

To: Katherine Hagen, Global Social Observatory
Martin Gallagher, SUN Movement Secretariat

From: Tal Sagorsky, consultant

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Please find below some general comments on the Reference Note, Executive Summary and Toolkit. I am also attaching a mark-up of both documents, which in some cases includes some specific comments that should supplement these general comments.

Please let me know if you have any questions.

General—applies to both the Reference Note and the Toolkit

1. Both documents refer to “resolving” conflicts. Generally, most conflicts are not actually “resolved”, but they are “managed”. To “resolve” a conflict would generally mean to eliminate it, which is usually not possible. For example, public disclosure (which the document, before my edits, refers to as public knowledge) does not “resolve” the conflict, as it still exists. Therefore, in all instances, I have changed “resolved” to “manage” in the documents. If accepted the figure in paragraph 29 of the Reference Note (which I could not mark up) –which is also used in the toolkit, should replace the word “resolve” with “manage”.
2. Throughout, I suggested edits/additions to the language to clarify that these suggestions apply to participating in country’s multi-stakeholder platform. This was unclear in many places. This was particularly so in the template COI policy in the toolkit which referred to an “Organization” when it should be directed to the platform which is not an organization/legal entity.
3. The documents refer to many different joint actions, including “endeavours” “initiatives”, “projects” and “activities”. I have edited the document in line with the following logic: “endeavours” are the overall work of the country’s multi-stakeholder platform and “initiatives” are specific decisions or policies (from which a stakeholder could be excluded).
4. Both documents define a conflict of interest differently for individuals or organizations, when they should be one in the same. The point is that the interest compromises the “joint endeavour”, rather than the individual’s “official duties”, which is more relevant to an employee in an organization rather than someone participating in a rather loose affiliation or group like a multi-stakeholder or platform.

5. The reference note and the toolkit are both lacking actual examples of conflicts of interest. It relies on somewhat vague definitions without any real world examples, which may lead to further misunderstanding (as many people do not really know the difference between “divergent interests” and actual COIs.) I would highly recommend adding some good, clear examples of a conflict of interest that has arisen or could arise in a national multi-stakeholder platform. There are hints there (e.g. not complying with the Breast Milk Substitute Code of Conduct), and I note that all the “hints” generally refer only to the private sector whereas there are many other possible conflicts of interest from other stakeholders. Moreover, the categories listed in the toolkit are rather general—for example, “real estate”—it is not clear what about a real estate holding could be a conflict.

6. Due to the nature of the documents, my edits tone-down some of the language about a SUN “policy”, as well as avoiding the word “recommendation”. The document is meant to be guidance rather than a recommendation.

7. The suggestion to use an external mediation service, while best practice, is likely quite unrealistic. As I’m sure you’re aware, such services can be quite expensive and take a long time, and so is likely not feasible to use them for this purpose.

8. In some cases, I suggested changes to the titles of sections. If accepted, these will need to be updated in the table of contents.

Reference Note-Specific

1. The Reference Note contains inconsistent language about what conflicting interests are in conflict with. In some points it refers to objectives of the Movement, in others, it is the goal of the Movement. I tried, where possible, to make that language consistent.

2. There are parts of the definitions sections (paragraph 17 and 18 in particular) that really get into assessment, which is a bit distracting. I have made specific comments on those sections where I suggest deletion of some language. In addition, I would suggest deleting the section on “suspicion of conflict of interest” as this is not really a defined term and does not actually differ from a “perceived conflict of interest”. I note that the term is not used anywhere else in the Reference Note or the Toolkit.

3. Paragraph 50 deals with procedures for stakeholders to raise COIs of other stakeholders. I think this should be moved up in the document (perhaps to the “Due Diligence” section) as it is part of “identifying” a conflict rather than managing it. Logically, you can’t manage something until you know it exists. In other words, there are two ways that they are identified: self-disclosure by the stakeholder and a “challenge” mechanism. If you agree with this, some of my edits in the previous paragraphs would change

4. The entire last section in the Reference Note on managing COIs at a global level confuses me. How is it any different than a country referring an issue to an external mediation service?

Toolkit-specific

1. The list of disclosure categories is somewhat problematic. For example is unclear what kind of 'financial interest' or 'business' would give rise to a conflict of interest in the specific context. Building on my comment above, some actual concrete examples would make the document much more user-friendly and understandable. In addition, the last category of "organizational interests", which I re-named "organizational behaviours", are not really interests at all. They are merely "bad", and in most cases, illegal, behaviour and do not really belong in this list. I would put them in a separate category altogether of, perhaps, "reputational risks" (which the document does not really go into).

2. The document is a bit confusing when it comes to separating out identification of conflicts of interest (i.e. determining whether they exist) and managing (what was resolving) conflicts of interest. By separating them out as you have done, it makes it seem that you are suggesting two different review/oversight committees to perform each task, when I believe this is meant to be only one. I have not tried to resolve this in the text as it would mean completely re-writing it.

3. The conflict of interest template in Appendix 1 was quite problematic. I have made many substantive changes to it. You should keep in mind that it would apply to the entire platform and not the government/ministry. The platform is not a legal entity and cannot contract. I also changed the definition of a conflict of interest to make it consistent with the definitions in the Reference Note, as well as several other language changes for consistency and clarity. Please see my specific comments in that section.

Executive Summary

My edits on the Executive Summary are in line with those I made on the Reference Note. Note that the box of the Principles of Engagement contains shorter, but in some cases (in particular number 10) wholly different language from the list in paragraph 24 of the Reference Note.