



Convention on Biological Diversity

Distr.
GENERAL

CBD/COP/14/L.29
28 November 2018

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Fourteenth meeting
Sharm El-Sheikh, Egypt, 17-29 November 2018
Agenda item 15

PROCEDURE FOR AVOIDING OR MANAGING CONFLICTS OF INTEREST IN EXPERT GROUPS

Draft decision submitted by the Chair of Working Group I

The Conference of the Parties,

Recognizing the critical importance of taking decisions on the basis of the best available expert advice,

Recognizing also the need to avoid or manage, in a transparent manner, conflicts of interest by members of expert groups established from time to time to develop recommendations,

1. *Approves* the procedure for avoiding or managing conflicts of interest contained in the annex to the present decision;
2. *Requests* the Executive Secretary to ensure the implementation of the Procedure for Avoiding or Managing Conflicts of Interest in Expert Groups contained in the annex to the present decision, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice or the Bureau of the Conference of the Parties, as appropriate;
3. *Also requests* the Executive Secretary to prepare a report on: (a) the implementation of the procedure; and (b) relevant developments in avoiding or managing conflicts of interest in other multilateral environmental agreements, intergovernmental initiatives or organizations, and, if appropriate, propose updates and amendments to the current procedure for consideration by the Subsidiary Body on Implementation at a meeting held prior to the sixteenth meeting of the Conference of the Parties;
4. *Requests* the Subsidiary Body on Implementation to consider the report referred to in paragraph 3 above and to submit recommendations, as appropriate, for consideration by the Conference of the Parties at its sixteenth meeting.

Annex

PROCEDURE FOR AVOIDING OR MANAGING CONFLICTS OF INTEREST

1. Purpose and scope

- 1.1 The purpose of this procedure is to enhance transparency and to contribute to ensuring the scientific integrity and independence of the work of expert groups, such as ad hoc technical expert groups, and to allow the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, as appropriate, to develop their conclusions and recommendations on the best available advice received from these expert groups, and/or to provide the Conference of the Parties to the Convention and the Conference of the Parties serving as the

meetings of the Parties to the Cartagena Protocol and the Nagoya Protocol with credible, evidence-based and balanced information for taking decisions.

- 1.2 This procedure applies to experts, including experts acting as chairpersons, nominated by Parties, other Governments, observers to the Convention and its Protocols and any body or agency, whether governmental or non-governmental, to serve as an expert member of an ad hoc technical expert group or other technical expert group. It does not apply to representatives of Parties or observers in intergovernmental meetings or in meetings of other bodies constituted with members representing Parties or observers.
- 1.3 For the purpose of this procedure, a conflict of interest constitutes any current circumstances or interest that could lead a person to reasonably believe that an individual's objectivity in carrying out his or her duties and responsibilities for a specific expert group may be in question or that an unfair advantage may be created for any person or organization.
- 1.4 A distinction is made between "conflicts of interest" and "bias". "Bias" refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues. Holding a view that one believes to be correct but that one does not stand to gain from personally, does not necessarily constitute a conflict of interest but may be a bias.
- 1.5 The mere affiliation of a nominated expert with an administrative, educational, research or scientific-technical development entity, belonging to the public sector, cannot be prejudged, as such, as an indication of conflicts of interest, but the affiliation should be indicated in the interest disclosure form as set out in the appendix below.

2. Requirements

- 2.1 Each expert is expected to act objectively, regardless of any government, industry, organizational or academic affiliation, to comply with the highest professional standards and to exhibit a high degree of professional conduct and integrity. Each expert is expected to disclose any situations, financial or otherwise, that might be perceived as affecting the objectivity and independence of the contribution that the expert makes and thus affect the outcome of the work of the expert group.
- 2.2. Each expert nominated by a Party, a non-Party Government, or any body or agency, whether governmental or non-governmental, to serve as a member of an expert group, in addition to completing a nomination form,¹ will complete and sign an interest disclosure form as set out in the appendix below prior to the selection of members of the expert group concerned.
- 2.3 The requirement to disclose interests shall apply to every nominee in each expert group established by the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing, or by a subsidiary body, unless otherwise decided by those bodies.
- 2.4 When an expert already serving in an expert group is faced with a potential conflict of interest due to changed circumstances that might affect the expert's independent contribution to the work of the expert group, the expert shall immediately inform the Secretariat and the chair of the expert group of the situation.

3. Interest disclosure form

- 3.1 The interest disclosure form set out in the appendix below shall be used in connection with the designation and review of the status of nominees of members to an expert group.
- 3.2 The form will be made available in all six official languages of the United Nations.

¹ The nomination form is based upon the form required for the roster of experts under the Cartagena Protocol on Biosafety (decision [BS-1/4](#), annex I, appendix).

3.3 After completion, the form shall be deposited with the Secretariat.

4. Implementation

4.1 Nominations for membership to an expert group shall be accompanied by an interest disclosure form duly completed and signed by each nominee.

4.2 Upon receipt of nominations along with duly completed interest disclosure form, the Secretariat will review the information provided to identify any potential conflicts of interest and, if so, whether it is related to the subject or work of the expert group concerned and may affect, or be reasonably perceived to affect the expert's objective and independent judgment. The review would also include any steps the nominee proposes to take to manage the potential conflicts of interest. If the outcome of the review raises potential concerns, the Secretariat seeks further information from the expert, directly, and through the Party or observer that nominated the expert and may inform the relevant Bureau in line with paragraph 4.3 below. Where the expert was nominated by a national focal point for the Convention, the focal point will also be informed.

4.3 Depending on the issue under consideration, the Bureau of the Conference of the Parties to Convention or to the Subsidiary Body on Scientific, Technical and Technological Advice, on the basis of an assessment by the Secretariat, and as appropriate in accordance with the *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice, will approve the nominees to be selected and invited to serve as members of the expert group concerned on the basis of: (a) the terms of reference of the expert group; (b) the criteria that may be set out in the notification for nominations; and (c) the review of information received through the conflicts of interest procedure and any related consultations. In cases where an expert is not selected due to a conflict of interests, the expert and the relevant Bureau will be informed. As needed, the Bureau, through the Secretariat, may seek further information from the expert directly, or through the Party or observer concerned. Where the expert was nominated by a focal point for the Convention, the focal point will also be informed. Experts not selected to participate in an expert group as a result of a perceived conflicts of interest, and the focal point where the expert was nominated by a national focal point for the Convention, will be informed of the rationale behind the decision so that the expert as well as the focal point may respond to any concerns for further consideration and final decision by the respective Bureau. Any substantial failure to disclose an interest by an expert may result in the exclusion of the expert from the selection procedure of members of the expert group pursuant to paragraph 4.5 below.

4.4 As far as is possible, expert groups should be constituted so as to avoid conflicts of interest. However, recognizing that scientific integrity and access to the best available expertise and advice will require the participation of experts with relevant technical or scientific experience and expertise in the subject matter, in situations wherein the possibilities are limited to constitute an expert group with the full range of expertise required for it to carry out its mandate effectively without including individual experts who are otherwise qualified but may have a potential conflicts of interest, the Bureau, on the advice of the Secretariat, may include such experts provided that: (a) there is a balance of such potential interests in a manner that serves the objectives of the Convention and the Protocols, as appropriate, and which ensures that products from the expert group are comprehensive and objective; (b) information concerning the potential conflicts of interest will be made available to the expert group and to the public upon request; and (c) the experts agree to endeavour to contribute to the work of the group with objectivity, or to recuse themselves where this is not possible or in doubt.

4.5 In case of disagreement between the expert and the Secretariat on the determination of a conflict of interests or if the situation of an expert changes during the mandate of the expert group and the Secretariat is so informed, as specified in paragraph 2.4 above, or when the Secretariat becomes aware of information or documentation that supports the determination on the existence of a conflict, the Secretariat will discuss the issue with the expert and bring it to the attention of the

chairperson of that expert group and to the attention of the relevant Bureau for their guidance. If such disagreement or change of situation occurs in relation to the chairperson of that expert group, the Secretariat will discuss the issue with that chairperson and bring it to the attention of the relevant Bureau for its guidance. The Secretariat will proceed according to the instructions of the respective Bureau.

Appendix

INTEREST DISCLOSURE FORM

Please sign and date the last page of this form and return it to the Executive Secretary of the Convention on Biological Diversity. Kindly retain a copy for your records.

Note:

1. You have been nominated and provisionally identified to serve as an expert in the [*name or description of the expert group*] because of your professional standing and expertise. As outlined in the procedure for avoiding or managing conflicts of interest (decision 14/-), you are expected to disclose interests that might be perceived as affecting your objective judgment and independence in making a contribution to the work of the Expert Group. Disclosure of certain matters is therefore necessary to ensure that the work of the Expert Group is not compromised by conflicts of interest. Given the importance of having high standards and defensible outcomes from the work of the Expert Group, please diligently apply your professionalism, common sense and honesty in filling out this form.

2. Please note that a distinction is made between “conflicts of interest” and “bias” under section 1.4 of the Procedure for Managing or Avoiding Conflicts of Interest. “Bias” refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues. Holding a view that one believes to be correct but that one does not stand to gain from personally, does not necessarily constitute a conflict of interest, but may be a bias.

3. Please note that each expert is expected to act objectively, regardless of any government, industry, organizational or academic affiliation, to comply with the high professional standards and to exhibit a high degree of professional conduct and integrity. Each expert is expected to disclose any situations, financial or otherwise, that might be perceived as affecting the objectivity and independence of the contribution that the expert makes and thus affect the outcome of the work of the Expert Group.

4. You are required to disclose interests that are relevant and relate to your role in the Expert Group that could: (a) impair your objectivity in carrying out your duties and responsibilities as a member of the Expert Group; or (b) create an unfair advantage for you or any person or organization.

5. For the purposes of this requirement, circumstances that could lead a person to reasonably believe that an individual’s objectivity may be in question, or that an unfair advantage may be created, constitute a potential conflict of interest and should be disclosed on this form. Disclosure of an interest on this form does not automatically mean that a conflict exists or that you will be unable to participate in the work of the Expert Group. If you are in any doubt about whether an interest should be disclosed, you are encouraged to disclose such interest.

6. Except for your contact details, the contents of this form will be available to anyone upon request. Please indicate any information that for reasons of privacy should be redacted from public disclosure in order to allow the Secretariat to assess the appropriateness of such redaction.

Interest Disclosure Form

NAME: _____

ADDRESS: _____

TELEPHONE: _____ EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____

NOMINATED BY: _____

1. Are you involved in any relevant professional or other activities that might be considered as constituting a conflict of interest?

Yes No (if yes, please give details below)

Please list any relevant financial and non-financial interests and activities that relate or may have the appearance of relating to your duties in the Expert Group and could be interpreted as:

- (i) Impairing your objectivity in carrying out your duties and responsibilities in the Expert Group;
- (ii) Creating an unfair advantage for you or any person or organization.

2. Do you, your employer or the organization nominating you have any financial interests in the subject matter of the work in which you will be involved?

Yes No (if yes, please give details below)

Please list any financial interests that relate or may have the appearance of relating to your duties in the Expert Group and could be interpreted as:

- (i) Impairing your objectivity in carrying out your duties and responsibilities in the Expert Group;
- (ii) Creating an unfair advantage for you or any person or organization. These may include employment relationships, consulting relationships, financial investments, intellectual property interests and commercial interests and sources of private-sector research support.

3. Is there any other interest (e.g. former employment and/or other affiliation(s)) that could affect your objectivity or independence in the work in which you will be involved?

Yes No (if yes, please give details below, including how you propose to manage the potential conflict of interest in order to remove or minimize it)

Further details (if you answered “yes” to any of the questions 1–3 above):

I hereby declare to the best of my knowledge that the information disclosed herein is complete and correct. I undertake to inform the Secretariat and the chairperson of the Expert Group immediately of any change in my circumstances during the course of the work assigned to me. During the term of my appointment as an expert or chairperson, I will not accept gifts or hospitality or receive other benefits from anyone which may be perceived as a conflict of interest.

I understand that information about my interests will be held by the Secretariat for a period of five years after the end of the activity to which I contributed, after which the information will be destroyed.

I understand that, upon completion, this form will be available to anyone upon request, in accordance with the procedure specified in the preamble of this form (“Note”) above.

For reasons of privacy, I indicate the following information to be redacted from public disclosure:

I hereby declare that I will comply with the Procedure for Avoiding or Managing Conflicts of Interest contained in the annex to decision 14/-.

Signature

Date
