

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: **WPRO**

	Participation	Resources	Evidence	Advocacy	Technical collaboration
NGOs	136	50	16	26	36
Private sector entities	16	8	5	7	18
Philanthropic foundations	18	25	1	9	2

Academic institutions	95	14	12	31	17
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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					
Private sector entities					
Philanthropic foundations					
Academic institutions					

Comments on the methodology used and its difficulties of this estimation

It was extremely difficult to capture numbers for this exercise and given the involvement of several different technical units, it is inevitable that different methodologies were deployed. There was also a certain degree of confusion on the difference between the two tables and what information was supposed to be captured there. In short, it is highly likely that these figures underestimate the total number of engagements and total number of non-State actors with whom WPRO engages.

The main risk of this exercise is that the questionnaire being unclear and the timeline being unrealistic we are seriously underestimating the level of engagement with NSA across WHO. As a result we run the risk of underestimating the resources needed, leading to the impossibility of implementing FENSA properly and potentially resulting in a loss of trust in WHO from Member States and NSA.

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

The numbers would significantly depend on the emergency, for example, WPRO has experienced everything from grade 3 emergencies (i.e. Typhoon Haiyan in the Philippines) to grade 1 emergencies (i.e. Cyclone Winston in the Pacific). However, in terms of participation, if we were to review the number of non-State actors attending health cluster meetings, it may be between 5 to 25. In terms of resources, both financial and in-kind, it may be between 5 to 10.

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

- A more robust framework for engaging with non-State actors
- Increased transparency
- Opportunity to engage with private sector entities (in view of current resource scarcity, hopefully this would present resource mobilization opportunities if done carefully)
- Better coordination, in particular, with regard to resource mobilization and communication through the NSA register
- Ensuring WHO is exposed to less risks and conflicts of interest resulting from the centralized/formalized due diligence process

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.

- WHO's core technical work being diluted due to lengthy administrative processes
- WHO being less responsive and slow to act
- Excessive staff time spent on NSA-related matter
- A NSA register of little value due to lack of accurate info provided
- Staff in country offices being confused by FENSA and changes in their way of working
- Creating an environment which is not conducive to collaboration/engagement due to over-complication
- Non-State actors not wanting to work with WHO because of the heightened transparency and potentially lengthy processes i.e. due diligence, input in register, reporting to GBS
- Wasting resources (financial and human) on an area which could potentially add little value if not properly implemented with adequate resources

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

There is currently one P3 Technical Officer and a G5 in the Regional Director's Office working on external relations and partnerships specifically. This is in addition to the time spent by technical staff in engaging with NSA which could not be estimated due to lack of time.

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 :

This is still very difficult to describe given the role of Regional and Country Offices has not been specifically articulated. However, some estimations below:

One off resources/costs:

- Practical staff training on FENSA (i.e. what it is about, why it is important, how it impacts their day-to-day work and future actions they need to undertake to comply), incl. due diligence exercises as 'common sense' may help to limit the number of due diligence requests being sent to HQ -- no tobacco/arms etc.
- Training on the NSA register itself (if staff in RO and COs are really required to input data?), as well as to empower them to utilise it to deduce information and for better coordination
- Development of aforementioned training materials and implementation.

Trainings will have to be repeated regularly especially for new staff.

Recurring or On-going resources/costs:

- Training and updating of training materials as FENSA evolves
- Potentially employing additional staff to work as FENSA focal point and to guide around due diligence / train others etc.
- Financial allotment for the respective Director who is part of the FENSA 'Engagement Coordination Group' to attend meetings/hearings (cannot come from RO budget)