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ENGAGEMENT WITH NON-STATE ACTORS

Introduction

1. In May 2016, the World Health Assembly adopted the Framework of Engagement with Non-State Actors (FENSA) through Resolution WHA69.10.¹ Given the independent legal status of the Pan American Health Organization (PAHO), this policy framework did not automatically apply to PAHO until 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. 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 the constitutional and legal framework of PAHO. The Director was also requested to report on the implementation of FENSA to the PAHO Executive Committee, through its Subcommittee on Program, Budget, and Administration, under a standing agenda item to be considered each year during the June session of the Committee. This document contains the report of PASB for 2021.

3. The annual report of PASB 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.

Implementation and Engagement

4. PASB began implementation of FENSA immediately after it was adopted by PAHO Member States in September 2016. To ensure consistent implementation, the PAHO FENSA focal point has continuously informed staff of all applicable procedures and has provided guidance and recommendations at the initial stages of potential engagements. Relevant internal policies and procedures are reviewed frequently so that they can be revised and/or implemented without disruption to ongoing engagements.

5. As requested by PAHO Member States when they adopted FENSA, PASB coordinates closely with the WHO Secretariat to ensure the coherent and consistent

¹ Available at: https://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R10-en.pdf.

implementation of FENSA, taking into account the legal status and Constitution of PAHO. In 2021, the PAHO FENSA Focal Point supported WHO Secretariat's decision to reactivate the network of global FENSA Focal Points. The network helps maintain consistency globally in mitigating potential risks. A dedicated platform for FENSA Focal Points was established to share knowledge, best practices, and documents. PASB also contributed to the WHO Report on Implementation of FENSA (Document EB150/38).

6. With regard to WHO's FENSA tools, the WHO Secretariat continues to update information on entities in official relations with WHO in the WHO Register of non-State actors, including their collaboration plans and annual reports.

7. As PAHO has done for many years, including prior to FENSA under its Guidelines for Collaboration with Private Enterprises, PASB proactively engages with a broad range of non-State actors in an effort to support PAHO Member States and to fulfill the Organization's mission. FENSA, as an enabling policy, provides a firm basis for strengthening and expanding such engagements for a positive impact on public health. Before engaging, PASB identifies issues through its well-defined due diligence and risk assessment process pursuant to paragraphs 29-36 of FENSA. The process is initiated when a technical department or country office submits information obtained from the non-State actor to the PAHO FENSA Focal Point. Such information includes, among other things, the non-State actor's name, membership, legal status, objective, governance structure, composition of decision-making bodies, assets, annual income and funding sources, webpage, and a disclosure form signed by the non-State actor indicating whether it is part of the tobacco or arms industries or otherwise has links with them. The PAHO FENSA Focal Point conducts a due diligence review from the information provided, an independent search about the entity from other sources to understand more about the non-State actor and independently verify the information provided, and an analysis of all of the information obtained to reach a clear understanding of the non-State actor and its profile. The PAHO FENSA Focal Point then conducts a risk assessment of the specific proposed engagement to determine whether specific risks exist and whether they can be mitigated or managed. The potential risks are weighed against the expected benefits. In this way, PASB promotes engagement with non-State actors while preserving the Organization's independence, integrity, and reputation.

8. In 2021, PASB conducted standard due diligence and risk assessment reviews as described above for more than 305 proposed engagements, as well as hundreds of simplified reviews for low-risk engagements.² This represents an increase over the previous year and over every year since FENSA was adopted in 2016. The yearly increase is a result of outreach in working with non-State actors as well as trainings by the PAHO

² PASB conducts a standard due diligence and risk assessment review following the criteria set forth above and established in paragraphs 29-36 of FENSA if a proposed engagement involves, among other things, a financial or in-kind contribution; policies, norms, and standard setting; the private sector or any entity affiliated with the private sector; or non-State actors whose policies or activities negatively affect human health. A simplified review may be conducted when the proposed engagement is repetitive in nature (that is, an assessment of the non-State actor has previously been conducted and the activities are the same) or is considered low-risk (e.g., participation in a meeting with a non-State actor that is not categorized as "private sector," and the meeting does not involve policies, norms, or standard setting).

FENSA Focal Point to improve awareness of FENSA and the Organization's internal processes. The reviewed proposals and subsequent engagements with non-State actors were robust across all levels and technical areas of the Organization. They included activities such as developing a strategy for improving quality of mortality data, capacity building for prevention of Chagas disease, supporting the implementation of strategies focused on reduction of chronic child malnutrition and early childhood development, and promoting road safety and injury prevention. PASB personnel also participated in and facilitated numerous virtual meetings and events with non-State actors from each category (i.e., non-governmental organizations, private sector, philanthropic foundations, and academic institutions). This permitted the Organization to raise awareness and advocate for its priorities in a range of public health areas, including disabilities, road safety, health systems strengthening, and communicable diseases, to name a few.

9. Consistent with previous years, approximately half of the proposed engagements originated in the country offices and the other half at the Regional level from technical departments in Headquarters. Also consistent with previous years, approximately 95% of the proposed engagements reviewed by the PAHO FENSA Focal Point under the standard due diligence and risk assessment process described above were approved for engagement because the benefit to public health outweighed any residual risks. In the few instances where engagement was not recommended pursuant to paragraph 44 of FENSA, PASB identified links to the tobacco industry. Other instances of non-engagement related to conflicts of interest that could not be mitigated or managed. In one such example, PASB determined during its standard due diligence and risk assessment process that the private sector non-State actor was part of the alcohol industry and the risk could not be mitigated for the specific proposed activity. As a result, and consistent with FENSA Paragraph 45, particular caution was exercised and engagement was not recommended.

10. PASB also conducted due diligence and risk assessment on non-State actors applying for or seeking renewal of the status of official relations with PAHO. PASB maintained close collaboration with those non-State actors in official relations with both PAHO and WHO. Forty-nine delegates from 24 non-State actors in official relations attended the 59th Directing Council of PAHO meeting in September 2021.

11. Training sessions to promote better understanding of the provisions of FENSA and to ensure consistent implementation across the Organization resumed in 2021 after a brief halt in 2020 due to resources being diverted for pandemic response. The training focused on strengthening a common understanding of FENSA as an enabling policy, identifying and, when possible, mitigating or managing risks, and highlighting the internal processes. For 2022, PASB will continue and expand on training across the Organization and is reviewing the possibility of developing an online training course. The aim is to ensure a comprehensive understanding of the Framework and the Organization's processes, so that the principles of FENSA are fully integrated to all engagements with non-State actors in a way that promotes engagement while mitigating risks and preserving the Organization's reputation.

12. FENSA has been fully implemented in PAHO, yet challenges persist. As noted above, there has been an increase in proposed engagements, requiring more due diligence

and risk assessments, additional capacity building for FENSA, and response to frequent requests for ad hoc guidance.

FENSA during the COVID-19 pandemic

13. As informed in the 2021 report on FENSA (Document CE168/6), PASB recognized early in the COVID-19 pandemic that review of potential engagements with non-State actors needed to be conducted in an expedited manner to ensure the most efficient and robust support to Member States. To address this worldwide emergency, and in accordance with Article 73 of FENSA, the Director of PASB exercised certain flexibilities in the application of FENSA procedures in order to respond more rapidly to the COVID-19 pandemic while preserving the Organization's integrity, independence, and reputation. Specifically, the Director authorized a simplified FENSA process for any proposed engagement related to PASB's response to COVID-19, whereby non-State actors are asked to provide limited basic information.³ Using this information, PASB conducts an expedited due diligence and risk assessment pursuant to FENSA, completing such reviews within 48 hours if no risks or issues of concern are identified. The simplified FENSA process that PASB applied during the COVID-19 emergency is similar to the one established by the WHO Secretariat for its COVID-19 engagements with non-State actors. These flexibilities were also applied in 2021, as the Organization continued to respond to the pandemic emergency.

14. During 2021, PAHO engaged many non-State actors in innovative ways to support the COVID-19 pandemic response. PAHO collaborated with social media platforms and influencers to broadly promote vaccinations and disseminate messages to counter health-related misinformation. The Organization also worked closely with non-State actors in certain countries to support access to vaccines, purchase oxygen concentrators and cylinders, and implement public health projects in response to the emergency among indigenous and migrant populations. With support of non-State actors, PAHO was also able to enhance its response to COVID-19 in the Region by scaling up use of SARS-CoV-2 antigen rapid diagnostic tests and strengthening COVID-19 genomic surveillance. In addition, PASB personnel frequently attended virtual meetings and events to raise awareness of and advocate for the priorities of PAHO and its Member States in support of the pandemic response.

Action by the Executive Committee

15. The Executive Committee is invited to take note of this report and provide any comments it deems pertinent.

³ The information requested includes name, address, website, bylaws, composition of governance, sources of funding, and a signed tobacco-arms disclosure statement.