EAGL Submission to World Health Organization (WHO) Public Consultation: “Approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programs at country level”

September 22, 2017

The Engaging America’s Global Leadership (EAGL) coalition appreciates the opportunity to provide written comments to the World Health Organization (WHO) on its proposed draft “Approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programmes at country level.”

EAGL is a broad coalition of U.S.-based private sector organizations focused on promoting effective U.S. engagement at global institutions such as the World Health Organization (WHO) to promote mission-focused activities that are transparent, accountable to member governments and that are based on science-based approaches that fully include private sector stakeholders. We are also working in partnership with our international private sector counterparts to promote similarly effective engagement from other member states. EAGL members represent millions of companies and workers in diverse industries such as food and agriculture, chemicals, pharmaceuticals, plastics, biotechnology, footwear and apparel, medical devices, and consumer products that contribute broadly and directly to critical health outcomes for hundreds of millions of global citizens.

EAGL members are particularly interested in draft documents on which the WHO is conducting this consultation, including the introductory paper, discussion paper, and proposed tool as these materials raise a number of critical issues that impact coalition members directly, such as ensuring the consistent application of good regulatory practices like transparency and open consultation with all stakeholders (including the private sector) during policy development and implementation.

International experience of EAGL members at the WHO and with other international organizations clearly shows that tackling major policy challenges – including global public health – requires collaboration, innovation, and open dialogue at both the international and the national level. Such dialogue must operate in a transparent, inclusive and accountable manner with all stakeholders, including the private sector and other non-state actors. By seeking greater input, not less, global institutions can best aid in the development of strong, sustainable and widely supported outcomes that are built on a science- and evidence-based approach. Efforts to restrict the ability of member states to engage with stakeholders, particularly in the private sector, groups can only result in weaker policy outcomes and undermine the credibility of not only the final policy recommendations but also the institutions that recommend them.

EAGL and its members firmly support efforts by WHO member states to develop clear, transparent steps to ensure constructive engagement with non-state actors and address clear
cases of conflicts of interest. EAGL and its members have a strong track record of working collaboratively with governments, consumers, civil society and other stakeholders to achieve positive health and nutrition outcomes through transparent policy development and implementation of other initiatives, such as voluntary programs. In many cases, these efforts have been a fundamental component of national government efforts to achieve public health goals. Without such collaboration, these goals would not have succeeded.

As such, EAGL is highly concerned about the approaches proposed in the discussion paper and draft tools. In particular, these approaches appear to recommend broad approaches that would prevent member states from interacting with a wide range of domestic stakeholders. They also appear to ignore important domestic procedural safeguards present in most countries to ensure good regulatory practices (GRPs) for all issues, including health and nutrition; international obligations regarding the development of technical regulations; and member states’ broader legal and regulatory frameworks.

Of great concern as well is that the process by which these documents were developed, which was itself contrary to the core principles of transparency, good regulatory practice and accountability to member governments. The documents for this consultation emphasize that this process began with a technical consultation that included selected non-state actors – such as NGOs, academic researchers, and lawyers – but excluded the private sector, and permitted member states to engage purely as observers. Moreover, the current public comment process is too short for many groups to provide detailed input that will best benefit the discussion on conflicts of interest, and raises questions as to whether comments can be reviewed, considered, and thoughtfully incorporated into revised proposals prior to the in-person consultation taking place in October. EAGL strongly urges the WHO to reconsider its processes for developing such documents now and in the future.

EAGL and its members also believe it is inappropriate for WHO to counsel member states broadly to disregard the expertise, and resources of non-state actors, an approach that contradicts, as these documents appear to do, the open and fair regulatory processes that are the backbone of the U.S. and other regulatory systems of WHO member states around the world.

Moreover, the inherently negative view expressed throughout these documents of engagement with the private sector – above and beyond any other type of non-state actor – is deeply concerning and antithetical to good policymaking. As a broad array of both member state and non-state actors expressed during the development of the WHO’s Framework for Engagement with Non-State Actors (FENSA), all non-state actors (including the private sector, civil society groups, academic institutions and others) have both areas of expertise and knowledge to contribute to United Nations, WHO, and member state policy goals as well as potential conflicts of interest. Singling out any particular type of non-state actor, any sector, or any individual party is inappropriate, harmful, and contrary to FENSA and GRP. Approaches and standards for identifying and addressing conflicts of interest must be applied to all groups, not just the private sector, through robust, transparent disclosure standards and clear, equitable processes.

EAGL also has additional questions and concerns with language and approaches reflected throughout these documents, including:

- *Language in the introductory paper’s organizing principles, stating that “government’s engagement with non-state institutions and individuals may be successful if it conforms with government’s agenda.”* If member state governments are truly conducting
stakeholder consultation, then they must foster an open dialogue about how best to achieve broad government goals, not pre-judge the outcomes and grade other groups purely by how fully they sign-on to a pre-set agenda. Instead, government and non-government actors should work together to identify ways to shape and implement policy goals.

- **Provisions in the introductory paper on policy coherence.** While a “whole-of-government” approach and greater policy consistency can have significant benefits, such coherence must reflect efforts in both directions: health ministries should ensure that its approaches consider other areas of national policy (including economic growth and development) as well as by other ministries to ensure greater consistency of their approaches with public health goals. We strongly encourage the WHO both in the language and discussion in this section and in its engagement with member states to reflect these points.

At a time when governments, international institutions, and a range of non-state actors are increasingly seeking ways to work together to address a range of global public policy challenges, the approach taken in these documents risks not only the WHO’s credibility but the integrity of policy development and implementation processes at the national level. We strongly urge the WHO to reconsider immediately key aspects of its approach, including for addressing the legitimate issues of conflict of interest.

Given both the breadth and depth of concerns with the current process, and the inadequate timeline for comments on the current consultation, EAGL requests that the WHO reconvene a transparent, inclusive platform for discussion of appropriate member state approaches to engaging non-state actors.

We appreciate your consideration of these comments and urge you to work more vigorously to expand and consistently ensure engagement with all stakeholders, including private sector stakeholders, in the development and implementation of proposals that will have an important impact on the WHO’s work.

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