



Global Social Observatory

Geneva, Switzerland

The **SUN** Movement Toolkit for Preventing and Managing Conflicts of Interest

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Supporting the Scaling Up Nutrition Movement





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Contents

| | |
|--|----|
| INTRODUCTION TO THE TOOLKIT | 1 |
| STRUCTURE OF THE TOOLKIT | 1 |
| THE PRINCIPLES OF ENGAGEMENT | 2 |
| APPLICATION BEYOND THE SUN MOVEMENT | 2 |
| PREVENTING CONFLICTS OF INTEREST | 3 |
| HAVING A CONFLICT OF INTEREST POLICY IN PLACE | 3 |
| DEVELOPING A CONFLICTS OF INTEREST POLICY – A SUGGESTED PROCESS | 3 |
| STEP ONE: CREATE A POLICY DEVELOPMENT TEAM | 3 |
| STEP TWO: GATHER NECESSARY INFORMATION | 3 |
| STEP THREE: DEFINE POLICY AIMS AND AUDIENCE | 4 |
| STEP FOUR: DEVELOP CONSENSUS ON GENERAL PRINCIPLES | 4 |
| STEP FIVE: DRAFT THE POLICY | 4 |
| STEP SIX: SOLICIT FEEDBACK | 4 |
| STEP SEVEN: MAKE REVISIONS AS NEEDED | 4 |
| STEP EIGHT: SOLICIT ADDITIONAL FEEDBACK | 4 |
| STEP NINE: ADOPT THE POLICY | 4 |
| DRAFTING A CONFLICT OF INTEREST POLICY – SUGGESTED CONTENT | 5 |
| TRANSPARENT DISCLOSURE POLICIES AND PROCEDURES | 6 |
| CONFIDENTIALITY PROVISIONS | 6 |
| ILLUSTRATIVE DISCLOSURE CATEGORIES | 7 |
| IDENTIFYING A CONFLICT OF INTEREST | 8 |
| THE RISK-BASED APPROACH TO IDENTIFYING CONFLICTS OF INTEREST | 9 |
| APPLYING THE REASONABLE PERSON APPROACH | 10 |
| THE DUE DILIGENCE APPROACH TO IDENTIFYING CONFLICT OF INTEREST | 10 |
| DUE DILIGENCE ON THE PART OF THE INDIVIDUAL OR GROUP | 10 |
| DUE DILIGENCE ON THE PART OF OFFICIALS IN POSITION OF AUTHORITY | 11 |
| MANAGING CONFLICT OF INTEREST | 12 |
| ESTABLISHING A FRAMEWORK FOR MANAGING CONFLICT OF INTEREST | 12 |
| REMEDIAL ACTIONS | 13 |

| | |
|--|----|
| MONITORING | 17 |
| MONITORING THE APPLICATION AND RELEVANCE OF A CONFLICT OF INTEREST POLICY | 18 |
| MONITORING THE MANAGEMENT OF THE CONFLICT OF INTEREST POLICY | 19 |
| MONITORING – LOOKING TO THE FUTURE | 20 |
| MONITORING – ADDITIONAL CONSIDERATIONS | 21 |
| APPENDIX 1: CONFLICT OF INTEREST POLICY TEMPLATE | 23 |
| APPENDIX 2: SAMPLE DECLARATION FORM FOR DISCLOSURE OF CONFLICT OF INTEREST | 26 |
| APPENDIX 3: FORMS FOR RESOLVING AND MONITORING CONFLICT OF INTEREST | 27 |
| FORM 3.1: CONFLICT OF INTEREST REGISTER | 27 |
| FORM 3.2: EXCLUSION FROM MULTI-STAKEHOLDER PLATFORM INITIATIVE | 28 |
| FORM 3.3: RESIGNATION FROM MULTI-STAKEHOLDER PLATFORM INITIATIVE | 29 |
| FORM 3.4: MONITORING THE REVIEW AND ANALYSIS OF THE CONFLICT OF INTEREST | 30 |
| FORM 3.5: MONITORING ADAPTATIONS TO THE MANAGEMENT OF A CONFLICT OF INTEREST | 31 |
| BIBLIOGRAPHY | 32 |
| GENERAL | 32 |
| POLICIES OF INTERNATIONAL ORGANISATIONS, MULTI-STAKEHOLDER INITIATIVES OR GOVERNMENTS | 34 |
| POLICIES OF CIVIL SOCIETY | 35 |
| POLICIES OF BUSINESS | 36 |
| DISCLOSURE FORMS | 37 |
| OECD UNIQUE GUIDANCE MATERIALS | 38 |
| NUTRITION SPECIFIC | 38 |

Introduction to the Toolkit

To be read in conjunction with paragraphs 1 – 27 of the Reference Note

This SUN Movement Toolkit for Preventing and Managing Conflicts of Interest has been prepared by the Global Social Observatory (GSO), in consultation with the SUN Movement Secretariat and SUN Movement stakeholders. The Toolkit aims to supplement the Reference Note on Engaging in the Sun Movement: Preventing and Managing Conflicts of Interest by providing practical examples of tools and templates in support of the four basic elements of a conflict of interest policy framework presented in the Reference Note. The Toolkit should be read in conjunction with the Reference Note. The Toolkit is intended to support and assist SUN Government Focal Points (and other SUN stakeholders) who are seeking to pro-actively address issues around conflict of interest and strengthening trust and mutual accountability. Identifying and managing conflict of interest is essential to good governance and maintaining trust in public organizations (OECD, 2003) and will contribute to the strengthening of both the SUN Movement and the national multi-stakeholder platforms within SUN Movement countries. It is also envisaged that the Toolkit will contribute to the capacity building of countries looking to strengthen management of their multi-stakeholder platforms.

Conflicts of interest can, in general, be managed in favor of the public good if governments have policies and procedures to do so in place and these policies and procedures are consistently applied. Establishing such policies and procedures is the responsibility of governments. Neither the Reference Note nor the Toolkit are prescriptive documents but serve as an explanation and guidance for countries that hold the responsibility for putting them in place. They are provided as a point for reference for decision-makers dealing with these issues, and who are seeking to put in place national or local policy frameworks to better address them. Local, national and applicable international legal frameworks and structures remain the primary mechanisms for dealing with these issues at the national level.

Structure of the Toolkit

The Reference Note on Engaging in the Sun Movement: Preventing and Managing Conflicts of Interest was developed on the basis of discussions and recommendations from an interactive consultation process that has engaged governments and support networks in the SUN Movement. It describes and recommends four elements of a policy framework, as reflected in the following flow chart:

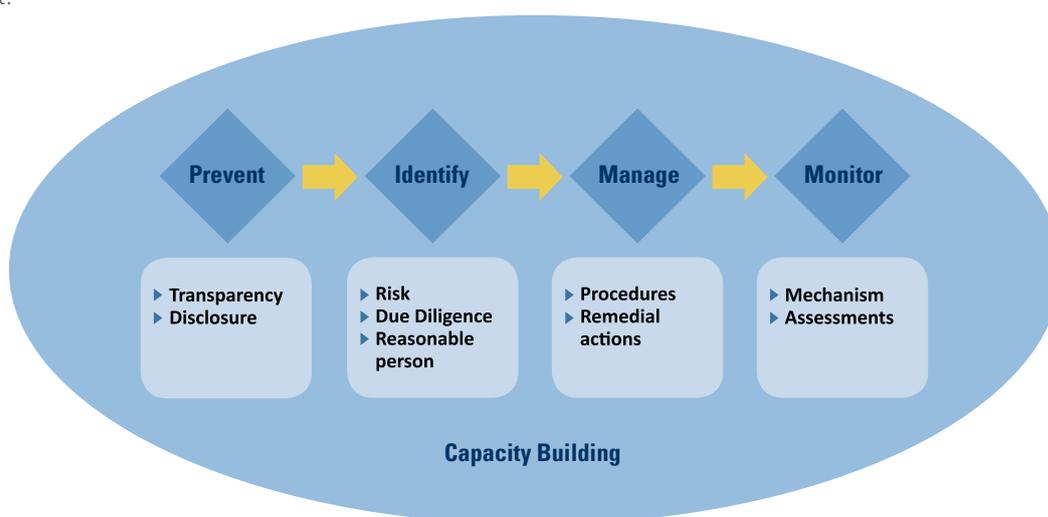


Figure i – Elements of a policy framework

The Toolkit provides practical information for the implementation of these four elements. Each section of the Toolkit contains a summary of key points from the Reference Note and builds on each element with accompanying tools, such as checklists, a sample template for a policy, disclosure and monitoring forms and other relevant practical suggestions and guidance.

The Principles of Engagement

The SUN Movement Principles of Engagement provide the foundation for positive collaboration among stakeholders and for the SUN Movement's guidance on managing conflicts of interest. They are intended to serve as the basis for promoting and assessing individual and organizational behaviour and identifying possible conflicts of interests within country multi-stakeholder platforms. The Toolkit is intended to provide countries with means to interpret and apply the SUN Principles of Engagement to their particular settings.

Application beyond the SUN Movement

As mentioned above, the SUN Movement Reference Note and Toolkit were developed by GSO in response to an identified need within the SUN Movement's stakeholders for an internal discussion on mutual trust and accountability within the Movement. In particular that discussion needs to focus on how to address real, potential or perceived conflicts of interest.

The Movement is aware that many of the issues explored are not confined to the field of nutrition, but are also of interest to those working in other multi-stakeholder initiatives in particular in the area of health, and non-communicable diseases. The tools and guidance in this document were developed specifically in response to the issues raised during the consultation process on conflict of interest within the SUN Movement; however, it is hoped that they may be of interest and help to others who are currently exploring these issues in other settings.

Adapting the SUN Principles of Engagement to Conflict of Interest Situations

- 1. BE TRANSPARENT ESPECIALLY ABOUT INTENTIONS AND IMPACT:** Stakeholders will engage in transparent behaviour in all interactions within the context of the SUN Movement. Stakeholders also commit to establishing rigorous evaluations of the impacts of collective action and the contributions of individual stakeholders.
- 2. BE INCLUSIVE:** The SUN Movement is open to all stakeholders that demonstrate their commitment to its goals. Exclusion should be avoided if at all possible.
- 3. BE RIGHTS-BASED:** All stakeholders are expected to act in accordance with a commitment to uphold the equity and rights of all women, men and children.
- 4. BE WILLING TO NEGOTIATE:** All SUN Movement stakeholders are responsible for offering coherent and responsive support to national governments as they implement their nutrition policies and plans. Stakeholders will seek to resolve divergences in approach or divergent or competing interests whenever they arise.
- 5. BE PREDICTABLE AND MUTUALLY ACCOUNTABLE:** All stakeholders are collectively accountable for their joint commitments; they should follow up on these commitments in a predictable way and be mutually accountable for the commitments being delivered as intended.
- 6. BE COST-EFFECTIVE:** Stakeholders should be guided by available evidence about policies and actions that have the greatest and most sustainable impact for the least cost.
- 7. BE CONTINUOUSLY COMMUNICATIVE:** All stakeholders are committed to the regular sharing of their intentions, actions, experiences and concerns.
- 8. ACT WITH INTEGRITY AND IN AN ETHICAL MANNER THAT ENHANCES THE REPUTATION AND IMPACT OF THE SUN MOVEMENT:** Stakeholders should recognize that both personal and institutional conflicts of interest must be managed with the highest degree of integrity.
- 9. BE MUTUALLY RESPECTFUL AND SEEK TO EARN THE TRUST OF THOSE WITH WHOM YOU ARE WORKING:** Stakeholders make different contributions to the collective effort. Building the trust needed for collaboration requires respect for these differences.
- 10. DO NO HARM:** All stakeholders are committed to ensuring that all mothers and children everywhere are empowered to realise their right to proper nutrition. Whatever action is being undertaken, the wellbeing of mothers and children at risk of undernutrition should be the primary consideration. For this reason, the possible negative consequences of all actions should be considered before any action is taken.

Figure ii – The SUN Movement Principles of Engagement

Preventing conflict of interest

To be read in conjunction with paragraphs 28 to 35 of the Reference Note

The first stage in the development of a comprehensive conflict of interest policy framework is to establish mechanisms for prevention. These mechanisms consist primarily of (a) having in place clearly written, transparent policy on conflicts of interest and (b) having consistently applied disclosure procedures.

Having a conflict of interest policy in place

The Reference Note encourages governments to adopt and publicize written policies and procedures for dealing with conflicts of interest. As a starting point, it is important that all stakeholders are aware of existing legal obligations relating to conflicts of interest and their applicability to the country's SUN Movement initiatives that operate through its multi-stakeholder platforms. This is best done by having written policies that define conflict of interest and make these policies available and applicable to all existing and potential stakeholders. Whether there is an existing code of conduct that is applied to all stakeholders in the multi-stakeholder platform, or alternatively, a separate policy is developed for this purpose, a review should be undertaken with regard to consistency with the SUN Principles of Engagement. The review should also address matters of compliance with relevant international covenants, including the International Code of Marketing of Breast Milk Substitutes.

Developing a conflict of interest policy – a suggested process

In developing a policy on conflict of interest, certain steps may be taken, even before the actual drafting or adoption of a policy. The Reference Note recommends inclusive multi-stakeholder participation in developing any policy or procedures to enhance their legitimacy. Here are some suggested steps to follow.¹

Figure iii – Steps for developing a conflict of interest policy

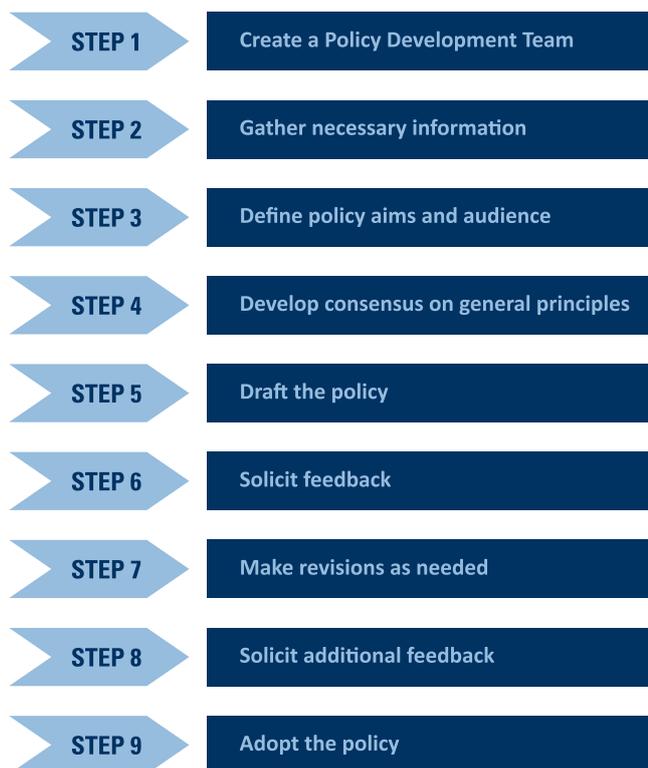
Step One:

Create a policy development team

The first step is to decide who needs to participate in developing the policy and inviting them to join a policy development team. Representatives from all stakeholder groups that may be affected by the policy should be either invited to participate or at least consulted by the policy development team.

Step Two: Gather necessary information

It would be useful to gather information on any existing laws or regulations that may apply to participating stakeholder groups, including the government itself. These may be internal to the participating government units, but they may also be located in an external source, such as another governmental agency. Some of these policies may not specifically contain a conflict of interest policy but they may be related policies that can be reviewed for any overlap, such as codes of conduct, ethics policies or other policies on confidential information, intellectual property, procurement, sponsorship, secondary employment, or management of regulatory responsibilities or business relationships. A survey of the functions and activities of the national multi-stakeholder platform may also be helpful for identifying areas of activity where conflicts of interest are likely to arise.



¹ These steps are adapted from ICAC, Managing Conflicts of Interest in the Public Sector (2004).

Step Three: Define policy aims and audience

The participants in the policy development team may wish to build on the information base by addressing the specific risks to be covered by a conflict of interest policy. Clearly defined aims of the policy can be articulated to respond to these specified risks. The written policy should define who is covered by the policy (which should generally include all individuals and organizations participating in the multi-stakeholder platform). The scope and coverage of the policy may be developed by the policy development team for an understanding of who and which stakeholder groups will be affected by the policy and how it will impact on the groups and individuals representing each group.

Step Four: Develop consensus on general principles

This step involves reaching agreement among participants in the policy development team on the general underlying principles that form the basis of the specific aims of the policy. Articulating the principles may be useful to confirm that they are consistent with existing applicable laws and regulations, as well as with the SUN Principles of Engagement and relevant international codes and obligations. One may seek to answer the following questions: Are the principles of the proposed policy reasonable? Practical/feasible? Adequate? Do they have the potential to contribute to building trust and encouraging collaboration among the participating groups?

Step Five: Draft the policy

Building on the consensus on aims and underlying principles, the policy team can begin writing the policy. This may be delegated to a designated sub-group. Drafting may also benefit from including persons with prior experience in managing conflicts of interest or with legal expertise. There is a checklist provided below for possible content of the policy (Figure iv). Drafting the policy ought to be carried out with attention to broadly covering all identified conflicts of interest risks, while also providing scope for adjusting to specific circumstances.

Step Six: Solicit feedback

The policy development team should share the first draft of the policy with all relevant stakeholder groups for feedback. A legal review may also be appropriate if the drafting process itself has not included legal counsel. Each group may need a reasonable amount of time to raise questions and share comments and suggestions.

Step Seven: Make revisions as needed

Based on feedback from all participating groups, the policy development team can revise it where there is agreement for any changes.

Step Eight: Solicit additional feedback

The revised draft policy can then be made available for public review by all stakeholder groups.

Step Nine: Adopt the policy

The policy development team can make further changes as needed before submitting the policy to the appropriate authorities for formal approval. The identification of the appropriate authorities will depend on the legal regime in the specific country.

Drafting a conflict of interest policy – suggested content

A sample written policy on conflict of interest is included as Appendix 1 to this Toolkit.

The box below figure iv) contains an illustrative checklist on the Sections that might be included in a conflict of interest policy.

| Sections that might be included in a conflict of interest policy | |
|--|---|
| Section 1 | Preface / Introduction / Statement of Purpose/Aims of the Policy |
| Section 2 | Definitions of covered individuals/stakeholders |
| Section 3 | Definitions of conflict of interest <ul style="list-style-type: none"> • Basic definitions- individual or organizational |
| Section 4 | Categories of conflict of interest <ul style="list-style-type: none"> • Actual, perceived or real • Primary or secondary • Direct or indirect • Include examples of situations in which conflicts are likely to occur or • identify a typology of risks for evaluating conflicts of interest |
| Section 5 | Guiding SUN Movement Principles and relevant legislation <ul style="list-style-type: none"> • SUN Principles of Engagement and Code • Review of existing legal obligations • Acceptance of divergent interests and mechanisms in place to resolve • Shared decision-making and agreement among participants as equals • Applying the reasonable person test |
| Section 6 | Procedures to manage conflicts of interest <ul style="list-style-type: none"> • Disclosure <ul style="list-style-type: none"> • Public listing of applicable disclosures under the policy and periodic reviews • Transparency and general duty to disclose (frequency, scope, by whom and to whom) • Specific procedures for identifying when conflicts of interest might arise <ul style="list-style-type: none"> • Multi-stakeholder platform meetings (advance notice, options for recusal where appropriate, who decides) • Remedial actions <ul style="list-style-type: none"> • Failure to disclose (penalties for both general and specific settings) • Reviewing challenges based on perceived conflicts of interest • Grievance and appellate review mechanisms • Monitoring and evaluation |
| Section 7 | Additional considerations <ul style="list-style-type: none"> • Gifts • Data protection / privacy |
| Section 8 | Dissemination and review of policy |
| Addendum | Disclosure forms |

Figure iv – Sections of a conflict of interest policy

In most countries, there is a wide array of codes of conduct applicable to conflict of interest. Most of these address individual conflicts of interest and not organizational conflicts of interest, while others have taken both of these into account. Other multi-stakeholder initiatives have adopted policies that may serve as a useful reference. A list of sources is included in the bibliography at the end of this Toolkit.

Transparent disclosure policies and procedures

A second part of the element on prevention in the policy framework is to ensure and enable advance disclosure of any interests that may be deemed a conflict of interest for stakeholders participating in the national multi-stakeholder platform. This section describes a set of possible Disclosure Steps that governments may wish to follow and an illustrative list of categories of interests that may constitute a potential or actual conflict of interest.

The Disclosure Steps describe levels of disclosure for different kinds of stakeholder group interests (figure v, vi and vii). Note: Different rules may apply when the disclosure is for an individual representing a stakeholder group versus the disclosure of the interests held by the stakeholder group. The policy should clarify the nature of disclosure requirements for each.

This is followed by an illustrative list of disclosure categories (table I) of interests that may be considered interests with the potential to be deemed conflicts of interest in relation to the multi-stakeholder platform.

Preliminary Steps

Requiring an affirmation of compliance upon joining the country's multi-stakeholder platform:

- Implicitly achieved through a public announcement by the government that such a policy is in effect and all participating groups have committed to be in compliance
- Explicitly achieved by requiring all participating groups to issue a proactive statement of compliance, whether orally or in writing
- Providing for periodic affirmation of compliance with the policy

Figure v – Preliminary steps

Event-specific Steps

Requiring affirmative disclosure of interests that may constitute a conflict of interest with a specific meeting agenda item, initiative or event

- Routine part of all decision-making meetings to require disclosure of relevant interests
- Publicize the subject areas and content of initiatives under consideration
- Disseminate meeting agendas with adequate notice in order for relevant stakeholders to take appropriate action
- Publicly report decisions taken and activities initiated
- Maintain transparent records of any decision-making that has included conflict of interest as well as measures taken to resolve them

Figure vi – Event-specific steps

Further Steps

Requiring some form of affirmative disclosures of interests that may constitute conflicts of interest with the multi-stakeholder initiative on nutrition as a whole

- Providing a check list of the categories of interests that are covered by the conflict of interest policy
- Requiring participants to sign a disclosure form based on a checklist of categories and itemizing all present interests in each category
- Periodic updates of submitting signed disclosure forms

Figure vii – Further steps

Confidentiality provisions

- Dealing with proprietary or other sensitive information can be addressed by instituting non-disclosure agreements in specific situations.
- Other situations may require review by an oversight body to determine the merits of excluding the interests from public disclosure.

Illustrative Disclosure Categories

Below is a list of possible categories of interests or behaviours for which disclosure may be required. It is recommended that the actual list be agreed in advance and applicable to all individuals and organizations that are stakeholders. Each stakeholder organization may be requested to disclose if any of these interests has a direct or indirect relationship to the platform's joint endeavour or its specific initiatives. It should be made clear that individuals and organizations have many interests in these categories that have no relevance to the platform's joint endeavour or its specific initiatives. They should be invited to affirm only those interests that may impact on or that do have a direct or indirect relationship to the multi-stakeholder platform or its specific initiatives. It should also be made clear that the mere disclosure of these interests is not intended to suggest the presence of a conflict of interest. The purpose here is to facilitate the identification of potential conflicts of interest and the prevention of such interests becoming actual or perceived conflicts of interest through public disclosure in advance.

Governments may opt to have different disclosure policies for individuals as distinct from the organizations that they may be representing in the multi-stakeholder platform. Furthermore, the Illustrative Disclosure Categories should not be seen as a complete or all-inclusive list but rather as a guide to the possible categories that governments may opt to consider. Governments may also want to address issues of undue size or influence or unjust enrichment, but these are not listed as disclosure categories. A sample declaration of interests template relating to the interests of a stakeholder organization is included in Appendix 2. Sources for other examples are listed under a separate heading in the bibliography.

| Illustrative Disclosure Categories | |
|--|--|
| Financial interests of a stakeholder organization that may have an impact on its participation in or have a direct or indirect relationship to the multi-stakeholder platform or its initiatives | <ul style="list-style-type: none"> Real estate interests Products or services of the organization Shareholdings or investments Procurement contracts Intellectual property rights Sponsorships or gifts extended to others |
| Financial interests of an individual that may have an impact on its participation in or have a direct or indirect relationship to the multi-stakeholder platform or its initiatives | <ul style="list-style-type: none"> Employment/consultancies/sources of income Real estate Shareholdings, trusts, partnerships, or other investments Directorships, appointments and ancillary employment in other enterprises Receipt of gifts, sponsored travel or hospitality |
| Non-financial interests that may have an impact on a stakeholder's participation in or have a direct or indirect relationship to the multi-stakeholder platform or its initiatives | <ul style="list-style-type: none"> Membership in an organization with an interest in multi-stakeholder nutrition initiatives Publications relevant to multi-stakeholder nutrition initiatives |
| Personal or family affiliations | <ul style="list-style-type: none"> Individual or close family member in a decision-making position of the multi-stakeholder platform or its initiatives Close family member with financial or non-financial interests (as described above for organizations or individuals) with a direct or indirect relationship to the multi-stakeholder platform or its initiatives |
| Organizational behaviours that may have an impact on the reputation of the multi-stakeholder platform and/or the SUN Movement as a whole | <ul style="list-style-type: none"> Producer of, or association with, producers of unhealthy and/or restricted products (based on local and applicable international laws) Marketing or other promotion of inappropriate products (based on local and applicable international laws) Presently engaged, or in the past, engaged in behaviour that has negative impact on human rights or on international human rights conventions Presently engaged, or in the past, engaged in child labour, forced labour, discrimination, violation of bargaining or association rights |

Table 1 – Disclosure categories

Identifying a Conflict of Interest

To be read in conjunction with paragraphs 36 to 45 of the Reference Note

The second element in the policy framework proposed in the Reference Note is to have in place procedures for identifying a real conflict of interest following disclosure of a potential conflict of interest by a stakeholder, or allegations of a stakeholder's perceived conflict of interest or failure to disclose. These procedures are needed for determining if a conflict of interest really exists, or if the interests in question are divergent or competing but can be made to converge through dialogue and negotiation.

The Reference Note recommends that the determination take the form of a risk-based approach to evaluating interests and identifying those that are more likely to have the effect of compromising, interfering with or taking precedence over the interests of the joint endeavour. See paras 36 to 45 of the Reference Note.

The Reference Note also describes a due diligence approach designed to ensure that those conflicts of interest that are the most potentially damaging are recognized and acted upon. See paras 43 to 45 of the Reference Note. In this section, the Toolkit lays out tools and mechanisms for implementing each of these approaches.

Both the risk-based approach and the due-diligence approach are dependent on having in place a procedure for keeping track of both: (i) the disclosures of participating stakeholder groups and individuals; and (ii) the allegations made against a particular stakeholder for failing to disclose. Below are some suggestions on putting in place such a procedure, based on the elements for a written policy as described in figure iv in the previous section.

Suggestions for Establishing and Operating a Procedure for Identifying Conflicts of Interest

Have written policies developed and accepted by a representative body of all stakeholders and a framework to include:

- Agreed definitions of conflict of interest
- Disclosure forms and a registry for those forms.
(See Appendix 2 for template)
- Regular and consistent reporting by stakeholders on real or potential conflicts of interest.
(See forms in Appendix 3)
- Provision for a transparent mechanism for stakeholders to raise actual or potential conflicts of interest of other stakeholders with timely action to determine whether an actual or potential conflict of interest exists.
(See forms in Appendix 3)
- Rules to handle specific cases
- Role of an oversight body clearly defined (potentially using existing national mechanisms, such as an ombudsperson or ethics officer or by creating a new oversight mechanism)
- Mechanism for challenges to any remedial action
- Internal complaints procedure in place
- Possibility of an independent review panel

Figure viii

The risk-based approach to identifying conflicts of interest

The risk-based approach to identifying conflicts of interest, that is, determining if one exists, is based on the recognition that a multi-stakeholder platform will involve individual, but especially organizational interests that may be divergent or competing interests in relation to the objectives and interests of the joint endeavour or its specific initiatives. A risk-based approach can be used to anticipate and analyse the potential risk of conflicts of interest associated with particular initiatives of the joint endeavour. The proposed typology of risks contained in the Reference Note is as follows:

| |
|---|
| Category A: Marginal risks that are not likely to affect the initiative |
| Category B: Risks that might affect the initiative, but are manageable |
| Category C: Risks that give rise to concern and a need for advice |
| Category D: Risks that are certain to cause damage |

Figure ix – Typology for risk-based approach categories

The typology is described further below.

| Typology for a Risk-based Analysis of Conflict of Interest |
|---|
| <p>Category A: Marginal risks that are not likely to affect the initiative. If the interest is revealed but is not relevant to the issue at hand, there is no conflict of interest.</p> |
| <p>Category B: Risks that might affect the initiative, but are manageable. If the interest is relevant to the subject at hand, it should be determined whether or not the interest is significant.</p> <ul style="list-style-type: none"> • A declared interest is insignificant or minimal when it is unlikely to affect or be reasonable perceived to affect, the objectivity of the judgment of the individual representing the organization or the integrity of his or her advice or decision. • Insignificant or minimal interests may be defined as those that are unrelated or are only tangentially related to the subject at hand; are nominal in amount, or are inconsequential in importance. |
| <p>Category C: Risks that give rise to concern and a need for advice. If the relevant interest is significant or potentially significant, an assessment of the potential conflict may be appropriate.</p> <ul style="list-style-type: none"> • Are the risks that the conflict of interest might affect the initiative manageable? • Is the individual taking steps to eliminate or mitigate the conflict’s effect on the project? • Is there, alternatively, a need for advice and consultation among the representatives of other participating stakeholders? For consultation with the Platform’s oversight body? • A balancing test can be implemented to weigh the degree of potential conflict to determine whether it can be suitably managed or neutralized. |
| <p>Category D: Risks that are certain to cause damage. Are the risks certain to cause damage by compromising, interfering with or taking precedence over the interests of the joint endeavour if not removed from influencing the subject at hand?</p> <ul style="list-style-type: none"> • This category may include perceived conflicts of interest where the risks are certain to cause damage, but the emphasis is best directed to real or potential conflicts of interest that are not conducive to being suitably managed or neutralized. • This fourth category, however, may encompass the practice of “inducements” – gifts, donations, subsidized competitions and sponsored training courses – that can be perceived as encouraging the pursuit of private/primary or secondary interests whether by the donor or by the recipient. • Certain types of behaviours are recognized as inherently constituting conflicts of interest for the SUN Movement. These are risks that are certain to compromise, interfere with or take precedence over the interests of the joint endeavour and may by definition be classified under the fourth category in this typology. • Stakeholders may be expected to comply with the SUN Principles of Engagement and relevant international covenants, including the International Code of Marketing of Breast Milk Substitutes. |

Figure x – Typology for risk-based analysis of conflict of interest

Applying the reasonable person approach

The Reference Note suggests using a “reasonable person” test, characterized as follows: “Would a reasonable person in possession of the relevant facts be likely to conclude that the collective goal of the SUN Movement was at risk from the actions of any particular stakeholder?”

If an appropriately well informed person might reasonably conclude that the decision-making on the subject at hand would be biased or that the discussion would be constrained or otherwise compromised because of the presence of a representative of the conflicted interest, then it may well be appropriate to exclude or limit the participation of that individual/representative.

The due diligence approach to identifying conflict of interest

The duty of due diligence applies to both individuals or groups who have a responsibility to identify and disclose when their interests may constitute a conflict, as well as to those in official positions of authority with responsibility for identifying conflict of interest situations that may be raised by others. The Reference Note describes this approach in paras 43 to 45. Of course, one must continue to emphasize that divergent or competing interests do not necessarily constitute conflicts of interest.

Due diligence on the part of the individual or group

Voluntary disclosure of interests that may be in conflict with the goals of the national multi-stakeholder platforms are integral to compliance by individuals or groups with the SUN Principles of Engagement. By participating in national multi-stakeholder platforms, each stakeholder is affirming his or her ability to collaborate effectively with others and is responsible to disclose any divergent or competing interests with due diligence to their effect on the goals of the joint initiative, and in compliance with the disclosure categories that were previously agreed. Below are a few suggestions on how individuals representing an organization in a multi-stakeholder platform may apply a due diligence approach to its interests.

Individuals representing an organization in a multi-stakeholder platform may ask:

- Does the organization have financial or economic interests in the field of nutrition?
- Can these interests be beneficial to the joint endeavour? If so, how?
- Can these interests detract from the joint endeavour or undermine its effectiveness? If so, how can they be managed to avoid damage?
- Does the organization recognize the precedence of the collective goals in the joint endeavour?
- Are the behaviours of the organization aligned with SUN Principles of Engagement?

Figure xi – Individual interests

Due diligence on the part of officials in position of authority

Even where the individual or group is aware of a divergent or competing interest that may be perceived by others as a conflict of interest and is taking steps to manage these interests, the perceptions of a conflict of interest may interfere with the building of trust. Because a lack of trust can undermine the collective efforts of stakeholders within the multi-stakeholder platform, there should be a procedure in place for those in positions of authority to undertake a due diligence process of scrutiny and deliberation, especially if a complaint has been made. In some situations, there may be different interpretations of the facts, while in others the disclosure by the stakeholder may be judged inadequate. The stakeholder might not be fully transparent about his interests or might not be revealing all relevant interests. In approaching these situations with due diligence, the official in a position to identify the presence of a conflict of interest gathers all of the evidence-based information to guide him or her in ways to address the perceptions of potential or real conflicts of interest.

A Due Diligence Screening Process can be implemented to:

- Confirm that SUN Movement goals take precedence over other interests
- Confirm alignment and compliance with SUN Movement Engagement Principles
- Compare the interests of any individual, organization or group to SUN Movement goals and to verify active/affirmative the presence of common objectives
- Focus scrutiny on situations revealing
 - Potential for interference with standards or norms
 - Expectations from commercial or other sector for any public recognition
 - Threat to neutrality or scientific credibility/evidence base
 - Unfair advantage
 - Financial risk
- Set policy on areas where affirmations may be needed to include:
 - Non-exclusivity with no preferential treatment, unfair advantage or endorsement for any product or entity
 - No limitation for negotiating similar arrangements with other partners
 - No special consideration in recruitment, procurement or contracting procedure or giving the appearance of any such favorable treatment

Figure xii – Due diligence screening process

Managing Conflict of Interest

To be read in conjunction with paragraphs 46 to 57 of the Reference Note

Building on the SUN Principles of Engagement, prevention of conflicts of interest should be exercised where possible. But once a conflict has been determined to exist, the next step is to reach agreement on how to manage, and possibly eliminate it and to proceed with a reasonable balance of urgency and diligence. In the preceding sections, the Toolkit offers suggestions on how to implement policies to ensure disclosure of interests as a key preventive measure and to clarify what types of conflicts of interest are important and how to identify them. In this section, the focus is on managing conflicts of interest when they do arise.

National laws and codes can provide the principal reference for required definitions, guidelines and prerequisites of the conflict of interest policy. Building on these, governments can develop materials, guidelines to resolve conflict of interest situations in connection with multi-stakeholder platforms. The Reference Note describes the merits of two distinct approaches to managing conflict of interest: (1) having procedures in place to handle conflicts of interest before any conflict of interest arises and (2) having a consensus among the stakeholders on the remedial actions and their appropriate application for resolving different types of conflicts of interest. Governments are encouraged to develop these procedures and remedial actions in an environment that fosters mutual respect and learning and that is inclusive of all stakeholders.

Establishing a Framework for Managing Conflict of Interest

Procedures for identifying and managing conflicts of interest require active management by governments and an institutional framework.

Options for an institutional framework:

1. An executive committee or advisory body of the national multi-stakeholder platform includes rules on how to manage conflict of interest in their statutes, where such statutes exist.
2. A separate advisory committee of the national multi-stakeholder platform is specifically tasked to address conflicts of interest (or could be a designated individual) as they arise.
3. The multi-stakeholder platform agrees to refer conflict of interest issues to an existing body overseeing the government's code of ethics or similar body.
4. Permit the steering committees for specific initiatives to apply an existing code or written policy on conflict of interest.
5. Permit the steering committees for specific initiatives to adopt rules on conflict of interest applicable to the specific initiative.

Variations of these options or other options may be appropriate to a given country's circumstances. Having a body in place with clear terms of reference will help ensure that conflicts of interest can be managed in a clearly defined manner acceptable to all parties.

Remedial Actions

| Considerations for Establishing a Review Procedure for Managing Conflicts of Interest |
|---|
| <ul style="list-style-type: none"> • Stakeholder involvement in the review process • Rules for how conflicts of interest are to be identified (in compliance with SUN Principles of Engagement) • Rules for how to resolve different types of conflicts of interest • Rules on consensus or endorsement of remedial actions taken • Transparent, accessible and responsive channels for reporting and investigating conflicts of interest (See Form 3.4: Monitoring the Review and Analysis of the Conflict of Interest) • Provisions and mechanisms for challenges/appeals from SUN Movement stakeholders • Provisions and mechanisms for challenges from groups outside the SUN Movement • Confidentiality concerns • Transparent reporting and record-keeping of decisions taken on conflicts of interest (See Form 3.1: Conflict of Interest Register) • Procedures for sharing of relevant lessons on what works and does not work |

Figure xiii – Considerations for establishing a review procedure

There are many possible ways of managing, and possibly eliminating a conflict of interest. A table, displayed in the Reference Note and shown again here (figure xiv), displays a variety of options for remedial actions that may be taken to manage a conflict of interest.

| Remedial Actions | |
|-----------------------------|---|
| Voluntary | Exclusions |
| Public Knowledge | Decision making on specific initiatives |
| Behaviour Modification | Participation on specific initiatives |
| Mutual Accountability | Temporary exclusion from platforms |
| Mutual Respect and Dialogue | Permanent exclusions |

Figure xiv – Remedial Actions

Voluntary Actions

Public knowledge

Public affirmation of the potential conflict of interest may suffice without any further action. This remedy is achieved through public disclosure of interests that may constitute a conflict of interest.

Behaviour modification

The stakeholder with the conflict of interest (e.g. a financial interest or a professional association) opts to remove the conflicting interest. Possible options include:

- Dispose of a financial conflicting interest
- Suspend a professional association
- Refrain from participating in a decision about the initiative for which a conflict of interest exists
- Refrain from participating in any policy debate about the initiative for which a conflict of interest exists

Mutual accountability

At this stage in the scale of options, disclosure rules have been followed and interests are recorded for all stakeholders. Mutual accountability is upheld as an ethical principle without requiring public disclosure.

Mutual Respect and Dialogue

The stakeholder with the alleged conflict of interest engages in dialogue about his or her actual or potentially conflicting interest with the other stakeholders. The dialogue is based on mutual respect for listening to all perspectives. Consensus is reached on how to manage the participation of the stakeholder.

Exclusionary Actions

A more severe set of remedial actions to those listed above is exclusionary and there are several degrees of exclusion that may be considered. Before addressing them individually, it may be useful to reaffirm the principles in the conflict of interest policy, and adherence to them by participants. However, it may be prudent to consider limiting the scope and duration of exclusion to the extent possible. It is also important to apply transparent rules in all situations. Degrees of exclusion may be characterized as set out below:

Restricting decision-making on a specific initiative

The activities of a multi-stakeholder platform in a given country may include several initiatives, each with a different mix of participants. The identification of conflict of interest by one or more participants in a specific initiative may be remedied by excluding those participants from the planning process for that specific initiative without excluding them from the actual implementation of the initiative.

Excluding participation on specific initiatives

A stricter reaction to an identified conflict of interest may be the exclusion of a participant from both the planning and implementation of the specific initiative, but not necessarily other initiatives undertaken by the multi-stakeholder platform under the national plan.

Temporary exclusion from platforms

An identified violation of SUN Movement Engagement Principles or egregious behaviour constituting a serious conflict of interest may compel the conflict of interest policy oversight body to temporarily exclude a participant from the multi-stakeholder platform. The policy should include provisions for re-instatement under particular conditions.

Permanent exclusion from platforms

Finally, totally unacceptable behaviour or actions constituting a violation of SUN Engagement Principles and demonstrating a clear conflict of interest or damage to the reputation of the SUN Movement may result in permanent exclusion from the multi-stakeholder platform.

Implementing a decision tree

The practical application of this guidance at a country level would benefit from agreeing in advance the key steps to take when determining whether certain remedial actions may or may not be appropriate. The adapted decision tree (Figure xv) and explanation (Table II) is one approach that may be useful to consider and can be adapted to suit a country's needs and requirements. The approach clusters the above listed options for voluntary actions somewhat differently (as noted) and also introduces the option for mediation prior to taking any of the exclusionary options.

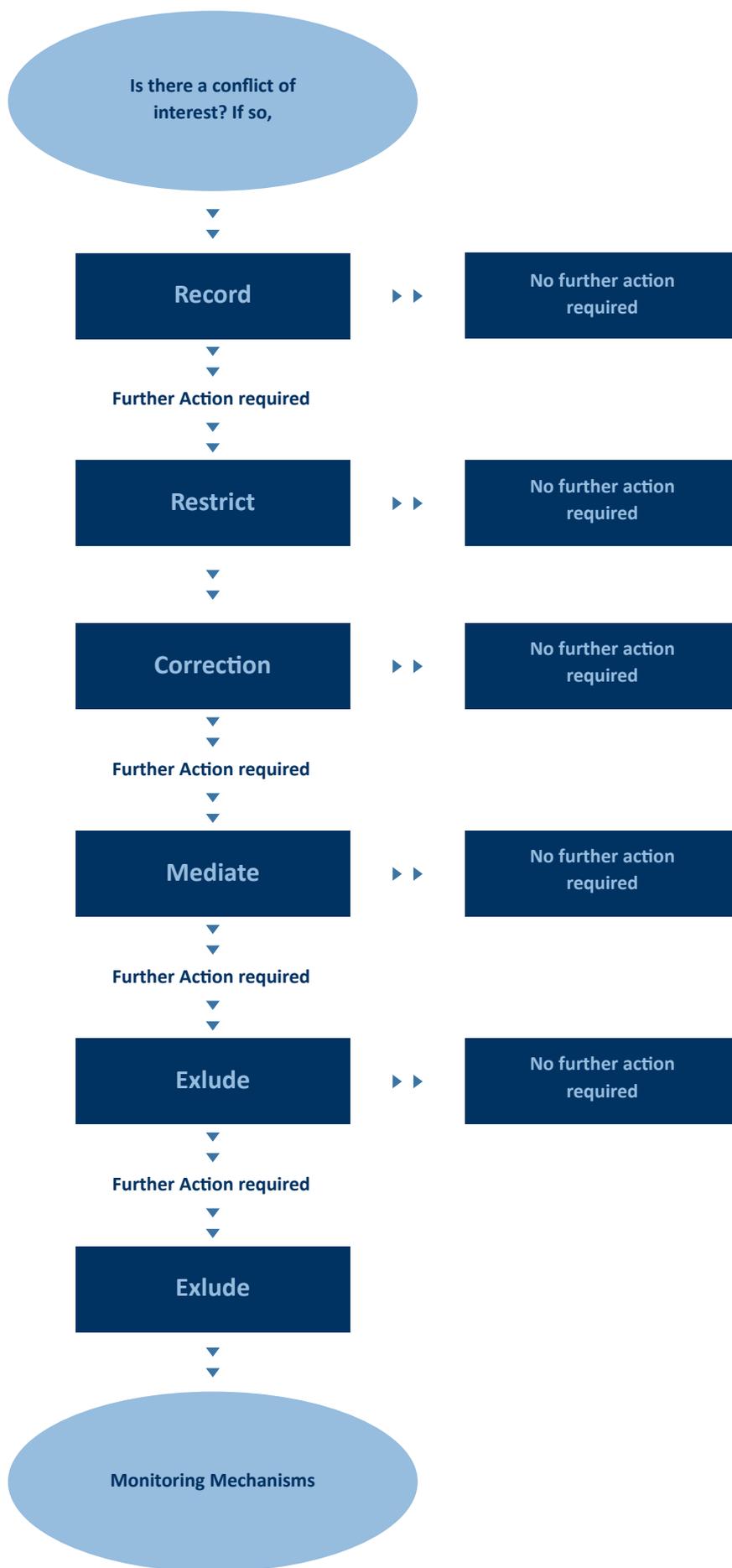


Figure xv – Decision Tree

Adapted from the Crime and Misconduct Commission and The ICAC (2004)

| Remedial Actions | When Appropriate | When not appropriate |
|--|--|--|
| <p>Record (Public Disclosure or Mutual Accountability)</p> <p>Information on a possible or potential conflict of interest is identified and recorded. (See Form 3.1)</p> | <ul style="list-style-type: none"> Where the conflicts of interest or potential conflicts of interest are deemed low risk or Where the transparent recording of a conflict of interest is adequate. | <ul style="list-style-type: none"> The conflict of interest is considered a greater risk The potential or perceived effect of the conflict of interest on the joint endeavour or initiative necessitates more active management |
| <p>Restrict</p> <p>Limits are placed on the participation by the individual or organization</p> | <ul style="list-style-type: none"> The organization or individual can be detached from parts of the joint initiative, either through exclusion from decision making or from the initiative itself The conflict of interest is unlikely to arise continually | <ul style="list-style-type: none"> The conflict is anticipated to occur regularly The organization or individual are continually impacted in their ability to contribute effectively to the joint endeavour because of conflict of interest issues |
| <p>Correct (Behaviour Modification or Mutual Respect and Dialogue)</p> <p>The organization or individual relinquishes or makes adjustments through dialogue to the issue/interest that is causing the conflict.</p> | <ul style="list-style-type: none"> The organization or individual obligation to the joint endeavour supersedes their attachment to the issue/interest causing the conflict of interest, either by relinquishing or adjusting the interest at issue. | <ul style="list-style-type: none"> The organization or individual, for a variety of reasons, is reluctant to relinquish or adjust the interest resulting in the conflict of Interest |
| <p>*Mediate</p> <p>A mediation service is used to manage part or all of the process dealing with the issue.</p> | <ul style="list-style-type: none"> It is not possible or desirable for decision-makers in the joint endeavour to resolve the presence of a conflict of interest through voluntary measures but is not prepared to adopt any exclusionary measures without further guidance. | <ul style="list-style-type: none"> The stakeholders associated with the conflict do not support mediation Assigning mediation is not deemed an effective mechanism to resolve the matter A suitable mediation service is unable to be sourced |
| <p>Exclude (temporary)</p> <p>An organization or individual is excluded from a specific initiative or temporarily from the multi-stakeholder platform (See Form 3.2)</p> | <ul style="list-style-type: none"> Continuing conflicts of interest concerns where informal restriction is not suitable Options are available for the stakeholder to take corrective action in the future. | <ul style="list-style-type: none"> The impact of the conflict of interest is considered to be of low risk and importance (introduce lesser corrective or voluntary actions) The organization or individual are prepared to relinquish the relevant interest rather than remove themselves from the process/project Exclusions should be temporary to the extent possible, with provisions for reinstatement. A temporary exclusion may not be possible when the stakeholder is locked into the conflict of interest situation indefinitely. |
| <p>* Exclude (permanent)</p> <p>The organization or individual resigns from the multi-stakeholder platform or is requested to resign (See Form 3.3)</p> | <ul style="list-style-type: none"> No other alternatives are feasible The organization or individual is unable or unwilling to relinquish their conflicting interest | <ul style="list-style-type: none"> The conflict of interest and its potential or perceived impacts are of low risk or importance and should be resolved with lesser corrective or voluntary actions Other options are available for the organization or individual |

Table ii

* In the interest of fairness and due process, it may be appropriate to include a mechanism for appeal, and the possibility of reinstatement of a participant that has been excluded or restricted to any of the degrees listed above. Such a mechanism may employ **an external mediation service** for those instances where there is no consensus as to what action should be taken. A national appeal board may be ideal, but absent that, a regional or global mechanism may serve.

Monitoring

To be read in conjunction with paragraphs 55 to 60 of the Reference Note

The development of the conflict of interest policy and its implementation is an essential process in ensuring that conflicts of interest are identified and managed in a transparent and accountable manner within multi-stakeholder engagement. An important element of this process is the need to review and monitor both the policy and its implementation in SUN countries to ensure continued relevance. The Reference Note stresses that “monitoring is something that is appropriately integrated into all aspects of prevention, identification and resolution of conflicts of interest”. Users of the Toolkit are encouraged to refer back to paras 55 to 60 of the Reference Note for further insights.

Monitoring may be approached from two perspectives: Monitoring the application or implementation and relevance of the policy and secondly monitoring the management of a particular conflict of interest. This section of the Toolkit provides some suggestions as to the kinds of procedures that might be put in place to achieve these objectives.

Monitoring the Application and Relevance of a Conflict of Interest Policy

A country’s monitoring mechanism may include a regular assessment of the extent to which the overall conflict of interest policy is being followed. To that end, the monitoring mechanism may include procedures, such as the use of a checklist, to perform the assessment. The checklist below (Table III) is an example of what might be adopted and adapted, in part or in whole, to monitor the implementation and relevance of the conflict of interest policy.

| Checklist for Monitoring the Implementation and Relevance of the Conflict of Interest Policy* | | |
|---|------------|-----------|
| Suggested Monitoring criteria | Yes | No |
| Have stakeholders at all levels expressed their commitment to the policy? | | |
| Has the policy been made available to all relevant stakeholders within the multi-stakeholder platform? | | |
| Is the policy easily accessible to all relevant stakeholders engaged in the multi-stakeholder platforms? | | |
| Is the policy available both on the internet and hard copy? | | |
| Have all individuals participating in or supporting the multi-stakeholder platform undertaken training in managing conflicts of interest? | | |
| Do all stakeholders know where to seek advice about the policy? | | |
| Has a particular individual or committee been assigned to maintain the policy and manage its implementation? | | |
| Is there a regular review of the policy? | | |
| Is continual monitoring of new legislation that may impact the policy undertaken? | | |
| Are changes and updates to the policy and monitoring process appropriately documented? | | |
| Are policy and monitoring changes communicated to all stakeholders in the multi-stakeholder platform? | | |
| Is consideration of conflicts of interest issues an ongoing agenda item in multi-stakeholder platform meetings? | | |
| Are examples of effectively managed conflicts of interest among other multi-stakeholder platforms made available? | | |
| Are there mechanisms to ensure broader awareness of the policy on conflicts of interest outside the multi-stakeholder platform? | | |
| Is there a process to record multi-stakeholder comments on the usefulness of the policy and its supporting mechanisms? | | |
| Is there a process to record complaints of mismanaged or ineffectively managed conflicts of interest that may be damaging to multi-stakeholder working and/or national governments? | | |
| Are there external bodies monitoring the effectiveness with which conflict of interest within country multi-stakeholder platforms are managed? | | |

Table II – Checklist for monitoring implementation of a conflict of interest policy

*Adapted from Crime and Misconduct Commission and The ICAC (2004)

Note that the responses to the questions are expected to be binary in this example-- each question gets a simple “Yes” or “No”. A “No” response may signal a need to address the availability, appropriateness and effectiveness of current procedures and practices, and the availability and appropriateness of, and unfettered access to information resources. This process could be supplemented to include a means for assessing the impact of the conflict of interest policies on individual stakeholders.

Monitoring the Management of the Conflict of Interest Policy

The second perspective to the monitoring process is the management of a particular conflict of interest. With a comprehensive policy on conflict of interest in place, the persons responsible for monitoring it can adopt tools and procedures to review the range of circumstances that may be part of multi-stakeholder platform initiatives, on a frequency deemed appropriate for the circumstances. This may involve the review and analysis of circumstances that led to an actual or potential conflict of interest, together with the method used to manage of the conflict of interest. The checklist below (Table IV) is an example of what might be adopted and adapted, in part or in whole to both review and analyze circumstances involved in the possible occurrence of a conflict of interest as well as strategies for resolution. The checklist provides recommendations on potential tools such as the relevant forms, attached in the appendix (Appendix 3), which may provide useful practical mechanisms to support the various elements of a monitoring process.

| Checklist for Monitoring the Management of the Conflict of Interest Policy | | |
|---|------------|-----------|
| Ability to Review and Analyze | Yes | No |
| <ul style="list-style-type: none"> • Has the organization or individual been able to effectively identify their conflict of interest, and the actions they should take to implement the appropriate required actions? (See forms in Appendix 3) | | |
| <ul style="list-style-type: none"> • Has the person responsible for monitoring conflict of interest been able to adequately monitor the multi-stakeholder member's involvement in the issue in which they have disclosed a conflict of interest? | | |
| <ul style="list-style-type: none"> • Has this monitoring included a review of their actions and decisions on the issue and outcomes of such actions and decisions? (See forms in Appendix 3) | | |
| <ul style="list-style-type: none"> • Has the assistance of an objective third party been employed to monitor and/or reassess the situation? (See forms in Appendix 3) | | |
| Choosing Strategy to Resolve/Manage the Conflict of Interest | | |
| <ul style="list-style-type: none"> • Have decisions made to manage the conflict of interest enabled the multi-stakeholder member to undertake a remedial action in a fair, impartial and objective manner? | | |
| <ul style="list-style-type: none"> • Are there any continuing issues between the multi-stakeholder member and decisions taken by the person responsible for managing conflict of interest? | | |
| <ul style="list-style-type: none"> • If issues remain have steps been taken to resolve these with the multi-stakeholder member? | | |
| Implementing Strategy to Manage Conflict of Interest | | |
| <ul style="list-style-type: none"> • Has the multi-stakeholder member undertaken the steps to manage the conflict of interest? | | |
| <ul style="list-style-type: none"> • Have actions taken to manage the conflict of interest been undertaken by the multi-stakeholder member in an open and transparent manner? | | |
| <ul style="list-style-type: none"> • Has the person responsible for managing conflicts of interest ensured any steps taken to resolve the conflict of interest have not undermined the strategy agreed? | | |
| <ul style="list-style-type: none"> • Has the conflicted stakeholder encountered any problems in implementing the agreed steps identified in managing the conflict of interest? | | |

Table III – Review and analysis – Adapted from Crime and Misconduct Commission and the ICAC (2004)

Monitoring – Looking to the Future

Finally, there are some aspects of monitoring that may mean adapting to changes, recognizing that much of the preceding discussion includes suggestions for the implementation of frameworks, policies, procedures and tools that may be new to a SUN Movement country. This section addresses more specifically the ongoing aspects of monitoring. With an appropriate framework, procedures and tools in place, the monitoring process can react to changes in SUN Movement initiatives and activities that can affect policy, and affect the means by which conflicts of interest are identified and addressed.

The individual or team with responsibility for monitoring compliance with the conflict of interest policy may wish to facilitate such a process with the use of a form such as the one in the Appendix 3 (Form 3.5), entitled “Monitoring adaptations to the management of a conflict of interest”. On this form, the person/people responsible are asked to provide details on changes that have occurred since a decision on how to manage a particular conflict of interest was agreed and the actions, if any, undertaken to appropriately manage these changing circumstances. They address changing circumstances, making changes, and maintaining transparency

| Checklist for Monitoring – Looking to the Future | | |
|--|------------|-----------|
| Changing Circumstances | Yes | No |
| • Are there any circumstances that have changed within the situation, since steps were agreed in resolving the conflict of interest? (See Form 3.5) | | |
| • Have you been informed of these changes by the multi-stakeholder member? | | |
| • Are the steps agreed to manage the conflict of interest still adequate? (See Form 3.5) | | |
| • Have you received any information referring to any influence the conflict of interest may be having on the actions of the multi-stakeholder member? | | |
| • Are steps agreed to manage the conflict of interest still applicable for the altered situation? | | |
| Making Changes | | |
| • Does the multi-stakeholder member need to make changes to the conflicts of interest disclosure that has already been recorded with regards to this issue? (See forms in Appendix 3) | | |
| • Does the multi-stakeholder member need to disclose and record further conflicts of interest that have changed this situation? (See forms in Appendix 3) | | |
| • Should the steps agreed to manage the conflict of interest be altered to adapt to the changed situation? (See forms in Appendix 3) | | |
| • Can you engage with the multi-stakeholder member to agree changes required to manage the conflict of interest while ensuring openness and protection of the overall goal of ensuring women and children are well nourished at critical periods in their lives? | | |
| • Is further advice from an external support required to agree changes to the appropriate management of the conflict of interest? | | |
| • Do changes to the management of the conflict of interest still ensure openness and transparency? | | |
| Maintaining transparency | | |
| • Have details and particulars that supported the review process and that have resulted in changes to the management of the conflict of interest been adequately recorded? | | |
| • Have individuals and other stakeholders impacted by the changes to the management of the conflict of interest been informed? | | |
| • Do changes made to the management of the conflict of interest enable the government and its work with multi-stakeholder platforms to continue to be viewed in a positive, fair and objective manner? | | |

Table IV

*Adapted from Crime and Misconduct Commission and The ICAC (2004)

Monitoring – Additional Considerations

The suggestions contained in the Reference Note and this Toolkit for developing, implementing and managing a policy framework, procedures and tools for monitoring conflict of interest in the SUN Movement, are just that: suggestions. It is well recognized that every country is different, that every SUN Movement multi-stakeholder platform is unique, and that there is great variety in the composition of such platforms. Hence the actual configuration of conflict of interest monitoring activities may be quite different from one country to the next. The SUN Movement Secretariat can be considered a resource for the development of capacity for monitoring conflict of interest, by providing a review role, suggestions for establishment and implementation of policy, and leads for third party advice and arbitration.

The monitoring of conflict of interest through prevention, identification and management is best served by an ongoing process whereby governments are encouraged to consider the process as part of a country's overall conflict of interest policy.

Appendix 1:

Conflict of Interest Policy Template

This is a sample written policy on conflict of interest. It has been adapted from ICAC (2004).

Section One: Purpose

The Country X SUN Movement multi-stakeholder platform (the “Platform”) is an open, collaborative group brought together to ensure the meaningful involvement and participation of relevant stakeholders for scaling up nutrition in [Country X]. It includes relevant government agencies, donor agencies, international organizations, civil society organizations and the private sector.

Given the collaborative structure of the Platform, conflicts of interest of varying degrees of significance or nature are an unavoidable reality in the conduct of the Platform’s operations. A conflict of interest in and of itself is not wrong and may not be unethical, but those involved in the decision-making process on behalf of the Platform must take appropriate action to ensure the disclosure and proper management of any actual, perceived or potential conflict of interest.

Section Two: Coverage

(a) “Covered Individual” means an individual, who participates in any discussions or initiatives of the Platform.

(b) “Covered Organization” means any organization, corporation or government that is represented by an officer, director, trustee, partner or employee of such organization, corporation or government and participates in any discussion or initiatives of the Platform.

Section Three: Definitions

(c) An individual conflict of interest arises when the pursuit of the private or secondary interest of a Covered Individual has the effect of compromising, interfering with, or taking precedence over the interest of the Platform’s joint endeavour.

(d) An organizational or institutional conflict of interest arises when the pursuit of a Covered Organization’s primary or secondary interests has the effect of compromising, interfering with or taking precedence over the interests of the Platform’s joint endeavour.

Section Four: Categories of Interests

(a) Primary and Secondary Interests:

Primary interests are direct or indirect private or institutional interests of the Covered Individual or Covered Organization, whereas secondary interests are ancillary to these primary interests.

(b) Real, Potential and Perceived Interests:

Real conflicts of interest arise when the conflict of interest undermines the collective efforts of the Platform and its other participants.

Potential conflicts of interest arise when there is a risk that the interest or interests have not impacted the collective efforts of the Platform but might undermine the collective effort at some point in the future.

Perceived conflicts of interest may be based on the appearance of a real or potential conflict of interest even though no damage has been or is likely to be done to the collective efforts of the Platform.

(c) Direct and Indirect Interests:

A direct interest may be established when a Covered Individual or a Covered Organization directly benefits from a decision (including, in particular a decision to issue a contract) or policy made by the Platform.

An indirect interest may be established when the Covered Individual or Covered Organization indirectly benefits from such decision or policy through personal family connections or professional associations.

Section Five: Principles

All members of the Platform recognize that the potential for individual and institutional conflicts of interest must be managed with the highest degree of integrity to safeguard against any perception that participation by an individual, government, corporation or organization in any position at this Platform confers an undue advantage for such entities in the Platform's decisions or policies.

The Platform aims to achieve its objectives through the collaborative efforts of its members and partners. All Platform members and partners have adopted the following principles:

- Share and adopt the common vision and strategy (e.g. outlined in the SUN Movement Action Plan and SUN Principles of Engagement);
- Acknowledge the requirement to adhere to existing legal obligations and regulations, and applicable international codes and obligations;
- Consider the comparative advantage of each partner and identify their own area of expertise or comparative advantage when engaging in the Platform in its support to the national nutrition plan;
- Promote a coordinated approach and support and employ the operating mechanisms of the Platform.

Section Six: Procedures for Identifying and Managing Conflicts of Interest

a. The government shall designate a Review Committee or other appropriate oversight body to establish and implement the procedures for identifying and managing conflicts of interest.

b. The government shall prepare a public listing of applicable disclosure categories and shall periodically review the list.

c. All Covered Individuals and individuals representing Covered Organizations have a duty to disclose the existence of any actual or potential conflict of interest and the nature of such conflict, whenever he or she becomes aware that a conflict exists or that a conflict is reasonably likely to occur.

d. Transparency and general duty to disclose: All Covered Individuals and representatives of Covered Organizations must complete and submit a "Declaration of Interest", in the appropriate form, to a designated representative of the Review Committee or other designated oversight body, updated annually or whenever there is a material change in the information.

e. The Review Committee or other designated oversight body shall develop and apply a range of remedial actions from non-participation in specific initiatives to exclusion from the Platform, based on the assessment of the severity of any conflict of interest that has the effect of compromising, interfering with or taking precedence over the interests of the Platform's joint endeavour. The Review Committee may refer unresolved cases to an external mediation service, if appropriate.

f. All Platform meetings shall operate with advance notice of all agenda items, and an opportunity for Covered Individuals and Covered Organizations to disclose actual or potential conflicts of interest prior to each meeting. When it is determined that an actual or potential conflict of interest exists, the Covered Individual and/or person representing the Covered Organization shall not vote or speak on the matter and shall absent himself/herself without comment before any discussion or voting on the matter, unless a waiver has been granted by the Review Committee. The Review Committee will develop rules for recusal where appropriate and who should decide.

g. Procurement and contracting: Existing national laws and regulations shall be applicable to any procurement or contracting by Covered Individuals or Covered Organization.

h. Failure to disclose. Should any Covered Individual or other individual have a reasonable cause to believe that another Covered Individual or Covered Organization has failed to disclose an actual, perceived or potential conflict of interest, he or she may bring this to the attention of the Review Committee? The Committee will afford the individual or institution an opportunity to explain the alleged failure to disclose. Failures to disclose or unresolved cases may be referred to the appropriate decision-making body for the Platform.

i. The decision-making body of the Platform may wish to introduce a grievance mechanism for appeals and/or external mediation of unresolved complaints.

j. Monitoring and evaluation: The Review Committee will monitor compliance and impact of this conflict of interest policy on an annual basis and submit an evaluation to all Platform participants.

Section Seven: Additional Considerations

a. Gifts: All Covered Individuals and Covered Organizations Institutions are prohibited from accepting or giving gifts under circumstances where it could reasonably be construed that the gift is motivated by the position and interests that could substantially affect the policies or practices of the Platform.

b. Data protection and privacy: Where participation by a Covered Individual or Covered Organization accords him or her access to proprietary or other potentially sensitive information, participants may be requested to sign a confidentiality agreement with regard to the subject matter. In addition, a Covered Individual or Covered Organization may request review of partial or full exclusion of public disclosure of interests otherwise required to be disclosed by this policy on the basis of the need to protect proprietary or other potentially sensitive information.

Section Eight: Dissemination and Review

A copy of this policy will be distributed to all Covered Individuals and Covered Organizations annually, along with a copy of the Declaration of Interest form. Copies of this policy and the Declaration of Interest form shall be posted on the Platform's website.

Appendix 2: Sample Declaration Form for Disclosure of Conflict of Interest

Sample Declaration of Interest Form

Note: This Declaration of Interest Form is part of, and should be read in conjunction with a country Conflict of Interest Policy applicable to the multi-stakeholder platform.

To be effective and successful in its mission, the work of a country’s multi-stakeholder platform in connection with the Scaling Up Nutrition (SUN) Movement, its members and partners, must be and must be perceived to be, in accordance with the highest standards and integrity.

All multi-stakeholder platform members are therefore encouraged to disclose any circumstances that could give rise to a conflict of interest related to the subject of activity or initiative they will be involved in. [Note: a list of disclosure categories needs to be provided to give guidance to the person completing the form, and the table below should be made consistent with the list.]

Please disclose and provide details on any actual or potential conflict of interest:

| Person or organization | Nature of relationship and or nature of actual or potential conflict of interest |
|--|--|
| e.g. ABC Company e.g. Association KYM | Committee member Current provider |
| | |
| | |
| | |

Signed _____

Title / designation/Company: _____

Full names: _____

Signature: _____

Date: _____

Appendix 3: Forms for Resolving and Monitoring Conflict of Interest

Form 3.1: Conflict of Interest Register

Date of last update:

Please list the conflict (s) that have been identified with regards the member of the multi-stakeholder platform. Please also include brief details of the conflict (whether actual or perceived) and the steps taken to manage and/or mitigate it:

| Multi-Stakeholder Platform Member | Identified Conflict of Interest | Actual Conflict | Perceived Conflict | Remedial Action | Duration |
|-----------------------------------|---------------------------------|-----------------|--------------------|-----------------|----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Form 3.2: Exclusion from Multi-Stakeholder Platform Initiative

A decision to exclude will result in exclusion from any review, evaluation and decision-making processes with respect to the initiative in question. During meetings, the multi-stakeholder member may be asked to leave the discussions related to that initiative.

Position of monitor within the Project:

Multi-Stakeholder Platform Member:

Date:

Please list the rationale for exclusion and the steps followed to reach this.

Rationale for Exclusion:

| Steps taken in reaching decision to exclude | |
|---|--|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

Form 3.3: Resignation from Multi-Stakeholder Platform Initiative

Position of monitor within the Project:

Multi-Stakeholder Platform Member:

Date:

Please list the rationale for determining resignation from the initiative and steps taken to reach this decision.

Rationale for Resignation

Steps taken in reaching resignation decision

1.

2.

3.

4.

Form 3.4: Monitoring the Review and Analysis of the Conflict of Interest

Position of monitor within the Project:

Report on Multi-Stakeholder Platform Member associated with the conflict of interest:

Date:

Please provide details on the conflict of interest identified and the actions undertaken to appropriately manage the issue and the resulting outcomes.

Conflict of Interest

| Actions taken to manage the conflict of interest | Outcomes of actions taken |
|---|----------------------------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

Form 3.5: Monitoring adaptations to the management of a conflict of interest

Position of monitor within the Project:

Multi-Stakeholder Platform Member:

Date of last update:

Please provide details on changes that have occurred since a decision on how to manage the conflict of interest was agreed and the actions, if any, undertaken to appropriately manage these changing circumstances.

| Changes to Conflict of Interest circumstances/ issues | Actions taken to manage changes |
|--|---------------------------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

Any other details

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