Submission to the World Health Organization (WHO)
on the Draft First Report of the
Independent High-Level Commission on Non-Communicable Diseases (NCDs)

May 16, 2018

The Engaging America’s Global Leadership (EAGL) coalition and its members welcome the opportunity to provide these comments to the WHO Independent High-Level Commission on NCDs (“Commission”) on its Draft First Report (“Report”). EAGL is a broad coalition of U.S.-based private sector organizations working directly and with international business counterparts to promote mission-focused activities at international organizations like the World Health Organization (WHO) that are transparent, accountable to member governments and based on science-based approaches that fully include private sector stakeholders. EAGL members represent millions of workers in diverse industries such as food and agriculture, chemicals, pharmaceuticals, plastics, biotechnology, footwear and apparel, medical devices, and consumer products that contribute to critical health outcomes for hundreds of millions of global citizens.

EAGL and its members fully support efforts to tackle non-communicable diseases, and the importance of enlisting a “whole of government, whole of society” approach to improving health and nutrition in areas relevant to WHO’s global mission. This includes collaborative efforts by the private sector, U.N. agencies, and member states to tackle non-communicable diseases and achieve nutrition-related Sustainable Development Goals. Industry is committed to working with the WHO and member state governments on policy options designed to help countries address these issues in appropriate and effective ways.

In this vein, EAGL and its members strongly support the draft report’s focus on private sector engagement. Private sector engagement is and has been a key contributor to evidence-based policymaking at the WHO, and an effective part of government efforts to address pressing health issues by providing critical resources, technical expertise and collaboration, and innovative, evidence-based solutions. Given the importance of tackling NCDs and the limited technical expertise and resources available in many countries, public-private engagement will be extremely important to better address the challenges of NCDs.

Despite this recommendation, however, the draft report contains a number of areas with concerning language that, if adopted, would undermine the ability of national governments to develop and implement effective, science- and evidence-based approaches to address NCDs. EAGL members also remain concerned about the limited opportunities for stakeholder feedback on this report, as illustrated by the extremely short public comment period. For both additional work on this report and further WHO efforts on these issues, industry strongly encourages a more transparent, open process.

Specific Comments

Challenges to Implementation

Paragraph 29
Whole-of-government approaches must be premised on the understanding that various national interests are compatible and deserve equitable consideration in policy-making. Economic development is not in conflict with health goals. Rather, it is complementary and,
in fact, oftentimes integral to improving living standards and public health. EAGL and its members, therefore, urge the Commission to remove the false assertion that “the policies of the health sector are sometimes at odds with the interests of trade, agriculture, and industry, as are economic, market and commercial factors.”

Rationale for the Recommendations

Paragraph 33
Contrary to the Report, Resolution 70.11 was not endorsed by consensus at the 70th World Health Assembly, as more than one member state expressed reservations with the resolution. The report should include an accurate description of these discussions by including the positions of the United States and Italy on the WHO’s 2017 “best buys” in the body of the text, rather than in the footnote, as currently drafted.

Recommendation 2: Private Sector (paragraphs 36-41)
Industry enthusiastically agrees with language in Paragraph 38 urging “a fresh working relationship” with the private sector and the development of “public-private partnerships that promote health and behavior change.” EAGL also agrees with language in the targeted recommendations, including language calling on governments to “develop multi-sectoral NCD responses” (recommendation a), requiring the WHO to support governments’ engagement with the private sector (recommendation e), and suggesting an investors’ forum to support action against NCDs (recommendation f). EAGL and its members strongly encourage the Commission to expand the list of industry sectors with which governments should engage to include all relevant sectors that can contribute to the fight against NCDs.

Despite the overarching positive mention of engagement with the private sector and the value of public-private partnerships, however, the report also includes language that directly undermines this message and, if adopted, would weaken WHO efforts to address NCDs. For example, recommendation 2(e) includes language on considering risk of private sector engagement that appears to be an oblique reference to the controversial draft WHO toolkit on “Safeguarding against possible conflicts of interest in nutrition programmes.” This toolkit, which has not been finalized, has been the subject of serious concerns from member states throughout its drafting process, most recently at the January 2018 WHO Executive Board meeting. The toolkit’s recommendations run directly contrary to the notion of increasing engagement with the private sector. EAGL and its members encourage commission members to revise this recommendation to remove any such references.

Further, recommendations 2(b) and 2(c) should be revised to remove the phrase “health-harming products” and the direct focus on minimizing production, marketing and consumption of these products. Governments have a role to play in providing the right regulatory and fiscal incentives to encourage the development of safer, healthier products and to encouraging the public to make healthy choices to achieve and maintain balanced diets and active lifestyles. It remains, however, inappropriate for the WHO or governments to promote out-of-context approaches that focus purely on single products or nutrients without considering how they fit with broader diet or lifestyle or with other factors that influence health.

Recommendation 3: Financing (paragraphs 42-45)
EAGL requests the Commission clarify what it intends by “the true cost” of NCDs in paragraph 43 and subsequent references. EAGL also requests the Commission recommend governments assess the full cost of proposed interventions, to include costs to governments, the private sector, and consumers. Interventions should be deemed “cost-effective” only when there is clear evidence that total benefits outweigh total costs.
Additionally, EAGL and its members remain concerned about continued references to problematic policy recommendations (which the WHO has termed as “best buys”), including recommendations relating to specific taxation policies on specific industries. Even within a narrowed scope of industries, EAGL members remain concerned that the push for these types of policies remains based on an inadequate consideration of all relevant available evidence, including inadequate scientific substantiation and an incomplete cost analysis that examined only government spending and not the costs to industry, consumers, or the economy as a whole. Moreover, these best buys were drafted in ways that ignored inputs and feedback from critical stakeholders, including repeated inputs from the United States and other member states as well as from non-state actors. Indeed, the final version of Appendix 3 was approved by the WHO in May 2017 without any changes to reflect these inputs. EAGL and its members strongly recommend that [any reference to best buys be eliminated from the Report’s recommendations].

Conclusion

EAGL and its members agree on the importance of sustained, innovative and effective efforts to tackle NCDs. All work on these topics, including reports, recommendations and outcomes of this Commission, the September U.N. High-Level Meeting on NCDs, and other WHO workstreams, must be based on sound science and evidence-based approaches and should take into account international best practices, standards, and obligations related to transparency and stakeholder consultation. All non-state actors (including the private sector, civil society groups, academic institutions and others) have expertise and knowledge to contribute to these goals and should be welcomed as equal partners to advance global health goals.

EAGL member associations look forward to continuing to participate in dialogue with the Commission, the WHO, the UN, and member state governments.