



Global Social Observatory
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Engaging in the SUN Movement:

Preventing and Managing Conflicts of Interest

Reference Note

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Supporting the Scaling Up Nutrition Movement



Contents

INTRODUCTION	1
THE SUN MOVEMENT	1
INTRODUCING THIS REFERENCE NOTE IN THE CONTEXT OF MUTUAL ACCOUNTABILITY	1
PURPOSE OF THE REFERENCE NOTE	2
DEFINING CONFLICT OF INTEREST	3
DIVERGENT AND CONVERGENT INTERESTS	3
COMPETING INTERESTS	3
THE DEFINITIONS OF INDIVIDUAL AND ORGANIZATIONAL CONFLICTS OF INTEREST	3
POTENTIAL CONFLICT OF INTEREST	4
CONFLICT OF INTEREST WITHIN THE SUN MOVEMENT	4
WORKING WITHIN THE EXISTING LEGAL FRAMEWORK	5
THE SUN PRINCIPLES OF ENGAGEMENT	6
ADAPTING THE SUN PRINCIPLES TO CONFLICT OF INTEREST SITUATIONS	6
ADDITIONAL GUIDING PRINCIPLES FOR AVOIDING CONFLICTS OF INTEREST	7
ELEMENTS OF A CONFLICT OF INTEREST POLICY FRAMEWORK	8
PREVENTING CONFLICTS OF INTEREST	9
TRANSPARENT POLICIES FOR AVOIDING CONFLICTS OF INTEREST	9
THE ROLE OF DISCLOSURE IN PREVENTION	9
IDENTIFYING A CONFLICT OF INTEREST	10
A RISK-BASED APPROACH	10
A DUE DILIGENCE APPROACH	11
MANAGING CONFLICTS OF INTEREST	11
PROCEDURES	11
REMEDIAL ACTIONS	12
MONITORING	13
BUILDING CAPACITY	13

Introduction

The SUN Movement

1. In 2010 a group of leaders from government, civil society, the scientific community, business, development agencies and the United Nations (UN) system decided to join forces to promote better nutrition of the world's women and children. They resolved to end longstanding differences about how to achieve this goal and to work together, to support the efforts of national governments and undertake to be jointly accountable to the people most at risk of malnutrition and its consequences. This new approach built on a Framework for Scaling Up Nutrition developed during 2009¹, drawing on clear evidence about potentially effective nutrition interventions published in 2008 by the international medical journal *the Lancet*². Known as the *Movement for Scaling Up Nutrition*, it is not a new programme or project; rather, it is a collective commitment “to make the most of diverse experience, expertise and resources and foster coordination in support of country-led efforts to scale up nutrition.”³ The Movement has evolved since 2010 under the stewardship of a 27-member Lead Group with support from four autonomous networks (business, civil society, donors and UN system), a number of specific task teams and a Secretariat whose role is to facilitate joint action and mutual accountability.

Introducing this Reference Note in the Context of Mutual Accountability

2. When the SUN Movement Lead Group met in September 2012, more than 30 countries and several hundred supporters were engaged in the SUN Movement. The Lead Group was aware and had observed that when different stakeholders commit to working together, they will often differ on their approaches and interests. However, the strength of the Movement relies on different stakeholders working through these differences to achieve results and impact in the countries that have joined the Movement. As an aspect of good governance, partners engaging with the SUN Movement should be aware of and act consistently with the Principles of Engagement, and in particular the commitment to be “willing to negotiate, and when conflicts arise, as can be expected with diverse partners working together, hold the intention to resolve conflicts and reach a way forward.” (SUN Roadmap, 2012) In order to do this effectively, conflicts of interest should be identified and prevented, if possible, and for those that cannot be prevented, managed in a transparent way. The Lead Group therefore requested a document that would serve as a point of reference for governments in SUN countries to help them do so.

3. The Global Social Observatory (GSO)- an independent forum for multi-stakeholder dialogue – has received support from the Bill and Melinda Gates Foundation to develop such a document.⁴ The GSO's approach recognizes that managing potential conflicts of interest is a key contributor to maintaining trust and sustaining mutual accountability. This Reference Note is the product of an interactive consultation process that has engaged the governments of SUN Movement countries and the support networks within the Movement.

¹ Scaling Up Nutrition: A Framework for Action (http://scalingupnutrition.org/wp-content/uploads/2013/05/SUN_Framework.pdf)

² The Lancet, “Maternal and Child Undernutrition,” Special Series, January, 2008.

³ SUN Movement Strategy, September 2012

⁴ The GSO is a neutral forum established in 2004 and operates under a Statement of Principles for GSO Membership, Support and Engagement. See www.gsogeneva.ch.

Purpose of the Reference Note

4. This Reference Note is intended for governments that have joined the SUN Movement in order to accelerate their efforts to ensure that women and children are well nourished at critical periods in their lives; it is designed to support their management of effective multi-stakeholder action toward this end. It sets out key principles of engagement and identifies patterns of behaviour that will contribute to the Movement's objectives while managing conflicts of interest. It will evolve in the light of experience.
5. Within the SUN Movement, national governments have the primary responsibility for setting nutrition policies and encouraging trust and mutual accountability of stakeholders in implementing those policies. Governments will do so in compliance with existing laws and regulations, which should be informed by applicable international regulations and commitments made by that country.
6. Differences of opinion or approach are common in any multi-stakeholder initiative or platform that are geared towards a collective effort. Efforts to improve nutrition within SUN countries consistently include processes that encourage stakeholders to align their individual efforts and programmes toward an agreed single set of expected results which leads to more effective implementation of such efforts geared towards sustainable results.
7. Countries within the SUN Movement are forming- or strengthening existing – government-led multi-stakeholder platforms that bring together all those partners, including relevant line ministries and key partners outside government, such as civil society, UN agencies, donors, the technical and research community and businesses, to work together to achieve national nutrition goals. The functions of national multi-stakeholder platforms (MSP) for nutrition vary from country to country. Their composition, mandate and the regularity of meetings will reflect the national context, including national nutrition priorities, administrative frameworks in place and whether it is a national platform or a sub-national (regional or district) platform. While national MSPs will differ from country to country, a number of common functions being performed by MSPs in SUN Movement countries can be identified. These include: identifying national priorities for improved nutrition, the development of strategies, multi-sectoral planning, mapping of different stakeholder resources, aligning the actions of multiple stakeholders, and joint monitoring of progress. Where the MSP has clear objectives and actions are coordinated across stakeholders, joint working contributes to effective action and the achievement of results. The issues around conflict of interest facing national multi-stakeholder platforms will also differ to reflect the individual context and arrangements in each country. Establishing policies and procedures to address these issues is the responsibility of national governments. The Reference Note and the accompanying Toolkit should be regarded as a resource for governments and MSPs when seeking to address these issues.
8. A key purpose of this Reference Note is to assist governments in preventing or managing conflicts of interest of stakeholders participating in a national multi-stakeholder platform. The Reference Note focuses on inter-organizational conflicts of interest that might arise in SUN countries and cannot easily be resolved through negotiation. It lays out the key elements of an active management process and offers specific techniques for identifying possible conflicts of interest in advance, preventing their emergence and, when they do arise, managing them.
9. It may not be feasible to identify and prevent all possible conflicts of interest before they emerge. Some stakeholders argue that the potential for conflicts among certain groups of stakeholders is so great that those stakeholders should be automatically excluded from engaging in the SUN Movement. This Reference Note, in contrast, assumes that good governance is inclusive. With this assumption and with an emphasis on building trust to permit such inclusiveness, it describes ways for governments to manage potential and actual conflicts of interest of stakeholders who may be participating in the Movement. This Reference Note is accompanied by a Toolkit that presents techniques for management of conflicts in an unbiased, transparent and timely manner when they do arise. Clear, publicly disseminated policies and procedures for the prevention, identification, management and monitoring of conflicts of interest are an integral part of good governance. Prohibiting any individual entity – or group of stakeholders – from engaging in the SUN Movement at the country or global level should be a last resort.

Defining conflict of interest

10. It is commonplace for individuals participating in any joint endeavour to have private, or secondary, interests that are unrelated to their official activities. Private interests of an individual may include a personal financial or professional interest of an individual or their family member in a specific outcome. “Secondary interests”, such as extracurricular activities or professional affiliations, are not necessarily private, but they, too, may differ from the primary goal of the joint endeavour. In the context of the SUN Movement, the private or secondary interests of any participating individual should not supersede the primary purpose of establishing synergy between organizations for the common goal of promoting improved nutrition. If they do, it is possible that this will constitute a conflict of interest. Similarly, if any organization participating in the Movement pursues its organization’s interests that may be at variance with the collective goal of promoting improved nutrition, the organization may have a conflict of interest. Thus, conflicts of interest may result from the pursuit of private or secondary interests, or both, and may arise at either the individual or the organizational level.

Divergent and Convergent Interests

11. There are many situations where participants have different interests in a joint endeavour that do not constitute conflicts of interest. A Difference of opinion or different positions, on an issue or procedure is not, in itself a conflict of interest. **Divergent interests** become apparent when individuals or organizations participating in the SUN Movement have differences of opinion on an issue, when their values or even their interests extend in different directions, or when their intentions for participating in a multi-stakeholder platform or the Movement as a whole differ. Such divergent interests do not necessarily reflect conflicts of interest as long as the differences do not interfere with the primary purpose of establishing synergy in efforts to improve nutrition. Divergent interests can be incorporated into the multi-stakeholder effort through dialogue and debate to build consensus if possible, with due attention to the scientific evidence in support of divergent positions. When this occurs, they become **convergent interests**. They might still be distinguishably different interests, but they all converge in support of the Movement’s goal of promoting improved nutrition.

Competing Interests

12. Some participants in the SUN Movement have proposed the term “competing interests” as an alternative to the term “divergent interests” to describe situations where different organizations are competing with each other for scarce resources or for influencing the direction that a proposed decision or policy should be taking. The term is useful to capture the meaning of a particular kind of divergent interest. Therefore, both concepts are incorporated into the Reference Note in the following sections.

The Definitions of Individual and Organizational Conflicts of Interest

13. Conflicts may be based on divergent or competing interests, but they become conflicts of interest only if the resulting behaviours are designed to secure advantages for any one individual or organization that have the effect of **undermining the collective efforts** of the other participants.

14. **Definition:** An **individual conflict of interest** arises when the pursuit of the private or secondary interests of an individual has the effect of compromising, interfering with, or taking precedence over a joint endeavour.

15. **Definition:** An **organizational or institutional conflict** arises when pursuit of an organization’s interests, whether “private” or secondary, has the effect of compromising, interfering with, or taking precedence over the joint endeavour.⁵

⁵ These definitions for individual and organizational or institutional conflict of interest were developed through the consultation process convened by the GSO to adapt commonly used definitions of conflict of interest for application to the specific uses of this Reference Note. The same language was adopted for both individual and organizational or institutional conflict of interest, even though institutions do not necessarily have “private” interests but are more appropriately seen to have a combination of “primary” and secondary interests.

16. Because of variations in the interests of different stakeholders, alignment of interests is a fluid process. There are interests that have the potential to create a conflict of interest in the future even though they may not be doing so at a given moment. In other words, a real conflict of interest might not exist for an individual or organization at the beginning of its participation in the Movement but could arise over time as circumstances, situations and the engagement of various actors evolve. The question of whether a conflict of interest exists thus is not always a static issue.

Potential Conflict of Interest

17. Individuals or organizations participating in a multi-stakeholder initiative may well have differing perceptions about the extent to which another individual or organization's private or secondary interests conflict with the interests of the goals of the SUN Movement and women and children the SUN Movement seeks to serve. Perceived conflict of interest may be based on how a particular individual views a situation, and often depends on the context in which it is observed. The perception may even be based on the appearance of a potential conflict of interest even though the individual or organization with a perceived conflict has not behaved in a way that has caused any damage to the endeavour or particular initiative.

Conflict of Interest within the SUN Movement

18. Within the SUN Movement, a conflict of interest may arise when a participant of the national multi-stakeholder platform, or supporting network, pursues personal or organizational interests at the expense of supporting the country's nutrition-related goals. The following sections were developed through consultations among government representatives from SUN Movement countries and the different groups of stakeholders that support them in achieving their goals.

Working within the Existing Legal Framework

19. This note suggests that SUN Movement countries adopt and implement a conflict of interest policy framework, including written policies and/or procedures relating to a national multi-stakeholder platform. This needs to take place in the context of the consistent application and enforcement of applicable laws and regulations in the country. All stakeholders must understand their legal obligations, and a reliable set of rules provides the means to bring stakeholders' interests into converging interests. Many governments have established a code of conduct that contains guidance on conflicts of interest that can be applied, if appropriate, along with other laws and regulations to address malnutrition, to the multi-stakeholder platform supporting the government's efforts to reduce malnutrition.

20. In many instances, existing legal obligations in a country are derived from international treaties, conventions, codes and resolutions. Governments have accepted international obligations under the various UN Conventions that they have ratified, and they are guided by numerous international charters and codes- including those specifically referring to women, children, human rights, and food and nutrition. These documents can be useful in defining and managing conflicts of interest in combating malnutrition. They include the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child, the United Nations Covenant on Economic, Social and Cultural Rights (including the right to food security), the United Nations Convention against Corruption, the World Health Assembly resolution adopting the International Code of Marketing of Breast Milk Substitutes, subsequent resolutions and other nutrition-related policies. In some instances, national policies or codes may be more rigorous than existing international legal obligations, although that is not always the case. In all instances the applicable local, national and international laws and policies in the country should be enforced.

The SUN Principles of Engagement

21. The SUN Movement's fundamental tenet is that those who engage in it are committed to ensuring that mothers and children everywhere are empowered to exercise their right to proper nutrition. The SUN Movement Strategy 2012 – 2015 and Revised SUN Roadmap 2012 outline a number of Principles of Engagement through which different stakeholders should engage in the Movement. These principles seek to reflect the common purpose, agreed behaviours and mutual accountability that form the basis of the Movement. They provide the foundation for positive collaboration. They also underline the requirement that those who engage in the Movement avoid behaving and acting in ways that could disempower- or even harm – those the Movement seeks to serve.

22. This Reference Note lays out suggested steps for addressing conflicts of interest in the context of the Principles of Engagement. The Principles of Engagement serve as the basis for promoting and assessing individual and organizational behaviour and identifying possible conflicts of interest between stakeholders within a national multi-stakeholder platform.⁶ The Principles are to be interpreted as appropriate in these different settings, bearing in mind the spirit of cooperation in which they are written as well as the words themselves.

Adapting the SUN Principles to Conflict of Interest Situations

22.1. Be transparent, especially about intentions and impact: Stakeholders will engage in transparent behaviour in all interactions with the SUN Movement. They are expected to act in a manner that will bear close public scrutiny and to disclose any private (or primary) or secondary interests that might interfere with their responsibilities in the SUN Movement. Transparency about diverging interests is essential for maintaining an atmosphere of trust within the Movement. It increases the predictability and added value of stakeholders' contributions and may reveal potential conflicts of interest. It will also help prevent conflicts and reduce perceptions of bias. Stakeholders should commit to establishing, and then participating in, rigorous evaluations of the contributions of individual stakeholders and the impact of their collective action. Such evaluations should be transparently made available to all stakeholders.

22.2. Be inclusive: The SUN Movement is open to all stakeholders that demonstrate commitment to its goals. Since its inception, the Movement has aimed to be inclusive, as there is more to be gained by engaging all stakeholders that are working to improve nutrition. The inclusive approach encourages multi-stakeholder action, but it can be challenging. If a conflict of interest is identified, sometimes the remedy is to call for exclusion of the stakeholder involved – either from participation in a particular initiative or, if necessary, from all SUN Movement activities. However, exclusion should be avoided if at all possible.

22.3. 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, as well as the economic, social and cultural rights that include the right to adequate food and nutrition. A human rights-based approach, which seeks to empower people to claim and exercise their rights and fulfil their responsibilities, should permeate policies and practices for promoting a multi-stakeholder action plan and for preventing, identifying, resolving and monitoring conflicts of interest.

22.4. 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; such dialogue and negotiation is the first step toward collaboration while also helping to identify and manage possible conflicts of interest. They are expected to be open and transparent during all aspects of negotiation and to strive for collective solutions.

22.5. 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. All stakeholders should act to reduce the risk that they may have conflicts of interest in relation to the joint commitments. They should also respect and support the actions of stakeholders that recuse themselves from initiatives in which they have a potential or real conflict of interest.

⁶ The Principles of Engagement can also serve this purpose for managing conflicts of interest within SUN Networks, but the Reference Note is addressed to governments and their management of conflicts of interest at the country level.

22.6. Be cost-effective: Stakeholders should be guided by available evidence about policies and actions that have the greatest and most sustainable impact at the least cost. While governments will be responsible for coordinating multi-stakeholder approaches to scaling up nutrition, stakeholders are expected to base their actions on the best available evidence for cost-effectiveness and to demonstrate their reasoning in a transparent way.

22.7. Be continuously communicative: All stakeholders are committed to the regular sharing of their intentions, actions, experiences and concerns with government focal points and national multi-stakeholder platforms, across government sectors, civil society, business and all other stakeholders in their and other SUN Movement countries. Stakeholders within the Movement are expected to maintain open and continuous dialogue within and between the SUN Movement networks. This principle also applies to the identification and management of real or potential conflicts of interest.

Additional Guiding Principles for Avoiding Conflicts of Interest

23. The following additional principles reflect distinct concerns raised by participants during the consultation process that need to be taken into account when dealing with conflicts of interest:

23.1. Act with integrity and in an ethical manner that enhances the reputation and impact of the SUN Movement: Stakeholders should act in a way that establishes the highest standards of honesty and incorruptibility. Firm adherence to a code of ethical behaviour, operating in an organizational culture based on upholding the highest principles and ideals, ethical soundness – these are the concepts identified with integrity. Stakeholders should recognize that both individual and organizational conflicts of interest must be managed with the highest degree of integrity so as to safeguard against undue advantage for any stakeholder.

23.2. Be mutually respectful and seek to earn the trust of those with whom you are working: All stakeholders make different contributions to the collective effort. Building the trust needed for collaboration requires respect for these differences. This includes listening to what other stakeholders have to offer, searching for common ground for collaboration and working together in ways that are respected and appreciated by others. Respect must be earned; stakeholders should seek to work in a way that encourages others to take them at their word and to trust their intentions. Any approach to preventing, identifying, managing and monitoring conflicts of interest should be based on this principle of mutual respect.

23.3. 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.

24. The seven SUN Principles of Engagement, together with these three additional principles, serve as the ten SUN Principles of Engagement for the SUN Movement's guidance and practice on conflicts of interest. Where national multi-stakeholder platforms are developing supplementary principles of engagement, they should consider whether they are consistent with the above principles.

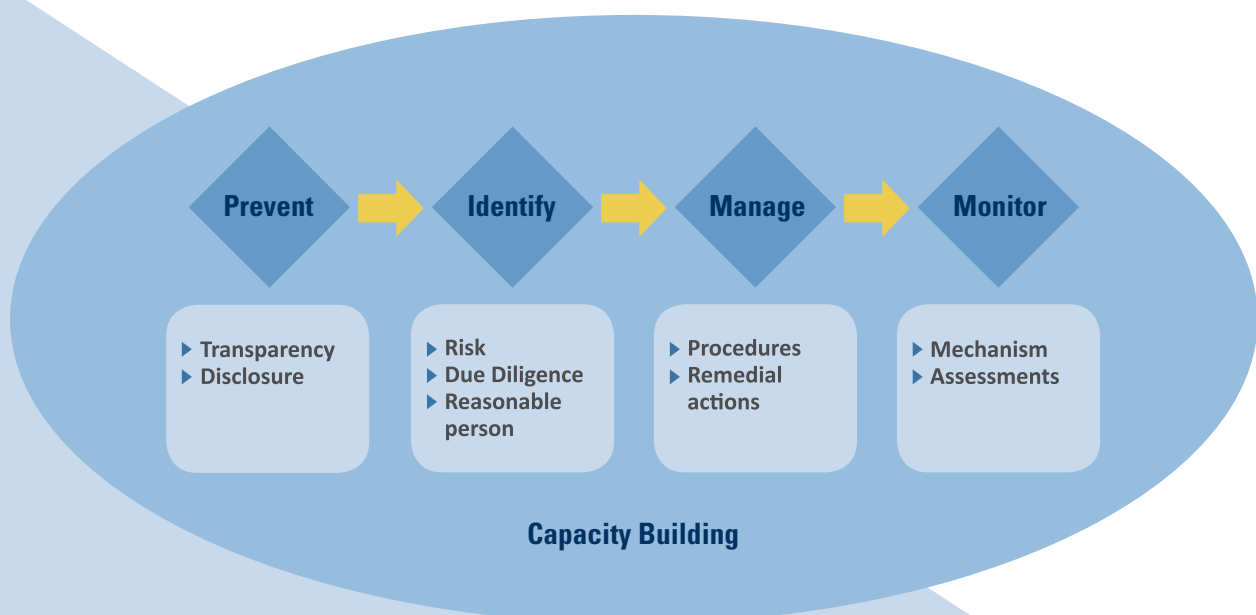
25. While this Reference Note is directed to governments in their management of national multi-stakeholder platforms, the SUN Principles of Engagement are applicable to all stakeholders operating within their respective networks. Some of these networks are developing additional principles. The SUN Business Network, for example, has developed an **additional set of principles**, designed to ensure the participation of responsible businesses, and responsible business practices within the wider SUN Movement. There should be both coherence and consistency among the different networks regarding any such supplementary principles, and the governments in SUN Movement countries may wish to take them into account as well.

Elements of a Conflict of Interest Policy Framework

26. This Reference Note describes four elements of a conflict of interest policy framework that can serve as guidance to governments participating in the SUN Movement. They were developed through a consultation process involving participants from the SUN Movement in a series of three consultation events in 2013. The four elements are (a) preventing (b) identifying (c) managing and (d) monitoring conflicts of interest. The Reference Note concludes with a section on strengthening the capabilities needed to implement these elements. In the national multi-stakeholder platforms, policy development with regard to promoting good nutrition should consider the inclusion of this kind of framework.

27. Before delving into these elements, however, it is important to emphasize that for a conflict of interest policy framework to be effective, governments must take an active management approach and place the framework in the overall context of an inclusive and coordinated programme for collaboration to help empower women and children to exercise their right to proper nutrition. The definitions of conflict of interest and the SUN Principles of Engagement in the preceding sections remain the foundation for governments to develop and implement their policy framework.

28. The following flow chart sets out the major elements of a model for the development of a conflict of interest policy for countries within the SUN Movement:



Preventing Conflicts of Interest

29. The first element of the policy framework addresses two basic features for preventing conflicts of interest from arising. Although any multi-stakeholder platform risks the possibility of experiencing operational and reputational damage as a result of a conflict of interest, measures to prevent or mitigate conflict can still be put in place. It is always preferable to prevent damaging behaviour arising from conflicts of interest or, if it does occur, to mitigate its potential damage as quickly as possible. The first element in a comprehensive conflict of interest policy is to establish mechanisms for prevention. These consist primarily of (a) clearly written and transparent policy on conflicts of interest and (b) consistently applied disclosure procedures.

Transparent Policies for Avoiding Conflicts of Interest

30. Stakeholders need to be familiar with the applicable policies to their participation in national multi-stakeholder platforms. As a starting point, governments should communicate and stakeholders should be aware of existing legal obligations relating to conflicts of interest and how they apply to the national platform and the initiatives it undertakes. Even where there are no applicable legal obligations, however, governments are encouraged to adopt and publicize written policies and procedures for dealing with conflicts of interest. Adopting these policies and procedures through multi-stakeholder participation enhances their legitimacy. The policies should clearly lay out the expectations of the government as well as the responsibilities of the various stakeholders regarding disclosure of interests, in compliance with the SUN principles of transparency and mutual accountability.

31. Governments are encouraged to be specific about what conflict of interest means. Definitions should be included in the written policies, which should be applicable to all stakeholders. The definitions adopted in the preceding section of this Reference Note may be adopted for this task. The overall policies could be based on an existing code of conduct, linking the code to the ten SUN Principles of Engagement and to these definitions. Alternatively, it could be a separate written policy adapting these same principles and definitions to the specific country and national platform context. A guide for drafting a conflict of interest policy and a sample template for a written policy are included in the Prevention section of the accompanying Toolkit.

32. A preliminary step for all stakeholders participating in a multi-stakeholder platform could then be an affirmation of compliance with the government and/or platform's policy. This can be done either implicitly – that is, through a public announcement by the government that the policy is in effect and all stakeholders are expected to act in compliance with it – or explicitly, by requiring stakeholders to proactively commit (verbally or in writing) to complying with the policy.

The Role of Disclosure in Prevention

33. An important element of a conflict of interest policy that helps to prevent or mitigate conflicts of interest is for all stakeholders to disclose any private or secondary interests that might have a bearing on their participation in the multi-stakeholder platform implementing the national action plan for the scaling up nutrition. Disclosure of these interests is one way of implementing the SUN Principle of transparency and ensuring compliance with the SUN Principle of mutual accountability. There are a range of options for disclosure statements, from general affirmations to detailed disclosure forms. An illustrative disclosure form template and a list of other samples of disclosure forms can be found in the accompanying Toolkit. They may be further developed as governments in the SUN Movement accumulate experience in implementing variations of disclosure requirements in their conflict of interest policies.

34. One widely used approach is to start with the assumption that, even if not initially apparent, many stakeholders will have divergent or competing interests in the future, and that these could well become conflicts of interest. The challenge is to anticipate what needs to be disclosed in a reasonable and manageable way. It is recommended that the criteria for identifying the types of interests to disclose should include what is technically feasible and keeping in mind that it should apply to all stakeholders equally. As such, the criteria should be developed by the government in consultation with all stakeholders and should be made transparently available to all.

35. Some types of interests may already be publicly known. However, some information may be sensitive, and reasonable requests for privacy or confidentiality should be honored. The SUN Movement is a loose affiliation of stakeholders, and countries taking part in the Movement have their own different groups of stakeholders to work with, which will change as new stakeholders are brought in. Governments are encouraged to strive to achieve consensus among the stakeholders within their national platforms regarding what information needs to be disclosed and how to handle confidential information.

36. The SUN Movement networks also play an important role in seeking to minimize conflicts of interest of their members. The definitions and the listing of the ten Principles of Engagement for conflicts of interest in the SUN Movement can serve as a useful guide for networks when considering their approach to conflicts of interest. Each SUN network may opt to establish its own procedures for identifying the kinds of private or secondary interests that need to be taken into account as procedures for addressing conflict or interests are established at the multi-stakeholder level.

Identifying a Conflict of Interest

37. Conflicts of interest will either be disclosed by the conflicted person participating in a national platform, or raised by another stakeholder alleging such stakeholder did not fully disclose all of his or her relevant interests. When there is a disclosed potential or perceived conflict of interest of a stakeholder within a national multi-stakeholder platform, the next step is to determine if a conflict of interest really exists, or if the interests in question are divergent or competing that can be made to converge through dialogue and negotiation. The distinctions are often difficult to make, and yet action needs to be taken without labelling every divergent or competing interest as a conflict of interest. For this to occur, there must be criteria for distinguishing between divergent or competing interests and those that are or are most likely to become real (or potential) conflicts of interest. Prompt action to identify these conflicts and explore what to do about them is important because it can promote inclusiveness in recruiting and working with stakeholders. It also builds trust among stakeholders, contributes to their mutual accountability, increases mutual respect, and contributes to the effectiveness of the collective effort.

38. Procedures for identifying conflicts of interest should allow for action to be initiated either by SUN Movement stakeholders or even by groups outside the SUN Movement. Anyone who suspects that a stakeholder has a conflict of interest exists and seeks to initiate procedures for managing it must have reasonable grounds to believe that it exists and be acting in good faith. The channels for reporting and investigating conflicts of interest should be transparent, accessible and designed to enable individuals or groups to respond promptly and openly to allegations. The review committee or other oversight mechanism may wish to permit some confidentiality in the early stages of the process so that the stakeholder's position is not damaged if an allegation proves to be unfounded. The review committee or other oversight mechanism also needs to establish procedures through which their decisions or recommendations can be examined and – if necessary – challenged.

39. This Reference Note describes a risk-based approach for identifying significant conflicts of interest within the Movement, as well as a due diligence approach designed to ensure that those conflicts that are the most potentially damaging are recognized and acted upon. The accompanying Toolkit lays out some additional tools and mechanisms for developing criteria to be used in identifying real conflicts of interest.

A risk-based approach

40. The SUN Movement is designed to serve as an open and unstructured space in which a variety of stakeholders can come together through government led multi-stakeholder platforms to support the implementation of national plans for scaling up nutrition. Stakeholder groups should work in a transparent way, and they should recognize the importance of disclosing their relevant interests publicly. This is part of the first element of prevention, but it should not lead to the unmanageable situation of all stakeholders having to disclose all of their interests. Only the most significant interests should be disclosed, so that the kinds of interests that are the most likely to have the effect of compromising, interfering with, or taking precedence over the joint endeavour can then be identified and managed.

41. A risk-based approach can anticipate and analyse the potential risk of conflicts of interest associated with particular initiative rather than requiring across-the-board disclosures. This approach involves the establishment of procedures for applying risk analysis to specific situations. A useful typology for a risk-based approach includes:: (a) marginal risks that are not likely to affect the initiative, (b) risks that might affect the initiative but are manageable, (c) risks that give rise to concern and a need for advice, and (d) risks that are certain to cause damage. The analysis should be done in an equitable manner, taking into account the higher-risk possibilities among all stakeholder groups. Some information that can be used to evaluate the level of risk will already be available in the public domain, but it may be necessary to supplement this with gathering context-sensitive information regarding some stakeholder's interests.

42. One suggestion is to consider what a “reasonable person” would think about a situation: “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?” This is one way in which the “do no harm” principle can be applied in practice. Best practice would suggest to work with a balanced multi-stakeholder advisory group to apply this “reasonable person” standard to ensure that all viewpoints are incorporated. The approach should encompass a recognition of the evidence-based knowledge of proper nutrition and the human rights-based expectations for empowering women and children to be able to exercise their right to proper nutrition. The accompanying Toolkit provides some further guidance on the typology of this approach and on the reasonable person standard.

43. Even with a risk-based approach, however, there are certain types of behaviours of stakeholders that would unquestionably cause reputational and other damage to the SUN Movement's ability to deliver on its goals. For example, the Code on the Marketing of Breast Milk substitutes is a recommendation from the World Health Assembly, which urges Member States to incorporate its provisions into national legislation. All stakeholders are expected to refrain from behaviour that can be perceived as encouraging the pursuit of private or secondary interests rather than the collective goals of the SUN Movement at the country level.

44. Within national multi-stakeholder platforms, the determination of whether or not a stakeholder has a conflict of interest should be handled in a sensitive manner, starting from the assumption that divergent or competing interests are not necessarily in conflict. Given the principles set out above, the stakeholder is expected to take the initiative to openly identify their interests and, following the disclosure of any relevant divergent or competing interests, take steps to either remove the conflicting interest or act in such a way as to avoid the interest taking precedence over the joint endeavour. This expectation is referred to as due diligence on the part of the individual. By participating in multi-stakeholder platforms or in a SUN network, the stakeholder should be able to collaborate effectively with others, by managing any divergent or competing interests that may exist in a transparent way and supporting the goals of the national government and the SUN Movement as a whole. In practice, however, perceptions of a conflict of interest may interfere with the building of trust, and lack of trust can undermine the collective efforts of stakeholders within the national platform. Therefore, self-disclosure is not enough.

A Due Diligence Approach

45. It is possible that the stakeholder's interpretation of his or her disclosure obligation will not be widely shared across the national multi-stakeholder platform because of different interpretations of the facts or because the stakeholder's disclosure is judged not to have been fully transparent or inclusive of all relevant interests. As a part of the policy framework, procedures should be included to provide stakeholders the opportunity to raise the possibility that another stakeholder has failed to disclose his or her relevant conflict of interest. In such cases, a due diligence process of scrutiny and deliberation should be undertaken by the person(s)/entity responsible for enforcing the conflict of interest policy. The Toolkit includes a list of possible circumstances meriting scrutiny, but the assessment of these circumstances should be carried out with due diligence on the part of both governments and stakeholders. Due diligence may result in the conclusion that the circumstances do suggest a perceived or potential conflict of interest but that the conflict is not yet actually present. National multi-stakeholder platforms and participating stakeholder groups may need tools that will help them gather more evidence-based information and distinguish between diverging or competing interests and a conflict of interest in ways that address perceptions of a potential conflict. Illustrative tools can be found in the Toolkit.

46. Although the mechanisms for identifying the presence of potential, perceived or real conflicts of interest may differ from one country to another, the definitions and criteria for identifying what constitutes a conflict of interest should be applied, if possible consistently across all SUN member countries. The criteria may encompass science-based evidence on proper nutrition, complemented by local knowledge and cultural practices, as well as sensitivity to a human rights-based commitment to exercising the right to proper nutrition. There should be a consistent standard across the Movement; inconsistency could well undermine the coherence of the Movement as a whole. To enable consistency, countries are encouraged to share and learn from each other's policies and practices.

Managing Conflicts of Interest

47. Building on the SUN Principles of Engagement, prevention of conflicts of interest should be given the highest priority. Once a conflict has been determined to exist, the next step is to reach agreement on how to manage it and to proceed with a reasonable balance of urgency and diligence. Procedures for managing conflicts of interest should be in place before any conflict arises, and there should also be consensus on the appropriate application of various options for managing a conflict.

Procedures

48. Procedures for managing conflicts of interest require active management by governments. As part of its conflict of interest policy framework, the government might establish a review committee or adapt an existing review mechanism to oversee the task of managing conflicts among stakeholders engaged in multi-stakeholder platforms and their endeavours. The Toolkit accompanying this Reference Note presents a number of options to fulfill this role.⁷ Mechanisms for managing conflicts of interest should include all stakeholders – including those with a perceived or potential conflict of interest. The focus should be on continuous learning about approaches that work (and do not work) through regular sharing of relevant lessons, communication among stakeholders, and transparent reporting and record-keeping. Governments should encourage stakeholders to treat one another with respect and exchange their views and intentions in a constructive manner, consistent with the principles on mutual respect and communications; this will contribute to the trust needed if stakeholders are to be mutually accountable for helping the governments of SUN countries achieve their goals.

49. The task of a review committee or other review mechanism is both to identify conflicts of interest, i.e. determine whether or not they exist when they are disclosed or allegations are made, and to recommend ways to manage them. If a conflict is identified, there should be a procedure in place for determining the remedial action. It may be necessary to seek consensus within the review committee or among all the stakeholders before taking action.

⁷ See also section on Identifying conflict of interests on the role of a review committee

Remedial Actions

50. There are many possible ways of managing a conflict of interest. The flow chart illustrates a sliding scale of remedial actions, and more information is provided for each of these options in the accompanying Toolkit. One way of managing a conflict of interest is to rely solely on the stakeholder's transparent disclosure of the interests at issue. The mere identification of a potential conflict of interest may be sufficient to allow the stakeholder to be included in the joint endeavour, especially where the stakeholder's level of participation makes it unlikely that the conflict will arise. Reliance on transparent disclosure of a potential conflict of interest can be strengthened if stakeholders are willing to discuss these publicly acknowledged interests and reach consensus on common ground for collaboration.

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

51. Another set of options involves inviting the stakeholder with the conflicting interest to take voluntary action to eliminate the conflict. This might include disposing of a financial interest or a professional affiliation, refraining from participating in decision-making regarding the initiative in question, or not taking part in activities that would be affected by the conflict of interest.

52. Without voluntary action by the stakeholder, however, disciplinary measures may be necessary. If so, the options and the circumstances in which they would be applied should be clearly stated and known to all. The main disciplinary options to address conflicts of interest are to exclude the conflicted individual or organization, and it is preferable to limit the scope and duration of any exclusionary decision. Criteria for deciding to exclude a stakeholder should be known in advance (as part of the conflict of interest policy) and review procedures should be in place to permit reinstatement if compliance with the principles is later shown to exist. In extreme situations, it may be necessary for the stakeholder to withdraw completely from the national multi-stakeholder platform. This is not a preferred option, given the principles under which the Movement, governments and other stakeholders should be participating in the common effort.

53. Other exclusionary options are less drastic. These include barring the stakeholder from specific initiatives or activities. There should be established procedures for recusing a stakeholder from decision-making on a specific initiative or even requiring the stakeholder to withdraw from deliberations on that initiative. These options are more fully developed in the accompanying Toolkit.

54. When consensus on an appropriate disciplinary action is lacking, it may be necessary to employ an external mediating service. Preferably such mediation will be carried out at the national level, relying on available services in-country, but there may be regional options or even a globally developed list of credible mediation services. This should not be viewed as an additional layer of bureaucracy; governments should identify in advance the circumstances in which external mediation may be sought, with due attention to ensuring that the process is applied in a consistent and equitable manner. The terms of reference for the mediation process should establish steps to be taken when deciding what a stakeholder with a conflict of interest should be asked to do.

55. In summary, conflicts of interest should be assessed and managed in a transparent and timely manner without unduly inhibiting the effectiveness and efficiency of the stakeholders' support to SUN Movement initiatives. An overly wide definition of what kinds of private or secondary interests constitute a conflict of interest may have the effect of deterring other stakeholders from participating in the Movement. There will also be situations in which confidentiality is required. The central question is to assess whether the stakeholder's behaviour has any effect on compromising, interfering with or taking precedence over the joint endeavour or initiative of the multi-stakeholder platform or the SUN Movement as a whole. If there is an effect but there is a subsequent correction in the stakeholder's behaviour, then the stakeholder should be included.

Monitoring

- 56.** A government's stewardship of its national multi-stakeholder platform should include a monitoring mechanism to ensure that procedures for preventing, identifying, and managing conflicts of interest are applied consistently and effectively. The SUN networks may need a similar mechanism. Monitoring is something that should be integrated into all aspects of prevention, identification and resolution of conflicts of interest.
- 57.** A country's monitoring mechanism should permit regular assessment of the extent to which the overall conflict of interest policy is being followed, and should also assess its impact on stakeholders. These are two different monitoring objectives. Governments have a role in monitoring the process as well as the progress in ensuring compliance and impact of their policies. Arrangements for monitoring should be part of the conflict of interest policy framework, with a checklist of agreed-upon standards for measuring effectiveness and impact. The Toolkit offers checklists for both of these functions – one on monitoring the implementation and relevance of a conflict of interest policy and one on monitoring the management of the policy. . The personnel who take on this monitoring role should be well-versed in the policy and skilled at undertaking periodic assessments and evaluations. The mechanism should yield information about the frequency with which the policy is invoked, the reactions of stakeholders, the speed with which investigations are conducted, and the extent to which the decisions made have remedied the situation. An exchange of information among SUN countries about their experiences in managing conflict of interest policies can also contribute to a resource base.
- 58.** SUN countries will need to maintain their own monitoring mechanisms and control systems, modifying their procedures as necessary. Such modification could involve creating a new monitoring mechanism, adapting an existing monitoring mechanism for a country's national action plan, or even employing an external review process. Any external review process would have to be independently audited.
- 59.** Clearly, the governments themselves have an interest in tracking and monitoring their policies, but outside groups may also be interested in holding governments and other stakeholders accountable to a conflict of interest policy. There are many such external monitoring groups in other settings – Transparency International, for one example, or Human Rights Watch, for another.
- 60.** Mutual accountability among all participating stakeholders is part of the SUN Movement's Engagement Principles and should be taken into account in any monitoring system. Transparency of interests and transparency of procedures make it possible for all stakeholders to monitor themselves and each other through general public observation. The media can play a significant role in this, and countries can make meeting agendas, minutes, procurement plans and other initiatives publically available and accessible.
- 61.** Monitoring should have a supportive focus, making it possible for participating groups to learn from each other. To that end, the Toolkit contains useful guidance and options for monitoring but it is also intended to be a vehicle for gathering information on experiences with different monitoring systems, tools and indicators.

Building Capacity

- 62.** Governments participating in the SUN Movement may wish to build capacity for handling conflict of interest. These strategies should have a long-term focus based on a continuous learning loop and the exchange of information about lessons learned. Capacity building needs to occur at several levels, from the national level to the sectoral level to the community level. Many groups and individuals do not understand the meaning of a conflict of interest, and how it relates to divergent or competing interests. Educational tools to explain the meaning of conflict of interest and the contributing factors to it need to be part of a capacity-building programme. Training the trainers should also be encouraged in order to build local capacity. In the short term, a series of enhanced learning exercises will contribute to building capacity within countries. In the longer term, the SUN Movement Secretariat can serve as the repository of an inventory of case studies, practical examples and successful outcomes, which will provide material for ongoing learning exercises.
- 63.** SUN countries and networks are the central stakeholders in the SUN Movement. This Reference Note serves as a compilation of the elements of a conflict of interest policy framework and offers guidance to governments on its effective implementation. There are synergies between the global-level engagement of stakeholders through the networks and the support these stakeholders offer for the implementation of policies within SUN countries. One of the Lead Group's stewardship functions is to promote trust and collaboration among stakeholders.
- 64.** The check lists, templates and choices presented in the Toolkit accompanying this Reference Note indicate steps that can be taken to prevent, identify, resolve and monitor conflicts of interest in different settings. All SUN country focal points, network facilitators and members of the Movement's Secretariat are encouraged to demonstrate their capacity to encourage stakeholders with divergent or competing interests to bring those interests into better alignment. They are all encouraged to assist governments to prevent, identify, manage and monitor potential, perceived and real conflicts of interest in their respective countries' efforts to improve nutrition.



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