

## **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 138<sup>th</sup> 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: HQ Former HSE

	Participation	Resources	Evidence	Advocacy	Technical collaboration
<b>NGOs</b>	27	-	16	5	24
<b>Private sector entities</b>	120	135	145	-	60
<b>Philanthropic foundations</b>	4	3	-	-	2
<b>Academic institutions</b>	215	115	215	-	52

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
<b>NGOs</b>	40	0	40	5	40
<b>Private sector entities</b>	40	95	36	-	35
<b>Philanthropic foundations</b>	35	7	36	-	36
<b>Academic institutions</b>	40	32	36	-	35

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

The figures above are conservative **estimates** based on discussions with colleagues and documentary review of data on scores of meetings, workshops, trainings, travel, interactions, IHRRC interviews, consultations, databases, portals etc. which provide evidence of engagements and interactions show with NSAs.

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

See the response on ERM.

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 potentially showcase the significant work that is being done to strengthen partnerships with industry, civil society, and other stakeholders in preparation for public health emergencies. It could show the breadth of NSAs with whom we work, increasing the transparency of our work.

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.

We **fully** echo ERM's comments. In addition, the administrative compliance burden for the Secretariat, coupled with the burdens that will be placed on partners could create a significant chilling effect on the willingness of partners to continue to engage. For instance, for the PIP Framework, some partners may: a) prefer to opt out of PIP because of the intrusiveness or compliance burdens; b) use FENSA as the scapegoat for their lack of compliance with PIP.

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

Still working on this for non-PIP matters. For PIP alone, however, 4 professional staff currently work on engagements with NSA but significant activity costs are also expended

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 :

We are still working on this for the broader cluster. For PIP only, given the significant weight of the partnership with industry in the benefits sharing element of the Framework, the following would be anticipated:

One off resources/costs: 2 FTE professional and 1 FTE general service staff would be required to develop the initial data entries

Recurring or On-going resources/costs: At least 1 FTE professional and 1 FTE general service staff would be required to manage FENSA compliance for PIP on an on-going basis.