IBFAN brief comments on WHO’s engagement with non-state actors (EB 133/16)
   Agenda item 5; to be discussed at the 133rd EB (29-30th May 2013)

IBFAN is pleased that a number of constructive suggestions have been taken on board as reflected in the report by the Secretariat:

- The acknowledgement of the wide understanding that there is a need to prevent commercial influence with regard to WHO policies, norms and standards.
- The need for a comprehensive system to identify and adequately manage conflicts of interest. (NB there are already existing but isolated instruments and procedures that should be made rapidly, to follow the principle of transparency, publically available.)
- The emphasis on importance for WHO to “avoid confusing strategic relationships with resource mobilization and to prevent them from becoming subservient to resource mobilization”.

However the report has several important omissions and contradictions:

1. The overall approach hinges on a proposed typology of interactions instead of on typology of actors and thus does not respond to the member states request (reflected in para 4) to define separate operational procedures for both NGOs and private commercial entities.

2. It mixes the types of interactions WHO engages in to fulfill its constitutional mandate and prime functions with service delivery and procurement functions including those that simply make the agency run and which should be part of a service and product procurement policy.

3. If an effective system of safeguards is to be developed, WHO must ensure clear distinction among types of non-state actors that can act in the public interest and actors that represent or are influenced by a market logic. These will include venture philanthropic organizations. The 65th WHA requires WHO to develop separate policies for these entities. The NGO policy should include only non-state, non-profit, voluntary organizations formed by people within the social sphere of civil society, and which do not represent or depend on commercial entities.

4. The key question of whether WHO should be financed by commercial actors is not raised and addressed.

5. The Overarching principles are incomplete and do not draw on the 2009 UN Guidelines that are intended to serve as a common framework for all organizations of the 2009 UN system as a basis for Collaboration with the Business Sector. The missing principles we identified are:
   - Advance WHO’s constitutional mandate, prime functions and goals
   - Shared values and principles
   - Clear delineation of responsibilities and roles
   - Maintain integrity, independence and impartiality of WHO

   It is also of concern that health is not presented as underpinning economic development and trade but rather as a disruption that needs to be minimized (para 39, c).

   Furthermore, neither human rights nor ethics are highlighted as the overarching principles, and that concerns for fairness and equity are presented only as ‘added dimensions’.

   .......

We note with concern that the second part of the WHO report, dealing with a crucial issue of the WHO role in the global health governance, is not put before the EB for decisions.
Yet, by endorsement of this EB 133/16 report its content becomes de facto adopted. In our view, an in-depth discussion is needed as this part of the report raises a number of concerns.

To mention just an example:

- The report does not define how will WHO principles applying to the agency’s relations to non-state actors, as discussed in part 1, be carried over and implemented also in the global health governance, i.e. application of the same rules in e.g. partnerships hosted by WHO, International Health Partnership + and other health alliances to ensure greater coherence in global health. This aspect is crucial if WHO is, as stated in para 40, under leadership priorities and re-emphasized in para 56, to fulfill its “coordinating and directing role that enables a range of different actors to contribute more effectively to health of all peoples.”

For more information contact

Lida Lhotska
lida.lhotska@gifa.org
+41 22 798 9164

Ina Verzivolli, Geneva
ina.verzivolli@gifa.org
+41 22 798 9164

Patti Rundall, UK
prundall@babymilkaction.org
07786 523493