



Standing Committee on Finance
Twenty-second meeting of the Standing Committee on Finance
Virtual, 28–30 September 2020

14 September 2020

Background paper on conflict of interest and oath of service for constituted bodies under the Convention

Expected actions by the Standing Committee on Finance

The Standing Committee on Finance (SCF) will be invited to consider the background paper and the oath of service contained in the annex.

I. Possible actions for consideration by the Standing Committee on Finance

1. The SCF may wish to consider the background note prepared by the legal division of the secretariat on inclusion of conflict of interest provisions in the rules of procedure of constituted bodies.
2. The SCF members are requested to electronically sign the Oath of Service contained in the annex and return to the secretariat via email by 31 December 2020.

II. Background

3. The United Nations Office of Internal Oversight Services OIOS conducted an assessment of the adequacy and effectiveness of governance, risk management and control pertaining to the UNFCCC constituted bodies and issued its report 2019/122 in December 2019. The report entitled: “Audit of support and services provided to the constituted bodies at the United Nations Framework Convention on Climate Change, Controls over support and services provided to the constituted bodies need to be strengthened” found that the UNFCCC secretariat needed to “harmonize the provisions in the rules of procedure of the constituted bodies to ensure consistency in the application of the Code of Ethics.”
4. The report, within paragraph 15 noted that “the rules of procedure of some bodies (including the Executive Board of the Clean Development Mechanism, the Joint Implementation Supervisory Committee and the Executive Committee of the Warsaw International Mechanism) had explicit provisions to safeguard against potential conflict of interest situations in the working of these bodies. However, the rules of procedures of several other bodies (including the Consultative Group of Experts, Least Developed Countries Expert Group, the Standing Committee on Finance and the Technology Executive Committee) did not have similar explicit provisions. This could lead to inconsistencies in implementing the Code of Ethics by the various constituted bodies.”
5. The audit’s recommendation was accepted by the secretariat and reported to the Conference of the Parties (COP) at its twenty-fifth session, as being under projected completion by COP 26 or November 2020, whichever is earlier. The Subsidiary Body for Implementation at its fifty-first session considered document FCCC/SBI/2019/INF.9 which includes in its annex the full text of the report of the United Nations Board of Auditors. In accordance with decision 18/CP.25, paragraph 10, COP took note of the information contained in the audit report of the United Nations Board of Auditors, which include recommendations and the comments of the secretariat thereon. Paragraph 13 of the same decision urges the Executive Secretary to implement the recommendations of the

auditors, as appropriate, including those outstanding from the 2017 audit report, and to update Parties on progress in the next audit report.

6. To ensure consistency across the rules of procedures of all constituted bodies under the UNFCCC process, and using the definition of conflict of interest as developed by the Ethics Committee of the COP Bureau in 2019, the following addition to the rules of procedure is recommended:

7. Committee members shall perform any duties and exercise any authority in an honourable, independent, impartial and conscientious manner and avoid any real or apparent conflicts of interest.

8. The following oath of service should also be administered for those members who are not already bound by their government's oath of service:

9. I solemnly declare that I will perform my duties and exercise my authority as [member/alternate member] of the [Committee], honourably, independently, impartially and conscientiously. I further solemnly declare that, subject to my responsibilities within the Committee, I shall not disclose, even after the termination of my functions, any confidential information coming to my knowledge by reason of my duties in the Committee. I shall disclose immediately any interest in any matter under discussion before the Committee which may constitute a real or apparent, personal or financial conflict of interest or which might be incompatible with the objectivity, independence and impartiality expected of a member or alternate member of the Committee and I shall refrain from participating in the work of the Committee in relation to such matter.

10. For those constituted bodies that do not have a separate set of rules of procedure, the oath of service for signature by members not already bound by their government oath on conflict of interest, would allow these bodies to fully meet the conflict of interest provision requirement. All new members would also be required to sign an oath of service upon taking up their duties.

Annex



United Nations
Framework Convention on
Climate Change

Declaration

I solemnly declare that I will perform my duties and exercise my authority as [member/alternate member] of the [Committee], honorably, independently, impartially and conscientiously. I further solemnly declare that, subject to my responsibilities within the Committee, I shall not disclose, even after the termination of my functions, any confidential information coming to my knowledge by reason of my duties in the Committee. I shall disclose immediately any interest in any matter under discussion before the Committee which may constitute a real or apparent, personal or financial conflict of interest or which might be incompatible with the objectivity, independence and impartiality expected of a member or alternate member of the Committee and I shall refrain from participating in the work of the Committee in relation to such matter.

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Secretariat to the [Committee]

Date:

Place:
