



**SAHARA
AND SAHEL
OBSERVATORY**

PROHIBITED PRACTICES POLICY

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ACRONYMS

GCGHU	Governance Compliance and Grievance Handling Unit
IT	Investigation team
MRT	Monitoring and Reporting Team
OSS	Sahara and Sahel Observatory
PPP	Prohibited Practices Policy
WWPP	Whistleblower and Witness Protection Policy

DEFINITIONS^{1,2,3,4}

Allegation: A statement or accusation made by an individual, suggesting the occurrence of a fraudulent act not necessarily supported by evidence, or including the identification of the suspects. However, such a statement typically includes a stated motive for the accusation.

Board members: Board of Administration members of the OSS.

Conflict of Interest: Any scenario in which a person or group of persons involved in decision making has, or is perceived to have, the ability to exert undue influence on the performance of their official duties. Such situations may arise when an individual's impartiality in the performance of his/her duties may be compromised, by the presence of personal, financial or other interests that could be considered improper and unlawful influences.

Counterparty: Any individual, organization, institution or other entity involved in OSS activities.

Covered Individual: Any individual working at any level or in any grade, within the OSS.

Governance Compliance and Grievance Handling Unit (GCGHU): Independent body within the OSS that reports directly to the Executive Secretary. It is responsible for ensuring adherence to governance principles and regulations. It oversees the implementation of OSS' policies and procedures, and addresses grievances or complaints raised by stakeholders, partners or any individual or entity working or involved in OSS' activities. This unit plays a crucial role in promoting transparency, accountability, and ethical conduct, while effectively managing and resolving any grievances or disputes that may arise within the organization.

Investigation Team (IT): Subdivision of the Governance Compliance and Grievance Handling Unit in charge of conducting investigations under the jurisdiction of GCGHU.

Monitoring and Reporting Team (MRT): Subdivision of the Governance Compliance and Grievance Handling Unit in charge of monitoring and reporting any suspicious activity in relation with OSS activities.

Prohibited Practices: Any of the following with respect to OSS activities:

- **Abuse:** Intentional or reckless misuse, waste, misappropriation, or theft of property or assets related to any of OSS activity.

¹ https://www.ifad.org/documents/38711624/40189363/fraudpolicy_eb86_e.pdf/e2ae80aa-e423-4d7c-a582-c01c1917b427

² file:///C:/Users/Admin/Downloads/afd-group-policy-prevent-and-combat-prohibited-practices.pdf

³ <https://www.greenclimate.fund/sites/default/files/document/policy-prohibited-practices.pdf>

⁴ file:///C:/Users/Admin/Downloads/Antifraud-Policy.pdf

- **Coercion:** Action that intentionally or unintentionally causes damage, harm, or threat of damage, or harm to a party or their property, either directly or indirectly, for the purpose of improperly influencing their actions, regardless of whether the intended recipient or another party is affected or not.
- **Collusion:** Any illegal agreement between two or more parties with the intent to defraud a third party.
- **Corruption:** Offering, giving, receiving or soliciting, directly or indirectly, in any capacity, anything of value and/or any improper advantage of any kind for oneself or any other person or entity in order to act or refrain from acting in a manner that violates their official duties or legal, contractual or professional obligations and influences their own actions or those of any other person or entity.
- **Fraud:** Any use of deception with the intent to gain an unfair advantage of any kind for oneself or a third party, by omission, misrepresentation, concealment of facts or any other method that knowingly or recklessly misleads or avoids an obligation, or causes harm to another party.
- **Harassment:** Any unwelcome physical or verbal conduct that creates an intimidating, hostile or offensive work environment.
- **Misconduct:** Any behavior or action that violates OSS policy, is morally or ethically unacceptable, or is contrary to the standards or principles of the Observatory. It includes, but is not limited to, prohibited practices, unlawful acts or instructions involving violation of law, waste, mismanagement, abuse of power, conflict of interest, etc.
- **Money laundering:** A process by which the property or proceeds of illegal activities are converted into seemingly legitimate funds, usually through a transaction or a series of transactions that attempt to disguise their illegal source.
- **Obstructing practices:** Any kind of hindering of any of OSS' investigative activities such as:
 - Intentionally destroying, falsifying, altering or concealing evidence that may be relevant to an OSS investigation;
 - Providing false information to investigators for the purpose of obstructing an OSS investigation;
 - Using threats, harassment or intimidation to prevent a party from disclosing information related to an OSS investigation or from pursuing such an investigation;
 - Engaging in any conduct with the intent to materially interfere with the OSS's contractual rights to audit, inspect, or access information.

- **Retaliation against a Whistleblower and/or Witness:** Any action whether direct or indirect that causes or is likely to cause harm to a whistleblower or witness (as defined in the OSS Whistleblower and Witness Protection Policy), or anyone linked to them, as a result of reporting suspected misconduct or cooperating with an OSS investigation.
- **Sexual abuse:** A Sexual assault of someone, whether actual or by intimidation, committed either by force or under coercive, unfair or unequal circumstances;
- **Sexual exploitation:** Using a position of vulnerability, power, or trust to sexually exploit another person, whether through actual abuse or attempted abuse.
- **Terrorism financing:** Direct or indirect provision of funds or other financial support to individuals or groups engaged in acts of terrorism.
- **Whistleblower and Witness Protection Policy (PWPP):** OSS Whistleblower and Witness Protection Policy.

1. INTRODUCTION AND RATIONALE

A clear and comprehensive policy on prohibited conduct is essential for anybody, to create a safe and respectful work environment. It is important to outline prohibited behaviors and actions, provide guidelines for reporting violations, and establish consequences for those who violate the Policy.

As the Sahara and Sahel Observatory (hereinafter referred to as OSS or Observatory) is committed to maintaining a safe, respectful and ethical workplace for all, the Observatory has developed this Prohibited Practices Policy (hereinafter referred to as the Policy or PPP), which recognizes established international practices and policies on the prohibition of Prohibited Practices, particularly the principles of the United Nations Convention against Corruption⁵ and other related instruments^{6,7,8}.

In its endeavor to maintain a Zero-Tolerance Policy for prohibited practices, OSS will take all appropriate steps to ensure that all resources and assets entrusted to it are managed with the highest level of integrity, and to avoid prohibited acts to the greatest extent possible.

It also expects individuals and entities involved in its activities to adhere to the highest standards of integrity and to refrain from directly or indirectly, condoning, encouraging, participating in or engaging in Prohibited Practices, and to take measures, where and when appropriate, to prevent and combat Prohibited Practices in all of its activities.

By implementing a Prohibited Practices Policy and consistently enforcing it, the Observatory can create a positive and productive environment for everyone where people feel respected, valued, and safe.

2. OBJECTIVES

The Prohibited Practices Policy (PPP) is a tool to promote compliance with laws and regulations, prevent unethical and illegal behavior, and foster a culture of integrity.

The overall purpose of this Policy is to identify the specific conduct and activities that OSS prohibits, define the obligations of Covered Individuals and Counterparties, maintain the highest standards of integrity and refrain from prohibited practices, as well as the actions that the Observatory may take in response to allegations that prohibited practices have occurred in the course of its activities.

⁵ <https://www.unodc.org/unodc/en/corruption/uncac.html>

⁶ <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (The UN Convention against Transnational Organized Crime)

⁷ <https://www.ohchr.org/en/professionalinterest/pages/businesshr.aspx> (The UN Guiding Principles on Business and Human Rights)

⁸ <https://www.fatf-gafi.org/en/publications/fatfrecommendations/documents/fatf-recommendations.html> (The International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation)

This PPP specifically provides the OSS with a framework that guides its efforts, to:

- Prevent unethical and illegal behavior by establishing clear policy expectations for the staff and other Stakeholders, regarding what is considered acceptable and prohibited behavior;
- Promote compliance with laws and regulations by ensuring that the Observatory is in accordance with all applicable laws, regulations, and standards linked to prohibited practices, such as corruption, bribery, fraud, and other forms of unethical behavior;
- Mitigate legal and reputational risks by reducing the exposure to legal penalties, fines, and other consequences that can result from noncompliance with laws and regulations related to prohibited practices. In addition, the Policy can help protect the reputation of the OSS by demonstrating its commitment to ethical practices;
- Foster a culture of integrity and ethical behavior by setting a tone from the top that emphasizes the importance of compliance and ethical behavior.

3. SCOPE

The Prohibited Practices Policy (PPP) applies at two distinct but complementary levels:

3.1. AT THE INSTITUTIONAL LEVEL

The PPP sets out the standards and conduct to be followed by members of the OSS Board, staff or any other person working for the Observatory, thereby promoting a culture of integrity, accountability and transparency within the OSS, ensuring that they are able to carry out their duties properly and that the Policy is fully implemented;

3.2. AT THE COUNTERPARTIES' LEVEL

Any Counterparty (executing organization, institution, entity, individual, etc.) involved in the activities of the OSS shall comply with this Policy and, where applicable, with the terms of any legal agreement or contract entered into between this Counterparty and the Observatory.

4. PRINCIPLES

The OSS strictly prohibits any action or conduct that is considered a prohibited practice.

The Observatory requires Covered Individuals and Counterparties to maintain the highest standards of honesty, responsibility and efficiency, not to support, promote, participate in, or facilitate Prohibited Practices in any of the Observatory's activities, and to take steps to prevent, minimize and/or eliminate conflicts of interest.

Any suspected wrongdoing must be promptly reported to the Governance Compliance and Grievance Handling Unit (GCGHU) for investigation, in accordance with the Observatory's Whistleblower and Witness Protection Policy, and other relevant OSS policies, procedures or guidelines.

The GCGHU shall proactively implement measures, such as integrity reviews, to prevent Prohibited Practices in Observatory-related activities. In addition, the GCGHU will investigate any suspected Prohibited Practice to determine its validity and recommend disciplinary, corrective or mitigating action in accordance with relevant OSS policies, standards and procedures.

5. OBLIGATIONS OF COVERED INDIVIDUALS AND CORRECTIVE ACTIONS FOR PROHIBITED PRACTICES

Covered Individuals shall strictly adhere to the principles of this Policy and shall in no way encourage any person or entity to violate it.

Covered Individuals are required to report any suspected wrongdoing in connection with any of OSS-related activities, in accordance with the Whistleblower and Witness Protection Policy (WWPP), and other relevant Observatory policies and procedures.

Any Covered Individual who does not strictly adhere to the principles of the PPP will be subject to disciplinary measures, which may include one or more of the following actions:

- Censure,
- Suspension with or without pay,
- Reduction in pay,
- Demotion
- Resignation or dismissal from the service of the OSS.

The Executive Secretary shall be responsible for determining and implementing any disciplinary or administrative sanctions imposed on Covered Individuals. The decision-making process will include the findings and recommendations of the GCGHU, which will be provided at the conclusion of its investigation, into a report of alleged misconduct involving Observatory staff as set forth in this policy.

Reporting of Prohibited Practices for Covered Individuals shall be made in accordance with subsection 5.1 of Section 5 "Reporting and Investigation" of the OSS Whistleblower and Witness Protection Policy (WWPP).

The GCGHU may provide guidance to Covered Individuals on how to fulfill their obligations under the Policy.

6. OBLIGATIONS OF COUNTERPARTIES AND REMEDIES FOR PROHIBITED PRACTICES

Counterparties involved in OSS activities must strictly adhere to the principles of this Policy. They shall not in any way support, encourage, participate or engage in Prohibited Practices and shall take steps to prevent, minimize and eliminate conflicts of interest.

Upon becoming aware of any suspicions or allegations of Prohibited Practices, Counterparties are required to promptly notify the Observatory in accordance with subsection 5.1 of Section 5 "Reporting and Investigation" of the OSS Whistleblower and Witness Protection Policy (WWPP). They shall cooperate with the GCGHU and relevant departments or units as appropriate during the investigation and, upon confirmation of such suspicion or allegation, take the necessary corrective actions and take the necessary steps to prevent the recurrence of such prohibited practices.

If the OSS determines that a Counterparty has directly or indirectly supported, encouraged, participated or engaged in prohibited practices, the Observatory has the authority to terminate activities or agreements with this Counterparty. In addition, the OSS may demand the reimbursement or recovery of funds that have passed through it, to any Counterparty who has improperly used them in any of the Observatory's activities.

The GCGHU shall investigate any report of suspected wrongdoing that falls within its jurisdiction or, if not, shall cooperate with the relevant departments or units.

Relevant Counterparty departments or units shall cooperate with the GCGHU in the investigation.

The GCGHU shall report its findings and recommendations to the Executive Secretary.

The GCGHU may provide guidance to Counterparties on how to fulfill their obligations under the Policy.

7. POLICY MANAGEMENT, MONITORING, REPORTING AND REVISION

The Monitoring and Reporting Team (MRT) and the Investigation Team (IT) of the GCGHU are responsible for the implementation of this Policy. The GCGHU shall work with the Secretariat to provide advice and ensure the effective implementation of this Policy, including that Counterparties have effective whistleblowing and witness protection policies and practices in place.

The GCGHU shall submit an annual report for information to the Executive Secretary, who may forward it to the OSS Board and Funds as appropriate.

The GCGHU will keep a case registry of reports of suspected misconduct updated, and make it available to the public, within the limits of this Policy and in accordance with OSS policies and standards regarding disclosure of information.

The GCGHU Monitoring and Reporting Team (MRT) will proactively monitor and review the implementation of the Policy.

8. EFFECTIVENESS AND REVISION

This Policy will come into effect upon its adoption by the OSS Board of Administration. It will apply to all ongoing OSS activities, to the extent reasonably possible, and to those approved after its effective date.

This Policy will remain in effect until amended or superseded.

The GCGHU shall periodically review the Policy, to improve its effectiveness and make recommendations for changes, subject to the approval of the Executive Secretary. The GCGHU shall also keep abreast of new standards or policies on Prohibited Practices developed and implemented by peer institutions and partners within the scope of its activities.