ICARDA POLICY ON SANCTIONS MANAGEMENT

8 October 2016, as amended on 21 September 2020

1. Purpose of the ICARDA Policy on Sanctions Management

The purpose of the ICARDA Policy on Sanctions Management (Sanctions Policy) is to provide guidance to ICARDA staff on sanctions affecting ICARDA's activities and how to ensure compliance with Binding Sanctions.

2. Definitions

In this Sanctions Policy:

"Sanctions" means sanctions imposed by the United Nations, regional organizations or national governments designed to limit the adverse consequences of a situation of international concern, to influence and/or penalize those perceived responsible for giving rise to such situations.

"Binding Sanctions" means those sanctions which are legally binding on ICARDA by reason of (1) contract, or (2) the legal authority under which the sanctions have been adopted, including but not necessarily limited to sanctions adopted under Chapter VII, Article 41 of the UN Charter.

With respect to (2), ICARDA will assess on a case-by-case basis whether or not to enter into contractual arrangements that would introduce Binding Sanctions.

If Binding Sanctions are imposed when ICARDA is already operating in a country, ICARDA will comply with such sanctions, in line with the principle established under section 4. b. below. When the sanctions are not Binding Sanctions, ICARDA will follow the principle established under section 4. c. below.

"Designated Entities" means specially designated entities, such as individuals and other legal entities, that are included in lists published by national governments.

3. Scope

This Sanctions Policy applies to all countries and/or jurisdictions in which ICARDA operates or has an active programme or activity.

This Sanctions Policy applies to all ICARDA Trustees, and ICARDA personnel acting in any capacity, including those serving with ICARDA as staff members, secondees, interns, consultants, or under other contracts. ICARDA will thoroughly vet and raise awareness about its Sanction Policy with its partners, suppliers, contractors and service providers with which it conducts business.

4. Principles

a. ICARDA maintains a Sanctions Policy to meet its obligations under the sanctions regimes of jurisdictions in which it operates;

b. ICARDA will comply with all Binding Sanctions;

c. ICARDA will take into account non-binding Sanctions where non-adherence may impact on the reputation of the Center. The Director General, on the recommendation of the Senior Management Team, will decide how non-binding Sanctions should be treated on a case-by-case basis. In case of doubt the Director General will consult with the Board;

d. In carrying out its compliance obligations, ICARDA

- Will exercise due diligence;
- Will rely on information provided by third parties and information available publicly (e.g. the internet) unless it is aware or suspects that those information is unreliable or dishonest;

e. The Director General will report any breach of Binding Sanctions to the appropriate authority in a timely manner, and inform the Board.

5. Procedures and risk management

a. ICARDA will maintain a register of relevant global sanctions obligations;

b. ICARDA will carry out a comprehensive risk assessment before initiating activities which may raise issues of compliance with sanctions;

c. ICARDA will screen for designated entities in accordance with applicable sanctions regimes and the Director General, in consultation with the Senior Management Team, will determine appropriate action;

d. ICARDA will provide sanctions management training to its personnel and staff;

e. The Sanctions Compliance Officer is designated as the focal point for any clarification relating to ICARDA's sanctions compliance. The Sanctions Compliance Officer is obliged to raise potential systemic breaches with the Director General. The Director General has the authority to order a stop to potential systemic breach activity.

f. ICARDA requires its Trustees, employees and partners not to engage in or facilitate any activity that would lead ICARDA to breach any Binding Sanctions obligations;

g. ICARDA will communicate its Sanctions Policy to all its employees and the Sanctions Policy will be made available online;

h. The Director General shall implement the Sanctions Policy by establishing appropriate procedural guidelines that will promote and ensure compliance with the Sanctions Policy.

6. ICARDA Employees and Contractors

a. All ICARDA Employees acting in any capacity, including those serving with ICARDA under secondment, internship, consultants, or other forms of employment contracts, must read and apply the Sanctions Policy;

b. Breach of the Sanctions Policy may constitute misconduct;

c. Under no circumstances may an employee act to avoid sanctions obligations or detection of a transaction in breach of the Sanctions Policy;

d. Binding Sanctions may apply to individual staff, contractors or Trustees of ICARDA by reason of their nationality or physical location. As a citizen or visa holder of a particular country, individuals may be subject to both the laws of their country of citizenship and the country where they work. Mere presence in a country can make an individual subject to the laws of a country. It is the responsibility of each individual staff, contractor and Trustee of ICARDA to understand and meet their sanctions obligations as a citizen of a particular country or as a result of their presence in a particular country.

e. In circumstances where sanctions laws impose obligations on individuals in their personal capacity, ICARDA may develop practical guidelines designed to ensure that both ICARDA and its employees comply with their obligations under the Sanctions Policy.

f. ICARDA will vet all contractors, suppliers and partner before it engages in any contractual arrangement with them, and take the steps necessary to ensure that they are aware of and abide by this Sanctions Policy.

7. Training

ICARDA will organize and provide adequate training to relevant ICARDA staff based on the nature, scale and complexity of their role. ICARDA will also communicate this Sanctions Policy to the contractors, suppliers and partners it engages with and will consider providing training to when deemed appropriate. The Sanctions Compliance Officer shall determine the frequency, content, and criteria for sanctions training and who should attend the trainings.

8. Compliance

Sanctions compliance shall be among the objectives and risk source of effectiveness that will be regularly assessed and documented as part of ICARDA's risk management.

The Sanctions Compliance Officer shall be the primary person responsible for governing sanctions risk management and compliance across ICARDA. The Sanctions Compliance Officer shall operate under the oversight of the Director General.

The Sanctions Compliance Officer shall report annually on compliance with the Sanctions Policy to the the ICARDA Board standing committee responsible for risk. Beyond annual reporting, the Director General will report immediately any material non-compliance issues to the Chair of that committee.

9. Exceptions to the Sanctions Policy

Exceptions to the Sanctions Policy may be allowed where there are unique characteristics in the proposed activity justifying such exceptions, provided that no exceptions shall be allowable in respect of Binding Sanctions. Exceptions must be approved by the Board of Trustees upon the recommendation of the Director General.

10. Record Keeping

All relevant records about sanctions management must be retained in accordance with the ICARDA records retention practices. The Sanctions Compliance Officer is the primary custodian of these records.

11. Policy Governance

This Sanctions Policy will be reviewed annually by Management to ensure that the policy remains fit for purpose. Any amendments to or revision of this Sanctions Policy shall be approved by the Board of Trustees.

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