

# ipcc

INTERGOVERNMENTAL PANEL ON climate change

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## **PROCEDURAL MATTERS**

### **Review of the IPCC Conflict of Interest (COI) Policy**

(Submitted by the Acting Secretary of the IPCC)

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## PROCEDURAL MATTERS

### Review of the IPCC Conflict of Interest (COI) Policy

#### Introduction

The Panel at its 33<sup>rd</sup> Session (Abu Dhabi, United Arab Emirates, 10-13 May 2011) adopted the IPCC Conflict of Interest (COI) Policy.

At its 34<sup>th</sup> Session (Kampala, Uganda, 18-19 November 2011) the Panel adopted the Conflict of Interest Implementation Procedures contained in Annex A to the Conflict of Interest Policy, as well as the Conflict of Interest Form as contained in Annex B to the Conflict of Interest Policy, and decided to establish a Conflict of Interest Committee (“the COI Committee”) comprising all thirteen elected members of the IPCC Executive Committee (ExCom) and two additional members with appropriate legal expertise appointed by United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO).

At the same session the Panel decided to establish a COI Expert Advisory Group (EAG) consisting of three individuals with experience in matters related to COI issues, including one or more individuals with expertise related to expert assessments. Members of the EAG were jointly selected by the Secretary-General of WMO and the Executive Director of UNEP.

At its 34<sup>th</sup> Session the Panel furthermore decided to review the operations as appropriate, within twelve months after the next Bureau elections. Referring to this decision the Panel at its 42<sup>nd</sup> Session (Dubrovnik, Croatia, 5-8 October 2015) decided to review the COI policy and process at its next Session.

#### Overview of the Implementation

The **first** meeting of the COI Committee took place as an in-person meeting in Geneva, on 12 March 2012. The Committee elected Mr Hoesung Lee as Chair and Mr Ismail ElGizouli as Vice-Chair. It furthermore decided on its methods of work, which would be applied on an interim basis until they were approved by the Panel at its next session.

The **second** meeting of the COI Committee was conducted over two in-person sessions on 7 and 8 June 2012 in the margins of the 35<sup>th</sup> Session of the Panel (Geneva, 6-9 June 2012). The Committee was pleased to note that 100% compliance was achieved: all IPCC Bureau and Task Force Bureau (TFB) members had submitted their COI form. Some Committee members expressed concern about the limited information provided in the forms and the Committee discussed how to improve the implementation of the COI Policy which includes voluntary disclosure of information. It was agreed that the Chair would in writing request the thirteen elected ExCom members to update and submit a more detailed COI form.

The Panel at its 35<sup>th</sup> Session approved the methods of work of the COI Committee.

The **third** meeting of the COI Committee was held as an in-person meeting in Geneva on 1 March 2013. All 45 COI forms of the Bureau and TFB members were reviewed and no conflict of interest was found. However, one Bureau member was requested to provide more detailed information, and Committee members were advised to distance themselves from their role as government delegate at the United Nations Framework Convention on Climate Change (UNFCCC) meetings and to maintain a strict separation between their role within the IPCC and as government representative. Furthermore the Secretariat was advised to make special seating arrangements at IPCC report approval sessions for the IPCC Executive Committee (ExCom) members, so that they would not be seated with their government delegations to avoid the appearance of a conflict of interest.

The Committee took also note of the annual reports on COI activities submitted by the Co-Chairs of the three Working Groups (WGs) and the TFI, who stressed the importance to receive elaborated COI forms from their authors.

The **fourth** and **fifth** meetings of the COI Committee were conducted as teleconferences on 8 May 2013 and 10 July 2013 respectively. The Committee concluded that the Bureau member who had provided additional information had no conflict of interest, and was informed by the Secretariat that most of the Bureau and Task Force Bureau (TFB) members had submitted their annual update of their COI forms, in accordance with paragraph 4 of the Implementation Procedures of the COI Policy.

The **sixth** meeting of the COI Committee was conducted over two evening sessions on 15 and 16 October 2013 in the margins of the 37<sup>th</sup> Panel Session (Batumi, Georgia, 14-18 October 2013). The Committee welcomed 100% compliance and found the annual updates of the COI forms as submitted by the Bureau and TFB members in order. One Co-Chair was requested to submit a revised COI form clarifying her role of Co-Chair in relation to her role as government representative at UNFCCC negotiations.

The Committee agreed to solicit an advisory opinion of the COI EAG to what extent IPCC Bureau members, who are supposed to guide and oversee the scientific work and reports of the IPCC, can be considered to have a conflict of interest if at the same time they are part of a government delegation involved in climate change negotiations in other bodies such as UNFCCC. Furthermore the Committee requested the EAG for advice on how to improve the COI form in order to receive more detailed information from Bureau and TFB members.

The **seventh** meeting of the COI Committee was held as an in-person meeting in the margins of the 39<sup>th</sup> Panel Session (Berlin, Germany, 7-12 April 2014). The Committee decided that the Co-Chair who had submitted a revised COI form had no conflict of interest, but at the same time advised her to distance herself to act as a national negotiator on topics that she was involved with as IPCC Co-Chair in order to minimize the perception of a COI.

The Committee welcomed and agreed with the advisory opinion of the EAG, that since IPCC Bureau members are nominated by the member governments themselves, they should disclose the nature and extent of their associations with any and all other bodies related to climate science, such as UNFCCC, in order to allow for a more effective “due diligence” assessment for potential COIs.

With respect to the question concerning the improvement of the COI form, the EAG proposed a more elaborated form. The Secretariat was requested to circulate this form to the Committee members for their review and possible amendments.

The **eighth** meeting of the COI Committee was held as an in-person meeting in Geneva on 18 September 2014. The Committee welcomed 100% compliance and reviewed and found all the annual updates of the COI forms as submitted by the Bureau and TFB members in order.

The Committee discussed how to amend the COI form in order to make the COI process more effective. It proposed the Panel at its 40<sup>th</sup> Session (Copenhagen, Denmark, 27-31 October 2014) to slightly amend the form in order to make the request for information in the form more pertinent. The Panel agreed with this small amendment. See **Annex 1** for the current COI Form.

The **ninth** meeting of the COI Committee was conducted over two teleconferences on 25 June 2015 and 1 September 2015.

On 25 June Committee members expressed great concern about the number of 3x simple “No” declarations on most of the COI forms that far received from nominees for the election of the IPCC Bureau and TFB to be held at the 42<sup>nd</sup> Panel Session in Dubrovnik, Croatia, from 5-8 October 2015.

The Chair was requested and on 30 June 2015 wrote a letter to the national Focal Points (FPs) asking them to encourage current and future nominees to give full and detailed disclosure and information on all three questions in the COI form.

The Committee also considered that Committee members who were candidates for the position of IPCC Chair should recuse themselves when the COI forms of the other candidates for this position were being reviewed, and decided to seek the advice from the EAG on this issue.

On 1 September the Committee continued its discussion, chaired by Mr ElGizouli, Vice-Chair of the COI Committee, who replaced Mr Hoesung Lee for the duration of the forthcoming Bureau and TFB elections.

In accordance with the advisory opinion of the EAG received on 5 August 2015 the Committee agreed that COI Committee members should not be involved in reviewing COI forms of any nominees with whom they are themselves in competition as candidates. Furthermore, Committee members were encouraged to recuse themselves when COI forms were reviewed of election candidates nominated by their own government.

In light of the continuing discontent of some Committee members with the lack of explanatory information related to the “No” replies in the COI forms, the Committee requested the Secretariat to approach these nominees directly, with a copy to their FPs, with the request to elaborate urgently on the information provided, if warranted. The Secretariat did so by letter of 3 September 2015.

The **tenth** meeting of the COI Committee was held as an in-person meeting on 4 October 2015 and in the margins of the 42<sup>nd</sup> Panel Session (Dubrovnik, Croatia, 5-8 October 2015).

The Secretariat explained that 87 COI forms were submitted by nominated candidates for positions on the IPCC Bureau and TFB in accordance with paragraph 3 of the Implementation Procedures of the IPCC COI Policy. Many candidates had submitted detailed information in their forms responding to the request sent by the Chair of the Committee to the FPs by letter of 30 June 2015 and to nominees directly by letter of 3 September 2015 on which FPs were copied. On 5 October, immediately after the opening of the 42<sup>nd</sup> Panel Session, Mr ElGizouli gave a verbal report to the Panel on the COI Committee meeting, informing the Panel that all forms, thus far reviewed, were found in order and that no conflict of interest was found.

Mr ElGizouli, the Acting IPCC Chair, stepped down as Acting Chair of the COI Committee and was replaced by acclamation by Mr Taka Hiraishi. The Committee reviewed the remaining COI forms and, when the COI form was considered insufficient, the CVs of candidates for positions on the IPCC Bureau and TFB. There were a few issues that needed to be looked into, which the Committee hoped to resolve and indeed succeeded to resolve before the actual elections were taking place.

Mr Hiraishi gave a verbal report to the Panel on Tuesday 6 October before the election took place for the position of IPCC Chair. He informed the Panel that as far as the candidates for positions on the ExCom (IPCC Chair, IPCC Vice-Chairs and Co-Chairs of the WGs and TFB) were concerned, the COI Committee had not found any conflict of interest.

During the Plenary Session, the Committee met several times to discuss COI forms submitted by candidates nominated by oral representations of IPCC Members from the floor in accordance with Rule 21 (d) of the IPCC Procedures for the Election of the IPCC Bureau and any Task Force Bureau (Appendix C to the Principles Governing IPCC Work, the “Election Rules”). All forms were found in order and no conflict of interest was found. In some cases the COI Committee, concerned that the structure of the current form did not explicitly require nominees who answered “No” to the three questions to provide any justification for this response, made use of the CVs submitted by the nominees to make an independent assessment of the responses in the COI form. The Committee

believed that this process was necessary in order for them to make an informed decision. However, the Committee considered that this should not be how the COI process should work and therefore recommended a revision of the form in order to minimize the occurrence of such situations. In the context of the discussions in the COI Committee and the Panel, furthermore the following remarks and recommendations were made:

- Members of the ExCom should observe a generally higher level of diligence in such positions of higher responsibility of the IPCC. They should refrain from playing key roles in their national delegations to the UNFCCC, nor assume advisory functions in other bodies.
- A conflict of interest may arise if an IPCC Bureau member also serves as the national Focal Point of the IPCC, since the responsibility of a Bureau member is the leadership of a WG or the TFI which prepares assessments and guidance products, whereas a FP serves as the link between the IPCC and a government which commissions and reviews the IPCC work.
- The present version of the COI disclosure form still creates situations in which the evaluation of the COI Committee requires extra time for evaluation of CVs, as happened at the 42<sup>nd</sup> Panel Session, when the three questions are responded to by a simple “No” without further details or explanation. This slows down the COI review process. A revision of the COI disclosure form should be carried out in order to emphasize the need for relevant disclosure.
- The COI Policy and process should be reviewed at the next Panel Session.

## **Evaluation**

The COI Committee construction has functioned as it was set up to function and delivered what it was expected to deliver. The COI Committee carried out its mandates to implement the overall purpose of the COI policy which is to protect the legitimacy, integrity, trust, and credibility of the IPCC and of those involved in the preparation of reports, and its activities, while exerting effort to maintain the balance between the need to minimize the reporting burden and to ensure the integrity of the IPCC process, as required by the COI policy. The three years of COI implementation revealed that the COI Committee had to conduct evaluation of COI on the basis of very limited information and data provided in the COI form, although the policy states that its purpose is to “enable individuals to provide the relevant information necessary for each particular situation to be evaluated”. The repeated concerns expressed with regard to the amount and level of information solicited and provided in the COI forms is a sign of uneasiness with the system as it works now. One could finally ask the question whether the EAG, which was approached and asked for an advisory opinion a few times, should be continued in its current format.

## **Recommendations**

The Panel may wish to consider establishing a sub-committee of the COI Committee consisting of the COI Chair and the COI Committee members representing UNEP and WMO, as well as a representative of each Working Group Bureau and the Task Force Bureau, and serviced by the IPCC Secretariat, with the mandate to review the COI Policy and its implementation arrangements, and propose solutions for the problems and concerns outlined above, for the Panel’s consideration and decision at its 44<sup>th</sup> Session.

The mandate of the sub-committee would include:

- Revision of the COI disclosure form in order to solicit and ensure the provision of complete and relevant information;
- Consideration of the usefulness of expanding the scope of application of Rule 21 (d) of Appendix C to the Principles Governing IPCC Work, the Election Procedures, which requests that the COI disclosure form is accompanied by a curriculum vitae, to all COI disclosure form submission requests;
- Considering the advantages and disadvantages of downsizing and changing the composition of the COI Committee, or any other measures to ensure continuous full and effective participation in its work and meetings;

- Considering the advantages and disadvantages of retaining or changing the role and involvement in the COI process of the EAG;
- Considering the need and/or desirability of retaining or changing the COI process of the IPCC Working Groups.

Annex 1

**Annex B to the Conflict of Interest Policy: Conflict of Interest Disclosure Form (“COI Form”)**

CONFIDENTIAL

CONFLICT OF INTEREST DISCLOSURE

NAME:

TELEPHONE:

ADDRESS:

EMAIL ADDRESS:

CURRENT EMPLOYER:

FUNCTION/ROLE IN IPCC:

Please **sign** and **date** this form on the last page, and return the form to the Secretary of the IPCC. **Retain a copy for your records.**

## **IPCC Disclosure of Relevant Interests Form**

**NOTE:** You have been invited to serve on the IPCC because of your professional standing and expertise. As outlined in the IPCC Conflict of Interest Policy, the role of the IPCC demands that it pay special attention to issues of independence and bias in order to maintain the integrity of, and public confidence in, its products and processes. It is essential that the work of the IPCC is not compromised by any conflict of interest for those who execute it. In view of this, disclosure of certain circumstances is necessary to ensure that the work of IPCC is not compromised by conflicts of interest. In filling out this form, we rely on your professionalism, common sense, and honesty.

The IPCC is not asking for comprehensive lists of activities under each heading below, only current interests that are significant and relevant to your role within the IPCC. You should disclose interests that could: i) significantly impair your objectivity in carrying out your duties and responsibilities for the IPCC, or ii) create an unfair advantage for you or any person or organization; and which could result in your securing a direct and material gain through outcomes in an IPCC product. For the purposes of this policy, circumstances that could lead a reasonable person to question your objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest and should be disclosed in this form. Disclosure of an interest on this form does not automatically mean that a conflict is present or that you will be unable to perform your designated role with the IPCC. If in doubt about whether an interest should be disclosed, individuals are encouraged to disclose that information.

**Name:**

**Role in IPCC:**

**Do you have any significant and relevant professional activities that might be considered conflicts of interest?**  Yes  No

(Please list current, significant, and relevant professional and other non-financial interests which could be interpreted as i) significantly impairing your objectivity in carrying out your duties and responsibilities for the IPCC, or ii) creating an unfair advantage for you or any person or organisation. This might include, but is not limited to, membership on the boards of advocacy groups.

**Details:**



**Do you have any significant and relevant financial interests in the subject matter of the work in which you will be involved, which might be considered conflicts of interest?**

Yes  No

(Please list current, significant, and relevant financial interests which could be interpreted as i) significantly impairing your objectivity in carrying out your duties and responsibilities for the IPCC, or ii) creating an unfair advantage for you or any person or organization. These may include employment relationships, consulting relationships, financial investments, intellectual property interests and commercial interests and sources of private-sector research support.

*Nota bene:* typically, financial interests under US\$10,000 would not be considered significant).

**Details:**

**Is there anything else that could affect your objectivity or independence in the work in which you will be involved?**  Yes  No

**Details:**

I hereby declare to the best of my knowledge that the disclosed information is complete and correct. During the course of work on the AR6, I will inform you immediately of any change in my circumstances.

I understand that information about my interests will be held by the IPCC for a period of five years after the end of the assessment cycle during which I contributed, after which the information will be destroyed. Subject to requirement to notify the existence of a conflict of interest to others under paragraph 6 of the Implementation Procedures, I understand that these forms will be considered confidential and will be reviewed in accordance with the COI Implementation Procedures.

I hereby declare that I will comply with the IPCC COI Policy and the Implementation Procedures.

**Signature:**

**Date:**