

What policies are needed to counter the commercial determinants of health?

Claudio Schuftan, Angela Carriedo

Main points: This commentary aims to bring up to the attention of the reader the relevance and key role of activists in countering the commercial determinants of health. We suggest some strategies and key activities for activists. We also highlight the multiple challenges activists will (and have) undoubtedly face(d). We integrate a few examples pertaining to these points to exemplify what we mean here and why we are being harsh in the language we use and/or the actions we propose. There are multiple experiences hinting the way on how activists encompassing several fields ought to be going ahead.

This commentary brings to us a selection of views about the politics of the commercial determinants of health. Quite a bit has already been written about what such politics entails and how it has been studied.^{1,2,3} Here, our aim is to unveil some fresh views, and not to discuss how existing viewpoints have evolved. We focus on how these determinants continue to interfere with the needed health prevention measures, particularly in times of Covid.

If the substance of this commentary only aimed to describe and explain the causes of this

interference, we think a disservice would be done to advancing and addressing the real social (and political) determinants of health as already masterfully suggested in WHO's 2008 Report that is (frustratingly) largely ignored. As then pointed out by Sir Michael Marmot, "Health inequalities and the social determinants of health are not a footnote to the determinants of health. They are the main issue."⁴

Fifteen years later, the questions to really ask are: What are the politics of the commercial determinants of health linked to? Is it not to the prevailing and still pervasive neoliberal system? And, if so: Are we only to focus on these determinants in the health and nutrition field? Will this be enough -- or rather necessary, but not sufficient?

The politics of 'not enough being done'

This sub-heading has behavioral and procedural connotations and implications, if nothing else because the actual politics of the commercial determinants of health are unmistakably linked to the human right to health and to food -- both so evidently bypassed by Big Business.⁵ This, therefore, signals one of the avenues for us to pursue to address the processes and effects of the aggressive penetration by corporations into the right to health and nutrition, turning them instead into a lucrative business. Take, for example, the impact of the Covid pandemic on food poverty, and on widely promoted hunger alleviation efforts, particularly those being based on the marketing and brand-engagement of the aid being provided.^{6,7,7b}

The human rights activist community has been in the struggle of denouncing the commercial determinants for quite some time now.^{8,9} The

Claudio Schuftan, PhD

Secretaria de Políticas, World Public Health Nutrition Association (WPHNA)

E-mail: cschuftan@phmovement.org

Angela Carriedo, RD, MSC, PHD

Policy Secretary, WPHNA

Senior Public Health Researcher/Campaigner, Corporate Accountability

E-mail: angela_carriedo@yahoo.com

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question is: Do their efforts fall into the ‘not enough being done’ category? The answer to this question is a mixed one: Some do, some do not.

So, what is different in what we propose as a path to address the commercial determinants of health?

The difference has to do with a roadmap to be pursued, namely a ‘wider political pathway’ as we explain further down. The food and health fields are perfectly good entry points to address the commercial determinants. But staying there is evidently not enough. It is only by taking head-on the politics behind the growing commercial inroads being made by corporations that we will eventually have a chance to get somewhere longer-term and sustainably.

So, what does this mean?

It means that politics is fought with politics. Activists thus need to get involved in organizing campaigns of human rights learning centered around the political economy of preventable ill-health, malnutrition and deaths. Specifically, fostering activists’ campaigns is essential to raise the consciousness of claim holder groups. This is not only to be done nationally, but also needs to encourage groups to coalesce globally so as to organize and mobilize claim holders to effectively demand what their/our inalienable rights are. The idea is to create an up-swell of political consciousness at the base that will use health and nutrition demands to further demand structural changes of the neoliberal system progressively choking the health and food system.¹

¹ For instance, a useful exercise that was used by David Werner of ‘Where There Is No Doctor’ fame, is the “Yes but why?” drill. Participants are asked if they think their communities have health and nutrition problems. If they say yes, the facilitator asks which. Then asks Why Do You Have Those Problems? After hearing some response from the audience, the facilitator asks But Why Do you Have Those Problems? Another set of responses comes from participants. The facilitator then, again, asks Yes, But Why? This sequence is repeated for a few more cycles. The result invariably is that the participants come up with the structural determinants of their problems. The lesson here is that claim holders do know what the key constraints that rule their lives are. Taking things from there to discuss

It also means that in engaging with adversaries we must grant them perhaps individual and/or institutional respect, but not necessarily political respect. Questions about which negotiating strategies to prioritize thus become pressing. So, what should organized claim holder activists prioritize? Oftentimes, this translates into an understandable impulse to commit to all issues equally. However, we must mind the old adage: if everything is a priority, then nothing is a priority.

It further means that we are not to worry about conflict: It is far worse to try to avoid it, because we just create new conflicts that end up being more insidious and costly than the original conflictual issue.

What does ‘claim holders effectively demanding’ mean in the context of the commercial determinants of health?

Our force: Unity. Our goal: Victory.
(And you cannot win if you do not fight).

--graffiti in Santiago, Chile

A revolution of expectations comes only from creating and fighting for true and realistic alternatives to change such systems of oppression and manipulation as we see in neoliberalism. Such a revolution does not come from building castles in the air proposing unproven patch solutions, especially when coming from self-proclaimed ‘experts’. What kills revolutions is not zeroing-in on hard realities and commensurate alternatives; the killer is for us to pursue unrealistic, non-evidence-based dreams. Yes, we will find obstacles, but then they also open new avenues and concrete new ways to overcome them.

We are aware it is still very difficult for some of us in public interest civil society organizations (CSOs) and social movements to maintain our political agility in a hostile environment where corporations are taking over intergovernmental and multilateral institutions,^{10,11} where they are gaining powerful seats in tables where global political economy decisions are made.^{11,12} But the role of an *avant-garde* is to cause fermentation.^{13,14,15} We cannot fall into the trap of believing someone else is going to take

what to do about those structural determinants puts things on a political pathway --with the ideas coming from them, not the facilitator.

action for us against these things that are happening in front of our eyes with impunity; we have to get active.¹⁴ A strategic overhaul of our actions requires nothing less than a critical shift in our thinking and, if by now there is no such shift in the mind of key activists, then perhaps we have to focus on that as a first priority. (Remember: Divided we beg, united we demand!). This is a call to help create a new politics to fight the illegitimate commercial determinants of health and nutrition.

If (as we should) we opt for adopting a human rights-based approach to address the commercial determinants of health, the only way we have to ultimately drive meaningful institutional and structural change is to 'get inside' traditionally closed spaces or spaces where we are un-invited.² We must thus consider the best ways to continue challenging the cozy and too close relationship between industry and governments, as well as between corporations and UN agencies. In this effort, if we set the bar too low for our human rights and political aims, what will prevail are mediocre results and achievements, i.e., well-intentioned and selfless actions that seem intuitively laudable, but will have a negligible impact.

Putting disparity reduction (not poverty reduction³) within and among countries, as well as human rights upfront in the battle against

² About ten years ago, the People's Health Movement started a still ongoing activity called 'the WHO Watch'. Young PHM activists led by senior members managed to get a seat in the discussions of WHO's Executive Board every January and in the World Health Assembly every month of May. See <https://phmovement.org/who-watch/>

³ To focus on the eradication or reduction of poverty is the wrong focus; it brings about targeting and safety nets that are equivalent to "give me a fish and you feed me for a day". It victimizes people rendered poor as if it is their fault to be poor so we 'help' them to get out of it. That is charity....and we are for social justice. The correct focus we all must shift to is disparity reduction. The wealth cake is only so big; it needs to be re-sliced differently and more fairly. We are talking about redistributing it. Millions of people who were not poor and not vulnerable have been rendered poor and vulnerable by the prevailing unfair economic system. If the system is not changed, poverty will simply be reproduced. There is no trickle down. We should all know this by now.

commercial determinants is critical. At the same time, avoiding uncritically accepting yet more purportedly 'innovative' quick-fix technical packages that the guardians of the neoliberal paradigm so ably put forward every time they feel threatened (e.g. greenwashing).¹⁶

Furthermore, we are not to operate with a logic of winning or losing, because what it is all about is rather to start by giving a clear signal; a gesture that conveys the incitement to fight against the overwhelming neoliberal project behind these determinants; a signal that popular resistance can and will overcome corporate forces. Only such a resistance will give an outlet to people's cry for dignity; and to move a step closer to true/direct democracy and, if necessary, to the streets.

Are you an activist doing some of these things?

-Activists confronting and condemning these commercial determinants are really ultimately a defense of the rights to health and to food.

To inject a positive note, growing numbers of activists are devoting a large part of their time to the struggle for human rights and social justice (but not nearly enough though on the commercial determinants of health and nutrition). So, the outlook is not grim. Human rights activists can indeed bring out and use the many 'weapons of the weak' that can, against all odds, contribute to recalibrating structural inequalities.

If human rights activists simply behave rebelliously without a plan, their actions will, most likely, become ineffective and they may lose respect. Activists ought to become defiant with a purpose and direction, with moral courage and good leadership. Perseverance alone does not guarantee results.

Sometimes, like in the case of the authors of this piece, you just feel that everything you do just goes to waste. We all have to be prepared to cope with this feeling. The challenge we face as activists is to help pull potential claim holders from where they are to where they have not managed to get by their own desire or will yet. We must not only be organizers, but permanent persuaders, and this is not easy. Never forget that it is possible to be right and still suffer defeat. ('Failure festivals' are worth trying, where everyone shares failures; this numbs some of the pain and helps us come up with new ideas).

To succeed, human rights activists are in the business of eliciting effective demands from claim holders (effective demands are understood not only as placing demands in front of pertinent duty bearers, but also consist of claim holders showing a willingness to invest/give up resources they hold when necessary).

Yes, activists' leadership is necessary, but so is accountability

Demanding accountability is the cornerstone for succeeding. For it to work, we need to set annual and multiannual benchmarks for the progressive realization of human rights --and in our case, for the right to health, nutrition, and food. Benchmarks set for reversing the commercial determinants must thus be monitored ('watchdogged') by human rights and/or health and nutrition activist organizations. Ultimately, it is this mechanism that must take charge. Experts may be needed to set these benchmarks towards the future. Expertise matters, but when it comes to charting the future, community involvement, especially in monitoring, is ultimately much more effective and needed.

It is tempting to say that the UN system ought to be viewed as the key *accountability agent* when national right to health and right to food enforcement is failing. But is the UN effectively such an agent? Seen from another angle, global and regional human rights law courts and litigation are supposed to be the last resort in these cases. But are they? So far, this has not worked well at all.^{17,18}

And then, there are intellectuals. Most of their human rights writings are about how other people could/should do things for claim holders -- not so much about supporting them to act on their own behalf. In the latter endeavour, what ultimately convinces claim holders is not logic, but 'rationally supported emotions' -- thus the importance of addressing mass psychology in the work of activists. When we act for claim holders, we actually risk disempowering them instead of encouraging them to speak up for themselves.

In the work of activists with duty bearers the key is to ask them: a) Who should get what goods and services? b) Who is to provide those? c) How? d) Using what resources? e) Is there anything that would motivate them (in our case commercial entities) to change? f) What will keep

them on track? and g) Who is to be held accountable, for what, in what way?

Human rights have neither lost their importance nor their centrality as a framework for reform. The human rights movement actually surged as socialism died as a cause to fight for in the post WW II world. This is the reason why more attention must be given to the simple fact that many people do not know their rights -- or, they may know them, but only in an abstract way; they may not know how to actually make use of them.⁴ To begin with, effective human rights work will require a massive human rights learning campaign. Participants not only need to learn to better understand, but also to address the limits of the current political discourse. Such training must sensitize them to the need to demand change in what they see happening in the health sector. And this learning must ultimately be carried out by mass movements.

Yesterday as today, the question remains open as to what extent the various social groups can come together in the struggle against an ever more ruthless Capitalism with its commercial, neocolonial and patriarchal characteristics.

Is the alternative to engage in acts of disobedience so as to say no to the power of commercial entities?

Yes, our work will confront us with moral dilemmas if and when applying uncivil means to achieve civic/human rights outcomes. Confrontations with the authority and with the private sector can take many forms and initiatives -- using the weapons of the weak-no-more. In our struggle with them, always go from a health-centered political dialogue with strategic political enemies to a structural critique indicating how it is the system that is responsible for the commercial interests impinging on health (remember the 'yes but why?' drill depicted above).

Bottom line, what is needed is to release and mobilize claim holders' counter-power so as to achieve positive collective structural change. There is no one approach to overcoming the chokehold of the corporate system. It will involve coalition building; articulation of an ambitious

⁴ To give a simplified comparison, true human rights learning must go beyond learning about bicycling from a book; it does not mean much until you do it.

shared vision; strategic use of multi-level institutional processes; social mobilization among like-minded and perhaps unusual bedfellows, organized campaigns with clear political leaders; and a compelling framing of the political issues at stake.

Social movements that today take so many good initiatives, that take to the streets to fight for their demands for social, economic and environmental justice, must also learn to organize themselves locally, nationally, regionally and globally.¹⁹ Without organization, without structure, nothing can ever change sustainably. The transition may begin in your street, but it will be of no avail without a simultaneous fostering of a national and global approach: a roadmap. Social movements are weak in part because of their lack of coordination and because they focus on protesting and give less importance to tactically planning ahead, a concrete strategy.

Beware: Apathy can turn our work into stagnation

We need to transform-apaty-into-activism and to consolidate negotiated-social-contracts between people (as claim-holders) and decision makers (as duty-bearers) at all levels.

Many single-issue movements have sprung up at the national and international level, but they rarely see themselves as a unified movement. Human rights activists have only begun to explore and set up ways of weaving theoretical and practical approaches into a-wider-struggle-for-social-and-political-change.

Social movements must start to build together, laying out fresh, bold visions for the future -- visions that present credible pathways out of these crises (not least to counter the commercial determination of health) and, most importantly, they must begin engaging with progressive political parties to try to increase counter-power.

Finally, we must fight against the forces of conformity keeping us divided. To keep ourselves protected, we simply have to demand more of ourselves. Succeeding in this laudable endeavor is a moral imperative. The stakes are too high, and time is too short to settle for anything less.

Postscript: Note that this piece has not said anything about multistakeholder platforms

and PPPs. Other authors have written more wisely on this issue.

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