



Afghanistan Country Coordinating Mechanism

Conflict of Interest Policy

October, 2015

CONFLICT OF INTEREST POLICY AFGHANISTAN COUNTRY COORDINATING MECHANISM

1. GENERAL PRINCIPLES

The purpose of this Conflict of Interest Policy is to ensure a high standard of ethical conduct in the operations of the Afghanistan Country Coordinating Mechanism (ACCM) and to protect the reputation and integrity of the Global Fund and its interests.

The policy recognizes the inherent potential for conflict of interest within the ACCM given its representative nature and the multiple roles that members and partners must play in the execution of their responsibilities.

Thus, the objective of this policy is to anticipate areas of potential conflict of interest in the management and operations of the ACCM and to apply mitigation measures to the extent possible.

2. DEFINITION

A conflict of interest arises when an individual participates personally and substantially in any matter in which he or she or an associated person or associated institution has a financial interest or has an agreement, contract, grant or relationship with the ACCM or any of its organs.

Categories of conflict of interest include:

- **Financial interest.** For all matters related to the management and operations of the ACCM, financial interest shall extend to the direct or indirect access to or use of any funds made available through the Global Fund.
- **Programmatic interest** includes direct benefits accruing to a special program or department in a public sector, civil society or private sector by virtue of their promoting a proposal or a level of funding for a proposal, or making recommendations regarding the utilization of awards, or the monitoring of project performance that disregard the goals of the Global Fund or the national interest.
- **Administrative interest** refers to specific policy positions advanced by members that may influence decisions of ACCM in favor of their own organizations in approval of proposals, level of funding, utilization of awards or monitoring of performance.
- **Relationship interest** involves situations where relatives and close affiliates of members stand to benefit as a result of a decision taken within the ACCM. The benefit may be financial or non-financial.

3. POSSIBLE CONFLICTS OF INTEREST

- The Chair and Vice Chairs of the ACCM are affiliated with the PR.
- Representatives of organizations who may feel obligated to support the position of a funding agency, or who may be hesitant to express disagreement with a funding agency because of existing or potential financial support.¹
- Individuals who are nominated to the ACCM in their capacity as a member of an NGO, service or faith-based organization, and who are also employees of the PR (or SR).
- Representatives of civil society organizations who have been invited to participate on the ACCM rather than having been selected via a transparent process.

4. TRANSPARENCY AND DISCLOSURE

- All members shall complete and sign a Declaration of Conflict of Interest Form stating the nature of any actual or potential conflict immediately upon appointment to the ACCM². This Form shall be lodged with the Secretariat and be reviewed and evaluated by the ACCM and a report presented to the following meeting of the ACCM for its consideration.
- Disclosure statements shall be updated annually and reviewed by the Conflict of Interest Task Force for any material change which shall be reported to the ACCM at the following meeting.
- Members of the ACCM shall be required immediately upon the adoption of the agenda of all meetings to declare any actual or potential conflict of interest that may arise relating to any of the items listed. Members who indicate any such actual or potential conflict of interest shall not be allowed to discuss or vote on the issue.
- The magnitude or extent of the conflict of interest is irrelevant to the determination as to whether the interest exists and, in the event that such disclosure is made, the member shall:
 - Withdraw from his/her place, leaving the room in which the meeting is held while the matter is being considered.
 - Refrain from taking part in the discussion of the matter and from voting on any question relating to the matter.
 - Refrain from attempting in any way, before, during or after the meeting, to influence the decision of the ACCM with respect to the matter.
 - The alternate member takes the place of the substantive representative, the latter having been disqualified from taking part in any further deliberations of the matter in which he/she has a conflict of interest.

¹ This also describes organizations that hope or expect to benefit from Global Fund funding.

² See Disclosure of Conflict of Interest Form at Annex 1

- The Executive Committee shall investigate all issues of conflict of interest at any level, including the PR and SRs, and report on findings to the ACCM. Such issues may relate to:
 - Operations of the PR
 - Appointment of delegates, alternates, committee and sub-committee members to various organs of ACCM
 - Appointment of SRs and associated contractual arrangements
 - Procurement of goods and services
 - Distribution of supplies

5. REMEDIAL MEASURES

- If a suspected conflict of interest is reported, the Executive Committee shall review the matter to determine whether a breach of the conflict of interest policy has occurred. The results of the investigation shall be reported to the ACCM.
- Remedial measures shall be applied whenever a decision has been made by the Executive Committee that a conflict of interest had occurred based on the preponderance of evidence. These measures may include:
 - Warning: This measure shall be applied in instances where the conflict of interest has limited repercussions.
 - Suspension. This measure shall be applied where the repercussions of the conflict of interest are deemed to be significant but where the ACCM requires more time to gather additional information or verify information.
 - Expulsion. This measure shall be applied when the ACCM is fully satisfied that significant breaches have occurred with adverse implications for the transparency in project operations and accountability of Global Fund resources.
- Decisions on the category of remedial measure to be applied shall be determined by simple majority vote among Standing ACCM Members, which shall be done by secret ballot and the proceedings formally recorded in the minutes of the meeting.
- The remedial measures taken may relate to an individual or organization, depending on the level at which the conflict of interest resides.

6. PREVENTING/MITIGATING CONFLICTS OF INTEREST

- Members of the ACCM will be required to pursue all measures necessary to avoid conflicts of interest occurring in the course of their work on the ACCM.

- The Executive Committee will be vested with the responsibility to identify, investigate and report to the Chair and Vice Chairs on potential conflicts of interest.
- A conflict of interest clause shall be incorporated into all contracts and agreements relating to expenditure of Global Fund resources.

7. DISSEMINATION OF CONFLICT OF INTEREST POLICY

- The ACCM, through the Secretariat, shall distribute a copy of this policy to all members, PR and SRs along with a copy of the Declaration of Conflict of Interest Form.
- Copies of this policy and the Declaration of Interest Form shall be posted on available websites.

Annex 1

CONFLICT OF INTEREST DECLARATION

I the undersigned as a Member of ACCM:

Name : _____

Position & organisation: _____

Address : _____

Have read and understood the **Conflict of Interest** policy and linked guidelines for its implementation as approved by the CCM and as in vogue, and I hereby make the following statements: (Please indicate where applicable or otherwise as NA)

1. My relationship, as a ACCM Member, with the organization/foundation that receives GF grant funding is (specify) :

2. My position in the organization that receives GF ATM grant funding is (specify) :

3. Involvement in financial receipt of GF linked funding is (specify) :

I further declare that I will comply with all the provisions and procedures articulated in the Conflict of Interest policy and implementing guidelines as necessary. I also declare that I will not vote or participate in discussions in matters where I have a Conflict of Interest and will declare the same at the CCM/other meetings when such matters are taken up.

Date :

Signatures