

**International Baby Food Action Network
& Peoples Health Movement**



Letter to FENSA Negotiators

At the opening of this Assembly, WHO issued the Technical Report “*Addressing and Managing Conflicts of Interest – In the Planning and Delivery of Nutrition Programmes at Country Level*” that provides proceedings of the consultation called for by WHA 67(9)¹. This consultation gathered international experts across the 6 regions to share knowledge and experience on addressing conflicts of interest and undue influences in nutrition as well as external experts on risk assessment and management of conflicts of interest. This consultation was convened in Oct 2015 with “the aim of supporting efforts to address governance gaps on conflicts of interest in order to safeguard nutrition policy development and implementation at country level”².

The summary outcomes and next steps contained in the report provide important guidance elements. These are relevant to the FENSA process and maybe of interest to the negotiators.

Most importantly, **this consultation revealed that the FENSA conceptualization of conflicts of interest is faulty and at odds “with standard legal practice”. This validates the long-standing claim of public interest actors.**

- We thus maintain that it is essential to draw on existing legal conflict of interest concepts in order for FENSA to become an adequate safeguard.
- Furthermore, if the current conceptualization of conflict of interest contained in FENSA is not rectified, the negative impact may reach beyond the walls of WHO:
 - It will create problems with the needed work on conflicts of interest in national implementation of nutrition programmes
 - It risks redefining this essential component of accepted administrative and public law worldwide, and thus lead to “normalization” of conflicts of interest in the society, further undermining democratic and scientific processes

We would also like to remind the negotiators that the *OECD Guidelines on Managing Conflicts of Interest in the Public Service*³ recommend to build and constantly revise conflict of interest policies by building on the concrete experiences of civil servants and the public. The FENSA process has failed to do this.

We appeal to Member States before proposing FENSA for adoption to still take the essential step of ensuring FENSA is built on solid evidence, and in order to ensure transparency, **to open the FENSA process to public and expert input and scrutiny.**

Geneva, May 25, 2016

¹ Download online: <http://www.who.int/nutrition/publications/COI-report/en/>

² See Resolution WHA 56.6 on why the meeting was convened

³ OECD Guidelines:

<http://www.oecd.org/gov/ethics/managingconflictsofinterestinthepublicservice.htm#guidelines>