

FRAMEWORK OF ENGAGEMENT WITH NON-STATE ACTORS DOCUMENT

Comments from Zambia

Comment No.	page and paragraph	Rationale
1	p. 14, para. 22, footnote. 1; See also Comment 3 below	Conflicts of interest at the institutional level are usually defined as conflicts of financial interests. Thus the draft framework overlooks the possibility of non-State actors' bias due to their nonfinancial interests – like strongly held personal or professional beliefs, declared policy positions, personal relationships (even adversarial), or the desire for individual or organizational recognition or advancement. (See, Viswanathan, Meera, et al., "Identifying and managing nonfinancial conflicts of interest for systematic reviews" (2013), at http://www.ncbi.nlm.nih.gov/books/NBK148586/)
2	p. 15, para. 23	The addition of the word “may” would correct an apparent drafting error, as evidenced in the last sentence of this paragraph. Undue or improper influence exercised on the WHO's work is identified in para. 8(b) of the framework as one of the major risks of engagement (p. 12). COI represent a potential for, and not the occurrence of, undue influence.
3	p. 15, paras. 24 and 25 See also Comment 1 above	Once the drafting error discussed in Comment 2 above is corrected, the definitions in paras. 23 & 24 are essentially the same. The quality, independence and objectivity of the WHO's work are all primary interests of the WHO, which should not be unduly influenced by the competing interests of any NSA. Thus, the draft does not clearly distinguish institutional COI from COI generally. Nor should it. Institutional COI are equated with financial COI – an improperly narrow scope for this framework. The framework must instead address financial and nonfinancial COI, at institutional and individual levels
4	p. 15, para. 26	This paragraph inappropriately implies that the financial COI of the private sector are somehow more important than the financial COI of other NSAs. This, combined with the draft's narrow focus on institutional-level (ie financial) COI, creates a clear bias against the private sector -- as if only private sector COI should be carefully considered. Instead, what is needed is a clear and comprehensive definition to be consistently applied across all types of NSAs. This

		paragraph should be deleted.
5	p. 16, para. 30, 4th bullet point. See also Comment 7 below	The newly-introduced functions described in the 4th bullet point are inconsistent with the specific provisions described in para. 44 of the framework (p. 18). The term "links to" is used twice, but it is undefined and has potentially unlimited application, and draws unintended consequences that appear not to have been fully considered. Barring WHO engagement with any entity having links to the tobacco industry would, for example, bar the WHO from engaging with anyone connected to the current effort to produce Ebola and other vaccines more quickly by growing them in tobacco leaves. "Particular caution" is not defined, and would be interpreted and applied differently across the levels and departments of the WHO – eliminating the inclusiveness and predictability the framework was meant to establish. "Industries affecting human health or affected by WHO's norms and standards" is already broad (would it include agriculture? automotive?). Applying particular caution to any entity with links to such industries means that it could be arbitrarily applied to exclude just about anyone. (Asset managers? Travel agencies?) These provisions are inconsistent with the overall framework, and would needlessly deny WHO access to appropriate input from qualified NSAs. They must be deleted.
6	p. 17, para. 34	Since the Secretariat will collect additional information on NSAs from sources which are not necessarily reliable or neutral, NSAs must be given an opportunity to review and respond to the information on which risk assessments, recommendations and risk management decisions are based. Transparency, consistency, and the WHO's credibility demand it.
7	p. 18, para. 44 See also Comment 5 above	"Particular caution" is neither defined nor limited, and would be interpreted and applied differently at different levels of the WHO – eliminating the inclusiveness and predictability intended by the framework, and needlessly denying WHO access to appropriate input from qualified NSAs. Any risks of engagement would best be managed by the consistent, diligent and transparent application of the terms of this framework.
8	p. 25, para 14 (Draft policy and operational procedures re NGOs)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
9	p. 26, para. 17 (Draft policy and operational procedures	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of

	NGOs	NSA.
10	p. 32, para. 31 (Draft policy and operational procedure re private sector entities)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
11	p. 32, para. 31 (Draft policy and operational procedure re private sector entities)	Private sector entities do not inherently present risks for the WHO by their participation in scientific reviews on any and every subject. Indeed, the private sector may well have the most authoritative expertise on some issues. There is no justification for this paragraph's sweeping exclusion of private sector entities from any collaborating on any type of scientific review.
12	p. 32, para. 32 (Draft policy and operational procedure re private sector entities)	It is not clear why advocacy groups and expert groups should not benefit from the full participation of appropriate professionals. Any risk should be managed through the diligent, consistent and transparent application of the terms of this framework -- and not through random exclusion of even highly qualified professionals.
13	p. 32, para. 34 (Draft policy and operational procedure re private sector entities)	No other NSA is subject to this conditionality. Few Member States would be able to meet these conditions, which set the bar for private sector engagement impassably high. In so doing, the provision creates an unfairly broad argument to exclude a private sector entity, contradicting the spirit that Member States seek to capture in this framework. Paragraph 34 of the policy for private sector entities should be deleted.
14	p. 32, para. 36 (Draft policy and operational procedure re private sector entities)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
15	p.36, para. 17 (Draft policy and operational procedure re philanthropic foundations)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
16	p. 36, para. 19 (Draft policy and operational procedure re philanthropic foundations)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
17	p. 36, para. 19 (Draft policy and operational procedure re philanthropic	It is redundant and unnecessarily confusing to state that collaboration must be in the interests of the WHO, in light of the objectives outlined in para. 4 of the framework (p. 10), as well as the seven overarching principles outlined in para. 6.

	foundations)	of the framework (p. 11). Any collaboration managed in accordance with the framework will necessarily be in the interests of the Organization.
18	p. 38, para. 15 (Draft policy and operational procedure re academic institutions)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
19	p. 39, para. 18 (Draft policy and operational procedure re academic institutions)	Managing risks of engagement with consistent diligence and transparency requires that the provisions in this paragraph be identical across each type of NSA.
20	p. 39, para. 18 (Draft policy and operational procedure re academic institutions)	It is redundant and unnecessarily confusing to state that collaboration must be in the interests of the WHO, in light of the objectives outlined in para. 4 of the framework (p. 10), as well as the seven overarching principles outlined in para. 6. of the framework (p. 11). Any collaboration managed in accordance with the framework will necessarily be in the interests of the Organization.