

INDIA COUNTRY COORDINATING MECHANISM

FOR

THE GLOBAL FUND
TO FIGHT
AIDS, TUBERCULOSIS AND MALARIA

CONFLICT OF INTEREST POLICY

May 2015

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1. Preamble

1. The India Country Coordinating Mechanism (CCM) is a multi-sectoral partnership body responsible for coordinating development of Concept Notes and decisions on the allocation and utilization of Global Fund financial resources, and oversight of Global Fund grants. To support its functions, the CCM is comprised of a Secretariat, an Oversight Committee and Technical Advisory Committees/sub-committees. This Conflict of Interest (COI) Policy has been developed to guide the functioning of the CCM and is applicable to the CCM and all of its members, staff, and members of the Committees/sub-committees.
2. The CCM has representatives from the government; civil society organizations; in-country multilateral and bilateral development partners; representatives of key affected populations (KAPs), faith based organizations; the private sector, and people living with or affected by the diseases (PLWDs). As a result of the diversity of interests and perceptions represented by these stakeholders and the need to ensure transparent and ethical behavior, it is imperative that the CCM operates at the highest standard of transparency, accountability and effectiveness in all of its functions.
3. The CCM has prepared and adopted this Policy to prevent and mitigate the effect of conflict of interest. For enhanced effectiveness of the CCM, the members must be, and must be perceived to be objective and of high integrity.

2. Definitions

4. A **conflict of interest** occurs where a CCM stakeholder uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, or those of a close associate, in a way that disadvantages or excludes others, or is otherwise detrimental to the overall effectiveness of the Global Fund programmes. Conflict of interest includes potential conflicts of interest and perceived conflicts of interest.
5. A **potential conflict of interest** occurs when a CCM stakeholder has the capacity to use his/her position in such a way that a conflict of interest, as defined above, can occur.
6. A **perceived conflict of interest** occurs when a person believes or suspects on reasonable grounds that a conflict of interest, as defined above, exists on the part of a CCM stakeholder.
7. A **close associate** of a person includes a family member, friend, business partner, professional associate, or close associate of the person.
8. A person is **affiliated with an institution** when they are an employee or volunteer, or have a financial interest, or a technical or governance role with that institution.
9. The **jurisdiction** of the CCM refers to all matters in respect of which the CCM has the power or authority to make decisions or recommendations.
10. The presence of a **material interest** includes, but is not limited to, any one or more of the following:

- a) being a staff member or member of an organization or institution that is a Principal Recipient, Sub-Recipient or other Implementing Partner that is funded within the Global Fund programme for India, or that is a prospective recipient as part of a funding proposal;
- b) being a party to a contract, or directly involved in a transaction, for the provision of goods and services to the CCM or an institution or organization funded by the Global Fund programme for India; and,
- c) having a material financial interest (through being an owner, shareholder or employee, for example) in an entity that is involved in a contract or transaction for the provision of goods and services to the CCM or an institution or organization funded by the Global Fund programme for India.

3. Purpose

- 11. The India CCM recognizes that conflicts of interest, whether actual, potential, or perceived, may diminish public confidence in the CCM as an institution. They may similarly affect programmes and oversight role of the CCM, and the institutions responsible for program implementation. A strong and well-implemented conflict of interest policy helps ensure the integrity of the CCM and its processes, and helps protect even the most well-meaning persons whose interests, or those of an institution with which they are affiliated, or a close associate, could be affected.
- 12. This conflict of interest policy has, therefore been prepared to:
 - a) ensure fairness and transparency in the decision-making process of the CCM;
 - b) secure confidence and trust among all the stakeholders and the general public; and,
 - c) protect the reputation and integrity of all member organizations and representatives in the CCM.

4. Mandatory Declaration of Interest

- 13. All CCM members shall be required to disclose any actual, potential or perceived material interest in a matter that is placed before the CCM for deliberation at the start of any CCM meeting.
- 14. CCM members shall make Conflict of Interest disclosures as follows:
 - a) By completing, on an annual basis, an annual Conflict of Interest Declaration form (see Annex 1). If the information in the COI Declaration form changes materially, the member shall disclose such changes and revise the COI declaration to correspond to those changes.
 - b) By verbal or written communication to CCM Secretariat, upon receipt of meeting notice and agenda, of material conflict of interest in respect to proposed agenda for CCM meetings.
 - c) Verbally to the Chairperson of CCM at the start of CCM meeting before the meeting agenda is formally adopted.
 - d) Communications regarding Conflict of Interest shall be recorded by the CCM Secretariat.

15. The CCM shall regularly and consistently monitor and enforce compliance with this policy by reviewing COI declaration and taking such other actions as are necessary.
16. If a conflict of interest is determined to perpetually exist in relation to a member, the CCM shall determine how to mitigate that conflict, or recommend to the nominating sector that the member be excluded from all future meetings.

5. Procedure for Determining and Addressing Conflict of Interest

17. When a declaration of interest is made, the matter shall be dealt with as follows:
 - a) The CCM Chair shall request the member to leave the room while the CCM considers the disclosure and determines whether a conflict of interest exists. Once a decision is reached, and duly recorded in the minutes, the member shall be invited to return to hear the results of the deliberation.
 - b) If the CCM determines that a conflict of interest exists, the member shall be asked to follow the procedure set out in section 18 below;
 - c) If the CCM determines that no conflict of interest exists, the meeting shall proceed in the usual way.
18. When deliberating on appropriate ways to address conflicts of interest, the CCM may consider some of the following:
 - a. Personal exemption (recusal): When a matter comes before the committee for deliberation in which a member has a conflict of interest, that member shall voluntarily leave the meeting room until deliberation has ended and a decision on the matter has been reached.
 - b. Conditional participation in committee meeting: The Chair allows a member to participate in the CCM meeting, but, discloses his/her interest in a matter under discussion. This option can be applied in instances where the conflict of interest is considered as minor and disclosure would be sufficient to address it.
 - c. Partial participation in the CCM meeting: A member can be excluded from participating on an agenda item or a decision making process in which he/she has a conflict of interest but can participate in other agenda items. The member may also not be allowed to vote on the matter.
 - d. Total exclusion from the meeting: A member can be excluded from a CCM meeting if the member is deemed to have a major conflict of interest in relation to the agenda of the meeting
19. The minutes of the CCM meetings shall contain:
 - a. names of the persons who disclosed or otherwise were found to have an interest in connection with an actual or possible conflict of interest, the nature of the interest, any action taken to determine whether a conflict of interest existed, and the CCM decision as to whether a conflict of interest in fact existed; and,

- b. names of the persons who were present for discussions and votes relating to the issue, the content of the discussion, and a record of any votes taken in connection with the proceedings.

7. Failure to Disclose Conflict of Interest

- 20.** Where the CCM Chair has reasonable cause to believe that a member has not disclosed a conflict of interest, the Chair shall inform the individual in question and offer him/her an opportunity to reply.
- 21.** Where a member of CCM has reasonable cause to believe that a member has not disclosed a conflict of interest, he/she shall inform the CCM Chair. The Chair shall then inform the individual in question and offer him/her an opportunity to reply
- 22.** If, after hearing the response and making such other investigations or inquiries as may be reasonable, the CCM determines that a failure to properly disclose a conflict of interest has occurred, the CM Chair shall initiate appropriate action which may include one or more of the following:
 - a) delivery of a formal apology on the part of the member in question;
 - b) suspension of the member pending further deliberation on appropriate disciplinary action; or,
 - c) removal of the member from India CCM.

8. Gifts or Preferential Favours

- 23.** Members may not accept gifts or preferential favours under circumstances that could reasonably be construed to mean that such gift or favour is motivated by the position of the member and interests that could be substantially affected by the decisions of the CCM
- 24.** Members may not give gifts or preferential favours where it could be reasonably construed that the gift is intended to affect the policies, decisions or performance of the CCM or any other entity involved in the Global Fund grants.

9. Policy Dissemination and Review

- 25.** The CCM Secretariat shall distribute a copy of this policy to all CCM members annually, along with a copy of the Conflict of Interest Declaration Statement (Annex 1).
- 26.** Copies of this policy and the COI Declaration Statement shall be posted on the CCM website, as well as, shared with the Global Fund Secretariat via its electronic platform.
- 27.** This policy shall be reviewed every three years by India CCM. Through the CCM Chair, the CCM may initiate a policy review and amendment process at any time in advance of the review schedule.
- 28.** All amendments to this COI Policy must be approved by 2/3rd of CCM voting members.

Conflict of Interest Declaration Statement (annual)

I, _____ (name), pledge to comply with the India Country Coordinating Mechanism (CCM) Conflict of Interest Policy.

As a CCM member, alternate or other interested party, I shall not discuss, advocate or vote on any matter in which I have a conflict, or potential conflict of interest, or any interest, which might reasonably appear to be in conflict with the concept of fairness when dealing with the business of the Global Fund funded Programs.

I acknowledge that a conflict of interest or a potential conflict occurs if:

- a) I as an individual have a self, monetary, or other interest, either direct or indirect; and/or
- b) the Organization that I represent may have a financial, administrative, or programmatic interest in issues or transactions under consideration in the India CCM.

I hereby certify that I have read and understood the Conflict of Interest Policy. I confirm that I will adhere to the Conflict of Interest Policy that requires me to declare a conflict or potential conflict of interest on a particular issue to the CCM. In such cases, I shall excuse myself from CCM discussions and voting concerning the matter in question.

I further acknowledge that I am obliged to raise any conflict of interest I may be aware of amongst other members of the CCM or implementing organizations to safeguard the CCM reputation and ensure it adheres to ethical standards, and conducts business in a balanced and transparent manner.

In keeping with the above principles and those further stated in the Conflict of Interest Policy, I would like to declare as follows for the current year: *(Tick the item that applies)*

- ☐ I do not have any foreseeable conflict of interest that relates to the functions and operations of the Global Fund grants in India.
- ☐ I have a conflict of interest.

Describe in brief the nature of the conflict of interest:

Signature: _____

CCM Member/Alt.Member Name: _____

Constituency: _____

Date: _____

