



May 14, 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 would like to thank you and your teams in Geneva and Washington for the hard work and continued support in response to issues raised in the multi-industry January 16 letter related to business engagement with the World Health Organization (WHO).

We greatly appreciate the efforts by the Administration and other like-minded countries to engage in WHO discussions to design an appropriate framework for engagement of Non-State Actors (NSAs) including business entities. Nonetheless, we continue to be concerned about proposals on the table that could unjustifiably restrict the WHO's ability to engage with the private sector in support of its mission.

With the draft framework on the agenda for the upcoming World Health Assembly (WHA), we urge the United States to stand firm on its edits submitted to the WHO Secretariat in February; in our view, these would alleviate many of the most serious concerns related to the current draft's pejorative language and discriminatory treatment towards the private sector.

As you know, the U.N. has evolved towards more collaborative and open ways of working with a range of stakeholders, including the business community. Yet the WHO constrains itself with restrictions on interaction with many private sector entities, contrary to multi-stakeholder approaches being undertaken in other international fora, and is now considering further such measures. The United States should work to ensure the WHO adopts a framework that applies equally to all stakeholders and

allows the organization to benefit from resources, knowledge, and scientific expertise wherever they reside, rather than discriminating against or giving preferential access to certain types of actors.

In this regard, the framework should not imply or assume that conflict of interest concerns apply only to the private sector (paragraph 26 in particular); should not appear to give the private sector a lesser or subordinate role compared to other actors nor define the private sector as inherently suspect (paragraph 44, among others; the phrase “particular caution” should not be accepted); and should recognize the importance and legitimacy of the private sector’s role and contributions and encourage further partnership.

The current draft text references multiple “Draft WHO Policy and Operational Procedures of Engagement,” making their consolidation into a single policy of general applicability to all non-state actors all the more necessary to avoid potential confusions moving forward.

If the WHO adopts a framework that improperly excludes or unjustifiably restricts engagement with the private sector, it will not only endanger the WHO’s own credibility and functioning but also set a damaging precedent that could discourage ongoing public-private partnerships and private sector involvement in other international fora.

The WHO is at a crossroads. We hope you will continue to encourage the organization to join other inter-governmental bodies, countries and stakeholders in the international community in recognizing the need to collaborate transparently and innovate together as we face complex challenges no one government, institution, or stakeholder can surmount on our own.

We look forward to working with the U.S. delegation to increase transparency and pursue cooperative opportunities to support public health initiatives globally.

Sincerely,

CroLife International
Distilled Spirits Council of the United States
Grocery Manufacturers Association
U.S. Chamber of Commerce
United States Council for International Business
Wine Institute

Cc: Kevin Concannon, Under Secretary for Food, Nutrition, and Consumer Services, USDA
Ambassador Charles Rivkin, Assistant Secretary of State for Economic and Business Affairs, U.S. Department of State
Ambassador Pamela Hamamoto, Permanent Mission of the United States of America to the United Nations
Jonathan A. Margolis, Deputy Assistant Secretary for Science and International Health Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State
Elizabeth Kelley, Assistant U.S. Trade Representative for Private Sector Engagement, USTR
Arun Venkataraman, Special Advisor, Office of Business Liaison, U.S. Department of Commerce