

Safeguarding Against possible conflicts of Interests in Nutrition Programmes: Draft Approach Paper

Comments

- The mandate to the Secretariat is very clear i.e. to “develop risk assessment, disclosure and management tools to safeguard against possible conflict of interest in policy development and implementation of nutrition programmes consistent with WHO’s overall policy and practice”. Thus the mandate is in the context of the nutrition programmes. The paper therefore needs to provide a set of examples of conflict of interest, which may occur during the policy formulation, implementation, and evaluation of nutrition programmes. Currently there is no such examples at one place therefore it is almost difficult to readers to relate CI in the nutrition context. Such examples would provide an understanding of issues of concerns.
- There is a need to provide two sets of examples of CIS. CIs to be avoided in all circumstances and manageable CI. Currently the paper does not provide any such examples. As a result the paper and tool kit give an impression that there is a need to carry out lengthy due diligence process to take a decision. If such a list of conflict of interest to be avoided ex ante would result in clarity and cost effectiveness. For instance, it is very clear that presence of private sector, business association or entities or individuals associated with the private sector in the policymaking or guideline making body creates clear CI and therefore should be avoided. Paper does mention this vaguely. We propose a box in the main body of the paper an non-exhaustive illustrative list of conflicts of interest to be avoided. Such a list would save time and resources for conducting the due diligence.
- The risk assessment and due diligence can be restricted to the set of CIs, which cannot be easily discerned. Therefore it is important that paper provides a list of circumstances calls for detail due diligence and risk assessment to manage or avoid CI. In the absence of that the paper gives an impression that after due diligence and risk assessment the private sector can be part of the policy formulation. This would result in legitimising CIs.
- Further, the mandate is only to the risk assessment related to the conflict of interest. The CI is one of the elements of risk and not the whole risk. It might be a good idea that if the paper clarifies that. Some of the risk may not fall under CI.
- The paper treats all non-state institutions together on equal footings. This is problematic. The degree of CI risks emanating from the commercial and profit interest should not be equated with the public interest or the public health goals advocated by civil society organisations. NGOs advocating private interest using private sector resources are risky and should be

treated as private interest. However, a clearly articulated public interest without any connection with public interest by NGO or academic institutions cannot be treated at par with commercial interest for the CI assessment. This is clearly mentioned in the CI technical consultation background paper. The current approach of the paper needs correction. In other words the nature of risk from these actors varies and cannot be treated at equal footing.

- The paper should aim at important CIs to be avoided in the national nutritional programme. This is risk of furthering commercial or profit objectives through nutritional programs through undue influence. Further, the commercial interests undermining the public health objectives. To that extent current formulation of risk assessment and ex ante equal treatment of entities are faulty.
- There is no process provided the yardstick to treat an NGO, academic institutions or philanthropic foundation as private sector. Invariably private sector exerts their influence through these entities through financing or setting up these entities. It would be extremely important for the paper to give some suggested criteria to categorise such institutions as private sector
- Conflict of interest analyses at the national level essentially means whether the public health agenda of the government faces a risk either due to the secondary interest of the officials or experts in charge of policy formulation and implementation. It also includes whether the secondary interest of the government i.e resource mobilisation for the programme or promotion of nutritional industry would undermine the primary interests of public health. Therefore, category B needs a reformulation. CI arises not only interacting with the non-state institutions or individuals but also within the government. For instance, health ministry interacting with the ministry of food processing for a nutritional programme.
- Further, the paper uses the term NGOs and private sector. However, it is not clear where the international business association are going to be classified. For the clarity and simplicity it would be better to classify international business associations as part of the private sector. The paper indirectly mentions this under arms length but it is not very clear about it.
- According to the paper the CI is emanating from the non-state institutions and individuals. This gives an impression that these are the only causes of CI. However, in reality CI can occur due to the participation of public officials, experts and scientists from the public sector institutions but having shares in private equity or accepted consultancy from the private sector or carrying out research project for the private sector. Therefore the paper needs to remove the distinction between non-state individual and non-state individual.

- It is important that the paper should explain the difference between conflict of interest and conflicting interest. In other words it would be a good idea that the paper in a box gives example of risks, which are not arising, from the CI but from the conflict interest.
- Similarly, the paper needs to explain with examples the institutional conflict of interest. In nutrition programmes there might be situations of individual conflict of interest and institutions conflict of interest. The paper should provide examples of both. Currently, the list of entities gives an impression that CI is confused with conflicting interest.
- The section C i.e. contribution, purposes and forms engagement needs clear revamping. Engagements currently defines ad a formalised interaction of non-state institutions or individuals. This does not reflect the reality. There could be informal interaction which can also involve CI.
- The forms of engagement mentioned in the paper do not reflect all types of engagements. Much of the engagement is in the form of participation and decision-making in the area of policy formulation and implementation. This needs to be clearly stated.
- Further, it is important for the paper to elaborate the examples provided in the Appendix 2 with clear advise on whether it should be avoided or managed. Currently the examples do not provide any clue.
- The overarching principle states “ following the overarching principles,may be successful if it: “. This needs a modification because it is guiding principle to be followed at all circumstances.
- Overarching principles of engagement states: Conforms with government’s agenda and demonstrates a clear benefit to public health or nutrition. These words “government’s agenda “ gives a wrong impression because the government agenda changes always and it could be at times to promote private sector. Therefore, the conformity should be only to the public health.
- Appendix 4 is good but all the action listed do not contribute to conflict of interest. However, it is important that corporate entities engaged in such strategies should be avoided for engagement.