

## Civil Society Letter of Concern on FENSA “non-paper”

To

Dr. Margaret Chan  
Director General  
World Health Organization (WHO)  
Geneva

Dear Dr. Chan

We, the undersigned, are from public-interest civil society networks and organizations who stand for a strong, independent World Health Organization (WHO) that does its work with integrity and deserves the trust of global citizens.

We write to express our concern about the “non-paper” titled “Implications of Implementing Framework of Engagement with Non-state Actors” that was issued by the Secretariat on 14 October 2015.

WHO Member States initiated the development of the Framework of Engagement with Non-State Actors (FENSA) to safeguard the independence, integrity and credibility of the WHO when engaging with ‘non-state actors’ (NSAs). FENSA was to provide a robust framework for engagement with NSAs to ensure the protection of the Organization from undue influence especially in its norms and standard setting functions.

The non-paper prepared by the Secretariat, portrays the implementation of FENSA as having “detrimental consequences on the work of WHO”, provides no constructive contribution to the new Member State-led process. We question the motives behind such a paper as it comes in the middle of negotiations. It is purported prepared on the basis of a decision of the World Health Assembly (WHA). Yet, we do not find any such decision reflected in the WHA resolutions or the list of decisions.

We are very concerned that the paper by the Secretariat can undermine further strengthening of a FENSA and prevent it becoming a truly robust framework, as the paper lists the potential ‘unintended consequences’ often in an exaggerated manner, as assumptions, without providing any empirical evidence to back up these claims.

A robust framework is essential to protect the integrity, independence and credibility of WHO as it carries out its essential norm-setting tasks. We refer here to your address at the Regional Committee of Europe on 15 September 2015, in which you stated:

*“The new distribution of power raises an absolutely critical question for health in the sustainable development era. Who really governs the policies that shape*

*our health? Is it democratically elected officials acting in the public interest? Is it multinational corporations acting in their own interest? Or is it both? That is, governments making policies that are heavily influenced by corporate lobbies.”<sup>1</sup>*

While fully agreeing with your concern, we would like to point out that it is high time to take measures in the Organization to insulate WHO from corporate capture and other undue influences. It will be a step in the right direction if the final framework contains effective provisions for identifying risks of undue corporate influence, including conflicts of interest, and measures to avoid and when not possible, manage, such risks in a transparent and effective manner.

Moreover, currently, WHO does not have transparent and effective policies and tools to prevent such undue influences and risks. As you are aware, the Organization lacks a comprehensive conflicts of interest policy within which the existing tools could be implemented, and new ones identified and developed, including capacity building for WHO staff. Therefore, it is very disconcerting that the FENSA provisions on conflicts of interest contain conceptual errors, despite repeated attempts by public interest advocates to highlight these in the governing body debates and in NGO statements. It is urgent to fix those errors.

We call upon you to ensure that your Secretariat supports a constructive finalization of a FENSA that includes robust provisions to prevent undue influence from the private corporate sector, including corporate philanthropy foundations, and that the secondary interest of WHO to secure funding does not collide with the WHO constitutional mandate, a conflict of interest that global public health cannot afford.

We thus kindly ask you to ensure that the Secretariat act in good faith and protect the independence, integrity and credibility of WHO. We stand ready to support your efforts in that direction.

## **Signatures**

1. Action on Sugar and World Action on Salt and Health
2. Alcohol Policy Youth Network
3. All India Drug Action Network
4. Alliance Against Conflict of Interest (AACI)
5. Arugaan Philippines
6. Asociacion Centro Feminista de Informacion y Accion – CEFEMINA
7. Associação Mama Mater/IBFAN Portugal
8. Association of Breastfeeding Mothers
9. Baby Milk Action
10. Blue Cross Norway

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<sup>1</sup> <http://www.who.int/dg/speeches/2015/europe-regional-committee/en/>

11. Blue Cross Thaba Bosiu Centre (TBC)
12. Anti Drug Abuse Association of Lesotho (ADAAL)
13. SAAPA Lesotho
14. Breastfeeding Network (UK)
15. Breastfeeding Promotion Network of India (BPNI)
16. Centre for Science in the Public Interest (Canada)
17. CESTA Friends of the Earth El Salvador
18. Corporate Accountability International
19. Diverse Women for Diversity (India)
20. El Poder del Consumidor (Mexico)
21. FIAN
22. First steps Nutrition Trust
23. Foundation for Research in Science, Technology & Ecology
24. Global Policy Forum
25. Haburas Foundation/ Friends of the Earth Timor-Leste
26. Health Equalities Group
27. Health Innovation in Practice (HIP), Geneva
28. Initiative for Health & Equity in Society (India)
29. Institute for Socioeconomic Studies - INESC (Brazil)
30. International Baby Food Action Network (IBFAN)
31. International Code Documentation Centre (ICDC)
32. Knowledge Ecology International
33. La Leche League Great Britain (UK)
34. Lactation Consultants of Great Britain
35. Medico International
36. Medicus Mundi International – Network Health for All
37. Mother and Infant Research Unit, University of Dundee
38. NCT (UK)
39. Osservatorio Italiano sulla Salute Globale (OISG)
40. People's Health Movement (Global)
41. REDES-FoE (Uruguay)
42. Royal College of Paediatrics and Child Health (UK)
43. The European Alcohol Policy Alliance
44. Third World Network (TWN)
45. UK Health Forum
46. WEMOS Foundation
47. World Breastfeeding Trends Initiative
48. World Obesity Federation
49. Youth Network No Excuse Slovenia