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

ETHICS MATTERS IN CONFLICTS OF INTERESTS

Discussion Paper of the Ethics Experts of the GSO SUN Project

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1. Introduction

The following text is the result of the contributions of the four ethics experts in the four countries and conferences of the enhanced learning exercises, the inputs from the international experts and joint discussions among the five experts. More inputs will be given in the International Consultation in February 2015.

The objective of this paper is to contribute from an ethical perspective to the further development of the SUN Movement and the GSO-SUN Reference Note and Toolkit.

2. 20 Ethical Principles (Recommendations)

The phrases in italic are the principles/recommendations of each topic

1. Conflicts of Values: *Conflict of Interest (COI) should also be analysed as conflicts of values.*
   Having different interests means having different priorities of values, e.g. the value of individual freedom to act versus the value of community or of responsibility for the public. A COI therefore is not only an expression of personal interests, but a COI can also be an ethical dilemma between two or more values.

2. Trust: *Building trust is key for managing COIs*
   Platforms for managing COIs can only work if there is a certain amount of trust between the participants. Therefore, "How to build trust" is a key ethical task in preparing a framework and platform for managing COIs. The setting of the (multi-stakeholder) dialogues are key in building an atmosphere of trust. Building trust needs time, a culture of respect, deep listening and ethical dialogue methodology.

3. Dialogue Ethics: *The type of dialogue has an impact on the success of dealing with COIs.*
   Dialogues on conflicts have to be distinguished from dialogues on COIs. "Conflicts may be based on divergent or competing interests, but they become conflicts of interest only if the resulting

behaviours are designed to secure advantages for any one individual or organization that have the effect of undermining the collective efforts of the other participants". (GSO-SUN Reference Note para 13). But the discussion if there is a COI and what kind, can be dealt with in different types of dialogues. In a testimonial dialogue the parties express the perception of their own or the other's COIs. In a reconciling dialogue the goal is to come to a joint agreement, in handling the COIs in a careful way.[1] A pedagogical dialogue is an educational and training effort to get clarity on handling COIs.

4. Responsible use of Power: *To acknowledge a COI is only possible when one acknowledges the limitation and control of power.*
A dictator does not have/see conflicts of interests since he/she feels omnipotent to execute power in all private and public fields without distinction between "mine" and "yours". The same can exist in cultures where the ruler is seen as the "owner" of resources, material and even beings in his/her kingdom. There again, a COI will hardly be seen by the ruler nor by the subordinate who accepts this ownership. Parties in ethical dialogues should begin by acknowledging that their collective efforts are based on how each is able to leverage their individual power, no matter how strong or weak this may be. In the same sense, parties must set limits to the use of their power for the advancement of collective interest within the established setting and rules of the dialogue itself.

5. Poverty: *In situations of poverty, declaring openly the "interest" of basic needs and poverty related constraints has to be part of the COI effort.*
Managing COIs is often based on the assumption that the person or institution with a COI has a free choice of decision in how to deal with the COI. Often this is the case. But in situations of poverty or strong institutional constraints this free decision may be very limited. For persons with urgent basic needs such as basic income or food for survival, a COI seems to be a "luxury problem". It cannot lead to a justification or relativism of a COI "from below". It should rather be addressed in a transparent way. Solutions can be capacity building and community mobilization.

6. Ownership: *Collective ownership for dialogues on COIs by the parties involved is a key for its success.*
If the process is imposed and not owned, it has limited impact, is not sustainable and contradicts the value of partnership. Partnership however does not exclude parties exercising leadership, a factor which may be fundamental to the launch and success of the dialogues on COIs.

7. Accountability: *Mutual accountability of actors in the dialogues on COIs is needed and is a fruit of increased ownership.*
Accountability refers to holding officials as other parties and sectors involved responsible or answerable for their behaviour, actions and inactions. Without information, there are severe limits to holding officials accountable. Hence, many mechanisms for increasing accountability also try to increase the validity, regularity, and access of citizens to information about how they are governed. Consequently, there is a close linkage between accountability and transparency. Enforcing accountability in most developing countries is problematic because of either a lack of or the inadequate disclosure and information.

8. Transparency and secret circles: *Transparency is a key value in managing COIs. Secret associations are an obstacle for transparency and handling COIs.*
Even though transparency became a worldwide accepted value (especially in anti-corruption policies, public procurement policies etc.), in many cultures and also religious value systems, transparency is still not seen as important or justified. The fact, that many cultures and political circles are still heavily influenced by secret circles which are by definition non-transparent, COIs are not declared and there is strong resistance to declare them. To address the issue can be highly sensitive and even dangerous as not only mafia-type organisations show but also threats against

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[1] See Globethics.net: Principles of Sharing Values Across Cultures and Religions, Geneva 2012 (also in En, Fr, Sp, Ger, Chinese); Christoph Stückelberger, *Dialogue Ethics*, Journal of Business Ethics, (2009) 84:329-339.

journalists and authors who publish links of politicians to secret associations (e.g. in Africa and France).

9. Partiality and impartiality: *Partiality can be ethically needed and justified in order to defend the interest of the weaker as long as it is declared as partiality.*
Parties in a dialogue have the right and ethical legitimacy to be partial, which means to defend their own values and interests. But it has to be declared as taking part/being partial for reasons which are then explained. The COIs undermine the impartiality of a person because of the conflict between self-interest and public interests. Transparency is the key if a COI is settled in an unethical or ethical way.

10. Differentiation by sectors: *COIs have specificities by sector and need sector-specific guidelines.*
For example, public servants have stricter rules than persons in the private sector. Rules of engagement in dialogues on COIs will have to acknowledge these fundamental differences and even anticipate how these will impose limits on the capacity to advance collective interests or even address COIs.

11. Ethics in public service: *Ethics in public service should be strengthened with respective tools.*
This has not been taken seriously and therefore needs to be deepened in many countries through additional training, tools, monitoring mechanisms via internal controls, an active civil society and independent media, as well as vigorous and proactive public education and ethical codes in public service.

12. Cultural adaptation: *Culturally adapted ways of solving COIs should be examined.*
What are alternative ways of solving conflicts of interest in different cultures? For example mediation and peace keeping mechanisms in the traditional tribal kingdoms ("chefferies") are positive culturally adapted experiences to learn from. In some cultures, the understanding of property (mine, yours and the community's) differs substantially. This leads to the fact that in some cultures a COI is identified where in others it is not seen as a COI. From an ethical perspective, lack of transparency and COIs cannot be justified.by cultural relativism.

13. Leadership Ethics: *The ethics of COI is influenced by the ethics of leadership.*
For example, the concept of "servant leadership" acknowledges that the responsibility of a leader is to provide service to the public and common good and not a platform for access to resources for self-interest.

14. Followership Ethics: *The ethics of COI is influenced by the ethics of "followership".*
It means that not only persons in a leadership position have to declare and resolve their COIs, but also "followers" such as employees, consumers etc. in their respective fields of responsibilities

15. Transition Ethics: *Changing professional positions needs special attention for COIs.*
COIs often arise after changing professional positions e.g. from private sector to public sector or the opposite: Should there be a period, during which it is not possible to have a remunerated mandate e.g. in a specific private sector after serving in the same public sector? The question is pending, for example, in the Swiss parliament with a new law in discussion that former ministers are not allowed to accept a remunerated mandate (during two years after they left the political mandate) in a private company in a sector where the minister was responsible (e.g. health, agriculture, nutrition or infrastructure).

16. Virtue of Integrity: *Conflicts of interests can be handled better with persons of integrity.*
COIs can affect the integrity of a person. The integrity of a person is a holistic perception by others of the person's credibility, honesty, transparency, the ability to respect and implement rules and regulations, the ability to recognize conflicts of interests and settle them in a transparent way, the ability to recognize and correct mistakes in his or her own or the other's behaviour, the ability to accept one's own limitations and need to cooperate with others.

17. <u>Sponsorship Ethics</u>: *Guidelines on sponsorship help in COIs and can be used by GSO-SUN.*
Guidelines on COIs and sponsorship, for example, have been developed in the medical, pharmaceutical and nutrition field. The international trend is that medical doctors have to publish what they get from pharmaceutical companies[2] is one signal to make potential conflicts of interests more transparent.

18. <u>Lobbying Ethics</u>: *Lobbying can be ethically acceptable if clear rules and limits are respected.*
The size and financial input in lobbying activities raise serious concerns about COIs and unfair competition and non-transparent influence. Lobbying is not per se unethical, but can be ethically acceptable as long as a "lobbying ethics" is respected. Like advertisement and marketing, lobbying has to follow ethical standards. There is a large grey zone where COIs play an important role. For example, if an expert of a company is part of a governmental experts group or is at the same time a member of parliament, the scientific or political expertise may be much needed, but then managing the COIs is crucial.

19. <u>Limited number of experts:</u> *Education and training on COIs should be enlarged.*
The more specialised an issue is, the smaller the number of experts and the bigger the chance that the same persons accumulate not only knowledge, but also power and position. This leads obviously to increased likelihood of COIs which may be difficult to resolve or manage unless the number of experts is expanded. In small countries and economies such as Switzerland it is the phenomenon that "everybody knows everybody" and in highly specialised sectors such as highly complicated financing/banking instruments, this is more the case than in the nutrition sector. One way of dealing with the limited number of experts is to make ethics and conflicts of interest part of the curriculum of educational institutions and especially of the training of experts.

20. <u>Research</u>: *Research on COIs in existing and new codes of ethics contributes to solutions.*
Globethics.net is working on a collection of codes of ethics with more than 1000 professional codes of ethics from many professions. An analysis of these codes in terms of how they mention or do not mention conflicts of interests could give hints on how to improve the management of COI with voluntary codes.

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[2]http://www.transparency.ch/de/aktuelles/meldungen/2014_10_06_Aerzte_sollen_Deals_mit_Pharmafirmen_off enlegen.php