Operational Instruction Ref. OI.Ethics.2020.01 Prohibition of accepting gifts, honours, decorations, favours or non-UN remuneration or benefits from governmental and non-governmental sources

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 purpose of this OI is to ensure that the United Nations Office for Projects Services ("UNOPS") functions in an open, transparent and ethical manner, and in accordance with Operational Directive OD.PCG.2017.01- Human Resources, Ethics and Culture.

Effective Date:

This OI shall become effective **immediately.**

Promulgation Date:

06 Jul 2020

Consequential changes:

This OI abolishes and replaces OI.Ethics.2018.03: Prohibition of accepting gifts, honours, decorations, favours or non-UN remuneration or benefits from governmental and non-governmental sources. The purpose of this OI is to clarify who can authorize participation in activities organized by governmental or non-governmental sources (see in particular section 2.1.7.2).

[signature redacted]

Kathryn Higgs
Chief Ethics & Compliance Officer, Ethics & Compliance Office

1. Introduction

1.1. UNOPS personnel are prohibited from accepting gifts, honours, decorations, favours or any form of non-UN remuneration or benefits (hereinafter "benefits") from governmental and non-governmental sources in the course of their official duties. Such benefits create obligations which in turn create conflicts of interest. Personnel must always refuse to accept them personally.

1.2. This OI describes a set of procedures that emphasizes to UNOPS personnel their obligations and simultaneously provides instruction to officials responsible for the management of this matter.

1.3. In the event of doubt as to the applicability of this policy in a given situation, UNOPS personnel should seek guidance from the UNOPS Ethics Office.

2. Definitions

2.1 For the purposes of this OI, the following definitions shall apply:

2.1.1. Personnel means: staff members recruited under the United Nations Staff Rules and persons under other contractual arrangements such as contractors engaged under the Individual Contractor Agreement (ICA), interns and volunteers.

2.1.2. Governmental source means:

2.1.2.1. Any unit of governmental authority, including any national, state, local and municipal government;

2.1.2.2. Any intergovernmental organization; or

2.1.2.3. Any agent or representative of a governmental authority or intergovernmental organization.

2.1.3. Non-governmental source means: any non-governmental organization, academic institution or any private source. Educational institutions will be considered as a non-governmental source.

2.1.4. Honour means: an award or recognition, tangible or intangible, given by a governmental or non-governmental source. Such honours may include, inter alia, medals, awards, plaques, certificates or scrolls.

2.1.5. Decoration means: an object that is awarded by a governmental or non-governmental source to honour the recipient in a very visible manner. Such decorations may include, inter alia, a medal, pin or ribbon.

2.1.6. Favour means: a special privilege or treatment granted to an individual by a governmental or non-governmental source.

2.1.7. Gift means: any item that has a physical form, offered to UNOPS personnel. The term includes minor gifts of essentially nominal value, but does not include:

2.1.7.1. Participation in official functions (such as meals and diplomatic receptions) for which UNOPS personnel are invited as a necessary part of their official functions). UNOPS personnel are expected to exercise judgement and to refrain from accepting invitations that are or could be perceived as inconsistent with the obligations and behaviour of UNOPS personnel;

2.1.7.2. Participation in activities organized by governmental or non-governmental sources that have been authorized in advance by the Executive Director or by the Ethics Officer, in which the organizing entity covers the accommodation, travel and subsistence allowance in line with that payable by UNOPS.

2.1.8. Remuneration means: any monetary compensation not associated with approved outside occupation or employment.

2.1.9. Benefit means: any of the above in this section, plus any other personal benefit or advantage, whether or not it can be expressed in money terms (for example, but without limiting this category), unnecessary or lavish hospitality, offers of career prospect assistance, help or assistance to family members or friends, or a favour with an expectation of a favour in return.

3. Obligations of UNOPS personnel

3.1. In any matters concerning their official duties UNOPS personnel are prohibited from receiving any benefit from any governmental or non-governmental source. When an offer is presented the appropriate response is for the individual to promptly decline with an explanation that it is a requirement in accordance with UNOPS personnel's duties and obligations expected of international civil servants.

3.2. Subject to paragraph 3.3, however, UNOPS personnel may, in two exceptional circumstances, accept such benefits, not personally, but on behalf of UNOPS:

3.2.1. When authorised in advance by the Executive Director (ED); or

3.2.2. When refusal would create serious embarrassment for UNOPS and/or the UN, and the seeking of prior approval has not been possible.

3.3. Personnel may never accept benefits from vendors, unless, exceptionally, the ED approves in advance such acceptance as being in the interest of the organisation.

3.4. When benefits are accepted under paragraph 3.2.1 or 3.2.2, the person receiving the benefit must report that receipt to the Ethics Officer by filling the form linked here[1], and emailing it to ethicsofficer@unops.org, immediately. The Ethics Officer will give directions on disposal of the benefit. Failure to file the form within seven days of receipt, or failure to follow the Ethics Officer's directions on disposal, amounts to misconduct, and disciplinary or administrative action may follow.

3.5. When requested, Regional Directors in their respective regions, and the Director, Shared Services Centre (for HQ), will assist the Ethics Officer in the disposal of the benefits in question

3.6. Any UNOPS personnel expecting to receive or to be offered any benefit should consult the Ethics Office.

4. Giving of gifts

4.1. UNOPS personnel should not give gifts in the course of their official duties.

1. https://docs.google.com/forms/d/e/1FAIpQLSdtjbax5cdYoZFNilbU7uXNGaWzh9gDFMa1YrQMocJ5QjX1jg/viewform

4.2. Visibility items, approved by Communications Group, are not viewed as gifts for the purposes of this section.