

Civil Society Statement

Save the World Health Organization from the undue influence of corporations and corporate linked entities

Geneva 25th April 2016

The independence, integrity and credibility of World Health Organization (WHO) and its capacity to fulfil its constitutional mandate would be compromised if Member States failed to put in place a robust framework to protect WHO from undue influences, especially by private sector and private sector linked philanthropic foundations and conflicted Non-Governmental Organisations (NGOs).

The Open Ended Inter-Governmental Meeting (OEIGM) will meet for three days, 25-27 April 2016 to finalise the Framework of Engagement with Non-State Actors (FENSA) following one year of negotiations.

We, members of the public-interest civil society organizations, call on the participants of the meeting to ensure that the framework does not fall below existing safeguards that aim to prevent undue influence from the private sector, and to strengthen them.

For instance, the current guidelines to regulate WHO's engagement with the private sector restrict the acceptance of financial resources from the private sector to support salaries of WHO staff. The current FENSA draft ignores such restrictions and allows the Secretariat to accept financial support from the private sector to pay staff salaries. Likewise, while not fully applied, current guidelines protection against representatives of groups "that are primarily of a commercial or profit-making nature" establishing "official relations" with the WHO and participating in meetings of governing bodies. The FENSA proposes to explicitly allow international business associations and philanthropic foundations to enter into official relations with WHO.

Without adequate safeguards WHO will not be able to fulfil its constitutional mandate as the directing and coordinating authority in global health, setting norms and standards, and regulating harmful industry practices. The reliance on financial support from the private sector risks leading to the corporate capture of WHO. The draft FENSA shows that there is even no consensus among Member States to explicitly bar WHO from accepting financial resources from the private sector for norms and standard setting activities, which is particularly worrying.

We are concerned that even though various WHO documents, including the draft FENSA text, mention concerns about conflict of interest (COI), WHO lacks a comprehensive policy to manage both individual and institutional COI. Most importantly, the draft FENSA, instead of filling this gap, contains a wrong conceptualisation of conflicts of interest. Were conflicts of interest conceptualized correctly, the entire FENSA text would look different. Similarly, safeguards against risk of undue influence, especially protection against conflict of interest, should be in place, even in the case of humanitarian emergencies.

We regret to note that certain Member States, who were advocates of an early adoption of FENSA, now threaten to block further work on strengthening the framework. We call upon Member States to continue to work for a robust framework that can effectively safeguard WHO's independence, integrity, credibility and ability to fulfil its constitutional mandate.

Member States should also urgently address the concern of sustainable financing of WHO. It is far too risky to use FENSA as a fund-raising strategy. Currently more than 80 % of WHO's budget is financed through voluntary tied contributions. This is the most critical cause of WHO's vulnerability to undue influences. There is an urgent need for Member States to increase their assessed contribution.

We call upon the Member States in the OEIGM:

- To not succumb to pressure to compromise the safeguards against undue influence.
- To rethink and remove the FENSA approach to the private sector elements—e.g. the proposal to involve corporations in programme implementation, advocacy, and the principle of “inclusiveness” for private sector and philanthropic foundations—that could give rise to undue influence and serious conflicts of interest.
- To strengthen rather than weaken the safeguards against undue influence from the private sector, private sector linked entities, and public-private partnerships. At the very least, FENSA should not dilute the existing WHO safeguards.
- To develop a comprehensive system, including a conflict of interest policy based on coherent concepts.
- To ensure that such a comprehensive COI policy addresses the risk of both individual and institutional conflicts of interest.
- To fully protect WHO's core functions, especially its norm - and standard - setting activities from the undue influence by putting in place clear rules against acceptance of cash or in-kind contributions from NSAs for norm- and standard-setting activities.
- To protect the independence and integrity of WHO from undue influence, even during humanitarian emergencies.
- To urgently lift the freeze on assessed contributions and increase the assessed contributions, and thus reduce WHO's dependency on voluntary contributions. Such action would resolve WHO's most important institutional conflict of interest and save resources otherwise spent on implementing an ill-conceived Framework.

Endorsements from:

1. All India Drug Action Network
2. Argentine Network of Positive People (Redar Positiva)- Argentina
3. Association for Improvements in the Maternity Services (AIMS)
4. Baby Milk Action
5. Bangladesh Breastfeeding Foundation
6. Berne Declaration
7. Breastfeeding Promotion Network of India
8. CEFEMINA (Cost Rica)
9. Centre for Health Science and Law (CHSL)
10. Corporate Accountability International
11. Diverse Women for Diversity
12. FGEP- Argentina
13. Foundation for Research in Science Technology & Ecology
14. Geneva Infant Feeding Association (GIFA)
15. Global Alcohol Policy Alliance (GAPA)
16. Health GAP
17. IFARMA Foundation
18. INFAC Canada
19. Initiative for Health & Equity in Society
20. Initiativ Liewensufank
21. International Baby Food Action Network
22. International Code Documentation Centre
23. Institute of Alcohol Studies
24. IOGT International
25. Knowledge Ecology International
26. Lactation Consultants of Great Britain
27. Medicus Mundi International - Network Health for All
28. NCT (formerly National Childbirth Trust)
29. People's Health Movement
30. Positive Malaysian Treatment Access & Advocacy Group (MTAAG+)
31. Red Latinoamericana por el Acceso a Medicamentos -RedLAM
32. Third World Network
33. UK Association of Milk Banks (UKAMB)
34. WEMOS