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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).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'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. 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 WHO, with a view to achieving full operationalization within a two-year timeframe, taking into account PAHO's constitutional and legal framework.” The Director was also requested to report on the implementation of FENSA to PAHO's Executive Committee, through its Subcommittee on Program, Budget, and Administration, under a standing agenda item to be considered each year during the Committee's June session.

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

Engagement

4. PASB recognizes the value and benefits that non-State actors can bring to public health generally and to PAHO specifically in helping the Organization fulfill its mission. Thus, as the Organization has done for many years, including prior to FENSA under its *Guidelines for Collaboration with Private Enterprises*, PAHO frequently engages with non-State actors in a variety of ways, from participating in each others' meetings to working together on technical cooperation activities that benefit Member States. FENSA

¹ Resolution WHA69.10 (2016).

provides a roadmap and specific steps that PASB follows when deciding on proposed engagements with non-State actors. Accordingly, for each proposal, PASB conducts due diligence to classify non-State actors into relevant categories (i.e., nongovernmental organization, academic institution, philanthropic foundation, or private-sector entity), in order to assess any risk, thereby promoting engagement with non-State actors while preserving the Organization's independence, integrity, and reputation. In 2017, PASB conducted over 100 standard due diligence and risk assessment reviews and hundreds of simplified reviews for low-risk engagements.² Based on an analysis of these assessments conducted to date, PASB has not found any reoccurring patterns of concern.

5. In addition, PAHO maintains close collaboration with non-State actors in official relations status. For example, during the 29th Pan American Sanitary Conference in September 2017, 41 delegates from 19 non-State actors in official relations attended and many of these non-State actors provided valuable statements on items of interest to them.

Implementation of FENSA

6. PASB began implementation of FENSA immediately after it was adopted by PAHO Member States in September 2016. A general information bulletin to all PAHO staff was issued describing the Framework in general terms, identifying the internal focal point, and describing procedures to be followed with immediate effect within PASB. Due diligence and risk assessments have thus been conducted on all new engagements between PAHO and non-State actors since September 2016.

7. FENSA implementation continues to progress. Some of the actions taken by PASB throughout 2017 include: PAHO/WHO country representatives, department directors, and other PAHO managers have been briefed, including at the subregional managers' meetings; PAHO's FENSA focal point has updated and continues to update staff to explain applicable procedures that facilitate implementation; relevant internal policies and procedures have been and continue to be revised; and the process for applying for and reviewing non-State actors in official relations status has been made consistent with FENSA requirements.

8. As requested by PAHO Member States through Resolution CD55.R3 (2016), PASB continues to coordinate closely with WHO's Secretariat for the coherent and consistent implementation of FENSA, taking into account PAHO's legal status and Constitution. PASB's FENSA focal point participates regularly in meetings with the

² PASB conducts a standard due diligence and risk assessment review 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 (if an assessment of the non-State actor has previously been conducted and the activities are the same) or 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). This is the same process followed by the WHO Secretariat.

global FENSA focal points from all WHO regions to exchange information and ideas to ensure a coordinated approach while streamlining processes.

9. As of the date of this report, certain FENSA tools have been finalized and others are in the final stages of development by the Secretariat of the World Health Organization (WHO), including: the WHO Register of Non-State Actors; the Guide for Staff; and the Handbook for non-State actors. WHO's Secretariat reports that the Register has been developed, but owing to technical complexities it is being rolled out in stages. The WHO Guide for Staff was published in early 2018. PASB has reviewed this Guide to take into account PAHO's legal status, regulations, rules and procedures, and will distribute the Guide to staff. The draft Handbook for non-State actors was circulated in April 2018 by WHO's Secretariat to the global FENSA focal points and PASB has provided WHO with extensive written comments. These tools will enable PASB to more fully implement FENSA in PAHO. PASB expects to meet the two-year timeline for full implementation established by PAHO Member States in accordance with Resolution CD55.R3.

Action by the Executive Committee

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

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