



Summary Report of the Enhanced Learning Exercise

for the Consultation Process on

Engaging in the SUN Movement: Preventing and Managing Conflicts of Interest

that took place in Nairobi, Kenya on 29 to 30 May 2014

Report prepared 5 June 2014 and amended 16 June 2014

A. Introduction

The two-day Enhanced Learning Exercise that took place in Nairobi Kenya on 29 to 30 May 2014 to address the objectives of the Concept Note for Enhanced Learning Exercises, and to provide valuable information and insights to all participants. There were about 60 participants all told, including 35 from Kenya, and three representatives each from Burundi, Nigeria, Tanzania and Uganda. Our deep thanks to the excellent leadership of Ms. Terrie Wefwafwa, the Kenya Focal Point for the SUN Movement, and her Planning Committee.

The interactive format included several panels and plenary discussions drawn from and moderated by the participants, and three rounds of small-group “learning circles” to facilitate inclusive involvement by all participants. The opening panel included brief remarks from SUN and GSO representatives, followed by insightful presentations on concerns relating to the timeliness of action on conflict of interest in nutrition by Dr. Ruth Nduati, Head of Pediatrics Department, University of Nairobi; on distinguishing between conflict resolution and conflict of interest by Ms. Grainne Maloney, Chief of Nutrition Section, UNICEF Kenya; and on the government’s commitment to manage multi-stakeholder arrangements from Dr. Patrick Amoth, Head of Family Health in the Ministry of Health, who also officially opened the event. The official opening was followed by an address on conflict of interest from Dr. Samuel Kobia, Former Secretary-General of the World Council of Churches. He presented useful definitions and a framework for appreciating the distinction between types of interests and values.

The GSO-SMS team then presented and explained the elements of the Reference Note and Toolkit and provided a summary of the lessons learned from the first Enhanced Learning Exercise in Ghana. Professor Judith Kimiywe, Department of Food, Nutrition and Dietetics, School of Applied Human Sciences, Kenyatta University, then presented a summary and analysis of the two case studies that had been developed by the Kenya Planning Committee and suggested some links to the Reference Note and Toolkit for lessons learned. The first case study dealt with various issues involving the private sector, while the second case study described a scenario of data management within different agencies of government and the role of donors and partners. This led to an extensive plenary discussion of the main issues that were raised in these case studies.

Participants were then organized into four groups for the programmed Learning Circles, and were invited to select their own facilitators and rapporteurs. The same groups were retained for all three Learning



Circles. On the first day, there were two sessions of Learning Circles, one on prevention and identification of conflict of interest and the other on management and monitoring of conflict of interest. On the second day, the Learning Circles addressed capacity issues. Rapporteurs of the Learning Circles provided feedback to the full group on the key issues, policies, procedures and practices related to these issues.

On the second day, there were also presentations in the morning on developing capacity for managing conflicts of interest in multistakeholder groups by Dr. Kobia, and on prevention of conflict of interest in national policy frameworks by Dr. Samuel Were, the Head of Public Private Partnerships, a new unit in the Ministry of Health. Dr. Kobia outlined the steps for capacity building to achieve effective multi-stakeholder dialogue, delivered from the perspective of his extensive experience with civil society. These steps included the importance of having the right information about a particular issue, building awareness about the seriousness of that information, developing networks of allies, mobilizing resources, developing organizational skills and building an ethical consciousness. He described this framework referring to specific personal experiences in which the local capacity to engage in the dialogue was emphasized, along with the importance for monitoring of performance.

Dr. Were delivered a presentation highlighting the importance of having a framework in place within the government to manage conflicts of interest. He summarized the “six Rs” for monitoring and managing conflict of interest: register, restrict, recruit, remove, relinquish and resign. He also provided a bibliography of sources on conflict of interest, including existing codes and laws in Kenya.

The morning also included a panel of focal points from the five countries, a third round of learning circles to discuss capacity building issues, and a plenary discussion on issues involved with both capacity building and national policy frameworks. The afternoon session featured a plenary discussion on next steps and closing commentaries from the GSO and the Kenya Focal Point.

B. Objectives

As described in the Concept Note, the main objectives of the Enhanced Learning Exercise were:

- To bring together SUN Focal Points and partners to discuss their experiences in relation to preventing and managing conflict of interest;

The Enhanced Learning Exercise (ELE) brought together a diverse group of participants representing Kenyan networks of government, civil society, academia, donors and UN agencies. In addition, there were delegations of three each from Burundi, Nigeria, Tanzania and Uganda. The business and donor sectors were under-represented, but otherwise it was a diverse multi-stakeholder event with a high level of engagement by the participants specifically addressing their experiences, priorities and needs for prevention and management of conflict of interest in the SUN Movement. It was especially beneficial for participants to come from multiple SUN countries to exchange perspectives on legislation, enforcement and harmonization of policies



- To assess how the Reference Note and Toolkit produced in Phase I of the project can be applied and used to support work in this area at country level;

The two case studies provided useful descriptions of circumstances involving conflicts of interest that made it possible for participants to relate to the materials in the Reference Note and Toolkit. However, many participants requested more time to get acquainted with the Reference Note and Toolkit and the case studies. It was agreed that individual and country comments could be submitted for an additional three weeks following the Enhanced Learning Exercise. Many participants enthusiastically embraced the need for further guidance on the prevention and management of conflicts of interest and appreciated the focus on these issues throughout the Enhanced Learning Exercise. The participants also identified areas for action in applying the framework to manage issues of inclusion and exclusion and other areas where they needed to fill in the gaps.

- To contribute to the presentation of a concluding report to the Lead Group to identify how the Reference Note and Toolkit can contribute to aligning multi-stakeholder collaboration for reducing undernutrition and malnutrition and to achieving the overall objective of the SUN Movement of delivering better nutritional outcomes for mothers and children.

Realization of this objective is ongoing. The Nairobi experience has provided valuable input to the process, as detailed in the Key Messages given below.

- To capture experiences and lessons learned to be consolidated into “An In-Practice Brief on Preventing and Managing Conflict of Interest” for sharing during a concluding conference for the project, tentatively scheduled for Geneva, Switzerland in January 2015

The preliminary summary of the key messages given here demonstrates the extent to which experiences have been captured, the breadth of the discussions, and the constructive contributions that have been gained from the second ELE. Action items listed below include taking into account the lessons learned from this exercise for the remaining enhanced learning exercises and the concluding conference in Geneva.



C. Key Messages

1. General Observations:

- a. Participants emphasized the responsibility of government to establish transparent frameworks for the engagement of all actors, including the private sector, in the development of policy and the implementation of national nutrition plans. Conflict of interest policies should adapt the Reference Note and Toolkit to local circumstances and, where appropriate, build on existing national legislation or policies, be widely disseminated and should be part of the broader commitment to scaling up nutrition.
- b. 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 many participants. 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.
- c. Participants recognised that 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. 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.

2. Prevention and Identification of Conflict of Interest

- a. Some participants suggested that the GSO should provide a step-by-step checklist on how to develop and implement a clear policy on conflict of interest in the day-to-day running of the platform. Participants wanted to have rules of engagement to define what is acceptable and what is not acceptable, including guidance on the “no-go” zone as noted above.
- b. Challenges in prevention include having the information clearly laid out about what constitutes a conflict of interest, having local expertise on conflict of interest, ensuring



transparency, overcoming a bureaucracy that is resistant to change and bringing about an alignment of interests. A programme for training the trainers on COI was also mentioned.

3. Management and Monitoring of Conflict of Interest

- a. On management of conflicts of interest, participants again raised the importance of having a clear policy in place, but also observed that sanctions needed to be consistently applied. More guidance is needed on due diligence in identifying and managing conflict of interest situations. Participants also emphasized the importance of having in place effective systems to continuously monitor compliance with relevant laws and policies, and to take corrective action when necessary. This is a challenge in many countries because of limited resources and inconsistent implementation of policies.
- b. Some participants recommended independent oversight to ensure compliance with a conflict of interest policy. Others spoke about the need for COI champions and for continuity of leadership in promoting an active COI policy.

4. Harmonization

Throughout the two days, local harmonization of practices throughout the country was mentioned – especially in the devolution underway in Kenya. Several participants also raised the need for regional harmonization – to ensure that there is cross-border coordination on conflict of interest policies and on their implementation from country to country in the SUN Movement.

5. Capacity Building

Panelists and other participants discussed the elements for capacity building to have a conflict of interest policy in place. Self-assessments were mentioned by some participants, while data mapping was mentioned by others as an important first step for developing a COI policy. Another suggestion was to map the actual stakeholders. Some referred to the mapping exercise as the task of identifying the priorities for what particular kinds of COI situations exist in their country. Capacity for monitoring compliance also depended, as noted above, on having the resources to cover the whole country.



D. Going Forward

1. Participants requested additional time to synthesize and digest the Reference Note, Toolkit and case studies and to give country and individual comments. It was agreed that comments could be submitted to the GSO up until 20 June 2014. Future Enhanced Learning Exercises should accommodate the need for additional time at the beginning of each programme to absorb the Reference Note, Toolkit and case studies.
2. Meanwhile, participants were interested in proceeding with applying the current drafts for the sake of:
 - a. Self-assessments and identifying gaps.
 - b. Information gathering on what constitutes a conflict of interest in the local context.
 - c. Developing definitions of conflict of interest for the local context.
3. Recommendations for the Reference Note and Toolkit included:
 - a. Risk assessments can draw on the typology in the Reference Note and Toolkit, but more is needed on how to conduct such risk assessment and how to identify the conflicts of interest that really matter, including which conflicts of interest merit exclusion from the national platform.
 - b. Managing conflicts of interest can benefit from better understanding of the complexities and subtleties of conflict of interest situations. The six R's may provide a typology of remedial measures, as already adapted in the Toolkit but with more guidance on sanctions.
 - c. It was suggested that the exclusion of those violating the International Code of Marketing of Breast-milk Substitutes and subsequent World Health Assembly Resolutions in the SUN Roadmap should be repeated in the Reference Note. Language in the Reference Note does already make similar statements in two places (paras 20 and 43) that were carefully crafted by the GSO Steering Committee but will once again be reviewed prior to the GSO/SUN global conference in January 2015.
4. The policy framework should draw on existing tools – national laws as well as global codes and standards. Resources are limited, but there are many national policies that can be adapted or integrated into the conflict of interest policy for the country's participation in the SUN Movement. The key is to start small and build from what already exists.
5. Local academics should be encouraged to develop curriculum and conduct research on conflicts of interest.



6. Several participants requested the GSO to convene country-level workshops similar to the Enhanced Learning Exercise. In any case, inclusive dialogue, replicating the enhanced learning exercise in each country, and developing strong advocacy groups should be encouraged.

7. Applying the lessons learned from the Accra and Nairobi Enhanced Learning Exercises, the GSO will convene two additional Enhanced Learning Exercises in San Salvador (17-18 July 2014) and Jakarta (proposed, for some time in October 2014). There will be a concluding conference in Geneva in January 2015 for refining the Reference Note and Toolkit and recommending further steps for the SUN Lead Group.