



The Global Social Observatory
Geneva, Switzerland

**Consultation Process on Conflict of Interest in the
Scaling Up Nutrition (SUN) Movement**

Synthesis Report

January 2015



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Preface

The Global Social Observatory (GSO) is pleased to present this Synthesis Report on the GSO-SUN Consultation Process on Conflict of Interest in the context of the Scaling Up Nutrition Movement. The report aims to form the basis for discussion at the project's concluding Global Conference on 16 to 17 February 2015. The document includes a summary of key lessons learned over the 20 months of the GSO-SUN project, including three consultation sessions in 2013, and a synthesis of the case studies and lessons learned from each of four Enhanced Learning Exercises that were convened in 2014 as part of this process.

The GSO is deeply appreciative of the support received throughout the project from the participants in the SUN Movement, particularly representatives who travelled from other countries to participate in the consultation sessions in Geneva in 2013 and in the four Enhanced Learning Exercises (ELEs) in 2014. Our special thanks to the four National Focal Points who hosted the four ELEs – Edith Tetteh from Ghana, Terry Wefwafwa from Kenya, Daysi de Marquez from El Salvador and Nina Sardjunani from Indonesia- and to the SUN Movement Secretariat, particularly David Nabarro, Martin Gallagher, Breda Gavin-Smith, Delphine Babin-Pelliard, Pau Blanquier and Kwame Akoto-Danso.

We express appreciation as well to the members of the Global Steering Committee who have performed an advisory role throughout the project, most recently in preparing for the Global Conference. We also extend special thanks to Christoph Stückelberger of Globethics.net, who has coordinated the ethical perspective. We are also grateful to the legal reviews of the initial Reference Note provided by Anne Trebilcock and of the Reference Note and Toolkit provided by Tal Sagorsky. Our own GSO team includes Katherine Hagen (Project Director), Ralph Doggett (Deputy Project Director), Michelle Botes, Olga Montero, Barbara Zolty, Bob Samors, Tayeba Maktabi and a host of volunteer interns. Finally, we are deeply grateful to the Bill and Melinda Gates Foundation for the generous grant to the GSO that has made this project possible.



Introduction

Since its inception in 2010, the SUN Movement has brought together governments, civil society, the scientific community, business, development agencies and the United Nations (UN) system in an effort to promote better nutrition of the world's women and children. The Movement has evolved since 2010 with 54 countries and one Indian state having committed to scaling up nutrition. A 27-member Lead Group provides stewardship for the Movement, with support from four autonomous networks (business, civil society, donors and UN system), a number of specific task teams and a Secretariat whose role is to facilitate joint action and mutual accountability.

The prevention and management of conflict of interest within the context of the SUN Movement is a complex issue. Creating a space for all actors to play their role in supporting countries to address under-nutrition, may create opportunities for some involved to prioritize their own interest over the collective goal, leading to potential, real or perceived conflicts of interest. This has been an issue of concern to SUN countries and other stakeholders inside, and outside, the Movement.

When the SUN Movement Lead Group met in September 2012 it recognized conflict of interest as an issue requiring more attention within the Movement. However, it also recognized that the Movement is not a compliance based initiative and does not have a mandate to set norms or standards or to create legal frameworks, which remain the responsibility of national governments and, or, relevant international organizations. It therefore requested a document that would serve as a point of reference for governments in SUN countries.

Starting in April 2013, the Global Social Observatory (GSO) - an independent forum for multi-stakeholder dialogue, with financial support from the Bill and Melinda Gates Foundation, has facilitated an interactive consultation process to review some of these issues and leading to the production a Reference Note and Toolkit on the Prevention and Management of Conflict of Interest in the SUN Movement. Following an initial mapping of stakeholders and existing knowledge on key issues relating to conflict of interest, the GSO convened a series of consultation meetings involving representatives from SUN countries and all SUN networks. Each consultation meeting aimed to explore and develop the perspectives and experiences of the participants on conflict of interest, with a view to producing a non-binding detailed Reference Note for the Movement's stakeholders. A Steering Committee, led by GSO, and including representatives of each of the SUN Networks has overseen this process.

At the conclusion of the three rounds of consultations with SUN Movement stakeholders, the GSO produced a draft *Reference Note on Engaging in the SUN Movement: Preventing and Managing Conflicts of Interest*. The note is accompanied by an Executive Summary and supplemented by a SUN Movement *Toolkit for Preventing and Managing Conflict of Interest*.

During 2014, the GSO partnered with the SMS to convene four Enhanced Learning Exercises to test the usefulness of the Reference Note and Toolkit and to better understand some of the key challenges facing countries in dealing with these issues. The meetings also offered an opportunity to learn and share country experiences. Summaries of the case studies presented and lessons learned from each of these meetings are detailed later in this document.





This report seeks to identify a set of key messages and lessons learned from the consultative process, to form the basis for discussion at a concluding Global Conference to take place in Geneva on 16 and 17 February 2015. Updated versions of the Reference Note and Toolkit have been prepared to reflect lessons learned. English, French and Spanish versions are available online at www.gsogeneva.ch and will be available for review by participants during the Global Conference.

Key Messages and Lessons Learned

The GSO-SUN Consultation Process on Conflict of Interest in the context of the Scaling Up Nutrition Movement has led to extremely rich and thoughtful consideration of the issues around conflict of interest that affect those leading and participating in multi-sectoral, multi-stakeholder platforms for nutrition. The following set of key messages and lessons learned, which is not exhaustive, are drawn from those discussions, both as part of the initial consultation process and during the Enhanced Learning Exercises. .

1. The **SUN Principles of Engagement** form an ethical framework for the prevention and management of conflicts of interest within the context of the SUN Movement and can be seen as a base from which individual national policy frameworks can be developed. The Principles can be seen as an important anchor for the Movement's work on conflict of interest at both global and country level.
2. **Leadership at all levels** is a pre-requisite for the successful prevention and management of conflict of interest. Leadership needs to be transparent and inclusive, oriented to consensus building among the diverse stakeholders but willing to address conflicts of interest consistently, effectively and in a timely manner.
3. **Written policies** consistently applied and monitored are essential. The emphasis should be on a policy framework that prevents conflicts of interest from arising but managing them effectively when they do arise. Where possible, policies should be developed in advance as part of the broader terms of reference for the multi-stakeholder platform. Leaders within government or elsewhere should undertake wide consultation and continuous communication to ensure a clear understanding of the policies in place.
4. The Reference Note and Toolkit present a framework on prevention, identification, management and monitoring of conflict of interest, but it is understood that **the mechanisms for addressing issues of conflict of interest will differ** from country to country. They will reflect national contexts and be based in national legal and administrative structures and regulations. While the SUN Principles of Engagement and the GSO-SUN Reference Note and Toolkit can help guide governments, leadership must come from the national level to determine the appropriate mechanisms.
5. A **community-level focus** for strengthening nutrition practices presents a challenge in terms of communicating with community leaders and with the mothers and children to build the trust that is needed for multi-stakeholder collaboration. Priority needs to be directed to engaging in regular and clear communication for the practical implementation of preventing and managing conflict of interest at the community level.



6. **Decentralization of responsibility** for implementation presents another challenge in terms of the consistent application of conflict of interest policies. Equally, regional discrepancies can undermine more robust national approaches, and regional approaches, supported by regional organizations, could help strengthen national responses.
7. Determining how to manage the **role of the private sector** within multi-stakeholder processes remains a particular challenge for countries and other stakeholders. Putting in place robust mechanisms to prevent and manage conflicts of interest can play an important role in building trust among all participants.
8. **All stakeholder groups** within the Movement who are engaging in national multi-stakeholder platforms (or global partnerships) **have the potential for conflict of interest**. The Reference Note and Toolkit propose a policy framework that can be adapted to all stakeholders at the national level. All stakeholder groups, at all levels, should also recognize this potential and take appropriate measures to prevent conflicts from arising and to rapidly address them when they do.
9. The success of COI policies relies on **the availability of expertise, capacity and resources**. At present gaps exist in the human, financial and technical capacity of national governments to consistently implement and monitor policies, particularly at the sub-national level. Civil society has an important role to play in supporting governments in this regard. Skills development was also emphasized for understanding and applying the proposed approaches and tools to practical situations.
10. **National and local academic institutions** can contribute to capacity building at the national and local levels by developing country-specific curricula and case studies and to undertake relevant research on conflict of interest. Research should provide an evidence base for policy development and targeted capacity building.
11. The **International Code of Marketing of Breast-milk Substitutes** is recognized as a key international standard for infant and young child feeding to which all members of the Movement should adhere. Nonetheless, application remains a challenge for those involved in managing issues around conflict of interest on a daily basis. Differences exist in national legislation, which can lead to different applications across borders. In addition, messages received from different actors within the international community are sometimes inconsistent. Those with the mandates at the global level have an important role in supporting countries in their implementation of the Code by providing consistent and authoritative guidance.
12. **Distinguishing between ‘conflicts’** or ‘divergent interests’, for instance between stakeholders’ ideological or political views, **and ‘conflict of interest’** remains a challenge for many in the Movement. Disagreeing with, or disapproving of, the approach or activities of another stakeholder does not necessarily mean that they have a conflict of interest unless those activities are undermining to common effort. All those involved in the Movement should be cognizant of these differences.



Going Forward

The GSO-SUN Reference Note and Toolkit on Preventing and Managing Conflict of Interest represent a significant advance for framing the issues around conflict of interest for the SUN Movement and provide a valuable resource for SUN Country Focal Points and other stakeholders. Nonetheless, countries still struggle with many of these issues and Focal Points are forced to make difficult decisions – such as whether to pass up the opportunity for essential staff training even if sponsored by a potential supplier - on a daily basis. All within the Movement should continue to do all in their power to support those on the front line dealing with these issues every day. The issue of conflict of interest will continue to be an issue of concern to those participating in the SUN Movement and the Movement should recognize this in the upcoming visioning process and in a more comprehensive manner in the updated SUN Strategy (expected in late 2015).

The key messages and lessons learned outlined above will form the basis for a broad discussion by experts and practitioners from across the Movement during the Global Conference taking place in Geneva on 16 and 17 February 2015. The following synthesis report describes the manner in which the Reference Note and Toolkit were evaluated through the Enhanced Learning Exercises conducted by the GSO; how case studies were used to guide discussions and arrive at the lessons learned as summarized above; and highlights the commonalities and differences between the Enhanced Learning Exercises. The outcome of discussions at the Global Conference will provide guidance to the SUN Lead Group on how the Movement continues to engage on these issues as it sets its agenda for the future.



Enhanced Learning Exercises for Refining the Reference Note and Toolkit

In general, the Enhanced Learning Exercises provided an interactive learning experience to verify the usefulness of the Reference Note and Toolkit as a framework for the prevention and management of conflict of interest within the context of the SUN Movement. Updated versions of the Reference Note and Toolkit have been prepared to reflect lessons learned regarding emphasis, clarification and further guidance, but the basic approach to prevention, identification, management and monitoring has not changed. The main structural change is that the SUN Principles of Engagement have been moved to the beginning of the Reference Note to highlight their importance as the ethical framework for the prevention and management of conflicts of interest.

Each ELE was unique and captured certain themes that highlighted the importance of integrating a policy on conflict of interest into the day-to-day operations of national multi-stakeholder platforms. In Ghana, leadership and community-level focus were emphasized. Extensive discussions were devoted to the challenges of financial management and terms of reference for each network as well as for the national platform. In Kenya, the ELE discussed the challenges of defining a “no-go” zone in terms of behavior that would exclude an organization’s involvement in the national multi-stakeholder platform, dealing with limited resources to cover compliance where governance is decentralized, and the usefulness of mapping and starting with small steps. Inclusiveness and continuity were the prominent themes in the El Salvador ELE. And in Indonesia, priority was given to the principle of trust and building trust among diverse stakeholders.

There were common themes in all four ELEs. Recognizing the importance of the SUN Principles of Engagement as the ethical foundation of the SUN Movement was a strong message coming from all participants. The centrality of government leadership was another. These have been captured in the preceding section on key messages.

With respect to more specific concerns, participants in the ELEs repeatedly noted the need for more guidance on the risk-based approach, on what due diligence means, and on the criteria for applying different levels of remedial actions. The Toolkit has the basic materials for this guidance, and additional language has been included to make them more user friendly. The desirability of a continuity of dialogue was raised by many participants in the ELEs for putting these elements of a policy framework into place and making them operational. As observed in all four ELEs, monitoring needs to be a continuous process, driven by an emphasis on an ever-improving evidence base. Participants frequently mentioned the need for more case studies and scenarios.

Finally, another important contribution from the ELEs was the incorporation of an ethics perspective in the exercises. GSO has worked with Globethics.net to facilitate this ethical approach, and local ethics experts have provided very useful insights at all four ELEs. As the ethics expert in Ghana Dr. Joseph Ayee observed, “Conflict of interest must be seen as an ethical issue”. An ethical approach to situations that involve the “compromising of primary interests with secondary interests” rests in the value of a common effort to promote the public interest. The SUN Principles of Engagement are at the core of any building of a community of practice for multi-stakeholder collaboration, whether directed to the immediate task of scaling up nutrition for mothers and infants or more broadly to any common public goal.

As an independent, impartial and neutral facilitator of multi-stakeholder dialogue, the GSO will continue to support the complex interactions required for effective platform development, policy formulation, and



prevention, identification, managing and monitoring conflict of interest in the SUN Movement through the emerging SUN Movement Communities of Practice. The case studies and lessons learned from each of the four Enhanced Learning Exercises are presented in the next section to stimulate the continuing engagement of all stakeholders in the national multi-stakeholder platforms of the SUN Movement.

This section provides a summary of the four Enhanced Learning Exercises, with a synopsis of the Case Studies developed for each exercise and the key lessons learned in each. The Enhanced Learning Exercises were conducted in Accra, Ghana; Nairobi, Kenya; Salinitas, El Salvador; and Jakarta, Indonesia. The events drew participants not only from the host countries but from surrounding countries as well.

Enhanced Learning Exercise in Accra, Ghana, 1-2 April 2014

Host: Edith Tetteh, SUN National Focal Point for Ghana

Participants from Ghana, Cote d'Ivoire and Senegal

Case Study: Conflict of Interest within the Civil Society Network

Authors: Dr. Richmond Aryeetey, Dr. Amos Laar and Dr. Francis Zotor

Local Ethics Expert: Dr. Joseph Atsu Ayee

Synopsis of Case Study

An existing NGO becomes the headquarters for the Women and Children Network (WCN), a coalition of NGOs to better harness available scarce resources. A minority of NGOs criticizes this arrangement, arguing that the WCN should be an independent entity. Concerns included similarity of the name and acronym of the two entities, dominance of the NGO in society, and potential for conflict of interest related to funds, disbursements, expenditures and even retirement mechanisms.

Lessons Learned

General Observations

The case study raised issues around the **role of leadership** in national multi-stakeholder platforms. Leadership, in the context of the SUN Movement, needs to respect and follow the SUN Principles of Engagement. In particular, leadership needs to be transparent and inclusive, oriented to consensus-building among the diverse stakeholders and committed to wide consultation and continuous communication. This requires leadership skills for consensus-building, consultation and communication. Financial management is an important part of leadership responsibilities. Guidance for establishing financial management and oversight policies and procedures should be included in the conflict of interest policy framework.

The challenge is to determine who has responsibility for what among the various institutions and stakeholders. Terms of reference need to clarify the expectations of each network in the multi-stakeholder platform, with the understanding that the common goal is scaling up nutrition. Terms of reference may be needed for organizing the stakeholders within each of the national networks. An understanding about conflict of interest should be included in the terms of reference for any national Focal Point and network leader.

The role of the national Focal Point should be clarified regarding responsibility to prevent or manage conflicts of interests *within* each of the national stakeholder networks. The issue of who has the responsibility to



decide whom to include in the networks or platforms is another crucial threshold issue. Organizers of such collaborative efforts need to have the capacity for conflict of interest prevention and management, including conflicts of interest relating to financial resources management. This may justify the establishment of an independent review committee specifically assigned to the task of developing and administering a conflict of interest policy.

Prevention

- A written policy on conflict of interest should be in place before a network or multi-stakeholder platform begins its activities. Effective prevention depends on a robust conflict of interest policy that is consistently applied with clear sanctions when conflicts of interest do arise.
- A data mapping should be done of the existing legal framework. The importance of existing legal machinery needs to be more fully stated.
- Traditional forms of dispute resolution in communities should also be consulted, in addition to the existing legal framework.
- Local implementation of policies is important because nutrition policies are themselves implemented at the community level. That is why knowledge dissemination and education about conflict of interest down to the community level is important.
- The disclosure of interests requires sensitivity to enforcement when there is a significant power imbalance between the challenger and the individual or institution alleged to have a conflict of interest.

Identification and Management

- Managing conflicts of interest requires capacity to manage at the level of each network as well as capacity at the platform level.
- Identifying conflict of interest requires more than a risk-based approach and needs to start with a clear understanding of the differences between conflict and conflict of interest. A clearer understanding is needed on how to distinguish between the two.
- Building the capacity to understand the relationship between financial auditing and management oversight and conflicts of interest should also be considered by multi-stakeholder platforms.
- More scenarios and case studies from countries would help to clarify the categories of risk and how to manage them effectively.

Monitoring and Capacity Building:

- Monitoring of conflicts of interest policy and of individual cases require guidelines that are consistently applied to all groups. Most importantly, there should be a willingness to hold everyone accountable to the ethics of responsible behavior consistent with the SUN Principles of Engagement.
- The prevention and management of conflict of interest should be more than having a policy framework in place; it should be a continuous capacity-building process.



Conclusions

Building trust in support of an ethical approach to multi-stakeholder collaboration requires leadership first and foremost to articulate and communicate an understanding of what conflict of interest means and a transparent and deliberate policy of knowledge dissemination and information sharing. It also requires having mechanisms in place and incorporating them into the national framework through a fully developed SUN Movement platform.

There is interest in having a continuing dialogue amongst countries aimed at developing more scenarios and a community of practice to share information and “harvest the ideas” that have come out of this exercise and all future exercises.

Enhanced Learning Exercise in Nairobi, Kenya, 29-30 May 2014

Host: Terry Wefwafwa, SUN National Focal Point for Kenya

Participants from Kenya, Burundi, Nigeria, Tanzania and Uganda

Case Study One: Conflicts of Interest with Industry

Case Study Two: Kenya Takes Bold Steps to Protect the Country’s Priority – the District Health Information System 2 (DHIS2)

Case Study Author: Professor Judith Kimiywe

Local Ethics Expert: Dr. Samuel Kobia

Synopses of Case Studies

Case Study One: A large multinational manufacturer of infant formula engages soft-scale lobbying to influence legislation on the marketing of breast-milk substitutes and complementary foods for infants. It participates in legislative working groups to delay and complicate the drafting process; it finances scholarships for advanced study by public health officials; it delivers excess supplies of infant formula for HIV exposed children and other emergency relief needs; and it works with friendly NGOs to promote market-based solutions and processed ready-to-eat foods for children under five, to invite public officials to social functions and to offer to sponsor travel abroad for public officials.

Case Study Two: The government introduces a new integrated information management system that enhances the integration of nutrition information in the health sector and among donors. Soon after, a major development partner proposes a different data collection and reporting initiative, but the government declined to use it on the grounds that it would disrupt the new system. The partner persisted in bilateral meetings with the MOH, recruited other partners to pressure the MOH, and had its global directors bring added pressure. The MOH was advised that the country risked losing funding with the decline of offer.

Lessons Learned

General Observations

Responsibility rests with the government to establish and manage transparent frameworks for the engagement of all actors, including the private sector, in the development and implementation of national nutrition plans. Conflict of interest policies could draw on the framework proposed in the Reference Note and Toolkit but should build on existing national legislation or policies, be widely disseminated and should be part of the broader commitment to scaling up nutrition.





The promotion by the private-sector (and others) of breast-milk substitutes and complementary foods in a way that undermines exclusive breastfeeding for the first six months, and continued breast feeding with appropriate complementary foods for up to two years or beyond, was identified as a central concern. For this reason, some participants suggested that the language regarding the exclusion of those violating the International Code of Marketing of Breast-milk Substitutes and subsequent World Health Assembly Resolutions in the SUN Roadmap be repeated in the Reference Note. Other participants, shared their experiences of having had effective dialogue with companies that were identified as violators of the Code elsewhere, but not in their particular country where the legal framework was stricter than the Code. Questions were raised by several participants about how to apply a “no-go” zone on this issue.

All stakeholders have the potential to have a conflict of interest and should be aware of this in their activities. For example, government line ministries often take different positions based on their core priorities, and these could lead to conflicts of interest.

The ethics expert, Dr. Samuel Kobia provided a useful analysis of how interests can flow into values or alternatively into conflicts of interest and further into corruption, which many participants mentioned as a problem.

Prevention

- A step-by-step checklist is needed on how to develop and implement a clear policy on conflict of interest in the day-to-day running of the platform.
- Rules of engagement should define what is acceptable and what is not acceptable, including guidance on the “no-go” zone as noted above. The policy on COI should clearly lay out what constitutes a conflict of interest.
- Bureaucratic resistance to change often makes it difficult to bring about an alignment of interests.

Identification and Management

- While having a clear policy in place is important, it is also important that sanctions are consistently applied.
- Risk assessments can draw on the typology in the Reference Note and Toolkit, but more is needed on how to conduct such risk assessments and how to identify the conflicts of interest that really matter, including which conflicts of interest merit exclusion from the national platform.
- Managing conflicts of interest can benefit from better understanding of the complexities and subtleties of a country’s conflict of interest situations.
- More guidance is also needed on how to apply due diligence in identifying and managing conflict of interest situations.

Monitoring and Capacity Building

- Effective systems should be in place to continuously monitor compliance with relevant laws and policies, and to take corrective action when necessary, but governments have limited resources for comprehensive monitoring of varied implementation of policies.





- Independent oversight is one option to ensure compliance with a conflict of interest policy, but having a “COI champion” and having continuity in the leadership for promoting and implementing an active COI policy are especially desirable.
- Self-assessments by country focal points may provide guidance on what is needed in a COI policy. This may include data mapping of what kinds of conflict of interest situations exist within the country and mapping the actual stakeholders. A more sophisticated mapping exercise is to identify the degrees of importance of different kinds of COI situations in the applicable country.
- Building capacity of stakeholders starts with gathering the right information, building awareness, networking with allies, building organizational skills and acquiring an ethical consciousness.
- Local academics should be encouraged to develop curriculum, conduct research on conflicts of interest and assist with train the trainer programmes.

Additional Considerations on Harmonization of COI Policies

Local harmonization of practices in a decentralized system of governance is a growing challenge. Capacity for monitoring compliance to a uniform standard in a decentralized system depends on having the resources to cover the whole country. Regional harmonization is also desirable – for cross-border coordination on conflict of interest policies and for consistency in implementation from country to country in the SUN Movement.

Conclusions

Challenges continue to face national multi-stakeholder platforms with regard to the exclusion of those violating the International Code of Marketing of Breast-milk Substitutes and subsequent World Health Assembly Resolutions. Guidance is needed on how to manage “no-go zones”, including how to harmonize exclusionary policies from country to country and especially at a regional level.

Resources are limited in many countries for full implementation of consistently enforceable policies on conflict of interest. One approach is to start small and build from what already exists, with a particular emphasis on existing national law, codes and standards.

Inclusive dialogue, replicating the enhanced learning exercise in each country, and developing strong advocacy groups should be encouraged.

Enhanced Learning Exercise in El Salvador, 17-18 July

Host: Daysi de Marquez, SUN National Focal Point for El Salvador

Participants from El Salvador, Costa Rica and Guatemala

Case Study One: Let’s Prepare an Agenda Together

Case Study Two: 1000 Days

Case Studies Author: Nixon Hernández

Local Ethics Expert: José Marinero-Cortés





Synopses of Case Studies

Case Study One: The national food and nutrition security policy provides for universal supplementary feeding for children during the first 1000 days, to be phased in county by county. A donor offers to conduct a project targeted only to children with malnutrition. Another donor offers to provide nutritious complementary foodstuff in bulk bags, whereas the government requires distribution in smaller 3-pound bags. The donor requested statistic data to support the requirement, but the government was unable to produce the studies. Finally, when there is a change in the administration of a government that promulgates new guidelines on food security and nutrition, donor-funded projects that are not in compliance with the new guidelines may be at risk of losing their funds.

Case Study Two: With a new law on breastfeeding, the government seeks to change the promotional practices of infant formula manufacturers. The law provides freedom of choice for mothers to breastfeed their infants or use infant formula. Healthcare personnel in the private sector, hospitals and clinics have been distributing free baby formula samples and even prescribing them to infants. Promotional brochures and materials are in waiting rooms and aisles. Some hospitals even sell baby formula. Manufacturers in the past have also offered scholarships to health workers and to pay the expenses of attending international events. What should the National Commission for Breastfeeding Promotion do to ensure the effective application of the new law?

Lessons Learned

General Observations

Government in the lead is essential. All other stakeholders must align their activities around national agreed goals of the Government-led policy, but the state's leadership should facilitate an inclusive, participatory format. Where government is weak, the focus of the SUN Movement is to help the other groups support the strengthening of the government's role. Creating a space for dialogue is important in order to build trust and resolve issues. All stakeholders, including the private sector, need to be at the table to have a trust-building process. Change of government may generate new country plans but they should be structured around inclusive dialogue platforms. When modifying programs, one should apply ethical principles – with a focus on assessing differences in process or procedure.

Questions were raised about the issue of being profitable. There were strong discussions about how the promotion of ethical policies makes it a confusing term. As the local ethics expert, José Marinero suggested, a company should be profitable, but profit should not be the primary motive when dealing with policies and programs.

Prevention

- A policy needs to be in place to help prevent and manage conflict of interest
- Transparency and disclosure of interests are important for all stakeholders. Once disclosed, they can be the basis for discussion and finding a way forward. While the state is a facilitator, it also has its own interests. Donors, too, can have conflicts of interest.





- It is important to start from the recognition that we all have diverse interests – and sometimes they are not compatible. This does not necessarily mean that one or other party has a conflict of interest. Some situations might not be a conflict of interest but rather a lack of communication and dialogue.
- One must work with what is available in the local context to build up a legal framework. Existing programmes should be evaluated and there should also be a review of existing stakeholders.
- Trust and responsibility and ethics may take more time, but they could produce more proactive and productive dialogue spaces.
- To avoid conflicts of interest everyone should base their actions on principles. The SUN Principles of Engagement are a valuable guideline. Important principles include building trust, being transparent, being consistent; and being willing to be flexible.

Identification and Management

- There needs to be a consensus on methodologies for integrating the institutional, cultural and legal frameworks, including on the specific issues of breast feeding and food security. It is important that there is consistency in the application of laws across institutions.
- All stakeholders should display a willingness to listen and respect interests of each party – and to avoid harm. Every stakeholder needs the ability to understand the specific interests at play.
- It is a key role of civil society to identify conflicts of interest and to hold people to account.
- Women need to have access to the information to allow them to make informed decisions on the most appropriate infant and young child feeding practices for them. Information should be visible on who is doing what about this.
- The risk based approach is useful and can be applied to look at specific manageable risks, for example, in the law implementing the promotion of breastfeeding. For a risk based approach to work, however, there needs to be clarity regarding all the stakeholders that are involved and their interests.
- Applying due diligence is a good approach to managing/resolving conflicts of interest, but it needs to be undertaken in a situation where everyone is at the same level. The level of influence of different stakeholders needs to be taken into account, and this requires a programme for capacity building.
- More clarity is needed in the Reference Note and Toolkit on what types of corrective measures for remedial action could work in various circumstances.
- Some cases of conflict of interest are non-negotiable, while others can be managed or resolved. This will depend on the nature of the issue and who is involved. .

Monitoring and Capacity Building

- There is a need for monitoring processes – a new model to identify early the potential of COI. This includes understanding why things are not implemented as planned.
- Monitoring should not just identify problems but should also identify best practices and report on them. A mentoring process is important to generate change.
- Stakeholders need to have functional capacities on multi-stakeholder ways of working. Different compromises may be necessary in different settings.





- There should be both a legal and an ethical exploration to identify the causes of conflict of interest, the criteria for identifying them, for finding solutions and for taking corrective measures. This should involve mapping stakeholders, processes and problems that need to be addressed and to identify the risks among those who are involved and affected the most.
- The mechanism for monitoring might need to be external – to have sufficient credibility. The local University might take the lead in a certification process for stakeholders and accreditation of mediators in different phases of conflict resolution.
- It is important to find common points of both capacity and understanding. Tools are useful but to apply the tools they need to be a part of everyone’s daily work.

Conclusions

Strong interest was expressed in having a pilot project in El Salvador on applying the Reference Note and Toolkit to the legislation on food sovereignty. Steps were identified for an inclusive multi-stakeholder consultation to support the development of a draft framework for a conflict of interest policy.

Enhanced Learning Exercise in Jakarta, Indonesia, 3-4 December 2014

Host: Nina Sardjunani, SUN National Focal Point for Indonesia

Participants from Indonesia, Bangladesh, Lao PDR and Sri Lanka

Case Study One: Training Midwives

Case Study Two: Child-friendly Cities

Case Study Three: Community Service Training

Author: Supriyadi Widodo

Local Ethics Expert: Dr. Badriul Hegar

Synopses of Case Studies

Case Study One: A multinational company producing infant formula and complementary foods for infants established a training center for midwives in remote areas throughout Indonesia, to supplement the limited public funds for this activity. The company’s website includes indicators of success associated with the company’s overall image among midwives and the rate of recommendation of the company’s products made by the midwives.

Case Study Two: An NGO is working with a newly elected regional leader on a project named “child friendly cities”. The project builds many child-friendly facilities, including breastfeeding booths in public places. The facilities are similar in color and pictures to the brand of a sponsor company. The NGO also distributes the company’s nutritious food products. As part of the Indonesian government’s decentralization policy, “local regulations for a child-friendly city” are being drafted to address the duties and authority of the government in the management and improvement of its programs on nutrition and for cooperation with third parties, including the implementation of CSR. Technical teams of local government officials are being assisted by several experts whose services are being provided by the NGO.

Case Study Three: A manufacturer of nutritional products, including infant formula, has signed a memorandum of understanding with a national women’s group chaired by the first lady of one of the country’s ministers. The group has trained thousands of volunteers for community-based work on child



development. Every year there is a competition to select the best trained volunteer with prizes that include awards and cash. The partnership allows the company to promote its products, such as “grown-up milk” targeted to children above the age of one. Buildings for local services are often painted the same color as the brand of the milk product. Similarly, the printed materials for training in this program use the same theme and color of their products.

Lessons Learned

General Observations

Trust was a prominent theme at this Enhanced Learning Exercise. It was identified as a basic additional principle to the SUN Principles of Engagement. Trust and mutual respect are essential for people to work together from many sectors and with different interests, perspectives and values, but there were a variety of views on how to generate trust. Building trust among all stakeholders is needed for constructive collaboration, including trust of the policy makers and regulators. However, several participants expressed critical views about the reliability and impact of corporate social responsibility initiatives. Others observed that the private sector is reluctant to work with government because of corruption, while civil society does not trust companies because they distort the facts in their own interests.

Strict adherence to the SUN Principles of transparency, mutual accountability and integrity was highlighted. Also mentioned were the SUN Principles on doing no harm and on a rights-based approach.

Special session on distinguishing between conflict and conflict of interest

Questions were raised about how one might define “conflict” as distinct from “conflict of interest” and further, about how to broaden the definition of conflict of interest to incorporate the risk of a potential or perceived conflict of interest. An example of conflict was identified to be the lack of adequate government funding for initiatives that were deemed desirable for improving the nutrition of infants and young children, with the solution being to augment the services with private sector funding. This is not necessarily a conflict of interest. One suggested ideal is to find the “sweet spot” where the public and private interests intersect.

In the first case study, the promotion of the company’s product in a training program for midwives was deemed to be a conflict of interest, especially if the training partnership poses the risk of undermining the basic mission of promoting breastfeeding. But it was also noted that existing government regulations do not prohibit this kind of partnering for training purposes as long as the Ministry of Health is informed. For the other case studies, participants focused on identifying which of the SUN Principles of Engagement might be most useful for distinguishing and managing the relationship between conflicts and conflicts of interest. The principles of transparency, mutual accountability and integrity were emphasized by all groups, while one put the highest priority on the principle of “do no harm” and added the importance of a rights-based approach.

Participants agreed that one should work within existing partnering arrangements to clearly communicate regulatory provisions to all stakeholders and to include guidance on conflict of interest in the memoranda of understanding between the government and the private partners. Multi-stakeholder collaboration is needed to fight and prevent disease, diagnose health conditions early and have better disease management. However, facilities of health care system and scientific activities should not be used to promote products.

One participant was opposed to the promotion of industrial food supplements for children and spoke in favor of relying exclusively on locally produced food. Others spoke up to affirm the importance of independence



from sponsors, including at research institutes, but also for the need for complementary foods in some circumstances. The ethics expert, Dr. Badriul Hegar, described an approach of collaborating with industry on joint initiatives but not for the promotion of products.

Prevention

- It is highly important to have a written policy in place that includes provisions for strong enforcement and monitoring. The lead agency should engage in discussions with all groups about the policy. The written policy should include clear objectives and responsibilities for each party and provide for common performance standards.
- Applying the concepts of transparency and disclosure to prevent any potential conflict of interest from becoming an actual conflict of interest was emphasized.
- A healthy dialogue on what is the evidence base for the measure of success was also deemed to be important. Disclosure should address motivations for collaboration as well as disclosure of interests.

Identification and Management

- Disclosure mechanisms and disclosure categories can be identified to address both financial and non-financial interests.
- It is important to listen to what others have to say and to be open-minded to the views of others. Through such mutual respect, one can focus on what conflicts of interest might be important to address and on the strategies to bring them to light and then to manage them.
- Surprisingly, the break-out groups classified the risk levels differently for the same case studies and wondered what this meant for the criteria. These differences suggested that even where the limited facts are the same, the groups may choose to highlight different elements of each situation differently. Participants expressed a need for more detailed criteria for applying the risk-based approach.

Most of the remedial actions proposed by the groups had to do with better enforcement of the Code for the Marketing of Breast-milk Substitutes, including stronger regulation, restricting promotion, and better monitoring mechanisms for all parties. Some interesting additional suggestions included developing a pooled fund for corporate social responsibility without any product branding and establishing a Forum for Consumer Protection. Another suggestion was to add the remedy of arbitration to resolve challenges of conflict of interest.

In all cases, the groups favored the development of innovative mechanisms and having an oversight committee to apply due diligence and risk-based assessments.

Monitoring and Capacity Building

- Monitoring is the critical element for a conflict of interest policy and needs its own indicators, adjusted to each country situation.
- Ongoing reviews of policies and practices are important to ensure success, aided by the establishment and building of an evidence base.





- Accountability through data tracking, channelling behavioural change, measuring progress as a whole and regularly reviewing results for the beneficial impact and level of importance are important for the prevention and management of conflict of interest.
- Data are needed to assess hospitals and their compliance with the Code, but the key is to go after the violators, to strengthen enforcement. Partnering with the WHO and UNICEF on how to monitor hospitals regarding their breastfeeding role is well received.
- It is important also to evaluate the effectiveness of capacity for managing and monitoring a conflict of interest policy.
- Exchanges of information would be welcome on monitoring systems, including regional sharing in particular, and on the impact on expected behavioural change.
- One can also develop a checklist for all stakeholder groups and reach a common agreement among all stakeholders on how to comply.
- Capacity building should engage more people with legal background on COI and provide training for lawyers on the role for monitoring and identify some transferrable skills.

Conclusions

After extensive discussion on the merits of including the importance of monitoring and enforcement, and of including potential or perceived conflicts of interest or a risk-based approach in the definition of conflict of interest, it was agreed to accept the basic definition in the Reference Note as the base from which each country can develop criteria on monitoring and enforcement and on the role of potential or perceived conflicts of interest.

Future planning includes a consultation process for developing a basic COI policy at the national level, to include a user-friendly guide and a stakeholder forum. Tasks may also include an assessment of capacity and solutions for addressing gaps in capacity for the management and monitoring of the policy, developing a checklist for all stakeholder groups, and legal training for monitoring and skills development.

Criteria for the risk-based approach to identifying and managing conflicts of interest will need to be developed, as well as guidance on applying the due diligence approach to gather and evaluate all relevant information for each case.

There is interest in facilitating a pooled CSR fund that would broaden the resources for implementing a conflict of interest policy but with clear rules about no promotion of individual sponsors or products.

A regional exchange of information is recommended on experiences in COI prevention and management.



Conclusions

The synthesis report has highlighted the lessons learned from the four Enhanced Learning Exercises of the GSO-SUN project on the prevention and management of conflict of interest in the Scaling Up Nutrition Movement. These lessons learned have reinforced and strengthened the role of the Reference Note and Toolkit as a tool for building trust among stakeholders in national multi-stakeholder platforms. With a view to continuous learning, the Reference Note and Toolkit can inform the updated SUN Movement Strategy and the Communities of Practice for supporting the next phases of the SUN Movement.

The next steps may include the development of national policy frameworks on conflict of interest by SUN Countries as well as practical country-level workshops on conflict of interest prevention and management. The development of these materials has involved a two-year investment of time and effort by many people. The GSO recommends continuation of this effort through national-level capacity building and the development of local expertise. Exchanges of information between countries and communities can also contribute to a dialogue on how to promote harmonization of practices while ensuring local flexibility and relevance.

An important aspect of the Enhanced Learning Exercises has been to feature the ethical perspective of multi-stakeholder alignment with the public interest. The SUN Principles of Engagement are well suited to serve as the ethical foundation for building trust among stakeholders. Having a transparent written policy in place for the disclosure of secondary interests of each stakeholder, both individually and institutionally, sets the stage for building this trust. It is the key to preventing conflicts of interest from arising in the first instance. A particularly nagging issue is the reconciliation of different legal frameworks for the regulation of the marketing and content of food products for mothers and infants. A healthy debate should build on an evidence base and an ethical framework for transparency, inclusiveness, integrity, mutual accountability and all the rest of the principles that are the foundation of the SUN Movement. This may require a global debate and guidance from those with the mandate to address these issues.

In conclusion, the lessons learned from the consultation process and the enhanced learning exercises are presented for consideration of next steps by participants at the concluding Global Conference on 16 to 17 February 2015. The SUN Movement Lead Group will receive the recommendations from this conference lessons learned from the consultation process on conflict of interest. As an independent, neutral and impartial forum for multi-stakeholder dialogue, the GSO has welcomed the opportunity to work with participants in the SUN Movement to facilitate the building of trust for the effective prevention, identification, management and monitoring of conflict of interest in the SUN Movement.

