

## 160th SESSION OF THE EXECUTIVE COMMITTEE

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*Provisional Agenda Item 3.3*

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### REPORT ON THE IMPLEMENTATION OF THE FRAMEWORK OF ENGAGEMENT WITH NON-STATE ACTORS

#### Introduction

1. In May 2016, the World Health Assembly adopted the Framework of Engagement with Non-State Actors (hereinafter “FENSA” or “Framework”).<sup>1</sup> Given the legal status of the Pan American Health Organization (PAHO), this policy did not automatically apply to PAHO until such time as it was expressly approved and adopted by resolution of PAHO Member States through its Governing Bodies.
2. In September 2016, PAHO Member States at the 55th Directing Council adopted FENSA through Resolution CD55.R3. In doing so, PAHO Member States instructed the Director of the Pan American Sanitary Bureau (PASB) to implement FENSA “in a coherent and consistent manner, and in coordination with the Secretariat of the World Health Organization (WHO), with a view to achieving full operationalization within a two-year timeframe, taking into account PAHO’s constitutional and legal framework.”<sup>2</sup> The Director was also requested to report on the implementation of FENSA to PAHO’s Executive Committee in its June sessions under a standing agenda item, through its Subcommittee on Program, Budget, and Administration.
3. FENSA encompasses all PAHO engagements with non-State actors. It sets out *a*) the rationale, principles, benefits, and risks of engagement with non-State actors; *b*) defines four groups of non-State actors (nongovernmental organizations, private sector entities, philanthropic foundations, and academic institutions); and *c*) identifies five types of engagement (participation, resources, evidence, advocacy, and technical collaboration). Conflicts of interest and other risks of engagement are addressed through a process of due diligence, risk assessment, and risk management, with increased transparency through reporting mechanisms to PAHO Member States and the establishment of a Register of non-State actors.

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<sup>1</sup> Resolution WHA69.10 (2016).

<sup>2</sup> Resolution CD55.R3 (September 2016).

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4. The Framework also: *a)* explains its relation to other organizational policies; *b)* defines the process of entering into official relations; and *c)* regulates the oversight of engagement, the handling of non-compliance, implementation of the Framework, and monitoring and evaluation of its implementation. The Framework is complemented by four separate, specific policies regulating engagement with nongovernmental organizations, private sector entities, philanthropic foundations, and academic institutions.

5. In accordance with Resolution CD55.R3, FENSA also replaces the Guidelines of the Pan American Health Organization on Collaboration with Commercial Enterprises<sup>3</sup> and the Principles Governing Relations between the Pan American Health Organization and Nongovernmental Organizations.<sup>4</sup>

### **Implementation of FENSA**

6. Upon the adoption of FENSA by PAHO Member States in September 2016, PASB began its immediate implementation. Hence, all new engagements between PAHO and any non-State actor are considered and reviewed by PASB under this new policy analysis.

7. Since FENSA was adopted by PAHO's Governing Bodies, a General Information Bulletin to all PAHO staff was issued describing the Framework in general terms, identifying the internal focal point, and describing immediate procedures to be followed within PASB. Additionally, PAHO/WHO Country Representatives and Department Directors received a briefing on FENSA procedures and implementation during the November 2016 PAHO Managers' Meeting. Similarly, PAHO/WHO Country Representatives received updates on FENSA procedures and implementation during the subregional managers' meetings in 2017.<sup>5</sup> Training materials are being developed and PASB expects to begin training staff in the second semester of 2017.

8. Furthermore, as instructed in Resolution CD55.R3, PASB continues to coordinate with WHO's Secretariat, thus ensuring a coherent and consistent implementation of FENSA. In September 2016, PASB staff met in Geneva with the global FENSA focal points from all WHO regions to consider ways to strengthen coordination and consider documentation needs for engagement. In April 2017, PASB staff participated in a video conference with the global FENSA focal points to discuss a first draft of the WHO Guide to Staff, which is one of the FENSA tools under development. In addition, PASB's focal point has frequent communication with WHO's Secretariat on FENSA issues.

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<sup>3</sup> Presented at the 46th Directing Council, Document CD46/28 (2005).

<sup>4</sup> Adopted by the 38th Directing Council in September 1995, revised by the 126th Session of the Executive Committee in June 2000; revised again by Resolution CESS.R1 of the special session of the Executive Committee on 11 January 2007; and amended by Resolution CE148.R7 (2011).

<sup>5</sup> Subregional Managers' meetings in 2017: Caribbean in February; South America in March; and Central America, Cuba, Mexico, and the Dominican Republic in April.

9. There are tools and processes under development by WHO's Secretariat, including: *a)* the Register of non-State Actors, which as of the preparation of this report is in pilot phase; *b)* the Guide for Staff, which is in draft form; and *c)* the Handbook for non-State Actors. Each is needed to enable PASB to fully implement FENSA in PAHO. PASB will continue to work and coordinate closely with WHO's Secretariat in order to fully implement FENSA in PAHO, taking into account PAHO's legal status and Constitutional framework.

10. The steps PASB has taken, in coordination with WHO Secretariat, should allow the Organization to achieve full implementation of FENSA within the two-year time frame set by Member States in Resolution CD55.R3 (2016).

11. PASB's report on Non-State Actors in Official Relations with PAHO, which is part of the implementation of FENSA in PAHO, will be presented to the Executive Committee under a separate agenda item.

**Action by the Executive Committee**

12. The Executive Committee is invited to take note of this report and provide any comments or recommendations it might consider pertinent.

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