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"

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

Enclosed a draft checklist by Professor Marc Rodwin with adaptions by Judith Richter
20.11.2015

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

I) 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] can the actor promote his/her own financial interest or the financial interest of a third party?

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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).

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