Executive Office Directive Ref. EOD.ED.2024.01
Anti-Bribery and Anti-Corruption Policy

Authority:

This Executive Office Directive (EOD) is promulgated by the Executive Director, on the basis of their authority under UNOPS Financial Regulation 3.01.

Purpose:

The purpose of this EOD is to integrate existing UNOPS policy instruments and guidance on preventing, reporting and addressing bribery and corruption-related matters.

UNOPS personnel shall uphold the highest standards of efficiency, competence, and integrity. The concept of integrity enshrined in the Charter of the United Nations includes all aspects of behaviour of an international civil servant, including such qualities as honesty, truthfulness, impartiality and incorruptibility. Integrity is the most important among the core values of the organisation, together with professionalism and respect for diversity. [1]This EOD also reinforces standards of personal conduct set out in the Standards of Conduct for the International Civil Service.

Effective Date:

This EOD will become effective 1 March 2024.

The policy shall be reviewed every three years on the anniversary of its implementation date or earlier if circumstances warrant it.

Consequential changes:

None.

[signature redacted]

Jorge Moreira da Silva
Executive Director

1. Introduction

1.1 Bribery and corruption is unethical and, in many jurisdictions, illegal. It can destabilise societies; hinder delivery of humanitarian assistance to individuals and communities most in need; enable and encourage abuse of power; undermine the rule of law; increase the risk to and costs of key infrastructure projects, undermine their objectives and pose serious threats to economic prosperity and progress. It can be corrosive to local communities, cause severe harm to the reputation of the United Nations, and is contrary to UNOPS values.[2]

1.2. UNOPS operates in high risk jurisdictions, sometimes in conflict situations, spending resources on developing and implementing critical infrastructure projects. Bribery and corruption may unfortunately be present in some of these jurisdictions despite the best efforts of government partners, which may expose our personnel and business partners to requests for bribes or corrupt practices.

1.3. This policy is therefore designed to provide simple and easy to understand guidance and support to UNOPS personnel (including individual contractors) and business partners. It applies to all activities and operations of UNOPS including funds, projects and programmes operated and/or implemented by UNOPS. It makes clear that UNOPS, its personnel, suppliers and agents will not engage in corruption and will never pay bribes or facilitation payments, regardless of local custom or practice. UNOPS will also not tolerate contractors, vendors, implementing partners, clients or other business partners making or facilitating bribes and/or corruption.

1.4. UNOPS has a zero-tolerance approach to any attempts to offer, pay, authorize, solicit or accept bribes, any corrupt practices or other improper advantages. Any allegations of such behaviour must be reported, will be reviewed and, as appropriate, investigated and acted upon. Management has a responsibility to ensure appropriate culture and controls are in place and to help personnel address specific concerns. Further details on escalation and handling incidents are covered in the section on Scope (see section 9).

1.5. This policy sets out the framework and approach to dealing with any requests or offers to make bribes or engage in any corrupt practices. UNOPS and its personnel should ensure that any dealings with external third parties including governments and government officials do not compromise the core values, reputation and aims of the United Nations

1.6. Other related UNOPS policies and guidance include the following:

- OI.ED.2018.01: Policy to Address Fraud and Corruption;
- OI.Ethics.2020.01: Prohibition of accepting gifts, honours, decorations, favours or non-UN remuneration or benefits from governmental and non-governmental sources;
- OD.QAG.2023.01: Due Diligence;
- OI.PG.2021.02 Vendor Sanctions;
- OI.Ethics.2022.01 - Protection against retaliation;
- Procurement Manual Rev. 7, especially clause 1.5.4.2);

1.7. This policy is in line with the Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat (ST/IC/2016/25). A separate UNOPS policy addresses anti-fraud provisions and escalations (OI.ED.2018.01), which remains in force. The EOD also draws from recognized best practices, including from other United Nations entities, funds and programs.

2. Definitions

2.1 Accountable owner means relevant regional, business or functional leader responsible for managing and mitigating risks.

2.2. A bribe is anything of value, including any financial or other advantage, offered, provided, authorised, requested or accepted in order to improperly influence any person's action, inaction or decision, or give undue advantage whether that person is a public official or a private individual.

2.3. Corruption is any abuse of power or position for personal gain.

2.4. Entertainment is any activity offered or received for free – or at less than market price – including (but not limited to) meals, travel, accommodation, sporting events, recreational activities and hospitality.[3]

2.5. Facilitation payment is any payment, however small, to expedite or secure the performance of a routine governmental action.

2.6. Gifts are any items of value or benefits provided at no cost.[4]

2.7. A public official is an officer, employee or representative of a state or a state-controlled entity which includes:}

- any officer, employee or representative of any national or local government institution;
- any person holding legislative, administrative, judicial position of any kind;
- any officer, employee or representative of a public international organisation such as the United Nations or the World Bank;
- any officer, employee or representative of any state-owned or controlled enterprise or company;
- any officer or representative of a political party;
- any candidate for political office.

3. Application

3.1. UNOPS does not tolerate bribery or corruption of any kind, whether for a public official or a private individual.

3.2. UNOPS and its personnel must never offer, provide or authorise bribes of any kind, including facilitation payments, either directly or indirectly to a public official or a private individual.

3.3. UNOPS and its personnel must never request bribes of any kind, directly or indirectly.

3.4. A bribe may be monetary or non-monetary, tangible or intangible. A bribe may take the form of, or be facilitated through:

- payments of money either direct or through a third party
- gifts or entertainment
- discounts, loans and/or financing given on non-commercial terms
- rebates or kickbacks in relation to services provided

- overpayments to business partners
- use of assets at a discount or free of charge
- sponsorships, charitable contributions and community investments
- political contributions
- employment or internships, or
- information or assistance.

These are by no means exhaustive examples and management and personnel must escalate any other situations in which potential bribery or corruption may be suspected.

3.5. UNOPS and its personnel will not engage in corrupt practices which can range from the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party

3.6. Actions taken to instigate, aid, abet, attempt, conspire or cooperate in a bribery or corruption scheme are also contrary to this policy.[5]

3.7. UNOPS has a range of procedures and internal controls to prevent bribery and corruption including due diligence procedures on third parties, financial disclosure requirements, guidance on gifts and entertainment, management of conflicts of interest, risk assessments, project and engagement assessments, methods for engaging with public officials and procurement and financial controls including standard anti-corruption clauses in vendor contracts. UNOPS has a system of internal control and risk management practices to assess, mitigate and address risks.

3.8. Personnel and management have a responsibility to be alert to bribery and corruption red flags and report them to their line manager, the Internal Audit and Investigations Group ("IAIG"), Risk and Compliance Group ("RCG"), or through available reporting channels (as detailed below). UNOPS' Ethics Office ("ETO") has robust procedures to protect from retaliation those who report a breach of UN or UNOPS regulations or rules.

4. Areas of High Risk

4.1. The areas of high risk described below are meant to be illustrative and not exhaustive. UNOPS' expectation is that managers, supervisors or other personnel encountering these situations will need to take advice on how to best manage the situation. RCG is there to provide advice and support and should be contacted if regions, businesses, functions or personnel are unclear about specific situations.

4.2. Public Officials. The nature of UNOPS activities is that we operate closely with national and local authorities. Dealing with public officials can on occasion bring higher risk of corruption or the perception of corruption depending on the nature of the interaction. UNOPS management and personnel should exercise care when communicating with public officials, particularly dealing with requests for support, and should seek advice from their line manager, RCG and/or Legal Group ("LG") if concerned about specific situations and risks. Some entities within UNOPS (for example, hosted entities, trust or multi-donor funds, grant management programmes) may have public officials represented on their Boards and Working Groups. Care should be taken to avoid or manage perceived or actual conflicts of interests and ensure that decisions are taken objectively, transparently and in the best interests of the communities we serve.

4.3. Business Partners. UNOPS expects our business partners to share our commitment to ethical and responsible business practices. UNOPS will never authorise a business partner to engage in bribery or

corruption on our behalf. UNOPS takes care to know who our business partners are by implementing our risk-based Due Diligence programme. To manage any bribery and corruption exposure associated with our business partners, we implement a range of controls and processes including screening, due diligence and monitoring, using a risk-based approach. UNOPS implements additional controls with regards to high-risk business partners, such as business developers, agents, joint venture partners, consultants or advisers interacting with[6] public officials on our behalf. We conduct a detailed risk-based assessment prior to entering into these types of relationships, to enable us to identify, assess and mitigate the corruption risk presented by the engagements. Where appropriate, we regularly monitor and review our high-risk business partner relationships.

4.4. Programme and project design. UNOPS supports humanitarian partners and delivers key infrastructure projects in challenging areas and high risk jurisdictions. Ensuring appropriate value for money for services is critical. When developing new projects and programmes, it is important that bribery and corruption risks are carefully considered in design and operating processes. Appropriate mitigating steps should be assessed, documented and tracked as part of the approval process and during any review of the lifecycle of the project. Sign-off processes during the engagement development processes should explicitly consider bribery and corruption risks and seek advice from RCG for appropriate mitigation solutions where the risk is high. Businesses, regions and functions should also seek to understand the rationale behind any unusual payment terms or payments to third parties or agents which do not appear justified or engagement with other parties in the project or engagement which do not appear necessary to fulfil the project.

4.5. Facilitation Payments. In certain jurisdictions, some public officials may request small payments, known as facilitation payments (also known as “speed” or “grease” payments), to expedite or to secure the performance of a routine government action such as issuing permits, licences, or other official documents, processing government documentation such as visas, customs clearances; providing police protection or providing utility services. Facilitation payments are a form of bribery. UNOPS and its personnel must never pay, authorise or accept the payment of facilitation payments. If asked to make a facilitation payment, personnel must not make a payment and should inform their line manager or RCG immediately. Other escalation channels such as IAIG are covered below in section 6. Accountable Owners are advised to consult the LG or RCG before requesting the government to ensure that its officials do not make any future requests for facilitation payments.

4.6. Gifts and Entertainment. UNOPS has clear controls and procedures around gifts and entertainment (see OI.Ethics.2020.01 “Prohibition of accepting gifts, honours, decorations, favours or non-UN remuneration or benefits from governmental and non-governmental sources”). For the avoidance of doubt, UNOPS and its personnel must not give or accept gifts and entertainment:

- with the intent of or prospect of influencing decision-making or other conduct;
- with the intent of obtaining any improper or undue advantage;
- which can be regarded in any way as a bribe; or
- in the form of cash or cash equivalents, which includes pre-paid cards or gift cards
- which can be redeemed for cash.

There are limited exceptions including seeking approval in advance from the Executive Director or where refusal would create embarrassment and obtaining prior approval is not possible. ETO should be contacted for any guidance or assistance.[7]

4.7. Sponsorships, charitable contributions and community investments. UNOPS will never make a sponsorship, charitable contribution or community investment in order to disguise a bribe, or to gain an improper business advantage. UNOPS and its personnel should ensure that, before UNOPS enter into sponsorships, community investments or make charitable contributions, we conduct risk-based

due diligence. UNOPS and its personnel should ensure our funds or resources are used in an appropriate way in the interests of UNOPS. Seek advice from RCG or the Legal Group if you are unsure.

4.8. Political contributions. UNOPS personnel must maintain their independence and impartiality and consequently there are restrictions on any political activities which personnel may engage in. UNOPS will not contribute any resources towards any political campaign, political party, political candidate or any politically affiliated organisations. Personnel may make normal financial contributions to a political party but should refrain from making payments to specific political candidates. Care should also be undertaken not to make disguised contributions – for 5 example, building a school at the request of a politician during an election campaign. See the OI on Outside Activities for more guidance (OI.Ethics.2018.04 "Outside activities").

4.9. Hiring practices. Care should be taken to ensure integrity in hiring practices, including appropriate vetting procedures. Identification of any conflicts of interest with family members or any potential personnel with connections to public officials should be assessed for risk. Requests from public officials to hire family members as UNOPS personnel are especially high risk and should be reported. Seek advice from PCG (on hiring and vetting processes), ETO (around conflicts of interest) or RCG if unclear.

4.10. Accurate record-keeping. UNOPS has robust financial controls and procedures in place and will ensure that all transactions and payments are accurately recorded in its books and records and reflect the nature and substance of the transaction.

5. Role of the Risk and Compliance Group

5.1. The role of the RCG is to help build compliance frameworks and provide advice to the regions, functions, business groups and relevant personnel to help mitigate these risks. Regions, functions and business units facing high bribery and corruption risks should reach out to the RCG for support in reviewing and supporting mitigation where possible. Responsibility for managing bribery and corruption risks and for ensuring the mitigating actions are taken however remains with the Accountable Owner. Other functions like the LG, Procurement Group and IAIG also have critical roles in providing advice and support on legal, supplier and fraud issues and IAIG in conducting investigations as appropriate. The Ethics Office may provide confidential advice to management and personnel on ethical matters and how to manage them proactively.

6. Raising Concerns

6.1. All personnel are responsible for ensuring that UNOPS can live up to its commitments. UNOPS expects all personnel and contractors to speak openly and raise concerns about possible breaches of this policy with their supervisor or via available reporting channels. UNOPS has established a confidential mechanism for individuals wishing to report misconduct. The Speak Up hotline is managed by an independent service provider on behalf of UNOPS to protect confidentiality. It can be accessed worldwide and free of charge. The hotline can be used by both UNOPS personnel and by people from outside UNOPS. UNOPS takes concerns seriously and handles them promptly. Suspicions of breaches of this policy may also be reported to IAIG through the Investigations Hotline (E-mail: investigations@unops.org[1]). UNOPS has zero tolerance for retaliation against individuals who report misconduct or wrongdoing through the established channels or cooperate with duly authorised audits

or investigations. Colleagues who think they have been retaliated for doing so may contact ETO at ethicsofficer@unops.org[2].

7. Exception

7.1. UNOPS prioritises the physical safety and well-being of all of its personnel and contractors. Personnel and contractors may in exceptional cases be faced with requests for making a payment to a public official to ensure their physical safety. In all cases, personnel should take reasonable steps to remove themselves from danger. In such cases, where it is unavoidable to make a payment in cases of imminent danger, then these should be reported either via the UNOPS investigation hotline channel or to your line manager as soon as it is safe to do so. No other exceptions are permissible.

8. Training

8.1. Managers should ensure that all personnel take related training, including "Ethics and Standards of Conduct at UNOPS". Appropriate specialist anti-bribery and training will be given to high risk personnel and RCG will work with regions and relevant functions to identify such staff.

9. Scope

9.1. All UNOPS personnel, suppliers and agents shall comply with this EOD. Failure to comply may be grounds for disciplinary action up to and including termination or in respect of contractors or suppliers, termination of contract. UNOPS may also add third parties to the UN sanctions list as appropriate. The UNOPS General Counsel may refer cases to national authorities for possible criminal prosecution (UNOPS personnel who are aware of such cases must contact the General Counsel).

9.2. UNOPS Executive Director and Management Team shall set the tone, workplace culture an direction for engaging and contracting with external entities, including ensuring that opportunities for bribery and corruption are identified and minimised, and encouraging personnel to speak up on suspicions.[9]

9.3. RCG is the custodian of the anti-bribery and corruption framework and will ensure that appropriate training, support and advice is provided to business units and supporting the implementation of this framework and approach.

9.4. IAIG is responsible for managing the investigation hotline, investigating allegations of bribery and corruption and auditing regions and units on its compliance with this framework and approach.

9.5. ETO provides confidential advice on matters of ethics and is also custodian of the protection against retaliation framework.

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1. mailto:investigations@unops.org
2. mailto:ethicsofficer@unops.org

9.6. Relevant decision-making authorities are responsible for ensuring operationalisation of this EOD within their respective area of responsibility.

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1 See OI.PCG.2023.01 Personnel Management Framework, article 8.2.

2 See Mission. Vision. Purpose. - UNOPS[3]

3 OI.Ethics.2020.01 provides clarity on circumstances when UNOPS personnel may participate in official functions and receptions as part of their normal function. UNOPS personnel are expected to exercise judgment and not engage in any activity which may compromise their impartiality and judgment.

4 See the OI.Ethics.2020.01 for more information on definition of gifts and exceptions

5 See Guidance on Political Activity for further information Guidance on Political Activity. Normal in this context would be a pattern of de minimis contributions which would not raise concerns or doubts about the impartiality or independence of the UNOPS personnel member. Seek advice if unclear.

3. https://www.unops.org/about/our-story/mission-vision-purpose