

Implementation of the Framework of engagement with non-State actors (FENSA)

Respondents: Regional offices, Country offices and Headquarter clusters assessing its implications

Introduction:

1. The 138th Executive requested the Secretariat to provide a balanced and objective report of the implications of the implementation of the Framework of engagement with non-State actors (FENSA) well in advance of the resumed session of the Open-ended intergovernmental meeting of 25-27 April 2016.
2. To this end, all WHO Regional Offices and Clusters in Headquarters and a selection of Country Offices are invited to provide their inputs through this questionnaire. In addition a more detailed matrix of analysis will be sent for comments to FENSA focal points in regions and clusters.
3. In order to assure that we can present a balanced and objective report to Member States, the External Auditor has kindly agreed to validate and comment this questionnaire, the more detailed analysis matrix and write the final report.
4. The adoption and implementation of FENSA will modify the way WHO manages its engagement with non-State actors (NGO's, private sector entities, philanthropic foundations and academic institutions). The main changes concern the following points
 - a. FENSA is covering all engagements within with all non-State actors, while the current policies covered engagement with private sector entities and NGOs in official relations only
 - b. Transparency will be increased through the Register of non-State actors (including information on objectives, governance and funding of non-State actors and description of engagements)
 - c. FENSA calls for a consistent implementation at all 3 levels of the Organization and all regions and hosted partnerships through an electronic workflow, due diligence by central unit for, a guide for staff, clear decision making
 - d. FENSA will increase accountability towards Members States by strengthened oversight of the Executive Board
 - e. The Director General will report annually on engagement with non-State actors
5. Some of the proposals made during the negotiation process have not been included in the text and are no longer under consideration. They should therefore also be excluded from the analysis of implications of FENSA implementation. Such issues include in particular:
 - a. FENSA applies only to engagement with non-State actors as institutions and not to engagements with individual experts.
 - b. There will not be a defined ceiling for contributions received from non-State actors

- c. Due diligence and risk assessment is a process conducted by the Secretariat with no direct involvement of Member States
 - d. Free services provided by non-State actors are an in-kind contribution, but not covered by the not yet agreed provisions on secondments.
6. Several current policies are confirmed by the draft Framework and often made more explicit:
- a. WHO does not engage with the tobacco and arms industries
 - b. Official relations (while currently all entities are called NGO's, non-State actors in official relations will in the future be distinguished in NGOs, International Business Associations and Philanthropic foundations)
 - c. Several specific paragraphs on private sector engagement (such as clinical trials) are transposed from the current guidelines into the private sector policy.
 - d. The CPSC (Committee on Private Sector Cooperation) will be replaced by an engagement coordination group ECG
7. For information here are the elements which would likely be covered in the report on implications of implementation of FENSA:
- a. Changes to the work of WHO governing bodies
 - b. Costs of implementation
 - i. Direct financial costs of implementation
 - ii. Direct human resource costs
 - iii. Indirect human resource costs
 - iv. Regular training costs
 - v. Startup costs
 - GEM build up to provide the IT tool for the Register of non-State actors
 - Training costs
 - Additional burden of filling the register with first time entries
 - c. Potential efficiency savings through implementation of FENSA
 - i. Information gathering
 - ii. Clarity on actors, process and earlier decisions
 - d. Added value of FENSA
 - i. Stronger protection from undue influences
 - ii. Coherence in engagement across WHO and across different engagements

- iii. Clarity on engagement
- iv. Transparency
- v. Better information, documentation, intelligence and lessons learnt on non-State actors and engagements
- vi. Clear process of senior management decision making
- e. Risks of FENSA
 - i. Potentially cumbersome process
 - ii. High number of engagement
 - iii. Lack of flexibility
 - iv. Potential bottle-neck in due diligence and risk assessment process
 - f. Changes to the engagement opportunities and risks
 - i. Policy changes in engagement
 - ii. Incentive changes for engagement

QUESTIONS:

8. Estimation of the volume of engagements. Questions in paragraphs 9 and 10 try to estimate the volume of engagements which should in the future be handled through the process defined by FENSA. The External Auditors will compile your input from country, regional and headquarter level into an overall estimation. Please note that this refers to formalized engagement as defined in the paragraphs 15-21 of the draft FENSA and not to informal interactions. Formal engagements include amongst others: a meeting with official invitations, agenda, list of participants, etc; any interaction involving a signature of an agreement or MoU to receive resources, work as implementing partner, allow the use of advocacy material, enter into technical collaboration, etc. Preparation for such engagement or informal contacts by phone, e-mail or informal discussion are not considered as engagements. For a meeting only the non-State actors who have actually participated should be counted, not all those who have been invited. A series of meetings in the same year on the same subject with the same or similar invitation lists should be counted as one engagement.
9. Please provide a rough estimate of the **numbers of non-State actors** you engaged with in 2015 by type of engagement in the following table for your region (excluding country level), cluster or country office respectively.

Cluster / Regional office / country office: **Regional Office for Europe** _____

	Participation	Resources	Evidence	Advocacy	Technical collaboration
NGOs	520	14	70	86	74
Private sector entities	24	4	3	0	0
Philanthropic foundations	4	1	1	3	1

Academic institutions	104	2	60	34	52
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10. Please provide a rough estimate of the numbers of **engagements** in 2015 by type of engagement in the following table. For engagements covering more than one type count them only once for the most relevant type.

	Participation	Resources	Evidence	Advocacy	Technical collaboration
NGOs	100 (1850)	7	24	50	34
Private sector entities	20(60)	4	0	0	0
Philanthropic foundations	2(20)	1	0	6	2
Academic institutions	80(400)	2	18	8	42

Comments on the methodology used and its difficulties of this estimation,

Methodology:

- Time for finalising this was too short and we worked with as much technical programmes as possible. The tables above are based on the information provided by the technical units of each division, RDO and DAF.
- The Brussels office of WHO and the hosted partnership European Observatory on Health systems and policies are not included in the estimates.
- We applied the definitions provided by the survey as strictly as possible. Our response does therefore not include any kind of virtual meetings or phone conferences, or any ad-hoc meetings that were not formalized through invitations etc. The numbers
- Difficulties regarding the estimation of the figures were mainly due to the very short notice, unavailability of some programme managers, difficulties to recall each and every occasion in the past year. Many of them looked at the bigger meetings and went back through the participants lists to provide accurate information.
- If in doubt, we decided to take a conservative approach by taking the low-end of the estimates.
- The figures in brackets provide our prudent estimate of the actual number of due diligences that would need to be done. Unfortunately due to lack of time, we could only provide estimates on participation and not for the other engagements. The calculation in brackets include invited NSA for big WHO events and calculations of the participation of staff in meetings organised or co-organised by NSAs.

Challenges:

In various cases, the estimations above are likely to be lower than the actual number of engagements with non-State actors. Some concrete examples include:

1. In the area of Environment and Health, WHO staff participated in the RAMSES project annual meeting. Given that this meeting was not organized or co-sponsored by WHO, it was counted as one engagement with one Non-State Actor in this survey. However, the RAMSES multistakeholder consortium includes one NGO (ICLEI), four private sector companies (Tecnalia, T6 Ecosystem, Seneca Consultants, Climate Media Factory) and

five academic institutions (LSE, Newcastle University, VITO, University of Versailles, NTNU). These engagements are simply not reflected in the estimations above. Due diligence would have to be performed for all those non-State actors

2. EURO participated in various regional meetings co-organised by governmental organisation and NSAs (mostly academia, NGO). Under FENSA these should be included as part of art 17 as one engagement with one NSA. However, this was not very clear at the start of the survey for many respondents in the region so these meetings are not included here as engagement with a NSA.
3. The categorization of NSAs used in the survey may not be fully in line with FENSA, since no due diligence has been performed in line with the new definition of different types of NSA as described in para 9 to 14. Especially in the case of academic institutions and NGOs, there might be organisations that are qualified here as for example academic institution but that are private funded. Also NGOs which receive unrestricted grants from private companies might be looked at as private entities, for example the viral hepatitis prevention board.
4. The European Health Forum Gastein (NGO) organizes an annual conference together with the Austrian Ministry of Health. EURO is involved as a co-sponsor and also organizes full sessions at the event. The Gastein conference was now counted as 1 engagement with 1 non-state actor. However, WHO is a member of the advisory board of the conference. This board holds 3 meetings annually and includes amongst others 9 non-State actors. Furthermore during the conference, WHO is organising or participating as a speaker in separate panels, which in turn include other NSAs. In 2015, WHO was involved in 3 keynote sessions in plenary and 2 technical panels. The panel members in these sessions would include approximately 10 additional non-State actors. In total, there were 85 NSA contributing to the programme of the conference.
5. There were multiple events RD participated at that could have a large involvement of non-State actors (i.e. RD's Official visit to Greece, RD to open the European games in Azerbaijan, RD to attend a conference on health economics in Budapest, RD to join the health conference in Ashgabat). The list is quite long but there was no time to review all these engagements on their involvement of non-State actors.
6. Finally, the engagements with service providers such caterers, IT services and licenses are not included.

11. Please estimate the number of non-State actors your cluster / regional office / country office engages with in emergency situations (as described in the Emergency Response Framework) and describe the type of these engagements

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12. Please describe the main opportunities you see for the work of your region / cluster / country office through the adoption and implementation of FENSA

- FENSA could provide more systematic guidance to the engagements. By standardizing the rules of engagement and by making them explicit, the non-State actor in question will have more clarity on what kind of engagement is possible with WHO. This is especially relevant for WHO's work with the private sector.
- FENSA could also provide the necessary means to engage with the private sector more

effectively, particularly on those matters, where the WHO advocates and acknowledges the usefulness of private-public partnerships (e.g. through WHA and RC Resolutions, Strategies, Programmes).

- It should be ensured that FENSA will result in faster due diligence processes and in greater support to the technical units for engagement.
- NSAs drive innovation, especially in the field of E-health. A lot of the work in the area of E-health takes place in multistakeholder partnerships, which includes private sector, academia and NGOs. These multistakeholder partnerships are an opportunity to leverage the technical knowledge that these partnerships entail in order to enhance the technical expertise of the WHO.

13. Please describe the main risks you see for the work of your region / cluster/ country office through the adoption and implementation of FENSA. This question does not refer to the risks of individual engagements as defined in FENSA but rather to the overall risks and challenges of implementing FENSA as a new policy.

- FENSA may create unwanted and unnecessary red tape. The rules in FENSA concerning register for NSA, risk assessment and due diligence may discourage potential partners from working with WHO.
- While processes in FENSA are legitimate for engagement with many private sector entities, there may be an overregulation when applying similar rules for the academic sectors and NGOs.
- As for every encounter, i.e. in the frame of technical meetings, technical assistance and else, a new due diligence process would have to be undertaken, this (if applied) new mechanism, would lean prohibitively “heavily” towards scrutinizing the non-state actor integrity. As described, a due diligence process would have to be done for every encounter, not just once per organization or entity, this would render collaboration extremely difficult.
- Valuable and highly valued non-state working now with WHO in technical areas, might seek collaboration with other entities instead, because of the ‘heavy’ and repetitive procedure. This would exclude WHO, and make it less probable that WHO remain on top of relevant advocacy, social mobilization and communication activities (the influence of WHO would be severely reduced).
- FENSA covers all engagements and expects the benefits to outweigh the costs of scrutiny and defines benefits in terms of public health. Given the huge range of engagement, there is a risk that small scale collaboration or engagement will be seen to be non-cost effective. The centralized unit might logically prioritize major engagements which is potentially problematic for smaller programmes and country work in the regions.

14. Please describe the specific resources (staff and activity costs) currently working on engagement with non-State actors within your region / cluster/ country office.

In the regional office, the engagement with NSA is currently done mainly by the Partnership unit. The unit reviews the following engagements:

- all engagement involving resources,
- all engagement with philanthropic organisations and private sector
- all participation of NSA in WHO/EURO governing bodies or WHO/EURO ministerial

conferences

- other engagements ad hoc and upon request of the technical unit or country office in case of doubt

For 2015, we estimate the number of engagements/NSA we have looked at around 200. This includes for example all partners in a project such as RAMSES, all NSA attending the Regional Committee etc.

This work is currently done by:

10% P6, 30% P5, 30% G5

Supported by DAF units such as legal and finance.

15. Please describe the specific incremental resources (staff and activity costs) that you would expect to be necessary to implement FENSA. If applicable please give resource needs for the focal points and central processes in regions / clusters separate from estimations for resource needs of technical units and explain your assumptions and methodologies :

One off resources/costs: non

Recurring or On-going resources/costs:

The cost for implementing FENSA is difficult to estimate, especially since the framework refers all engagements to the central unit. In order to have a more or less objective view, based on current work in the region and the number of engagements in 2015, a prudent estimate would amount to engagements in the region around 2800. This would mean 14 times the current resource needs or about 7 staff members.