



January 16, 2015

Ambassador Jimmy Kolker  
Assistant Secretary for Global Affairs  
U.S. Department of Health and Human Services  
Room 639H  
200 Independence Ave., S.W.  
Washington, DC 20201

Bathsheba Crocker  
Assistant Secretary, Bureau of International  
Organization Affairs  
United States Department of State  
Harry S. Truman Building -Room 6323  
2201 C Street, NW  
Washington, DC 20520

Dear Ambassador Kolker, Dear Ms. Crocker,

We welcome efforts by the World Health Organization (WHO) to work with a range of actors to improve health outcomes. Multi-stakeholder initiatives, including public-private partnerships, are proving effective in addressing pressing health needs. The private sector, with its vast experience deploying innovative healthcare solutions, is an important contributor to evidence-based policymaking at WHO and in other forums.

We are concerned, however, about aspects of the recently proposed World Health Organization (WHO) "Framework of engagement with non-state actors," ("NSA Framework") which will be considered by the WHO Executive Board at its meeting from January 26 – February 3, 2015.

This proposal -- which outlines new rules for WHO engagement with non-state actors such as firms and non-governmental organizations (NGOs) -- could be interpreted to limit the ability of WHO to benefit from the practical experience, resources, evidence and research of NSA partners, in particular, private sector entities and experts affiliated with them. This in turn could weaken the evidence base for WHO norm-setting and policy-making, discourage private sector initiatives and set precedents in other Intergovernmental Organizations (IGOs) and in the U.N. Post 2015 Development Agenda process.

It is imperative that the NSA Framework be implemented in a way that strengthens the ability of WHO to appropriately and meaningfully engage with all NSAs, including the private sector. Private commercial entities are driven to meet the needs of customers, including government entities tasked with instituting and improving health systems. Companies constantly strive to develop and deploy more cost-effective solutions that improve health systems and generate better health outcomes for more people. Indeed, most often private enterprises are working towards the same goal as WHO and its member States. At the same time, conflicts of interest could certainly arise with respect to entities in any of the enumerated categories of NSAs

(i.e., NGOs, private sector, philanthropic organizations, academia), and they should be identified and managed by WHO in an appropriate, transparent manner.

As drafted, the NSA Framework suggests that WHO engagement of private sector actors raises a unique potential for conflicts of interest, a premise that disregards the wide set of motives, including financial incentives, that drive NGO activity. In truth, engagement of for-profit entities and their representatives carries with it an inherent degree of transparency of interests that is not necessarily available regarding the motivations and interests of NGOs. Just as importantly, an examination of the motives of non-state actors is simply not necessary to an evidence-based review of the facts those actors may raise to the WHO's attention.

To summarize, we believe that the differential treatment set forth in the proposal is counterproductive to the WHO mission of improving health outcomes through evidence-based norm-setting and policymaking. We encourage the Administration to ensure that the proposed framework as adopted and implemented will treat all non-state actors according to one set of rules in a consistent manner that reflects: the value of multi-stakeholder initiatives, including private sector actors; the central role of evidence in WHO policymaking and norm-setting and the need to draw on expertise wherever it resides; and appropriate conflict of interest rules that apply across the board to any NSA.

The WHO is called upon to recognize and lead international responses to health crises such as Ebola and health threats such as anti-microbial resistance (AMR), as well as to ensure appropriate health systems and regulations, public action and awareness, and a robust pipeline of innovative solutions. This is a multi-stakeholder undertaking in which the private sector has participated constructively and in which it has a vital role going forward. The WHO NSA Framework should embody an evidence-based approach reflective of WHO's growing need and ability to tap expertise and views from a wide variety of sources -- as do other participatory, standard-setting bodies around the world.

We would welcome the opportunity to discuss the proposed WHO NSA Framework and the need for guidelines applied equally to all NSAs at any time convenient for you.

Sincerely,

**CropLife International**  
**Distilled Spirits Council of the United States**  
**Grocery Manufacturers Association**  
**National Association of Manufacturers**  
**National Foreign Trade Council**  
**U.S. Chamber of Commerce**  
**United States Council for International Business**

CC:

Dr. Thomas R. Frieden, Director, Centers for Disease Control and Prevention, United States Department of Health and Human Services

Ambassador Pamela Hamamoto, Permanent Mission of the United States of America to the United Nations and Other International Organizations in Geneva

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