CSIPM Evaluation of the CFS Policy Recommendations on Data

Consolidated version, as of 4 October 2023

1. **Why has the CSIPM engaged in this policy process?**

   - Because of the increasing relevance of data for the struggle for food sovereignty and the right to food and nutrition: Data has become a critical resource and the control over data and data-based technologies has become a key tool for corporations to expand their reach, control, and profits. In the context of food and agriculture, the promotion of digital technologies, which require huge amounts of data, has become a means for agribusiness to continue its extractive and destructive model. At the same time, several states and UN institutions, including the FAO, have also jumped on the data and digitalization bandwagon, thus contributing to data grabbing and increased surveillance. In the face of this, organizations of small-scale food producers, Indigenous Peoples, social movements and CSOs around the world have understood that the struggle around data and technologies needs to be part of their struggles for food sovereignty. This includes asserting their rights vis-à-vis the increasing data grab as well as experimenting with their own ways of using data and technologies in the context of food sovereignty and agroecology.

   - Because this was the first time that the issue of data has been discussed at the international level specifically in the context of food and nutrition. Despite several ongoing processes and negotiations in various fora, no other UN or international body has discussed the implications of data collection and use for the realization of the right to food and nutrition. The CSIPM believes that the CFS is the multilateral body that should address emerging issues and develop policy directions in a participatory and inclusive manner.

   - Because this policy process has given us the opportunity to develop our internal capacities, our own understanding, and our positions on the issue of data in the context of food and nutrition. Many CSIPM member organizations and other CSOs have started to pay more attention to the data issue, which is challenging for many organizations, due to its technical aspects, among others. However, there have been few opportunities for in-depth exchange and collective analysis, thinking and strategizing to unpack the complex ways in which data and data-driven technologies can undermine and/or support people's rights and food sovereignty. Discussions within the CSIPM Data WG throughout the policy process as well as the workshops we have organized have enabled us to develop a [vision statement](#) that contains the core elements of our collective understanding of the issues and to put forward concrete proposals during the negotiations aimed at ensuring that data collection and use support the realization of the right to food and nutrition.

     As data is clearly being developed as the core resource of the next wave of capitalism and will likely be a source of political conflicts ahead, while movements and countries in the Global North and South are still developing their positions on how best to ensure that the data economy doesn't simply reproduce the massive inequalities that we see today but that the use of data contributes to decision-making and policies that respond to the needs of the populations, collective analysis and discussion among organizations of the CSIPM and beyond must continue.

   - Because engaging in the negotiations with governments and other actors has allowed us to put forward our concerns, positions and proposals: the CSIPM has brought a lot of substance to the discussions and negotiations in the CFS, and we have used the forum of the CFS to publicly challenge some of the dominant (corporate) narratives around data. One example is the narrative which tries to depoliticize data by stipulating that data is neutral and that more data will necessarily lead to better policy outcomes. This is tied to the "data gap" narrative, according to which there is no alternative to collecting more and more

data and obfuscates that lots of data is already being collected and that quantity does not replace human rights-based data use and policymaking. Furthermore, the policy process has been an opportunity to put a spotlight on existing power asymmetries in the data economy, both between states in the Global North and South, and between corporations and small-scale food producers. At the very least, the CSIPM's participation was crucial to do damage control and avoid the adoption of policy recommendations that would have been detrimental to the rights of its constituencies.

● The CSIPM participated in this policy process being aware that it was initially proposed and has been funded throughout by the Bill and Melinda Gates Foundation (BMGF). This has raised concerns by the CSIPM that the Foundation could be in a position to influence the outcome to further its interests, as well as become a precedent for the corporate capture of the CFS. Even if the BMGF was quiet during the actual negotiations, it is strongly promoting the ascension of Microsoft as the dominant corporate actor in digital agriculture, and this cannot be overlooked. Despite these concerns, which we expressed publicly throughout the policy process, the CSIPM decided to participate in the process to defend the CFS space and the rights and interests of the constituencies it represents.

2. **What is the CSIPM's assessment of the process leading to these policy recommendations?**

● Participation in this policy process has been a challenge for CSIPM and its member organizations. Many organizations are still in the process of understanding the broad implications of data collection and use for food sovereignty, and some did not have the capacity to participate very actively. As a result, the CSIPM Data WG was relatively small and could not count on the continued participation of organizations representative of all its constituencies and regions. Targeted interviews with representatives of less active organizations, constituencies and regions have, however, provided a broader range of perspectives on the issue. The speed of the process and the difficult financial situation currently faced by the CSIPM have posed additional challenges.

● The negotiations have been characterized by major imbalances in terms of state participation. In particular, participation from countries of the Global South was low, which raises the question of the representativeness of these policy recommendations. In addition, some of the most important state actors in the context of data and technology were absent, such as China and India. In informal discussions, several delegates have pointed to limited capacities and resources as the main reason for low participation. Some delegates have also admitted that the data issue is not (yet) a priority for them. As a result, a few countries from the Global North drove the negotiations. While unsurprising, this is disappointing because it means that the actors most concerned with data governance are those corporate-friendly states that seek to facilitate the extraction of data through cross-border data flows. This risks undermining ongoing initiatives in many countries (particularly in the Global South) to develop their own approaches to data governance that reflect the distinct needs of their peoples.

● Many delegates told us that the policy process was a challenge for them because very few, if any, countries have national policies or positions on data in the context of food and agriculture. This is possibly one of the reasons why several States tried to limit the scope of the negotiations to statistical data only, which is an area where more policy and institutional frameworks are in place. Several States also strongly resisted any discussion of data governance, claiming that it risked prejudging negotiations in other international fora.

● It was alarming to note the unwillingness of most states to recognize and address the power of corporations in the context of data. Several proposals put forward by the CSIPM to ensure better oversight and regulation of corporate activities in the data economy were

rejected. This surrender to business interests is all the more startling given that data and big tech companies are increasingly undermining the very sovereignty of States, as the CSIPM has pointed out on several occasions throughout the policy process.

- The CSIPM was often isolated during the negotiations, with very little support for our proposals and a palpable reluctance on the part of States to place human rights at the heart of the document. Several bilateral meetings with delegations allowed to explain our positions, but the speed of the process did not allow for deeper discussion or a better understanding of the CSIPM's concerns regarding the use and collection of data in the context of food and nutrition, especially with regard to its implications for the rights of small-scale food producers, Indigenous Peoples and other communities.

3. What are the useful and problematic elements of the CFS Policy Recommendations on Data?

In assessing the final policy recommendations, it is important to take into account that these negotiations not only took place in a time of general geopolitical conflict, but also in the context of major disagreement over how to govern data. Big actors like the EU, the US, and China are all pursuing different approaches, so the question of data and their governance is a highly sensitive topic.

Moreover, as with all CFS and multilaterally negotiated documents, these policy recommendations are a compromise and limited by the way in which the negotiations were framed. In this case, the initial draft for negotiations avoided addressing the deeper political issues related to the collection, storage, analysis, processing, and use of data as well as the complex implications of digitalization on food systems. While the CSIPM attempted to bring these issues into the document (sometimes successfully, sometimes not), the limitations regarding framing and the overall context contributed to a result that is hardly at the height of what would have been needed at this moment.

3.1 What are problematic elements?

- Overall, the policy recommendations use weak language, as governments often sought the lowest common denominator. Despite several references to human rights, human rights principles and the right to food (see section 3.2 of this document), the language used in the document is weak and there is no explicit reference to important human rights instruments such as the UNDRIP and the UNDROP. Moreover, the document uses language coming from the business world in several parts, such as the repeated reference of "increasing/sustaining investments" etc.

  The policy recommendations also do not specifically address issues of gender-based discrimination as well as gender justice and diversity, apart from general references to human rights principles, such as non-discrimination.

- The policy recommendations do not reflect the reality of increasing corporate domination over data, the concentration of the (economic) benefits deriving from data use, and the existing power imbalances between countries in the data economy. The CSIPM succeeded in including a paragraph into the document that contains language on the need of regulation of non-state actors involved in the collection, storage, processing, using and sharing of FSN data and analytics, but the CSIPM's initial proposal was watered down, resulting in a final text that is very weak and does not ensure corporate accountability (recommendation 5b). Moreover, it was not possible to include language calling upon states to put in place measures to prevent the privatization of public data and the (economic) benefits generated from them, despite the fact that a significant part of the profits of data corporations is (at least partly) based on data that has not been generated by them, but

taken from the public domain (such as meteorological data, official statistics, cadastral data etc.)

- While mitigated, the "data gap" narrative is still present in the document. The idea that data is something inherently good and that producing, collecting and using more data is a requirement for better FSN policies permeates the entire text (e.g. Rationale para. 6, recommendation 1i). This obfuscates the fact that data-driven digitalization is not just promoting productivist/Green Revolution approaches, but that data itself is a new asset engendering productive growth by creating new business opportunities through the extraction of data and then feeding it back through AI tools, services and predictive insights. In this sense, the data economy has many similarities to the old colonial model of extracting raw materials, and then sending back finished goods.

  A more differentiated approach would acknowledge that data is not per se good or bad, but can be used in very different ways. Data is necessary to govern effectively and can, for instance, make inequalities and patterns of discrimination visible. Access to data in the form of broadband across many rural regions can support local efforts to enhance education, healthcare, jobs, and rural economic stability. It's therefore impossible to reject data production and collection outright. While it is to be expected that these policy recommendations will be used by powerful corporations, philanthropies, and foreign aid organizations to push for digitalization and datafication, they can also be read and used in other ways. It will therefore be key for CSIPM participants and other organizations to develop strategic alliances and coalition-building with member states and other partners who share and can promote the CSIPM's equity and human rights-centered interpretation of this document.

- Consistent with the "data gap" narrative, the policy recommendations call for increasing the funding for FSN data collection and use, including where this entails the repurposing of existing funding. The CSIPM fears that this could divert important public funding regardless of scaling up data use and digitalization actually is a priority in a given context. Furthermore, they explicitly call for increased funding by philanthropic foundations (recommendation 2f).

- While the CSIPM succeeded in ensuring the recognition of many different types of data as well as a diversity of ways in which data is collected, managed and used (see next section), the policy recommendations take a reductive approach to data as a discrete element while waving over the digital platforms, services, technologies, and infrastructures of which data is a part (there are, for instance, huge vested interests in providing cloud services to the Global South). Overall, the important links between data and (corporate-led) digitalization are not addressed in the document, although parts of the document clearly support the idea that data will be increasingly digital (e.g. Preamble para. 7). The CSIPM succeeded in eliminating the explicit promotion of digital technologies, such as remote sensing and drones (which were included in the draft for negotiations).

- Despite the CSIPM's efforts, it was not possible to include language acknowledging the ecological impacts and risks related to increased collection and use of data, especially in digital format.

- Upon the insistence of some governments, the document repeatedly refers to the need to safeguard intellectual property rights in the context of the collection and use of FSN data (Preamble para. 10, recommendations 4d) and 4h). This could be used by corporations to expand their proprietary rights over data they have collected/grabbed and to eschew transparency concerning the data they possess, and the data analysis tools they use (e.g. algorithms).

- The policy recommendations repeatedly point to lacking data literacy of a major problems to achieve better FSN policy outcomes. While the CSIPM recognizes that there are

imbalances in access to data and related technologies as well as capacities of using them and several CSIPM member organization have expressed the need for capacity development regarding data collection, analysis and use, we have raised concerns that this language suggests a lack of knowledge among food-provisioning communities, while at the same time diverting attention from structural and political causes of food inequality. Moreover, developing "data literacy" skills raises a number of important questions, which the policy recommendations do not address: who will be shaping increased data knowledge? What kinds of assumptions and understandings about data will be promoted through this literacy project? Will communities learn about the politics and power-laden nature of data? Will they be exposed to a wide array of historically informed and critical perspectives? Or will this become another mind-molding project, in which e-learning workshops, curricula, media stories, bootcamps, and propaganda promote digitalization and datafication as the glittering pathway of the future? We are concerned that "data literacy" will reproduce one of the most pernicious legacies of the Green Revolution: the widespread cultivation of "common sense" around the need for more technology (and data) and the internalization that peasant and Indigenous knowledge must be "improved" by high-tech, profit-driven ideas and practices of industrial capitalism.

● Governments refused to discuss the specific issues related to the collection, analysis and use of FSN data in the context of conflict, war, and occupation (such as data grabbing by occupying forces/states, weaponization of FSN data etc.), and the policy recommendations consequently do not address those issues. This despite the fact that the CFS Framework for Action in Protracted Crisis explicitly refers to data (CFS FFA, paras. 4, 27i) and 28v).

● The policy recommendations contain no specific reference to implementation and monitoring mechanisms. A standard paragraph, which was included in the draft for negotiations and referred to the need for efforts by all actors to promote implementation and monitoring in general terms, was taken out by governments at the very last moment of the negotiations. The CSIPM reaffirms its belief that the CFS needs a strong monitoring and accountability mechanism to ensure the implementation of its policy guidance in support of the right to food and food sovereignty.

3.2 What are useful elements?

● The **right to food** is included in the title of the policy recommendations and its realization is clearly stated as the overall goal (Preamble, paras. 1 and 10). The right to food is further explicitly referred to in the title of recommendation 2 and in some specific recommendations (recommendations 1i), 2e), 5c).

● Although, overall, the human rights language should be stronger, the policy recommendations affirm that **human rights principles**, such as non-discrimination, human dignity, equity and justice, gender equality, participation, transparency and accountability, apply to the collection and use of FSN data, as well as to the governance of FSN data (Preamble, para. 10, recommendation 5a).

● Despite opposition by several governments, **FSN data governance** remained in the policy recommendations. Throughout the policy process, the CSIPM emphasized that this was the most important part of the document. Although recommendation 5 was reduced, it clearly states that data governance needs to be anchored in the Universal Declaration of Human Rights, while applying human rights principles (recommendation 5a). Moreover, recommendation 5c) states that FSN data principles need to be developed through **inclusive and participatory processes** and that national **accountability systems** should be put in place. Participation and Inclusivity are mentioned several times in the policy

recommendations (Preamble, paras. 1, 5 and 10; recommendations 1b), 1e), 2b), 2c), 2i), 3g), 3i), 3l), 4a), 4h), 5a) and 5c).

Concretely, the recommendations state that the definition of national priorities regarding the collection and use of FSN data should happen within **national multi-stakeholder FSN mechanisms**, which should ensure the participation of Indigenous Peoples, local communities, vulnerable and discriminated groups as well as civil society organizations (Recommendations. 1a, 2b). The emphasis put on inclusivity and participation is very important despite the risk that this may be used for multi-stakeholder processes which provide a veneer of inclusion without actual substance, or that inclusion occurs in a setting characterized by deeply unequal power relations, giving rights holders and people little effective voice.

Although recommendation 5, which explicitly deals with governance has been reduced during the negotiation process, several sections of the document provide important elements that are relevant for FSN data governance. The document recognizes, for instance, that there are **power imbalances** regarding data collection and use that need to be addressed and that there is a link between **inequalities** and the capacities to generate, access, collect, store, process, share, and use data (Preamble, para. 11). The policy recommendations also mention the need of sharing/equally **distributing benefits** deriving from the use of FSN data (Recommendations 3c and 4h). The document further states that FSN data should be collected and used for the **public interest/good** (Preamble, para. 11, recommendations 2d), 4d) and 5d). Moreover, the policy recommendations call for **addressing conflicts of interest** (Preamble, para. 10 and recommendation 2e).

Although the CSIPM's proposals for more consistent and stronger language on the risks associated with the collection and use of FSN data were rejected, the policy recommendations recognize the **need to identify and assess the risks** related to FSN data-collection systems (recommendations 1c), 2c) and 3g). It further calls for **safeguards** to be put in place to respect the rights of data originators and owners, data privacy, and free, prior and informed consent (FPIC) (Recommendations 2i), 4a), 4c) and 4h).

Finally, the policy recommendations call for **transparency** regarding data collection, storing, processing, analyzing and disseminating FSN data by state authorities (Recommendation 1e).

● The policy recommendations use a **broad definition of FSN data** (Preamble, para. 2), which goes beyond statistical data and recognizes the **diversity of data** and related forms of collection, analysis, use and management. The definition explicitly includes quantitative and qualitative data (Preamble, para. 3). At several places, the document underlines the importance of considering multiple forms of data, beyond quantitative and machine-readable data, and to use a diversity of approaches to collecting data (e.g. Recommendation 2i).

In the face of a tendency during the negotiations to promote standardization and harmonization of FSN data, the CSIPM insisted that **harmonization and standardization is not possible nor desirable for many types of data** and forms of data generation and use (in particular data related to traditional knowledge, innovations and practices by peasants, Indigenous Peoples etc.). We mostly succeeded in ensuring that the final document refers to standardization and harmonization in the context of statistical data only, although the document is not entirely consistent (e.g. the title of Recommendation 4). However, it explicitly mentions that not all types of data can be harmonized (Recommendation 4g).

- Importantly, the CSIPM succeeded in including a paragraph into the policy recommendations, which specifically recognizes **Indigenous Peoples, peasants and other small-scale food producers as generators of data**, emphasizing the variety of their methods to manage data and that such data is usually not considered by standard data collection systems (Preamble, para. 5). This paragraph further recognizes the relationship between the data generated, collected and used by Indigenous Peoples, peasants and other small-scale food producers and their traditional knowledge, innovations and practices. The document further calls for capacity building for small-holders, peasants, Indigenous Peoples, fishers, pastoralists, local communities on the analysis, interpretation and use of FSN data and risk assessments, including supporting peer-to-peer learning, while taking into account their specific needs (Recommendations 3f), j) and k).Recommendation 4f) emphasizes the importance of collecting data on local markets (in addition to national and regional markets).

  The recognition of Indigenous Peoples, peasants and other small-scale food producers as generators and holders of a variety of FSN data is very important, although the CSIPM is aware that there are also risks associated with this. For instance, if these policy recommendations are used to facilitate cross-border data flows orchestrated by wealthy governments and corporations, the inclusion of Indigenous and peasant data in such flows is clearly problematic. We note that defining "FSN data" became one of the most controversial (and illuminating) aspects of the negotiations, as who gets to decide what data is determines much about the scope, purpose, and orientation of any policy recommendations built upon this core understanding. It is exceedingly difficult to develop a single policy document that defends communities against the exploitations, extractions, homogenizations, and other harms of data systems as dominantly defined (digital, quantitative, readable via machine learning, etc), while at the same time advancing an expansive concept of data that includes a diversity of land-based, Indigenous, intergenerational, and collective forms of data making and sharing. This is an ongoing struggle, one which also involves different international institutions (such as the UN Statistical Commission and the FAO) who have different interests in defining data.

- The policy recommendations repeatedly refer to "**data originators**", in addition to "data owners" (Preamble, para. 11, Recommendations 2i), 4a), 4c), 4d) and 4h). This term seeks to acknowledge the diversity of ways in which data is generated, managed and used, and particularly emphasizes non-proprietary approaches to data.

- The CSIPM succeeded in including a paragraph into the policy recommendations, which deals with physical **data infrastructure**. Recommendation 3c) calls upon governments to invest in public data infrastructure and improve policy frameworks regarding public and private data infrastructures. It further emphasizes the importance of preventing illegal extraction of data and to ensure the respect of human rights and the distribution of benefits deriving from FSN data usage in the context of data infrastructure.

- Despite attempts by some governments to delegate any further discussion on FSN data to the UN Statistical Commission, thus undermining the **CFS' role** in addressing the issue in the future, such a shift is not contained in the final document. The CSA therefore retains a role to play and may have further discussions on this issue.

- Language around FSN data needing to be "open by default", which was contained in the draft for negotiations, was eliminated during the negotiations. Recommendation 4d) calls for FSN data to be "as open as possible but as closed as possible" but emphasizes that the criterion should be to serve the public good and also underlines the importance of safeguards to protect the rights of data originators. Recommendation 4h) calls for the compliance of FSN data with open-access and fair use principles, while also calling for adequate safeguards.

- The final document does not call for the creation of a trust fund to promote the collection and use of FSN data, which was included in the draft for negotiations and likely was a key objective of the BMGF.