



A short annotated list of (primarily)

IBFAN key statements regarding FENSA and its risk of increasing undue influences and undermining conflict of interest (Col) regulation

(reverse chronology)

Collated by IBFAN-GIFA, 17 January 2018

IBFAN (2016) Statement on Agenda Item 11.2, Framework of engagement with non-State actors, 68th World Health Assembly, version 26 May

This statement reflects the IBFAN's concerns over unresolved conceptual problems of FENSA at the time of its adoption. IBFAN called for a re-evaluation of FENSA and concluded: "Concepts need to be clarified, missing evidence obtained, and a public review of the adequacy of existing relevant WHO policies carried out. This debate should include how best to assure adequate core funding of WHO. WHO's budget is, after all, less than 1/3 of the budget of the CDC Atlanta."

<http://www.babymilkaction.org/wp-content/uploads/2016/06/IBFANFENSA.pdf>

For statements of some other PINGOs, see also www.babymilkaction.org/archives/3833

Civil Society Statement (2016) On the World Health Organization's Proposed Framework of Engagement with Non-State Actors (FENSA), 69th World Health Assembly, May

The Statement lists major unresolved concerns with FENSA, covering important details as well as political concerns.

Among others, the Statement expresses concern over the last-minute insertion of reference to **the 2030 Agenda for Sustainable Development** in the draft Resolution through which FENSA was to be adopted, including references to "multi-stakeholder partnerships".

It highlights the fact that "the entire FENSA fails to address how WHO should appropriately approach public-private hybrid entities that undoubtedly create avenues for undue influence on policy-making." It also alerts Member States to the fact that the *OECD Guidelines Managing conflict of interest in the public service* have highlighted **public-private partnerships, sponsorships and lobbying as particular "at risk areas" for conflicts of interest.**

The Statement ends with some suggestions of what could be done. **Lifting the freeze** on assessed contributions by Member States is cited as one of the most important measures as it would enable WHO, and its governing bodies, to truly fulfil their public mandates.

The Statement was signed by 60 CSOs and public interest networks:

<http://www.ghwatch.org/sites/www.ghwatch.org/files/Civil%20Society%20Statement%2060.pdf>

IBFAN/PHM (2016) Letter to FENSA negotiators, 25 May

The letter was distributed during the 2016 WHA to delegates on their way to the very last Open-ended Working Group (OEWG) session on the FENSA document.. It drew attention to the just released **WHO Technical Report *Addressing and Managing Conflicts of Interest In the Planning and Delivery of Nutrition Programmes at Country Level***, which is based on the October 2015 WHO Technical Consultation discussions. The Technical Consultation was convened with the stated “aim of supporting efforts to address governance gaps on conflicts of interest in order to safeguard nutrition policy development and implementation at country level.”

The WHO Consultation had concluded that there were serious problems with proposed Col definitions. The letter therefore appealed to Member States to still **“take the essential step to open the FENSA process to public and expert input and scrutiny”** before proposing FENSA for adoption.

www.babymilkaction.org/wpcontent/uploads/2015/06/IBFAN_PHM_2016_FENSA_letter_to_negotiators.pdf

Civil Society (2016). "Civil Society Statement: Save the World Health Organization from the undue influence of corporations and corporate linked entities. Presented to the Open End Inter-Governmental Meeting (OEIGM), 25-27 April, mandated to finalise FENSA.

This Statement which was presented on the 25th April to the OEWG mentions, in addition to the problem of FENSA opening WHO to undue influences, also problems caused by **“conflicted NGOs”**. It emphasises the need to assure that FENSA does not fall below existing public interest safeguard policies. It also clearly calls on lifting the freeze on assessed MS contributions.

The Statement was signed by 34 CSOs.

www.babymilkaction.org/wp-content/uploads/2016/04/Civil-Society-FENSA-Statement-April-2016-1.pdf

IBFAN (2015). "Concerns regarding the proposed Framework of engagement with NSA: Discussion paper for the 68th WHA," May

This Discussion paper **provides IBFAN’s most detailed analysis to date of the overarching part of 2015 FENSA draft**. It can be used to check what has been changed in the FENSA document and what has not. For example, the allegedly overarching **“principle of trust”** is no longer in the final document. This important correction should be noted in the SDG debates and applied in other engagement/partnership policies, e.g. in SUN’s principles.

http://www.babymilkaction.org/wp-content/uploads/2016/04/IBFAN_2015_05_FENSA_concerns-FINAL.pdf

IBFAN (2014). Statement by IBFAN: Agenda item 67/6 Framework of engagement with non-State actors, International Baby Food Action Network, May

The Statement contained already all major elements of the main IBFAN criticisms - including the critique of the Col conception.

The validity of such criticism was confirmed by WHO’s 2015 Technical consultation on Col in nutrition. However, till today it has not been taken into account (although reiterated as recently as in the 2017 written public online critique of the Col tools in nutrition).¹

http://ibfan.org/wbci/Statement-WHA-Reform-A67_6-with-reference-Final.pdf

¹ See e.g. Rodwin, Richter, Marks, IBFAN-GIFA, <http://www.who.int/nutrition/consultation-doi/comments/en/>

IBFAN (2014) Opening the door to Business lobbying - what's wrong with the new WHO policy proposals?, Press Release, 26th March

The Press Release summarised the essence of **WHO-NGO Official relations policy**. It reminded the readers of decades –long debates about the need to distinguish between Public-Interest NGOs (**PINGOs**) and Business-Interest NGOs (**BINGOs**). It expressed concern about shifts towards Non-State Actors (**NSA**) terminology in the health arena and its disregard of concerns underlying the calls for such distinctions. It criticised the conflict of interest part of the first FENSA draft but did not yet contain more detailed criticism of the proposed Col concept as such.

<http://info.babymilkaction.org/pressrelease/pressrelease26mar14>