



## **Revised CONFLICT OF INTEREST DOCUMENT**

### **Introduction**

The OECS Regional Coordinating Mechanism (OECS RCM) in accordance with Global Fund guidelines has developed a conflict of interest policy. The Conflict of Interest policy satisfies a requisite of the Global Fund and also addresses the best interest of the numerous stakeholders and partners associated with the RCM. It is important to clarify that having a potential conflict of interest is not a barrier to the execution of the functions and responsibilities required by the OECS RCM; but the RCM recognizes that conflict of interest could exist due to the multiple roles played by the members, institutions and different sectors represented in the RCM and around the grant.

#### **1. Purpose of Conflict of interest policy**

This policy is for **prevention and resolution of conflict of interest** and its purpose is to provide the OECS RCM with guidelines and procedures to adequately address conflict of interest (and potential conflict of interest) situations and to do so in compliance with the countries rules and regulations and with the Global Fund guidelines.

The policy aims to promote impartiality, responsibility, transparency and public trust, and also should encourage ethical behavior in the activities of the OECS RCM.

The objective is to ensure that the potential conflicts of interest does not lead to inequities, inefficiencies or other actions that could damage the grant(s) that the RCM is overseeing, and to preserve the integrity, reputation and goals of the RCM members in charge of making sure that the objectives of the grants given to the region are met and the beneficiary populations receive the benefits as planned.

#### **2. Definition**

2.1 A Conflict of Interest is "a situation in which an OECS RCM Chair, Vice Chair, or Member, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties." The conflict of interest can be real or potential. Such competing interest might make it difficult to fulfill his or her duties

#### **3. Ways in which Conflict of Interest may arise**

3.1 Even if there is no evidence of improper actions, a conflict of interest can create an appearance of impropriety that can undermine the ability of that person to act properly.

3.2 More generally, conflict of interest can be defined as any situation in which an OECS RCM member is in a position to exploit a professional or official capacity in some way for his/ her personal or corporate benefit.

3.3 Having a conflict of interest is not, in and of itself, evidence of wrongdoing. In fact, for OECS RCM members, it is virtually impossible to avoid having conflicts of interest from time to time.

3.4 A conflict of interest can, however, become a legal matter if an OECS RCM member ties to (and/or succeeds in) influencing the outcome of a decision, for personal benefit.

3.5 There often is confusion over conflict of interest. An OECS RCM official accused of a conflict of interest may deny that a conflict exists because he/she did not act improperly. In fact, a conflict of interest exists even if one does not act improperly. One way to understand this is to use the term "conflict of roles." An individual with two roles – OECS RCM member who represents a constituency and is also a beneficiary of the Global Fund grant, for example, may experience a situation where those two roles conflict. The conflict can be mitigated – see below - but it still exists. Having two roles is not unacceptable, however it raises a very likely perception of a conflict. In these situations, disclosure of a potential conflict is required

#### 4. Types of conflict of interest

The following are the most common forms of conflicts of interest:

4.1 Self-dealing, in which oversight and implementation interests collide, for example, where a decision has to be made regarding the country or agency the member is representing. When or if this occurs a declaration by the member that he/she has a conflict of interest should be made at the beginning of the meeting followed by a decision of the RCM body as to whether or not the member ought to recuse himself/herself from the discussion or vote.

Examples of conflicting situations:

- Members of the OECS RCM are also members of the PR or SRs
- The Chair or Vice Chair belongs to the same organization or institution as the PR or SR.
- Organizations that participated in the PR selection committee are also candidates for PR.
- Individuals that are members of the Oversight Committee and have some link with the organizations/institutions or persons working with the PR or SRs.

4.2 Other improper acts that are sometimes classified as conflicts of interest are probably better classified as something else, and may even be criminal. Accepting bribes can be classified as corruption; almost everyone in a position of authority has the potential for such wrongdoing. Similarly, use of OECS RCM Secretariat property or assets for personal use is fraud.

4.3 Unauthorized distribution of confidential information is unethical.

4.4 For these improper acts, appropriate sanctions shall be applied.

## Section 5. Ways to mitigate conflict of interest

5.1 a) All members linked to the OECS RCM must declare the presence and/or absence of conflict of interest, through the signing of a declaration (see Annex1) the moment they became members or have a link with the RCM. This declaration should be presented to the RCM members in the meetings and archived in the OECS archives. Such declaration should be signed every year.

b) At the beginning of each meeting, the Chair or whoever is presiding the meeting should ask all members and all alternates, as well as any non-member or observer present if they are aware of any conflict of interest. Also the members of the OECS RCM must indicate if there is a conflict of interest of any person in relation to some of the points on the agenda, at the point when the agenda is read or revised.

c) Any person related to the OECS RCM who identifies her/himself as having a conflict of interest, will retire from the meeting at the moment where the issue in the agenda causing the conflict is discussed.

d) If the Chair has a conflict of interest related to a point in the agenda, she/he will delegate her/his responsibilities to the Vice Chair throughout the time of the discussions, abstaining from participating in such discussions. If the Vice chair also has a conflict of interest, he/she should also abstain from participating and the assembly should elect a replacement to lead the discussions.

e) All the persons connected to the OECS RCM who have a relationship with the candidates of a procurement or hiring process will not be part of the Procurement Committee or of the sessions in which there are discussions about these processes, including follow up or monitoring of the process.

f) The RCM member who has declared a conflict of interest should not be present when the discussion of the issue that produces the conflict takes place, especially when discussing:

- Decision related to oversight of the PR, SRs
- Selection of PR
- Reprogramming of grant funds
- Decisions that could have a financial impact on the PR, as for example contracts with another institution, including SRs.

## **6. Conflicts of Interest within the OECS RCM**

When conflicts of interest cannot be avoided, the best way to deal with them is one or more of the following (mitigation) measures:

### **6.1 Disclosure**

All OECS RCM members have a duty to disclose the existence of any actual or potential conflict of interest which may arise from their relationship with any other entity/entities that may have direct or indirect influence on or benefit from the decisions/discussion taken in OECS RCM meetings or on OECS RCM related matters.

6.1.1 All OECS RCM members must disclose their relationship with any other entity associated with the Grant.

6.1.2 All OECS RCM members must disclose the nature of such conflict, whenever he or she becomes aware that a conflict exists or that a conflict is reasonably likely to occur or that there is the appearance of a conflict.

6.1.3 All OECS RCM members must complete and submit the attached "Declaration of Interest"

6.1.4 Disclosure statements shall be updated annually and whenever there is a material change in the information they contain.

### **6.2 Recusal**

6.2.1 OECS RCM members who have a conflict of interest are ethically expected to recuse themselves from (i.e. abstain from) decisions where such a conflict exists. For example, if the OECS RCM is considering funding or withholding funding.

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