

AI Members Only

AI Index: ORG 20/002/2004

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To: All sections and structures
From: International Executive Committee (IEC)
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Conflicts of Interest and Conflicts of Duty Policy and Rules

Summary

Rules for conflicts of interest and conflicts of duty have been adopted by the IEC. These rules supersede the conflict of interest part of the IEC/SG protocol. These rules shall apply across the movement. This policy was approved at the June 25-27 2004 IEC meeting in decision IEC50-3.

Distribution

This circular is being sent to all Section and Structure Chairs and Section and Structure Directors.

Recommended Actions

Please ensure that all decision-makers are given this document and that section and structure board members and staff have access to it. Please also attach this document to the copy of the IEC/SG protocol (ORG 70/001/2004).

Amnesty International

Conflicts of Interest and Conflicts of Duty Policy and Rules

Introduction

Decision 13 of the 2001 (Dakar) ICM decided that the IEC should draft a general policy on conflicts of interest, which would also clearly spell out the grounds under which the IEC might deny a section request for work on individual cases and/or research on their own country. This policy was approved by the IEC at its June 2004 meeting.

Policy

The policy of Amnesty International is that every AI decision-maker should try to avoid being in a situation where there is a conflict of interest or duty, and should withdraw completely from the decision-making process if he or she has an actual conflict or might reasonably be perceived as having a conflict.

The policy of Amnesty International is also that every AI decision-maker coming into possession of information should avoid being in a situation where he or she has a conflict of interest or duty, actual or reasonably perceived, in how that information is used.

Definitions

A person is a **decision-maker** in Amnesty International for the purpose of this policy and rules if the person is a member of the IEC or of the board of a section, structure, decentralized unit or international network, or is a staff member (paid or not) with authority on behalf of AI to enter into contracts, pay money or engage or dismiss staff.

A person acting on AI's behalf has a **conflict of interest** where his or her decision or use of information could directly affect his or her financial or material interests, or could determine whether he or she receives or loses something of value.

Examples

- The decision may mean that their business receives work.
- The decision may mean that their business loses work.
- The decision may be to give employment to a family member or close friend.
- The decision may give them the opportunity to travel.
- The decision may affect whether they have to pay for accommodation.
- The decision may allow them to avoid tax.
- The decision may give them the opportunity to buy something cheaply.

A person acting on AI's behalf has a **conflict of duty** where his or her decision or use of information could affect another person, organization or association with whom or with which he or she has a relationship in a way that gives rise to a duty or expectation that he or she will act in the best interests of that other person, organization or association.

Examples

- They are directors of a not-for-profit entity with which AI is contracting.
- They are directors of a not-for-profit entity which competes with AI for funds.
- A member of their family is affected.
- The person has a competing professional duty (such as a journalist's duty to protect the source of information).

- The person has received a substantial gift or benefit from someone who could benefit from a particular decision.
- The person has offered to facilitate a favourable decision in return for something of value.
- The person has a duty to their employer such that he or she may have to act contrary to AI's interests (for example, in commercial negotiations or managing a contract with AI).
- A characteristic of the decision-maker (such as nationality, ethnicity, citizenship, or affiliation) may make them appear unable to be objective in how they represent AI in a particular situation.
- The person has a duty to AI to represent it publicly, and also a duty to some other organization to represent it publicly in relation to similar issues, where it will damage AI's public image and credibility if the person attempts to do both.

There is **not a conflict of interest or duty** where all the relevant decision-makers determine a policy that applies equally to all of them, provided that the decision is transparent and based on the best independent advice (for good decision-making see "Managing to Protect AI's Image, FIN 31/005/03).

Example

- Policy for meeting the travel and accommodation costs of board members attending board meetings.

Rules

1. A decision-maker with a conflict must remove himself or herself from the decision-making process.
2. A decision-maker who might reasonably be perceived as having a conflict must remove himself or herself from the decision-making process.
3. Where it is not clear whether there is a conflict of interest or a conflict of duty—
 - a. the decision-maker must not take part in the decision-making process until the matter is resolved;
 - b. where the decision-maker is a member of a committee or board, a decision as to whether there is a conflict must be made by the other members of that committee or board (with the person absent),
 - c. where the decision-maker is the most senior member of staff of a section or structure, such a decision must be made by the board;
 - d. where the decision-maker is a member of staff other than the director, the decision must be made by the director.
4. The decision and procedure must be documented.
5. It is the duty of all decision-makers to inform the relevant body or person whenever they think that they or some other decision-maker may have a conflict.
6. This policy and these rules are in addition to and in aid of the other policy and procedures of AI. They operate subject to the law applying in the country in which decision makers are operating.

Other references

Managing to Protect AI's Image FIN 21/005/03.