

Twenty-sixth meeting of the Council
Abu Dhabi, 19-20 October 2023

Report of the Ethics Officer

Implementation of the Policy on Ethics and Conflict of Interest

I. Introduction

1. The Policy on Ethics and Conflict of Interest (“the Policy on Ethics”) was adopted by the Assembly at its second session through decision A/2/DC/7 and was subsequently promulgated by the Director-General through directive ST/Directive/2012/4.
2. In 2012, the Director-General promulgated a directive on Disclosure of Interest Forms (ST/Directive/2012/11) to implement Staff Regulation 2.7 (b) and the Policy on Ethics.
3. In 2017, the Director-General promulgated the Code of Conduct as an Annex to the Staff Rules (ST/Directive/2017/1).
4. The Director-General and the Assembly have designated an Ethics Officer, which is the Secretariat staff member appointed by the Director-General to implement the Policy on Ethics, fulfill obligations as provided for in the Code of Conduct, and otherwise administer the ethics function of the Agency.
5. The Ethics Officer is responsible for:
 - Providing confidential advice on ethics and standards of conduct, including conflicts of interest, to the Agency and all Covered Individuals, as that term is defined in the Policy on Ethics and the Code of Conduct;¹
 - Administering the Annual Disclosure of Interest Directive;²
 - Protecting Covered Individuals from acts or threats of acts of retaliation as a result of reporting possible cases of misconduct and/or cooperating with a duly authorized audit and/or investigation;³
 - Developing and delivering education and outreach; and
 - Advising on and implementing standards, policies, and procedures to achieve an effective ethics programme in the Agency.
6. During the reporting period, the function of Ethics Officer was discharged by Ms. Jelena Barnes, who is IRENA’s Chief of Budget.
7. This report provides an overview of these activities from **1 October 2022 to 15 September 2023**, hereinafter referred to as the “reporting period.”

II. Ethics Activities

A. Advice and Guidance

8. During the reporting period, the Ethics Officer was consulted on ten cases relating to ethics and conflicts of interest, mostly in the form of outside activities or employment, and four queries as related to the procedure of the annual Disclosure of Interest forms. There were seven formal requests received to participate in outside activities or employment and reviewed, all of which the Director-General approved.

¹ As per paragraphs 37-51 of the Code of Conduct, ST/Directive/2017/1, 1 March 2017.

² As per section 4 Transparency and Disclosure Requirements of the Policy on Ethics, ST/Directive/2012/4.

³ As per paragraphs 59-62 of the Code of Conduct, ST/Directive/2017/1, 1 March 2017, the Ethics Officer is responsible for receiving reports from Covered Individuals who believe in good faith that they have been the object of retaliatory action(s) or threat(s) of retaliatory action(s).

9. Ten additional queries were received as related to other ethics matters, e.g., ethical behaviour, obligations under the Code of Conduct and including some queries which are or should be ultimately addressed outside the scope of the Ethics activities of the Ethics Officer, e.g., supervisory relations, recruitment and performance issues.
10. All staff and senior management were reminded of their obligation to report gifts promptly as well as through the annual Disclosure of Interest forms, as well as part of the training conducted as described in more detail herein under section C, and directly by the Ethics Officer. As a result of this increased awareness, the Ethics Officer started receiving disclosures, as well as queries related to gifts.
11. Observation: Some staff are reluctant to seek advice from the Ethics Officer because the position is staffed by a “dual-hatted” staff member instead of an independent professional. Raising awareness and educating staff on the direct reporting relationship of the Ethics Officer to the Director-General, and the confidentiality held by the staff member, in her capacity as the Ethics Officer has been addressed through training and outreach activities.

B. Annual Disclosure of Interest Forms

12. The aim of requiring annual Disclosure of Interest Forms to be completed and submitted is to prevent or manage conflicts of interest in order to maintain public trust in the integrity of the Agency. It also serves to protect Covered Individuals from engaging in conflicts of interest, which could have a detrimental impact on their work and position with the Agency.
13. During the reporting period, the Ethics Officer revised the template in conformance with the existing Directive on the Disclosure of Interest Forms⁴ and issued revised instructions and frequently asked questions to further enhance clarity of the revised process and disclosure requirements. The main substantive revisions of the revised Disclosure of Interest Form resulted in the elimination of unrelated financial disclosures of no relevance to the Agency and a source of discomfort to Covered Individuals as a result; documentation of the positions authorized by the Director-General as provided for in section 1 of the Directive on the Disclosure of Interest Forms⁵ and additional relevant questions on conflicts of interest. The revised version of the Disclosure of Interest Form is much more focused on conflicts of interest and in respecting the privacy of Covered Individuals at the same time.
14. At the time of preparing this report, a total of 35 Covered Individuals were required to file the Disclosure of Interest Forms and 100 per cent have filed their forms: 53% of Covered Individuals required to file Disclosure of Interest Forms complied within the assigned deadline. After multiple additional follow up reminders, the outstanding 47% complied with the filing requirement.
15. Disclosure of Interest Forms were accepted on-line through a dedicated email and in hard copy. Ninety-seven percent of the Disclosure of Interest Forms were submitted electronically, which is considered an advancement and consistent with advancements in the United Nations system and greater multilateral community.

⁴Directive, Disclosure of Interest Forms, ST/Directive/2012/11.

⁵Section 1 of the Directive, Disclosure of Interest Forms, ST/Directive/2012/11 provides: “The present directive applies to all staff members at the P-5 level and above, and to any other Covered Individual at any level who have been informed by the Director-General that their functions could lead to actual or apparent conflicts of interest with the Agency and that, accordingly, they must submit a Disclosure Of Interest form in accordance with the provisions of this directive.”

16. Three of the filed Disclosure of Interest Forms provided disclosures that warranted substantive review by the Ethics Officer. Ultimately, the review of the filed Disclosures of Interest Forms did not reveal any actual or apparent conflicts of interest with the Agency.
17. All submissions are retained by the Ethics Officer on behalf of the Agency securely and may be made available for inspection as required under the Directive on Disclosure of Interest Forms (ST/Directive/2012/11).
18. Observation: Pursuant to section 2 (2.1) of the Directive, Disclosure of Interest Forms, Covered Individuals are obligated to immediately submit a Disclosure of Interest Form “when there is a material change in the information previously submitted.” To date, the Ethics Officer has not received any Disclosure of Interest Forms outside the cycle of the Disclosure of Interest Forms to be completed and submitted annually and, it is clear from the feedback during the trainings that this obligation is largely unknown to some of the Covered Individuals of the Agency. Additionally, although the Disclosure of Interest Forms, instructions, FAQs, and communications were substantially revised to eliminate the disclosure of unrelated assets, some unrelated disclosures were still made. To address the knowledge gaps (and, consequently, possible compliance gap), the Ethics Officer will be enhancing its education and outreach on disclosure of interests, including disclosure of gifts and outside activities.

C. Training and Outreach

19. Education is essential in building a culture of ethics within any organization. The training course on “Ethics and integrity at IRENA” is mandatory for all IRENA staff members, associate professionals, service contractors, and interns and continues to be a key source in promoting ethical awareness and expectations of staff conduct. The course provides staff with an understanding of their rights and obligations on how to apply ethical standards at the workplace, how to identify and handle potential ethical challenges, and make decisions in an ethical manner. The training is available online for all staff, and course materials remain accessible after the certification. Providing online training is a deliberate training format choice as it enables staff to take the course at any time around their work schedule, to be trained, and to reflect on ethical standards.
20. All newly appointed staff members, associate professionals, service contractors, and interns are informed by Human Resources of the requirement to complete and successfully pass the online training course, as part of their induction programme. At the time of preparing this report, 96 per cent of active staff completed the online training course. As this online training course is continuously assigned, at any given time, 100% compliance is not possible. The 96% rate is consistent with compliance with past reporting periods.
21. The Ethics Office uses e-mails to disseminate important information, templates, policies, and alerts, including the recently developed supplementary guidance for completion of Disclosure of Interest Forms.
22. During the reporting period, in-person training was inaugurated and conducted in headquarters in Abu Dhabi, United Arab Emirates, and in the Agency’s office in Bonn, Germany. The training was developed based on feedback provided by senior managers, representatives from the staff associations, and staff of all levels, as well as best practices. The topic was chosen because it is foundational to the Agency: “What it means to be an international civil servant.” The in-person training sessions were considered mandatory and were led by the Ethics Officer and facilitated by a senior level ethics advisor.

A total of 168 Covered Individuals attended the training over six interactive sessions. “Tone from the Top” was evidenced by Division Directors and Deputy Directors, who hosted the sessions with personal remarks and the Director-General, who issued a personal video played at the onset of each session.

23. Following the training sessions, surveys were conducted. Feedback, provided by seventy-two staff members, was overwhelmingly positive with an average assessment of 4 out of 5. Future topics are being considered based on the feedback and the needs of the Agency. A training and outreach plan for the remainder of 2023, 2024, and 2025 is being developed by the Ethics Officer with corresponding resource requirements.
24. In addition, a dedicated webpage on the Agency’s intranet, as well as alerts and reminders on the main intranet page are used as communication tools for providing relevant information and resources on the role of the Ethics Officer, ethical values, and standards of conduct. Online platforms are primarily used for communication with staff in all IRENA offices due to the ease of accessibility and time differences. Further enhancements to the dedicated internal webpage are being implemented.
25. Observation: Senior management, and staff of all levels have expressed interest in receiving more in-depth ethics training. The Ethics Officer is developing a training and outreach plan to fulfill this need and what are considered appropriate practices in a fully functioning and effective ethics programme.

D. Protection from Retaliation

26. The Ethics Officer is responsible for reviewing claims of retaliation as related to actions or threats of actions as a result of a Covered Individual making a report in good faith to the officials authorized by the Agency to address actual and possible cases of violations or breaches of the Staff Regulations and Rules including the Code of Conduct, the Financial Regulations and Procedures, and the Policy on Ethics as well as any other directives on misconduct promulgated by the Director-General and/or for cooperating with a duly authorized investigation and/or audit. The Ethics Officer is not responsible for other forms of retaliation which would otherwise be considered abuse of authority.
27. During the reporting period, no requests for protection against retaliation for reporting misconduct or cooperating with a duly authorized investigation or audit were lodged with the Ethics Officer.
28. Drafting of Protection from Retaliation policies and procedures with a dedicated form for asserting claims, based on best practices in the United Nations system and greater multilateral community, has been initiated.
29. Observation: While the Ethics Officer has initiated the drafting of a separate document on Protection from Retaliation procedure as well as a related form, it is recognized that having a revised Code of Conduct which clearly delineates forms of misconduct is required prior to implementation of a retaliation policies and procedures.

E. Policies and Procedures

30. In addition to the revisions to the Disclosure of Interest Form provided for above in Section II.B, a revised Code of Conduct has been drafted and is currently under review in the Agency. The revised Code of Conduct is a culmination of extensive research on past and current policies and practices in the United Nations system and the greater multilateral community, as well as the private sector whilst taking into consideration the Internal Audit's report on the Internal Justice System, IRENA, its mission, its structure, and its size. It is worth noting that the United Nations staff rules and regulations upon which the IRENA staff rules and regulations (and Code of Conduct) were based, have since been revised. The Standards of Conduct for the International Civil Service have also since been revised. Additionally, new and revised policies and practices in the United Nations system and greater multilateral community have been implemented.
31. As much as possible, the approach was one of deference to language and topics used in the original Code of Conduct. In other words, not making changes of form over substance while making changes for consistency, clarity, and accuracy in language and, thus, application and compliance. The revised Code of Conduct will be presented to the Council for approval.
32. Once the revised Code of Conduct is approved and promulgated, the Ethics Officer will roll out an organization-wide awareness campaign with a companion guide in a user-friendly format and with user-friendly language and practical examples.
33. A comprehensive analysis of the current policies, and in consideration of current prevalent and best practices in the United Nations system and the greater multilateral community, was conducted. As a result, several other ethics related policies and procedures are slated to be developed and revised.
34. Observation: Senior management and the leaders of the divisions that comprise the Internal Justice System, are supportive of revising and implementing policies and procedures anew to enhance the effective workings of the Internal Justice System and a strong ethical culture.

F. Ethics Advisory Board

35. The Council, at its twenty-fifth meeting in May 2023, appointed Germany, the United Arab Emirates, and the United States of America as members of the Ethics Advisory Board for a two-year term, ending at the twenty-ninth Council meeting in 2025. The Secretariat was subsequently informed that the United Arab Emirates has been selected as Chair of the Ethics Advisory Board.
36. During the reporting period, the Ethics Officer met with the Ethics Advisory Board one time. The Ethics Officer took into consideration the queries of the Ethics Advisory Board in prioritizing ethics activities as described more fully herein.

III. Conclusion

37. To ensure effective implementation of the Policy on Ethics and Conflict of Interest, and an ethics programme commensurate to the evolution of the Agency and the expectations of its stakeholders, the Ethics Officer is developing a strategic plan to implement and maintain an efficient and effective ethics programme that supports senior management and all Covered Individuals in performing their functions consistent with the highest standards of integrity, efficiency, accountability, and transparency.
38. The Agency is committed to strengthening ethical practices and ensuring adherence to the highest standards of ethical behaviour. The standards of conduct and values of integrity, professionalism, and respect for diversity are central to the development and success of its staff and trust in the Agency.