

Initial evaluation of the Implementation of the Framework of Engagement with Non-State Actors

Survey name (ID): Initial evaluation of the Implementation of the Framework of Engagement with Non-State Actors (152685)

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Background information

Kindly indicate which type of non-State actor most closely describes your organization:

Nongovernmental organization [1]

Kindly indicate which type of non-State actor most closely describes your organization:

[Other]

Kindly indicate with which level of WHO your primary engagement is:

Primarily at the global/HQ level [1]

Kindly indicate which type of engagement you are primarily involved in:

All of the above types of engagement [6]

Kindly indicate which type of engagement you are primarily involved in:

[Other]

Kindly indicate the area of work your engagement with WHO is primarily involved in:

Other [-oth-]

Kindly indicate the area of work your engagement with WHO is primarily involved in:

Advocacy, Governance, Nutrition

[Other]

Alignment of FENSA implementation work with the aims of FENSA and the needs of its partners

This section of the survey seeks your feedback on the extent to which the plans and actions designed to implement FENSA have been clearly aligned with the overall aims of the FENSA, and with the identified needs of its partners.

Based on the definition provided above, how would you rate the overall extent to which the plans and actions designed to implement FENSA to date have been clearly aligned with the overall aims of the FENSA? []

Not at all closely aligned [A4]

Based on the definition provided above, how would you rate the overall extent to which the plans and actions designed to implement FENSA to date have been clearly aligned with your needs? []

Not at all closely aligned [A4]

How would you rate your overall level of agreement with each of the following statements? [My organization was invited to informal discussions and briefings prior to the implementation of FENSA.]

Somewhat agree [A2]

How would you rate your overall level of agreement with each of the following statements? [The case for FENSA was clearly and consistently articulated to my organization.]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following statements? [My organization has a clear understanding of the purpose and policies of FENSA.]

Somewhat agree [A2]

How would you rate your overall level of agreement with each of the following statements? [The implementation of FENSA considers the needs and interests of my organization.]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following statements? [Adequate human resources were made available in WHO to ensure operationalization]

Strongly disagree [A4]

of FENSA.]

If you wish, please add any further information to explain or augment your responses regarding the level of alignment of FENSA implementation with the overall aims of FENSA and with the needs of your organization (for example, what was particularly well aligned or misaligned?).

We would like to first say that we have concerns about an evaluation that lacks transparency and refers only to the implementation of FENSA. IBFAN has consistently expressed its concerns about the fundamental problems with FENSA during its formation and since its adoption. Following FENSA's adoption there is clear evidence of increased pressure to engage and partner with entities that cause threats to human and planetary health and for WHO to be less 'risk averse' in entering such arrangements. FENSA is now seen as fundraising tool and an enabling framework for public-private entanglements, despite there being little or no evidence of their effectiveness.. Despite many requests from Civil Society, WHO has failed to correct its own Conflict of Interest definition - and this continues to be a major faultline that runs through FENSA's operation.[1] It is IBFAN's opinion that FENSA makes it more difficult for WHO to stay within its constitutional mandate and safeguard its independence, trustworthiness and integrity. Instead of acting as an essential safeguard, FENSA is threatening WHO's unique role as the coordinating authority in setting global health norms, leading to misplaced trust, image transfer, confusion. For IBFAN our main concern is that this will leads to a weakening of the WHA resolutions that IBFAN has advocated for the last 40 years and that are used by Member States to safeguard child health. We disagree with the statement in report 145/4 that WHO's constitution 'forsees' the participation of NSAs in WHO's governing bodies. WHO's basic documents have always been clear that NGOs must be "free from concerns that are primarily of a commercial or profit-making nature." In adopting FENSA , WHO has taken a leap into the dark. WHO has a constitutional duty to consult with civil society as rights holders. Businesses do not have these rights. The term "non-State actors" makes it impossible to see what's really happening and who is really working for the public good. All NSAs wear the same colour badges which causes confusion and lacks transparency. Fensa also places a huge strain on WHO's due diligence process. When it comes to WHO's flagship project, UHC, the failure to correct WHO's COI policy is likely to have serious consequences at National level. The persistent promotions of Public Private Partnerships and Multi-Stakeholder arrangements inevitably lead to inappropriate private sector involvement in health care planning, the evidence base used, corporate access to personal data, and commercialisation of services. This is especially important in relation to infant and young child feeding provisions. 1) WHO definitions confuse conflicts of interest within an institution or person with conflicts between actors who have diverging or fiduciary duties (which in the case of corporations is to maximise profits).

Extent to which FENSA outputs and activities have been achieved - and implemented as planned

This section of the survey seeks your feedback on the extent to which the intended short-term results (outputs and activities) prescribed in FENSA have been achieved as expected; and the extent to which FENSA has been implemented as planned.

Based on the definition provided above, how would you rate the overall extent to which the intended short-term results (outputs and activities) prescribed in FENSA have been achieved as expected, and implemented as planned?

Not at all successfully achieved [A4]

□

How would you rate your overall level of agreement with each of the following statements? [WHO was well prepared to adopt and

Strongly disagree [A4]

implement the FENSA resolution (WHA69.10) at the time of its passage.]

How would you rate your overall level of agreement with each of the following

statements? [The transition measures to FENSA were clearly communicated and enacted.] Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [The handbook for non-State actors on engagement with WHO was shared with my organization in a sufficiently timely manner.] Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [The handbook for non-State actors on engagement with WHO provides useful guidance to inform our engagement.] Somewhat disagree [A3]

How would you rate your overall level of agreement with each of the following

statements? [The process to apply for official relations was efficient and well managed by the Designated Technical Officer (DTO) within the technical unit of WHO.] Somewhat disagree [A3]

How would you rate your overall level of agreement with each of the following

statements? [The decision on our application was communicated in a timely manner.] Somewhat agree [A2]

How would you rate your overall level of agreement with each of

Somewhat agree [A2]

the following statements? [The

rationale for the decision on our application was clearly articulated.]

How would you rate your overall level of agreement with each of the following

statements? [The due diligence and risk assessment conducted into my organization was completed in a timely manner.]

No basis for judgement [A5]

How would you rate your overall level of agreement with each of the following

statements? [The benefits of engagement with WHO through FENSA outweigh the time and expense involved in establishing and maintaining the engagement (e.g. completing the register of non-State actors, annual reporting of activities/relations).]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [There is an identified Designated Technical Officer (DTO) within the technical unit of WHO whom my organization regularly liaises with on FENSA requirements.]

Somewhat agree [A2]

How would you rate your overall level of agreement with each of the following

statements? [In our engagement with WHO we have the impression that FENSA is applied consistently.]

No basis for judgement [A5]

How would you rate your overall level of agreement with each of the following

statements? [Our engagement with WHO is effectively monitored (e.g. triennial reviews).]

No basis for judgement [A5]

How would you rate your overall level of agreement with each of the following

statements? [Secondments from my organization to WHO have taken place or are planned to take place.]

No basis for judgement [A5]

How would you rate your overall level of agreement with each of the following

statements? [The criteria and principles for secondments are clear.]

No basis for judgement [A5]

If you wish, please add any further information to explain or augment your responses regarding the extent to which FENSA outputs and activities have been achieved – and implemented as planned.

Q9 is a leading question impossible to answer without inadvertently promoting FENSA with all its faults. IBFAN's Official Relations status was decided before FENSA and we have worked with WHO effectively for 40 years, assisting Member States in bringing laws that incorporate WHA Resolutions. These laws have saved lives and have helped curb harmful marketing. One of our fears is that FENSA will threaten the effective of this and other work related to marketing practices. (NCDs etc) In relation to practicalities, we have on several occasions been given very little time to submit official reports, informed of important consultations, etc. We have also noted a tendency to move IBFAN's work towards being a technical help for WHO. An essential part of our work is advocacy, and in particular to help ensure that WHO itself is protected by adequate safeguards . While the handbook contains several useful safeguards - it is not widely known and is very often violated. It is clear that the Due Diligence task of effectively scrutinising the Conflicts of Interest and activities of entities applying for and continuing in Official Status must put an enormous strain on WHO's resources. While some welcome decisions have been made (for example the discontinuation of ISDI - before FENSA was adopted) it is not sufficient to rely on Civil Society to flag up problems, which are all too often too difficult to resolve. We appreciate WHO's efforts but feel that this situation can only get worse in the current climate.

Achievement of FENSA's objectives, and key factors affecting this achievement

This section of the survey seeks your feedback on the extent to which the intended objectives (added value) of FENSA have been achieved, and the factors that have helped or hindered effectiveness in the implementation of FENSA.

Based on the definition provided above, how would you rate the overall extent to which the immediate objective(s) of FENSA have been achieved to date? []

Not at all successfully achieved [A4]

How would you rate your overall level of agreement with each of the following

statements? [Clarity on how to work with WHO at country, regional and global levels has increased since implementation of FENSA began.] Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [Transparency has been enhanced through the register of non-State actors since implementation of FENSA began.] Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [Our engagement with WHO has become more strategic (i.e. in terms of maximizing health outcomes) since implementation of FENSA began.] Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [Since implementation of FENSA began, WHO has been better protected from affiliations with non-State actors that could jeopardize the credibility of its work*.] Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [Coherence and consistency in WHO's engagements with my organization have] Strongly disagree [A4]

increased since implementation of FENSA began.]

How would you rate your overall level of agreement with each of the following

statements? [Learning, information sharing and the structure of engagements have improved since implementation of FENSA began.]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [FENSA has been an enabler for the benefit and interest of global public health.]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [FENSA allows the benefits of engagement with my organization to be realized effectively by WHO.]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [It is easier for my organization to engage with WHO under FENSA than before.]

Strongly disagree [A4]

How would you rate your overall level of agreement with each of the following

statements? [FENSA provides mutual benefit to both my organization and to WHO.]

Strongly disagree [A4]

What have been the key factors that have helped (or enabled) implementation of FENSA?

Please see previous answers. Some of the above are leading questions.

What have been the key factors that have hindered (or constrained) implementation of FENSA?

The promotion of the Multi Stakeholder Partnership Model and the use of FENSA as a fundraising tool is a major problem. Instead of protecting WHO FENSA, is blurring the distinctions between the different actors and their roles and responsibilities. It is bringing corporations right into the public policy framing and setting sphere. The “principle of inclusiveness” has been subverted from increasing inclusiveness of excluded and marginalised people to the inclusion of for profit commercial entities with the message that “we need to have everybody on board.” This discourages the voicing of concerns about the undue influence and the inappropriate positioning of the private sector in WHO's deliberations. WHO's incorrect COI definition is similarly a major problem (WHO definitions confuse conflicts of interest within an institution or person with conflicts between actors who have diverging or fiduciary duties (which in the case of corporations is to maximise profits). The NSA terminology that groups all for categories together really problematic and misleading for all concerned. At the very least, until the risks of FENSA on global health are properly evaluated and steps taken to resolve them - WHO must immediately require different coloured badges for different entities.

Please select the option that best describes your view about the extent to which WHO's engagement with non-State actors has improved, worsened, or remained the same for your organization and in general with non-State actors (to the extent you have views on this) since 2016.

[WHO's engagement with my organization has...]

Remained the same [A3]

Please select the option that best describes your view about the extent to which WHO's engagement with non-State actors has improved, worsened, or remained the same for your organization and in general with non-State actors (to the extent you have views on this) since 2016.

[WHO's engagement with non-State actors generally has...]

Significantly worsened [A5]

Final feedback

What have been the key strengths of the ways WHO has implemented FENSA?

Although FENSA contains some safeguards, they are limited because of the serious flaws, some of which are outlined in this response

What have been the key weaknesses in the ways WHO has implemented

IBFAN has expressed its concerns consistently throughout FENSA's development and since, that FENSA is entirely the wrong Framework and that it threatens WHO's independence, integrity and ability to follow its mandate. We recognise that the decision to adopt FENSA was very much linked to the failure of Member States to fund WHO properly, and to pressure from

FENSA?

powerful nations and corporations that WHO should be part of a “global stakeholder governance” system that is clearly leading to yet more public-private hybridisation,. As a result WHO is now in an institutional conflict of interest situation and it is hard to see how it can escape without a total rethink.

What suggestions would you make to maximize the success of FENSA implementation in the future?

This is a leading question. It is not helpful to 'maximize the success of FENSA implementation in the future' unless some fundamental changes are made. We disagree with the statement in report 145/4 that WHO's constitution 'foresees' the participation of NSAs in WHO's governing bodies. WHO's basic documents have always been clear that NGOs must be “free from concerns that are primarily of a commercial or profit-making nature.” In allowing Businesses and Philanthropies to enjoy Official Status, WHO has taken a huge leap into the dark. Finally and most importantly we think this evaluation questionnaire is not adequate Nor does it meet the transparency which WHO says, it supports. What is needed is public, genuine evaluation of impact of FENSA - not just its implementation.
