

Conflicting Interests, but Not Necessarily Conflicts of Interest

Hurst Hannumⁱ
Professor of International Law, Fletcher School of Law
and Diplomacy, Tufts University, USA

The concept of “conflict of interest” is a relatively recent development, intended to ensure that those involved in decision-making are motivated by reasonably objective judgment, rather than personal gain or bias. Allegations of “conflict of interest” may be raised in many different contexts, usually with the goal of preventing any person who has such a conflict from participating in decision-making or fulfilling a particular role. The assumption is that it is impossible for such a person to act without being unduly biased or, even if no actual bias can be shown, that the mere appearance of bias requires the removal of that person from the activity in question. Thus, a serious “conflict of interest” usually leads to exclusion, even if there is full disclosure of the person’s personal, financial, or other interests in the issue at hand.

In the context of formulating public policy, however, broader rather than more limited participation is generally desirable, both as being more democratic and more likely to lead to sound decisions. Advocates of corporate social responsibility (CSR), for example, believe that businesses have a role to play—indeed, an obligation—in ensuring that their activities do not harm the societies in which they operate. This is not an ideological tenet but a pragmatic conclusion drawn from experiences throughout the private sector, from automobile makers to pharmaceutical and food companies to extractive industries. Few people would argue that any industry should be entirely self-regulating, but fewer still would maintain that government has sole responsibility for protecting the public.

Despite this preference for inclusion, some critics who claim to speak on behalf of the public health community find the notion of cooperation with the drinks industry or even its participation in policy-making

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to be inherently suspect. Objections have been raised to industry funding of research and to collaboration or dialogue with industry under any circumstances. Various reasons have been advanced for these objections, including moral repugnance about having anything to do with an industry whose products can have negative consequences for public health, anecdotal evidence of instances where industry has apparently acted in bad faith, and an often explicit assumption that any profit-based industry inevitably has a “conflict of interest” that should prohibit it from participating in discussions of public policies that affect that industry. It has been argued that such alleged conflicts should extend to excluding those with ties to the drinks industry from membership on boards, committees, or government advisory bodies, even when their industry affiliation is fully disclosed (e.g., 1).

Such absolutist critics appear to be in a distinct minority, both generally and with respect to alcohol policy. At the international level, for example, participation of the private sector in policy-making is widely supported. One of the most significant and precedent-setting initiatives by the United Nations in recent years was the creation by Secretary-General Kofi Annan of a “Global Compact” among business, governments, civil society, and the United Nations. First announced in 1999, the Global Compact is a voluntary initiative designed “to promote responsible corporate citizenship so that business can be part of the solution to the challenges of globalization.”ⁱⁱ Private companies that wish to participate do so by declaring their acceptance of 10 principles in the areas

i Prof. Hannum is an ICAP Senior Consultant; he was the lead consultant in developing the *Dublin Principles of Cooperation among the Beverage Alcohol Industry, Governments, Scientific Researchers, and the Public Health Community*, adopted in 1997.

ii See the Global Compact website at <http://www.unglobalcompact.org>.

of human rights, labor standards, the environment, and anti-corruption. Today, the Compact has over 5,200 business partners from over 130 countries. In 2005, the governance structure of the Compact was revised; its activities are now overseen by a 20-member board of directors drawn from business, labor, civil society, and the United Nations.

Public-private partnerships are also increasing in the public health arena. A 2004 article identified 91 transnational public-private partnership arrangements in the health sector, the great majority of which were dedicated to infectious disease prevention and control (2). The article concluded, “Public-private partnerships... seem both, unavoidable and imperative... The public sector needs to recognize the basic legitimacy of the private sector and the profit motive that drives it. It is also essential for the public sector to respect the organizational autonomy and priorities of the non-profit sector” (2). Similarly, a 2006 study published by the Joseph Rowntree Foundation concluded, “To refuse to have any input from the [alcohol] industry would cut off a potential source of resources and expertise. To exclude it from partnerships as a matter of principle would be short-sighted” (3, p. 41).

WHO’s approach to developing a global strategy to reduce the harmful use of alcohol reflects a similar approach. In 2005, the WHO Executive Board requested states “to encourage mobilization and active and appropriate engagement of all concerned social and economic groups, including... the private sector... and industry associations” (4, p. 6). It requested the WHO Director-General, *inter alia*, “to organize open consultations with representatives of industry and agriculture and distributors of alcoholic beverages...” (4, p. 7). More recently, the World Health Assembly again requested the Director-General “to consult with intergovernmental organizations, health professionals, nongovernmental organizations *and economic operators* on ways they could contribute to reducing harmful use of alcohol” (5, p. 8).ⁱⁱⁱ

Of course, many industries have been widely criticized for exerting too much influence on both research and policy-making, and it would be disingenuous to suggest that the influence of business on society is always benign. However, one of the tasks of government is to mediate among competing interests and to choose policies that serve the broadest public good; prohibiting one set of stakeholders from contributing to policy formulation is both unfair and unwise. Even if one objects to formal partnerships between industry and government, this does not resolve the question of whether industry

representatives should be allowed to participate in the formulation of public policy.

The standard approach of critics of the drinks industry is simply to intone the mantra of “conflict of interest” without further explanation, but a major lacuna in the discussion is the lack of agreement on an appropriate definition of that term. An overly broad definition eliminates any possibility of cooperation or collaboration among social groups. For example, management and labor would bargain only as adversaries; consumer groups interested in low prices could not talk with producers interested in maximizing profits; public health advocates would do their best to prohibit what they see as “bad” or require what they see as “good” behavior, regardless of individual choice, rather than working with others to educate, persuade—or even learn. If the definition is too narrow, one might not be able to expose significant relationships or prevent the manipulation of decision-making for direct personal gain.

“Conflict of interest” can be defined in a number of different ways. Perhaps the most familiar use of the term is with respect to direct financial interests of public servants, when a public servant’s personal fortune may be affected by a decision that he or she has a role in making. It is normal to expect that people in these circumstances should recuse themselves from participation or, alternatively, to require that they put the funds in question in a blind trust or otherwise be prevented from being directly affected by their own actions.

There are also personal conflicts of interest, in which non-financial issues—such as personal relationships, business associations, and membership in political or other groups—might make it difficult for an individual to consider policy questions objectively. If such relationships are sufficiently close, merely disclosing them may not be enough, and it may be appropriate to disqualify an individual from participating in policy-making in such circumstances.

A third kind of conflict is more ideological than personal, as exemplified by the different perspectives of management and labor on many work-related issues. Another ideological divide more relevant to the debate over alcohol might be between those who espouse a more libertarian view that emphasizes individual choice and those who are more concerned with the broader social impact of those choices. Here, it is often more difficult to distinguish “conflicts of interest” that should be avoided from “policy disagreements” that should be confronted.

While allegations of “conflict of interest” in the debate over alcohol policy often stress the alleged financial conflict between a profit-making industry

iii Emphasis added.

and government policy that seeks to control alcohol consumption,^{iv} this broad interpretation of “conflict” would eliminate any participation by the private sector in any aspect of government regulation or policy-making. It is doubtful that even the most extreme advocates of government-led regulation would seek to exclude *any* consultation with the pharmaceutical, medical, transportation, housing, entertainment, or retail sectors when important changes in government policy are being considered; why, then, is the drinks industry singled out by some advocates for total exclusion?

The answer lies in the fact that the “conflict of interest” trumpeted by some public health advocates is actually ideological rather than financial or personal. More accurately described as a “conflict of positions” rather than a “conflict of interest,” the only justification for silencing such differences of opinion would be if one accepts the premise of the most strident critics of the alcohol industry, i.e., that this particular industry is so anti-social and corrupt that it should be prohibited from voicing its positions in any but an adversarial setting. As noted above, this is a difficult stance to maintain, in light of the participation in policy-making by the automotive, pharmaceutical, building, and other self-interested industries, which also make products that can be harmful to both individual consumers and the public in general. Exclusion also runs counter to the trend toward more, not less, acceptance of social responsibility by business.

Accusations of ideological “conflict of interest” against industry also mistakenly assume that only one side has an ideology. For example, a researcher who recently assessed the alcohol industry and trade agreements confessed to a “great concern about the expansion of transnational corporations in the developing world” (7, p. 22), which could be interpreted as an ideological bias that constitutes a conflict of interest. What about individual abstainers or former alcoholics, whose perspective may be quite different from that of the average drinker? Should Christians, Muslims, or others whose opinions are based primarily on religious beliefs be automatically excluded from “scientific” or policy discussions? Are groups that exclude industry, such as the Alcohol Health Alliance U.K., inherently more neutral or unbiased than groups with a broader membership, such as the European Commission’s Alcohol and Health Forum?

It is also a pretense that government, the ultimate “decider,” is neutral. The current debate in the United States over healthcare reform, for example, offers ample

evidence of the social-political-economic-ethical biases of government officials, political parties, and many civil society groups. With respect to research, various industries have been (sometimes rightly) accused of not disclosing or withholding research results that might have a negative impact on their products, but government is not immune from similar temptations: In 2003, for example, the U.S. National Highway Traffic Safety Administration decided not to make public hundreds of pages of research on the use of mobile phones by drivers, despite the possible implications for public safety, because of political concerns about angering Congress (8). A recent article noted, “Most of the evidence for effective alcohol policy comes from either Anglophone or Scandinavian countries, in which alcohol use is commonly characterised by low rates of abstinence and fairly high rates of heavy episodic drinking”, and in which there is a tradition of strong government regulation of the sale of alcohol (9, p. 2242). Is it not likely that this experience affects the political and social biases of the Norwegian government, which (among other anti-alcohol initiatives) financially supported a meeting on the alcohol industry and alcohol policy whose papers were subsequently published in a special issue of *Addiction*, a vocal critic of the industry (10, p. 1)?

We are all biased, based on our experiences and background, as well as our economic self-interest and sense of morality. A proper understanding of “conflict of interest” in the area of alcohol policy should not seek to exclude any stakeholder whose interests differ from the predominant public health paradigm of the moment.

Of course, one should not ignore the self-interest that is often reflected in industry positions, any more than one should ignore the biased perspective that might result if one’s experience is colored primarily by living in a society plagued by excessive alcohol consumption and its consequences. However, the response to such possible biases in perspective should not be to claim that one major player (industry) should be excluded because of its “conflict of interest”, while pretending that other players (government, nongovernmental organizations, and the public health community) are always objective or conflict-free.

Beverage alcohol is not unique among widely used consumer goods in being potentially harmful, and public health efforts to minimize that harm are no different from efforts to persuade people to eat healthier foods or drive more responsibly. For example, it would be possible to mandate much safer automobiles, restrict the amount of fat and sugar in processed foods, extract natural resources while fully protecting the environment, and allow drugs to reach the market only when it is absolutely certain that they will have no negative side effects.

^{iv} For example: “The business of the alcohol industry is business... Thus, its role in reducing harm should focus on the product, and it should not meddle, nor be allowed to meddle, in activities that are the responsibility of governments and regulators, which have a responsibility for public health” (6, p. 464).

However, each of these goals conflicts in part with other social goods, ranging from the recognition of individual rights and preferences to satisfying other community needs (such as getting a potentially life-saving drug to market quickly) and paying attention to countervailing demands on the public treasury.

To strike an appropriate balance, government should include all stakeholders in its decision-making process; viewing the private sector as inevitably adversarial and morally corrupted by profits is unlikely to contribute to rational public debate. Just as government regulation, industry self-regulation, consumer advocacy, and occasional collaboration have incrementally produced safer cars and healthier food, exposure to all sides in the debate—accompanied by full disclosure of the interests of all participants—and collaboration in appropriate circumstances can produce more responsible advertising and products in the drinks and hospitality industries.

Mistrust of the drinks industry will not be easy to overcome, and grandstanding by those whose financial rewards or professional reputations may depend on being the loudest to either condemn or defend drinking remains a problem. Nonetheless, vague assertions of “conflict of interest” are insufficient to justify exclusion and are likely merely to reinforce preexisting views on all sides. It is precisely when there are differing interests that communication is essential, and the essence of democracy and the free market system is to allow public policies to be informed by open dialogue, not simply to be dictated by either government or so-called experts. A willingness not just to listen to other views but to allow meaningful participation by all those affected by alcohol policy is much more likely to lead to effective actions that will curb the misuse of alcohol products, without threatening the very existence of the companies that produce them or the legitimate desires of the consumers who enjoy them.

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International Center for Alcohol Policies
Analysis. Balance. Partnership.

1519 New Hampshire Avenue, NW
Washington, DC 20036 USA

Tel: +1.202.986.1159

Fax: +1.202.986.2080

www.icap.org

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