



## WORKING Paper 50

# Food trade and investment in South Africa: Improving coherence between economic policy, nutrition and food security

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## PLAAS Working Paper 50: Food trade and investment in South Africa: Improving coherence between economic policy, nutrition and food security

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## ACRONYMS

APAP	Agricultural Policy Action Plan
BIT	bilateral investment treaty
CSOs	civil society organisations
DAFF	Department of Agriculture, Fisheries and Forestry
DTI	Department of Trade and Industry
EU	European Union
FDI	Foreign Direct Investment
FET	Fair and Equitable Treatment
FLAG	Food Legislation Advisory Group
IGDP	Integrated Growth and Development Plan
ISDS	Investor-State Dispute Settlement Mechanisms
ISDS	Investor-State Dispute Settlement Mechanisms
NCD	non-communicable disease
NDP	National Development Plan
NEDLAC	National Economic Development and Labour Council
NIPF	National Industrial Policy Framework
OECD	Organisation for Economic Co-operation and Development
SACU	South African Customs Union
SADC	Southern African Development Community
SEZ	Special Economic Zone
TDCA	Trade, Development and Cooperation Agreement
TIDCA	Trade, Investment and Development Cooperation Agreement
TPSF	Trade Policy and Strategy Framework
UNCTAD	United Nations Conference on Trade and Development
USA	United States of America

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## BACKGROUND

South Africa must address a rising burden of diet-related chronic disease while also continuing to combat persistent food insecurity and undernutrition (Muzigaba et al. 2016). The prevalence of stunting among children in South Africa remains around 25% (Said-Mohamed et al. 2015). At the same time, the prevalence of obesity has risen to 39% among women and 11% among men, and diabetes in the adult population to 10% (Shisana et al. 2014). Addressing this double burden of malnutrition will require a comprehensive policy approach that supports demand for healthy food (including financial access) and its supply. In this paper, we focus on supply side interventions – and particularly, the need for policy across sectors to support availability of affordable, healthy food (Republic of South Africa Department of Health 2013; Government of South Africa 2014).

However, growing trade and Foreign Direct Investment (FDI), supported by binding international commitments, present governments with a challenge as they seek to intervene in the food supply to improve diets and health. Government action to regulate the food supply to reduce consumption of unhealthy foods and increase access to healthy foods becomes subject 1) to the influence of powerful investors and other industry actors, and 2) to commitments made in international trade and investment agreements (Baker et al. 2014, Thow and McGrady 2014, Schram et al. 2015, Thow et al. 2015a, Thow et al. 2015b).

Trade and investment liberalisation can affect food security and nutrition in three key ways. First, economic policies focused on liberalisation – particularly of trade and investment – can have a negative impact on nutrition and food security. For example, increased competition and economies of scale associated with trade and investment liberalisation, particularly for corporate and multinational food processors, manufacturers and retailers have helped to decrease the price and increase the availability of highly processed foods, contributing to diet-related non-communicable diseases (NCDs) (Baker, Kay et al. 2014; Thow and McGrady 2014; Schram, Labonte et al. 2015; Thow, Sanders et al. 2015a; Thow, Snowdon et al. 2015b; Timmer 2016).

In addition, poorer households can experience increased food insecurity through volatility of global food prices and negative impacts on employment as a result of trade liberalisation (Brooks and Matthews 2015). For example, during the global food crisis of 2007–9, shocks, such as speculative behaviour in food commodity markets and the diversion of food crops to fuel production led to sudden increases in the prices of staple foods (De Schutter 2009). Second, supply chain policies (including development, trade, finance, industrial and (some aspects of) agricultural production policies) tend to focus on objectives related to economic growth, and give little consideration to nutrition and food security objectives related to increasing access to affordable healthy food. As a

result nutrition and food security policy objectives can be undermined by economic policy action (Walls et al. 2015; Ruckert et al. 2016).

Finally, nutrition-related policies that aim to reduce the availability and affordability of unhealthy, highly processed (and often highly profitable) foods can be at odds with economic policies that aim to attract or incentivise trade and investment in food processing, service and retail. This can create tensions for governments, due to the political power of investors with significant investments at multiple points in supply chains (Thow and McGrady 2014), because they may adversely affect the profitability of investments in food processing or agriculture. Examples are initiatives such as a product tax, or labelling measures to reduce highly processed food consumption. A result of this that may cause concern is the potential for measures to be challenged under investor protection clauses within investment agreements (Thow and McGrady 2014; Woolfrey 2014).

This tension between economic and health objectives represents a significant challenge for achieving policy coherence with respect to governing the food supply (Walls, Baker et al. 2015; Ruckert, Schram et al. 2016). Policy coherence refers to ‘the systematic promotion of mutually reinforcing policies across government departments to create synergies towards achieving agreed objectives and to avoid or minimize negative spillovers in other policy areas’(OECD 2016). In this paper, we analyse the governance of the food system in South Africa across sectors, with a focus on food security and nutrition, and identify different policy coalitions seeking to shape policy in this space.

### **Trade, investment and nutrition policy in South Africa**

The food supply in South Africa is subject to significant international trade in goods and services, and FDI. It is also affected by international, regional and domestic trade and investment policies and agreements. However, trade and investment policy in South Africa has undergone major changes in the past decade.

A review of investment policy in South Africa was undertaken between 2007 and 2010, in part in response to an international investment dispute regarding the Broad-Based Black Economic Empowerment Act in 2007 under the Belgium/Luxembourg–South Africa Bilateral Investment Treaty (BIT) (Mossallam 2015). This review led to the termination of several ‘first generation’ BITs, and the 2015 Protection of Investment Act (Mashigo 2014; Adeleke 2015). A new model BIT will be developed as the basis for (re)negotiation, in line with the 1996 Constitution, which protects various individual and collective rights, including those of domestic and international investors.

The aim of the termination of BITs and development of the new investment policy in South Africa is to maintain a level of investor protection, while bringing current agreements into line with the priority given to non-economic (particularly social, sustainable development and equality focused) policy objectives (Government of South

Africa 2010; Mossallam 2015). The review of investment treaties highlighted a lack of awareness among investment agreement negotiators – particularly in the post-apartheid 1990s – of the implications of the then ‘standard’ BITs that they were entering into. The primary concern related to the general sense that the BITs ‘place[d] all the obligations on the host state and [gave] all the rights to the investors,’ and particularly to the inclusion of investor-state dispute settlement mechanisms, with little grounds for exception of measures designed to achieve broader sustainable development or social policy objectives (Mossallam 2015).

The government of South Africa has also played an active role in regional efforts to support and enhance investment. The Southern African Development Community’s (SADC) ‘Model BIT’ represents an approach to investment policy that prioritises development and other social policy objectives, as well as economic policy goals. Specific issues relevant to protecting domestic policy space include recommendations in the Model BIT to use the preamble to establish a context for consideration of development and other social goals, as well as economic goals; clarify expectations regarding ‘fair administrative treatment’ rather than ‘fair and equitable treatment’, which has been interpreted very broadly in favour of investors; clarify that measures ‘designed to protect or enhance legitimate public welfare objectives, such as public health...’ do not constitute expropriation; clarify the host state’s right to take regulatory measures to ensure development is consistent with goals and principles of sustainable development and other social and development policy goals; include general exceptions regarding public health and other policy objectives (similar to the approach taken by the Agreements of the World Trade Organization’s GATT Article XX on General Exceptions); and to enable recourse to state-state dispute settlement, rather than investor-state dispute settlement (Woolfrey 2014).

This changing investment policy space in South Africa and the SADC reflects wider concerns regarding the implications of investment agreements, including BITs. The United Nations Conference on Trade and Development (UNCTAD) has recently concluded that, ‘Today, the question is not whether or not to reform [international investment agreements], but about the *what, how* and the *extent* of such reform’ (italics added, UNCTAD 2016). Indirect expropriation has been a particular issue with respect to establishing the legitimacy (and ‘non-expropriative’ nature) of public health measures:

*In recent years, the evolution of the economic and regulatory environment has brought to the forefront questions regarding indirect expropriations...*

*The nature and characteristics of a particular measure has emerged as a key factor in drawing a line between indirect expropriation and non-compensable regulation. A bona fide regulatory act (or its application to an individual investor) that genuinely pursues a legitimate public-policy objective (such as the protection of the environment and public health and safety) and complies with the requirements of*

*non-discrimination, due process and proportionality may not be designated as expropriatory, despite an adverse economic impact. (UNCTAD 2012)*

The renegotiation of investment agreements by the government of South Africa and the explicit policy priority for achieving social and development goals in the context of trade agreements together present a potential policy window for inclusion of public health nutrition considerations into trade and investment policy, such that policy space for current and future nutrition policy interventions is protected.

This paper analyses the policy agendas that shape the food environment in South Africa, and aims to identify potential to improve policy coherence for nutrition, across economic sectors in South Africa. From a food supply perspective, food security and nutrition policy is effectively governed by economic policy actors – this includes agriculture, trade, finance, investment and commerce/industry.

## **METHODS**

### **Aim**

To identify opportunities to improve policy coherence between sectors with responsibilities related to food security and nutrition in South Africa.

### **Research questions**

- What are the main current food supply policy objectives and actions related to food security and nutrition in South Africa?
- What are the political dynamics and actors' beliefs that underlie food supply policy related to food security and nutrition?
- How could policy coherence be improved, in relation to food security and nutrition?

### **Definition of terms**

We considered food security and nutrition policy as related to the supply of healthy, affordable and accessible food, drawing on the United Nations Food and Agriculture Organization's definition of Food Security: 'Food security [is] a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life'. (Food and Agriculture Organization of the United Nations 2001)

### **Policy content review**

Our analysis focused on sectors with policy responsibilities related to food security and nutrition. These include agriculture (food production and marketing), investment (food production and processing), commerce and industry (food processing, marketing and distribution), trade (food distribution), and health (food standards and other food and



health-related legislation). We searched government websites for relevant policies, using each of these sectors as search terms, together with the word 'policy', and then identified further policies through cross-references in policy documents. We first extracted content relevant to the food supply from food security and nutrition policy documents. We then examined the ways in which policy objectives and activities in the relevant economic policy documents supported or undermined these policies.

### Policy analysis

Fourteen semi-structured interviews, each 1–1.5 hours in length, were conducted with 22 actors in the South African food policy space in September 2016, in Cape Town and Johannesburg. Participants included 12 national-level government food policy actors (six from Agriculture, three from Economic Policy and three from Health) and 10 food industry stakeholders. Participants were recruited through formal letters of invitation to the heads of agencies. We also requested interviews with three investment banks, as the largest source of investment in the food supply in South Africa, but the opportunity was declined.

Interview schedules were based on policy analysis frameworks (Bennett and Howlett 1992; Shiffman and Smith 2007; Reich and Balarajan 2012) and the OECD policy coherence framework (OECD 2016), and interviewees were asked about: influential actors, policy processes, policy priorities, policy context, framing of nutrition, and opportunities to improve coherence. Interviews were conducted by three researchers (with expertise in fisheries, agriculture and nutrition). All interviewers took detailed notes during the interviews, and each of these was combined into a single document.

The first author conducted the analysis using NVIVO™, and findings were then reviewed by two other authors. Themes were pre-determined, based on Paul Sabatier's Advocacy Coalition Framework (Jenkins-Smith et al. 2014), as an established framework for understanding policy dynamics and opportunities for policy change:

- Actor coalitions with interests in the food policy space in South Africa, and the beliefs and resources available to these coalitions
- Institutions and forums relevant to multi-sectoral policymaking for nutrition and food security
- Framing/beliefs about food security and nutrition by different types of actors in the food policy space
- Context – particularly relevant characteristics of the political system and broad policy priorities
- Perceived policy opportunities that could further support the production and consumption of healthy foods.

## FINDINGS

This analysis of the food supply policy subsystem identified a number of policy tensions between economic perspectives on food policy goals, social welfare-based perspectives on food security, and health-focused perspectives on nutrition. Food security and nutrition policy occupy a political and contested policy space. However, recent changes in the economic policy space may offer opportunities for improved policy coherence.

We present findings below from the policy review and interview data for the three policy subsystems identified, based on Sabatier's Advocacy Coalition Framework. This framework identifies the role of actor coalitions (bound together by beliefs) as core in shaping policy outcomes within a policy subsystem – in this case, the food and nutrition security policy subsystem.

### Review of policy content

We identified 40 policy documents and related government initiatives relevant to food and nutrition, including those relevant to the food supply more broadly (See Annexures: Tables 1–4).

#### Nutrition and food security policies

The government of South Africa has identified specific policy objectives to improve nutritional health (Annexures: Table 1). These include prevention of NCDs and promotion of health and wellness through the 'Strategic Plan for the Prevention and Control of Non-Communicable Diseases 2013–17' (NCD Strategic Plan), and, in line with the government's commitment to the right to food, ensuring 'availability, accessibility and affordability of safe and nutritious food' (National Policy on Food and Nutrition Security, 2014). Both the NCD Strategic Plan and the National Policy on Food and Nutrition Security reflect global recommendations for using food supply policy to improve nutrition, and make explicit interventions targeting increased access to affordable, healthy food. The NCD Strategic Plan mandates engagement with relevant government departments, including agriculture, trade and industry, and treasury to achieve this. The National Policy on Food and Nutrition Security identifies the need to increase access to production inputs, leverage government procurement, use market interventions and trade measures for food security, and address land tenure.

#### Food security and agricultural policies

Food security has been identified repeatedly as a national priority, including in the National Development Plan (NDP), which mandated the preparation of the Department of Agriculture, Fisheries and Forestry's (DAFF) Integrated Growth and Development Plan (the national agricultural policy). The government of South Africa's agricultural policies are the Integrated Growth and Development Plan (2012) issued by DAFF and the Agricultural Policy Action Plan (2015–19) (Annexures: Table 2). These national agricultural policies include strong support for food security (Annexures: Table 3). However, the objectives that are emphasised are those relating to economic growth, employment creation and rural development, and the dominant frame through which attainment of food security is articulated is economic and aggregate production oriented (rather than distribution oriented). In contrast, the text of the Food and Nutrition Security policy is framed in the context of the right to food, and access to safe and nutritious food for households (Annexures: Table 1). However, overall there is an implicit focus

in all the food security related policies on the issue of quantity of food, and little consideration of nutritional quality.

### **Economic policies relevant to the food supply**

However, health and nutrition are not high on the broader government policy agenda as it relates to the food supply. The NDP does include nutrition as a priority, but identifies direct (health sector) interventions for maternal and child undernutrition as the priority, and does not mention food supply intervention (National Planning Commission 2012). National agricultural policies in South Africa include strong support for food security, but no mention of nutrition (Annexures: Table 2).

South Africa's trade and investment policy commitments have clear objectives to increase economic productivity and employment through reducing barriers to trade and investment with respect to goods and services, and protecting intellectual property rights and investors. As part of this, in relation to food, are measures to promote agri-food processing as a growth area, from an economic perspective. Food processing – which is an issue of concern from a nutrition and health perspective – is a priority in the NDP and 2010 Trade Policy and Strategy Framework (TPSF), and investment incentives are provided in the 2007 National Industrial Policy Framework (NIPF) (Tables 3 and 4).

The preambles or objectives of trade or investment agreements do not mention health, nutrition or food security (Box 1; Annexures: Table 3). The only trade agreement with any exceptions for public health (implicitly including nutrition) is the Trade, Development and Cooperation Agreement (TDCA) between South Africa and the European Union (EU), which came into force in 2004. In addition, there is no mention of nutrition in relation to NCD prevention in trade, investment, industry or agriculture policy documents, or of the food supply policy actions identified in the NCD Strategic Plan. There are also no provisions that explicitly protect food security where economic interests might be in conflict – for example, to ensure that expanding protection of intellectual property rights does not interfere with smallholder access to seeds.

However, trade policy directions and priorities in South Africa have evolved over the past decade to have more of a focus on equitable development (Box 1). A review of investment policy in South Africa was undertaken between 2007 and 2010, partly in response to an international investment dispute in 2007 regarding the Broad-Based Black Economic Empowerment Act, under the Belgium/Luxembourg–South Africa BIT (Mossallam 2015). This review led to the termination of several 'first generation' BITs, and the 2015 Protection of Investment Act (Mashigo 2014; Adeleke 2015), designed to maintain a level of investor protection, while bringing current agreements into line with the priority given to non-economic (particularly social, sustainable development and equality focused) policy objectives (Government of South Africa 2010; Mossallam 2015).

The 2010 TPSF explicitly identifies the need for trade policy commitments to support broader national development objectives (Annexures: Table 3). In addition, the new Promotion of Investment Act (2015) limits the scope for the food industry to contest food security and nutrition policy measures that might impact on the value of investments. The termination of existing investment agreements that have very ambiguous definitions of key terms, such as Fair and Equitable Treatment, and no broad development objectives in their preambles, opens a

potential opportunity for policy space to protect and promote food security and nutrition (Box 1).

**Box 1: Summary of provisions in trade and investment agreements and related economic policies with implications for food security and nutrition**

<b>Provisions with implications for food security and nutrition raised in literature</b>	<b>Specific areas of concern in the South African economic policy landscape (Detail in Appendix Tables 1-4)</b>
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Use of preamble and/or objectives to define scope and policy priorities in such a way that encompasses health (or social development) as policy priority for government more broadly.

- No mention of health or nutrition in objectives of agreements.
- Acknowledgement of broader development objectives in trade and investment policy reviews.

Reductions in barriers to trade in goods and services, leading to increased availability of foods and food services.

- Trade agreements reduce barriers to trade in goods and services.

Incentives to promote investment, with implications for food industry investment. These may generate tensions regarding concerns about processed food affordability and availability (see also Annexures: Table 2.

- Investment incentives for food processing may be contrary to health.
- TPSF promotes agri-food processing (growth area from economic perspective).
- Investment incentives for aquaculture and infrastructure may support access to fish and primary produce.

Protection of intellectual property rights, with implications for biodiversity and food security.

- Concerns over smallholder access to seeds.

Provisions for harmonisation and regulatory coherence (included in Technical Barriers to Trade provisions and more generally) – can constrain policy space and innovation in nutrition action

- Harmonisation – not in SA agreements to date, but included within broad scope of Trade, Investment and Development Cooperation Agreement (TIDCA) between South African Customs Union (SACU) and USA
- Macro-economic stability priority (NIPF) may imply a reduced opportunity for innovation in using economic policy tools to improve food supply for health.

Fair and Equitable Treatment (FET) provisions underpinning investor protection, with implications for scope for industry to contest government (public health) measures, because it sets expectations for investors.

- Broad FET definition apparent in many active BITs (e.g. lack of clarity on what constitutes an ‘unreasonable’ measure).
- 2015 Investor Protection Act contains very specific and narrow FET provisions.

Investor-State Dispute Settlement Mechanisms (ISDS), with implications for foreign investors’ opportunities to seek compensation regarding impact of measures

- ISDS still in some active BITs but new Investor Protection Act moves away from this to state-state dispute settlement.

on industry (constrain innovation).

Exceptions to protect public health measures; also related is explicit priority given to nutrition.

- Few specific exceptions for public health (including nutrition) – only one is in TDCA between SA and EU.
- No mention of nutrition in relation to NCD prevention in trade, investment, industry, or agricultural policy documents, or of the food supply priorities identified in the NCD Strategic Plan.

Sources: Schram et al. 2013; Baker, Kay et al. 2014; Thow and McGrady 2014; Hawkes 2015; Schram, Labonte et al. 2015; Thow, Sanders et al. 2015a; Thow, Snowdon et al. 2015b; Baker et al. 2016; Friel et al. 2016; Labonté et al. 2016; Ruckert, Schram et al. 2016)

## Actors and coalitions

We identified three key coalitions relating to food and nutrition policy. The dominant subsystem we termed the ‘Economic Growth coalition’, due to its framing of the role of food systems as contributors to economic outcomes and employment. The second subsystem we called the ‘food security and agricultural production’, due to its emphasis on production aspects of food security. And the third subsystem we called the ‘Health coalition’, due to its emphasis on nutrition as a health issue.

### Economic Growth coalition

The ‘Economic Growth coalition’ focused on the role of economic growth and employment in delivering improved food security and nutrition outcomes. Key actors were the Department of Trade and Industry (DTI) and other economic policy departments, agricultural trade within DAFF, the food industry, economic policymakers, and agricultural producers/traders.

The framing and beliefs of this coalition were evident in the focus on economic growth and employment that permeated policy documents relating to the food supply. These included trade, investment, commerce and agriculture policies (Annexures: Tables 1–4).

South Africa’s trade and investment policy commitments have clear objectives to increase economic productivity and employment, through reducing barriers to trade and investment with respect to goods and services, and protecting intellectual property rights and investors. Other, specifically food-related measures to achieve these objectives were to promote agri-food processing as a growth area, from an economic perspective in the TPSF. South Africa is a regional hub for agri-food processing, and offers a number of incentives relevant to the food supply sector, including: general incentives for FDI, including manufacturing and training, export promotion, Special Economic Zones (SEZs); and specific incentives for aquaculture (development grants) and agro-processing (finance options) (Republic of South Africa Department of Trade

and Industry 2014) (Annexures: Table 2 provides an overview of all relevant incentives). Priority is also given to macro-economic stability in the NIPF.

National agricultural policies in South Africa include strong support for food security (Annexures: Table 4). However, the objectives that were found to be emphasised were those relating to economic growth, employment creation and rural development. There was minimal recognition of nutrition or NCDs as an economic issue.

A key strategy to further economic growth was through encouraging formalisation of industries, and their integration into global value chains:

*Can't only look at local markets, also global – there is a big focus on global value chain access for big companies (Interview 12, Economic policy)*

*Agro-processing is a Presidential priority... part of Presidency's 9 Point Plan... Reason is job creation, economic growth [and] rural development. (Interview 8, Economic policy)*

In line with this policy content focus on the Economic Growth frame, the interviews identified a strong bias towards economic interests (both government and private sector) in the formal government forums convened to inform policymaking. Indeed, the dominance of this coalition was further indicated through the direct access that the food industry has to government, formalised through a range of forums.

The National Agro-processing Forum is convened by the DTI, and includes DAFF, the Department of Rural Development and Land Reform and provincial government representation. The forum's focus is on cross-cutting issues: food, feed and fibre (forestry): 'Food security is one of the issues we are looking at' (Interview 12, Economic policy).

The Agricultural Trade Forum brings together industry and government to discuss and consult on agricultural trade negotiations. There are value chain roundtables on key commodities, which are hosted by the DTI, and bring together agriculture, export councils, industry associations, and the Department of Water Affairs.

Within government, cross sectoral clusters are convened at a high level (Director General/ ministerial) to deal with policy coordination and cross-cutting issues in government. These include economic, social, trade and foreign policy clusters. There is also the National Economic Development and Labour Council (NEDLAC) forum, where policies have to be cleared before finalising – this includes business, labour and government. Notably, there was no obvious responsibility in these cross-cutting forums for food security and nutrition to be discussed.

Industry used this access to engage in active lobbying, focusing on the protection of economic interests:

*[We] have walked a long journey building relationships with government, so we can engage robustly. (Interview 4, Food industry)*

*Industry associations lobby government for industry interests with respect to regulation...we 'filter' conversations, by providing additional information, between industry and government (Interview 9, Food industry association)*

### **Framing of food security and nutrition**

The Economic Growth coalition framed hunger and undernutrition as the priority issue to be addressed by food security and nutrition policy. Nutrition in the context of NCD prevention was perceived as something that would resolve itself with economic growth:

*People [are] still poor, and are not getting enough food – South Africa still has 14 million vulnerable households [who eat less than one meal a day] ... But lots of people have rising incomes and are more sophisticated consumers... [these are] driving demand [and changing their] diets... Then highest income consumers change again to more health-promoting diets. (Interview 7, Agricultural trade)*

Issues of food security and hunger/undernutrition were seen as quite separate from nutrition:

*Food security is about having enough food to eat... so people don't go to bed hungry... With obesity, [the] issue is not whether food is available but whether it is likely to cause risks for NCDs... Food needs to be available but also nutritious and safe. (Interview 9, Food industry association)*

The Economic Growth coalition framed the causes of nutrition and food security problems as a lack of access to food among vulnerable sectors of the population. This was closely linked to employment opportunities:

*The issue is not supply but affordability... staple food prices are going up... as is the cost of protein. (Interview 8, Economic policy)*

*Forty per cent unemployment is at the bottom of the issue... South Africa can't have food security when people don't have incomes... The Food Security and Nutrition policy doesn't address [the] fundamental issue, which is lack of income. [Interview 6, Food science]*

Trade was also seen as critical for ensuring food security:

*... Food sovereignty is not possible in the world we live in... the reality is that South Africa can't produce all its food needs... (Interview 7, Agricultural trade)*

There was also framing of food security within the Economic Growth coalition as a 'side' issue in agriculture, one best addressed by home production, as this could address the issue of food security and nutrition without affecting the 'main business' of agriculture:

*... sometimes home production is left out of consideration and calculation of production – Geographical Information System data shows even more produce grown around the home than in small fields... Home gardens are a provincial policy issue, under the food security division. (Interview 5, Agricultural trade)*

In the Economic Growth coalition there was acknowledgement that dietary change and a shift towards processed foods had negative implications for nutrition. However, these trends were framed as the result of individual preferences for fat, salt and sugar, related to taste and palatability:

*[The main] issue is palatability, for example, consumers' preference for white bread even though it is 14% more expensive... healthy food is often unpalatable... sensory aspects are very important... (Interview 6, Food science)*

*Increased imports are due not only to declining supply but also to increasing demand... the rising middle class are shifting their consumption... away from traditional staples to wheat (bread, pasta) and rice. (Interview 8, Economic policy)*

Consumer decisions not to purchase healthy foods were also framed as personal decisions based on preference and consumer desires for 'status' foods:

*The idea that people historically consumed whole grains is... context specific... this has always been 'poor people' food... others refine to some extent... The problem is preferences... (Interview 6, Food Science)*

In line with this, solutions were framed as addressing personal factors through improving education. This was seen as an avenue to improve consumption decisions and also as a mechanism to improve the food supply, since industry responds to consumer demands:

*Unhealthy food is what people want... [the] problem is that consumers are not educated. (Interview 2, Food Industry)*

Issues of sustainability were not a major frame, but were raised as a barrier to delivering an affordable, healthy food supply. The key issues raised were food waste, water and environmental issues, like drought:

*[A major food and nutrition challenge for South Africa] is food wastage. (Interview 12, Economic policy)*



*Food prices have increased with the drought... [and] water is a big challenge*  
(Interview 7, Agricultural trade)

**Belief: Employment and economic growth will improve nutrition and food security**

The Economic Growth coalition held an evident belief that food security and nutrition were positive by-products of economic growth. In contrast to the Health coalition, there was little perceived tension between the goals of economic policy and nutrition/food security policy.

*Unemployment and BoP [balance of payments] are the main barriers to development [and food security]... Jobs are necessary for affordable foods.*  
(Interview 7, Agricultural trade)

Integration into global value chains was seen as the main opportunity for agricultural industries, which was a key point of difference with the Food Security coalition.

*[Our] focus is on value chains.* (Interview 12, Economic policy)

**Belief: Private industry is key to achieving food security and nutrition in the long term**

In this coalition, there was an evident belief that industry was a (if not the) key stakeholder in achieving food policy goals. Food industry actors were portrayed as highly knowledgeable stakeholders, and the avenue through which policy objectives would be achieved. A strong, formalised, industry was seen as critical to achieving development goals. Government actors articulated this as the need to support competitive local industry.

*[Our] focus is on economic development – and particularly the formal sector.*  
(Interview 12, Economic policy)

The food industry supported this view, and articulated a belief that they were key to achieving food security and nutrition policy goals. As part of this, there was a belief that government and industry could be mutually supportive in achieving food security and nutrition goals:

*In general it would be nice if government and industry did not see each other as opposing groups [with respect to nutrition]... [we are] trying to get understanding with government that we should work together* (Interview 4, Food industry)

It was evident within this coalition that there was little perceived tension between achieving goals of economic growth and food security/nutrition. There was a belief that the market would resolve any perceived tension:

*If industry doesn't have a healthy market then they are not going to be economically viable, so they have vested interest in maintaining a healthy market... It is possible to reconcile health/nutrition and profit motives... at the end of the day, the food supply is mostly consumer driven and a high level of competition means it is too risky to be unethical in marketing... (Interview 2, Food industry)*

However, nutrition was not seen as a driver of food industry decision-making.

*[The] key concern is return on investment: investors also look at corporate ethos and governance [larger scale impacts] but contribution to food and nutrition security is too granular [too detailed]. (Interview 1, Food industry)*

### **Resources: High-level political will**

The Economic Growth coalition appeared to be a dominant coalition, as it had the most resonance with the priorities and frames of overarching government policy objectives.

*... under the National Development Plan, government has committed to creating 11 million jobs... [and the] best way to address this is export-led development... Capitalise on global growth and fast growing markets... Once people have jobs, they have money to buy food, so this is also a more sustainable approach to food security [with less dependence on government grants]. (Interview 5, Agricultural trade)*

### **Resources: Industry as a resource to achieve food security and nutrition policy goals**

Industry and industry associations positioned themselves as a key resource to achieve food security and nutrition policy goals, in particular as the main holder of technical expertise, as evidenced by their assistance to government in setting food standards; as a source of innovation in food and nutrition; and as experts in logistics, essential for meeting food needs (e.g. fish, staples).

Industry actors portrayed themselves as direct contributors to food security and nutrition, through general food production and their corporate social responsibility activities:

*[Regulators] grossly underestimate [our] contribution to food security. (Interview 1, Food industry)*

*The Department of Health is working with the Consumer Goods Council on a 'good for you foods' project... nutrition is core to [company]... nutrition is fundamental to the business... we embrace shared value. (Interview 3, Food Industry)*

The role of industry as a resource also extended to their technical expertise regarding effective intervention. This particularly related to lessons from previous engagement regarding food and nutrition:

*The Industry Association developed the [processed food] standard... [which was] adopted locally. (Interview 4, Food industry)*

Food industry actors also emphasised that the scope of food security and nutrition regulation should be tightly constrained to focus on food quality. Their priority was for a predictable regulatory landscape:

*Need regulation for two things: to curb 'cowboy' activity [basic food safety], and to standardise the format of info provided to consumers. (Interview 2, Food industry)*

### **Food Security and Agricultural Production coalition**

The 2014 Policy on Food and Nutrition Security was the product of what we termed the (minority) 'Food Security and Agricultural Production coalition' (hereafter, the 'Food Security coalition'). It was developed by the Food Security Division of DAFF, in consultation with (primarily) education, health and social development departments:

*DAFF has the responsibility to coordinate food security for SA... [The] final policy is a result of collaboration. (Interview 13, Agriculture)*

Food security has been identified repeatedly as a national priority, including in the National Development Plan, which mandated the preparation of the Department of Agriculture, Fisheries and Forestry's Integrated Growth and Development Plan (the national agricultural policy) (Annexures: Tables 3 and 4). However, as noted above, the dominant frame through which this is articulated is economic.

In contrast, the Food Security coalition articulated a strong production-oriented and rights-based approach to food security. This is reflected in the text of the Policy on Food and Nutrition Security, which was framed in the context of the right to food and access to safe and nutritious food for households. The policy includes provisions to: increase food production and distribution, including increased access to production inputs for the emerging agricultural sector; leverage government food procurement to support community-based food production initiatives and smallholders; and use market interventions and trade measures that will promote food security.

Compared with the significant institutional support for the Economic Growth coalition, the Food Security coalition had no formal mechanisms for coordination of stakeholders and policy, and the process of policy development for the Policy on Food and Nutrition Security included limited consultation. However, as part of the implementation of the Food Security and Nutrition Policy, a National Council on Food and Nutrition Security will be established. It will be chaired by the Deputy President, and have high-level representation, including representatives from non-state actors, civil society organisations (CSOs) and industry. There will also be provincial councils led by premiers. The aim is to convene other departments for action on food security.

### **Framing of food security and nutrition**

In the Food Security coalition, food insecurity was framed as a major problem requiring a policy response, and there was little consideration of other issues of nutrition:

*The OECD says [that the] country is food secure, but at household level we have pockets of severe food insecurity... 26.4% of the population is food insecure... [this is a] serious concern. (Interview 13, Agriculture)*

However, in contrast to the Economic Growth coalition, the cause of the problem was framed primarily as one of increasing food prices and insufficient production, in a context of poverty, rather than a lack of access to income/employment. Although these are two sides of the same issue (food affordability), the difference in emphasis (production rather than employment) influenced perceptions of appropriate policy solutions:

*Drought is a big problem... Not enough food [was] produced so prices went up... the whole food basket [is] affected. (Interview 13, Agriculture)*

Framing of food supply problems tended to focus on the lack of support for local production of diverse food crops. The policy agenda of the Food Security coalition was perceived by other actors as being almost too focused on primary production (e.g. Interview 7, Agricultural trade).

### **Belief: Food is a social and not an economic policy issue**

The Food Security coalition held an evident belief that food security was a social rather than economic issue. Actors highlighted the policy tension between food as an economic commodity, and as a social good:

*Food security is a social issue... [it] will always be at opposite end to economics... The government is trying to bring these together but it is not possible... Economists will tell you that economic growth brings spin offs, but social issues are marginalised. (Interview 13, Agriculture)*

In line with this, the Food and Nutrition Security policy was developed with limited input from the economic sector, despite the economic sector (trade, investment, commerce) having a significant policy influence on the food supply. A key actor involved in the development of the policy was the Department of Education, which was seen as particularly relevant with its growing interest in school feeding: 'nutrition is a side issue for them but they are interested because of what children eat' (Interview 13, Agriculture). Other key actors were the Department of Health, because of their expertise in nutrition, and the Department of Social Development, which has nutrition development centres.

**Belief: Need to focus on local markets**

The Food Security coalition was characterised by a belief that local markets (production and consumption) would strengthen food security through a focus on delivering access to consumers and also supporting poor farmers:

*South Africa produces enough food... yet people don't have access. (Interview 13, Agriculture)*

The local food processing industry also positioned itself as contributing to the policy objectives of this coalition, particularly processing companies. They framed their supply chain expertise and preference for local primary produce as expanding production capacities and increasing local production:

*[We] buy raw product... and value add... it is better than buying already processed products and importing... [We] provide loans and support new farmers. (Interview 3, Food industry)*

*[We are] supporting local farmers... Try to source locally... prefer not to import due to cost... purchase 2 million tonnes of agricultural commodities per year, and 2 out of 3 is local. (Interview 4, Food industry)*

**Resources: High-level political will**

The government of South Africa has prioritised food security as part of national and international commitments, including the Constitution and the Sustainable Development Goals (Annexures: Table 3):

*Food security is at the pinnacle of the government's agenda... and is a Constitutional right. (Interview 13, Agriculture)*

However, while the policy commitment exists, the use of the term 'food security' in the NDP appears to align more with the Economic Growth coalition's frame than the Food Security frame. In addition, while the Policy on Food and Nutrition Security was developed by the Ministry of Agriculture, the locus of implementation of the policy is with the central government, in the planning department, and will also have a high-level council to oversee implementation. This reflects the lack of an existing forum to coordinate action on food security, and may indicate future challenges in maintaining the conceptualisation of food security used by the Food Security coalition:

*Cabinet decided to have the plan driven by Department of Planning, Monitoring and Evaluation in [the] President's office... DPME would be best for this role [convening other departments]. (Interview 13, Agriculture)*

**Resources: Civil society interest but limited participation**

Civil society actors appeared interested in supporting this coalition, but had limited involvement in policymaking. In particular, they weren't included in the development of the Policy on Food Security and Nutrition. However, in the next policy stage

(implementation) CSOs will be included in the high-level council on food security. However, an actor from government expressed caution about engagement with CSOs. This was related to a perception that small informal producers have limited representation:

*Civil society organisations wanted to be consulted on policy... [we will] consult on implementation plan and include CSOs in policy review... But it is not clear who they represent. It is unlikely to be the rural poor... [and] farmer associations don't have local roots. CSOs are not organised... [they] need to be properly represented and organised. (Interview 13, Agriculture)*

### **Health coalition**

The actors in the Health coalition evidenced beliefs regarding the importance of food supply policy in supporting good nutrition for health (including aspects of food security, but more health focused):

*The feeling for some is that [the] consumer should also take responsibility, but if the [food] environment is not conducive, it doesn't make sense. (Interview 14, Public health)*

*[Health and nutrition is] not just about education, because nutritious food or healthy convenience food is not affordable, even when you are not poor. (Interview 11, Public health)*

The main actor was perceived as the Department of Health, as the focal ministry for nutrition related policy, and also CSOs. However, there was also recognition that achieving nutrition policy goals would require action in economic sectors.

This focus on food supply policy was reflected in the NCD Strategic Plan, which included specific interventions targeting the food supply, designed to improve diets, nutrition and health (Annexures: Table 3). It also included interventions to increase the accessibility and affordability of healthy foods through engaging with relevant government departments including agriculture, trade and industry and treasury.

However, health and nutrition are not high on the broader government policy agenda as it relates to the food supply. The NDP focuses on interventions for maternal and child undernutrition, where nutrition is considered a priority. National agricultural policies in South Africa include strong support for food security, but no mention of nutrition (Annexures: Table 4).

There is one multi-stakeholder forum related to food and health – the Food Legislation Advisory Group (FLAG) – which acts as a platform for government to engage with industry associations, academics, and other government departments on food

regulation. FLAG sits with the Department of Health, and members include other departments, academics, industry bodies, institutes or scientific bodies. Although interviewees identified FLAG as the key multi-sectoral forum relevant to food security and nutrition, it is not constituted to address either of these issues, and its main focus is on food safety.

### **Framing of food security and nutrition**

The Health coalition framed the main nutritional problem as the coexistence of a triple burden of malnutrition (undernutrition, micronutrient deficiencies and diet-related NCDs/obesity). In particular, they emphasised that these different forms of malnutrition affect common (not different) populations, and thus needed to be addressed in a coordinated manner:

*In South Africa, we have over-nutrition, undernutrition and micronutrient deficiency... the main rural and peri-urban issue is underweight, overweight is a rural and urban problem... and micronutrient deficiencies across the board.*  
(Interview 14, Public health)

In the Health coalition the problem of poor diets was framed as an environmental (not personal) issue, in contrast to the Economic Growth coalition. They identified the relative inexpensiveness of unhealthy foods, as well as industry efforts in the marketing and advertising of such foods as key factors driving dietary change:

*Energy dense, low nutrient foods are what is commonly consumed... This is very cheap and tastes nice – e.g. chips.* (Interview 11, Public health)

*[The] food supply is driven by industry... They say this is what consumers want... But [we argue] this is only true if they are investing [advertising, marketing and R&D] in healthy food to the same extent as they are investing in unhealthy food...*  
(Interview 14, Public health)

Interviewees also highlighted the impact of the food supply on consumer choice:

*What you see in townships is supermarkets – problems with ultra-processed foods.*  
(Interview 14, Public health)

In line with this, the solution was framed as a need for systemic change – to increase access to healthy, affordable foods, such as fruit and vegetables. However, the food system was seen as very difficult to change, in terms of reorienting to healthy food production:

*There are great, genius people in food industry, but the level of expectation is that this is how the system is... [there is an] underlying issue of being afraid of change.*  
(Interview 10, Public health)

### **Belief: Need for food supply policy to support nutrition objectives**

Actors in the Health coalition articulated a belief that considerations of health and nutrition were marginalised in food supply policy. The Department of Health also had limited participation in decision-making regarding economic policy relating to food supply:

*Nutrition is not really considered [in the Inter-ministerial Committee on Investment]... it is the domain of the Department of Health. [Interview 8, Economic policy]*

This was perceived as being due to the prevailing focus on 'bringing investment, not on the impact of investment' [Interview 14, Public health]:

*... Health doesn't bring investment... Health would also oppose [food industry investment] so not on committee... Maybe nutritional health issues don't have immediate impact so are not considered in the same way as an investor producing asbestos [which wouldn't be acceptable]. (Interview 14, Public health)*

There were overlaps in beliefs about food security and nutrition policy between the Food Security and Health coalitions, and also some evidence of collaboration, for example on the development of orange-fleshed sweet potato. This was also supported by the consideration of micronutrient content of crops in the national agricultural policy:

*The Department of Health has approached agriculture to ask for orange fleshed sweet potato... The research wing has taken this on but to date it is not commercialised. (Interview 13, Agriculture)*

*[We are] now looking at a joint approach [with agriculture]... trying to push the element of nutritious food... [including] production of micronutrient rich crops, such as orange-fleshed sweet potato, indigenous crops... [and also] what extension officers communicate to households [though] training extension officers in nutrition. (Interview 14, Public health)*

However, a key difference appeared to be the focus of the Health coalition on the outcomes of agricultural production for the health of consumers, which was not perceived as a core issue for consideration by agricultural policymakers. This was seen as limiting the scope for more significant collaboration on nutrition:

*Agriculture is talking about local cooperatives... which would be good but don't address the lack of access [to fresh, healthy foods] in urban areas. (Interview 14, Public health)*

*Agriculture is protecting farmers... Health is protecting consumers. (Interview 10, Public health)*



The Department of Health perceived that they had limited involvement with the development of the Policy on Food Security and Nutrition [Interview 14, Public health], which may have reflected the sectoral orientation of the plan towards producers.

**Belief: Need to constrain industry influence**

In contrast to the Economic Growth coalition, the Health coalition placed more emphasis on the need to limit industry involvement in food security and nutrition policymaking:

*Policy space [for nutrition and food security] needs to be protected – industry should not be involved in the policy space... Health must engage with industry but need to have very clear rules of engagement and guidelines. (Interview 10, Public health)*

**Resources: Limited engagement by civil society organisations**

Part of the marginalisation of health was perceived as due to the lack of civil society activity in the nutrition policy space:

*Consumer groups should monitor trends and directly engage with the Department of Trade and Industry. It can't be the Department of Health because it means you are fighting your own government policies. (Interview 14, Public health)*

There was also a perceived role for CSOs in influencing policy and industry activity through mobilising consumers:

*A challenge is that there are no CSOs in South Africa generating competing [healthy] demand. (Interview 10, Public health)*

**Resources: Low capacity for enforcement**

The Health coalition faced a significant challenge in the form of lack of resources. This meant that policies weren't implemented:

*[There is] lots of legislation on food, which is good. Big manufacturers comply... but smaller companies don't always comply, and get away with it... legislation needs to be enforceable across the board – there is a big gap here. (Interview 4, Food industry)*

*Lots of laws and policies but don't have implementation. (Interview 6, Food science)*

*Government does not have capacity for enforcement. (Interview 10, Public health)*

One of the challenges with enforcement was the shared responsibility for enforcement of nutrition policies with other sectors:

*The Department of Education has tuckshop guidelines, developed in collaboration with Department of Health. (Interview 11, Public health)*

*The Department of Health has been working with ASASA, [which] is the advertising standards body. However, it is a member organisation... not an authority with regulating power. (Interview 11, Public health)*

### **Resources: Imbalance in influence**

Two areas of resource imbalance were highlighted in the interviews, which made it difficult for the Health coalition to successfully shape policy agendas. One was the lack of resources for government nutrition promotion, compared to the advertising budgets of industry, resulting in poor quality health promotion intervention:

*The government is doing low quality nutrition promotion; they have a total lack of funds compared to industry marketing. (Interview 10, Public health)*

*[There are] huge disparities in resources – the Department of Health doesn't even have 100 million rand per year for prevention... but industry spends 100 million rand on just one ad. (Interview 14, Public Health)*

The marginalisation of nutrition interests was compounded by an imbalance in resources and influence for lobbying:

*Media plays a massive role in influencing consumption and trying to influence legislation... [for example] Coke is 'fighting' with the Department of Health [over the sugar tax] but they have a huge budget compared to the Department of Health budget. (Interview 7, Agricultural trade)*

*Industry is actively lobbying government, and has significant power... civil society organisations do not have this kind of power. (Interview 10, Public health)*

There was an evident tension between interests of industry actors and interests of the Health coalition with respect to nutrition policy:

*What the government wants in terms of nutrition will affect [food industry] business... so they move one step instead of five. Industry keeps saying that role of government is just to do education... [and they keep] pushing that it is all about physical activity. (Interview 14, Public health)*

Tension between government economic interests and nutrition policy interests was also evident:

*[Other sectors] don't understand the impact of other policies on nutrition... [it is hard to communicate] because this is opposed to current government's focus on job creation. (Interview 14, Public health)*

## DISCUSSION

### Current policy agendas

Food security and nutrition policy occupy a political and contested policy space. This study identified three different policy coalitions contributing to policy incoherence regarding food supply and food security and nutrition in South Africa. Drawing on Sabatier's conceptualisation of coalitions of actors as influential in shaping policy outcomes in a given policy subsystem, we analysed the framing of food security and nutrition by different actors, the resonance of these frames with policy content, and the evident beliefs and resources that characterised each coalition. Overall, we found recognition across all the coalitions that the government is trying to balance competing agendas in the food security and nutrition policy space. One of the key challenges to policy coherence identified was the very different framing of food and nutrition between the Food Security and Health coalitions, with the problem narrowly (coalition-based) defined as: hunger and economic access to calories; or rising consumption of unhealthy foods; or lack of diversity in diets based on staple foods. There is an implicit incoherence between economic/agricultural policy emphasis on value-adding, which is primarily an avenue for job creation, and health policy emphasis on fresh, unprocessed (healthier) foods.

The dominant policy coalition, whose beliefs we see most clearly reflected in policy documents governing the food supply, we termed the Economic Growth coalition. Actors in this coalition frame food insecurity and malnutrition as primarily the result of a lack of income and a lack of knowledge about healthy eating. This understanding of the problem as primarily deriving from individual level factors, such as being poor (i.e. lack of economic access to food) or personal preference (e.g. for foods high in fat, salt and sugar), is reflected in the focus on personal education and economic growth (to provide employment and income) as core components of the solution. The core beliefs of this coalition are that employment and economic growth, within a neoliberal economic dispensation, are the primary mechanism to improve nutrition and food security, and that industry is, therefore, key to achieving food security and nutrition in the long term. This coalition is supported by high-level political will – these beliefs are reflected in the NDP and other core food supply policy documents. They are also heavily supported by the food industry, which is represented as a resource to achieve food security and nutrition policy goals. Industry has several formal mechanisms to input into policymaking; their role is framed as both being technical experts in food systems, and significantly contributing to economic growth.

Support for economic growth within a neoliberal, unregulated framework has been documented elsewhere as dominant in food policymaking (Pinstrup-Andersen 2013). The food industry has been heavily engaged with developing policy solutions that focus on individual responsibility and portray the food industry as a key part of the solution (Jenkin et al. 2011; Scott et al. 2017), and in framing food as primarily an economic good

and the food industry as a significant contributor to GDP (Friel, Ponnampereuma et al. 2016). The heavy involvement of industry in policy forums in South Africa raises concerns about conflicts of interest in nutrition policymaking. The World Health Organization has unequivocally recommended that nutrition policy processes be protected from the influence of vested interests (WHO 2013). However, it is unclear how this can be operationalised when policies shaping the food supply are both nutrition and economic policies.

The second policy coalition is focused on food security, with frames and beliefs resonant with the Policy on National Food and Nutrition Security. Actors in this coalition frame food insecurity as primarily a problem of production and accessibility of food. This framing regarding production is reflected in solutions focused on increasing production for local populations, such as through increased investment in local markets. Food security is a political priority, and the right to food is enshrined in South African legislation; the planned National Food and Nutrition Security Council will be situated under the President's Office. However, there is ambiguity in the use of the term 'food security' in high-level policy documents – for example, the NDP and national agricultural policy reflect much more of the framing of the Economic Growth coalition, in contrast to the Policy on Food and Nutrition Security, which is much more in line with the framing and beliefs of the Food Security coalition. A key opportunity to increase the resources available to this coalition is the civil society interest in this framing of food security. However, they have had limited participation in policy development to date.

The concept of food as a social good is embedded in a social perspective on food security (Riches 2016), and reflects aspects of the food sovereignty discourse in its focus on smallholder production and the right to food (Jarosz 2014). However, in this context this seems to be core to the marginalisation of the Food Security coalition. Food trade and industry-led growth are tenets of the dominant framing of food security by the Economic Growth coalition, and a focus on smallholder farmers and local markets is marginalised by the privileging of large-scale production and seen as unable to meet overarching policy objectives for economic development. This tension is reflected in recent calls to 'revision' of agricultural and food systems with respect to nutrition, which highlight the need to identify opportunities to achieve both economic and nutritional policy goals through agricultural production and distribution (Jones and Ejeta 2015; McDermott et al. 2015, Pingali 2015). As in this study, recommendations include strengthening incentives for diversification to nutrient-rich crops and strengthening markets. However, the potential of promoting small-scale agricultural production of vegetables, fruit and small livestock to both supply more accessible nutritious food and create livelihoods remains marginalised in policy discourse in South Africa.

The third coalition identified we termed the Health coalition, which frames food security and nutrition from the perspective of malnutrition as a health outcome. Actors in the Health coalition frame malnutrition (undernutrition, micronutrient deficiency

and diet-related non-communicable diseases) as primarily the result of an unhealthy food environment, in which unhealthy foods are among the most affordable and heavily marketed. In contrast to the Economic Growth coalition, the solution is thus framed as primarily the responsibility of the food system to deliver healthy affordable foods. A core belief of the Health coalition is the need for food supply policy to support nutrition objectives. Another key belief – particularly in relation to NCD prevention – is that the influence of the food industry on food-related (nutrition-related) policymaking should be circumscribed. However, the influence of this coalition does not appear to extend far beyond health policy documents and it is characterised by limited resources; in particular, limited engagement by CSOs, a low capacity for enforcement, and limited financial resources for raising awareness and exerting influence on policy (particularly in contrast to industry).

The challenges faced by the Health coalition in translating their core beliefs into policy action have been observed elsewhere (Roberto et al. 2015). For example, a marked difference in the beliefs and frames between actors in public health and trade/agriculture has also been observed in the EU (Walls et al. 2016). This has often been attributed to resource constraints, including lack of political will and human and organisational capacities, which have resulted in limited policy action on malnutrition in other low and middle income countries (Pelletier et al. 2012). The lack of civil society engagement observed here has also been identified as a barrier to policy action for nutrition globally (Timotijevic et al. 2010, Huang et al. 2016). Recent research has identified strategies to build public support for nutrition policy action as: improving public information, population-specific framing, strengthening media advocacy and cultivating change agents within government (Huang, Cawley et al. 2016). One argument that has been adopted globally by nutrition policy advocates, but had little presence in the data we collected, was on the economic cost of poor nutrition and NCDs (Batura et al. 2015; Shekar et al. 2016).

### **Improving policy coherence**

Evident in the understanding of the problem of food insecurity and malnutrition and the solutions identified by these policy coalitions is a tension between overarching policy objectives, as the government of South Africa seeks to reconcile priorities of economic growth and productivity with health, social transformation and the right to food. The renegotiation of investment agreements by the government of South Africa and the explicit policy priority for achieving social and development goals in the context of trade agreements present a potential policy window for inclusion of public health nutrition considerations into trade and investment policy, such that policy space for current and future nutrition policy interventions is protected. This changing investment policy space in South Africa and the SADC reflect wider concerns regarding the potential for investment agreements, including BITs, to constrain national policy space for achieving social, health and other objectives. UNCTAD has recently concluded that “Today, the

question is not whether or not to reform [international investment agreements], but about the *what, how* and the *extent* of such reform' (UNCTAD 2016).

Leveraging this opportunity to improve nutrition will require acknowledgement of broader development, food security, nutrition and health objectives in economic policy objectives (including economic development, trade, investment, industrial and agricultural policies). It will also require food security and nutrition to be perceived as a domestic policy priority, to be pursued in the protected policy space. With the current dominance of the Economic Growth coalition in framing the issues, it is not clear whether nutrition and food security would be prioritised, even with increased policy space to do so.

This analysis indicated that the forums for stakeholder engagement in this policy subsystem heavily favour industry. This suggests that formal mechanisms for capacitating civil society and promoting its engagement might help to improve policy coherence. Interviewees from the Food Security and Health coalitions identified the need for CSOs to engage in more strategic advocacy for consideration of social, environmental and health issues in food security and nutrition policymaking. Improving outcomes for food security and nutrition through increased civil society engagement will require increased capacity for CSO lobbying and communication in the food security and nutrition policy spaces. The capacity of civil society to both support public interest and engagement with policy issues, and bring key issues to the attention of policymakers has been identified as a significant facilitator of nutrition policy action globally (Roberto, Swinburn et al. 2015; Huang, Cawley et al. 2016; Ruckert, Schram et al. 2016). Further research is needed to investigate the opportunities and challenges to increasing the capacity of civil society actors to support more coherent food security and nutrition policy in South Africa.

Addressing the double burden of malnutrition will require a policy focus on rendering foods of *high nutritional quality* geographically and financially accessible to consumers across the income spectrum, to complement the current focus on poverty reduction. The dominant framing and beliefs in the Economic Growth and Food Security policy coalitions focus on production of (and access to) sufficient food, but not on nutritional quality. This is a global challenge; there have been repeated calls for food systems that deliver nutritional quality and not simply calories (McDermott, Johnson et al. 2015).

Specific opportunities identified by this research include: 1) incentivising small-scale producers to create employment and ensure more accessible nutritious food; 2) creating links between producers and consumers, and fiscal incentives, that make healthy/fresh foods more accessible and affordable; 3) increasing formal avenues for engagement by civil society in nutrition and food security policymaking; and 4) including consideration of the nutritional quality of the food supply in policy documents across sectors.

South Africa is a co-chair of the global Sustainable Food Systems Programme, which does not currently address nutrition, but might afford an opportunity to open a broader dialogue about relevant and appropriate policy objectives to address the pervasive nutrition challenges that South Africa faces. Another opportunity may be strategic use of public procurement. In Brazil, local public procurement for schools has played an important role in promoting food security as well as rural development, including through reducing the costs associated with long supply chains with multiple actors (Sidaner et al. 2013).

### **Limitations of the study**

The main limitation of this study is the limited number of interviews conducted. The selection of stakeholders is likely to have shaped the coalitions identified. However, the use of the policy document review is likely to balance out this risk. Further research in this space would be strengthened by including interviews with cross-cutting agencies, such as the Department of Monitoring, Planning and Evaluation; the Competition Commission; retailers; and civil society actors.

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## ANNEXURES

Table 1: Overview of South African trade and investment policy documents for potential nutrition implications (including all existing/terminated BITs with English language text available)

Policy/Agreement	Date	Nutrition-relevant components			
		Stated objectives	ISDS	Incentives to attract investment and trade	Exceptions
Treaty of the Southern African Development Community (SADC) (Consolidated text with amendments)	1992 (2015)	<p>Art 5: Objectives:</p> <ul style="list-style-type: none"> <li>* promote sustainable and equitable economic growth and socio-economic development...</li> <li>* harmonise political and socio-economic policies and plans of Member States</li> <li>* develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the Region generally, among Member States</li> </ul> <p>Art 21: Areas of cooperation (harmonisation):</p> <ul style="list-style-type: none"> <li>(a) food security, land and agriculture</li> <li>(b) infrastructure and services</li> <li>(c) trade, industry, finance, investment and mining</li> <li>(d) social and human development</li> </ul>	<p>Art 16, Art 32:</p> <p>Tribunal adjudicates disputes (state-state); sanctions or suspension may be imposed</p>	<p>* Tariff reductions (progressive)</p> <p>* Provides a bilateral forum for the two countries to address issues of interest, including African Growth and Opportunity Act (AGOA), TIDCA, trade and investment promotion, non-tariff barriers, sanitary and phytosanitary measures, infrastructure and others</p>	None
Denmark – SA BIT (Terminated)	1997	<p>Preamble:</p> <p>Desiring to create favourable conditions for</p>	<p>Art 9:</p> <p>* International</p>	<p>Art 1:</p> <p>* Broad/standard definition of</p>	<p>Art 4:</p> <p>No public health</p>

		of investments on a reciprocal basis will serve this aim...	United Nations Commission on International Trade Law (UNCITRAL) ISDS mechanism	* Most Favoured Nation Art 5: * Broad expropriation definition, but does not specifically note indirect expropriation	interest, on a basis of non-discrimination, carried out under due process of law, and against prompt, adequate and effective compensation'
Korea, Republic of – SA BIT (In force)	1997	Preamble: Wishing to intensify economic cooperation to the mutual benefit of both States, Desiring to create favourable conditions for investments of investors of one Contracting Party in the territory of the other Contracting party, and Recognising that the encouragement and reciprocal protection of investments on the basis of this Agreement stimulates business initiative in both States...	Art 8: * ICSID or UNCITRAL ISDS mechanism	Art 1: * Broad/standard definition of investment Art 3: * Broad fair and equitable treatment provision * MFN Art 5: * Broad expropriation definition, but does not specifically note indirect expropriation	None specifically noted Expropriation - Art 5: 'except for a public purpose, under due process of law, on a non-discriminatory basis and provided that it is accompanied by prompt, adequate and effective compensation'
Germany – SA BIT (Terminated)	1998	Preamble: desiring to intensify economic co-operation between both States, intending to create favourable conditions for investments by nationals and companies of either State in the territory or the other State, recognising that the encouragement and contractual protection of such investments are apt to stimulate private business initiative and to increase the prosperity of both nations...	Art 10: * Arbitration tribunal – ad hoc, agreed by contracting parties Art 11: * If dispute not settled in 6 months – ICSID	Art 1: * Broad/standard definition of investment Art 2: * Broad fair and equitable treatment provision Art 3: * MFN Art 4: * Broad expropriation definition, but does not specifically note indirect expropriation	None specifically noted Expropriation - Art 4: 'except for the public interest and against compensation'

Mauritius – SA BIT (In force)	1998	<p>Preamble:</p> <p>Desiring to create favourable conditions for greater investment by investors of one Contracting Party in the territory of the other Contracting Party; and</p> <p>Recognising that the encouragement and reciprocal protection under international agreement of such investments will be conducive to the stimulation of individual business initiative and will increase prosperity in the territories of both Contracting Parties...</p>	<p>Art 7:</p> <p>* ICSID or UNCITRAL ISDS mechanism</p>	<p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 3:</p> <p>* Broad fair and equitable treatment provision</p> <p>* MFN</p> <p>Art 5:</p> <p>* Broad expropriation definition, but does not specifically note indirect expropriation</p>	<p>None specifically noted</p> <p>Art 5:</p> <p>‘except for public purposes, under due process of law, on a non-discriminatory basis and against prompt, adequate and effective compensation’</p>
United Kingdom – SA BIT (Terminated)	1998	<p>Preamble:</p> <p>Desiring to create favourable conditions for greater investment by nationals and companies of one State in the Territory of the other State;</p> <p>Recognising that the encouragement and reciprocal protection under international agreement of such investments will be conducive to the stimulation of individual business initiative and will increase prosperity in both States...</p>	<p>Art 7:</p> <p>* ICSID or UNCITRAL ISDS mechanism</p>	<p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 2:</p> <p>* Broad fair and equitable treatment provision; ‘no unreasonable or discriminatory measures’</p> <p>Art 3:</p> <p>* MFN</p> <p>Art 5:</p> <p>* Broad expropriation definition, but does not specifically note indirect expropriation</p>	<p>None specific to public health</p> <p>Art 5: Expropriation:</p> <p>‘except for a public purpose related to the internal needs of that Party on a non-discriminatory basis and against prompt, adequate and effective compensation’</p>
China – SA BIT (In force)	1998	<p>Preamble:</p> <p>Intending to create favourable conditions for investments by investors of one Contracting Party in the territory of the other Contracting</p>	<p>Art 7:</p> <p>* Ad hoc tribunal ISDS mechanism</p>	<p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 3:</p>	<p>None specific to public health</p> <p>Art 4: Expropriation:</p> <p>‘except for public</p>

		<p>Party;</p> <p>Recognising that the reciprocal encouragement, promotion, and protection of such investments will be conducive to stimulating business initiative of the investors and will increase prosperity in both States,</p> <p>Desiring to intensify the economic cooperation of both States on the basis of equality and mutual benefits...</p>		<p>* Broad fair and equitable treatment provision</p> <p>* MFN</p> <p>Art 4:</p> <p>* Broad expropriation definition, but no specific mention of indirect expropriation</p>	<p>purposes, under domestic legal procedure, on a non-discriminatory basis and against compensation'</p>
Trade & Investment Framework Agreement - South Africa and USA	1999	<p>Art 1</p> <p>The Parties will seek to:</p> <p>(1) expand trade in goods and services between them...</p> <p>(2) take appropriate measures to encourage and facilitate the exchange of goods and services, and to secure favorable conditions for long-term development and diversification of trade...</p> <p>(3) encourage private sector investment between the two countries, as a means of furthering growth, job creation, and economic development, and... promote an open and predictable environment for investment ...</p>	None	<p>Art 3</p> <p>(1) Either Party may, whenever it considers it appropriate, consult the civil society in its country, such as business, labor, consumer, environmental and academic groups, on matters related to the work of the Council. Either Party may, when it considers it appropriate, present the views of its civil society at meetings of the Council.</p> <p>(2) For the purposes of providing for the further expansion of bilateral trade and investment flows, the Parties will consider whether further agreements relating to taxation, intellectual property, and trade and investment issues would be desirable.</p>	<p>Art 4</p> <p>(1) This Agreement is without prejudice to the rights and obligations of either Party under its domestic law or under any other agreements, conventions or other instruments to which either country is a party.</p>
Netherlands – SA BIT (Terminated)	1999	<p>Preamble:</p> <p>Desiring to strengthen the traditional ties of friendship between their countries, to extend and intensify the economic relations between</p>	<p>Art 9:</p> <p>* ICSID or UNCITRAL ISDS</p>	<p>Art 1:</p> <p>* Broad/standard definition of investment</p>	<p>None specific to public health</p> <p>Art 6: Expropriation: Unless conditions</p>

		<p>them particularly with respect to investments by the investors of one Contracting Party in the territory of the other Contracting Party,</p> <p>Recognising that agreement upon the treatment to be accorded to such investments will stimulate the flow of capital and technology and the economic development of the Contracting Parties and that fair and equitable treatment of investment is desirable...</p>	mechanism	<p>Art 3: * Broad fair and equitable treatment provision; no 'unreasonable or discriminatory measures'</p> <p>Art 4: * MFN</p> <p>Art 6: * Broad expropriation definition; both direct and indirect expropriation</p>	<p>complied with: 'public interest', 'due process of law', 'not discriminatory or contrary to any undertaking which the Contracting Party... may have given', 'against just compensation'</p>
Sweden – SA BIT (In force)	1999	<p>Preamble: Desiring to intensify economic cooperation to the mutual benefit of both countries and to maintain fair and equitable conditions for investments by investors of one Contracting Party in the territory of the other Contracting Party;</p> <p>Recognising that the promotion and reciprocal protection of such investments favour the expansion of the economic relations between the two Contracting Parties and stimulate investment initiatives...</p>	<p>Art 7: * ICSID or UNCITRAL ISDS mechanism</p>	<p>Art 1: * Broad/standard definition of investment</p> <p>Art 3: * Broad fair and equitable treatment provision</p> <p>* MFN</p> <p>Art 4: * Broad expropriation definition; both direct and indirect expropriation</p>	<p>None specific to public health</p> <p>Art 4: Expropriation: Unless conditions complied with: 'public interest', 'due process of law', 'measures distinct and non-discriminatory', 'accompanied by provisions for payment of... compensation'</p>
Czech Republic – SA BIT (In force)	1999	<p>Preamble: Desiring to develop economic cooperation to the mutual benefit of both States, Intending to create and maintain favourable conditions for investments of investors of one State in the territory of the other State, and Conscious that the promotion and reciprocal protection of investments, in terms of the</p>	<p>Art 7: * ICSID or UNCITRAL ISDS mechanism</p>	<p>Art 1: * Broad/standard definition of investment</p> <p>Art 2: * Broad fair and equitable treatment provision</p> <p>Art 3:</p>	<p>None specific to public health</p> <p>Art 5: Expropriation: 'except for a public purpose related to the internal needs of that Party on a non-discriminatory basis and</p>



		present Agreement, stimulates business initiatives in this field...		* MFN Art 5:  * Broad expropriation definition, but does not specifically note indirect expropriation	against prompt, adequate and effective compensation'
Finland – SA BIT (In force)	1999	<p>Preamble:</p> <p>Desiring to create favourable conditions for increased investment by investors of one Contracting Party in the territory of the other Contracting Party,</p> <p>Recognising that the encouragement and reciprocal protection of such investments on the basis of an Agreement will be conducive to the stimulation of business initiatives and to increasing the economic prosperity of both States...</p>	<p>Art 7:</p> <p>* ICSID or UNCITRAL ISDS mechanism</p>	<p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 2:</p> <p>* Broad fair and equitable treatment provision broad; 'no unreasonable or discriminatory measures'</p> <p>Art 3:</p> <p>* MFN</p> <p>Art 5:</p> <p>* Broad expropriation definition, but does not specifically note indirect expropriation</p>	<p>None specific to public health (Art 7)</p> <p>Art 5: Expropriation: 'except for a public purpose related to the internal needs of that Party on a non-discriminatory basis ... accompanied by prompt, adequate and effective compensation'</p>
Greece (Hellenic Republic)– SA BIT (In force)	2001	<p>Preamble:</p> <p>Desiring to intensify their economic cooperation to the mutual benefit of Contracting Parties on a long term basis,</p> <p>Having as their objective to create favourable conditions for investments by investors of either Contracting Party in the territory of the other Contracting Party,</p> <p>Recognising that the promotion and protection of investments, on the basis of this Agreement, will stimulate the; initiative in this field...</p>	<p>Art 9:</p> <p>* ICSID or UNCITRAL or ad hoc ISDS mechanism</p>	<p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 2:</p> <p>* Broad fair and equitable treatment provision; 'no unreasonable or discriminatory measures'</p> <p>Art 3:</p> <p>* MFN</p>	<p>None specific to public health (Art 7)</p> <p>Art 5: Expropriation: 'except for a public purpose related to the internal needs of that Party on a non-discriminatory basis ... accompanied by prompt, adequate and effective compensation'</p>

Iran – SA BIT (In force)	2002	<p>Preamble:</p> <p>Desiring to intensify the economic cooperation to the mutual benefit of both States;</p> <p>Intending to utilise their economic resources and potential facilities in the area of investments as well as to create and maintain favorable conditions for investments of the investors of the Contracting Parties in each other’s territory</p> <p>and;</p> <p>Recognising the need to promote and protect investments of the investors of the Contracting Parties in each other’s territory...</p>	<p>Art 12:</p> <p>* ad hoc ISDS mechanism</p>	<p>Art 5:</p> <p>* Broad expropriation definition, but does not specifically note indirect expropriation</p> <p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 2:</p> <p>*‘full legal protection and fair treatment not less favourable than that accorded to its own investors or to investors of any third state who are in a comparable situation’</p> <p>Art 5:</p> <p>* MFN</p> <p>Art 6:</p> <p>* Broad expropriation definition but does not specifically note indirect expropriation</p>	<p>None specific to public health</p> <p>Art 6: Expropriation:</p> <p>‘for public purposes, in accordance with due process of law, in a non-discriminatory manner and upon payment of prompt, effective and appropriate compensation’</p>
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Trade, Development and Cooperation Agreement (TDCA) (South Africa – EU)	2004	<p>The objectives of this Agreement are:</p> <p>(a) to provide an appropriate framework for dialogue between the parties, promoting the development of close relations in all areas covered by this Agreement;</p> <p>(b) to support the efforts made by South Africa to consolidate the economic and social foundations of its transition process;</p> <p>(c) to promote regional cooperation and economic integration in the southern African region to contribute to its harmonious and sustainable economic and social development;</p> <p>(d) to promote the expansion and reciprocal liberalisation of mutual trade in goods, services and capital;</p> <p>(e) to encourage the smooth and gradual integration of South Africa into the world economy;</p> <p>(f) to promote cooperation between the Community and South Africa within the bounds of their respective powers, in their mutual interest.</p>	State-state dispute settlement	<p>* Art 5-12 Establishment of Free Trade Area and reductions in tariffs and NTBs</p> <p>* Art 13-15 Reductions in agricultural tariffs; Art 16 Provision for agricultural safeguard</p> <p>* Art 20: 'The Parties may have regular consultations in the Cooperation Council on the strategy and practical modalities of their respective agricultural policies.' (i.e. before implementing changes to agricultural policies from those agreed)</p> <p>* Art 30: Removal of barriers and discrimination in services trade; positive services list</p> <p>* Art 45: Government procurement 'is governed by a system which is fair, equitable and transparent'</p> <p>* Art 46: Apply Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and International Union for the Protection of New Varieties of Plants (UPOV), etc.</p> <p>* Art 47 cooperation on standardisation (not harmonisation)</p>	<p>* No mention of health in preamble</p> <p>*Art 27: Exceptions</p> <p>'The Agreement shall not preclude prohibitions or restrictions on imports, exports, goods in transit or trade in used goods justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of intellectual, industrial and commercial property or rules relating to gold and silver. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary or unjustifiable discrimination where the same conditions prevail or a disguised restriction on trade between the Parties.'</p> <p>*Art 61: Economic cooperation on agriculture – support for production and supply</p>
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			<p>chains. Plan for Agreement on Fisheries (Art 62)</p> <p>Art 92: cooperation to improve health</p>
<p>Nigeria – SA BIT (In force)</p>	<p>2005</p> <p>Desiring to create favourable conditions for greater investment by investors of either Party in the territory of the other Party;</p> <p>Recognising that the reciprocal promotion and protection of investments will be conducive to the stimulation of individual business initiative, contribute to development and increase the prosperity of both Parties;</p> <p>Recognising the right of the Parties to define the conditions under which foreign investment can be received and the investor’s duty to respect the host country’s sovereignty and domestic law;</p> <p>Determined to increase favourable conditions for greater investment by nationals and companies of a Party in the territory of the other Party...</p>	<p>Art 8:</p> <p>* ICSID or ad hoc ISDS mechanism</p> <p>Art 1:</p> <p>* Broad/standard definition of investment</p> <p>Art 4:</p> <p>* Broad fair and equitable treatment provision; ‘no unreasonable or discriminatory measures’</p> <p>Art 4:</p> <p>* MFN</p> <p>Art 6:</p> <p>* Broad expropriation definition, but does not specifically note indirect expropriation</p>	<p>None specific to public health</p> <p>Art 6: Expropriation: ‘except for public purposes, under due process of law, on a non-discriminatory basis and against payment of prompt, adequate and fair compensation.’</p>

National Industrial Policy Framework (NIPF)	2007	<p>1.1.4 ... to provide strategic direction to the economy with respect to the issue of industrial development. First, it is aimed at providing greater clarity and certainty to the private sector and social partners with respect to investment decisions leading up to 2014 and beyond. Second, it is intended to provide a reference point for substantial improvements in intra-governmental coordination of the numerous and complex set of policies and projects that will form part of the NIPF.</p> <p>1.4.1 The NIPF recognises the inherent intra-governmental nature of industrial policy. Section 2 demonstrates that four complementary sets of policies are necessary for the successful implementation of an industrial policy: a supportive macroeconomic and regulatory environment; skills and education; traditional and modern infrastructure; and support for technological effort.</p>		<p>2.2 A stable and supportive macroeconomic and regulatory environment: Macroeconomic stability is critical for industrialisation in order to allow investors to plan.</p> <p>2.3 Skills and education for industrialisation: In the short term, this requires much stronger alignment between industrial policies and skills institutions. In the longer term, it requires integration with the educational system, with a particular emphasis on ensuring larger numbers of graduates with tertiary technical skills.</p> <p>2.4 Traditional and modern infrastructure: Sufficient, reliable and competitively priced traditional and modern infrastructure and logistics systems are essential for a modern industrial economy.</p> <p>2.5 Innovation and technology: Technology ... can be imported from abroad; embodied in the form of foreign direct investment (FDI); [or].... domestic research and development generates indigenous technologies.</p>	
Trade, Investment and Development Cooperation Agreement (TIDCA) - SACU	2008	The Parties affirm their desire to promote an attractive investment climate and to expand and diversify trade between SACU and the United States.	n/a	Art 4, Para 2. For the purposes of providing for the further expansion of bilateral trade and investment flows, the Parties will cooperate on and consider	None

<p>and USA</p>			<p>whether further agreements such as those on sanitary and phytosanitary measures (SPS), standards, technical barriers to trade (TBT), customs cooperation and trade</p> <p>facilitation would be desirable, as well as cooperate in undertaking specific trade and investment promotion activities.</p>		
<p>Trade Policy and Strategy Framework (TPSF)</p>	<p>2010</p>	<p>... to promote and accelerate economic growth along a path that generates sustainable, decent jobs in order to reduce the poverty and extreme inequalities that characterise South African society and economy.'</p>	<p>* Strategic Tariff Policy: 'The South African Government has chosen a growth and development path that prioritises industrial upgrading in more labour intensive sectors to generate sustainable and decent employment'</p> <p>* Agriculture: 'South Africa has had a negative trade balance in processed agricultural trade since 2003... greater attention will be required to promote the development of this sub-sector.'</p> <p>* Regional integration a priority</p>	<p>None</p> <p>Strategic integration: 'South Africa will need to ensure that its ongoing integration into the global economy is pursued in a manner that more explicitly supports its national developmental objectives. [and]... ensure that we preserve the policy space to pursue national objectives while leveraging the benefits of more integrated regional and global markets.'</p>	
<p>Protection of Investment Act - Unilateral</p>	<p>2015</p>	<p>Prior to preamble: To provide for the protection of investors and their investments; to achieve a balance of rights and obligations that apply to all investors; and to provide for matters connected therewith.'</p> <p>Para 4. The purpose of this Act is to— (a) protect investment in accordance with and subject to the Constitution, in a manner which</p>	<p>Para 13: No ISDS – reduce likelihood of international arbitration - allowance for state-state dispute settlement,</p>	<p>Para 6: FET narrowly defined: 'administrative, legislative and judicial processes'</p> <p>Para 8: National treatment</p>	<p>Right to regulate</p> <p>Para 12. (1) 'Notwithstanding anything to the contrary in this Act, the government... may, in accordance with the Constitution and applicable legislation,</p>

balances the public interest and the rights and obligations of investors;

(b) affirm the Republic's sovereign right to regulate investments in the public interest; and

(c) confirm the Bill of Rights in the Constitution and the laws that apply to all investors and their investments in the Republic.

where  
domestic  
remedies  
exhausted

take measures...' [no  
specific mention of health  
in list]

Table 2: Economic incentives for investors, potentially relevant to nutrition

Incentive title	Details
Section 12I Tax Allowance Incentive (12I TAI)	<p>The incentive is designed to support Greenfield investments (i.e. new industrial projects that utilise only new and unused manufacturing assets), as well as Brownfield investments (i.e. expansions or upgrades of existing industrial projects). The incentive offers support based on capital investment and training.</p> <p>The minimum investment in Qualifying Assets required is R50 million for a Greenfield project and an additional investment of R30 million for a Brownfield project.</p> <p>Objectives: The objectives of the incentive programme are to support:</p> <ul style="list-style-type: none"> <li>▸ Investment in <b>manufacturing</b> assets, to improve the productivity of the South African manufacturing sector; and</li> <li>▸ Training of personnel; to improve labour productivity and the skills profile of the labour force.</li> </ul>
(ECA) Critical Infrastructure Programme (CIP)	<p>Objective: Support the competitiveness of South African industries by lowering business costs and risks and to provide targeted financial support for physical infrastructure that will leverage strategic investment with a positive impact on the economy.</p> <p>Applicability: New or expanding <b>enterprises investing in infrastructure</b> such as roads, railways, electricity transmission and distribution, water pipelines, telecommunication networks, sewage systems etc. Available to municipalities, public sector enterprises and private enterprises.</p> <p>Benefit: Cash grant incentive that covers between 10% and 30% of the infrastructure development costs limited to R30 million per application.</p>
(CEI) Enterprise Investment Programme (EIP): Aquaculture Development and Enhancement Programme (ADEP)	<p>Objective: Investment in the <b>aquaculture sector</b>.</p> <p>Applicability: SA entities involved in fish hatcheries and fish farms (primary aquaculture), processing and preserving of aquaculture fish (secondary aquaculture), service activities to operators of hatcheries and fish farms (ancillary aquaculture).</p> <p>Benefit: 20% - 45% grant for investment in land, and buildings, machinery and equipment, commercial vehicles and work boats and bulk infrastructure capped at R40 million per application.</p>
(CEI) Isivande Women's Fund (IWF)	<p>Isivande Women's Fund (IWF) is an exclusive women's fund established by the DTI Gender and Women Empowerment Unit in partnership with Old Mutual Masisizane Fund. The fund aims at accelerating women's economic empowerment by providing affordable, usable and responsive finance than is presently the case. IWF targets formally registered, 60% women-owned and/or managed enterprises that have been existing and operating for two or more years with a loan range of R30 000 - R2 million.</p> <p>Objective: The fund improves and expands access to finance to <b>woman entrepreneurs</b> by lending and investing in woman enterprises and generating income that will improve their living standards.</p> <p>Applicability: The IWF targets formally registered, 60% women-owned and/or managed enterprises that have been in existence for at least two years. It also focuses on professional women with feasible business ideas, high potential survivalists, micro-enterprises and cooperatives on a case-by-case basis. The fund pursues deals involving start-up funding, business expansions, business rehabilitation and turnaround franchises and bridging finance.</p> <p>Benefit: Loan range from R30 000 - R2 million and the loan repayment period is a maximum of five years.</p>
(ECA) The Cooperative Incentive Scheme (CIS)	<p>Objective: To promote cooperatives by improving the viability and competitiveness of the cooperative enterprises by lowering the cost of doing business.</p> <p>Applicability: Any entity incorporated and registered in South Africa in terms of the Cooperatives Act. Target is <b>cooperatives operating in the emerging sector</b>, and manufacturing, <b>retail</b> and <b>services</b> sector.</p>



(ECA) Jobs Fund	<p><b>Benefits:</b> Cost-sharing grant of 100% paid by the DTI up to a maximum of R350 000 for costs relating to business development services, business profile development, feasibility studies/market research, start-up requirements etc.</p> <p><b>Objective:</b> To co-finance public and private sector projects that will significantly contribute to job creation.</p> <p><b>Applicability:</b> The Fund will, on a competitive basis, consider co-financing proposals from private sector, non-governmental organisations, government departments and municipalities that show economic development potential linked to <b>sustainable job creation</b>.</p> <p><b>Benefit:</b> Matching grant funding for the following windows:</p> <ul style="list-style-type: none"> <li>▸ Enterprise development initiatives: Initiatives that reduce risk, remove barriers to market access and broaden supply chains;</li> <li>▸ Infrastructure initiatives: Light infrastructure initiatives necessary to unlock job creation; and</li> <li>▸ Work-seekers initiatives: Initiatives linking work-seekers to the formal employment sector.</li> </ul>
(ECA) Sector Specific Assistance Scheme (SSAS)	<p><b>Objective:</b> Develop new export markets, broaden the specific <b>industry export</b> base, increase participation of B-BBEE and SMME companies in the export process.</p> <p><b>Applicability:</b> Approved export councils, registered industry associations and joint actions groups.</p> <p><b>Benefit:</b> A matching grant of 80% of the cost to support the development and growth of exports.</p>
(ECA) Special Economic Zones (SEZs)	<p><b>Objective:</b> To promote targeted investment to facilitate economic growth and job creation.</p> <p><b>Applicability:</b> Qualifying projects located in <b>SEZs</b>.</p> <p><b>Benefit:</b></p> <ul style="list-style-type: none"> <li>• 15% corporate tax rate.</li> <li>• Accelerated write-off of buildings over a 10 year period.</li> <li>• Employment tax allowance per job created.</li> <li>• Customs controlled area for duty-free rebate and VAT exemption for importing inputs of export products.</li> <li>• One-stop-shop for investment facilitation.</li> </ul>
(ECA) Agro-industries	<p><b>Objective:</b> Provide support to <b>agro-processing and aquaculture</b> sectors.</p> <p><b>Applicability:</b> Focus areas are:</p> <ul style="list-style-type: none"> <li>• Horticulture primary agricultural sector</li> <li>• Food processing sector</li> <li>• Agro-industrial sector</li> <li>• Beverage sector</li> <li>• Fishing and aquaculture sectors</li> </ul> <p><b>Minimum finance requirement:</b> More than R1 million in debt and/or more than R5 million in equity.</p>

(ECA) Gro-E Scheme	<p>Benefit: Competitive, risk-related interest rates are based on the prime bank overdraft rate.</p> <p>Objective: To promote competitiveness in the <b>manufacturing</b> arena and ensure job retention in this sector.</p> <p>Applicability: Financial support to start-up businesses, including funding for buildings, equipment and working capital. Companies wanting to expand also funded. The proviso is that they must show an ability to create jobs. Africa and the rest of the continent.</p> <p>Benefit: Competitive risk-related interest rates based on the prime bank overdraft rate.</p>
Preferential Corporate Tax Rate for Small Business	<p>Objective: To encourage small/medium business development in South Africa.</p> <p>Applicability: Qualifying <b>small/medium businesses</b> with a turnover for the year of assessment that does not exceed R14 million are eligible (for years of assessment commencing on or after 1 April 2012).</p> <p>Benefit (taxable income):</p> <ul style="list-style-type: none"> <li>▸ R0 – R70 700 = 0%</li> <li>▸ R70 701 - R365 000 = 7%</li> <li>▸ &gt; R365 001 = R20 601 + 21% of amount greater than R350 000</li> <li>▸ &gt; R550 000 = R59 451 + 28% of amount greater than R350 000</li> </ul>
(CRD) Research and Development (R&D)	<p>Objective: To stimulate <b>scientific or technological R&amp;D</b>.</p> <p>Applicability: Expenditure incurred in the discovery of novel, practical and non-obvious information or devising, developing or creating any invention, design or computer programme or any knowledge essential to the use of the invention, design or computer programme.</p> <p>Benefit: Deduction increased to 150% for expenditure incurred on or after 2 November 2006. Accelerated allowance on R&amp;D assets.</p>
(ECA) 12i Investment and Training Allowance	<p>Objective: To promote industrial upgrading and new investment in <b>large-scale manufacturing</b>.</p> <p>Applicability: Medium to large manufacturers with investment from R30 million.</p> <p>Benefit: Training allowance: max. R36 000 per person. Max. 55% of qualifying investment costs in machinery and equipment.</p>

Source: South Africa: Investors handbook 2014/2015

Table 3: Nutrition/Food policy priorities in South Africa

Policy	Objectives relevant to nutrition	References to food supply
Strategic Plan for the Prevention and Control of Non-communicable Diseases, 2013–17	<ul style="list-style-type: none"> <li>* Prevention of NCDs and promotion of health and wellness at population, community and individual levels.</li> <li>* Aligns to 2020 targets:               <ol style="list-style-type: none"> <li>1. Reduce by at least 25% the relative premature mortality (under 60 years of age) from non-communicable diseases;</li> <li>4. Reduce mean population intake of salt to &lt;5 grams/day;</li> <li>5. Reduce by 10% the percentage of people who are obese and/or overweight;</li> <li>6. Reduce the prevalence of people with raised blood pressure by 20%.</li> </ol> </li> </ul>	<p>Objective: Increase healthy eating habits in the population through accessible and affordable healthy foods.</p> <p>Activities: Engage with relevant government departments, including agriculture, trade and industry and treasury to increase the accessibility and availability of healthy foods.</p>
National Policy on Food and Nutrition Security, 2014	<ul style="list-style-type: none"> <li>* Access to sufficient food as human right (Bill of Rights)</li> <li>* ‘...ensure the availability, accessibility and affordability of safe and nutritious food at national and household levels’</li> <li>* Focus on traditional food production and supply (e.g. amaranth, ground nuts)</li> </ul>	<p>Strategies:</p> <ul style="list-style-type: none"> <li>* Efforts to increase food production and distribution, including <i>increased access to production inputs for the emerging agricultural sector</i>;</li> <li>* Leveraging <i>government food procurement</i> to support community-based food production initiatives and smallholders; and</li> <li>* The strategic use of <i>market interventions and trade measures which will promote food security</i>.</li> <li>* <i>Land tenure</i> highlighted as challenge to address</li> <li>* Implementation of <i>Agri-BEE Charter</i></li> </ul>
Sustainable Development Goals (SDGs)	<p><b>Goal 2:</b></p> <ul style="list-style-type: none"> <li>* By 2030, end hunger and ensure access by all people... to safe, nutritious and sufficient food all year round</li> <li>* By 2030, end all forms of malnutrition...</li> <li>* By 2030, double the agricultural productivity... including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment</li> <li>* By 2030, ensure sustainable food production systems ...</li> <li>* By 2030, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals...</li> <li>* Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks...</li> <li>* Correct and prevent trade restrictions and distortions in world agricultural markets...</li> <li>* Adopt measures to ensure the proper functioning of food commodity markets and their derivatives...</li> </ul> <p><b>Goal 3:</b></p> <ul style="list-style-type: none"> <li>* By 2030, reduce by one third premature mortality from non-communicable diseases ...</li> <li>* By 2030, end preventable deaths of newborns and children under 5 years of age...</li> </ul>	

Table 4: Agricultural policy priorities in South Africa

Policy	Objectives	References to nutrition/food supply
Integrated Growth and Development Plan (IGDP), 2012	<p><b>Vision:</b> to have ‘An equitable, productive, competitive, profitable and sustainable Agriculture, Forestry and Fisheries Sector growing to the benefit of all South Africans’.</p> <p>This vision is supported by a mission that states that the vision will be achieved through developing and sustaining a sector that contributes to and embraces:</p> <ul style="list-style-type: none"> <li>• economic growth (and development)</li> <li>• job creation</li> <li>• rural development</li> <li>• sustainable use of natural resources</li> <li>• maintenance of biodiversity and ecosystems</li> <li>• sustainable livelihoods</li> <li>• food security.</li> </ul> <p><b>Agriculture:</b> ‘... position agriculture for the purpose of improving national food safety and security and agricultural economic output in a profitable and sustainable manner, through a qualitative and quantitative improvement of South Africa’s agricultural productivity and its trade and regulatory environment. By achieving the aforementioned, agriculture can contribute vitally to rural economic growth and development and thus increase rural employment, both on and off-farm.’</p> <p><b>Fisheries:</b> ‘... manage the development and sustainable utilisation of marine and coastal resources, to maximise the economic potential of the fisheries sector and to protect the integrity and quality of the country’s marine and coastal ecosystems.’</p>	<p>p. 30: ‘... A sector that displays great levels of concentration and exclusion, while propagating smallholders and subsistence farming as a means to overcome rural poverty and food insecurity, reflects fundamental policy gaps. ...the focus in agriculture in particular has been skewed towards new entrants, especially linked to the land reform programme, while inadequate support has been given to existing participants in the sector who are marginalised. There is therefore a need to correct this imbalance, for example, by effecting changes that will facilitate existing smallholders’ gainful access to markets, by focusing less on primary cooperatives and more on secondary (e.g. marketing) cooperatives; and to improve the quality and accessibility of support systems and infrastructure so that larger numbers of producers may benefit.’</p> <p>Issues raised regarding food security</p> <ul style="list-style-type: none"> <li>- high food prices (p.35)</li> <li>- need to target small holders (p.35,36)</li> <li>- urban food gardens and livestock farming (p.36)</li> <li>- need for ‘greater emphasis on both physical and economic access to food, when addressing food insecurity’ (p.39)</li> <li>- recognition of multi-sectoral issue: ‘Household food security is influenced by the availability, accessibility and affordability of nutritional food and this requires an integrated approach.’ (p.39)</li> <li>- threat of climate change (p.42)</li> </ul>

<p>Agricultural Policy Action Plan (APAP), 2015–19</p>	<p>‘this first APAP focuses on a discrete number of value chains identified as strategic in meeting the objectives of the NGP, NDP and IPAP:</p> <ul style="list-style-type: none"> <li>• Contribution to food security</li> <li>• Job creation</li> <li>• Value of production</li> <li>• Growth potential</li> <li>• Potential contribution to trade balance’</li> </ul> <p>Eleven sectoral interventions: poultry/soya beans/maize integrated value chain; red meat value chain; wheat value chain; fruit and vegetables; wine industry; sugar value chain; biofuels value chain; forestry; small-scale fisheries; Aquaculture Competitiveness Improvement Programme. Transversal interventions: Fetsa Tlala Integrated Food Production Intervention; research and innovation; promoting climate-smart agriculture; trade, agribusiness development and support; strategic integrated projects (SIPs); biosecurity.</p>	<p>Fetsa Tlala includes a focus on micronutrient content of crops</p>
<p>White Paper on Agriculture, 1995 (referenced in IGDP)</p>	<p>Vision: ‘to direct the development of agriculture in such a way that the factors of production, together with the related functions, will be utilised in such a manner that agriculture will contribute to the optimum economic, political and social development and stability of the Republic of South Africa, while simultaneously making a contribution towards the promotion of an economically sound farming community.’</p>	
<p>White Paper on Marine Fisheries Policy for South Africa, 1997 (referenced in IGDP)</p>	<p>Overall goal: ‘to improve the overall contribution from the fishing industry to the long-term vision of government as laid out in the Macro-Economic Strategy.’</p>	