

The OECD Guidelines Managing Conflict of Interest in the Public Service (2003)

summarise as key to a modern approach to CoI policy among others, the duty to:

- “**Identify the risks to the integrity** of public organisations and public officials”
- “Ensure that effective procedures are deployed for the **identification, disclosure, management, and promotion of the appropriate resolution** of conflict of interest situations”¹

How to identify, assess and adequately address a CoI situation?

Enclosed a draft checklist by Professor Marc Rodwin

with adaptations by Judith Richter

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**ANALYZING (primarily INDIVIDUAL) CONFLICTS OF INTEREST:
A CHECK LIST**

D) Is there a conflict of interest? – Identifying a CoI

- 1) Who is the actor and what is his/ her designated role? (actor: e.g. a) a person in a position of trust such as a nutrition/medical professional, civil servant b) a professional organization; a public institution etc.)
- 2) To whom does the actor owe a legal or ethical duty? (e.g. physician to patients, research subjects etc depending on their role; UN bodies: to the “peoples”/public)
- 3) What is the nature of that duty or obligation? (e.g. the duty to protect, promote and fulfil peoples’ human rights to health; adequate food and nutrition including freedom from hunger)
- 4) Does the actor have a **financial (or other close) tie, a secondary role or a secondary activity** that creates a risk that the actor will not fulfill their duty or have a split loyalty? (e.g. via sponsorships of activities or initiatives; a physician or nutritionist also acting as researcher; or a public official, scientist or public interest NGO member also being on the board of a health related transnational corporation)
- 5) When the actor exercises professional discretion [his/her freedom to act on his own judgement]² can the actor promote his/her own financial interest or the financial interest of a third party?

¹ OECD (2003). Managing conflict of interest in the public service: OECD Guidelines and country experiences. Paris, Organisation for Economic Cooperation and Development, executive summary, p. 15, <http://www.oecd.org/gov/ethics/48994419.pdf>

² Based on <https://en.wikipedia.org/wiki/Discretion>

II) How significant and serious is the conflict of interest? – Assessing a CoI

- 1) How strong is the financial incentive for the actor to behave in ways that might promote his/ her own self-interest or the interests of a third party?
- 2) How much discretion does the actor have in making professional decisions?
- 3) What are the potential risks/ harms that can result if the actor is biased in exercising his/ her discretion or the actor violates his/ her ethical or legal duties (or public mandate in the case of an institution)?

III) What policy options exist to eliminate or mitigate the individual conflict of interest? – Adequately addressing a CoI

Consider at least these kinds of options:

- 1) Changes in the organization and financing of the system you are looking at – e.g. health & nutrition professional organization, public interest NGO, academic institution, government department/ministry, UN organization or body; public-private hybrid: public-private ‘partnership’ or ‘stakeholder’ initiative/alliance ;
- 2) Separation of professional roles or activities;
- 3) Prohibiting or restrictions on having certain financial ties or relationships; (e.g. no board membership for high level public officials/civil servants and academics during and for a certain time after holding office (‘cooling off period’)
- 4) Oversight of professional activity to reduce discretion or monitor performance;
- 5) Disclosure of financial- or other relevant close ties to allow the human rights bearer/person in a trust relationship (e.g. infant and young children, caretakers of infants and young children; people at risk from obesity related diseases) to protect themselves or to facilitate monitoring and management of professionals with CoI by other parties (e.g. independent oversight bodies; public interest advocacy/corporate watchdog organisations and networks; media) ;
- 6) Remedies after a breach of duties (such as restitution to individuals harmed and penalties for individuals who violate their duties).