

24 May 2011

*NGO letter on Conflicts of Interest, Future Financing, Reform and governance of the WHO.*

**Dear Members of the Executive Board,**

We appreciate the need for a reform of the World Health Organization (WHO) that involves the reshaping of its financing in order to make it a more effective institution that truly serves the interests of all the member states in their efforts to pursue the highest attainable standard of health. However in so doing, it is important that the nature of WHO as an independent, member state driven institution is assured and reinforced. This will require member states to take an active role in the oversight of both WHO financing and the direction and scope of the reform process. This cannot be left to the WHO secretariat alone or to small informal groups of member states.

We are writing to express our concerns regarding the management of conflicts of interest and the role of private bodies in the financing and the governance of WHO, a multilateral entity and specialized agency of the United Nations (UN) that derives much of its legitimacy from its independence and commitment to serving the public health interests of member states.

We believe that proposals in the current debate over WHO reform, particularly in the report A64/4 on ‘The future of financing for WHO, World Health Organization: reforms for a healthy future,’ do not adequately address the management of conflicts of interest for private institutions. This is relevant for the institutions that will finance the design of the reform process as well as for the concept of a World Health Forum that will strengthen the role of institutional stakeholders in the governance of WHO.

**Finance**

Our immediate concern is with report A64/4 Add.1 that states that the next steps in the reform process will be financed in part by a private foundation. While the WHO secretariat provides a cost of \$1.47 million USD for implementing A64/4 in the 2010/2011 biennium, no details have been given about the specific amounts to be provided by the foundation as mentioned in sectioned 4 of document A64/4 Add.1. It is entirely inappropriate that the blueprint for reform of a UN institution is funded by a private entity. WHO's independence as the UN's specialized health agency that sets norms or standards for application and enforcement by member states must be preserved. To achieve this, a clear separation between WHO and the interests of private actors must be maintained. The reform of any UN institution, including WHO, is a fundamental responsibility of member states, and funding of the reform process by private entities with conflicting interests risks de-legitimizing the outcomes of reform.

We therefore request that the Executive Board reject any private financing and ensure that this reform is either funded from existing core contributions from member states or from additional member state contributions.

We are also concerned about proposals in the report A64/4 on the Future of Financing to seek funding from private donors. These proposals require a detailed and critical review by member states. WHO is not and should never become a public-private partnership. It is critical that its ability to independently set norms and provide independent evidence and oversight is maintained. If the design of the reform of a multilateral entity is largely financed by private donors, and then executed by consultancies, it does not represent a credible and democratic reform—especially considering these donors might see their role in governance enhanced as a result of the reforms.

**World Health Forum**

We welcome a larger role for ‘little heard voices’ as many of us have had difficulties making our voices heard at WHO, which in comparison with other UN institutions is not accommodating to

public interest organisations. We have identified many short-term and simple reforms that could improve this situation, including changes to accreditation procedures for meetings, rules regarding official relations, and rules governing statements at the WHA. We would also welcome consideration of new processes such as public hearings. In particular, WHO should clearly distinguish between actors that represent or are clearly linked to commercial interests and actors that are public interest centered.

It is not clear if or how these issues will be addressed, and therefore the rationale behind the World Health Forum remains unclear. Before proceeding any further, the World Health Forum proposal, which we oppose as currently outlined, should be better explained and civil society consulted. To date, WHO has failed to provide a situational analysis of the reform process it is prescribing.

### **Conflicts of Interest**

Report A64/4 on the Future of Financing does not adequately address the management of conflicts of interest, and presents an unrealistic and empirically unsupported assumption that all stakeholders will collaborate to advance the public interest.

WHO and other public health institutions have complex relations with commercial entities that supply health care products and services. In some cases the commercial entities are subject to or in need of regulation, in order to protect consumers and promote the public interest. Public health institutions are also often engaged in buying goods and services, or providing financial assistance for such purchases.

It is therefore widely recognized that governments and public health institutions like WHO must avoid conflicts of interest in all aspects of governance. WHO can only respond meaningfully to the challenges of public health through greater transparency and accountability guided by the priorities of Member States and the advance of the public interest. However, transparency is a necessary but not sufficient safe guard: there must also be a clear approach and policy to ensure that those representing commercial interests are not part of policy and norm setting decision making.

In this respect, we wish to emphasize the importance of evaluating conflicts of interest by the pharmaceutical, vaccine, alcoholic beverage, processed food, nuclear power and other industry groups, and private donors who have complex private interests.

We ask the WHO members to ensure that any changes in governance structures address in a transparent manner the risks that conflicts of interest will frustrate efforts to protect consumers and the public interest. We would also ask the Executive Board to provide guidance and design a process by which the WHO secretariat might manage conflicts of interest as part of the governance review process. . This process should include a definition of individual and institutional conflicts of interests as well as specific guidelines on how to appropriately manage them; it should also require that WHO's institutional policies for interaction with the commercial sector are clarified and widely publicised.

Berne Declaration

HAI Global

IBFAN-GIFA

International Federation of Medical Students' Associations (IFMSA)

Knowledge Ecology International

Médecins Sans Frontières (MSF)

People's Health Movement (PHM)

Third World Network (TWN)

Universities Allied for Essential Medicines (UAEM)