Operational Instruction Ref. OI.Ethics.2018.02
Financial Disclosure and Conflict of Interest Statements

Authority:

This Operational Instruction (OI) is promulgated by the Ethics Officer under section 6.1.2 of Operational Directive Ref OD.PCG.2017.01 – Human Resources, Ethics and Culture of 13 July 2017, on the basis of a direction from the Executive Director pursuant to Financial Rule 105.5.

Purpose:

The Ethics Office is responsible for administering UNOPS' financial disclosure programme pursuant to section 3(g) of Secretary-General's bulletin ST/SGB/2007/11 of 30 November 2007 (as amended) on "United Nations systems-wide application of ethics: separately administered organs and programmes". The purpose of this OI is to define UNOPS' policy on financial disclosure and conflict of interest statements.

Effective Date:

This OI shall become effective on 1 March 2018.

Promulgation Date:

22 Feb 2018

Consequential changes:

This OI shall supersede and replace Organisational Directive No. 23 (revision 3) Policy on Financial Declaration Statements, of 13 September 2016.

[signature redacted]

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Ethics Officer

1. Introduction

1.1. All UNOPS personnel have the obligation to disclose actual or potential conflicts of interest.

1.2. Certain categories of UNOPS personnel are required in addition to file a financial disclosure and conflict of interest statement ("FDCOI Statement") within 30 calendar days after taking up their functions and thereafter as part of UNOPS annual filing programme.

1.3. The obligation on the part of a specific group of personnel of UNOPS to file statements under this OI does not eliminate or limit in any way the obligation on the part of all UNOPS personnel to comply with regulations/rules concerning conflicts of interest and related duties and obligations.

1.4. Compliance by a UNOPS personnel with filing obligations under this OI does not excuse him/her from proactively disclosing any actual or potential conflict of interest which arises in between filing cycles.

2. Definitions:

2.1. For the purpose of this OI, the following terms shall have the following meanings:

2.2. *Domestic Partner:* a person, of any gender, with whom a UNOPS personnel has been living as a couple for at least 12 months.

2.3. *External Reviewer:* an independent service provider which may, under the supervision of the Ethics Office, serve to (i) collect, file, and report on the outcomes of the FDCOI Statements and Asset Disclosure Statements (defined in section 7.3 below) and verification, and (ii) advise the Ethics Office regarding best practices that may be considered for implementation with respect to the FDCOI policy and practice.

2.4. *HQ Director:* the director or head of a unit, other than a region, which is shown on the UNOPS organisational chart.

2.5. *UNOPS Personnel*: persons engaged by UNOPS, who are not partner personnel (as defined in PQMS pursuant to section 9.1 of OI.PCG.2017.01), and who are:

a. individual contractors retained under individual contractor agreements (ICAs),

b. staff members recruited under the United Nations Staff Rules,

c. individuals engaged under Internship Agreements, and

d. individuals engaged under Volunteer Agreements.

2.6. *Vendors:* those individuals and entities which have the status of "supplier" in oneUNOPS plus any additional individuals or entities which the Ethics Officer considers to present a comparable risk for UNOPS in respect of potential conflicts of interest (such as an entity that was recommended by UNOPS to be contracted by a UNOPS partner following a UNOPS procurement process under the advisory services modality).

3. Filing Personnel:

3.1. The following UNOPS Personnel are required to file a FDCOI Statement:

a. All internationally-recruited staff members at the P-5 to D-2 levels. (Personnel at the Assistant Secretary-General level and above, as well as those serving in the Ethics Office are subject to the UN Secretariat financial disclosure policy);

b. All personnel retained under individual contractor agreements (ICAs) at level International ICA 4 and above;

c. All UNOPS personnel who are procurement specialists, or whose principal occupational duties are the procurement of goods and services. 'Principal occupational duties' include those individuals for whom expected procurement activities exceed 40% of their normal prescribed duties;

d. All UNOPS personnel whose principal occupational duties relate to the investment of the assets of UNOPS or of any accounts for which UNOPS has fiduciary or custodial responsibility. 'Principal occupational duties' include those individuals for whom expected investment activities exceed 40% of their normal prescribed duties;

e. all HQ Directors, Regional Directors, Hub Directors, OC Directors, PC Managers, Cluster Managers and the executive head of each Hosted Initiative (and, in the Peace and Security Cluster, all Programme Managers);

f. All project/portfolio managers, all Heads of Support Services and all Heads of Programme (and, in the Peace and Security Cluster, all Chiefs of Operations);

g. UNOPS internal auditors;

h. All Headquarters Contracts and Property Committee (HQCPC) and Local Contracts and Property Committee (LCPC) members and secretaries;

i. All UNOPS personnel who hold a Finance Delegation of Authority (DOA) of level 3 or above;

j. Other UNOPS Personnel designated by a Regional Director or HQ Director where he/she determines that such person is exercising duties akin to those of a position referred to above or that such person has direct access to confidential procurement or investment information or whose engagement in procurement activity for a limited duration or under specific exceptional circumstances warrants the completion of a FDCOI Statement.

3.2. UNOPS Personnel engaged on a retainer contract shall not be required to file unless the relevant Regional Director or HQ Director determines that the risks for UNOPS in the event of a conflict of interest by such personnel warrant the completion of a FDCOI Statement.

4. First Submission:

New appointment

4.1. UNOPS Personnel taking up a new position coming within one of the categories required to file under section 3 above shall file a FDCOI Statement within 30 calendar days of his/her effective start date (EOD or equivalent).

4.2. All individuals offered an appointment with UNOPS will be informed of this OI. It will be the responsibility of each such individual to check whether his/her position comes within the categories listed in section 3 above and to contact the Ethics Office at ethicsofficer@unops.org[1] for guidance and/or instructions on how to file.

CPC or Finance DOA

4.3. When an existing UNOPS Personnel (who has not previously filed a FDCOI Statement within the last 12 months) is appointed to HQCPC or LCPC or granted Finance DOA Level 3 or above, he/she shall file a FDCOI statement within 30 calendar days of being invited to do so by the Ethics Office.

4.4. The HQCPC Chair will inform the Ethics Office of the appointment of new members or secretaries to HQCPC and LCPC.

4.5. The head of the Shared Service Centre will inform the Ethics Office of the granting of Finance DOA Level 3 or above.

5. Annual Submissions:

5.1. UNOPS Personnel coming into one of the categories defined in section 3 shall file a FDCOI Statement as part of UNOPS annual filing cycle, including where the next annual filing cycle falls less than 12 months after the date of the UNOPS Personnel's previous submission. The Ethics Office shall give UNOPS Personnel no less than 30 calendar days in which to make the submission.

5.2. The Regional Directors and the HQ Directors shall identify, in accordance with guidelines issued by the Ethics Office, the individuals in his/her region or unit who need to file a FDCOI Statement each year. The Ethics Office shall inform all those individuals of the requirement.

5.3. Any individual who believes that he or she should not be required to file an annual FDCOI Statement shall seek clarification from their Regional Director or HQ Director before the deadline for filing the FDCOI Statement. If after the clarification from the Regional Director or HQ Director, the individual is still of the view that he/she should not be required to file a FDCOI Statement, he/she may request a review from the Ethics Office. If the Ethics Office decides that the individual must complete a FDCOI Statement, the said individual must do so within the time frame established by the Ethics Office. The decision of the Ethics Officer on this matter shall be final.

6. Scope of FDCOI Statement:

6.1. UNOPS Personnel who are required to file a FDCOI Statement shall report the following in respect of (i) themselves, (ii) their spouse and/or Domestic Partner (if any), and (iii) dependent children (if any):

a. details of any financial interest or other interest in or association with or liability or money owed to any UNOPS Vendor or UNOPS partner;

1. mailto:ethicsofficer@unops.org

b. any lease of real property (house, apartment, other premises or land) to or from the filer's supervisor at UNOPS or any UNOPS colleague supervised by the filer or his/her supervisor.

6.2. UNOPS Personnel who are required to file a FDCOI Statement shall also report the following:

a. any leadership or policymaking role held by him/her in any non-United Nations entity (including membership on any corporate board);

b. details of any outside employment or occupation;

c. details of any political activity going beyond the exercise of his/her right to vote and belong to a political party;

d. receipt in the course of his/her duties of any gift or hospitality or other benefit from an outside source;

e. any spouse/Domestic Partner, father, mother, son, daughter, brother or sister employed in the United Nations system;

f. any other relatives or close friends working for any Vendor or UNOPS partner;

g. any other activity or relationship or other aspect of the filer's past or present situation which could have an impact on his/her objectivity or independence in the specific performance of the functions for which he/she has been contracted by the United Nations, or which could otherwise affect the image of UNOPS.

7. After Submission of FDCOI Statements:

7.1. The filing of a FDCOI Statement will lead to a review and follow-up process by the External Reviewer and/or the Ethics Office during which additional information, which may include supporting documents, may be requested.

7.2. UNOPS Personnel will be informed by the Ethics Officer if they are to be contacted by an External Reviewer in respect of their submission. Asset Disclosure Statement

7.3. As part of the review and follow-up process, the Ethics Office may determine that it would be appropriate to require specific filers to complete an asset disclosure statement ("Asset Disclosure Statement") in addition to the already filed FDCOI Statement. Any UNOPS Personnel subject to this requirement will be notified by the Ethics Office and will submit the Asset Disclosure Statement within 30 calendar days of receiving notification from the Ethics Office.

7.4. UNOPS Personnel who are required to file an Asset Disclosure Statement under section 7.3 above shall report the following in respect of (i) themselves, (ii) their spouse/Domestic Partner (if any), and (iii) dependent children (if any):

h. Assets held that have a market value of USD 10,000, or above, per asset, or the equivalent in local currency at the UN operational rate of exchange. Assets include but are not limited to stocks, bonds, mutual fund investments and real estate. Personal property should be reported only if it is held for investment or business purposes. Personal property includes, but is not limited to, items such as motor vehicles, boats, livestock, furniture, carpets, jewellery, and art;

i. Any profit of more than USD 10,000 on the sale of personal property that is held for investment or business purposes;

j. All stock options, publicly listed or private, regardless of value;

k. Income earned from sources other than UNOPS in the reporting period, including from investments listed in (a) above, any form of deferred emoluments from prior employment (but excluding United Nations pension benefits received from prior employment), or profit shares from prior employment partnerships, if the total of all such income is over USD 10,000 in the reporting period;

l. Any form of supplement, direct or indirect, to UNOPS emoluments, including provision of housing or subsidized housing, or any gift, per diem, reimbursements, entertainment or travel expenses, favour, benefit, remuneration or in-kind contribution from any Government, governmental agency or other non-United Nations source aggregating USD 250 or more from a single source during the reporting year, other than dependency benefits under national laws, travel and per diem for approved outside activities and residential accommodation that has been accepted by UNOPS for its personnel. Gifts from a spouse, father, mother, son, daughter, brother or sister are not required to be reported; and

m. Liabilities over USD 50,000 owed to any creditor, including a mortgage on the UNOPS personnel's personal and/or vacation residence, as well as liability to a former spouse. Liabilities owed to a parent, sibling, or dependent child are excluded.

Verification

7.5. In order to validate the information disclosed and ensure its accuracy and completeness, the Ethics Officer may conduct a verification process among a representative sample of all individuals having submitted a FDCOI Statement. UNOPS Personnel who have been selected to provide verification must, within the time specified by the Ethics Office, provide a copy of supporting documentation including, but not limited to, statements from third parties as well as bank statements, mortgage statements, certificates of title, loan agreements, tax returns and credit card statements. UNOPS Personnel selected for verification will be given no less than 30 calendar days by the Ethics Office to provide the documentation requested. Verification documents will be provided to the Ethics Office or the External Reviewer, as directed by the Ethics Office.

8. Obligations of UNOPS Personnel:

8.1. UNOPS Personnel filing and/or making disclosures pursuant to the terms of this OI shall submit accurate reports and certify that the information disclosed is correct and complete to the best of their knowledge and belief.

8.2. UNOPS Personnel who are not able to comply with the disclosure requirements in respect of their spouse/Domestic Partner or child shall submit a detailed justification to the Ethics Office. The Ethics Office shall consider whether such justification is reasonable, with regard to the particular circumstances of each case, and may make recommendations to the UNOPS Personnel and/or to the Executive Director in respect of each case. The External Reviewer and/or the United Nations Ethics Panel may also be consulted by the Ethics Officer to provide advice regarding best practices in this regard.

8.3. UNOPS Personnel are required to file by the applicable deadline (i) the FDCOI Statement and (ii) if applicable, the Asset Disclosure Statement and (iii) if applicable, documents required as part of verification.

8.4. UNOPS Personnel must respond promptly to inquiries made by the Ethics Office or the External Reviewer about information disclosed pursuant to this OI and are required to cooperate promptly with any verification exercise, which may require that personnel submit supporting documents.

8.5. Where an actual or potential conflict of interest is identified, it shall be resolved in the best interests of UNOPS. The relevant UNOPS Personnel shall co-operate with the Ethics Office in efforts to resolve the conflict.

Extension of deadlines

8.6. Individuals who are unable to comply with a filing deadline or the time specified for providing additional requested information, must submit to the Ethics Office a written request for an extension of time, providing a detailed justification. The Ethics Office will, based upon the particular circumstances in each case, determine whether an extension of time is warranted and notify the individual accordingly.

9. Consequences of Non-Compliance:

9.1. Disciplinary measures or administrative remedies may be taken against UNOPS Personnel who knowingly make false statements or provide inaccurate information under this OI. Failure by staff members or other personnel to file a FDCOI Statement or, if required, an Asset Disclosure Statement, or to respond to follow-up or verification inquiries could lead to disciplinary action or administrative remedies respectively. Failure to submit an initial statement may result in a withdrawal of the offer or termination of the appointment.

9.2. Failure to comply with obligations under this OI can also lead to non-eligibility for a merit award pursuant to PQMS Chapter 7 Section 9.

10. Applicable Date for Values and Rates of Exchange:

10.1. For the purposes of making the statements required pursuant to the present policy, the applicable date for all values and rates of exchange is the date of disclosure. UN operational rate of exchange will be used for all calculations.

11. Confidentiality and Safeguarding of Data:

11.1. The FDCOI Statements and Asset Disclosure Statements and documents produced pursuant to a verification exercise are confidential and will be accessible to and used only by the Executive Director, the Ethics Office, the External Reviewer, or by offices or persons specifically authorized in writing by the Executive Director.

11.2. The Ethics Office shall consult with and follow the directions of the Chief Information Officer to ensure the security of information disclosed by UNOPS Personnel pursuant to this OI, including in terms of the data security requirements to be met by the External Reviewer.