

Written Submission from Five Major Groups on Conflict of Interest

This document extends the statement from all Major Groups on Conflict of Interest made in the plenary under Agenda Item 4 on June 17th 2024.

In summary, a strong and rigorous conflict of interest policy and process of the highest standards is necessary for the outputs of the work of the SPP to be trusted. COI must apply to EVERYONE who has a role in the SPP, including their familial and close relationships, and to all SPP outputs at all its stages. The COI process should be transparent and ongoing. All potential interests should be declared retrospectively as well as current interests. A conflicts of interest committee should decide and manage if, and when, conflicts are present and measure taken in the event of a conflict of interests, and not by the individual themselves.

In the tables below we outline in more details how some key identified gaps and concerns should be addressed.

This submission is made on behalf of the Science & Technology Major Group, the Children & Youth Major Group, the Indigenous Major Group, the Local Authority Major Group, and the Women Major Group. This submission is also supported by Clean Production Action, International Panel on Chemical Pollution (IPCP), Global Alliance on Health and Pollution (GAHP), the Endocrine Society, and Greenpeace International.

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Table 1. A key list of concerns and suggestions regarding Conflict of Interest from Major Groups

	<p>Texts as is currently in the SPP OEWG3 pre-session documents UNEP/SPP-CWP/OEWG.3/2, 3/2/Add.4, & 3/2/Add.5 (red is the texts with Major Groups' specific concern)</p>	<p>Comments & Suggestions from Major Groups</p>
<p>COI definition & scope</p>	<p>* COI: "a[ny current, or previous](del) professional, financial or other interest [from the past four years](del)" (Para12, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p> <p>* "[This policy applies only to current conflicts of interest. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behaviour.]" (Para15, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p> <p>Previous engagement & COI are not included in the COI declaration form (UNEP/SPP-CWP/OEWG.3/2/Add.5)</p>	<p>The current definition of a COI is potentially too narrow.</p> <p>SUGGESTION:</p> <ol style="list-style-type: none"> COI should include all potential COI, including from previous engagement. The CoI Committee should decide whether a conflict of interest exists, rather than those who disclose the COI information
	<p>"This Conflict-of-Interest Policy is designed to ensure that [potential](del) conflicts of interest" (Para5, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p> <p>"These Implementation Procedures apply to all [potential](del) conflicts of interest ..." (Para 2, Appendix A, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p>	<p>SUGGESTION: Remove the bracket around 'potential' (i.e. keep 'potential' in the text)</p>
<p>Application - scope</p>	<p>"This policy applies to [the senior leadership of the Panel, [namely,]](del) members of the Bureau of the Panel, [committees] and any subsidiary bodies contributing to the development of deliverables, [to experts contributing to the activities of the Panel such as](del) authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors), [and review editors](del); and to professional non-United Nations staff supporting the Panel's work." (Para7, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p> <p>“25 This procedure does not apply to the nomination and selection of experts contributing to the review process described in the next section, whether expert reviewers or government reviewers' (note: '23. Prior to finalizing the team of experts, each selected expert is required to comply with the panel's conflict-of-interest policy and submit a conflict-of-interest disclosure form for review by the panel's Conflict-of-Interest Committee.')) (doc OEWG3/2/add4 Draft procedures for the preparation and clearance of panel Deliverables)</p>	<p>SUGGESTION:</p> <ol style="list-style-type: none"> COI policy should apply to all individuals involved in all SPP work at all stages, including the review stage (e.g. the review editors and reviewers) (more detailed suggestions please refer to Table 2) COI policy should consider close relations (e.g. family) that stand to benefit financially, professionally or otherwise.

	<p>[The policy applies to the development of all Panel products and deliverables, including but not limited to: horizon scanning products; assessment reports; special reports; methodology reports, and technical papers [and policy briefs.]](del)' (Para 8 UNEP/SPP-CWP/OEWG.3/2)</p>	<p>SUGGESTION: COI should apply to all products and deliverables. Therefore the bracket around this sentence should be removed (i.e. this paragraph should be kept).</p>
	<p>"[All]Professional and other non-financial interests need to be disclosed [only if they are significant and relevant](del)." ((Para16, Annex 5, UNEP/SPP-CWP/OEWG.3/2); "Financial interests need to be disclosed [only if they are significant and relevant](del) ." (Para17, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p>	<p>Language that only “significant and relevant” interests need to be disclosed contradicts para 12 that favors broad disclosure of “potential conflicts of interest,” and creates unhelpful confusion of what must be disclosed. The disclosure should be made regardless of the perceived significance and relevance, which could instead be decided in the review by the COI committee. The COI Committee should decide whether a conflict of interest exists, rather than those who disclose the COI information.</p> <p>SUGGESTION: to delete the contents in the bracket (i.e. to delete “only if they are significant and relevant”) in both para 16 & 16, and keep “all” in para 17.</p>
<p>Contents of declaration</p>	<p>"Do you hold any position or appointment or have any business or professional relationships with other bodies related to science on chemicals, waste and the prevention of pollution?" (COI declaration form I1& II8)</p>	<p>It's too narrow if only related to 'science'. And it should include both current and in the past position or appointments.</p> <p>SUGGESTION:</p> <ol style="list-style-type: none"> 1. to delete 'science on'. 2. “ Do you hold now and in the past any positions or appointments...”

	<p>"To your knowledge, could the outcome of your work for the Panel adversely affect the interests of any other persons or entities with whom you have substantial common personal, professional, financial or business interests (such as your adult children or siblings, close professional colleagues, administrative unit or department)?" (COI declaration form III 13)</p>	<p>Currently it does NOT include spouse, partners, siblings, children or other relatives that may stand to benefit financially, professionally or otherwise, which are often included in other COI policies.</p> <p>SUGGESTION: to add “benefits and/or” before 'adversely affect the interest of any other people or entities...'.</p>
<p>Exemption</p>	<p>"In exceptional circumstances, a conflict of interest on the part of a Panel expert which cannot be resolved may be tolerated where the individual is deemed to provide a unique contribution to a Panel deliverable and where it is determined that the conflict can be managed such that it will not have an adverse impact on the relevant Panel deliverable. In such cases, the COI Committee will publicly disclose the conflict and the reasons for determining that the individual may continue to contribute to the Panel's work in spite of the conflict." (Para 6, Appendix A, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p>	<p>There's a need for more safeguards in this exceptional case which requires more careful discussion.</p> <p>SUGGESTION: One potential option could be: 1. add "<u>In circumstances where a conflict of interest on the part of a Panel expert cannot be resolved the individual may instead share their knowledge through publicly available submissions.</u>" at the beginning of this para 6. and 2. COI "may be tolerated where the individual is deemed to provide a unique contribution to a Panel deliverable, <u>only rarely and if other channels for this individual to provide their unique contribution are exhausted (e.g. by making a publicly available submission)</u> , and where it is determined that the conflict can be managed <u>by the Conflict of Interest Committee</u> such that it will not have an adverse impact on the relevant Panel deliverable."</p>

	<p>"7. bis [Notwithstanding paragraphs [3 and 5] an individual may decline to disclose information related to activities, interests and funding where its disclosure would adversely and materially affect:</p> <p>(a) Defense, national security or imminent public safety; (b) The course of justice in prospective or current court cases; (c) The ability to assign future intellectual property rights; or (d) The confidentiality of commercial, government, or industrial information.]</p> <p>7. ter [Members who decline to disclose information under paragraph 7. bis must declare that they are doing so in their disclosure of interest under paragraphs [X] or [X] and must be completely excluded from discussions and decisions on related topics.]" (7bis & ter, Appendix A, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p>	<p>SUGGESTION: This list is extremely broad and can weaken the COI policy and its implementation. All potential COIs should be declared. We encourage further careful discussion. <u>At least b, c and d must be removed from 7bis.</u></p>
<p>Handle of the CoI information</p>	<p>"All [COI Forms] and any records of the deliberations and/or decisions of the COI Committee in relation to conflict of interest issues in respect of specific individuals and any information disclosed by individuals for the purposes of the COI Policy will be transferred to the Secretariat after they have been reviewed and will be securely archived by the Secretariat and retained for a period of five years after completion of their term or completion of the deliverable to which the relevant individual contributed, after which the information will be destroyed. Subject to the requirement to notify the existence of a conflict of interest to others under paragraph 6 above, the information referred to above will be considered confidential and will not be used for any purpose other than consideration of conflict-of-interest issues under these Implementation Procedures without the express consent of the individual providing the information". (para 13, Appendix A, Annex 5, UNEP/SPP-CWP/OEWG.3/2)</p>	<p>SUGGESTION:</p> <ol style="list-style-type: none"> 1. Information on potential conflicts of interest for all participants on the COI form need to be made public rather than being securely archived, as well as the outcomes of COI investigations, to ensure transparency of work and secure public confidence in, and legitimacy of the work of the panel. 2. The record should be kept permanently rather than being destroyed.

Table 2. Categories of roles in SPP & if COI applies to each role as being described in the SPP-OEWG3 pre-session documents, with suggestions to address identified gaps from Major Groups

Category	Role	<p>Does COI policy apply in SPP-OEWG3 pre-session documents? (with the supporting text in UNEP/SPP-CWP/OEWG.3/2-Annex5 and/or UNEP/SPP-CWP/OEWG.3/2/add4) (x: NOT applies) (√: applies) (? : not clear if applies from the document) (red is the texts with Major Groups' specific concern)</p>	<p>Suggestions to address COI gaps and concerns from Major Groups</p>
Members of Institutional Arrangements	Secretariat	x	
	Strategic Partnerships	x	COI policy shall apply to all individuals involved in all SPP work, including the strategic partnerships. Suggest to add 'Strategic Partnerships' to the scope list in para7, OEWG.3/2-Annex5.
	[Plenary][Governing body of the SPP]	x (“This policy applies to [the senior leadership of the Panel]...”; para7, OEWG.3/2-Annex5)	
	Bureau	√ (“This policy applies to... members of the Bureau of the Panel...”; para7, OEWG.3/2-Annex5)	
	Interdisciplinary Expert Committee (IEC)	√? (“This policy applies to... [committees] and any subsidiary bodies contributing to the development of deliverables...”; para7, OEWG.3/2-Annex5)	COI policy shall apply to all individuals involved in all SPP work, including the IEC, which should be made more explicit, by removing the bracket around “committees”.

	<p>[conflict of interest committee]</p>	<p>?</p> <p>(“[A conflict of interest committee to support the implementation of a conflict of interest policy]” para 27(a)bis, OEWG.3/2)</p> <p>(“This policy applies to... [committees] and any subsidiary bodies contributing to the development of deliverables...”; para7, OEWG.3/2-Annex5)</p> <p>(“Members of the COI Committee may not consider cases involving themselves and will recuse themselves in the event that the Committee considers a potential conflict of interest concerning themselves.”; Para11, OEWG.3/2-Annex5-Appendix A)</p>	<ol style="list-style-type: none"> 1. There should be a Conflicts of Interest (CoI) Committee to help ensure the integrity of the SPP’s work. Therefore suggest to remove the bracket around “[A conflict of interest committee to support the implementation of a conflict of interest policy.]” in para 27(a)bis, OEWG.3/2. 2. Of particular importance is that the members of this Committee are free of conflicts of interest if their decisions are to withstand scrutiny (i.e. COI policy needs to apply to them, by adding “Conflict of Interest Committee” explicitly to the scope list in para7, OEWG.3/2-Annex5. 3. Members of the COI Committee “shall/must not” (rather than ‘may not’) consider cases involving themselves and will recuse themselves in the event that the Committee considers a potential CoI concerning themselves, in Para11, OEWG.3/2-Annex5-Appendix A.
	<p>Other committees & subsidiary bodies members</p>	<p>?</p> <p>(“This policy applies to... [committees] and any subsidiary bodies contributing to the development of deliverables...”; para7, OEWG.3/2-Annex5)</p>	<p>CoI policy shall apply to all individuals involved in all SPP work, including all committees and subsidiary bodies members.</p>
<p>Experts & other roles</p>	<p>Professional non UN staff supporting the Panel’s work</p>	<p>√</p> <p>(“This policy applies to...; and to professional non-United Nations staff supporting the Panel’s work”; para7, OEWG.3/2-Annex5)</p>	
	<p><u>Co-chairs</u></p>	<p>√</p> <p>(“This policy applies to... [to experts contributing to the activities of the Panel such as](del) authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors), [and review editors](del)...”;</p>	

		para7, OEWG.3/2-Annex5)	
	Coordinating lead authors	√ ((“This policy applies to... [to experts contributing to the activities of the Panel such as](del) authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors)...”; para7, OEWG.3/2-Annex5)	
	Lead authors	√ ((“This policy applies to... [to experts contributing to the activities of the Panel such as](del) authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors)...”; para7, OEWG.3/2-Annex5)	
	Contributing authors	? ((“This policy applies to... [to experts contributing to the activities of the Panel such as](del) authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors)...” para 7, OEWG.3/2-Annex5))	CoI policy shall apply to all individuals involved in all SPP work, including all authors including contributing authors, who is however not in the list in para 7.. Suggest to 1) remove the bracket around “[to experts contributing to the activities of the Panel such as](del)” in para7, OEWG.3/2-Annex5. 2) add ‘contributing authors’ to the scope list in para7, OEWG.3/2-Annex5.
	Review editors	? ((“This policy applies to..., [and review editors](del)...”; para 7, OEWG.3/2-Annex5)	CoI policy shall apply to all individuals involved in all SPP work, including review editors. Suggest to keep ‘review editors’ to the scope list in para7, OEWG.3/2-Annex5.

	<p>Expert and Government reviewers contributing to the review process</p>	<p>x ("23. Prior to finalizing the team of experts, each selected expert is required to comply with the panel's conflict-of-interest policy and submit a conflict-of-interest disclosure form for review by the panel's Conflict-of-Interest Committee." "25 This procedure does not apply to the nomination and selection of experts contributing to the review process described in the next section, whether expert reviewers or government reviewers") (OEWG3/2/add4)</p>	<p>CoI policy shall apply to all individuals involved in all SPP work, including all reviewers/all experts contributing to the review process.</p> <p>Suggestions:</p> <ol style="list-style-type: none">1. to add 'all reviewers' to the scope list in para7, OEWG.3/2-Annex52. delete para 25 in OEWG3/2/add4
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