

Implementation of the Framework of engagement with non-State actors (FENSA)

Respondents: Regional offices, Country offices and Headquarter clusters assessing its implications

Introduction:

1. The 138th Executive requested the Secretariat to provide a balanced and objective report of the implications of the implementation of the Framework of engagement with non-State actors (FENSA) well in advance of the resumed session of the Open-ended intergovernmental meeting of 25-27 April 2016.

2. To this end, all WHO Regional Offices and Clusters in Headquarters and a selection of Country Offices are invited to provide their inputs through this questionnaire. In addition a more detailed matrix of analysis will be sent for comments to FENSA focal points in regions and clusters.

3. In order to assure that we can present a balanced and objective report to Member States, the External Auditor has kindly agreed to validate and comment this questionnaire, the more detailed analysis matrix and write the final report.

4. The adoption and implementation of FENSA will modify the way WHO manages its engagement with non-State actors (NGO's, private sector entities, philanthropic foundations and academic institutions). The main changes concern the following points

- a. FENSA is covering all engagements within with all non-State actors, while the current policies covered engagement with private sector entities and NGOs in official relations only
- b. Transparency will be increased through the Register of non-State actors (including information on objectives, governance and funding of non-State actors and description of engagements)
- c. FENSA calls for a consistent implementation at all 3 levels of the Organization and all regions and hosted partnerships through an electronic workflow, due diligence by central unit for, a guide for staff, clear decision making
- d. FENSA will increase accountability towards Members States by strengthened oversight of the Executive Board
- e. The Director General will report annually on engagement with non-State actors

5. Some of the proposals made during the negotiation process have not been included in the text and are no longer under consideration. They should therefore also be excluded from the analysis of implications of FENSA implementation. Such issues include in particular:

- a. FENSA applies only to engagement with non-State actors as institutions and not to engagements with individual experts.
- b. There will not be a defined ceiling for contributions received from non-State actors

- c. Due diligence and risk assessment is a process conducted by the Secretariat with no direct involvement of Member States
 - d. Free services provided by non-State actors are an in-kind contribution, but not covered by the not yet agreed provisions on secondments.
6. Several current policies are confirmed by the draft Framework and often made more explicit:
- a. WHO does not engage with the tobacco and arms industries
 - b. Official relations (while currently all entities are called NGO's, non-State actors in official relations will in the future be distinguished in NGOs, International Business Associations and Philanthropic foundations)
 - c. Several specific paragraphs on private sector engagement (such as clinical trials) are transposed from the current guidelines into the private sector policy.
 - d. The CPSC (Committee on Private Sector Cooperation) will be replaced by an engagement coordination group ECG
7. For information here are the elements which would likely be covered in the report on implications of implementation of FENSA:
- a. Changes to the work of WHO governing bodies
 - b. Costs of implementation
 - i. Direct financial costs of implementation
 - ii. Direct human resource costs
 - iii. Indirect human resource costs
 - iv. Regular training costs
 - v. Startup costs
 - GEM build up to provide the IT tool for the Register of non-State actors
 - Training costs
 - Additional burden of filling the register with first time entries
 - c. Potential efficiency savings through implementation of FENSA
 - i. Information gathering
 - ii. Clarity on actors, process and earlier decisions
 - d. Added value of FENSA
 - i. Stronger protection from undue influences
 - ii. Coherence in engagement across WHO and across different engagements

- iii. Clarity on engagement
- iv. Transparency
- v. Better information, documentation, intelligence and lessons learnt on non-State actors and engagements
- vi. Clear process of senior management decision making
- e. Risks of FENSA
 - i. Potentially cumbersome process
 - ii. High number of engagement
 - iii. Lack of flexibility
 - iv. Potential bottle-neck in due diligence and risk assessment process
 - f. Changes to the engagement opportunities and risks
 - i. Policy changes in engagement
 - ii. Incentive changes for engagement

QUESTIONS:

8. Estimation of the volume of engagements. Questions in paragraphs 9 and 10 try to estimate the volume of engagements which should in the future be handled through the process defined by FENSA. The External Auditors will compile your input from country, regional and headquarter level into an overall estimation. Please note that this refers to formalized engagement as defined in the paragraphs 15-21 of the draft FENSA and not to informal interactions. Formal engagements include amongst others: a meeting with official invitations, agenda, list of participants, etc; any interaction involving a signature of an agreement or MoU to receive resources, work as implementing partner, allow the use of advocacy material, enter into technical collaboration, etc. Preparation for such engagement or informal contacts by phone, e-mail or informal discussion are not considered as engagements. For a meeting only the non-State actors who have actually participated should be counted, not all those who have been invited. A series of meetings in the same year on the same subject with the same or similar invitation lists should be counted as one engagement.

9. Please provide a rough estimate of the **numbers of non-State actors** you engaged with in 2015 by type of engagement in the following table for your region (excluding country level), cluster or country office respectively.

Cluster / Regional office / country office: PAHO/AMRO

	Participation	Resources	Evidence	Advocacy	Technical collaboration
NGOs	227	15		52	572
Private sector entities	26	1			20
Philanthropic foundations	20	4	13		13

Academic institutions	130	22		98	26
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10. Please provide a rough estimate of the numbers of **engagements** in 2015 by type of engagement in the following table. For engagements covering more than one type count them only once for the most relevant type.

	Participation	Resources	Evidence	Advocacy	Technical collaboration
NGOs	533	30		227	520
Private sector entities	26	1			59
Philanthropic foundations	13	8	7	7	7
Academic institutions	332	22	325	98	98

Comments on the methodology used and its difficulties of this estimation,

Due to the vast number of engagements, it is not possible to accurately capture information on all formal engagements. It was also difficult, if not impossible, to accurately estimate the types of interaction as most forms of engagement are multiple and cover several of the proposed areas, making it hard to quantify and/or estimate which form is most relevant.

Nonetheless, we made an estimate of the number of formal agreements PAHO/AMRO has and/or signed in 2015 (including agreement where no funds were exchanged, where PAHO received resources, and where PAHO disbursed funds). In addition we obtained general information from several technical units on estimated numbers of non-State actors with whom they engaged and the types and numbers of formal engagements and extrapolated these across the PAHO/AMRO office in Washington.

Per instructions, we did not include in the matrix those meetings that failed to materialize or count non-State actors that either did not show up to a meeting or declined an invitation. In our opinion, this underestimates that numbers, as due diligence and risk assessment must be conducted before inviting NSA to meetings, or before accepting an invitation to a meeting, even if the NSA later does not show up or we later decline the invitation.

11. Please estimate the number of non-State actors your cluster / regional office / country office engages with in emergency situations (as described in the Emergency Response Framework) and describe the type of these engagements

PAHO/AMRO estimates that it engages with more than 30 non-State actors in emergency situations. Examples of engagement include: coordination, information sharing and joint technical response in specific health fields, provision of medical care through foreign medical teams, logistical support, and community engagement, to name a few.

12. Please describe the main opportunities you see for the work of your region / cluster / country office through the adoption and implementation of FENSA

PAHO/AMRO already has in place Guidelines for relations with NSAs and mechanisms to conduct risk assessments and due diligence. Nonetheless, FENSA will provide increased transparency, which should help protect the Organization's integrity

and reputation.

13. Please describe the main risks you see for the work of your region / cluster/ country office through the adoption and implementation of FENSA. This question does not refer to the risks of individual engagements as defined in FENSA but rather to the overall risks and challenges of implementing FENSA as a new policy.

- (1) Bottlenecks created by new centralized processes may hamper engagement. Each engagement, minor ones with known entities and large meetings where many non-State actors need to be reviewed, will need to go through the same process. Given the number of engagements, this will likely create delays. In addition, as separate reports on each engagement will need to be created at each of the four levels of information (i.e., publicly available, available for Member States, a working level for the Secretariat, and a level of confidential and sensitive information), it is difficult to envision a smooth and rapid process.
- (2) Transparency is a laudable goal of FENSA, but there may be instances where this could have negative consequences, such as potential exposure to claims or law suits for reputational harm. For example, this would occur if due diligence and risk assessments are publicized and the non-State actor disagrees with the conclusion. This could also lead to potential reluctance by non-State actors to work with the Organization if they do not agree to the release of their information, especially where confidential and sensitive information may be broadly available to any Member State who requests it.

14. Please describe the specific resources (staff and activity costs) currently working on engagement with non-State actors within your region / cluster/ country office.

PAHO/AMRO currently has two senior level staff members devoting significant time to due diligence/risk assessments, with occasional support from other professional staff.

15. Please describe the specific incremental resources (staff and activity costs) that you would expect to be necessary to implement FENSA. If applicable please give resource needs for the focal points and central processes in regions / clusters separate from estimations for resource needs of technical units and explain your assumptions and methodologies :

One off resources/costs: Regional capacity building and training of staff, including costs for new training materials, preparation of training materials, and travel expenses.

Recurring or On-going resources/costs: At a minimum two (2) additional professional staff to help with due diligence/risk assessment/risk management, and one (1) general service staff. These additional staff will be needed to help conduct due diligence processes and the different reports for each of the four levels, as well as to provide on-going training and guidance to staff.