

## **Conflicts of interest in the infant and young child feeding arena**

### **An assessment from a corporate accountability perspective**

#### **Global capacity building workshop & symposium, London 7-9 December 2015**

The International Code of Marketing of Breastmilk Substitutes was adopted by the World Health Assembly (WHA) in 1981. In the 35 years since, WHA has adopted numerous resolutions, reinforcing the Code and its implementation. The Committee on the Rights of the Child has interpreted Code implementation in terms of governments' obligations to protect the right of the child to the highest attainable standard of health and clearly emphasized baby food companies' obligation to comply with the Code.

Since the Code's adoption, IBFAN has been at the forefront of monitoring manufacturers' compliance with the Code's provisions and in urging governments to fully implement it. Yet, national progress has been slow. Governments continue to face significant challenges in ensuring effective implementation. Some of the challenges can be directly linked to the rise of conflict of interest (Col) situations since neoliberal policies have advocated less tax-based funding for public bodies and programmes and, at the same time, promoted the idea of 'mobilizing resources' from 'non-traditional donors'.

Various Code-related WHA resolutions specifically warn about conflicts of interest. A particular focus were financial ColS created by corporate sponsorship. Moreover, in 2002, the World Health Assembly adopted the Global Strategy on Infant and Young Child Feeding, which defined the only two roles which baby food companies can legitimately play if they want to be a 'partner' in the infant feeding arena: comply with the Code and relevant resolutions and manufacture products according to Codex Alimentarius standards.

The reality on the ground is different. Baby food companies do not adhere to these roles. Instead, they are using the heavily promoted public-private partnership/multi-stakeholder model to position themselves as responsible 'corporate citizens' who should be seen as 'a part of the solution' - not a party to be regulated. Companies can easily use these positions to obstruct national Code implementation as well as to influence global policy agendas to their political and economic advantage.

And they do it successfully. Global sales of breast-milk substitutes total US\$ 44.8 billion, and are expected to rise to US\$ 70.6 billion by 2019. What do these profit figures imply? Ultimately - given the associated corporate strategic PR and marketing budgets - more and more health professionals, researchers, NGOs, public officials, UN staff, and media are lost in situations where unresolved conflicts of interest and inappropriate relationships result in needless suffering of children and the bleeding of national budgets.

IBFAN has observed low motivation of public-interest actors and institutions to understand and step up conflict of interest policy measures. Few seem to recognize Col measures as indispensable safeguards to protect themselves from situations in which they may neglect their duties toward children and infants, whether unwittingly or knowingly. Many now seem to accept the rise of conflict of interest situations as an unavoidable feature of an increasingly competitive and commercialized world. Instead, in the global health and infant feeding arena, there has been a shift from an initial neglect of conflicts of interest issues, over the 'normalisation' of this situation, to an outright blurring of the concept. There are reasons for concern that very soon the core purposes of this important component of the system of democratic and scientific 'checks and balances' will be totally eroded:

that to protect the integrity, independence and trustworthiness of public-interest institutions and actors.

IBFAN had long hoped that UN agencies would take the lead in countering this trend. Yet, it became increasingly clear that none of the international processes important to the infant feeding arena – such as the WHO ‘reform’, the rolling out of the SUN public-private partnership, the Second International Conference on Nutrition, the debates on obesity-related diseases, the SDG 2030 agenda – puts the development and implementation of coherent, adequate and effective conflict of interest safeguards high on the agenda. Instead, phrases such as “in accordance with accepted principles of conflicts of interest” or “with robust safeguards against abuse and conflicts of interest” seem to have become a standard way to legitimize, rather than to question, problematic relationships and arrangements.

Thus, IBFAN decided to become proactive. By organizing in December 2015, with world experts and concerned allies, the Conflict of Interest Capacity Building Workshop and a semi-public seminar, IBFAN has taken a first step on very long path toward recovering spaces for corporate accountability action. It hopes others will soon join, from wherever they are and in whichever public organizations and institutions they work. These December events were jointly organized by IBFAN Asia Regional Coordinating office and IBFAN-GIFA, the IBFAN international liaison office, with Baby Milk Action (UK) taking on the role of the local organizer. (For more details of the workshop and symposium, see programmes on this website).

## **A note on the methodology of the workshop and symposium**

The prime objective of the capacity-building workshop and symposium was twofold: To enable participants to (1) more effectively raise alarm to conflict of interest issues, and (2) more effectively argue for adequate conflict of interest safeguards in various arenas.

The ultimate aim was to: to *help strengthen safeguards for integrity, independence and trustworthiness of public interest actors* and adequately address corporate and other undue influences through effective conflict of interest legislative and policy measures nationally and internationally.

Participants included IBFAN members from all regions of the network and corporate accountability and human rights activists from networks that struggle with similar issues. Their case studies usefully complemented those from the infant and young child feeding arena. The capacity building which started during the two and a half day civil society training workshop continued throughout a half-day symposium. Participants of the symposium included paediatricians, nutrition professionals, as well as persons working on broader health issues, in particular on obesity-related diseases.

Based on the experiences of the programme coordinator, Dr. Judith Richter, and that of the organisers, conflict of interest literature and policies do not adequately address the challenges that corporate accountability activists observe in their work. Thus the following process was employed:

In order to prepare for the workshop, participants received selected material from the invited academic experts. The material included key references, a working checklist on conflicts of interest and a link to a presentation by Jonathan Marks, the expert on the ethics of public-private partnerships, who was unfortunately unable to attend.

Professor Marc Rodwin, a world renowned expert on conflicts of interest in the medico-industrial complex, opened the workshop with a short overview of conflict of interest theory. He later

introduced some notions from institutional corruption/corrosion theory which was developed in the United States to defend and recover the capacity of institutions to work in the public interest. Selected participants gave 15-minute presentations on what the network perceived as serious conflict of interest cases. Each presentation was followed by 15 minutes of comments by Prof. Rodwin and the other participants. This spiral-like participatory approach helped explore complex concrete situations and simultaneously expand conflict of interest theory to issues insufficiently covered.

The capacity- and theory-building which started during the two and a half day civil society training workshop continued throughout a half-day symposium:

Professor Rodwin integrated in his presentation a number of issues raised during the workshop for the audience to benefit from the rich discussions of the previous days. Dr. Judith Richter explained how the rise of the multi-stakeholder partnership paradigm has been accompanied not only by the predicted rise of conflict of interest situations coupled with the increase of channels for undue influences, but also more recently by a muddying of the COI concept. She positioned the issue of conflicts of interest regulation as part of the essential safeguards for global democratic health and nutrition governance. Professor David Klemperer then focused on the psychology of conflicts of interest and gave examples of how health professional and academics can overcome their hesitations to more effectively address conflicts of interest. Professor Amandine Garde rounded up the picture by drawing attention to some of the legal hurdles that currently stand in the way of using straightforward human rights argumentation to justify regulation of harmful corporate practices.

While this workshop and symposium greatly increased the knowledge of participants and experts alike, they can only be seen as a first step toward achieving the above-mentioned objectives. For example, each of the presented case studies could have easily taken up to half a day for a full discussion, to lead to advice from a conflict of interest and a institutional corruption/corrosion perspective. Moreover, the workshop could not, in its scope, cover fully the politics of conflicts of interest to allow for detailed reflection on how to address the neglect of conflict of interest issues and the observed redefinitions of the concept.

It is hoped that donors concerned about the erosion of global democratic governance may support this type of capacity support and development of associated tools which could help citizens and health professionals to better recognize conflict of interest situations linked to interactions with transnational corporations and venture philanthropy foundations. Discussions of this type are urgently needed so that knowledgeable persons who care about infant and child health and wellbeing can then better alert governments and UN agencies to gaps and problems in this critical component of public-interest safeguards.

### **Conflict of interest tool**

Judith Richter's powerpoint presentation ***Understanding Conflicts of Interest to Safeguard Democratic and Evidence-based Health and Nutrition Governance*** is a 'tool' developed as part of IBFAN's conflict of interest capacity building activities. The slide show contains examples of widely accepted conflict of interest definitions, a discussion of the key purposes of conflict of interest regulation, and some suggestions of how to put conflict of interest regulation more centrally on the agenda of public institutions and other public interest actors. It also contains a selection of key references with page numbers and weblinks in its annotations.