Public web consultation on WHO’s engagement with non-State actors

Background

In response to the request of the Executive Board of WHO (Decision EB132(11)) to conduct public web-based consultations on the draft principles and policies of engagement with non-State actors, the WHO Secretariat welcomes interested parties to provide comments on the issues and questions related to WHO’s engagement with non-State actors as outlined and described below.

Comments are invited from 6 March 2013 to **20 March 2013**.

Inputs received from this consultation will inform the further development of principles, policies and procedures related to WHO’s engagement with non-State actors, including nongovernmental organizations and private commercial entities.

1. The scope of non-State actors

WHO’s Member States have stated in recent deliberations on WHO Reform that a set of overarching principles need to be established which can be applicable to WHO’s engagement with “non-State actors.” Member States have acknowledged the strategic importance for WHO to strengthen engagement with non-State actors to leverage mutually beneficial cooperation at global, regional and country levels with a view towards improved public health outcomes. It is also recognized that non-State actors play a critical role in supporting WHO’s work to fulfil its constitutional mandate.

The term “non-State actors”, however, is not reflected in the WHO Constitution, and could potentially encompass a wide array of entities. For example, “non-State actors” may include not only civil society and private commercial entities, but also philanthropic foundations, partnerships, faith-based organizations, social movements, the general public, individuals, etc., resulting in challenges concerning management of WHO’s engagement with non-State actors.

**QUESTION:** How should WHO best address the challenge of ensuring that its principles and policies of engagement with “non-State actors” are relevant and applicable to the wide range of entities that may fall therein? How should WHO best address the challenge of developing policies and procedures for engagement with non-State actors, given the range of diversity within this sector? Are there entities with which WHO should never engage?

2. The scope of different groups within non-State actors

Even within a particular non-State actor constituency, there exist a diverse range of entities linked to various interests, commercial or otherwise. For example, many nongovernmental organizations that have relevance in the health sphere can be categorized in different groupings (e.g. professional associations; trade or industry associations; disease-specific nongovernmental organizations; development nongovernmental organizations; patient and consumer group nongovernmental organizations, faith-based organizations, etc.)

Currently, no specific differentiation of groups is made amongst NGOs or any other non-State actor grouping with which WHO engages. In addition, no further distinction is made among the numerous constituencies that comprise this sector.
QUESTION:  How should WHO best address the challenge of developing policies and procedures for engagement with non-State actors, given the range of diversity within this sector?  Are there entities with which WHO should never engage?

3. Overarching principles for engagement

WHO’s Member States have requested that overarching principles for WHO’s engagement with non-State actors be submitted for the consideration of the Executive Board at its 133rd session in May 2013. The following represent an initial formulation of principles in this regard, and are in line with principles articulated by Member States during the 65th World Health Assembly (Decision WHA65(9)) to guide the development of policies of engagement with private commercial entities and nongovernmental organizations:

i.  WHO is an intergovernmental Organization, and WHO’s decision making supremacy lies with WHO’s governing bodies

ii. WHO is a science and evidence-based Organization espousing a public health approach, and the development of norms, standards, policies and strategies must continue to be based on the systematic use of evidence and protected from influence by any form of vested interest

iii. Transparency of WHO’s engagement with external stakeholders is paramount

iv. Conflicts of interest must be adequately managed

QUESTION:  Do the principles above encompass all elements that are needed to articulate overarching principles to guide WHO’s interaction with non-State actors?  Are there others?

4. Modalities of engagement

a) General

WHO currently engages with non-State actors in a host of ways across all levels (country, regional, and HQ) of the Organization. For example, WHO may engage with non-State actors in large epidemics and civil strife and other humanitarian action, in the context of development of global strategies or plans of action, or in relation to transmission of advocacy efforts and information to country level. The current manner by which WHO’s engagement of non-State actors is governed, however, is not well-defined, and is in many ways ad hoc.

QUESTION: How can WHO best ensure that its principles and policies of engagement with non-State actors are relevant and applicable to the wide range of activities undertaken by WHO?  What mechanisms should WHO develop to more systematically manage its engagement with non-State actors?

b) Context-specific

WHO’s current engagement with a particular non-State actor may be different depending on the context of the activity or the nature of the engagement. For example, a particular non-State actor may engage with WHO in one context in relation to a particular activity or function, but may be excluded from engaging altogether in relation to a different activity or function. Similarly, different non-State actors (depending on their nature) may be treated differently in the same context. There is currently no consistent or predictable system or mechanism by which these assessments or decisions are made.
QUESTION: How should WHO best address the issue of engaging with non-State actors in different contexts, and in view of different modalities of engagement? How can WHO best ensure consistency and predictability in engagement of non-State actors?

c) Engagement with WHO’s governance processes

WHO’s engagement with non-State actors in the context of WHO’s governance processes (e.g. WHO’s governing bodies or processes established by WHO’s governing bodies), or consultations towards the development of health policies, is an important modality of engagement which supports an effective, collective response to national and global health challenges, in addition to adding an important dimension to WHO’s role in global health governance.

QUESTION: What methods should WHO employ to strengthen and widen engagement with non-State actors in relation to WHO’s governance processes or towards the development of health policies and strategies? What are the factors that WHO should take into consideration when defining the parameters of this engagement?

d) Strengthening country-level engagement

Given the vital role played by non-State actors in the implementation of health policies and strategies at country-level, it is important that WHO strengthen engagement with non-State actors and encourage initiatives to bring such entities together with Member States to collaborate on WHO’s strategic priorities. In particular, action by non-State actors in the context of WHO’s technical work at country level needs to be adequately reflected in, and accommodated by, any collaborative framework concerning engagement with non-State actors.

QUESTION: What actions should WHO explore to strengthen engagement with non-State actors at country-level? What are the factors that WHO should take into consideration when defining the parameters of this engagement?

5. Challenges and risks arising from engagement

A number of challenges exist for WHO when engaging with non-State actors. For example, engaging with a non-State actor may result in a reputational risk to WHO, may present challenges in managing conflicts of interest arising from a particular engagement, or may raise challenges in ensuring full transparency of the engagement. Similarly, certain challenges may be present for non-State actors when engaging WHO.

QUESTION: What are the different challenges and risks that may be associated with WHO’s engagement with non-State actors, both from the perspective of WHO and that of the non-State actor?

6. Management of conflicts of interest

It is recognized that all non-State actors with which WHO engages have interests which may or may not be regarded as a conflict of interest. One of the aims in promoting a more streamlined and systematic framework for engagement is to effectively manage such conflicts of interest.
It is also recognized that WHO should conduct the necessary due diligence to protect itself from such potential risk and manage any potential conflict of interest concerning any direct or indirect engagement in actions contrary to the objectives of WHO, jeopardizing the independence and objectivity of WHO’s normative and standard setting function, or favouring the commercial interest of the partner or the ones of third parties.

**QUESTION:** Given the spectrum of entities that comprise “non-State actors”, and in view of the complexities that arise when engaging with these actors both in the context of different activities undertaken by WHO and towards the development of health policies and strategies, how should WHO best ensure that vested interests are adequately addressed and managed?

### 7. Benefits for non-State actors

It is recognized that any benefit derived by WHO from engagement with non-State actors should also accompany a benefit for the engaging party. There have been concerns expressed, however, that engagement of WHO with non-State actors can be misconstrued as WHO’s “endorsement” of the engaging party’s products, services, or positions.

**QUESTION:** How can WHO proceed to ensure a mutually derived benefit for non-State actors when engaging with WHO, while taking into account perceived reputational or other risks associated with such engagement?

### 8. Engagement in relation to WHO’s financing

WHO is currently, and anticipates to continue to be, financed from a mix of assessed (Member States) and voluntary contributions (Member States and non-State donors). Recognizing that Member States, through WHO’s governing bodies, are responsible for determining Organizational priorities, there is still a need to better engage non-State contributors to WHO, particularly in the context of evolving financing mechanisms (i.e. a proposed financing dialogue, subject to endorsement by the World Health Assembly), to ensure greater transparency in financing with a view to increased predictability and enhanced alignment of resources with the programme budget.

**QUESTION:** What are considerations and concerns that WHO should take into account when defining parameters and procedures for the involvement of non-State actors in the financing of WHO? What are the elements of these parameters and procedures that should be considered?