr/sujets-sante/obesite/chiffres#co-t-du-surpoids-et-de-l-ob-sit>

Analysis of food environments

According to the High-Level Panel of Experts of the Committee on World Food Security: "The food environment refers to the physical, economic, political, and socio-cultural context in which consumers come into contact with the food system to acquire, prepare, and consume food"⁵⁴.

The food environment plays a fundamental role in influencing people's food choices, but it should be viewed within the context of the entire food system (including the production model). Focusing exclusively only on food environments (and "consumers" in the narrow sense) may lead to partial solutions that fail to tackle the root of the problem. For example, concentrating exclusively on the price of healthy food may lead to policies that further reduce the income of peasants and food workers (who themselves are among those most affected by hunger and malnutrition), while failing to address the structural causes behind poverty.

Sciensano has done groundbreaking work in Belgium in food environment analysis. On the first day of the learning event held as part of this project⁵⁵, Sciensano expert Stefanie Vandevijvere gave a clear and comprehensive presentation on the study of food environments in Belgium. Food environments can be more or less "obesogenic", i.e. they favor access to a nutritionally adequate diet to a greater or lesser extent. Several facets of food environments can be examined: the quality of products available, marketing by food corporations, information available to consumers at the time of purchase, geographical access, etc. Now let us summarize some of the available data on Belgium.

The quality of the most accessible products is unsatisfactory

Sciensano has shown that in Belgium the cheapest calories are found in ultra-processed products, a circumstance that preys on the vulnerability of low-budget consumers:

The less ultra-processed foods are included in the diet, the more consumers have to pay for their daily diet. Moreover, ultra-processed foods are clearly cheaper (€0.55/100 kcal) than unprocessed foods (€1.29/100 kcal). Families on low incomes will therefore choose a diet that fits their budget. Highly processed food will be preferred to healthy low-processed products⁵⁶.

Ultra-processed foods are produced to be easily consumed, appealing, and accessible to the consumer and, at the same time, highly profitable for the food industry. Ultra-processed foods often have little or no nutritional value⁵⁷ (they contain many calories in the

54 High Level Panel of Expert, Committee for world Food Security, Report Nutrition and Food System, "Summary, §3

55 September 20th 2021, <http://fian.be/Healthy-Food-System-in-Europe-Revisualisez-le-webinaire>

56 S. Vandevijvere et al, 'The Cost of Diets According to Their Caloric Share of Ultra-processed and Minimally Processed Foods in Belgium', *Nutrients*, vol. 12, no 9, July 2021, part. Abstract.

57 Consumption of ultra-processed food products and diet quality among children, adolescents and adults in Belgium, Vandevijvere et al, *Eur J Nutr*, Dec 2019 - <https://pubmed.ncbi.nlm.nih.gov/30511164/>

form of sugars and/or fats and few, or no, nutrients: so-called 'empty calories'). Therefore, for the most part, they are found outside of the food pyramid⁵⁸, which means that their consumption should be as minimal as much as possible.

Ultra-processed foods are generally fatter, saltier, and sweeter than their raw or rather 'homemade' counterparts. Generally speaking, it is difficult to estimate the nutritional makeup of complex products, multi-course meals, and large portions compared to meals in which ingredients are isolated before being assembled, as occurs with home-cooked meals⁵⁹.

The limited practices of agri-food companies

An in-depth analysis of the nutrition commitments and practices of the top food companies in Belgium is available (see Box 4 below). Significant progress could be made to improve the nutritional composition of products (by reformulating them to cut back on sugar, salt, and fat), to better inform consumption, and to reduce the promotion of junk food. Almost nothing is done to give healthy products an advantage over unhealthy ones in terms of accessibility. This attests to the limited ability of policy approaches based on companies making voluntary commitments and the need for binding regulations on matters crucial to people's health and rights.

FOOD COMPANIES' COMMITMENTS AND PRACTICES: IMPACT ON FOOD ENVIRONMENTS AND POPULATION NUTRITION IN BELGIUM

Source: https://www.sciensano.be/sites/default/files/belgium_web.pdf

This project was designed to improve the healthiness of Belgian food environments to prevent obesity and chronic disease by assessing the transparency, comprehensiveness, and specificity of commitments, as well as the practices related to obesity prevention and population nutrition utilized by major Belgian food companies. The objective was to highlight, in the context of Belgium, how some food companies exhibit leadership, and to identify the best available practical examples and areas for improvement, and to make specific recommendations tailored to policy domain, sector, and company. Thirty-one companies were evaluated and ranked, spotlighting examples of best practices, key areas for improvement, and recommendations.

The results are: for corporate population nutrition strategy, 57/100; product formulation, 37/100; nutrition labeling, 32/100; product and brand promotion, 36/100; product accessibility, 8/100.

⁵⁸ <https://www.gezondleven.be/themas/voeding/voedingsdriehoek> and <https://www.foodinaction.com/pyramide-alimentaire-2020-equilibree-durable/>

⁵⁹ P. Chandon et J. Dyson, « Is Obesity Caused by Calorie Underestimation? A Psychophysical Model of Meal Size Estimation », *Journal of Marketing Research*, vol. 44, no 1, février 2007, p. 84-99

Food deserts

It is also possible to measure the types of food available according to geographical area. Geographical regions that are disadvantaged in terms of access to quality food are sometimes referred to as 'food deserts'. This term, however, often fails paint a full picture of how planning and political decisions have intentionally left certain communities without adequate food access⁶⁰; nonetheless it will be used herein. For example, it has been found that in the Flanders region of Belgium at schools where students' mothers have a lower level of education, and are therefore more likely have a lower income, children are more exposed to fast food in their immediate vicinity⁶¹. It is important to note that children who attend schools surrounded by fast food outlets are likely to have a worse weight status than average, which underscores the importance of healthy school environments, and the need for public regulations to protect the right to food and nutrition of children and adolescents.

The study of food environments is crucial to identify, select, and parameterize public policies designed to improve the nutritional status and access to quality food of the entire population. In general, the right to food cannot be realized without the support of healthy food environments. However, as mentioned earlier, food environments must be understood as just one part of the picture and approached within the context of food systems as a whole (see also the theoretical section of this module).

⁶⁰ <https://www.beyond-buzzwords.com/food-desert-food-apartheid>

⁶¹ See Stefanie Vandevijvere's intervention at the learning event, day 1, <http://fian.be/Healthy-Food-System-in-Europe-Revisualise-z-le-webinaire>, min 11.



PART III

Analysis of nutrition policies in Belgium



This section analyzes the policy measures adopted in Belgium to address the challenges of malnutrition and to promote healthy and sustainable diets.

Legal foundation for the right to food and nutrition in Belgium

Belgium ratified the International Covenant on Economic, Social, and Cultural Rights, which enshrines the right to food (Art. 11) in 1983⁶². Belgium has also ratified the other key human rights instruments that recognize the right to food⁶³. Belgium is therefore subject to the obligations inherent in the right to food. In addition, the right is, in principle, directly applicable and can be invoked before Belgian courts, given that Belgium has a so-called "monist" legal system, i.e. international obligations apply directly in the legal order without needing to be transposed into domestic law.

Despite this international recognition, the right to food is not explicitly enshrined in the Belgian Constitution and legislative framework. It is not included in Article 23 of the constitution which enshrines other economic, social, and cultural rights (such as the right to work, the right to housing, the right to social security, etc.). As a result, the right to food is rarely invoked in Belgian courts and tribunals, and obligations relating to the right to food are poorly integrated into public policies.

In 2014 a framework bill "establishing the obligation of an effective implementation of the right to food by Belgium" was tabled in the federal parliament⁶⁴. The objectives set out by the proposed law included:

- define a national food strategy on the basis of broad social consultation through a national food council;
- support sustainable food systems;
- improve the nutritional quality of food;
- combat food waste;
- strengthen consumers' right to information on food;
- clarify food aid obligations; and
- prevent Belgian actors from undermining the right to food in developing countries.

62 See M. Eggen (2020), "FIAN Report to the UN Committee on Economic, Social and Cultural Rights", in *Food Systems, Nutrition and Health: Taking Back Our Food*, FIAN Belgium.

63 Notably the Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 12; the International Convention on the Rights of the Child (1989), Article 27; and the Convention on Persons with Disabilities (2006), Article 28. All these provisions have made reference to the right to food as part of the human right to an adequate standard of living.

64 DOC 54 0518/001. See: <http://www.lachambre.be/FLWB/PDF/54/0518/54K0518001.pdf>

This framework bill was particularly interesting because it adopted a relatively holistic approach. Nutritional issues were addressed as well as food aid, sustainability, consumer information, and the fight against food waste. And, significantly, the project was designed to implement a system of participatory governance through the creation of a national food council which would be responsible for developing a national strategy at the beginning of each legislative period.

Unfortunately, this bill was never discussed in Parliament due to the lack of a political majority. This clearly represents a missed opportunity to have advanced the right to food and nutrition in Belgium. Nevertheless, the proposal may come up again as it is regularly put forward by right-to-food promoters.

Sectoral policies on nutrition and health

Given the absence of a comprehensive and multisectoral food policy, which would facilitate a unified, coherent approach to all the issues at stake for the right to food and nutrition in Belgium, we must make do with industry-specific policies, such as those on agriculture, nutrition, and health.

In terms of nutrition, several successive nutrition and health plans have been adopted. The first "National Nutrition and Health Plan for Belgium – PNNS-B" was passed in December 2005. It was initiated by the Federal Minister of Social Affairs and Public Health, with the participation of the federated entities⁶⁵. It was based on existing international recommendations on nutrition and health at the EU and WHO levels, in particular the 2004 Global Strategy on Diet, Physical Activity, and Health⁶⁶. The plan focused on tackling the problem of obesity and promoting more balanced diets and physical activity.

Since then, this plan has been extended and renewed several times with some adaptations over the years. But overall, all the plans have followed the same logic. The main adaptations have been of an institutional nature. Indeed, following the sixth state reform, which went into effect in 2012, several competences in the field of public health were transferred to the communities⁶⁷. The national nutrition and health plan thus became a federal nutrition and health plan, while the communities were authorized to adopt their own policies on prevention and health promotion (see section below on institutional fragmentation).

The plan currently in force is the "Federal Health Nutrition Plan 2015-2020" (PFNS). This plan has expired and should, in theory, be replaced by a new five-year plan. But at the date of writing (April 2022) no new draft had been adopted by the federal government.

The stated objective of the current plan is as follows: "implement a federal policy to promote healthy eating and lifestyle habits, with the goal of significantly reducing

⁶⁵ SPF Affaire sociale et de la Santé Publique, Plan National Nutrition Santé pour la Belgique, Bruxelles, 2005, p. 5

⁶⁶ SPF Affaire sociale et de la Santé Publique, Plan National Nutrition Santé pour la Belgique, op. cit. . This is specified in particular in the Foreword p.4, in "context" p.7-9, and in "principles" p.48.

⁶⁷ Belgium is a federal state, composed of by three regions (Flanders, Brussels, Wallonia) and four communities (Flemish, French, German and Brussels inhabitants). Competences are distributed among these entities.

the incidence of diseases related to poor diet and physical inactivity that have a significant impact on quality of life and healthcare budgets. The measures envisaged are organized into five strategic areas. They are discussed in detail below.

AREA 1 →

Consultation and engagement with the private sector. Work groups are set up with actors from different sectors of the agri-food industry to consider measures to improve the population's diet, including the "Salt Convention"⁶⁸ and the "Balanced Diet Convention"⁶⁹. Both were created with the voluntary participation of the food industry federation (FEVIA) and the trade and services federation (COMEOS).

Another measure adopted within the first area is Nutri-score (2019)⁷⁰. This labeling system, which was first developed in France, both empowers consumers to make more informed choices, and rewards "virtuous companies" by highlighting their products.

AREA 2 →

Breastfeeding and undernutrition in the elderly: The recommendation to breast-feed exclusively for six months is maintained, in accordance to the WHO recommendation; meanwhile, no reference is made to complementary breastfeeding beyond six months (as per WHO recommendation). The plan also states that "pressure [from the food industry] is constant and very well organized to continue to maintain the idea that artificial feeding is the norm rather than breastfeeding", by "targeting expectant mothers, health professionals surrounding maternity wards and institutions working in the interest of early childhood". In addition, measures should ensure "breastfeeding zones" so that mothers can breastfeed "in the place of their choice", including in public places such as supermarkets. At the same time, other measures should restrict targeted marketing of breastmilk substitutes to new parents. In addition, the plan recommends extending the length of maternity leave from three months to five months (but this has not yet occurred).

Regarding undernutrition among the elderly population, the plan continues with the measures of the previous plan, which developed awareness-raising and training for care providers in hospitals and nursing homes.

AREA 3 →

Micronutrient deficiencies, and in particular iodine deficiency: The measures envisaged include reformulating products, increasing the visibility of iodized salt in supermarkets, and raising awareness among healthcare professionals. Again, implementation is based on consultation with different actors.

⁶⁸ <https://www.health.belgium.be/fr/la-convention-sel>

⁶⁹ <https://www.health.belgium.be/fr/la-convention-alimentation-equilibree>

⁷⁰ https://etaamb.openjustice.be/fr/arrete-royal-du-01-mars-2019_n2019040711.html

AREA 4-5 →

Research and survey. These areas organize data collection on the population's eating habits and behavior "to optimally inform" decisions on food policy (p. 22) and to evaluate their impact (p. 24). At the same time, it also aims to make research on nutrition in Belgium coherent and visible. The objective is to align resources with the challenges surrounding food.

After analyzing the main measures of the PFNS plan, some key observations should be noted regarding their voluntary nature, institutional fragmentation, and the lack of consideration for marginalized populations.

Binding or voluntary commitments?

Most of the measures established by this series of nutrition and health plans are based on consultation with the private sector and voluntary commitment by the parties involved. This is the case, for example with the "Salt" and "Balanced Diet" conventions, which were drawn up in consultation with representatives from the agri-food industry (FEVIA and COMEOS) and fulfillment is left up to the goodwill of the agri-food industry and large-scale distribution companies. This is also the case for Nutri-score, a simple nutritional labeling program; the implementation of which is at the discretion of companies.

These essentially voluntary measures contrast with international recommendations on the right to food and nutrition, which stress the importance of binding regulatory measures which may then be complemented by voluntary measures. Otherwise, only those companies that benefit from such measures have an incentive to implement them. The example of Nutri-score makes this point abundantly clear: companies that offer relatively "healthy" products benefit from adopting it; companies whose products are unhealthy do not adopt it. Therefore, the goal of having a label that can enlighten the consumer and inform their choices is missed. And what's more, this program has been partially co-opted as a marketing tool.

The ineffectiveness of voluntary measures and measures targeting consumer responsibility had already been pointed out in the final evaluation of the first PNNS-B plan in 2010. The researchers questioned the essentially "behaviorist" strategy of the plan: "responsibilities in the fight against obesity are not sufficiently documented, and result (...) in individuals being made responsible under the guise of individual freedom"⁷¹. Such an approach conflicts with the well-established need to target the more structural causes of obesity and other diet-related diseases.

Another example demonstrates the heavy hand the food industry has had in formulating nutrition policies in Belgium (which is reflective of what is also happening internationally). An interesting proposal envisaged in the NSFP was a "ban on advertising of foods high in sugars, fats, and salts and on fast food targeting children".

⁷¹ G. Absil et al., Evaluation du premier Plan National Nutrition Santé belge (CCNVGP 2010/01 du SPF Santé Publique, Sécurité de la chaîne alimentaire et environnement), op. cit., p. 35

This measure indicated a desire to control and regulate food marketing more strictly, especially as children are particularly vulnerable to advertising. However, this proposal was hijacked by a private sector initiative which drafted its own marketing reduction charter called the "Belgian Pledge", a strategy commonly applied by the food industry⁷². The consequence of this initiative has been that public-authority control has been replaced by a form of the private-sector self-control wherein companies are both judge and party, and draft the standards they supposedly intend to respect. The Belgian Pledge has been denounced as largely insufficient by Test-Achat, Belgium's main consumer protection agency, for two main reasons⁷³. Firstly, it does not prohibit advertising to children under 12, but rather simply sets some limits. Secondly, it only regulates certain categories of products. In the end, public authorities have been deprived of their ability to act, and the standards set fall far short of the WHO recommendations on advertising to children and the obligations under the right to food.

In the PFNS, measures such as product reformulation, the adoption of Nutri-score or limitations on advertising are all voluntary and do not impose any obligations on the food and beverage industry that is largely responsible for the production, distribution, and promotion of unhealthy products. The plan puts forward the notion of an "obesogenic environment" which balances responsibility between consumer choice and the limits placed on that choice in terms of the products available (if the choice is between two types of soda, the consumer can do nothing about it) or influence (if the products promoted are junk food, the consumer is encouraged to choose them). The NFP 2015-2020 gives the following definition:

Unhealthy eating habits are a shared responsibility of the individual and society. We live today in an obesogenic environment, which does not always favour the choice of a healthy diet. Improvements are therefore needed on both the supply side (private and public sectors) and the demand side (increasing demand for healthy food). Free and informed choice is not always possible for several reasons: lack of knowledge, poor information, complex labelling, marketing pressure on children, etc. The issue of unhealthy eating behaviour requires a multi-disciplinary approach at all levels of government.

The problem is not that governments are simply ignorant of the persuasive abilities of the private sector, thus preventing them from effectively regulating companies' actions. The PFNS continues to take a collaborative approach with the food industry, when actually binding measures are more likely to bring about concrete results, at least in the examples discussed above (Nutri-score, advertising, reformulation). The present collaborative strategy is, in our view, a strongly political position which has impeded the development of stricter measures.

72 https://uppindustrywatch.net/Behind_the_Labels_Report.pdf

73 <https://www.test-achats.be/sante/alimentation-et-nutrition/alimentation-saine/news/revision-publicite-alimentaire-enfants-fevia>

This situation can be explained, firstly, by the considerable role the private sector plays in controlling the industry and the data and, on the other hand, by the limited economic power of public authorities. These circumstances are the result of the market-based approach to food regulation in Belgium, as well as across the EU. Secondly, any notable shifts in the regulation of food consumption could arouse the public's interest and perhaps even provoke alarm or opposition. Governments are aware of this fact and it discourages them from breaching these controversial issues. Thirdly, regulatory reform could trigger significant repercussions in the labor market. The agri-food industry is, according to several measures, the nation's leading industrial sector, which affords it decisive political weight and renders it difficult to take on. At this stage, the upward trends in obesity and other NCDs have not been affected by the PFNS, although the situation has undoubtedly continued to deteriorate. The main explanation for the government's lack of action seems to be the persuasive power of agri-food business and their influence on decision-making processes.

EXAMPLE OF A LIMITED REGULATORY MEASURE: THE SODA TAX

Among the government's regulatory measures designed to promote better nutrition, the "soda tax" is often put forward as an example. It is a known fact that increasing the price of a product through a tax is likely to reduce its consumption⁷⁴. However, such an increase must be substantial and sudden: for example, a 20% increase all at once. Belgium has implemented an increase in excise duties on sweetened drinks since 2015. However, the increase has been gradual (0.03 cts/liter in 2015, 0.05 cts/liter in 2019) and the amount has proven to be far too small to have any tangible effect on consumption. Experts insist on the need to provide, in addition to taxes, subsidies on alternative products that are more interesting in terms of nutrition or even sustainability. It is unreasonable to think that isolated tax reform can have a significant impact on health if it is not explicitly linked to a nutritional policy.

Institutional fragmentation

In March 2010, when reviewing the first PNNS, Laurette Onckelinx, then minister of social affairs and public health, addressed some questions⁷⁵. She stated that: "[t]he success of such a plan depends to a large extent on the proper functioning of the various levers of power, making it possible to reach citizens directly and influence their dietary behaviour". She immediately pointed out what she saw as the plan's weakness: "[t]he situation will continue to evolve too slowly as long as health is not integrated as a cross-cutting dimension in all policies in this country". This is most

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⁷⁵ Belgian Senate Annals Thursday 18 March 2010, Oral question by Mr André du Bus de Warnaffe to the Deputy Prime Minister and Minister for Social Affairs and Public Health on "the state of health of the Belgian population" (No. 4-1153).

definitely true. The lack of coordination that hinders the coherence of nutrition policies is unacceptable. What's worse, it actually reduces the effectiveness of any industry-specific measure.

However, between the first and the second PNNS, the Belgian state was reformed⁷⁶, which distributed competences and budgets relating to public health prevention (and consequently, most of the competences of the PNNS) to regional governments. As a result, the nutrition policy, which is now federal (PFNS), has maintained competences in the field of labeling (Nutri-score), consumer protection (AFSCA standard, advertising), and taxation (soda tax). Meanwhile, health promotion competences have been transferred to the regions, which have each developed their own plan. Wallonia has adopted its own plan for prevention and health promotion, which includes a section entitled "Nutrition – Physical Activity"⁷⁷. Flanders has adopted its respective plan, which includes a large number of measures related to nutrition⁷⁸. The Brussels region has adopted a health promotion plan for 2018/2022, and is currently working on its next version⁷⁹. Even though most plans state in their objectives that the plan should be consistent with the federal plan, at least, the reality on the ground is that the plans are rather isolated and disjointed.

A major problem with nutrition and health policy is that nutrition is often completely detached from broader food and agricultural policies. This impedes a systemic analysis of the problem across the food system and coherent measures capable of addressing multiple problems. It also results in policy focusing too much on consumers and the food environment rather than considering policy choices related to the production side. For example, reformulating products, at best, makes unhealthy food products slightly less unhealthy, but it does not contribute to a broader transformation towards healthy and sustainable food systems.

In Belgium, the competences in the field of food are, as with public health promotion, in the hands of the different regions. Wallonia adopted the "Manger Demain" strategy in April 2019, which aims to promote sustainable food⁸⁰. The Brussels region is in the process of adopting a new version of its food strategy, the "Good Food Strategy", in which the ties between food and health and social issues are emphasized. However, this plan also assigns a significant role to the agri-food industry as a consulting partner⁸¹, while the administration in charge of steering the strategy is primarily responsible for environmental protection. Flanders is also developing a food strategy for the first time, with strong participation from agro-industry actors at the current stage of consultation⁸². The fact that there is no overarching framework policy at the federal level demanding integrated approaches, under the umbrella of the right to food for example, leaves everything up to the decisions of individual regional governments and communities.

76 Federal Public Service Chancellery of the Prime Minister [2014/200341] 6 JANUARY 2014. Special law on the Sixth State Reform.

77 <https://sante.wallonie.be/sites/default/files/AVIQ-18-19401-Rapport%20Plan%20W%20Pr%C3%A9vention%20dk%C5%BE%20-%20accessible.pdf>

78 Strategisch plan - de vlaming leeft gezonder in 2025', Agentschap Zorg & Gezondheid, 2016. Downloadable from: https://www.zorg-en-gezondheid.be/sites/default/files/atoms/files/Strategisch_Plan_GezLev_vGCCorr.pdf

79 https://feditobxl.be/site/wp-content/uploads/2018/09/Plan-strat%C3%A9gique-de-promotion-de-la-sant%C3%A9-2018-2022_0.pdf

80 <https://www.mangerdemain.be/strategie/>

81 <https://goodfood.brussels/fr/content/strategie-good-food>

82 <https://lv.vlaanderen.be/nl/beleid/vlaamse-kost-voedselstrategie>

Although we are unable to go into much detail herein, it should be underscored that nutrition depends on multiple policies reaching far beyond the health and agricultural sectors. For example, social policies can play a role in the diets of beneficiaries (e.g. of social protection), and environmental policies can make a strong impact on agricultural production and food waste.

School canteens. School canteens, and collective catering in general (including in nursing homes, hospitals, and administrations), are potentially very powerful players capable of orienting part of the food system. They give public authorities significant economic influence because they are important consumers for actors in the food chain. Moreover, they are available to a large part of the population without much discrimination. In schools, guaranteeing all children a hot, healthy, sustainable, agro-ecological meal would be a key step towards realizing the right to food.

Unfortunately, school canteens fall under the jurisdiction of individual municipalities. As a result, progressive practices are rather unusual, but some are indeed attempting a more systemic approach. In the Walloon region, the government has launched the “Green Deal”, a pillar of its food policy that encourages school canteens to improve their menus by incorporating local producers and/or organic food. The word “encourages” is used because the region does not have the power to force municipalities to do so. So far, 220 canteens have responded to the call, out of a total of approximately 2,000 canteens in the Wallonia-Brussels Federation⁸³.

In addition to institutional fragmentation, political fragmentation within each country must also be taken into account. Each institutional level is controlled by different political parties that only a true miracle could align. Today, the PFNS is in the hands of the Socialists; regional food plans are sometimes led by the Greens, and other times by Democrats, while agricultural competences are often controlled by right-wing parties. All these divergent viewpoints are an additional political impediment that exacerbates institutional fragmentation and prevents coherent policy from coming into fruition.

The adoption of a national framework law unifying these fragmented policies would be highly useful for Belgium, considering its fragmentation of institutions and responsibilities. Such an overarching policy is actually a fundamental recommendation of the international right to food guidelines. Without this, we cannot hope for anything better than technical or partial measures which fail to make any real impact whatsoever on the food system as a whole, and which can easily be diverted by agribusiness. A coherent and holistic strategy is essential to fueling and shaping the transformation of food systems, as the right to food indicates.

83 <https://www.mangerdemain.be/cantines/>

Consideration of marginalized populations

The PFNS recognizes that a non-segmented approach to the population has its limitations and needs to target marginalized populations. It proposes some specific measures for children, mothers (who are breastfeeding) and the elderly (who often suffer from undernutrition). Nevertheless, the target audience encompasses the entire population so a plan focused on more generalized health promotion is relevant. On the other hand, the plan does not propose any specific measures to target people living in precarious situations or groups subject to marginalization and health risks.

The health status and food consumption surveys have shown how malnutrition and unhealthy diets disproportionately affect the most marginalized groups (people who are poor or less educated, or migrant workers). A nutrition policy that does not consider these fundamental inequities will inevitably be ineffective. It is also deplorable that the nutrition policy fails to address aspects of food poverty and food aid at all. Meanwhile, our interviews with representatives of anti-poverty organizations have made clear that the poor nutritional quality of food aid is a serious problem. Nevertheless, at the same time, food aid administrators claim that product quality has improved.

In order to tackle food poverty, some ideas have emerged that are designed to combat food poverty, while at the same time promoting the transition to more sustainable food systems. The idea of generalizing food “vouchers” (cash transfer with conditions) to allow people in vulnerable situations to buy sustainable and local food has been put forth. But at present, it is not clear whether this proposal will be included in the plan, which is still undisclosed.

Social security for food

Following several discussions with civil society partners within the framework of this project, one proposal in particular has sparked interest among Belgian partners working on combating poverty and access to quality food: social security for food. By copying the model of social security for healthcare, the objective would be to partially remove food from the free market system. This would entail setting up a national fund based on workers' contributions in proportion to their income. The money would be used on the one hand to finance a kind of food voucher of about €100, which could only be spent on democratically chosen products that meet sustainability criteria. On the other hand, it would raise funds to finance the infrastructure necessary for a agroecological transition. While this proposal needs further exploration⁸⁴, it is already notable for its approach to realizing the right to food outside of the reaches of the free market.

⁸⁴ There is a vast amount literature on this proposal. Much more information is available at: <https://securite-sociale-alimentation.org/>. For more information: J. Peuch, « Appliquer le droit à l'alimentation, une obligation pour l'État. Vers une sécurité sociale de l'alimentation ? », *Revue Politique*, no 116, 2021 ; D. Paturel et P. Ndiaye, *Le droit à l'alimentation durable en démocratie*, Nîmes, Champ Social, 2020 ; Atelier Paysan, *Reprendre la terre aux machines. Manifeste pour une autonomie paysanne et alimentaire*, Paris, Seuil, 2021

PART IV

Towards a holistic approach to nutrition in the context of the right to food



A comprehensive transition of food systems towards more sustainable, healthy, and equitable operations requires adequate institutional and policy frameworks that promote intersectoral collaboration and coherence among sectoral policies. An understanding of nutrition that is consistent with the right to food must highlight the close ties between food, health, agriculture, environment, and culture.

The Committee on World Food Security Civil Society and Indigenous Peoples' Mechanism defines healthy and sustainable diets as "affordable, balanced, and varied, and that provide real food and the nutrients needed for an active and healthy life, both for present and future generations. They are made up of fresh, seasonal foods wherever possible and contain a high proportion of unprocessed or minimally processed foods"⁸⁵. Let us make note of the radically different nature of this definition as compared to the industrialized food system.

In the industrialized system, prices partially reflect product quality. In general, consumers have to make an effort, in terms of money, time, and knowledge to access a balanced, varied diet of fresh and seasonal foods. Meanwhile, the default diet is the same all year round, geographically homogenous, quick to eat and easy to prepare. It is also often highly processed. Its low price can be explained by four factors: economies of scale due to specialization and reliance on monocultures, and therefore a reduction in diversity; exploitation of farmers and workers (low prices, wages); hidden costs not included in the price of the product (environmental, social, and health costs); and publicly funded subsidization of industrial agriculture and under-financing of small-scale, labor-intensive production.

All these issues must be addressed to structurally grow and nurture healthy and sustainable diets. In order to give fresh produce and homemade meals a leading role again, we need to reorient the existing sectors and recreate localized sectors, with diversified, labor-intensive, and environmentally friendly production as well as fair pay for producers, including agricultural and food workers, and spaces for producers and consumers to engage (e.g. local food markets, cooperatives). The two-faced discourse that sprinkles local initiatives with a few incoherent subsidies while giving more attention and support to the large, specialized farms oriented towards industrial circuits must come to an immediate end.

A sustainable diet should therefore be based on food products that are relatively resource-efficient and not dependent on chemical inputs. The term agroecology describes the set of agricultural practices based on the natural cycles of the ecosystems that host them, which are also ways for the farming community to establish healthy relationships with its environment. For the High-Level Panel of the Committee on Food Security, agroecology opens "pathways towards sustainable food systems"⁸⁶. According to the special rapporteur on the right to food and many other experts, agroecology is the best approach to efficiently and effectively use natural resources to fulfil the right to food"⁸⁷.

85 <https://www.csm4cfs.org/wp-content/uploads/2021/05/FR-vision-VGFSyN.pdf> p.6

86 https://www.fao.org/fileadmin/user_upload/hlpe/hlpe_documents/HLPE_S_and_R/HLPE_2019_Agroecological-and-Other-Innovative-Approaches_S-R_FR.pdf (Summary, Para. 4).

87 FAKHRI interim report, 2021.

Logistical, infrastructural, and legislative questions are being raised, and the answers exist. However, the political environment continues to stifle any attempt at change. Establishing agroecology as a new paradigm for food systems cannot be achieved without profoundly transforming the industrial food system (and not just the agricultural one) or without questioning the power dynamics surrounding it. In this sense, this is a political endeavor, while genuinely rooted in peasant culture at the same time⁸⁸. In Belgium, the FEVIA, the agri-food federation, firmly opposed the broad use of the term agroecology in the Brussels regional food strategy, to the great disappointment of agroecology promoters. Instead, their adopted strategy, which is stunted, is ultimately limited to productive aspects, and overlooks cross-sectoral dimensions. The same occurred during the Walloon region consultations on food. This attitude was also found at the international level in exporting countries and private sector representatives during the negotiations on the CFS Guidelines for Nutrition and Food Systems⁸⁹.

The sustainability of healthy diets also relies on rethinking the food system, as David Boyd, the special rapporteur on the right to the environment, clearly reminded us during his intervention at the learning event. More than 30% of greenhouse gas emissions are generated by industrial agriculture (pesticides, oil), deforestation (for industrial breeding, soy, and extensive plantations), transport, processing, and distribution. Meanwhile, 30% of food production goes to waste. Agriculture accounts for about 70% of the world's freshwater use, dwarfing all other human uses⁹⁰. And according to the IUCN Red List, of the 42,945 vulnerable, threatened, or critically endangered species, agriculture and aquaculture are a risk factor for 22,422 of them (more than 50%)⁹¹. In Belgium, the producers using agroecological approaches are often farmers working on small plots, on the outskirts of cities, organized in concentrated areas. They may be members of organizations such as the Mouvement d'Action Paysanne⁹², connected to food belts around cities such as Liège⁹³, Brussels⁹⁴, Ghent⁹⁵, Charleroi⁹⁶. They may be supported by the community (GASAP⁹⁷, Voedsel Teams⁹⁸ or other collective purchasing groups); or they may be federated⁹⁹. There are many more groups of this sort. We should not exclude medium-sized and often more conventional producers who are in the process of transitioning to sustainable agriculture in the wake of the agroecology movement, such as the producers of FUGEA¹⁰⁰, MIG¹⁰¹, or those who are involved with organic agriculture¹⁰².

88 See for example the Declaration of the European Coordination of La Via Campesina of 2014: <https://www.eurovia.org/wp-content/uploads/2016/04/FR-Declaration-Agroecologie-ECVC-08-05-2014-.pdf>

89 See the video of the learning event, intervention of Isabel Alvarez from Urgency.

90 United Nations, Synthesis Report on Sustainable Development Goal 6 on Water and Sanitation, 2018.

91 <https://www.iucnredlist.org/search?query=agriculture&searchType=species>

92 <http://lemap.be>

93 <https://www.catl.be/>

94 <https://goodfood.brussels/fr/content/strategie-good-food>

95 <https://participatie.stad.gent/nl-BE/folders/gent-en-garde-projectmap>

96 <https://www.ceinturealimentaire.be/>

97 <http://gasap.be>

98 <https://www.voedselteams.be/ontdek-al-onze-producenten>

99 <http://fedeau.be>

100 <http://fugea.be>

101 <http://www.milcherzeuger.eu/>

102 <http://biowallonie.com>

All producers, beyond their own organizations, have the support of a broader social movement that argues that agriculture is not only of concern for farmers but rather, it is of general interest to eaters, societies, and the planet. Two platforms are driving this movement: on the French side mainly Agroecology in Action (AiA)¹⁰³ and on the Flemish side, VoedselAnders (VA)¹⁰⁴. These organizations engage in political processes as much as possible, offer advice, and promote mobilization and networking. They also fight for farmers' rights and access to natural resources (land, water, etc.), support organizations and producers directly, and speak out on behalf of marginalized views and people living in poverty. They work with a holistic approach from the point of view of food sovereignty.

For these groups, developing healthy diets and sustainable food systems must go hand in hand since they have found that the main source of harmful effects for food systems is industrialization and its long production and supply chains. By offering local, seasonal, and nourishing food that is less dependent on chemicals, in more direct contact with consumers (or eaters), and coherent with ecosystems, agroecological production can improve consumers' diets by increasing the availability of fresh fruits and vegetables and engaging with nature harmoniously and sustainably. However, an agroecological system is not possible without transforming regulations, redesigning subsidies, reorganizing supply chains, and diversifying production and distribution methods.

¹⁰³ <https://www.agroecologyinaction.be/>

¹⁰⁴ <https://www.voedsel-anders.be/>



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