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## World Health Organization – Engagement With The Business Community

### SUMMARY

The World Health Assembly (WHA), the governing body of the World Health Organization (WHO), held its 69<sup>th</sup> annual session in Geneva, May 23-28, 2016. This was a consequential meeting as WHO member state delegates adopted a WHO “Framework for Engagement with Non-State Actors.” (FENSA). It will determine how companies and other civil society stakeholders will be able to interact with the WHO secretariat on matters that impact them and has implications for corporate engagement throughout the member state-driven United Nations system.

### The WHO’s Framework for Engagement with Non-State Actors (FENSA)

The “Framework for Engagement with Non-State Actors” ([FENSA](#)) was adopted by the WHA on May 28, 2016 after more than two years of intergovernmental negotiations. The FENSA will determine how companies and other civil society stakeholders will be able to interact with WHO officials at the three levels of the organization (headquarters, regional offices and country offices).

- The WHO secretariat says that FENSA represents “a major step in WHO’s governance reform” with reference to its policies and procedures on engaging with, private sector entities, NGOs, philanthropic foundations, and academic institutions.
- FENSA’s implementation will take place in stages over a two year period. The WHO secretariat will first produce a guidance document to facilitate implementation. A register of non-state actors will be established by the secretariat in time for the 70<sup>th</sup> World Health Assembly, scheduled for May 22-31, 2017 in Geneva. The 70th World Health Assembly plans as well to review progress on FENSA implementation at the global, regional, and national levels before making decisions related to its systemic implementation.
- The WHO Executive Board is also expected to include updates on FENSA implementation on its forthcoming agendas. (N.B. The Executive Board meets at least twice a year, with the main meeting each January, and a shorter meeting each May, immediately after the World Health Assembly. The Board comprises 34 technically-qualified health experts who are designated by WHO member states. It gives effect to the decisions and policies of the World Health Assembly, advises the Assembly and generally facilitates its work.)

- The implementation of FENSA and its impact on the WHO will be evaluated in 2019, and the results will be submitted, along with potential proposals for revision, to the WHO Executive Board at its 146<sup>th</sup> Session in January 2020.
- FENSA's goal is to strengthen WHO engagement with all stakeholders while protecting its work from conflicts of interest and undue influence from external actors. In fact, there are some particular corporate representatives – from the tobacco and arms industries – with whom WHO officials refuse to meet and who will continue to be shunned.
- Certain health-oriented alliances that comprise healthcare companies and NGOs would like the WHO to exclude other industry sectors as well, particularly companies that make processed foods and beverages, as the latter are deemed by these groups to be complicit in the rise of noncommunicable diseases, including cardiovascular conditions, diabetes, and other chronic conditions. Article 44bis of the FENSA states that the “WHO will exercise particular caution, especially while conducting due diligence, risk assessment and risk management, when engaging with private sector entities and other non-State actors whose policies or activities are negatively affecting human health and are not in line with WHO's policies, norms and standards, in particular those related to noncommunicable diseases and their determinants.”
- The international [pharmaceutical](#) industry, which has arguably enjoyed better access than most to the WHO for the past generation, said, a day before FENSA was adopted, “Where conflicts of interests may arise, whether commercial or not, it is appropriate that [WHO manage them] in a robust, clear, transparent and equitable manner with all non-state actors. We call for transparent engagement with all non-state actors and accountability by all. These are key metrics for the WHO to assess tangible contributions to achieving its objectives.”
- The U.S. Council for International Business (USCIB), which represents the interests of American business in several international organizations also adopted an expansive position with regard to the WHO's engagement with the business community at large. The Council expressed its hope “that the WHO will implement FENSA inclusively so that member states and the secretariat may fully benefit from the private sector's practical knowledge expertise, experience, resources and research.” The USCIB also said that the WHO's FENSA implementation “should encourage and involve large business networks, such as the International Organization of Employers and the International Chamber of Commerce, in observing and furthering WHO's work” as well as seeking the business community's expertise, and leveraging broad business networks to further WHO objectives – just as other UN bodies have done.
- The access debate will continue for some time as FENSA implementation takes shape over the coming two years. While companies can hope that FENSA will indeed facilitate an enhanced level of transparency and accountability in WHO's engagement with non-State actors, it remains to be seen if certain industry sectors – as well as certain non-profit coalitions whose membership may include, or whose support may derive in part from, certain “objectionable actors” – are denied access to the WHO.

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