

CANADIAN COMMENTS

WHO FRAMEWORK FOR ENGAGEMENT WITH NON-STATE ACTORS (FEBRUARY 2015)

General comments

As the WHO continues to act as a leader in global health and engage with various non-State actors in different international contexts, the Organization must take the appropriate measures to protect against undue influence and conflicts of interest. These measures should be applied fairly, consistently, and most importantly, should promote an inclusive environment where various actors are able to collaborate to improve global health outcomes. To achieve this goal, Canada believes that the Framework should not include policies and regulations that would limit the WHO's ability to engage necessary non-State actors to fully inform its work and to leverage resources. The Framework should be adopted on a trial basis to test which practices are most effective and improve policies throughout their implementation.

Conflict of Interest (including individual conflict of interest) and Criteria of due diligence and process of risk management

Canada is satisfied with the measures outlined in the Framework to conduct due diligence and mitigate risks associated with conflicts of interest. However, these practices could be further refined to incorporate existing WHO structures, such as the Office of Compliance, Risk Management, and Ethics, and should be amended to protect against individual conflicts of interest. For example, paragraph 27 states that the relevant technical unit is to perform an initial assessment for engaging an NSA which is subsequently transmitted to a specialised central unit responsible for analysing the information provided. This responsibility could be assumed by the WHO's Office of Compliance, Risk Management, and Ethics.

Transparency

Canada agrees that the WHO needs to equip itself with the right tools to transparently manage its engagement with NSAs. In our view, the proposed registry and disclosure policies as demonstrated at PBAC will assure transparency of the Organisation's engagements.

Human Resources

The Framework clearly indicates that the WHO will not accept secondments from non-State actors. However, it also states that the WHO can accept resources, including personnel, from all four categories of NSAs. We recognise that both the WHO and Member States can benefit from the work of personnel from NSAs. However, to mitigate risks associated with individual and organizational conflicts of interest, the Framework should clarify the instances in which the WHO may accept personnel from NSAs. For example, WHO could accept personnel from NSAs to assist in the implementation of specific programmes, but should not accept this personnel to assist in the drafting of policies, norms and standard setting. Furthermore, when the WHO does accept personnel from NSAs, the individuals in

question should be required to complete a declaration of interests with the Office of Risk Management, Compliance and Ethics (as is required for staff and external experts).

Engagement with particular industries

Canada appreciates that the approach developed in the Framework strives for balance in engaging with all NSAs and abides by the principles of openness, fairness, and inclusivity. To be an effective leader to address health issues and improve health outcomes globally, the WHO is required to engage with a wide range of actors from several sectors. We recognise the importance of excluding engagement with the tobacco and arms industries, but would not like to see any further limitations formalized. Canada trusts the WHO to use sound judgement to engage appropriately with actors from different sectors while respecting the provisions of the Framework; we also understand that these provisions should be closely monitored and modified as necessary to ensure the organization's protection from undue influence.

Role of private sector (acceptance of funds, pooling mechanism, evidence generation and advocacy)

Canada is satisfied that the conditions established under the "Resources" heading in the draft policy on engagement with private sector entities provides the WHO with the necessary safeguards to protect against undue influence. When these conditions are satisfied, respecting the principles of fairness and inclusivity, private sector actors should be able to contribute funds like other NSAs, as long as there is a clear policy that ensures that WHO staff are void from any obligation to donors and that they remain neutral and unbiased.

Criteria for attribution to type of non-State actors, including criteria applied to classify some nongovernmental organizations as international business associations

The Framework has clarified the definitions of different NSAs and has laid out a clear and explicit review process to protect against undue influence. It also states that if an NSA is considered to be under the influence of a private sector actor through the due diligence practices, the WHO may apply relevant provisions of the private sector policy. Canada believes these provisions allow the WHO to adequately classify and engage with different NSAs as required to fulfill its mandate and complete work on pressing global health topics.

The Framework acknowledges that the attribution of an NSA to any one of the four categories (nongovernmental organisation, private sector entities, philanthropic foundations, and academic institutions) may change overtime. Canada would like to request that the criteria to inform and the mechanism responsible for decisions regarding the categorisation of NSAs be made explicit in the Framework. This addition should include instructions on the process for evaluating NSA classifications and should specify the frequency at which these evaluations should take place.

NSA participation in meetings

Canada is satisfied with the Framework's current policies regarding NSA participation in WHO meetings. The Framework establishes fair and inclusive procedures to allow a range of NSAs to participate in consultations, hearings, and other meetings, while reserving the right to participate in governing body

meetings to NSAs in official relations. WE believe it is important that the WHO remain open to the views of all interested parties during hearings and consultations.

Use of funds provided by non-State actors to support the salary of WHO staff

Canada believes no NSA should be able to *directly* fund the salaries of WHO staff. However, NSAs could contribute funds to a pooled human resources fund, or contribute to a programme, then have their contributions spent as the programme area deemed appropriate. It is imperative that all funds are accepted in compliance with the Framework, and that proper policies are implemented to ensure that WHO staff are free from any obligations to donors and are able to remain unbiased in completing their work.

Official relations (some aspects)

Canada is satisfied with the procedures outlined in the Framework regarding NSAs in official relations. While WHO consultations and hearing should be open to a wide range of actors, the WHO should remain vigilant and judicious in selecting the NSAs to which it confers the privileges of official relations. We appreciate that organizations in official relations will be reviewed every three years and that they are required to provide yearly reports on progress made in implementing the plan of collaboration that will be published in the register of NSAs.

Policy, norms and standard setting

The draft policy for engagement with private sector entities establishes firm criteria that must be met for private sector actors to be able to collaborate with the WHO for the generation of evidence. This same criteria should be applied consistently to all NSAs to effectively protect the WHO's reputation as a norm and standard setting organisation. It is possible that NGOs, philanthropic organisations and academic institutions have vested competing interests and these risks must be mitigated diligently and fairly.

Applicability of the Framework to all levels of the Organization and all 6 regions

Canada believes that the Framework should be applied consistently, to the extent possible, across all levels of the Organization and all regions to ensure the greatest protection possible against conflicts of interest and undue influence.

General principles that guide collaboration

As previously stated, Canada firmly believes that the Framework should be as inclusive as possible while providing the WHO with the proper tools to safely engage with a wide range of NSAs. The Framework should allow the WHO to expand its current engagement with NSAs to enable the organization to assume a greater leadership role in global health.

Definitions of terms (“arm’s length”, “resources”, etc.)

Canada recognises that several Member states have expressed concerns regarding definitions of the terms “arm’s length” and “resources” among others. Regarding the first of these terms, Canada believes it is more important to define the process by which the categorisation of a NSA can change over time than it is to further define what is meant by “at an arm’s length”. We believe there is merit in keeping this definition sufficiently vague to allow the WHO the discretion to act based on the results of the due diligence process to categorise NSAs appropriately. Regarding the definition of “resources”, we reiterate that the WHO should specify the conditions under which “personnel” can be accepted from NSAs, given that the Framework explicitly states that the WHO would not accept secondments.