

**MINISTRY OF HEALTH
DEPARTMENT OF FOREIGN RELATIONS**

"2015, Year of Generalissimo José María Morelos y Pavón"

Mexico City and Geneva, Switzerland,
16 February 2015

Framework of collaboration with non-State actors, EB 136/5

- Mexico welcomes the report by the Secretariat on the framework of engagement with non-State actors, which confirms that certain comments by Member States have been taken into account, as has the progress made in supplementing the framework, which has been amended with a view to strengthening its normative force, thereby translating into enhanced cooperation and legitimacy for global health action to protect and promote public health.
- In general, the submitted document represents a significant advance on the consultations mandated by the Sixty-seventh World Health Assembly. It certainly acknowledges the concerns of Member States regarding the definition and establishment of relations with non-State actors, and we particularly note with satisfaction that the terminology has been changed to eliminate the possibility of divergent interpretations.
- Mexico is of the view that this draft should be considered as part of a wider agenda on governance reform.
- Mexico believes it is essential to continue to emphasize the principles that should govern such engagement, such as inclusiveness, transparency, accountability, integrity and mutual respect between non-State actors and the World Health Organization (WHO).
- The transparency component is essential if the framework of engagement is to be robust and effective. We welcome the proposal to establish a comprehensive register of engagements with non-State actors. However, the register should contain historical as well as current information. The document should also specify the timeline of deliverables to Member States regarding progress on the establishment of the register.
- Information about the activities and forms of engagement that WHO already has with non-State actors (irrespective of type) is still lacking. We reiterate that information about experiences to date is of key importance for such engagement. The Secretariat should share this information.

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- Another significant point is the principle that WHO does not accept secondments from non-State actors, in order to guarantee the independence and integrity of the Organization (paragraph 46 of the draft framework of engagement).
- The Secretariat should provide further information about the engagement coordination group (paragraph 35 of the draft framework), especially its terms of reference and functions, and also the mechanism for regional representation. Does the coordination group have an obligation to submit reports to States through any of its governing bodies?
- Paragraph 63 of the draft framework suggests that when the Director-General proposes earlier reviews of a non-State actor's official relations, the Executive Board is informed (perhaps through PBAC) with a view to guiding its decision to continue or suspend relations.
- Paragraph 67. Specify that "significant delays in the provision of information to the WHO register of non-State actors" should be included in the definition of non-compliance with the framework, so as to leave no room for interpretation.
- Paragraph 71. Mexico notes with satisfaction that periodic evaluation of the framework is envisaged, given the constantly changing international context and the shifting relationship between State and non-State actors; however, it might be added that this evaluation should take place every five years or at the request of the Executive Board, before the five-year deadline if it is deemed necessary to revise and/or update the framework.
- Regarding the relationship between the framework and the four specific policies on engagement, clarification is needed as to whether a minimum or a certain percentage will be estimated for funds received. The objective would be to determine at what point it is possible to speak of the independence or otherwise of the private-sector entity contributing the funds, and the nature and purpose of the engagement.
- The terms of reference of the Committee on non-State actors of the Executive Board should define how the Member State from the Region will be chosen, given that

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paragraph 43 establishes that the Committee will have six members (one from each Region), but does not specify the selection criteria for the chosen member.

- The profile of seconded personnel should be better defined through a clear and concise statement on the budget area and human resources.
- We repeat that the paragraph on donations of medicines should clarify the criteria used in the selection of recipient countries, communities or patients.
- One point we think should be reconsidered is that concerning the procedure for the establishment of official relations and the examination of organizations with which WHO already has official relations (paragraph 59), because all organizations requesting official relations should meet the established criteria to ensure that engagement will be fruitful.

Draft WHO policy and operational procedures on engagement with non-State actors

- Although the types of non-State actors and types of interaction with WHO are defined, this information should be supplemented by a "formalized" description of the mechanism or process applicable to each category, on the assumption that different mechanisms will apply to the private sector and to academic institutions, for example.
- Regarding the section on resources (paragraph 8 of the draft policy and operational procedures), does WHO provide resources to nongovernmental organizations and academic institutions? Are these actors the only recipients of resources from WHO in the document under consideration, and if so, what is the transparency and accountability mechanism in all cases?
- The definition of resources contained in the framework (paragraph 18) states that these may be funds, personnel and in-kind contributions. In the draft WHO policy and operational procedures on engagement with the private sector, the Secretariat should exclude personnel in order to avoid any conflicts of interest.

Additional comments:

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- It should be specified that the acceptance of resources by WHO should be included in the General Programme of Work, and that this process should be managed in accordance with the rules and policies of the Organization.
- In addition, it should be specified that:
 - The acceptance of a contribution does not afford the contributor any privilege or advantage, nor does it imply that the Organization endorses the activities, products or services of the non-State actors.
 - The contributor may not use the results of WHO's work for commercial purposes.
 - In the interests of transparency, all contributions received must be included in the financial report and financial statements.
 - Funds designated to support the salary of specific staff members or posts may not be accepted if they could give rise to a real or perceived conflict of interest in relation to WHO's work. Accordingly, the conditions that might give rise to a conflict of this nature should be defined..

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