

February 28, 2017

Joint civil society submission regarding the Arrangements for Intergovernmental Meetings in-session workshop on opportunities to further enhance the effective engagement of Non-Party Stakeholders at UNFCCC SBI 46 (May 2017)

To read the submission in its entirety, including examples of UNFCCC admitted observer organizations and the transnational corporations they represent, please visit: www.stopcorporateabuse.org/UNFCCCsubmission.

This is a joint submission with regard to the Arrangements for Intergovernmental Meetings in-session workshop on opportunities to further enhance the effective engagement of Non-Party Stakeholders at UNFCCC SBI 46 (May 2017) of the following organizations: Corporate Accountability International, Third World Network, Asian Peoples Movement on Debt and Development, Friends of the Earth (England, Wales and Northern Ireland), IBON International, Environmental Rights Action/Friends of the Earth-Nigeria, Asia Pacific Forum on Women, Law and Development (APWLD), SustainUS, Corporate Europe Observatory (CEO), and Women in Europe for a Common Future (WECF). These organizations are members of ENGO CJN!

We submit these recommendations in representation of our hundreds of thousands of members, volunteers, and activists, and call on Parties to implement the recommendations contained herein.

1. Introduction

It is important to enhance engagement with non-Party stakeholders

Observer organizations are the major vehicle for ensuring the views of non-governmental organizations are reflected in the UNFCCC process. They also provide tremendous support to Parties, including technical capacity and expertise, thereby enhancing the Party-driven process. Indeed, just last May, Parties reiterated the importance of guaranteeing the effective participation of observer organizations in the UNFCCC process.

17. The SBI also reaffirmed the value of contributions from observer organizations to deliberations on substantive issues and acknowledged the need to further enhance the effective engagement of observer organizations as the UNFCCC process moves forward into the implementation and operationalization of the Paris Agreement. (FCCC/SBI/2016/L.14)

However, with any engagement, let alone enhanced engagement, as invited by the Paris Agreement, Parties must acknowledge the increased risk for conflicts of interest and conflicting interests, and protect the integrity and legitimacy of the UNFCCC, its Parties, outcomes, and processes.

In engaging with non-Party stakeholders, the UNFCCC must safeguard its integrity and legitimacy of the UNFCCC

If Parties wish to protect the integrity and legitimacy of the UNFCCC and arrive at real and timely solutions to the urgent crisis which is climate change, they must create a political space for climate policy decisionmaking free of interests that go against the ultimate objective of the

Convention, “to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system.”

To achieve this, Parties must take action urgently in three distinct ways:

1. Adopt an operational definition for conflicts of interest and a UNFCCC policy to prevent institutional conflicts of interest that arise when an institution's own secondary financial interest (or those of its senior officials) pose risks to the integrity of the institution's primary interests.
2. Strengthen the procedures for admission of observers to add requirements that will prevent entities with interests that conflict with the ultimate objective of the Convention from being granted observer status (include due diligence in screening for such things as public disclosure of industry affiliations, industry funding, etc.).
3. Adopt rules for engagement with non-Party stakeholders. The rules must be differentiated on the basis of the nature and interests of non-Party stakeholders.

2. Background

Parties representing nearly 70% of the world's population demand information about existing UNFCCC safeguards against conflicts of interest, and assessment of best practices from UN and other entities

At SB 44 in May, 2016, under SBI agenda item 17, “arrangements for intergovernmental meetings” (AIM) on enhancing observer participation, Parties representing nearly 70% of the world's population requested information from the Secretariat about existing procedures to protect against conflicts of interest, and requested that Parties discuss a policy to protect against conflicts of interest with official observers to the UNFCCC, in light of the presence among observers of trade associations and other entities whose mission is to advance the interests of major polluting industries in the face of climate regulation that interferes with their business.

The issue was referred for discussion during SBI AIM in-session workshop on enhancing observer participation at SB 46 in May, 2017.

It is therefore critical that Parties use the opportunity of the workshop to raise their important concerns and call for a clear set of procedures to be put in place in order to protect the integrity and legitimacy of the UNFCCC from conflicts of interest and conflicting interest.

3. We recommend the following themes and format for the workshop

Recommendation on themes

Similar to the proposal made and supported by 6 of the 9 civil society constituencies (women & gender, youth, indigenous peoples, trade unions, and environmental NGOs including the Climate Action Network and the Climate Justice groups) on the occasion of the consultations with the SBI Chair at COP22, we propose the following three themes for discussion during the May 2017 workshop:

- *Theme 1:* Enabling conditions for effective participation of observers in the negotiation and implementation process under the Convention (issues related to interventions,

- participation in workshops, etc.).
- *Theme 2:* Enhancing participation of non-Party stakeholders (including observers) through protective measures in the UNFCCC process and/or Secretariat (including in the negotiations and implementation) to address institutional and individual conflicts of interest, and conflicting interests of entities representing the interests of economic actors whose business model might be in contradiction with the ultimate objective of the convention.
 - *Theme 3:* Enhancing the participation and role of observers in the processes and mechanisms to be developed under the Paris Agreement (nationally determined contributions (NDC), adaptation communications, transparency framework, compliance, 2018 facilitated dialogue, and global stocktake), and in their implementation.

Recommendation on format

We recommend the following format in order to facilitate constructive outcomes based on the themes:

Three consecutive panels on each of the three themes:

- *Panel 1:* 1.5 hours for panel presentations from academic experts, Parties, IGOs, NGOs, etc., on theme 1
- *Panel 2:* 1.5 hours for panel presentations from academic experts, Parties, IGOs, NGOs, etc., on theme 2
- *Panel 3:* 1.5 hours for panel presentations from academic experts, Parties, IGOs, NGOs, etc., on theme 3

Three concurrent breakout discussion groups on each of the three themes:

- 1.5 hours for three breakout groups to discuss one theme each, equipped with facilitator and scribe, and flipcharts to ensure an accurate record of the discussions and contributions by all participants (rapporteurs and facilitators are pre-selected among parties, IGOs and CSOs equally)—building on the good practice of the Gender Workshop in May 2016.

Recommendation: Individuals are called upon to share views in the order in which they request the floor, regardless of whether they represent Parties or observers.

4. Why does the UNFCCC need a definition and policy on conflicts of interest, strengthened procedures to avoid admitted observers with industry ties, and rules for engagement with non-Party stakeholders?

Conflict of interest policy

The UNFCCC's primary interest is in implementing the ultimate objective of the Convention "to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system." In addition to this primary interest, the UNFCCC also has a secondary interest in raising resources to ensure it can carry out its primary interest to implement the ultimate objective of the Convention. If the institution's own secondary financial interest poses risks to the integrity of the institution's primary interests, a conflict of interest arises. It is therefore imperative that the UNFCCC define conflicts of interest for itself to ensure it can protect its legitimacy.

Procedures to avoid admitted observers with industry ties

The UNFCCC currently counts among its admitted observers organizations with the sole purpose of representing the interests of the fossil fuel industry, including transnational corporations based in North America and Europe. This provides these industry representatives with the legitimacy of admitted observers, access to negotiators, documents, and information, and ample opportunity to push their corporate and profit-driven agenda.

Rules for engagement with non-Party stakeholders, differentiated by type of actor

Like the subset of observers, not all non-Party stakeholders were created equal. Many of the non-Party stakeholders involved in the UNFCCC process, including the private sector corporations sponsoring the negotiations, and those using platforms such as the Lima Paris Action Agenda, and its successor, the Global Climate Action Agenda, and its NAZCA platform, to greenwash their role in driving climate change, are business entities with a duty to their shareholders to maximize profits. Those entities cannot therefore be expected to also intend to advance the ultimate objective of the Convention, where it clashes with the source of their profits, i.e., extracting, selling, and burning, fossil fuels.

In order to remedy these three areas of weakness in the infrastructure of the UNFCCC, the Parties must remove the underlying assumption that certain types of engagement with the private sector are acceptable or desirable.

If the UNFCCC adopted a legally-concise understanding of conflicts of interest, it could lead to the following positive consequences:

- Ensure (a) the integrity of decisions made on the public's behalf; (b) its independence, such as from corporate funding that risks distorting public mandates and agendas; and (c) it maintains the trustworthiness of and public trust in public officials and institutions.
- Clarify the distinction between actors with a mandate to act in the public interest from those who have the fiduciary mandate to make profit and those who advance a privatizing agenda;
- Enable political action to address the underlying concerns.

The UNFCCC finds itself in a state of serious institutional conflict of interest by being open to corporate- and other so-called innovative resources. Practices like public-private partnerships and corporate sponsorship of the talks invite the foxes to build the henhouse.

Like other UN agencies, the UNFCCC has long lacked sufficient, sustainable, and dependable funding. The UNFCCC, the world's highest global authority on climate change, seems to operate in a scarcity mentality, and under the assumption that 'beggars can't be choosers.' This must be fundamentally challenged and Global North Parties must do their fair share, not only by reducing emissions against their historical emissions, but by providing the funding commensurate with their historical responsibility for climate change, thereby resourcing the UNFCCC adequately and avoiding shirking responsibility by delegating it to non-Party stakeholders. Of course, Parties could recover funds from the private sector for its liability in causing climate change, and put those resources toward the Convention, but that is different from involving the private sector in sovereign State processes.

5. It is of the utmost importance that the UNFCCC adopt a clear, accurate, and useful definition of conflict of interest, and a corresponding policy to safeguard against them

There is currently no recognition of the concept of conflict of interest, no application of any principles to safeguard against conflicts of interest, nor rules pertaining to conflicts of interest at the UNFCCC

According to the Secretariat, as provided in a verbal update on the occasion of an SBI AIM contact group meeting during SB44, the following are the rules in place to govern issues related to non-Party stakeholders:

- The UNFCCC Rules of Procedure; and
- The Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector.¹

Unfortunately, a thorough review of both documents, in addition to a multitude of other UNFCCC documentation, reveals no mention whatsoever of the words “conflicts of interest,” let alone any related concept or safeguard to avoid them. This makes amply clear how wholly inadequate existing procedures are for protecting the UNFCCC’s legitimacy, integrity, independence, credibility, and reputation from conflicts of interest and conflicting interests.

Conflicts of interest explained

First, it is important to achieve a useful understanding of the concept of conflict of interest in public governance by using a precise and legally-significant definition, and avoiding mixing distinctions between conflicts of interest and conflicting or diverging interests.

Experts² suggest a definition based on a fiduciary notion. “The legal concept of [individual] conflict of interest relates to intrapersonal conflicts. The ‘conflictedness’ is a state of mind of a person who is empowered to take decisions on behalf of others.”

This definition can be expanded to an institutional conflict of interest with “a... conflict arising within a human or an institution which is entrusted with such decision making.”

Individual conflicts of interest: Professionals have a conflict of interest “when their interests or commitments compromise their independent judgement or their loyalty to individuals [whom] they have an [ethical and/or legal] duty to serve.”³

Institutional conflicts of interest: A conflict of interest is a set of conditions in which professional judgement concerning a primary interest...tends to be unduly influenced by a secondary interest.⁴

Therefore, as is relevant in the UNFCCC context, “institutional conflicts of interest arise when an institution’s own financial [secondary] interest or those of its senior officials pose risks to the

¹The Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector, <https://business.un.org/en/documents/guidelines>

²Richter, Judith. Time to turn the tide: WHO’s engagement with non-state actors and the politics of stakeholder governance and conflicts of interest *BMJ* 2014; 348 :g3351

³Rodwin, M.A. (1993). *Medicine, money and morals: physicians’ conflicts of interest*. New York and Oxford: Oxford University Press, p. 9

⁴Thompson, D.F. (1993). Understanding financial conflicts of interest. *New England Journal of Medicine*, 329 (8), pp. 573-576, reprinted in Thompson, D.F. (2005). *Restoring responsibility: ethics in government, business and healthcare*. Cambridge, UK: Cambridge University Press, pp. 290

integrity of the institution's primary interests..."⁵

Recommendation: The UNFCCC should adopt the following definition: a conflict of interest may arise when activities, relationships or situations place a public institution, and/or an individual that represents it, in a real, potential or perceived conflict between its duties or responsibilities to the public, and personal, institutional or other. These others interests include, but are not limited to, business, commercial or financial interests pertaining to the institution and/or the individual. A conflict of interest, therefore, could be financial in nature or could simply point to diverging interests that may undermine policy objectives or outcomes.

Conflicting interests explained

On the other hand, experts suggest using terms, such as 'conflicting interests' to denote:

- a divergence or conflict *between* different actors; or
- a situation in which a professional or official decision maker is required to take into account various, often antagonistic, interests of different sectors of society.”

When an observer organization, which represents the commercial interests of its private sector members, is able to use its access to a public institution to slow, derail or direct the outcomes of negotiations toward the interests of its members, *that* is the direct consequence of allowing entities with interest that conflict with the ultimate objective of the Convention to participate in the process with no safeguards for avoiding adverse outcomes

For examples of UNFCCC admitted observer organizations and the transnational corporations they represent, please visit: www.stopcorporateabuse.org/UNFCCCsubmissionCOexamples.

6. It is also critically important that the UNFCCC strengthen its existing procedures for the admission of observers by adopting supplemental procedures to prevent entities with interests that conflict with the ultimate objective of the Convention from being granted observer status

The existing rules for admission of observers to the UNFCCC are inadequate to safeguard its legitimacy, integrity, independence, credibility, and reputation

According to Chapter II of document FCCC/SBI/2004/5, prepared by the Secretariat in 2004, the admission of observer organizations is done in the following way:

7. Admission of observer organizations in the Convention process is subject to Article 7, paragraph 6, of the Convention, and to the draft rules of procedure being applied (FCCC/CP/1996/2). Article 7, paragraph 6, of the Convention reads: “Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as FCCC/SBI/2004/5 English Page 4 an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.”

⁵Richter, J. (2014) Time to turn the tide: WHO's engagement with non-state actors and the politics of stakeholder governance and conflicts of interest, 19 May, BMJ 2014;348:g3351, accessed at <http://www.bmj.com/content/348/bmj.g3351/rapid-responses>

8. *In order to facilitate the implementation of Article 7, paragraph 6, working procedures have had to be developed. Mindful of the Convention, and drawing on general United Nations practice, the secretariat has developed procedures for the admission of IGOs and NGOs as observer organizations. These procedures are publicly available on the secretariat web site, and state that intending observer organizations shall provide, inter alia:*

- (a) A statement of competence in Convention matters*
- (b) Confirmation of independent juridical personality*
- (c) Confirmation of non-profit and/or tax-exempt status in a State member of the United Nations, or of one of its specialized agencies or of the International Atomic Energy Agency, or in a State Party to the International Court of Justice.*

9. *Entities which cannot provide the necessary documentation are not considered eligible for admission as observer organizations. Organizations which fulfil the criteria are included in a list of organizations which the secretariat recommends, through the Bureau, to the COP for admission as observers.*

10. *The secretariat wishes to draw to the attention of the SBI a number of issues relating to the procedures for admission of observer organizations. For example:*

- (a) Multilateral agreements that do not establish an independent juridical entity are not considered eligible for admission;*
- (b) Organizations which have been established by, and report to, governments and carry out government-mandated activities, but which cannot provide evidence of independence from government, are not considered eligible for admission. They are encouraged to participate as part of government delegations;*
- (c) Organizations which carry out functions on behalf of governments, including activities relating to the flexible mechanisms, provided that they meet the criteria listed in paragraph 8 above and that their governance structure is independent of governments, are considered eligible for admission.⁶*

Since that time, the procedure for admission of observers has undergone no changes.⁷

Currently, the only requirements for becoming an official observer to the UNFCCC are that an organization is legally registered as non-profit organization, and that it work on matters related to climate change. Unfortunately, some of the organizations that are the most detrimental to climate change meet these exact criteria.

Some officially admitted UNFCCC observer organizations' members are made up exclusively of fossil fuel corporations. There is therefore no question whose interests they represent in the talks, and what level of access this grants its members to the highest-level decisionmakers on the global public governance stage, albeit under the pretense of providing solutions to climate change, and working toward the ultimate objective of the Convention.

⁶Promoting effective participation in the Convention process. Note by the secretariat, FCCC/SBI/2004/5, http://unfccc.int/documentation/documents/advanced_search/items/6911.php?preref=600003119

⁷Even the Guidelines for the participation of representatives of non-governmental organizations at meetings of the bodies of the United Nations Framework Convention on Climate Change do not contain the notion of conflicts of interest.

Because they walk amongst us without distinction, Parties and even other observers make a common-sense assumption that they have been admitted because they have been properly vetted for conflicting interests. Unfortunately, that is currently not the case as the UNFCCC has no procedure in place to identify, let alone rectify this type of situation.

The rules must be strengthened to prevent entities with interests that conflict with the ultimate objective of the Convention from being granted observer status

Recommendation: The UNFCCC must strengthen the procedures for admission of observers to add requirements that will prevent entities with interests that conflict with the ultimate objective of the Convention from being granted observer status (including due diligence in screening for such things as public disclosure of industry affiliations, industry funding, etc.).

7. Safeguarding the UNFCCC's legitimacy, integrity, independence, credibility, and reputation from non-State actors whose interest conflict with the ultimate objective of the UNFCCC

The Paris Agreement swings the door wide open to non-state actors, including the private sector, to enhance climate action *and* engage in the policymaking process. Whereas the objectives of the UNFCCC are to protect people and the planet from the effects of climate change, the private sector's objectives are first and foremost to maximize profits. Entities with conflicting interests engaging in the policymaking process could create numerous conflicts that the UNFCCC currently has no process in place to address.

We must differentiate between the distinct categories of non-Party Stakeholders, including observers, and treat the categories differently, in accordance with their interests

Recommendation: Entities with a profit-motive, and/or with ties (financial or otherwise) to private sector entities whose business model contributes to climate change, must be held at arms length and not permitted the level of access permitted to entities working in the public interest and who can demonstrate they do not have those same ties to the industry. These include but are not limited to industry trade associations, front groups, private philanthropies with interests in said industries, etc.

Recommendations: Public-interest NGOs, academics and academic institutions, researchers and research institutions, and other public-interest entities must demonstrate that they do not have ties (financial or otherwise) with industries whose business model contributes to climate change.

Having drawn clear distinctions between categories of non-Party stakeholders, we must define clearly what types of interactions with the UNFCCC are unacceptable for business-interest actors to participate in as result of their profit-motives

Some of these interactions include implementation support, public-private partnerships, or PPPs, private-sector sponsorships, privatization and deregulation programs, interchange of personnel between private and public sectors (revolving doors), employment after public office, lobbying, and norm- and standard-setting. For example, norm-setting is the prerogative of sovereign States. It is therefore acceptable for public-interest NGOs with no industry-related conflicts to provide input into decision-making processes, and to be granted access to a

transparent process. It is unacceptable, however, for business-interest NGOs or actors with profit-motives and/or financial interests in corporations/industries that would be affected by the norms to have any access to or influence in these processes because their interests conflict with those of the Convention.

Recommendations: Instead, business-interest NGOs and those representing the interests of the industry should be required to provide comprehensive and up-to-date information so that policymakers can regulate them adequately, and comply with regulatory standards and policies set by governments.

Recommendation: Business-interest non-Party stakeholders shall not have access to or influence over norm- and standard-setting activities of the UNFCCC, as carried out by its Parties, or its Secretariat.

Recommendation: Develop recommendations for each sets of activities the UNFCCC should regulate.

8. We must draw on existing precedents (FCTC, FENSA, OECD, UNICEF, UN, etc.)

Because public and private institutions alike (from national governments to international and intergovernmental organizations, to law firms) have the potential for conflict of interest, it is the rule, not the exception, that they also have policies to manage them. In addition to the academic literature quoted throughout the submission, there exist useful precedents from across the world and different disciplines and sectors, from which to draw inspiration and best practices. These include the World Health Organization (WHO), the World Health Organization Framework Convention on Tobacco Control (FCTC), the Organisation for Economic Co-operation and Development (OECD), UNICEF, and national policies from countries including those currently opposed to such policies at the UNFCCC, including the United States, the European Union, Australia, Brazil, etc.

There are examples of some existing useful precedents to draw from

Article 5.3 of the World Health Organization's Framework Convention on Tobacco Control states that "In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law."⁸

Its guidelines for implementation⁹ include recommendations such as these, for governments to implement at the national level as well:

- (1) Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.*
- (2) Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.*
- (3) Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.*
- (4) Avoid conflicts of interest for government officials and employees.*
- (5) Require that information provided by the tobacco industry be transparent and*

⁸World Health Organization Framework Convention on Tobacco Control, Article 5.3 (2003), http://www.who.int/tobacco/wntd/2012/article_5_3_fctc/en/

⁹ The guidelines for implementation of Article 5.3of the WHO Framework Convention on Tobacco Control (2008), http://www.who.int/fctc/guidelines/article_5_3.pdf

accurate.

(6) Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry, including but not limited to activities described as “corporate social responsibility”.

(7) Do not give preferential treatment to the tobacco industry.

(8) Treat State-owned tobacco industry in the same way as any other tobacco industry.

Indeed, many Parties belong to other intergovernmental institutions like the Organisation for Economic Co-operation and Development whose Guidelines for Managing Conflict of Interest in the Public Service, endorsed by Parties in 2003, state in no uncertain terms that “when conflict-of-interest situations are not properly identified and managed, they can seriously endanger the integrity of organisations and result in corruption in the public sector and private sector alike.”

More than 10 years ago already, the OECD was urging its 30 Member States to review their conflict of interest policies compared to the OECD Guidelines on Managing Conflict of Interest in the Public Service.

The Guidelines contain very pertinent advice, including that public institutions should:

- ensure that effective procedures are deployed for the identification, disclosure, management, and promotion of the appropriate resolution of conflict-of-interest situations;
- support transparency and scrutiny;
- and create an organisational culture in which dealing with conflict-or-interest matters can be freely discussed and raised.

In addition to those, measures to address conflicts of interest regarding close interaction between public-interest and business-interest actors should;

- ensure the integrity of decision-making processes of both professionals in a position of trust and public institutions;
- ensure that the public has reason to trust in their independence and integrity.”¹⁰

Recommendation: Parties must draw from existing best practices with regard to conflicts of interest, and must engage in the development of UNFCCC-specific policies with the support of independent and reputable experts in the field.

9. Most Parties have policies in place to safeguard their public governance processes from conflicts of interest and conflicting interest in their national governments, regionally, and internationally

These examples include the United States, Australia, Brazil, the EU and its member countries.

Recommendation: Parties should mandate the Secretariat to conduct a detailed study of existing practices inside and outside of the UNFCCC, among other UN entities, and within national and regional contexts, to establish best practices in the creation of policies such as those recommended in this submission. An independent external expert evaluation of this research and the precedents collected should be conducted prior to action taken.

¹⁰Richter, J. (2005) Conflicts of Interest and Policy Implementation: Reflections from the fields of health and infant feeding, <http://www.ibfan.org/art/538-1.pdf>

10. Recommendations for Parties and the Secretariat:

Many of these recommendations appear throughout the text of the submission but can be found here as well, while a few are new

1. Recommendation: see themes and format on pages 3 and 4 above.
2. Individuals are called upon to share views in the order in which they request the floor, regardless of whether they represent Parties or observers.
3. The UNFCCC should adopt the following definition: a conflict of interest may arise when activities, relationships or situations place a public institution, and/or an individual that represents it, in a real, potential or perceived conflict between its duties or responsibilities to the public, and personal, institutional or other. These others interests include, but are not limited to, business, commercial or financial interests pertaining to the institution and/or the individual. A conflict of interest, therefore, could be financial in nature or could simply point to diverging interests that may undermine policy objectives or outcomes.
4. The UNFCCC must strengthen the procedures for admission of observers to add requirements that will prevent entities with interests that conflict with the ultimate objective of the Convention from being granted observer status (including due diligence in screening for such things as public disclosure of industry affiliations, industry funding, etc.).
5. Entities with a profit-motive, and/or with ties (financial or otherwise) to private sector entities whose business model contributes to climate change, must be held at arms length and not permitted the level of access permitted to entities working in the public interest and who can demonstrate they do not have those same ties to the industry. These include but are not limited to industry trade associations, front groups, private philanthropies with interests in said industries, etc.
6. Public-interest NGOs, academics and academic institutions, researchers and research institutions, and other public-interest entities must demonstrate that they do not have ties (financial or otherwise) with industries whose business model contributes to climate change.
7. Business-interest non-Party stakeholders shall not have access to or influence over norm- and standard-setting activities of the UNFCCC, as carried out by its Parties, or its Secretariat.
8. Parties must draw from existing best practices with regard to conflicts of interest, and must engage in the development of UNFCCC-specific policies with the support of independent and reputable experts in the field.
9. Parties should mandate the Secretariat to conduct a detailed study of existing practices inside and outside of the UNFCCC, among other UN entities, and within national and regional contexts, to establish best practices in the creation of policies such as those recommended in this submission.
10. Parties should differentiate between the different kinds of non-Party stakeholders, namely, public-interest NGOs and academic institutions on the one hand, and private sector entities and those who represent their interests on the other.
11. Parties recognize the impossibility of inviting private funding into the UNFCCC because of the inherent dangers of interacting with the private sector, especially in regards to policy making and the acquisition of resources.
12. Parties adopt a policy of non-acceptance of private funding for the UNFCCC under any

circumstances, including in the form of public-private partnerships, sponsorship, human resource capacity such as staff secondments and consulting contracts, etc.

13. The SBI should consider the information provided and invite the secretariat to review changes in the admission of NGOs in the United Nations system, with a view to incorporating any good practices into the working procedures currently used by the secretariat.¹¹
14. The UNFCCC should develop a code of conduct for its Staff to safeguard against conflicts of interest.

¹¹Recent developments in the United Nations on relations with civil society, FCCC/SBI/2005/5, 3 March 2005, <http://unfccc.int/resource/docs/2005/sbi/eng/05.pdf>