

SNAB/2024/01/08\*

## Draft Guidelines

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# Guidelines on preventing potential and addressing actual and perceived conflicts of interest in relation to the Santiago network

Version 2 (23 February 2024)

\* This document has been re-issued for technical reasons.



**United Nations**  
Framework Convention on  
Climate Change

## COVER NOTE

### 1. **Procedural background**

1. The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA), through decision 6/CMA.5, endorsed in decision 2/CP.28, requested the UNFCCC secretariat to develop draft guidelines on preventing potential and addressing actual and perceived conflicts of interest in relation to the Santiago network (the guidelines).

### 2. **Purpose**

1. The purpose of the guidelines is to ensure that the Santiago network performs its functions with impartiality, objectivity, equity and transparency, and to safeguard against any potential, actual and perceived conflicts of interest that may arise within its structure as defined in decision 12/CMA.4 paragraph 3, endorsed by decision 11/CP.27. These include any conflicts of interest that may arise when organizations, bodies, networks and experts are engaged in providing technical support to the Santiago network secretariat while responding to technical assistance requests, or when the host of the Santiago network secretariat is responding as an organization, body, network or expert to technical assistance requests.

### 3. **Recommendations to the Advisory Board of the Santiago network**

The Advisory Board of the Santiago network (the Advisory Board) may wish to review and approve the guidelines in accordance with decision 6/CMA.5 paragraph 23, endorsed in decision 2/CP.28.

## 1. Introduction

### 1.1. Background

1. The CMA, by decision 2/CMA.2, noted in decision 2/CP.25, established, as part of the Warsaw International Mechanism, the Santiago network for averting, minimizing and addressing loss and damage associated with the adverse effects of climate change.
3. The CMA by decision 12/CMA.4, endorsed in decision 11/CP.27, adopted the terms of reference of the Santiago network and decided that as part of its structure, the Santiago network will have a hosted secretariat, to be known as the Santiago network secretariat, an Advisory Board and a network of member organizations, bodies, networks and experts.
4. The CMA by decision 6/CMA.5, endorsed in decision 2/CP.28, requested the UNFCCC secretariat to develop draft guidelines on preventing potential and addressing actual and perceived conflicts of interest in relation to the Santiago network, including any conflicts of interest that may arise when organizations, bodies, networks and experts are engaged in providing technical support to the Santiago network secretariat while responding to technical assistance requests, or when the host of the Santiago network secretariat is responding as an organization, body, network or expert to technical assistance requests, for review and approval by the Advisory Board of the Santiago network at its 1st meeting.

### 1.2. Objective

5. The objective of the guidelines on preventing potential and addressing actual and perceived conflicts of interest in relation to the Santiago network (the guidelines) is to ensure that the Santiago network performs its functions<sup>1</sup> with impartiality, objectivity, equity and transparency, and to safeguard against any potential, actual and perceived conflicts of interest in the provision and delivery of technical assistance to requesting countries. The potential, actual and perceived conflicts of interest include any conflicts of interest that may arise when organizations, bodies, networks and experts are engaged in providing technical support to the Santiago network secretariat while responding to technical assistance requests, or when the host of the Santiago network secretariat is responding as an organization, body, network or expert to technical assistance requests.
6. Furthermore, these guidelines aim at ensuring that Advisory Board members and representatives perform their duties and exercise their authority in an honourable, independent, impartial and conscientious manner and avoid any actual or perceived conflict of interest.

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<sup>1</sup> Decision 19/CMA.3, paragraph 9, endorsed in decision 17/CP.26.

## 2. **Scope**

### 2.1. **Scope**

7. The guidelines apply to the Santiago network, including the Santiago network secretariat, Advisory Board members and representatives, and organizations, bodies, networks and experts (OBNEs) members of the Santiago network.<sup>2</sup>
8. The guidelines aim at preventing potential and addressing any actual or perceived conflict of interest which could impair the objectivity in carrying out the duties and responsibilities of or create an unfair advantage for the Santiago network secretariat, Advisory Board members and representatives, and OBNEs members of the Santiago network.

## 3. **Definitions**

- (a) Host – The organization or consortium of organizations selected to host and support the functions of the Santiago network secretariat<sup>3</sup>.
- (b) Organizations, bodies, networks and experts (OBNEs) - OBNEs covering a wide range of topics relevant to averting, minimizing and addressing loss and damage that may apply to become member of the Santiago network.
- (c) OBNEs members of the Santiago network - OBNEs that have been designated as members of the Santiago network in accordance with the modalities approved by the Advisory board and that may respond to countries' requests for technical assistance.
- (d) Advisory Board members – members of the Advisory board referred to in decision 12/CMA.4, Annex 1 paragraph 8.
- (e) Advisory Board representatives – representatives of the constituencies referred to in decision 12/CMA.4, Annex 1 paragraph 9, who may actively participate in the deliberations of the Advisory Board.

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<sup>2</sup> Decision 12/CMA.4 paragraph 3, endorsed by decision 11/CP.27

<sup>3</sup> Decision 12/CMA.4 paragraph 14 annex 1, endorsed by decision 11/CP.27

## 4. **Guidelines on preventing potential and addressing actual and perceived conflicts of interest in relation to the Santiago network**

### 4.1. **Preventing potential conflicts of interest**

#### 4.1.1. **The Santiago network secretariat**

9. The Santiago network secretariat will meet its responsibilities and perform its functions efficiently and effectively with the support of a dedicated organizational structure established within the host and led by the director of the Santiago network secretariat<sup>4</sup>.
10. The director of the Santiago network secretariat will be accountable to the host for administrative issues relating to the administrative effectiveness and efficiency of the Santiago network secretariat and to the Advisory Board for the effective implementation of the functions of the Santiago network.<sup>5</sup>
11. The director will manage the personnel of the Santiago network secretariat in line with the terms of reference of the Santiago network. The reporting line of the personnel of the Santiago network will be separate from the host.<sup>6</sup>
12. The personnel of the Santiago network secretariat will follow the standards on conflicts of interest and confidentiality of applicable regulations, rules and policies of the host as well the terms and conditions of their respective legal arrangements with the host, particularly those related to conflicts of interest and confidentiality obligations.
13. The Santiago network secretariat will have technologies and systems for exchanging, storing, and managing electronic documents and information that will ensure the confidentiality of its documents and prevent the access by the host and its personnel. The director may authorize access to specific documents when the host is providing technical support to the Santiago network secretariat as per paragraph 20 below.
14. The Advisory Board will approve modalities for the designation of OBNEs as members of the Santiago network.<sup>7</sup>
15. The host may be designated as OBNEs member of the Santiago network according to the modalities referred to in paragraph 13 above.
16. The Santiago network secretariat will build and manage the network of member OBNEs covering a wide range of topics relevant to averting, minimizing and addressing loss and damage approaches<sup>8</sup> and ensuring the balanced and broad geographic representation of the network.

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<sup>4</sup> Decision 12/CMA.4, Annex 1 paragraphs 13 and 14, endorsed by decision 11/CP.27

<sup>5</sup> Decision 12/CMA.4, Annex 1 paragraph. 15, endorsed by decision 11/CP.27

<sup>6</sup> Decision 6/CMA.5 paragraph 16, endorsed by decision 2/CP.28 and decision 12/CMA.4, Annex 1 paragraph 13, endorsed by decision 11/CP.27

<sup>7</sup> Decision 12/CMA.4, Annex I, paragraph 7(d), endorsed by decision 11/CP.27

<sup>8</sup> Decision 12/CMA.4, Annex I, paragraph 6(a), endorsed by decision 11/CP.27

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17. The Santiago network secretariat will receive, assess and manage the process for responding to requests<sup>9</sup> for technical assistance in a public, transparent, impartial, objective, merit based and competitive manner, in accordance with regulations and rules of the host.
18. The Santiago network secretariat will develop guidelines and procedures for responding to request for technical assistance<sup>10</sup> that will ensure the demand-driven nature of all requests for technical assistance submitted under the Santiago network, and to safeguard against conflicts of interest in, or, as appropriate, the overconcentration of, the provision and delivery of technical assistance through or by specific OBNEs<sup>11</sup>.
19. When the host is responding to a request for technical assistance as OBNEs member of the Santiago network, the Santiago network secretariat shall assess and select the proposals received in response to the technical assistance request by following a dedicated process that will be elaborated in the modalities and procedures for the Santiago network<sup>12</sup> to ensure the impartiality and objectivity of the assessment and selection.
20. The Santiago network secretariat will include in its annual report on activities of the Santiago network secretariat and network and on the performance of their respective functions<sup>13</sup> (the annual report) information on the inclusive, balanced and equitable nature of the technical assistance catalysed across all regions with developing countries particularly vulnerable to the adverse effects of climate change<sup>14</sup>.
21. The Santiago network secretariat may receive technical support in the domain of averting, minimizing and addressing loss and damage from the OBNEs members of the Santiago network, as needed.
22. The Santiago network secretariat will include in its annual report information on the technical support received from the OBNEs members of the Santiago network and information on the in-kind and other support received by its host that has contributed to its ability to assume its roles and responsibilities, as set out in the terms of reference of the Santiago network<sup>15</sup>.
23. The Santiago network secretariat will manage and direct the disbursement of funds provided for the Santiago network in accordance with the modalities and procedures for the Santiago network, and consistently with fiduciary principles and standards that promote a high level of integrity, legal and ethical integrity policies, and financial rules

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<sup>9</sup> Decision 12/CMA.4, Annex I, paragraph 6 (c), endorsed by decision 11/CP.27

<sup>10</sup> Decision 12/CMA.4, Annex I, paragraph 17 (b), endorsed by decision 11/CP.27

<sup>11</sup> Decision 6/CMA.5, paragraph 26, endorsed by decision 2/CP.28

<sup>12</sup> Decision 12/CMA.4, paragraph 17, endorsed by decision 11/CP.27

<sup>13</sup> Decision 12/CMA.4, Annex I, Paragraph 18, endorsed by decision 11/CP.27

<sup>14</sup> Decision 6/CMA.5, paragraph 24 (e), endorsed by decision 2/CP.28

<sup>15</sup> Decision 6/CMA.5, paragraph 24 (b), endorsed by decision 2/CP.28

and regulations of the host, and administer the funds provided for technical assistance under the Santiago network in a cost-effective and transparent manner.<sup>16</sup>

24. The Santiago network secretariat will maintain a monitoring and evaluation system to assess the timeliness, appropriateness and outcomes of the assistance provided by the Santiago network in accordance with relevant monitoring and evaluation policies of the host<sup>17</sup>. The monitoring and evaluation system will be performed exclusively by personnel of the Santiago network secretariat and external experts independent from the host and from the OBNEs being monitored and evaluated.

**4.1.1.1. The organizations, bodies, networks and experts member of the Santiago network**

25. OBNEs member of the Santiago network shall commit to comply with these guidelines, in addition to their own conflict of interest and ethics policies, for activities involving the Santiago network and shall be bound by the terms and conditions of their legal arrangements with the Santiago network secretariat, particularly those related to conflicts of interest and confidentiality obligations.
26. OBNEs member of the Santiago network offering to respond to countries' technical assistance requests shall not apply or seek to apply undue influence on the decision-making processes of the Santiago network secretariat and shall not engage in any conduct that breaches or facilitates the breach of these guidelines.
27. OBNEs members of the Santiago network engaged in providing technical support to the Santiago network secretariat<sup>18</sup> in relation to a country's request for technical assistance shall not be eligible to respond to the request for technical assistance in question.
28. OBNEs members of the Santiago network offering technical assistance in response to a country's request shall disclose any technical support that may have provided to the Santiago network secretariat in relation to the country in question and confirm that they did not have access to any privileged information in relation to that specific request for technical assistance.

**4.1.1.2. The Advisory Board of the Santiago network**

29. Advisory Board members and representatives shall perform their duties and exercise their authority in an honourable, independent, impartial and conscientious manner and avoid any actual or perceived conflicts of interest.
30. Advisory Board members and representatives must promptly disclose and recuse themselves from any deliberations or decision-making where their personal or financial interests may be affected, in order to avoid a conflict of interest or the appearance of one.

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<sup>16</sup> Decision 12/CMA.4, Annex I, paragraph 6(f) and (g), endorsed by decision 11/CP.27 and decision 6/CMA.5, annex 1, paragraph 22, endorsed by decision 2/CP.28

<sup>17</sup> Decision 12/CMA.4, Annex I, Paragraph 6(h), endorsed by decision 11/CP.27

<sup>18</sup> As per paragraph 23 of these guidelines.

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31. Advisory Board members and representatives shall have no pecuniary or financial interest in any aspect of the Santiago network, any OBNEs, or any matters considered by the Advisory Board.
32. Advisory Board members and representatives shall not disclose any information deemed by the Advisory Board as confidential which they may receive in the course of their duties.

### 4.1.2. Addressing actual and perceived conflicts of interest

33. The Advisory Board will address any allegation of actual and perceived conflict of interest in violation of these guidelines and their implementing procedures that may be brought to its attention by the Santiago network secretariat, OBNEs, Advisory Board members and representatives, and countries receiving technical assistance, following the process that will be elaborated in the modalities and procedures for the Santiago network.
34. Actual and perceived conflicts of interest in violation of these guidelines by OBNEs members of the Santiago network<sup>19</sup> may lead to the termination of the legal arrangements between the Santiago network secretariat and the OBNEs involved in such conflict of interest in relation to the provision of technical assistance to a country, and to the termination of the membership of the OBNEs to the Santiago network.
35. The host of the Santiago network secretariat shall address any allegation of perceived and actual conflict of interest against the personnel of the Santiago network secretariat in accordance with the regulations and rules of the host and provide periodic updates that the Santiago network secretariat will include in its annual report.
36. OBNEs members of the Santiago network engaged in responding to countries' technical assistance requests and/or in providing technical support to the Santiago network secretariat shall address any perceived and actual conflict of interest in relation to their personnel in accordance with their regulations and rules.

### 4.1.3. Accountabilities for overseeing and implementing the guidelines

37. The Advisory Board is responsible for overseeing the implementation of these guidelines and addressing any actual and perceived conflict of interest in violation of these guidelines by the Santiago network secretariat, the OBNEs and Advisory Board members and representatives.
38. The director of the Santiago network secretariat is responsible for the implementation of these guidelines within the Santiago network and to ensure the compliance of the Santiago network secretariat with these guidelines under the oversight of the Advisory Board.
39. The Santiago Network secretariat will include in its annual report information on the activities carried out in implementing these guidelines, including the reporting requirements referred to in paragraphs 19, 21 and 34 above.
40. Compliance of the Santiago network secretariat with these guidelines will be part of the annual audit of the Santiago network secretariat.

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<sup>19</sup> Including the host when acting as OBNEs member of the Santiago network.



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41. OBNEs members of the Santiago network engaged in responding to countries' technical assistance requests and/or in providing technical support to the Santiago network secretariat will be responsible for complying with these guidelines.

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