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**REVIEW OF THE IPCC PROCESSES AND PROCEDURES**

**Task Group on Conflict of Interest Policy - Background Paper**

(Submitted by the IPCC Secretariat on behalf of the Task Group Co-chairs)

# REVIEW OF THE IPCC PROCESSES AND PROCEDURES

## Task Group on Conflict of Interest Policy - Background Paper

### 1. Introduction

The overall purpose of a conflict of interest policy for the IPCC is to protect the integrity, trust, and credibility of the IPCC, its members, and those directly involved in the preparation of its reports and activities. It is important that the IPCC as an organization largely made up of volunteers adopts good management practice as it matures as an institution.

The Task Group on Conflict of Interest met in Geneva in February and produced a draft conflict of interest policy and disclosure form that was circulated for government comment. In response to the comments received, the Task Group co-chairs re-drafted the policy paper with assistance from the IPCC Secretariat. In addition, the co-chairs recognized in the course of the deliberations that background information on existing conflict of interest policies would be useful to the Panel in its deliberations on this issue, and produced this background paper. The draft policy and disclosure form will be considered at the 33<sup>rd</sup> IPCC Plenary meeting in Abu Dhabi.

The draft conflict of interest policy is principle-based and is designed to be as simple as possible while ensuring rigor. The policy encourages wide participation of qualified individuals in the IPCC process while maintaining the integrity and trust of the IPCC.

This background paper provides information on the purpose of conflict of interest policies, cites examples of existing conflict of interest policies around the world, discusses the major components of those policies and explain some of the rationale for the proposals in the draft conflict of interest policy.

### 2. IAC Recommendations

In its report, the IAC recommended that the IPCC develop its own conflict of interest policy and provided a number of suggested matters to consider in developing such a policy. At its 32nd Session, the Panel welcomed and acknowledged the recommendation and suggestions of the IAC, and established this Task Group in order to develop proposals for further implementation of the IAC recommendations.

In its report, the IAC described consideration of conflicts of interest as a key governance feature of institutions that deal with broad public interests. The IAC recommended that:

The IPCC should develop and adopt a rigorous conflict-of-interest policy that applies to all individuals directly involved in the preparation of IPCC reports, including senior IPCC leadership (IPCC Chair and Vice Chairs), authors with responsibilities for report content (i.e., Working Group Co-chairs, Coordinating Lead Authors, and Lead Authors), Review Editors, and technical staff directly involved in report preparation (e.g., staff of Technical Support Units and the IPCC Secretariat).

In crafting its policy, the IAC emphasized the importance of striking a balance between the need to minimize the burden on IPCC volunteers, and the need to ensure the credibility of the process.

In particular, the IAC suggested that the IPCC may wish to consider some features of the United States National Research Council's conflict of interest policy,<sup>1</sup> including: distinguishing between strong points of view and conflicts of interest; differentiating between current conflicts and

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<sup>1</sup> <http://www.nationalacademies.org/coi/index.html>

potential conflicts; considering a range of financial interests; judging the extent to which an author or Review Editor would be reviewing his or her own work or that of his or her immediate employer; examining indications of a fixed position on a particular issue; maintaining up-to-date confidential disclosure forms; and participating in regular, confidential discussions of conflict of interest and balance for major components of each report.

### **3. The Purpose of Conflict of Interest Policies**

In institutions that carry out scientific assessments or provide scientific advice, conflict of interest policies typically serve two broad purposes: assuring the integrity of the institution's results, and improving the public's confidence in the institution's output. Conflict of interest policies seek to achieve these goals by ensuring that the group's deliberations and its preparation of reports are not influenced inappropriately by the personal or business interests of the participants.<sup>2</sup>

Some organizations focus more than others on the goal of shoring up public confidence. Regardless, every major conflict of interest policy addresses the public confidence impact of their policy. While the NAS focuses particularly on the integrity of the process itself and asserts that this will lead to public confidence, other institutions make it a part of their policy to also focus explicitly on the appearance of their activities. For example, the UK Royal Society asks participants to consider whether members of the public would reasonably think an issue should be declared. The World Health Organization (WHO) policy states that to be effective, the work of WHO and the contributions of its experts "must be, and must be perceived to be, objective and independent." Although there is some difference in the degree to which a policy should focus explicitly on the institution's public perception, and thus on the appearance of conflict in addition to the actual existence of conflict, all policies strive to improve both the integrity of the institution's results, and the public's confidence in these results.

### **4. Examples of Existing Conflict of Interest Policies**

Many national institutions that carry out scientific assessments or provide scientific advice have adopted conflict of interest and disclosure policies. While the IAC referred particularly to the United States National Research Council (NRC), the working arm of the United States National Academy of Sciences (NAS), other national research organizations with institutionalized conflict of interest policies include: the UK Royal Society,<sup>3</sup> the Royal Dutch Academy of Sciences,<sup>4</sup> and National Research Council Canada.<sup>5</sup> Although the specific details of these policies vary to some degree, as discussed in Part 5, all of them are based on the same basic model requiring disclosure by individual participants, followed by an evaluation by either professional staff or fellow scientists. Due to the similar types of interests at issue in IPCC analyses and the reports of these national scientific advisory bodies, the Task Group benefited and drew significantly from the examples of these organizations.

Many international organizations also have conflict of interest policies. These policies are generally not focused on the particular issues that arise in the context of volunteers assisting in

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<sup>2</sup> See, e.g. UK Royal Society: Declaration and register of interests.

<sup>3</sup> Policy available on request from the UK Royal Society.

<sup>4</sup> Policy available on request from the Royal Dutch Academy of Sciences.

<sup>5</sup> See <http://www.nrc-cnrc.gc.ca/obj/nrc-cnrc/doc/ethics-integrity-ethiques-integrite/guidance-doc-comitees-boards.pdf>, <http://www.nrc-cnrc.gc.ca/obj/nrc-cnrc/doc/ethics-integrity-ethiques-integrite/conflict-interest-policy.pdf>.

science assessments or science advising. Instead, they typically focus on circumstances in which international civil servants might have the opportunity to benefit improperly, or allow a third party to benefit improperly from their association in the management or holding of a financial interest in an enterprise that engages in any business or transaction with the organization.<sup>6</sup> These policies do not deal with the delicate balancing that is required in order to encourage the continued participation of volunteer scientists. As a result, although these policies address conflict of interest issues in international organizations, they were generally not helpful to the Task Group in their design of the proposed IPCC policy and will not be discussed in detail in Part 5 below.

There are, however, a number of other international bodies engaged in conducting scientific assessments and providing scientific advice. However, it is generally uncommon, at this point, for these organizations to have formal conflict of interest policies. As the IAC report noted, neither the Millennium Ecosystem Assessment nor the Global Biodiversity Assessment have conflict of interest or disclosure policies for their authors. One example of an international organization with a well-developed conflict of interest policy for its expert advisors is the WHO.<sup>7</sup> This policy provided an example of an institution dealing with scientific issues, volunteer participants, and some of the additional institutional questions that arise in international organizations. Although climate change and health issues present different types of conflicts, the WHO guidance provided useful guidance for the Task Group.

Two of the IPCC Working Groups have generated guidance on conflict of interest matters. On 8 October 2010, the Co-Chairs of Working Group I issued a guidance note for holders of functions and offices in IPCC Working Group I.<sup>8</sup> This document establishes a mechanism by which covered individuals may declare any potential conflicts of interest, and the Working Group leadership may take specific actions in response if necessary. The guidance note states that individuals who hold offices and functions in IPCC should avoid “real, perceived or potential” conflicts that could have an impact on the integrity, impartiality or policy neutrality of the work, or that could create the impression that these qualities of the report have been compromised.” The guidance note explicitly does not address financial conflicts of interest in anticipation of the policy being established by this Task Group.<sup>9</sup>

The Working Group II Draft Policy on Bias and Conflict of Interest is modified from the NAS policy. It focuses on “potential conflict of interest or the direct and substantial appearance of a conflict of interest.” While the scope of the policy is similar to that of NAS, due to confidentiality concerns, the Policy does not require use of a disclosure form. Instead possible biases and conflicts of interest must be disclosed in a private discussion. Co-Chairs and TSU staff must disclose conflicts or biases to the Chairman and Secretary of the IPCC, who may choose to recuse or remove individuals with unacceptable conflicts. CLAs, LAs, and REs must disclose to the relevant chapter team and at least one member of the Working Group II TSU. The chapter team has the responsibility of determining whether a bias can be managed through balancing. The TSU is responsible for identifying unacceptable conflicts, while decisions on recusals and removals are based on a majority vote of the Working Group II bureau.

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<sup>6</sup> See, e.g., UN Standards of conduct for the international civil service; IMF Code of Conduct for Staff.

<sup>7</sup> See [http://www.who.int/occupational\\_health/declaration\\_of\\_interest.pdf](http://www.who.int/occupational_health/declaration_of_interest.pdf),  
[http://keionline.org/sites/default/files/WHO\\_COI\\_guidelines\\_and\\_procedure\\_final.doc](http://keionline.org/sites/default/files/WHO_COI_guidelines_and_procedure_final.doc).

<sup>8</sup> [https://www.ipcc-wg1.unibe.ch/guidancepaper/WG1\\_GuidanceNote\\_Conflict-of-Interest.pdf](https://www.ipcc-wg1.unibe.ch/guidancepaper/WG1_GuidanceNote_Conflict-of-Interest.pdf)

<sup>9</sup> The Working Group I guidance note gives five examples of conflicts of interest and suggests actions to deal with them. The guidance makes clear that the following situations represent conflicts of interest: an LA serving on the board of an NGO advocacy group; a CLA serving as Executive/Chief Editor of an international, peer-reviewed journal; A Co-Chair serving as a member of the Board of Review Editors of a major journal in which he recommends which original scientific contributions will be sent out for peer review, and which will be rejected without review; an LA issuing a press release that prejudices the outcome of the assessment; and a CLA, LA, or RE speaking on behalf of a national delegation.

These policies have not been adopted by the Panel, and serve as interim measures that the Co-Chairs have put into place while the Panel develops an IPCC-wide policy.

The next section will compare major components of many of these conflict of interest policies in order to demonstrate the choices that must be made in designing an effective conflict of interest policy.

## **5. Major Components of Relevant Conflict of Interest Policies**

The Task Group conducted a survey of a number of conflict of interest policies from various national and international organizations. As described in Part 4, the Task Group focused primarily on the policies of organizations that also dealt with volunteer scientists, as these organizations have also had to address the balance between minimizing the burden on volunteers, and ensuring the credibility of the process. This part describes the result of this survey, detailing the relevant similarities and differences between various national and international conflict of interest policies. This survey does not represent an exhaustive list of the sources considered by the Task Group – only an illustrative one, designed to highlight the key issues identified. Moreover, this Part is only designed to describe the key issues and the way that other institutions have addressed them. A description of the discussion of the Task Group in forming the proposed policy is reserved for Part 6.

The survey of the policies revealed two key types of issues: substantive and procedural. Substantive issues relate largely to the coverage of policies. The key substantive issues that emerged were: whether to address strictly financial conflicts or extend to cover non-financial conflicts; how to distinguish between strong points of view (bias) and conflicts; whether to address apparent conflicts of interest in addition to actual conflicts; whether to cover past or potential future interests; how to address the interests of an individual's family and other related persons and organizations; and whether to impose any ongoing behavioral obligations on participants, for example, a requirement to refuse gifts.

The key procedural issues that arose were: whether an individual must disclose all potential interests or just ones that he or she deems relevant based on guidance from the organization; when information must be disclosed; who reviews the disclosed information; what to do in the case of a conflict; and whether and how disclosures should be kept confidential or selectively disclosed outside of the organization.

### Substantive Issues

#### *Financial Conflict of Interest*

Conflict of interest policies often focus on especially on financial conflicts of interest.<sup>10</sup> While often noting that non-financial conflicts of interest may be important as well, most attention is generally given to financial conflicts. Financial interests may come in a variety of forms, and most conflict of interest policies describe financial interests broadly in order to ensure coverage of the range of relevant interests. The IAC report addressed this directly, suggesting that the Task Group consider a wide range of relevant financial interests, such as employment and consulting relationships, ownership of stocks, bonds, and other investments, fiduciary responsibilities, patents and copyrights, commercial business ownership and investment interests, honoraria, research funding, and access to competitors' confidential information. The NAS policy includes all of these and more, considering also real estate and tangible property. Most policies contain a list of types of financial interests and a catch-all "other" category at the end so that individuals may declare interests that do not fall into any of the other categories.

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<sup>10</sup> For example, the NAS, Royal Dutch Academy, and the WHO policies. The NAS policy states that "[t]he term "conflict of interest" as used herein ordinarily refers to financial conflicts of interest."

In spite of the broad coverage of types of financial interests, many policies exempt certain specific levels and types of interests. For example, most policies exclude broadly diversified holdings, such as mutual funds. Many policies also exclude stock holdings below a set amount. The NAS and the WHO do not require declaration of holdings below 10,000 USD, while the UK Royal Society excludes holdings under 25,000 GBP. The United States National Institute of Health has recently proposed lowering its minimum reporting amount from 10,000 USD to 5,000 USD.

### *Non-financial Conflict of Interest*

In spite of the focus on financial conflicts, most conflict of interest policies also require the disclosure of specific non-financial interests that may affect, or in some cases be seen to affect an individual's judgment and objectivity. For example, the NAS provides that reviewing one's own work is not generally a conflict when that work is just part of the wider body of material that serves as the basis for the review. However, if the central purpose of the review is a critical examination or review of one's own work or that of one's employer, then it is a conflict of interest to participate in that review.

Perhaps the most common non-financial interest to be covered by conflict of interest policies is association or positions with outside organizations. The NAS provides that association with an organization is generally not a conflict. However, close associations with an organization – e.g. where the individual is president of a professional society that espouses a fixed position on the issue – may represent a conflict. The UK Royal Society requires disclosure of associations with organizations with an interest in the topic, while the WHO requires disclosure of any service on the board or in an office of an organization where he or she would be expected to defend a particular position. The Working Group I guidance provides that a Lead Author may not serve on the board of an NGO which is an advocacy group.

Public statements are another non-financial interest that are sometimes covered. The NAS provides that statements or publications are generally not conflicts of interest (though they may be biased – see below). However, in situations where there is some significant, directly related interest or duty of an individual, a conflict of interest may exist. The WHO requires disclosure of any definite positions taken in judicial or regulatory testimony in the last three years.

### *Distinguishing Bias from Non-financial Conflicts of Interest*

Some conflict of interest policies distinguish between strongly held positions, or bias, and conflicts of interest. The NAS provides that the term "conflict of interest" means something more than individual bias. There must be an interest, ordinarily financial, that could be directly affected by the work of the committee. The NAS policy addresses bias in a separate section and discusses how to deal with bias by balancing authors on a committee. The policy is clear that strong positions among experts are likely to exist and that bias is not necessarily disqualifying. The policy notes that appointing experts from a balance of potentially biasing backgrounds can often be necessary to ensure that a committee is fully competent. The policy does, however, state that in some situations, sources of bias may be so substantial that they can preclude committee service (e.g. when one is totally committed to a particular point of view and unwilling, or reasonably perceived to be unwilling, to consider other perspectives or relevant evidence to the contrary).

National Research Council Canada requires advisory committee members to remove themselves from discussions, decisions, debates, or votes if they would be in a conflict of interest, but provide that where the involvement is "less direct," conflict of interest may be avoided by declaring the bias and asking for guidance in terms of participation in the discussion.

Distinguishing between bias and conflict of interest is a difficult task. Under both the NAS and NRC Canada approaches, it appears that public statements, positions, and affiliations, may all be evidence of bias. However, extreme cases of each may graduate into a conflict of interest. The

level of generality of the position or interest may be relevant in distinguishing bias from conflicts of interest. Drawing this line is likely a case where the central balancing task of considering both the burden on volunteers, and the credibility of the process must be closely considered.

### *Real and Apparent Conflicts of Interest*

Conflict of interest policies deal with the appearance of conflict in different ways. While all policies discuss an awareness of the appearance of conflict, some address this more directly than others.

The NAS does not explicitly include apparent conflicts in its definition of conflict of interest. It limits conflicts to “any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization.” The NAS policy seeks to “insure the integrity of, and hence the public confidence in, the reports of the institution.” Public confidence is understood to flow from integrity without requiring attention to the appearance of conflict.<sup>11</sup>

Most other conflict of interest policies directly address the appearance of conflict. The UK Royal Society asks individuals deciding what to disclose to consider what members of the public might think should be declared. The Royal Dutch Academy of Sciences explicitly focuses on the independence of the committee and ensuring that the appearance of conflicts of interest is avoided. The WHO targets real or “reasonably perceived” conflicts, and suggests assessing interests through the eyes of a hypothetical “reasonable person on the street.” The Global Fund to Fight AIDS, Tuberculosis, and Malaria (not a science assessment body) focuses on the “reasonable perception” of conflict and the public trust in the Fund.<sup>12</sup>

### *Timeframe of Interests: Current, past and potential*

Different policies look into individuals' past interests or potential future interests to different degrees. Nearly every policy is clear that speculative future interests are not covered. For example, the NAS provides that while a pending formal or informal application for a job is a covered interest, the mere possibility that one might apply for such a job in the future is not a covered interest.

On past interests, treatment differs. The NAS is clear that only current interests are covered and that past interests that have expired are excluded. The WHO, by contrast, asks for an individual's past four years of employment history and research support. The UK Royal Society asks for declaration of companies where the individual or family had a controlling interest or owned more than 25,000 pounds.

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<sup>11</sup> It should be noted, however, that the NAS policy refers at a number of places to a reasonable person's perspective. For example, the policy states that “[s]ome potential sources of bias, however, may be so substantial that they preclude committee service (e.g., where one is totally committed to a particular point of view and unwilling, or *reasonably perceived to be unwilling*, to consider other perspectives or relevant evidence to the contrary)” (emphasis added).

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<http://www.theglobalfund.org/documents/policies/PolicyonEthicsandConflictofInterestforGlobalFundInstitutions.pdf>

## *Extension to Family and Other Relations*

Conflict of interest policies generally apply beyond the individual in question to a set of relatives and others with substantial ties to the individual. The specific relations covered vary between policies. Every policy studied covers spouses (or similar relationships), and children, though some limit children to minor children.<sup>13</sup>

Nearly every policy is concerned with the interests of the individual's employer, and business partners, while only the UK Royal Society specifically mentions debtor/creditor relationships. A number of policies cover organizations in which the individual is serving as an officer or director.<sup>14</sup> A number of policies extend beyond specific types of relationships to require disclosure of interests of others with "substantial common interests."<sup>15</sup>

The WHO makes a unique distinction in its reporting requirements. Individuals must report all relevant interests of their spouse or children. However, they need only report the interests of more distant relations if he or she is aware of them.

## *Whether to Impose Ongoing Obligations*

Many conflict of interest policies do not impose any additional requirements on participants beyond disclosure. Some, however, require individuals to refrain from certain types of activity while participating in the organization's activities. The most common requirement is one not to accept gifts.

National Research Council Canada requires members to not accept any gift or other advantage that might be seen to have been given to influence them in the exercise of their functions as members. The Global Fund requires that all Covered Individuals and Associated Persons are prohibited from accepting Gifts under circumstances where it could reasonably be construed that the Gift is motivated by the position of the Covered Individual and interests that could be substantially affected by the Fund. There are exceptions, including one for gifts under 20 USD, provided the total amount in a year does not exceed 50 USD.

Other policies do not address gifts. Although gifts could conceivably fit into the "other" category, requiring declaration as a financial interest, neither the NAS, nor the UK Royal Society address this issue directly.

## *Process Issues*

### *What is Disclosed: Full reporting or self reporting of "relevant" interests?*

Although it appears to be uncommon in practice, the strictest of all conflict of interest policies require the disclosure of all assets and then allow the reviewing entity to determine if any interests represent conflicts.<sup>16</sup> Problems with this full reporting approach are that it may be considered invasive, and represents a more significant administrative burden, both for the reporter and the reviewer. However, it avoids some of the problems of self-reporting, discussed below.

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<sup>13</sup> For example, NAS and The Global Fund.

<sup>14</sup> For example, NAS and The Global Fund.

<sup>15</sup> For example, NAS and WHO.

<sup>16</sup> See the conflict of interest policy for the Preparatory Commission for the International Renewable Energy Agency (Regulation 2.7).

[http://www.irena.org/documents/uploadDocuments/IRENA\\_PC.3\\_dc.3\\_Decision\\_Staff\\_Regulations.pdf](http://www.irena.org/documents/uploadDocuments/IRENA_PC.3_dc.3_Decision_Staff_Regulations.pdf).



Conflict of interest policies generally provide certain types of interests that must be disclosed, and ask the reporting individual to evaluate which of his or her interests fall into the category. This self-reporting model is less invasive and burdensome, but potentially less thorough, because the individual must decide for themselves if a given interest is relevant. While an expansive definition of “relevance” can encourage more expansive reporting, this technique will not reveal as many interests as the full reporting method described above. Most conflict of interest policies are self-reporting policies.

The NAS asks individuals to report “relevant” affiliations, government service, research support, and public statements. Information is “relevant” if it is related to – and might reasonably be of interest to others – concerning the individuals’ knowledge, experience and personal perspectives. For financial interests, guidance on what to report depends on whether the panel is for general scientific studies or studies related to government regulation. If for a general study, the individual reports interests that might be “directly affected” by the results of the work. If related to government regulation, individuals report interests that would be affected if the reports resulting from the activity were to provide the basis for government regulatory action or inaction.

As described above, the UK Royal Society asks individuals to report based on whether members of the public might reasonably think it should be declared. Where there is doubt, the individual is encouraged to report, or seek advice from the Working Group Chair. The WHO seems to seek a more expansive set of disclosures. It provides that: you must disclose any financial, professional or other interest relevant to the subject of the work or meeting in which you have been asked to participate in or contribute towards and any interest that could be affected by the outcome of the meeting or work. Notably, the WHO provides a hybrid model, with self-reporting, as described above, for most matters, but a more exhaustive full reporting of everything related to the tobacco industry for the last four years.

#### *When disclosed?*

There is little variation among policies on this matter. Generally, interests must be declared before beginning to serve on a committee. They must generally be updated annually, and updated promptly when new information arises that needs to be disclosed.

#### *Who reviews?*

The institutional structure for review is one area in which the intergovernmental nature of the IPCC may require consideration of issues that do not arise in national science assessment organizations. In domestic bodies, the reviewing entity is generally either a group of professionals within the organization, or the experts themselves. In the NRC the Executive Office and the General Counsel’s office review and made decisions. In the UK Royal Society potential conflicts are discussed at the first meeting, and the Chair of the group decides. In the Royal Dutch Academy of Sciences the supervisor is in charge of decisions.

In international bodies, while it is possible for the review to be purely professional and in the hands of the Secretariat, there is also the possibility for governmental involvement or oversight. Whether the evaluating body is professional or representative, there is a need to design an institutional decision chain that addresses the issues of: efficiency, independence, expertise in recognizing and evaluating conflicts of interest in particular fields, and, where necessary, input from governments.

In the WHO, the decision lies with the secretariat. A “responsible officer” at the secretariat makes an initial review. In the case of doubt, they consult with the Office of the Legal Counsel and the Department for Partnerships and UN Reform. If an interest is significant or potentially significant, a full assessment must occur. In a full assessment, the Responsible Officer, the Director or Coordinator of the technical unit, and relevant technical staff meet to discuss.

In the Global Fund, by contrast, a standing Ethics Committee, composed of six Board Members, makes these decisions. At its discretion, it may take an issue to the Board as a whole. In the Scientific and Technical Advisory Panel (STAP) of the Global Environment Facility, members report to the Executive Director of UNEP who decides if a conflict exists. In the International Monetary Fund, staff disclosures are delivered to an external compliance officer, hired for that specific purpose.<sup>17</sup> Review of financial disclosures by outside consultants is not uncommon.<sup>18</sup>

A wide range of institutional review mechanisms exist that strike different balances between efficiency, independence, expertise, and political input, depending on the needs of the particular institution.

### *Management in the Event of a Conflict*

The primary issue here is whether an individual with a conflict is *per se* excluded, or whether, under certain circumstances they may still participate. It is fairly uniform across policies that individuals with conflicts may still participate under certain circumstances. There are two primary approaches to this: balancing, and waivers. The difference between the two may be more semantic than real, as the same basic decision underlies each.

Under a balancing system, an individual is not necessarily excluded by the existence of a conflict, but the benefits of their participation are explicitly weighed against the problems that their participation might cause. The WHO procedures, for example, provide that if an interest is potentially or clearly significant, the secretariat may: i) allow full participation with public disclosure of the interest; ii) mandate partial exclusion; or iii) mandate total exclusion. This decision is made based on balancing the nature of the interest against the adequacy of measures available to protect the independence of the process. All potentially significant interests are disclosed to other participants, and generally, only experts without declared interests may be selected as Chairs. No more than half of the experts on a team may have a declared real or perceived interest. Similarly, the Royal Dutch Academy applies a principal of proportionality in its review to weigh the risk and possible damage to the credibility of the content.

Under a waiver system, an individual with a conflict is presumed to be excluded from participation. Under certain circumstances, a waiver may be granted to allow some degree of participation. The NAS does not use the term waiver, but provides that a person with a conflict may still serve when the institution determines that a conflict is unavoidable, and that conflict is promptly disclosed. A particular individual's conflict may be determined to be unavoidable if, for example, the individual's qualifications, knowledge or experience are particularly valuable to the work of the group, and no other individual with comparable qualities is available.<sup>19</sup> The decision to allow a person with a conflict to participate is made jointly by the NRC Executive Office and the General Counsel's office.

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<sup>17</sup> <http://www.imf.org/external/hrd/fdiscl.htm>.

<sup>18</sup> A 2009 report by the Director General of the World Intellectual Property Organization (WIPO) exploring matters of financial disclosures and declarations of interests reported some results of a survey of international organizations' procedures for disclosure. The report noted that "The UN, World Bank and IMF outsource the review and analysis of financial disclosures to PriceWaterhouse Coopers, with the latter two considering in-house review once the current contract with PriceWaterhouse Coopers expires, mainly due to cost considerations." WO/CC/61/4, fn.6.

<sup>19</sup> The requirement that no one else with comparable qualifications is available may raise practical issues because it is may be difficult, if not impossible to prove that no single individual in the world has the required qualifications.

The Global Fund provides that an individual with a conflict shall not participate without a waiver. A waiver may allow any level of participation, including limiting participation in some discussions but not others, or allowing the individual to present technical information, but not recommendations. All persons with waivers must be recorded in the minutes of the meeting.

### *Confidentiality and Document Retention*

Issues of confidentiality differ widely across policies. While it is common for information to be held in confidence with access only by those within the evaluation process who must see them, the UK Royal Society allows declarations to be made available to members of the public by prior appointment.

Retention of documents is not often explicitly addressed. The WHO requires that declarations be saved for at least 10 years.

## **6. Application to the Task Group's Proposal**

### *Development of the Recommendations*

The initial draft policy was developed at a meeting of the Task Group in Geneva 1-4 February 2011. The draft was sent out for review to governments and Working group Co-Chairs. After the closing date for receipt of comments, the Task Group on Conflicts of Interest Policy, supported by the Secretariat, held regular teleconferences between 22 March 2011 and 5 April 2011 in order to progress the recommended policy.

A number of inputs fed into the Task Group's subsequent discussions including: the government/Working Group Co-chair comments; professional advice, including legal advice, drawn on by governments engaged in the Task Group; the focused review of relevant national and international conflict of interest policies described in sections 4 and 5; and advice from the Secretariat. The national Conflict of Interest policies reviewed were those applied by bodies preparing policy-relevant scientific advice. The initial proposals had also drawn on the experience of Working Groups I and II in implementing interim conflict of interest policies.

As described in Section 4, the Task Group considered Conflict of Interest policies operated by international organizations to ensure the independence of their salaried staff but considered these to be inappropriate for volunteer scientists and a potential barrier to participation. The recommended policy is rigorous but tailored to the specific needs of IPCC.

The Secretariat drafted successive versions of the recommended policy operating under the guidance of the Task Group. The Co-Chairs of the Task Group have taken responsibility for the final draft.

The following section explains how each element of the recommended policy builds on the first draft, how comments and further evidence were taken into account, and the reasoning as to why specific choices were made.

### *Rationale for the Proposed Policy*

#### *General*

One response from a Working Group chair, along with several country commentators, expressed the view that the Geneva draft did not signal sufficient rigour. Other countries felt that the proposals were too elaborate. The Task Group has attempted to strike a balance between a policy

that is articulated in such a way as to be transparent and not overly burdensome to volunteer authors, while ensuring that the policy has the rigour recommended by the IAC. Reflecting a number of comments, the proposed policy is now entitled a "Conflict of Interest" policy in order to signal rigour and reflect IAC recommendations.

The Geneva draft referred to an "explanatory note". Following government comments, the key elements of this note have been incorporated into the policy itself which is now self-contained.

The recommended policy is presented without "options" as those participating in the Task Group were able to focus on specific recommendations.

### *Purpose of the Policy*

Paragraphs 1 – 4 of the draft policy set out the role of the IPCC, the need to maintain confidence in its independence and freedom from bias, and the consequent need to eliminate potentially compromising situations. The substance of these paragraphs has not changed from the original draft. This section notes that the policy is principles-based and does not attempt to provide comprehensive coverage of all potentially compromising situations. A principles-based approach was adopted because the nature of individuals' participation in IPCC ranges widely from Lead Authors through to the Chairman. The three Working Groups and the Task Force draw on a wide range of scientific communities with different approaches and working practices. It would not therefore be possible to provide an exhaustive range of conflict of interest situations and how these might be managed.

### *Scope of the Policy*

Paragraphs 5-7 specify that the policy covers all IPCC products (including assessment reports, special reports and technical papers) and all those engaged in developing IPCC products. However, contributing authors, who do not have a decisive drafting role, are not covered. It is noted that Secretariat staff are covered by WMO/UNEP disclosure and ethics policies that cover conflict of interest. These paragraphs reflect the content of the original draft, other than the observation that the Secretariat is covered by WMO/UNEP policies. The option of voluntary disclosure has been removed from the first draft in light of the fact that the majority of government responses and all of those from the Bureau favored a mandatory policy.

### *Conflict of Interest*

This section of the policy now includes elements originally intended for the "explanatory note". This section draws heavily on national Conflict of Interest policies.

Paragraphs 8-14 define conflict of interest and explain the scope of conflict of interest situations covered by the policy. It is established that the purpose of the policy is to protect individuals, IPCC and the public interest and to prevent IPCC products being questioned because of the existence, or perceived existence, of conflict of interest. For this reason the policy covers both "real" and "apparent" conflicts. It is noted in paragraph 10 that only current interests are covered. Paragraph 12 addresses non-financial interests. One government did not think that scientific conflicts were adequately covered. This paragraph now requires all significant and relevant non-financial conflicts to be disclosed and the Task Group believes that the new text addresses this point. The range of relevant financial interests is listed in paragraph 11 and it is noted in paragraph 13 that the policy takes account of the interests of an individual's family and close associates. This closely follows the US National Academy of Sciences (NAS) policy as recommended by IAC.

Paragraph 15 distinguishes between conflict of interest and bias which reflects individual views and perspectives. The IPCC should handle bias by selecting balanced teams of authors. This also reflects the NAS approach. This paragraph meets a concern that a range of views should be covered in author teams and business, for example, should not be excluded from participation.

Paragraph 16 notes that disclosing an interest does not mean that a conflict of interest exists but that full disclosure enables individual cases to be evaluated.

Paragraph 17 notes that the implementation of the policy should reflect an individual's role within the IPCC. A wider range of situations would be deemed to constitute conflict of interest for holders of higher office, especially those who represent the IPCC publicly. This principle was present in the first draft and was endorsed in the country responses.

Paragraph 18 states the principle that the policy should not be applied so as to impose undue burdens on the participation of individuals or author teams. A previous statement about not excluding developing country participation has been removed, as a number of government comments, from both developed and developing countries, found this reference to a specific group of countries to be inappropriate.

### Implementation

Paragraph 19 sets out how the policy would be implemented.

Sub-paragraphs a) - c) set out the process for submitting disclosure forms and renewing these annually.

Sub-paragraph d) establishes a Conflict of Interest Committee to take overall responsibility for the implementation of the Conflict of Interest Policy. The Task Group decided to recommend that this be styled the "Conflict of Interest Committee" rather than an "Ethics Committee" (which would follow UN agency practice) to avoid confusion with the "Executive Committee". There were divergent views from governments about the constitution of this Committee. The new draft blends some of these propositions and has proposed that five members with expertise in conflict of interest matters be appointed by the IPCC parent organizations following consultations with credible international organizations such as IAC. The rationale for this approach is two-fold: first, appointment of experts by the heads of IPCC parent organizations would provide some independence from the IPCC decision making processes, which would be helpful in maintaining the integrity of the policy. Second, given that the assessment cycle is already underway, timely implementation of the policy was considered a priority, and of all options considered this was the one that could be implemented most quickly. It is understood that further discussions are likely to be needed on this aspect of the proposal.

Sub-paragraph e) specifies that the Conflict of Interest Committee will review disclosures by senior office holders (Bureau members and members of the Technical Support Units) assisted by the Secretariat. Sub-paragraph f) proposes that the Committee will work by consensus, using majority voting if required.

Sub-paragraph g) specifies how the policy would be implemented with respect to volunteer authors and others responsible for generating the content of IPCC products. Following the Geneva draft, lack of disagreement from governments and strong endorsement from Bureau members, the primary responsibility for implementing the policy in respect of *Convening Lead Authors, Lead Authors and Review Editors* (other than Review Editors who are members of the Bureau) would lie with the Bureau of the relevant Working Group or Task Force. The rationale for this is that the scientific communities associated with each Working Group and Task Force differs in terms of their professional processes and practices. The Working Bureaux are best placed to assess conflict of interest in the context of these different processes and practices.

However, cases that are difficult to judge or raise wider issues should be referred to the Executive Committee comprising representatives from all Working Groups and the Task Force on Inventories. The purpose of this would be to ensure that the policy is applied uniformly across IPCC while taking account of the specificities of the different scientific communities. Where a Working Group identifies that a real or apparent conflict of interest may exist, the case will be referred to the Conflict of Interest Committee for resolution.

Sub-paragraph i) specifies that, in general, individuals cannot be involved in the preparation of IPCC products while a conflict of interest has been identified. However, sub-paragraph j) allows a waiver where an individual has a unique or exceptional contribution to make. Under such circumstances the conflict would be made public. This would allow, for example, business representatives to continue to participate in IPCC.

Sub-paragraphs k) - n) address more specific elements of implementation: an “ethics officer” in the Secretariat would support the Conflict of Interest Committee; disclosure forms would be kept confidential and would be held by the Secretariat on behalf of the Conflict of Interest Committee; and the Secretariat would keep a record of the Committee’s business and would report on its behalf to Plenary.