

172nd SESSION OF THE EXECUTIVE COMMITTEE

Washington, D.C., USA, 26–30 June 2023

Provisional Agenda Item 3.3

CE172/6
10 May 2023
Original: English

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. 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 the Organization's 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 Pan American Sanitary Bureau (PASB or the Bureau) to implement FENSA in a coherent and consistent manner, in coordination with the Secretariat of the World Health Organization (WHO), with a view to achieving full operationalization within a two-year time frame, taking into account the constitutional and legal framework of PAHO. The Bureau 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 2022.
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, is being 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 all staff of applicable procedures and has provided guidance and recommendations at the initial stages of potential engagements. In addition, FENSA information is included in the induction and training program for new PAHO/WHO Representatives, and is often included in the agenda of Sub-Regional meetings of Representatives. Relevant internal policies and procedures are also reviewed frequently. In 2022, the PAHO FENSA policy and standard operating procedures were updated and published in the PAHO E-Manual, and a new policy on receiving non-PAHO staff on detail (secondments) from non-State actors was implemented.
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5. The Bureau continues to coordinate closely with the WHO Secretariat, taking into account the separate legal status and Constitution of PAHO, as requested by PAHO Member States when they adopted FENSA. This ensures a coherent and consistent implementation of the framework. In addition to maintaining close contact with the WHO Secretariat throughout 2022, PASB contributed to the WHO Report on Implementation of FENSA (Document EB152/39).

6. As PAHO has done for many years, including prior to the adoption of FENSA under PAHO's 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 standard operating procedures for due diligence and risk assessment, consistent with paragraphs 29–36 of FENSA. The process begins when a PAHO technical department or PAHO/WHO Representative (PWR) Office submits information obtained from the non-State actor to the PAHO FENSA Focal Point. The information provided 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, and webpage. Also required is 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 then conducts a due diligence review based on *a)* the information provided by the non-State actor, *b)* an independent search for information about the entity from other sources to independently verify the information provided and to obtain additional insights about the non-State actor, and *c)* an analysis of all the information collected to reach a clear understanding of the non-State actor and its profile. Finally, the PAHO FENSA Focal Point conducts a risk assessment of the 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. Through these procedures, FENSA enables PASB to promote engagements with non-State actors while preserving the Organization's independence, integrity, and reputation.

7. In 2022, PASB conducted standard due diligence and risk assessment reviews as described above for more than 200 proposed engagements, as well as for those entities in official relations with PAHO. PASB also conducted hundreds of simplified reviews for low-risk engagements.¹ As noted above, these reviews, including the simplified ones, are valuable as they permit the Organization to know the entities with whom it engages. The reviewed proposals and subsequent engagements with non-State actors, as in previous

¹ 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).

years, spanned all technical areas and PWR Offices throughout the Region of the Americas. A few examples of the Organization's engagements with non-State actors include working to improve cardiovascular disease management across the Region; implementing activities to improve nutrition and curb obesity; developing and implementing projects to eliminate hepatitis and lymphatic filariasis; and several projects on healthy aging. PASB personnel also participated in and facilitated numerous in-person and virtual meetings and events with non-State actors from each category (i.e., non-governmental organizations, private sector entities, 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 new technologies and innovative research, health care access in rural communities, care of preterm infants, mental health, and communicable diseases, to name a few.

8. Consistent with previous years, approximately 97% of the proposed engagements reviewed by the PAHO FENSA Focal Point under the standard due diligence and risk assessment process were approved for engagement, as the benefit to public health outweighed any residual risks. In the few instances where engagement was not recommended, the decision was consistent with paragraph 45 of FENSA given identified links of the non-State actor to the tobacco industry. In addition, there were a few instances where engagement was not recommended because of conflicts of interest that could not be mitigated or managed.

9. The Bureau 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, and 30 delegates from 20 non-State actors in official relations attended the 30th Pan American Sanitary Conference in September 2022.

10. Additionally, the PAHO FENSA Focal Point continued providing training sessions to promote a better understanding of FENSA procedures and provisions. An online training course developed by the Focal Point will be available to all PAHO personnel in the first semester of 2023 and will help promote understanding of FENSA as an enabling policy that helps mitigate and/or manage risks, when possible. The training will also remind personnel of the well-defined internal processes that exist to ensure streamlined review of proposed engagements. PASB will incorporate performance indicators for continuous improvement of the course. The principles of FENSA will remain fully integrated into all engagements with non-State actors, which promotes engagement while mitigating risks and preserving the Organization's reputation.

Emergencies and FENSA

11. As noted in previous FENSA reports presented to the Executive Committee (e.g., Document CE169/3), in 2020 the Director of PASB authorized an expedited FENSA process for proposed engagements related to the Bureau's response to COVID-19.² From 2020 through 2022, PASB continued to apply this streamlined process to enable the Organization's rapid response to the COVID-19 pandemic as well as to several new emergency situations such as mpox and natural disasters. Of the FENSA reviews conducted in 2022, approximately 25% were for potential engagements related to emergency responses. PASB continued to collaborate with social media platforms to broadly disseminate its public health messages about COVID-19 and mpox. PASB also worked with non-State actors to increase access to COVID-19 vaccines, testing, and clinical care for marginalized individuals in situations of vulnerability, as well as to strengthen response capacities in health facilities and vulnerable indigenous communities. In addition, as part of humanitarian country teams, PAHO helps improve the coordination and participation of non-State actors that focus on humanitarian work in an effort to better prepare for and respond to emergencies and disasters.

12. Although FENSA has been fully implemented in PAHO, challenges persist. There is an ever-increasing need to respond quickly to proposed engagements in both nonemergency and emergency situations. This requires the FENSA Focal Point to complete more due diligence and risk assessments in less time. The Focal Point also must respond to frequent requests for ad hoc guidance and trainings. PAHO's new online training course should provide some relief in this regard, and enhance capacity-building for FENSA.

Action by the Executive Committee

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

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² Under the expedited process, PASB receives the necessary basic information from the non-State actor and conducts an accelerated due diligence and risk assessment pursuant to FENSA, completing the review within 48 hours if no risks or issues of concern are identified. The expedited 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.