



UNODC

United Nations Office on Drugs and Crime

THE INSTITUTIONAL INTEGRITY INITIATIVE

Practicing what we preach: The relevance of the United Nations Convention against Corruption to the UN System

Glossary of Abbreviations

ACIOS	Advisory Commission on Internal Oversight Services
AMRC	Acquisition Management Review Committee of UN-Women
CCTI	Committee for Commodities, Transport and Insurance
CEB	United Nations Chief Executives Board
CHF	Swiss Franc
CSO	Civil Society Organization
DFS	Department of Field Support
DIOS	Department of Internal Oversight Services
DPKO	Department for Peacekeeping Operations
ENMO	Ethics Network for Multilateral Organizations
EPUN	Ethics Panel of the United Nations
FABS	Finance and Budget System
FAO	Food and Agriculture Organization of the United Nations
FPEA	Focal Point for Ethics and Accountability
HLCM- PN	High Level Committee on Management-Procurement Network
IAEA	International Atomic Energy Agency
IAOD	Internal Audit and Oversight Division
ICAO	International Civil Aviation Organization
ICSC	International Civil Service Commission
IADB	Inter-American Development Bank
IFAD	International Fund for Agricultural Development
IMF	International Monetary Fund
IMO	International Maritime Organization
INT	Integrity Vice Presidency of the World Bank
IPSAS	International Public Sector Accounting Standards
ITU	International Telecommunications Unions
JIU	Joint Inspection Unit
LAMRC	Local Acquisition Management Review Committee
NGO	Non-Governmental Organization
OAI	Office of Audit and Investigations
OHRM	Office of Human Resources Management
OIOS	Office of Internal Oversight Services
OLAF	European Anti-Fraud Office
PRB	Performance Review Board
RBEC	Regional Bureau for Europe and the Commonwealth of Independent States (RBEC)

SG	Secretary-General
SISTER	System of Information on Strategies, Tasks and the Evaluation of Results
SRSG	Special Representative of the Secretary-General
TI	Transparency International
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
UNEO	United Nations Ethics Office
UNESCO	United Nations Education, Scientific and Cultural Organization
UNGM	United Nations Global Marketplace
UNHCR	United Nations High Commissioner for Refugees
UNHIG	United Nations Heads of Investigation Sections Group
UNIDO	United Nations Industrial Development Organization
UNODC	United Nation Office on Drugs and Crime
UNPD	United Nations Procurement Division
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSAS	United Nations System Accounting Standards
UNWTO	United Nations World Tourism Organization
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organizations
WPP	Whistle-blower Protection Policy

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INTRODUCTION

Over the last ten years great progress has been made by the international community in the fight against corruption. Agreement was forged on the United Nations Convention against Corruption (UNCAC), the first ever global anti-corruption instrument, and the introduction of the UNCAC Implementation Review Mechanism, a peer-review system under which the implementation of the Convention by each of the States parties is assessed. Both of these achievements represent significant landmarks in the global struggle against corruption.

It was in an attempt to lead by example and match the commitment shown by States Parties to the Convention that the United Nations Chief Executives Board (CEB) endorsed the Institutional Integrity Initiative. The key aim of the Initiative is to examine how the integrity rules and regulations of CEB members can be aligned with the principles of the United Nations Convention against Corruption. In adopting the Initiative, the United Nations sent a clear message that it would strive to abide by the same standards that States had set for themselves. This commitment from the CEB also reflected the expressed wishes of both the General Assembly and the Conference of the States Parties to the Convention.

The Initiative has been led by the United Nations Office on Drugs and Crime (UNODC), the United Nations body which functions as the guardian of the UN Convention against Corruption. As a first step in the Initiative, UNODC circulated a self-assessment checklist to all CEB members, containing an overview of the articles of the Convention that embody the principles with most relevance to international organizations and requested, on a voluntary basis, that information be provided by CEB members as to their relevant practices and policies with regard to the articles highlighted.

By January 2013, all participating institutions had provided updated information to UNODC as regards policies and measures introduced with relevance to the Initiative. Following receipt of an updated and complete set of responses, UNODC worked together with several UN organizations to develop a first draft of this report which was circulated for comments to all members of the CEB. This final report and set of recommendations was formalized by UNODC based on the inputs and comments received. The report was drafted in 2013 and thus reflects the information that was received by that time, as well as some updates provided in 2014. The report does not reflect any changes that may have been made after the time of drafting.

This report represents a selection of the range of measures highlighted by CEB members as being relevant to the implementation of the principles of the United Nations Convention against Corruption in the United Nations system itself. It should be emphasized, however, that this report represents an assessment of the information provided by participating institutions and cannot be viewed as a fully comprehensive analysis of all measures taken by CEB members.

This report further seeks to look forward and identify key ways in which United Nations anti-corruption and integrity policies can be aligned more closely with the principles of the Convention. The recommendations from this report are not binding and should not be viewed as superseding any previous recommendations made by other relevant bodies such as the UN Joint Inspection Unit (JIU) which has produced a number of reports for the Organization in recent years with relevance to the issue of the prevention of corruption within the UN system. Many of these reports and those produced by other bodies such as the United Nations Ethics Office and other oversight and investigative offices in UN funds, programmes and specialized agencies have been drawn on in the production of this report.

A final, but important, point to note at the outset is that the United Nations Convention against Corruption is not legally binding on members of the United Nations system. This Initiative is a voluntary effort on the part of the participating institutions to assess to what extent they are practicing what they preach in the fight against corruption by respecting the principles set out in the Convention.

UNODC would like to sincerely thank all contributing offices for their strong support for the Initiative and for their constructive comments during the drafting process.

THE INSTITUTIONAL SCOPE OF THE INITIATIVE

The membership of the Chief Executives Board (CEB) includes the United Nations; 15 Specialized Agencies established by intergovernmental agreement; the World Trade Organization (WTO) and the International Atomic Energy Agency (IAEA); and 12 funds and programmes created by the United Nations General Assembly. These organizations (listed below) participated in the Institutional Integrity Initiative and have contributed to the elaboration and drafting of the present report.

While this report demonstrates the significant cooperation and coordination that has occurred across the United Nations family in the field of integrity and anti-corruption policy, the relations and status of different bodies within the system can often appear complex to those less familiar with the United Nations system. To assist readers, a brief summary is provided below of the institutions participating in the Initiative.

The United Nations

The United Nations is staffed by the United Nations Secretariat, consisting of international civil servants who carry out the day-to-day work of the Organization, service the principal organs of the United Nations and administer the programmes and policies laid down by them.

The United Nations Secretariat, of which a number of CEB members are part, has around 43,000 staff members who, under the United Nations Charter, shall not seek instructions from any authority external to the Organization. In addition to the UN Charter, a series of key policies have been introduced governing the conduct of United Nations Secretariat staff members including the United Nations Staff Rules and Staff Regulations and the UN Financial Regulations and Rules.

United Nations Subsidiary Organs

Subsidiary organs were created by the United Nations to meet needs not envisaged at the time of the founding of the United Nations such as Palestinian refugees, development assistance, food aid, or the environment. They are subsidiary organs of the United Nations and are governed by distinct inter-governmental bodies and derive most of their financial resources from other sources than the United Nations regular budget.

As their activities are usually more operational and carried out at field level, subsidiary organs have needs dictated by an environment quite different from that of headquarter-centred administrations, something that is reflected in the often specialized anti-corruption and integrity measures they have developed and implemented. The subsidiary organs apply United Nations Staff Rules and Staff Regulations in the realm of administration and human resources, but have their own financial rules and regulations, although these are consistent with the United Nations Financial Regulations and Rules.

The Funds and Programmes participating in the Institutional Integrity Initiative are:

- Office of the United Nations High Commissioner for Refugees (UNHCR);
- UN Women (UN Women);
- United Nations Development Programme (UNDP);
- United Nations Environment Programme (UNEP);
- United Nations Human Settlements Programme (UN-Habitat);
- United Nations Population Fund (UNFPA);
- United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);
- World Food Programme (WFP).

Specialized Agencies

Specialized Agencies are legally independent international organizations with their own rules, membership, organs and financial resources and are brought into relationship with the United Nations through negotiated agreements as described in Article 57 and 63 of the UN Charter. Specialized agencies work with the UN and each other through the coordinating machinery of the Economic and Social Council at the intergovernmental level, and through the CEB at the inter-secretariat level.

Specialized Agencies maintain their own rules and regulations with regard to recruitment, conduct and finance.

The Specialized Agencies participating in the Institutional Integrity Initiative are:

- Food and Agriculture Organization (FAO);
- International Civil Aviation Organization (ICAO);
- International Fund for Agricultural Development (IFAD);
- International Labour Organization (ILO);
- International Maritime Organization (IMO);
- International Telecommunication Union (ITU);
- United Nations Educational, Scientific and Cultural Organization (UNESCO);
- United Nations Industrial Development Organization (UNIDO);
- Universal Postal Union (UPU);
- World Bank Group (World Bank);
- World Health Organization (WHO);
- World Intellectual Property Organization (WIPO);
- World Meteorological Organization (WMO);
- World Tourism Organization (UNWTO).

Related Organizations

The term Related Organization is used as a default expression, describing organizations whose cooperation agreement with the United Nations has many points in common with that of Specialized Agencies, but does not refer to Article 57 and 63 of the United

Nations Charter. As with Specialized Agencies, Related Organizations have their own rules and regulations on matters such as conduct, discipline, finance and procurement.

The following Related Organization is participating in the Institutional Integrity Initiative:

- International Atomic Energy Agency (IAEA)

RECOMMENDATIONS AND EXECUTIVE SUMMARY

Recommendations

From the information provided by participating institutions it is clear that the United Nations family has made great strides in the fight against fraud and corruption in recent years. The following recommendations are made with the aim of further aligning the integrity rules of all CEB members with the principles of the United Nations Convention against Corruption, and to address gaps where they may exist in each organization.

1. All CEB members should develop comprehensive anti-corruption policies based on a full assessment of the corruption risks faced by their organizations;
2. All CEB members should seek to ensure that a body or bodies within their institution have clear responsibility for the prevention, detection, investigation and response to corruption. These bodies should be provided with the necessary independence, training and resources required to carry out their functions effectively;
3. All CEB members should consider the adoption of adequate procedures for the selection of individuals for positions considered especially vulnerable to corruption;
4. All CEB members should seek to provide staff with access to independent, confidential ethics advisory services, in order to prevent, mitigate and remedy conflicts of interest and to assist staff in conforming their conduct to the ethical expectations established by their organizations;
5. All CEB members should work together to simplify their mechanisms for reporting acts of corruption;
6. All CEB members should consider including public reporting on corruption risks in their organization as part of their information disclosure policies.

Executive Summary

Adoption of Preventive Anti-Corruption Policies and Practices (Article 5 UNCAC)

At the United Nations-system level a significant number of cross-cutting policies with relevance to preventing and combatting corruption are in place, such as the Staff Rules and Staff Regulations¹ While such policies do not constitute a single, comprehensive anti-corruption policy as described under Article 5 of the Convention, significant work through forums, such as the Ethics Panel of the United Nations, has gone some way to addressing this lack of common standards by encouraging coherence on integrity matters. This is an area that the United Nations system as a whole should continue to address in the future. In continuing efforts towards system-wide alignment it should be recognized, however, that given the wide range of functions carried out by CEB members and the historic diversity in their approaches to addressing issues of corruption, a meaningful attempt to standardize policies and implementation across all CEB members would involve a significant commitment by the whole United Nations family.

Evidence of strategic anti-corruption policy planning is clearly identifiable amongst many individual CEB members, with UNDP and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in particular having made significant efforts in this regard recently. These activities may act as a source of inspiration for future system-wide efforts and those of other individual CEB members.

As a basis for the development of comprehensive anti-corruption strategies, a small number of CEB members have sought to conduct corruption risk assessments within their organizations so as to ensure that new policies are focused on real or potential risks. Such initiatives could also act as a template for future action across the United Nations system.

Establishment of Units and Bodies (Articles 6 and 36 UNCAC)

Significant efforts have been made amongst CEB members over the last ten years to enhance the institutional framework for promoting integrity and combatting corruption. This framework can be split along two major thematic areas with ethics offices generally responsible for activities that may lead to the prevention of corruption such as conflicts of interest, financial disclosure systems, and protection from retaliation policies, while investigative and oversight bodies are responsible for the detection, investigation and reporting of alleged acts of corruption.

¹ As promulgated by the Secretary-General most recently on 1 January, 2014 (ST/SGB/2014/1)

However, as can be seen from the responses of participating institutions and as reflected in the 2012 JIU report on the investigations function of the United Nations system,² significant challenges remain in terms of the fragmentation of the bodies responsible in this field and with respect to the independence of these bodies. In relation to oversight and investigation bodies in particular, further steps could be taken to enhance their functional, operational and financial independence.

With regard to fragmentation among investigative functions and offices, previous recommendations have been made by the JIU for the establishment of system-wide bodies to address this issue. While this remains one potential solution, as a minimum and in order to better reflect the principles of the Convention, further steps should be taken to ensure that in relation to education, awareness-raising, prevention and investigation of corruption, responsibilities are clearly delegated both at a system-wide level and within individual CEB members.

Finally, CEB members should ensure that they continue to provide ethics offices and investigation functions with the necessary training and resources required to carry out their functions effectively.

Human Resources Policies (Article 7 UNCAC)

Recruitment systems and remuneration

The general rules and procedures applicable to the recruitment of United Nations system staff members are broadly in accordance with the requirements of the Convention in that they are clearly based on the principles of efficiency, transparency and objective criteria such as merit, equity and aptitude as outlined in Article 7, paragraph 4 UNCAC. A number of innovations have also been introduced by many CEB members such as online recruitment platforms which significantly enhance the transparency and efficiency of the recruitment process.

Less progress has been made, however, with regard to tailoring the recruitment process for those positions considered especially vulnerable to corruption. Only one responding organization, UN-HABITAT, indicated in their response that they had developed specialized systems for the recruitment of individuals to such posts. Further action should be considered by CEB members to ensure that their recruitment processes take adequate account of the risk of corruption to which individuals may be exposed in specific posts.

All participating institutions indicated that the amount of remuneration received by staff was sufficient so as to avoid incentivizing acts of corruption.

² JIU/REP/2011/7

Education and training programmes

The wide range of experiences shared by participating institutions in relation to anti-corruption and integrity training demonstrates the significant need for, and the value of, tailored training programmes specific to the needs of individual institutions and, in high-risk areas such as procurement, to individual jobs or professional disciplines.

While the majority of CEB members have introduced significant new programmes in this area in recent years, some institutions have recognized that more should be done to meet this need. Given the dynamism in this area at present and the significant number of new training initiatives introduced by participating institutions, there are huge opportunities for the sharing of best practices and common learning between individual United Nations bodies, with the United Nations Ethics Office potentially acting as a central hub of expertise in this regard. Existing networks such as the the Ethics Panel of the United Nations and the Ethics Network for Multilateral Organizations provide excellent forums in which experiences can be shared.

Conflicts of interest

Considerable efforts have been made by CEB members in recent years to put in place both the legislative and practical measures that can help staff members in avoiding or resolving personal conflicts of interest. A particularly effective measure identified by participating institutions is the provision of training and confidential advisory services to staff members aimed at increasing awareness and understanding of the conflict of interest regulations applicable to them. This is an area in which all ethics offices, system wide, have developed extensive expertise. The success and popularity of existing initiatives indicates that all United Nations system bodies should continue their progress in the provision of such services to staff members.

Codes of Conduct and Financial Disclosure Requirements (Article 8 UNCAC)

Codes of conduct

The majority of participating institutions emphasized their adoption of the Standards of Conduct for the International Civil Service as the basis for the codes of conduct applicable in their organization. In addition to this, some have developed specialized codes of conduct which take into account the specific activities to be conducted by their staff.

Financial disclosure

A significant majority of participating institutions have implemented financial disclosure programmes, with these focusing primarily on the identification of potential or actual conflicts of interest, as opposed to the detection of illicit enrichment or the embezzlement

of United Nations funds. Those systems that have been in place for some time have proved successful both in terms of participation and compliance rates and with regard to the effect this has had on the awareness of staff regarding conflict of interest regulations and relevant prohibitions and restrictions applicable to them as United Nations officials. Indeed, participation and compliance rates system-wide are at their highest since such disclosure programmes were introduced.

Steps have also been taken to encourage the publication of declaration forms submitted by the most senior officials, particularly within the United Nations Secretariat. This parallels efforts made by many States Parties to the Convention to make the information produced through the financial disclosure system easily accessible to the public. Relevant ethics entities responsible for the administration of these disclosure systems may wish to consider collectively as to how further transparency can be introduced to the disclosure process.

Reporting misconduct

Significant efforts have been made by individual institutions to establish mechanisms for the reporting of suspected misconduct and acts of corruption. Particularly at the United Nations Secretariat level, there is a diverse range of offices to which such reports can be made including the Office of Internal Oversight Services (OIOS), the Assistant Secretary-General for Human Resources Management, the head of the department or office concerned, or the body established or focal point appointed to receive such reports in their individual institutions. Should, however, an institution receive a report more suitably handled by another authority, the report or relevant information is forwarded accordingly.

While the current measures in place fully meet the requirements of Article 8, paragraph 5 of the Convention as regards the establishment of “measures and systems to facilitate the reporting of acts of corruption to appropriate authorities” some participating institutions noted that further work could be done to streamline and simplify their reporting systems.

Procurement and the Management of Finances (Article 9 UNCAC)

Procurement

The measures put in place by participating institutions to prevent corruption within the procurement processes conducted by the United Nations system broadly reflect the requirements of the UNCAC, with significant reforms having recently been introduced by CEB members to further strengthen integrity and promote transparency in this area.

In line with the United Nations Financial Regulations and Rules and those applicable in specialized agencies, all participating institutions base their procurement systems on the principles of transparency, competition and objective criteria. Corruption and other forms of fraud are also directly addressed in the relevant rules and procedures of participating

institutions. Furthermore, mechanisms have been put in place in all institutions that seek to ensure that predetermined criteria are applied consistently.

One of the most dynamic areas of reform in the procurement field has been the introduction, across the United Nations system, of online platforms for the publication and, in some cases, the full administration of the procurement process. In this regard, the United Nations Global Marketplace now provides an easy-to-use platform for 95% of the total value of United Nations procurement spent on an annual basis. Individual institutions are also proactively distributing procurement notices and relevant rules and manuals on their own websites and portals. These changes have significantly enhanced the transparency of the procurement process and bring United Nations policies and practices clearly into line with the Convention.

As regards procurement personnel, the majority of participating institutions apply enhanced financial disclosure requirements to those involved in administering the procurement process, with more stringent restrictions and prohibitions also placed on these officials with regard to outside activities. Specialized integrity and anti-corruption training has also increasingly been recognized by CEB members as a crucial tool in enhancing the capacity of procurement personnel to deal with the particular corruption challenges applicable to their work.

Transparency and Accountability in the Management of Public Finances

Recognizing the broad requirements of Article 9, paragraph 2 on transparency and accountability in public finances, information from participating institutions indicates overall adherence to the core principles of this provision. All participating institutions demonstrated that systems were in place as regards budget development, accounting and record maintenance, while also noting that corrective practices are in place where such rules are broken. Institutions have also demonstrated a willingness to enhance the accounting standards that they apply, with the majority now having implemented the International Public Sector Accounting Standards (IPSAS). A real effort has also been evidenced in the majority of institutions to increase the public availability of information regarding the management of their finances, particularly through the use of web portals and more regular formal reports.

Transparency and Access to Public Information (Article 10 UNCAC)

While the information provided by participating institutions demonstrated a strong trend towards an increase in the public availability of information relating to the functioning and decision-making processes of the United Nations system, there remains divergence amongst CEB members with regard to reporting on the risks of corruption. While some organizations publicly report such information on a regular basis, other bodies indicated that they had no such procedures in place. This is an area in which some organizations may wish to consider enhancing existing measures.

Integrity in the Administration of Justice and Investigation Services (Article 11 UNCAC)

The introduction of the new internal justice system marked a significant moment in the efforts of the United Nations Secretariat and the United Nations' Funds and Programmes to support the independence and integrity of the administration of justice at the United Nations. While the previous structure of these mechanisms brought into question its ability to act independently of those bodies whose decisions were being appealed, the establishment of new and operationally independent bodies has significantly enhanced the capacity of the justice system to respond to the needs of staff members. All of these reforms also have direct relevance to, and support, the implementation of the fundamental principles underpinning Article 11 of the Convention.

Further work is required, however, in relation to the development and enforcement of specialized codes of conduct for those working in internal justice systems. The unique role of adjudicating on internal justice is best addressed through specialized standards and a meaningful implementation mechanism. Specifically, action is required in relation to the lack of any enforcement mechanism for the code of conduct applicable to judges at the UNDT and UNAT. A proposed mechanism to address allegations of possible misconduct against judges was included in the Secretary-General's report, as well as a proposal for a code of conduct for external legal representatives, as requested by the General Assembly.

Conditions for the Private Sector to enter into Relationship with International Organizations (Article 12 UNCAC)

A number of initiatives have been introduced over the last ten years aimed at increasing the standards to which the business community will be held when engaging with United Nations entities. The United Nations Supplier Code of Conduct and the Guidelines on Cooperation between the United Nations and the Business Sector provide a mutually reinforcing framework that helps United Nations entities maintain a common and consistent position when dealing with the business community. To this extent, the core principle of Article 12, that measures should be taken "to prevent corruption in the private sector", has broadly been met.

Furthermore, significant efforts have been made to engage and partner with the private sector in the fight against corruption. The United Nations Global Compact has acted as a key platform in this regard, allowing United Nations agencies to work successfully with companies in the field of corruption prevention and, in the process, has facilitated the collection of a wide range of good corporate practices in this field.

Participation of Society (Article 13 UNCAC)

All participating institutions demonstrated efforts to increase the availability of information to the public regarding their governance policies and procedures and, to a lesser extent, in relation to their integrity and anti-corruption efforts. Such efforts most

commonly manifested themselves in the form of improved websites and the regular publication of external reports.

A smaller group of institutions, with UNRWA a particular example, had taken the step of formally inviting civil society bodies to participate in their governance bodies and in the development of their integrity and anti-corruption policies. Such efforts to harness the knowledge and expertise of civil society organizations in the development and implementation of anti-corruption programmes represents a good practice with regard to Article 13 of the Convention.

Offences and Law Enforcement (Chapter III UNCAC)

The information provided by participating institutions in relation to the application of disciplinary measures demonstrates a consistent approach across the majority of CEB members both in terms of the disciplinary rules and sanctions, and with regard to the procedures in place for the investigation and final decision in such cases. All participating institutions indicated that while the specific offences outlined in Chapter III of the Convention may not be enumerated as grounds for disciplinary action, broad prohibitions on “unlawful conduct” would, in the vast majority of cases, provide sufficient grounds for action where such offences are committed.

In almost all institutions, disciplinary rules and associated tribunal jurisprudence specifically provide that the application of such sanctions must be grounded in the principle of proportionality, with all institutions also providing a right of appeal. The mandate, resources and powers of investigating bodies, have also been significantly enhanced in the majority of participating institutions in recent years, with reforms having been introduced particularly to increase their access to information and expand the range of entities, including third parties that they are able to investigate as part of their activities. In addition, significant steps had been taken in a number of institutions to increase transparency in the work of such bodies by requiring them to publicly report on their activities on a regular basis. Institutions have also demonstrated their ability and willingness to refer matters to national authorities where appropriate.

Protection of Witnesses, Experts, Victims and Whistle-blowers (Articles 32 and 33 UNCAC)

Responses from participating institutions demonstrate that significant efforts have been taken in recent years to improve the protection provided to those who have reported acts of corruption within the United Nations system. Whether through the mechanism led by the United Nations Ethics Office in accordance with ST/SGB/2005/21, or through specialized reporting mechanisms developed by individual agencies, all United Nations system staff members have an available process by which protection can be sought.

However, while protection from retaliation is being provided in a number of individual cases, the United Nations Ethics Office has raised concerns as to whether the current

whistle-blower protection system is truly serving its primary function of facilitating the reporting of suspected misconduct that is manifestly harmful to the international public interest. The current comprehensive review of the existing retaliation protection mechanisms may serve to identify how the system can be improved.

Further issues to consider include the provision of protection against retaliation to consultants, service providers and interns. While many institutions do provide protection to such individuals, some explicitly recognized that their policy or procedures did not extend to these categories of individuals.

Consequences of Acts of Corruption (Article 34 UNCAC)

Information provided by participating institutions demonstrates a consistent approach across the United Nations system allowing for the termination of contractual relationships with suppliers and other third parties in the event that fraud or corruption is detected in their operations.

Cooperation within and between International Organizations (Chapter IV UNCAC)

A number of forums and formal agreements had been developed amongst United Nations system bodies aimed at facilitating cooperation in relation to investigations, including fraud and corruption cases. In particular, the United Nations Heads of Investigation Sections Group (UNHIG) and the Conference of International Investigators of United Nations Organizations and Multilateral Financial Institutions were cited by the majority of participating institutions as providing an effective framework for cooperation in this area.

Further work could, however, be undertaken to ensure that an even broader range of bodies participate in such forums so as to maximize the benefit they can bring to cooperation in this field.

Cooperation of International Organizations with Member States (Chapter IV UNCAC)

A strong legal basis exists under the United Nations Charter and the Convention on Privileges and Immunities facilitating the cooperation between the United Nations, including its funds and programmes and Member States in relation to criminal offences, including corruption-related offences.

Under this framework, many individual agencies have developed more detailed rules aimed at implementing the broad obligations noted above. Specific examples of success in this regard have occurred at the United Nations, United Nations Development

Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR) and other bodies where intensive cooperation in relation to specific issues have yielded real results. Further work can be done, however, to ensure that all participating institutions have adopted clear procedures and rules for such cooperation in order that, when necessary, this can be carried out quickly and effectively.

THEMATIC COMPILATION OF RESPONSES BY MEMBERS OF THE CEB TO THE UNCAC CHECKLIST

UNCAC CHAPTER II PREVENTIVE MEASURES

ADOPTION OF PREVENTIVE ANTI-CORRUPTION POLICIES AND PRACTICES

Development and implementation of *effective, coordinated anti-corruption policies* that promote:

- the principles of rules of law, proper management in public affairs and public property, integrity, transparency and accountability (Art. 5(1));
- Promotion of *effective practices* aimed at the prevention of corruption (Art. 5(2));
- *Periodic evaluations* of relevant measures (Art. 5(3));
- *Cooperative arrangements* in promoting and developing such measures, including participation in international programmes and projects (Art. 5(4)).

1. Article 5 of the Convention underlines the importance of developing and maintaining a coordinated and effective set of measures aimed at enhancing integrity and reducing corruption. These measures should also promote, inter alia, the participation of civil society and the principles of the rule of law, transparency and accountability.
2. In the context of the work of participating international organizations, anti-corruption policy coordination can be assessed on two-levels. First, we can consider the policies and practices in place on a United Nations system-wide level and the efforts being made to coordinate anti-corruption measures across all CEB members. Secondly, we can reflect on the work that individual agencies are carrying out to ensure that their integrity and anti-corruption policies are being developed and implemented effectively.

Anti-corruption strategy on a system-wide level

3. As regards anti-corruption and integrity policies on a system-wide level, information provided indicates that many overarching policies have been developed with both direct and indirect relevance to combatting corruption and enhancing integrity.
4. Furthermore, a number of initiatives have been initiated to ensure better coordination between United Nations family members in relation to anti-corruption policy, such as the Ethics Panel of the United Nations. Despite these significant steps towards a

comprehensive and coordinated set of measures, more work can still be done to bring United Nations policy-making further into line with the spirit of Article 5 of the Convention.

5. Key policies in this regard are embodied in the United Nations Charter, the United Nations Staff Rules and Staff Regulations; the Financial Regulations and Rules;³ the Secretary-General's bulletin titled "Status, basic rights and duties of the United Nations Staff members" (ST/SGB/2002/13), which is only applicable to the United Nations Secretariat; and the Convention on the Privileges and Immunities of the United Nations. These are also complemented by the Standards of Conduct for the International Civil Service as updated by the ICSC in 2013⁴ and approved by the General Assembly.⁵
6. More specifically, Article 101, paragraph 3 of the United Nations Charter stipulates:
 3. The paramount consideration in the employment of the staff and the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible." (Emphasis added.)
7. Staff Regulation 1.1(d) furthermore states that "[t]he Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff of the highest standards of efficiency, competence and integrity." (Emphasis added.)
8. Staff Regulation 1.2 sets out several "core values" and "general rights and obligations" which directly, or indirectly, relate to the fight against corruption, such as:
 - (b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;
 - (c) Staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.

³ It should be noted that while the UN Staff Rules and Staff Regulations and Secretary-General's Bulletins are applicable to the majority of CEB member organizations and have therefore been highlighted as overarching policies with relevance to the prevention of corruption, they are not applicable to all CEB members, in particular the UN specialized agencies. Where major differences exist between United Nations Secretariat human resources policies and alternate policies adopted in other agencies, these are highlighted in the report.

⁴ <http://icsc.un.org/resources/pdfs/general/standardsE.pdf>

⁵ Resolution A/Res/67/257

- (g) Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favor. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favor;
9. Staff members can also refer to the Secretary-General's bulletin "Status, basic rights and duties of United Nations Staff Members" which contains a commentary by the Secretary-General to assist staff members in better understanding the obligations applicable to staff conduct⁶. Non-staff officials and experts on mission, must abide by the standards of conduct and other provisions contained in "Regulations Governing the Status, Basic Rights and Duties of Officials other than United Nations Secretariat Officials, and Experts on Mission," normally applicable to them by the terms of their contracts.⁷
 10. A general United Nations Secretariat staff obligation to report acts of observed misconduct, including corruption, is codified in the Secretary-General's "Bulletin on Protection against Retaliation", under which all staff and other personnel have the obligation to report all observed misconduct including suspected fraud, waste, abuse and corruption.⁸ It should also be noted that under Staff Rule 1.2 (c), United Nations staff members are required to report any breach of the Organization's regulations and rules. The "Bulletin on Protection against Retaliation" is the model on which the majority of funds and programmes have adopted their policies on whistle-blowing. The duty to report, including information on how and what to report, is not codified in a separate, stand-alone policy issuance.
 11. While these overarching rules and regulations provide some common standards of integrity for United Nations staff, they were never intended to be applied to the whole United Nations system and do not as yet represent a "coordinated set of measures" across the United Nations system aimed at reducing corruption as envisaged under Article 5 of the Convention. Nevertheless, as noted above, and explored in more detail in the next section, significant efforts have been made to enhance coordination. Continued work through these forums should be used to further align and iron out inconsistencies between the anti-corruption policies and practices of CEB members. The key areas that could be considered in such a review are addressed in this report.

Anti-corruption strategy in individual CEB members

12. While a comprehensive and strategic approach to the development of anti-corruption policy on a system-wide basis currently remains elusive, and may, in practice, not presently be feasible given the diversity of work conducted by CEB bodies, good

⁶ ST/SGB/2013/3

⁷ ST/SGB/2002/9

⁸ [ST/SGB/2005/21](#)

examples of strategic planning and implementation in the field of anti-corruption measures can be found within many individual members of the UN system.

13. A large number of participating institutions, including UNDP, World Intellectual Property Organization (WIPO), International Maritime Organization (IMO), International Civil Aviation Organization (ICAO), the World Bank, International Fund for Agricultural Development (IFAD), UNRWA, United Nations Education, Scientific and Cultural Organization (UNESCO), Food and Agricultural Organization (FAO), United Nations Industrial Development Organization (UNIDO) and World Food Programme (WFP) indicated that some form of strategic approach or overarching policy had been adopted, or was in the process of being adopted, with regard to the prevention of corruption and fraud. As an example, UNDP has recently published an Anti-Fraud Policy document that establishes the framework for preventing, identifying, reporting and effectively dealing with fraud and other forms of corruption in all activities and operations involving UNDP staff members, consultants, contractors, and/or any other parties. The Anti-Fraud Policy has been promulgated to raise awareness of the risks of fraud and corruption in UNDP projects and programmes.
14. Those institutions that have introduced an anti-corruption policy emphasized that they promote a zero-tolerance approach to the issue of corruption and attempt to take a holistic approach by addressing measures including: mechanisms for reporting acts of corruption; whistle-blower protection; training and disclosure programmes; action taken by the investigative and audit bodies in response to reports of fraud and corruption; and action taken in follow-up to proven cases (including vendor debarment, recovery of funds and assets, disciplinary action; and referral to national authorities for criminal investigation).
15. This is presently a dynamic area of policy reform amongst CEB members, with a number of responding institutions noting that they were considering, or had recently introduced new reforms. At UNRWA, following a recommendation by their Advisory Commission on Internal Oversight Services (ACIOS) a project has been embarked upon to develop a comprehensive anti-corruption strategy, including prevention, detection and response. The first phase of this project was managed for the Department of Internal Oversight Services (DIOS) by the UNRWA Ethics Office, with a consultant retained for this purpose. Work commenced in August 2011 entailing mapping the risks of corruption that existed in UNRWA, culminating in a report for senior management in early 2013. Based on the report, the ACIOS has recommended that DIOS and other key stakeholders build on the assessment by taking the lead in developing a comprehensive anti-corruption strategy. UNRWA is currently assessing the best way to take this forward.
16. As required under Article 5, some organizations have also taken steps to periodically review the effectiveness of their policies. At UNDP, the Office of Audit and Investigations (OAI) performs periodic reviews of the effectiveness of existing internal controls measures at the country office, as well as at HQ. Similarly, at IFAD,

periodic reports on the status of implementation of the anti-corruption policy are submitted to the Audit Committee.

17. ICAO has also recently evaluated its integrity and anti-corruption policies and introduced an explicit Ethics Framework in January 2012, together with a new Ethics Officer post, in order to promote effective practices aimed against misconduct, including bribery and corruption.
18. Other participating institutions outlined policy measures that, while not representing a full anti-corruption strategy covering the full range of areas addressed under the Convention, represented a significant effort to coordinate existing measures aimed at preventing and punishing corrupt activity. In this regard, FAO indicated that its Policy on Fraud and Improper Use of the Organization's Resources consolidates different administrative provisions dealing with detection of fraud. The policy, which is currently being reviewed and will be reissued in 2014 to reflect measures recently implemented such as the new Vendor Sanctions Policy, clearly outlines zero tolerance for fraud in all its manifestations, and defines responsibilities for managers and staff in this regard.
19. Submissions from a number of organizations including UNHCR, UN-WOMEN, International Atomic Energy Agency (IAEA), United Nations World Tourism Organization (UNWTO) and World Meteorological Organizations (WMO) reported that no specific efforts had been made at present to develop a coordinated policy aimed at addressing corruption and enhancing integrity. In this regard IAEA noted that they did not consider that the development of a strategic document would be of additional value given that existing integrity mechanisms were working well.

Mapping corruption risks in United Nations bodies

20. At present, very few participating institutions have mandated relevant in procurement, financial, audit/investigations bodies or Ethics Offices to conduct formal assessments of integrity risks, inclusive of fraud and corruption. This is true both at the United Nations Secretariat level and amongst individual institutions. However, even without such express mandates, three ethics offices have conducted risk assessments, including UNRWA's recent effort to map corruption risks as a basis for the development of a new anti-corruption strategy, WIPO's initiative to launch a fraud risk assessment which will serve to develop a fraud risk management strategy, and the recent UN's Ethics Office's "Ethics and Reputational Risk Assessment for Peacekeeping Missions". Other organizations, such as the United Nations Secretariat and UNDP, have conducted an Enterprise Risk Management programme, which necessarily includes fraud and corruption among all other risks facing the organization as a whole.
21. At ICAO, a similar project managed by their Ethics Office to map corruption risks and develop a new strategic response plan and strategy is at a draft stage, with an aim to complete the mapping process by mid-2014. Furthermore, an initial anti-

corruption and fraud strategy and policy paper was approved by the ICAO's Secretary General, which will be further developed before promulgation in 2014.

22. As demonstrated in the context of national efforts to fight corruption, formal risk assessments are an essential first step in developing effective and coordinated measures to combat fraud and corruption and help promote ethics and integrity. Even where such assessments do not ultimately lead to the development of a comprehensive policy, the process of assessment itself holds significant value. However, without a direct mandate to conduct risk assessments, relevant bodies such as ethics and investigation offices will be unable to carry out such a task which can often require significant human and financial resources.
23. One successful example of such an assessment is the undertaking by the United Nations Ethics Office to conduct a formal ethics and reputational risk assessment of selected United Nations Peacekeeping Missions.⁹ In 2012 and 2014, the Office examined the extent to which peacekeeping staff believe that they work in and contribute to a culture informed by ethics and integrity and systematically identified the likelihood of risk occurrence and the potential seriousness of such risks impacting the United Nations ability to fulfill its peacekeeping mandate.
24. The United Nations Ethics Office noted that this two year-assessment utilized best practices in social science research, and incorporated learning from the conduct of similar ethical risk assessments in the private and public sectors. Qualitative and quantitative data were collected from well over 3,000 individuals, including international and national staff, managers, leaders, and military and police observers. The online survey examined ten standard baseline measures of ethical culture, as well as the seriousness and likelihood of 18 discrete ethical risks.
25. Data from this two-year study reflected strengths and concerns about ethics and integrity in the workplace. Respondents articulated six major themes: accountability; bureaucracy and effective management; sexual exploitation and abuse; expectations of international civil servants; independence and impartiality; and third-party risks. Key concerns amongst staff members relevant to the issue of corruption included a fear of speaking up, favouritism, belief in impunity, and inconsistent compliance with behavioural standards. Notwithstanding these expressed concerns, staff want to be engaged in the greater UN mission; they are eager to engage in conversations about ethics; and for the most part, desirous of working in a culture that is characterized by fairness and respect. UN staff were interested to work on ways to enhance trust, credibility, and transparency. Similar findings were replicated in the results of a recently conducted general staff survey at UNDP, where staff reported their general willingness to speak up and report wrongdoing without fear of reprisal.

⁹ In response to GA resolution 66/234, under which the General Assembly endorsed a request by the ACABQ that the Secretary-General devise appropriate ethics evaluation criteria in order to determine whether the objectives of promoting high standards of integrity and a culture of ethics were being achieved.

26. Peacekeeping management received full briefings on the research and its interpretation, and is considering appropriate next steps to integrate these findings into their management strategy.

Summary

27. At the United Nations -system level, a significant number of crosscutting policies with relevance to preventing and combatting corruption are in place such as the Staff Rules and Regulations and Financial Regulations and Rules. While such policies do not constitute a single, comprehensive anti-corruption policy as described under Article 5 of the Convention, significant work through forums such as the Ethics Panel of the United Nations has gone some way to addressing this lack of common standards by encouraging system-wide coherence on integrity matters. This is an area that the UN system as a whole should continue to address in the future. It should be recognized, however, that given the wide range of functions carried out by CEB members and the historic diversity in their approach to addressing issues of corruption, a meaningful attempt to standardize policies and implementation across all CEB members would involve a significant commitment by the whole United Nations family.
28. Evidence of strategic anti-corruption policy planning is clearly identifiable amongst many individual CEB members with UNDP and UNRWA in particular having made significant efforts in this regard recently. These activities may act as a source of inspiration for future system-wide efforts and those of other individual CEB members.
29. As a basis for the development of comprehensive anti-corruption strategies, a small number of CEB members have sought to conduct ethics and integrity risk assessments within their organizations so as to ensure that new policies are focused on real or potential risks. Such initiatives could also act as a template for future action across the United Nations system.

Recommendation: All CEB members should develop comprehensive anti-corruption policies based on a full assessment of the corruption risks faced by their organizations.

ESTABLISHMENT OF ANTI-CORRUPTION UNITS AND BODIES

Ensure the existence of a *specialized and independent anti-corruption body* to:

- implement the policies;
- oversee and coordinate their implementation;
- disseminate knowledge about the prevention of corruption.

Ensure the functional and financial *independence* of such bodies, the necessary *material resources, specialized staff and training* (Art. 6).

30. Article 6 of the Convention emphasizes the importance of establishing and maintaining specialized and independent institutions responsible for the implementation of anti-corruption and integrity policies. Furthermore, it notes that such bodies should have sufficient resources, specialized staff, training and independence in order to carry out their work effectively. While Article 5 highlights the need for coordinated and strategic anti-corruption policy-making, Article 6 underlines that if such policies are to have meaningful impact, they must be implemented by bodies with clearly articulated roles and responsibilities.
31. The delineation of institutional responsibility in the field of anti-corruption policy is broadly similar across all participating institutions. A general distinction emerges between: (i) efforts to promote an organizational culture informed by ethics and integrity, and thus diminishing the likelihood of corruption, led primarily by the United Nations Ethics Office at the United Nations Secretariat level and by individual ethics offices and similar bodies amongst other participating bodies, and; (ii) measures related to the detection and investigation of alleged acts of misconduct, inclusive of corruption, led by the Office of Internal Oversight Services (OIOS) at the United Nations Secretariat level and other oversight and internal control bodies of CEB members.
32. This second category of institutions, oversight and internal control bodies, in fact represent relevant institutions for the purposes of Article 36 of the Convention which provides that measures shall be taken to ensure the existence of a body or bodies or persons specialized in combatting corruption through law enforcement. However, in order to address the issue of institutional responsibilities holistically, these two forms of bodies, relevant to Articles 6 and 36 respectively, will be addressed together.
33. At the outset of this section, it is important to note that ethics offices and their affiliated coordination mechanisms were not given direct mandates that include addressing and reducing corruption. These offices and coordinating mechanisms were established to promote the United Nations ethical principles and to encourage staff to comply with the Organization's expectations, regulations and rules. The initiatives outlined below represent how ethics offices have been able to achieve their mandates and, as a consequence, may be able to help reduce the likelihood of corruption.

The UN Ethics Office

34. On a United Nations Secretariat level significant efforts have been made over the last ten years to establish and enhance the capacities of bodies responsible for coordinating and promoting measures aimed at promoting integrity.

35. Established in 2005 and effective as of 1 January 2006, the United Nations Ethics Office is an independent, confidential office within the United Nations Secretariat. Acting primarily as an advisory body, the Ethics Office has responsibility in a range of areas relevant to the prevention of corruption in the United Nations system. Similar ethics offices were subsequently established at the Funds and Programmes (e.g., UNDP in 2007) and are addressed in detail below.
36. Specifically, the main responsibilities of the Ethics Office are: administering the Organization's financial disclosure programme; promoting whistle-blowing and protecting staff against retaliation for reporting misconduct or cooperating with duly authorized audits and investigations; offering training, education, communication and outreach on ethics standards and expectations; consulting on policies; and providing confidential advice and guidance to staff on ethical issues, including operating the organization's ethics helpline.¹⁰ It is important to note that neither the Ethics Office, nor the ethics offices of any of the Funds and Programmes are charged specifically with anti-fraud or anti-corruption responsibilities, including establishment of applicable policies.
37. The most recent annual report of the United Nations Ethics Office provides an overview and assessment of its activities from 1 August 2013 to 31 July 2014, undertaken pursuant to its mandate to foster an organizational culture of integrity, transparency, and accountability.¹¹ During this period, the Office undertook several initiatives aimed at promoting an ethical culture in the United Nations, including supporting ethical leadership behaviour, promoting workplace conversations about ethics, conducting ethical risk assessments, and developing evaluative metrics. These initiatives are outlined in more detail in later sections of this report. The Ethics Office also comments on regulations, rules, policies, procedures and practices that have come to its attention during the conduct of its work, and may make recommendations as appropriate.¹²
38. Pursuant to its mandate to strengthen an ethical culture across the Organization, the Ethics Office provides extensive outreach and consultation opportunities to staff based outside of New York. During the last year, field visits have been conducted to a broad range of UN bodies, including the United Nations Office in Burundi; the Regional Service Centre at Entebbe, Uganda; the United Nations Mission in Liberia; the United National Stabilization Mission in Haiti; the United Nations Peacekeeping Force in Cyprus; the United Nations Truce Supervision Organization; the Office of the United Nations Special Coordinator for the Middle East Peace Process; the United Nations Office at Nairobi; the United Nations Office at Geneva; and the Economic Commission for Latin America and the Caribbean. During these outreach missions, the Office held face-to-face meetings with approximately 1,100 individuals.

¹⁰ Annually, the Secretary-General presents a report on the activities of the United Nations Ethics Office to the General Assembly.

¹¹ Footnote to United Nations Ethics Office Report (to be published) A/69/332.

¹² ST/SGB/2005/21

The Office conducted individual consultations with staff and management, organized town hall meetings, and provided targeted ethics presentations and briefings.

39. As a key part of its mandate, the Ethics Office provides specialized support to individual United Nations bodies, particularly to those establishing new ethics and integrity functions. In this regard, the Ethics Office has consulted with a number of entities on the status, structure, roles and responsibilities of ethics offices, including: the Food and Agriculture Organization (FAO); the International Fund for Agricultural Development (IFAD); the International Organization for Migration (IOM); the International Maritime Organization (IMO); the Universal Postal Union (UPU); and the International Criminal Court (ICC).
40. As a result of sustained outreach, awareness-raising, and ethics education, over the last three reporting periods there has been a significant increase in the use of the Ethics Office by United Nations staff. From 1 August 2013 through 31 July 2014, the Ethics Office received a total of 924 requests for its services from United Nations Secretariat offices, including headquarters, regional commissions, peacekeeping operations, and special political missions, representing almost double the figure of requests received in the reporting period 2008 – 2009.

The Ethics Panel of the United Nations

41. The Ethics Panel of the United Nations (EPUN) is comprised of the senior ethics practitioners at each of the seven Funds and Programmes that have instituted their own ethics functions, and is chaired by the Director of the Ethics Office. This group meets on average nine times per year, and provides consultation and coordination among the ethics offices. The overall goal of this consultative group is to promote common ethics standards and practices, seek coherence, and identify best practices.
42. EPUN has examined each of the major ethics service mandates, cooperates on the development of training and outreach materials, consults on issues of confidentiality and independence, and ensures coherence in the development of ethics standards, policies, and practices. As part of its mandate, EPUN reviews the annual reports of each of its members and provides a framework in which training materials and techniques can be shared, leading to cost savings.
43. From 1 August 2012 to 31 July 2013, the Panel met in ten formal sessions. The Panel focused on enhancing consistency in the application of standards and common mandates and reviewed lessons learned from protection against retaliation policy implementation. In particular, it considered the potential effects of recent United Nations Dispute Tribunal decisions on the operations of an ethics office. Other emerging issues recently considered include the use of social media, risk assessments, third party due diligence, confidentiality, conflict of interest disclosure, whistleblowing, protection against and prevention of workplace retaliation, as well as challenges to determination and recommendations of an ethics office.

44. Within the United Nations system, the Ethics Panel remains the sole mechanism to promote a coherent and consistent application of ethical standards, and to consult on important matters having system-wide implications. Since its establishment, this mechanism has raised awareness about issues of individual and institutional integrity in the United Nations family, including conflicts of interest risks that could otherwise cause reputational harm, and contributed to enhancing harmonized ethics and integrity policies and practices among member organizations.

The Ethics Network for Multilateral Organizations

45. The Ethics Network for Multilateral Organizations (ENMO) was established in June 2010 in support of the Secretary-General's efforts to promote system-wide collaboration on ethics-related issues within the United Nations family. The Network serves as a broad forum of ethics functions from United Nations system entities, affiliated and other international organizations, and international and regional financial institutions, including multilateral banks.
46. The Network supports professional development, benchmarking, and the exchange of ethics policies and practices. The Sixth Meeting of the Network was hosted by IFAD and UNOPS and was held in Copenhagen from 9 to 11 July 2014.

Ethics offices and other prevention-focused institutions in CEB member organizations

47. The majority of institutions participating in the Initiative have established entities with specific responsibilities for developing and promoting ethics and integrity policies and other entities whose mandates include detecting, reporting and investigating alleged acts of misconduct, including corruption. While ethics offices and related functions were not established with the express aim of combatting corruption and are thus not, strictly speaking, specialized anti-corruption bodies, a significant number of the measures they have adopted and actions they have taken in recent years are nevertheless of direct relevance to preventing and combatting corruption in their institutions. Thus, while ethics offices clearly do not have the mandate of being a specialized anti-corruption body as envisaged under Article 6 of the Convention, they do share some common characteristics in terms of structure.
48. From the information provided by participating institutions, a significant degree of commonality can be identified between ethics offices and similar bodies established by CEB member organizations. Key common characteristics include that the heads of such entities generally report to the executive head of the agency and that the entities are established as independent, confidential and neutral bodies. There are, however, some exceptions to this approach with some agencies including UNRWA, WIPO, FAO and ICAO providing a direct reporting line between the relevant ethics body or officer and the Chef de Cabinet, Legal Counsel, or other senior leaders. In UNRWA, the Ethics Office is administratively attached to the Department of Internal Oversight Services although its Chief has full and unrestricted access to the Commissioner General.

49. As an example of measures adopted to ensure the independence of such bodies, a number of participating institutions noted that ethics entities prepare and submit their own annual reports for the ultimate consideration by the governance authority. It was noted however that that no ethics office or function within the United Nations system has operational independence in terms of budget, resources, staffing, and financial commitments. Generally, the two key models adopted in this regard are either to permit a separate budget line for ethics, that is vetted by the relevant Controller and then presented as part of the overall Management budget; or to include the ethics function as part of the Executive Director's overall budget. Unlike many investigative and oversight bodies, ethics offices do not have direct access to their governing bodies when it comes to budgets and resources.
50. A number of participating institutions recognized the need for reform in this area. ICAO noted that challenges did exist in relation to the independence of their Ethics Office with no separate budget having been put in place and the annual work plan being reviewed only by the Secretary-General. To address this, a paper is presently being developed by the Ethics Office for review by the Secretary-General of the Organization before January 2014 which proposes that in the future the EO work plan and budget be reviewed by the ICAO's independent audit advisory committee before final approval by the Secretary-General.
51. It was further noted by a number of the participating institutions that a small trend is emerging in a number of CEB members to diminish the resources, capacity, and role of their ethics offices. Such reductions are justified in terms of a lack of overall finances, but concerns were raised by some that this trend may in fact reflect a lack of political will on the part of senior officials within CEB members.
52. Five core mandated services are provided by each of these bodies: confidential ethics advice; retaliation protection; training and awareness outreach; financial disclosure programmes; and policy consultation. As regards the implementation of these services, minor areas of divergence do exist amongst different ethics entities. As an example, differences can be identified in how financial disclosure programmes operate in different organizations.
53. In addition to the five core mandates outlined above, UNHCR and UNRWA each add a sixth mandate, which is to serve as part of the internal informal resolution channels for sexual harassment, workplace harassment, abuse of authority, and discrimination complaints.
54. A further common characteristic amongst ethics offices in individual CEB members is that very few have internal investigation authority and none serve as the sole intake point for all complaints of misconduct (including fraud, waste, abuse and corruption).¹³ This reflects the fact that, as noted above, nearly all CEB entities (with

¹³ For further information on the reporting of acts corruption see below.

the exception of the World Bank and the IMF) carefully separate ethics advisory and outreach functions from internal investigation functions.

55. Some exceptions to this general rule do, however, exist. At ICAO, the Ethics Office, while not the sole report recipient, does have investigation authority over all misconduct cases, except security issues and some management disciplinary actions. The Ethics Officer is then responsible for assigning all investigations to investigators, reviewing investigation reports, and passing them with a recommendation on action to the Secretary-General for decision. ICAO noted that this system had been based on those adopted at the World Bank and the IMF. At IMO, the ethics function was established and incorporated within the existing internal oversight function, leading to the creation of the Internal Oversight and Ethics in January 2012. Similarly, at ITU, the Ethics Officer has the authority to investigate some cases of misconduct.
56. A number of participating institutions noted that while a specific ethics entity had not been established, an individual or group within the institution had received clear designated responsibility in this area, thereby meeting the requirements of Article 6. As an example, at UNIDO, the Focal Point for Ethics and Accountability (FPEA) is responsible for effective implementation of policies on ethics, financial disclosure and declaration of interests. Similarly, at ICAO, an ethics officer role has recently been created in addition to a much-strengthened internal audit capacity for 2012 in order to enhance coordination and policy implementation in this area.

The Office of Internal Oversight Services

57. The Office of Internal Oversight Services was established in 1994 to assist the Secretary-General in fulfilling his internal oversight responsibilities in respect of the resources and staff of the Organization.¹⁴ In carrying out this role, OIOS exercises operational independence under the authority of the Secretary-General in the conduct of its duties and, in accordance with Article 97 of the Charter, has the authority to initiate, carry out and report on any action which it considers necessary to fulfil its responsibilities with regard to monitoring, internal audit, inspection and evaluation and investigations.¹⁵
58. The functions of OIOS relevant to the prevention and combatting of corruption include: conducting comprehensive internal audits in accordance with the Financial Regulations and Rules of the United Nations and internal auditing standards; conducting inspections of programmes and organizational units; investigating reports of mismanagement and acts of misconduct; and monitoring the implementation of

¹⁴ GA resolution 48/218B, paragraph 5(c).

¹⁵ GA resolution 54/244 emphasizes that “in accordance with paragraph 5 (a) of its resolution 48/218B, the operational independence of [OIOS] is related to the performance of its internal oversight functions.”

recommendations emanating from audits, evaluations, inspections and investigations.¹⁶

59. A key aspect of the work of OIOS is that of the investigation of reports of violations of United Nations regulations, rules and pertinent administrative issuances, including those relating to fraud and abuse of authority. OIOS transmits the results of such investigations together with appropriate recommendations to the Secretary-General to guide him in deciding on jurisdictional or disciplinary action to be taken. OIOS submits an annual analytical and summary report on its activities for the year directly to the General Assembly.¹⁷

Oversight and investigation offices in other CEB member organizations

60. The increased importance, cost and complexity of United Nations activities since the mid-1990s, coupled with an emphasis on the responsibility for staff and stakeholders to report fraud, corruption and misconduct, has led United Nations organizations to take significant steps to establish or build upon their internal investigative functions.¹⁸ Reflecting this trend, the vast majority of participating institutions indicated that they had established investigation and oversight entities with broadly similar mandates. Participating institutions providing information of the activities of their investigative and oversight bodies included UNDP, UNIDO, UNRWA, UNFPA, WFP, WIPO, IFAD, FAO, WMO, IMO, ITU, UPU, ILO, UPU and IAEA.
61. Key responsibilities of such entities relevant to combatting corruption include the following: conducting investigations of alleged misconduct; providing confidential reporting mechanisms for reports of alleged misconduct, including allegations of corruption;¹⁹ undertaking independent internal audits, evaluations and inspections related to the exercise of the mandates of their institutions; and financial inspections.
62. As regards reporting of acts of corruption, the majority of responding institutions noted that their investigation and oversight body is primarily responsible for the receipt of such reports, assessing the information provided and acting as appropriate. The majority of such bodies made significant attempts to communicate with their staff members through dedicated online portals, phone lines and other mechanisms to facilitate such reports and through the provision of training. As an example, UNDP noted that comprehensive information on reporting fraud, corruption and other

¹⁶ As set out in ST/SGB/2002/7 on the “Organization of the Office of Internal Oversight Services” of 16 May 2002.

¹⁷ http://www.un.org/depts/oios/pages/annual_reports.html

¹⁸ JIU/REP/2011/7, paragraph 14.

¹⁹ Please see below for further information on the reporting mechanisms in place in participating institutions.

wrongdoing is provided on the OAI Investigation Section's webpage, which is linked to the main UNDP website.²⁰

63. Beyond these core responsibilities, some institutions including WIPO, IFAD and UNIDO noted that their investigative and oversight bodies also disseminate lessons learned and recommend further practices to deter corruption, stemming from their completed investigations and audits. Institutions in which ethics bodies played such a role indicated that the analysis and dissemination of information obtained from investigative functions permitted ethics policy development to better reflect the real ethical and corruption risks that exist in their organization.
64. Furthermore, in a number of institutions it was the oversight and investigation body that had officially designated responsibility for the implementation of the anti-corruption strategy, where such a policy exists. As an example, at IMO it is the Internal Oversight Services, situated in the Office of the Secretary-General, which has been designated to oversee the Policy and Procedures on the Prevention and Detection of Fraud and Serious Misconduct.
65. Participating institutions emphasized the measures that had been put in place to ensure the operational independence of their oversight and investigation bodies. Measures cited in this regard included: direct reporting by those bodies to the executive head of the relevant institution, both administratively and functionally; the ability of such bodies to propose their own budget, staffing levels, and training requirements; the evaluation of such bodies only by external auditors or external advisory oversight bodies; and specialized rules for the appointment and removal of heads of such bodies.
66. A number of institutions including UNFPA, WMO, WFP and WIPO noted that their governing documents created an obligation to provide their investigative and oversight body with sufficient resources and training in order to carry out their functions effectively, thereby satisfying one of the core requirements of Article 36 UNCAC. At WFP, under its founding Charter, it is the responsibility of the Executive Director to ensure there are adequate resources and qualified staff available for the Oversight Office. An updated Charter of the Oversight Office itself was also issued in March 2012 and includes the requirement for the Executive Board to consent to the appointment and removal of the Director of the Oversight Office. WFP indicated that this had further enhanced the independence of the Office. Similarly, at ILO, the Director-General must consult with the Governing Body before appointing or terminating the appointment of the Chief Internal Auditor, a procedure that ILO asserted ensures the independence and integrity of the function. A similar system is also in place at FAO in respect of the Finance Committee.

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http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html

67. At WIPO, the Director of the Internal Audit and Oversight Division (IAOD) is appointed for a non-renewable term of office of five years, after which they are not eligible for any further employment in WIPO; they report administratively only to the Director General and his/her appointment, replacement or dismissal must be endorsed by the Organization's Coordination Committee and by the Independent Advisory Oversight Committee. WIPO's Internal Oversight Charter also requires the Director General, in consultation with the IAOC and the Director, IAOD, to ensure that internal oversight functions comprises sufficient professional staff.
68. In addition, some participating institutions also noted that the role of human resources bodies in providing relevant training and conducting awareness-raising activities with relevance to the issues of ethics and corruption. In this regard, WMO noted that Human Resource Management Division provides specialized training in core values and integrity. Reflecting the responses of many participating institutions, UNDP highlighted that their Office of Human Resources partners with the Ethics Office to deliver mandatory online ethics training to all staff.
69. In its 2012 report, "The investigations function in the United Nations system",²¹ the JIU reviewed the mandates and work of United Nations system oversight and investigative bodies in order to provide recommendations leading to system-wide coherence and harmonization amongst these bodies in discharging their responsibilities with regard to investigations. Key findings and conclusions with relevance to Article 36 UNCAC and, in particular, the independence and effectiveness of such bodies included:
- No oversight entity is free to decide its own budgetary requirements; the budget remains the subject of scrutiny and control by functional managers ultimately by the executive head;
 - The heads of internal oversight entities do not enjoy full operational independence as they do not exercise full managerial responsibility and control over their human resources;
 - In some organizations no investigation can be opened in the absence of the executive head's explicit approval or specific instruction.
70. While significant efforts are presently being made by many CEB members to address these issues, the information provided by participating institutions has served to underline the continued need for measures to be taken aimed at supporting the functional, operational and financial independence of the oversight and investigative bodies of CEB members. Such measures will bring the UN-system closer into line with the spirit of Article 36 UNCAC and will in turn provide them with the ability to conduct their work more effectively.

²¹ JIU/REP/2011/7. The review conducted for this report followed-up on two previous JIU reports on oversight, "Strengthening the investigations function in United Nations system organizations" and "Oversight lacunae in the United Nations system".

71. Noting the diverse range of bodies responsible for oversight and investigation matters in the United Nations system, the JIU considered the “solution to lie in consolidating all investigative functions/activities into one jointly funded independent entity serving all United Nations system organizations”.

Summary

72. Significant efforts have been made amongst CEB members over the last ten years to enhance the institutional framework for promoting integrity and combatting corruption. This framework can be split along two major thematic areas with ethics offices and similar bodies generally responsible for activities relevant to the prevention of corruption such as conflicts of interest detection and remediation, financial disclosure systems, and protection from retaliation policies, while investigative and oversight bodies are responsible for the detection, investigation and reporting of alleged acts of corruption.
73. However, as can be seen from the responses of participating institutions and as reflected in the 2012 JIU report on the investigations function of the United Nations system,²² significant challenges remain in terms of the fragmentation of the bodies responsible in this field and with respect to the independence of these bodies. In relation to oversight and investigation bodies in particular, further steps could be taken to enhance their functional, operational and financial independence.
74. With regard to fragmentation, previous recommendations have been made by the JIU for the establishment of system-wide oversight and investigative bodies to address this issue. While this remains one potential solution, as a minimum and in order to better reflect the principles of the Convention, further steps should be taken to ensure that in relation to education, awareness, prevention and investigation of corruption, responsibilities have been clearly delegated both at a system-wide level and within individual CEB members.
75. Finally, CEB members should ensure that they continue to provide such bodies with the necessary training and resources required to carry out their functions effectively.

Recommendation: All CEB members should seek to ensure that a body or bodies within their institution have clear responsibility for the prevention, detection, investigation and response to corruption. These bodies should be provided with the necessary independence, training and resources required to carry out their functions effectively.

²² JIU/REP/2011/7

HUMAN RESOURCES POLICIES

Adoption, maintenance and strengthening of *systems for recruitment, hiring, retention, promotion and retirement*:

- based on the *principles of efficiency, transparency, objective criteria such as merit, equity and aptitude*;
- *that include adequate selection and training of individuals* considered especially vulnerable to corruption;
- *Provision of adequate remuneration and equitable pay scale*;
- *Promotion of education and training programmes*;
- Provision of specialized and appropriate training for staff to enhance awareness of the risks of corruption inherent in the performance of their functions (Art. 7(1) (a) – (d)).

Measures to prevent conflicts of interest (Art. 7(4))

76. Article 7 of the Convention emphasizes the key role that transparent and fair human resources policies can play in reducing opportunities for corruption in public institutions. More specifically, this article provides that in order to increase integrity in public administration, these policies must be based on the principles of efficiency and transparency and must employ objective criteria such as merit, equity and aptitude when decisions on recruitment and promotion are being made. Furthermore, the importance of adequate training is underlined, both in supporting individual employees in fulfilling their professional responsibilities and in raising awareness amongst officials of the risk of corruption in areas particularly vulnerable to corruption such as public procurement.

77. The provisions of this article are perhaps some of the most relevant to the work and policies of public international organizations, with this being reflected in the significant number of implementation measures highlighted by participating organizations in their responses. The broad range of measures noted by organizations in this regard could be broken down into the following categories: recruitment systems, remuneration, education and training programmes, and measures aimed at identifying and addressing conflicts of interest.

78. Below, the measures cited by participating institutions in relation to each of these thematic areas is analysed with reference to the requirements of Article 7 of the Convention.

Recruitment systems

79. With regard to regulatory provisions in human resources management applicable to staff members of the United Nations Secretariat and other United Nations Funds and

Programmes, a number of provisions were highlighted. Specifically, and as noted above, Staff Regulation 1.2(b) stipulates that:

Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity is noted as including but not being limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

80. UN staff members are provided with the relevant Staff Rules, Regulations and administrative issuances upon their arrival and informed that it is their responsibility to familiarize themselves with them. At all agencies that are members of the United Nations Ethics Panel, respective Ethics Offices work with the Office of Human Resources to ensure all newly hired staff are trained on the Staff Rules and Regulations as part of their on-boarding requirements. Furthermore, the Administrative Instruction ST/AI/2010/3, as amended, on the Staff Selection System, and subordinate recruitment and selection guidelines stipulate the key principles applied for staff selection in the United Nations Secretariat in order to ensure a fair, transparent, objective and competitive recruitment process.
81. In relation to the orientation and on-boarding of senior executives to the United Nations Secretariat, the Ethics Office is responsible for a number of activities that reinforce ethical leadership and emphasize a clear “tone from the top” in relation to ethics, values and integrity. Such activities include; confidential one-to-one ethics induction briefings conducted by the Director, United Nations Ethics Office with each Assistant Secretary-General and Under Secretary-General upon appointment; participation by Under Secretary-Generals in the developmental upwards feedback assessments; and the expectation that senior officials will serve as champions for annual ethics dialogues among their subordinate managers and staff members.
82. Participating institutions covered by the United Nations Secretariat’s regulatory framework on recruitment noted the United Nations Competency Framework as the basis on which assessments of candidates for positions are carried out. Within the Competency Framework, integrity is identified as a core value of the United Nations, with all staff being required to demonstrate adherence to this value, irrespective of their role. Guidance has been produced by OHRM in the publication “United Nations Competency Development – A Practical Guide” in which staff are provided with a series of behaviours that demonstrate the application of integrity to their work.²³
83. At the conclusion of the recruitment process, all new United Nations Secretariat and Fund and Programme staff members, irrespective of seniority, are required to sign the Written Declaration or Oath of Office²⁴ which constitutes, inter alia, a formal commitment to subscribe to the duties and obligations expected from United Nations staff, as set out in the United Nations Staff Rules and Staff Regulations. It was

²³ <http://www.un.org/staffdevelopment/DevelopmentGuideWeb/Core1A.html>

²⁴ www.un.org/esa/cdo/hr/.../P34%20-%20Oath%20of%20Office.doc

indicated by a number of participating institutions that the signing of this oath assisted in ensuring that new United Nations staff members understood the basic duties and responsibilities that comes with working in the Organization. This is also a relevant tool for the purposes of preventing conflicts of interest and is discussed in that context further below.

84. All other participating institutions also noted that potential candidates are required to undergo a competency assessment with a majority indicating that such an assessment would involve consideration of ethical and integrity matters. Those recruited on shorter-term contracts were subject to less rigorous testing in this regard. As an example, ILO highlighted that all recruits to regular budget posts undergo a competency assessment process, which includes an assessment of the integrity of individual candidates. However, short-term staff and external collaborators are selected directly, and whilst short-term staff are subject to the same standards of conduct, they are not vetted as closely for integrity in the course of recruitment.
85. At the majority of participating institutions, the recruitment process includes technical tests as required for some positions, competency based interviews with panels containing both staff of the recruiting organization and other agencies' staff, performance assessments and thorough reference-checking. Participating institutions noted that this was essential to avoid placing individuals, who may have a propensity to engage in wrongdoing, in positions of responsibility. At all of these institutions, specialized training is provided on applicable competency-based systems to those HR officers and staff members involved in the recruitment process.
86. Many participating institutions such as the United Nations Secretariat, UNFPA, UNDP, UNIDO and UN Women noted the use of online recruitment platforms as a key tool in increasing transparency and fairness in the recruitment process.²⁵ Key examples in this regard include the newly-expanded United Nations Careers Portal home page²⁶ which offers a compendium of published job openings in the United Nations System and the associated Inspira system, which provides a central online recruitment platform for such positions.
87. All positions advertised on such sites follow stipulated recruitment guidelines and policies issued by the relevant human resources entity. These include clear vacancy announcements with the position's grade and competency, academic qualifications and relevant work experience requirements. Moreover, UNDP and other organizations noted that they specifically mention their commitment of achieving workforce diversity in terms of gender, nationality and culture in all of their online vacancies.
88. In accordance with United Nations Staff Rules and Staff Regulations, review or appeal boards have been established at the United Nations Secretariat and other

²⁵ <https://jobs-intra.undp.org/>

²⁶ <https://careers.un.org/lbw/Home.aspx>

applicable United Nations Funds and Programmes. This was the case in UNDP, for example, where a Compliance Review Board has been established at headquarters with Compliance Review Panels at Headquarters, Country Offices, Regional Centres and other non-Headquarters locations. UN Women also noted that all selections are submitted to the designated oversight body, the Central Review Body (CRB), for due process adherence.

89. Such review or appeal boards have also been put in place at all specialized agencies. At the IMO, a new body, the Performance Review Board (PRB), has recently been created to review and advise the Secretary-General in cases of promotion of staff in the Organization. This new process requires divisions to provide extensive justification and documentation in support of their recommendations for staff promotion. Whilst the final promotion decision continues to be made by the IMO Secretary-General, this decision is made on the advice of the PRB, following a structured and documented procedure, thus reducing the subjective nature of the promotion process and increasing transparency and credibility in staff promotions. New interviewing techniques and the outsourcing of the marking of staff selection tests have also been introduced in an attempt to enhance objectivity and independence in the recruitment process.
90. A number of participating institutions indicated that they had recently carried out assessments of and then revised their staff rules and regulations in this area. This was the case at WIPO, where a major review has been conducted and a revised set of Staff Rules and Staff Regulations adopted on 1 January 2013. Similarly, in 2011 at the WFP, a revised career framework and recruitment process was issued, covering recruitment, selection, reassignment of mobile staff members and promotion with the aim of increasing transparency and consistency in career-related decision making.
91. In the responses received from participating institutions, very few indicated any form of specialized procedures for the recruitment of individuals to positions at a particularly high risk of corruption. In this regard, only UN-HABITAT indicated that during the interview process for selecting a candidate for higher-risk positions, specialized questions are posed to ensure that candidates demonstrate a clear understanding of the principles of integrity and accountability, thereby allowing interviewers to assess their ability to manage situations where corruption is a significant risk.
92. Some participating institutions indicated that the reason for a lack of specialized procedures may stem from the lack of systematic ethics risk assessments done on a regular and comprehensive basis in participating institutions. Without such assessments, it is extremely difficult for organizations to identify whether corruption is a risk and which staff members are most vulnerable in this regard. However, UNDP did introduce a new programme in 2013 to identify conflicts of interest among short-listed candidates for hire. The tool, which they noted would be especially useful in relation to recruitment for high risk positions, is described in greater detail below.

Summary

93. The general rules and procedures applicable to the recruitment of United Nations staff members are broadly in accordance with the requirements of the Convention in that they are clearly based on the principles of efficiency, transparency, objective criteria such as merit, equity and aptitude as outlined in Article 7, paragraph 4 UNCAC. A number of innovations have also been introduced by many CEB members such as online recruitment platforms which significantly enhance the transparency and efficiency of the recruitment process.
94. Less progress has been made however with regard to tailoring the recruitment process for those positions considered especially vulnerable to corruption. Only one responding organization, UN-HABITAT, indicated in their response that they had developed specialized systems for the recruitment of individuals to such posts. Further action should be considered by CEB members to ensure that their recruitment processes take adequate account of the risk of corruption to which individuals may be exposed in specific posts.

<p>Recommendation: All CEB members should consider the adoption of adequate procedures for the selection of individuals for public positions considered especially vulnerable to corruption where such measures are not already in place.</p>
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Remuneration and pay scales

95. Article 7, subparagraph 1(c) of the Convention requires measures to be taken that promote adequate remuneration and equitable pay scales, reflecting the fact that where officials are adequately and fairly remunerated for their work, the incentive for corrupt activities is significantly reduced. All responding institutions indicated that they felt remuneration was sufficient at all staff levels so as to reduce or remove the incentives for officials to carry out acts of corruption.
96. The level of salaries for United Nations professional staff is determined on the basis of the Noblemaire Principle which provides that the international civil service should be able to recruit staff from its Member States, including the highest-paid. Therefore, as a basic proposition, the salaries of Professional staff are set by reference to the highest-paying national civil service. The International Civil Service Commission (ICSC) conducts a periodic check to identify the national civil service of the Member State which has the highest pay levels and which by its size and structure lends itself to a significant comparison. The Federal Civil Service of the United States of America has to date been taken as the highest paid national civil service.

97. The United Nations, its subsidiary bodies, thirteen of the specialized agencies (ILO, FAO, UNESCO, WHO, ICAO, UPU, ITU, WMO, IMO, WIPO, IFAD, UNDIO, and UNWTO), and one related body (IAEA) are part of the United Nations common system of salaries, allowances, and other conditions of service administered by the International Civil Service Commission.²⁷
98. Salary scales for the Professional and higher categories are based on five Professional grades (P-1 to P-5), two Director levels (D-1 and D-2), as well as the levels of Assistant Secretary-General and Under Secretary-General in some organizations and Assistant Director-General and Deputy Director-General in others. The scales are expressed as gross and net base salaries and applied uniformly, worldwide, by all organizations in the United Nations common system.²⁸

Summary

99. All participating institutions indicated that the amount of remuneration received by staff was sufficient so as to avoid incentivizing acts of corruption.

Education and training programmes

100. Article 7, subparagraph 1(d) of the Convention provides that measures should be taken to promote education and training programmes that enable officials “to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions.”
101. As applied to the work of the United Nations system, this provision of the Convention requires participating institutions to provide training that allows individuals to carry out their job effectively while also providing specialized assistance in identifying and resolving situations that could give rise to corruption. In this regard, participating institutions outlined a broad range of training activities aimed at supporting staff members, with a significant number outlining the specialized ethics, integrity and anti-corruption training they provide to staff.
102. At the United Nations Secretariat, pursuant to its mandate to develop standards and education on ethics, and to ensure annual ethics training for all staff in collaboration with OHRM, the Ethics Office has expanded its training library so that it can provide education on issues responsive to staff needs. The Office’s training strategy encompasses three levels: (a) initial awareness building; (b) basic ethics/compliance education and training; and (c) advanced training to develop ethical decision-making skills.

²⁷ <http://icsc.un.org/about/members.asp>

²⁸ Details and updated numbers regarding Professional and General Service salaries and post-adjustment are available at http://www.un.org/Depts/OHRM/salaries_allowances/salary.htm

103. Technological platforms are increasingly being used by the Ethics Office to deliver training, with the Office noting in its most recent report that online training is best suited for establishing basic expectations for ethical behaviour. In this regard, OHRM and the Ethics Office have redesigned the introductory online ethics training programme, which dates from 2007. Based on training developed by UNRWA, the revised training programme was deployed in September 2014. Other Funds and Programmes are leveraging the revised training and tailoring it to their own organizations for rollout in late 2015. Even as new training is developed, the existing online training continues to be used by staff at all levels. Since that programme's launch in 2005, more than 55,000 persons have completed the online "Integrity Awareness Initiative" module.
104. In 2013, the United Nations Ethics Office launched Leadership Dialogues to ensure that all staff participate in annual ethics training. With support from the Executive Office of the Secretary-General, Office of Human Resources Management, and the Department of Management, the Office developed a self-executing discussion guide on what it means to be an international civil servant, focusing on the United Nations Oath of Office. Through a traditional management cascade process, starting with the Secretary-General's senior leadership team at his September 2012 Retreat, each successive layer of management was asked to lead their immediate staff in a guided conversation on the meaning of the international civil service. As of 31 December 2013, all departments had participated in the Leadership Dialogues, with 67% of all staff certified as complete. In 2014, Leadership Dialogues continued, focusing on Respect and Tolerance in the Workplace. It is anticipated that the Leadership Dialogue series will continue on an annual and mandatory basis throughout the United Nations Secretariat.
105. The United Nations Ethics Office has also begun the development of a new training programme aimed at reinforcing the application of ethics standards and raising awareness regarding outside activities and employment, conflicts of interest, gifts and favours, confidentiality, reporting concerns, and prevention of retaliation. This modular programme can be delivered by headquarters and field-based training staff, without the need for outside facilitators and will be accompanied by the newly-revised Ethics Office publication, "Putting Ethics to Work: A Guide for UN Staff". UNDP also introduced specific in-person and web-delivered ethics modules on Leadership, Ethics in HR, Ethics in Procurement and Avoiding Conflicts of Interest; the UNDP Ethics Office is working with the Office of Human Resources to transfer these modules into an online, on-demand format to supplement the mandatory online ethics training.
106. Furthermore, the United Nations Ethics Office provides more advanced ethics awareness training through the delivery of customized workshops, briefings, and consultation with other training functions, including OHRM, Department of Field Support (DFS) and Department for Peacekeeping Operations (DPKO). Selected

topics have included procurement ethics, conflicts of interest, gifts and gratuities, and ethical leadership behaviour.

107. As noted above, the Ethics Office also conducts mandatory ethics induction briefings for senior leaders aimed at positively impacting the Organization's culture of ethics, integrity and accountability. In the last year, the Director conducted ten confidential ethics induction briefings with incoming and newly appointed Assistant-Secretary-Generals and Under-Secretaries General, including Special Representatives of the Secretary-General (SRSGs) and Deputy SRSGs. As noted earlier, UNDP Ethics Office has a similar programme for incoming staff at the Director level and above.
108. Many other participating institutions noted the specialized integrity and anti-corruption training programmes they had recently introduced. Many of the programmes highlighted by these institutions were modeled at least in part on the materials developed by the United Nations Secretariat.
109. At UNDP and UNFPA, targeted ethics training is currently embedded in a variety of functional forms of training. For example, mandatory ethics training is included in induction training for functional groups and senior leaders, both online and in-person. In 2012, the UNDP Ethics Office held discussions with, and delivered briefings to, directors or deputy directors, and the leadership teams of the regional and headquarters bureaux, the directors of the independent offices and the Directors of the Legal Support Office, the Procurement Support Office, the Office of Human Resources, the Ombudsman, and the head of the Staff Council to strengthen consensus around the concept of ethics in UNDP as an integral and essential element in the culture of the Organization and a necessary component of daily business processes. UNDP also continues to mandate online ethics training for all newly hired staff, augmented by in-person workshops and executive briefings. During 2012, approximately 1,381 UNDP staff members and other personnel participated in face-to-face ethics workshops and group briefings.
110. The UNDP Ethics Office is also developing customized stand-alone training modules for specific functional groups such as human resources practitioners, procurement practitioners, and ethical leadership training for managers. This move towards specialized training based on the roles and responsibilities of individual posts was also reflected in the training programmes provided at UNHCHR through the Global Learning Centre. There, specialized training is given to staff involved in programme, supply management and procurement.
111. Other participating institutions noted that rather than integrating the concepts of ethics and integrity into functional training, they had instead developed stand-alone integrity and anti-corruption training courses or modules which all staff members are either required or encouraged to complete. At ICAO, training on the risks of corruption is included in specialised ethics training provided to all staff members by the Ethics Officer, under the ICAO Framework on Ethics. In addition, a short web-based course specifically on anti-corruption measures and what this means to ICAO

staff members is scheduled for development during 2014. WFP indicated that they have also put a number of integrity-related courses in place and that a specific mandatory course for all staff is currently under development.

112. A mandatory ethics and integrity training programme was launched at WIPO in late 2012, provided by external trainers and comprising half-day face-to-face sessions for personnel at all levels and of whatever contract type and contract duration, the training continued in 2013. Over 98% of staff in active service at WIPO have completed the training. The post-training survey at WIPO had high response rates and showed that the training had been well received: 90% of respondents found the course content appropriate for WIPO staff; 82% reported that the course improved their awareness of ethical issues faced at WIPO; and if faced with an ethical dilemma, 84 % of respondents reported feeling better equipped to resolve it.
113. Similarly, at ILO, an ethics e-learning programme has been developed, consisting of three modules which serve as an introduction to ethics for staff members and provides them with a valuable opportunity to familiarize themselves with potential ethical challenges. In addition, ILO launched in 2013 an e-learning programme on internal governance, mandatory for staff in all categories, in which ethics and integrity are crosscutting themes.
114. At UNRWA, a mandatory ethics e-learning course was launched in early 2013, which has so far been completed by more than 15,000 staff. This comprehensive training programme was developed to assist UNRWA personnel to better understand the obligations placed upon their conduct by the United Nations Charter, the Staff Rules and Staff Regulations, and other administrative issuances, and among other subjects contains a specific lesson raising awareness of fraud and other forms of corruption. The e-ethics course is complemented by an ethics handbook for managers and supervisors and a shorter booklet for all other staff, as well as by face-to-face ethics training for selected categories of staff. UNRWA has generously shared its online ethics training programme, which has become the source document from which other agencies, including the United Nations Secretariat, have been able to design and develop online programmes responsive to their staff members' learning objectives. In 2009, UNFPA also launched an online mandatory training course for all staff titled "Ethics, Integrity and anti-Fraud: Setting the Standards at UNFPA".
115. At IAEA it was noted that, until recently, ethics-related training sessions had traditionally only been provided to staff members at the D-1 level and above, as well as to staff members whose principal duties involve procurement, investment or compliance functions. However, in 2012 an online training course on ethics was implemented which has now been completed by almost all IAEA staff.
116. Despite the numerous examples of training activities demonstrated in the United Nations system that are aimed at enhancing integrity, some gaps do still exist. Indeed, some participating institutions, including ITU and UPU, noted that education and training activities addressing the risks of corruption were not currently sufficient and should be reinforced.

Summary

117. The wide range of experiences shared by participating institutions in relation to anti-corruption and integrity training demonstrates the significant need for, and the value of, tailored training programmes specific to the needs of individual institutions and, in high-risk areas such as procurement, to individual jobs.

118. While the majority of CEB members have introduced significant new programmes in this area in recent years, some institutions have recognized that more should be done to meet this need. Given the dynamism in this area at present and the significant number of new training initiatives introduced by participating institutions, there are huge opportunities for the sharing of best practices and common learning between individual United Nations bodies, with the United Nations Ethics Office and the Ethics Panel of the United Nations potentially acting as a central hub of expertise in this regard.

Conflicts of interest

119. Article 7, paragraph 4 of the Convention requires measures to be taken to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

120. As has been seen in the context of recent reforms introduced by national governments in this area²⁹, a broad range of measures can be taken to address conflicts of interest, including the imposition of restrictions or prohibitions on outside activities of employees, the introduction of financial disclosure programmes and the provision of specialized training and advisory services to officials so as to assist them in meeting the requirements of relevant regulations. This same diversity of measures is also reflected in the initiatives and policies highlighted by participating institutions.

121. In this regard, the Secretary-General has presented to the General Assembly a comprehensive report on Personal Conflict of Interest. In its summary it is explained that:

UN staff members' obligations as impartial and independent international civil servants require them to exercise their functions with the best interests of the Organization only in view. Modern organizational life, with its multifaceted working experiences and personal and professional networks, however, can bring with it situations where United Nations staff are faced with conflicting or competing interests that may have an impact on their impartiality. Such conflicts of interest can, if not appropriately addressed, have a significant and detrimental effect on the reputation and assets of the Organization. As

²⁹ <http://www.unodc.org/unodc/en/corruption/WG-Prevention/conflict-of-interest.html>

conflict situations cannot realistically be avoided in all instances, managing them appropriately becomes a priority.³⁰

122. The Organization has promulgated specific Staff Rules and Staff Regulations aimed at the prevention of conflicts of interest applicable to all members of the United Nations Secretariat and relevant Funds and Programmes. In particular, Staff Regulation 1.2 provides:

(m) A conflict of interest occurs when, by act or omission, a staff member's personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant. When an actual or possible conflict of interest does arise, the conflict shall be disclosed by staff members to their head of office, mitigated by the Organization and resolved in favour of the interests of the Organization;

(n) All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Secretary-General, in respect of themselves, their spouses and their dependent children, and to assist the Secretary-General in verifying the accuracy of the information submitted when so requested. The financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of the United Nations. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (m). The Secretary-General may require other staff to file financial disclosure statements as he or she deems necessary in the interest of the Organization.

123. Staff Rule 1.2 (through v) further stipulates that:

(q) A staff member whose personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant shall disclose any such actual or possible interest to the head of office and, except as otherwise authorized by the Secretary-General, formally excuse himself or herself from participating with regard to any involvement in that matter which might give rise to a conflict of interest situation.

(r) Pursuant to staff regulation 1.2 (n), the Secretary-General shall establish procedures for the filing and utilization of financial disclosure statements

(s) Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General.

(t) Staff members shall not, except in the normal course of official duties or with the prior approval of the Secretary-General, engage in any outside activities that relate to the purpose, activities or interests of the United Nations. Outside activities include but are not limited to:

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- (i) Issuing statements to the press, radio or other agencies of public information;
- (ii) Accepting speaking engagements;
- (iii) Taking part in film, theatre, radio or television productions;
- (iv) Submitting articles, books or other material for publication, or for any electronic dissemination.

Approval may be granted in accordance with staff regulation 1.2 (p).

(u) Membership in a political party is permitted, provided that such membership does not entail action, or an obligation to take action, by the staff member contrary to staff regulation 1.2 (h). The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.2 (h).

(v) The Secretary-General shall establish procedures whereby staff may seek in confidence clarification as to whether proposed outside activities would conflict with their status as international civil servants.

124. The 2002 commentary on the predecessor of this rule³¹ provides further elaboration and background of the above principle. ST/SGB/2006/6 of 10 April 2006 on “Financial disclosure and declaration of interest statements” sets out the procedures for the implementation of the above-quoted Staff Rules and Staff Regulations pertaining to conflict of interest, and makes specific reference to the filing procedure of financial disclosure statements and the role of the Ethics Office in this regard.

125. In a further attempt to prevent conflicts of interest arising, United Nations staff members are not allowed to engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General. This principle is promulgated in Staff Regulation 1.2(o); Staff Regulation 1.2(p) elaborates on instances in which the Secretary-General may approve of such outside occupation or employment, namely if:

- (i) The outside occupation or employment does not conflict with the staff member’s official functions or the status of an international civil servant;
- (ii) The outside occupation or employment is not against the interest of the United Nations; and
- (iii) The outside occupation or employment is permitted by local law at the duty station or where the occupation or employment occurs.

126. As regards the receipt of gifts, United Nations Staff Regulations 1.2(j) through (p) outline the principle that no UN staff member shall accept any honour, decoration, favour, gift or remuneration from any Government, with limited exceptions where a

³¹ Provided in ST/SGB/2002/13 of 1 November 2002 entitled “Status, basic rights and duties of United Nations staff members”.

refusal to accept would cause embarrassment to the Organization,³² nor from a non-governmental source without prior approval.

127. This restrictive approach was also reflected in the responses of the majority of other CEB institutions not covered by the United Nations Staff Rules and Staff Regulations, with approval required from the most senior officer before any outside occupation or activity is taken up by an official and a specific procedure outlined regarding the acceptance of honours and gifts.

128. The United Nations Ethics Office addresses conflicts of interest in its outreach, education and training initiatives, including explicit coverage of conflicts of interest in its newly-published “Putting Ethics to Work: A Guide for UN Staff”,³³ on its website, and through small and large group educational meetings. The Leadership Dialogue initiative, noted above, engaging all managers and their staff in face-to-face conversations about what it means to be an international civil servant, incorporates several case studies that address aspects of personal conflicts of interest. UNDP has a stand-alone Conflicts of Interest training module which it delivers in-person or via web-conference, and which will soon be made available to all staff online and on-demand.

129. Advisory services are also provided by the United Nations Ethics Office to staff members seeking clarification on various concerns, including actual or perceived personal conflicts of interest, engagement in outside activities, the acceptance of gifts and honours, personal investments and assets, and other employment-related issues. As reflected in the last several Annual Reports of the Secretary-General to the General Assembly on the Activities of the United Nations Ethics Office, between 50 and 60% of all requests for confidential ethics advice focus on personal conflicts of interest.

130. Furthermore, the Ethics Office administers the United Nations Financial Disclosure Programme, covering approximately 5,000 staff members annually through the confidential disclosure and review of assets, liabilities, and outside activities. A more detailed examination of this programme can be found later in this report.

131. Other participating institutions also demonstrated a significant number of initiatives aimed at preventing and resolving potential and actual conflicts of interest. As in the case of the United Nations Secretariat, many institutions began by outlining the restrictions and prohibitions that are applied to staff members in a bid to reduce the possibility of conflicts of interest from arising. In this regard, FAO highlighted a range of rules governing the acceptance of honours, decorations, gifts, favours, in addition to rules on outside activities and remuneration as addressed in the FAO Administrative Manual. Specifically for staff involved in procurement, the Procurement Manual provides for a “No Gifts or Gratuities” policy.

³² See also Staff Regulation 1.2(k) and 1.2(l).

³³ http://www.un.org/en/ethics/pdf/putting_ethics_to_work_en.pdf

132. Furthermore, administrative circulars set limits on gifts and gratuities that can be accepted and reporting/handover requirements for those with value about the set limit. The FAO also noted that the Organization's policy on conflicts of interest has been made more visible to newly-recruited personnel through development of a disclosure statement which is annexed to all employment contracts. ITU also noted that it had recently introduced a new a set of rules governing the acceptance of honours, decorations, gifts, favours, in addition to rules on outside activities and remuneration.
133. Codes of conduct were also highlighted as a key tool in addressing conflicts of interest. In this regard, a number of institutions including UNESCO and UNIDO, referenced paragraphs 23 and 24 of the Standards of Conduct of the International Civil Service, which foresee that international civil servants may be required to disclose certain personal assets in order to avoid conflicts of interest.
134. A number of bodies outlined the specialized measures taken in relation to the treatment of officials working in areas that may be particularly susceptible to conflicts of interest. At UNIDO, staff involved in procurement sign a declaration of compliance with UNIDO procurement ethics and professional standards which covers the issues related to conflict of interest. ILO applied a broader approach, requiring officials responsible, directly or indirectly, for procurement actions to sign an annual declaration attesting to ethical conduct in procurement, including the avoidance of conflicts of interest.
135. UNIDO also noted that its ethics and integrity regulations were presently under review and that as part of that process, the prevention of conflict of interest would be addressed even more explicitly than at present. As an example of this it was noted that before each engagement of new staff, whatever the level and contractual status, they will be required to sign a conflict of interest and confidentiality agreement. Consultants are also requested to sign a "conflict of interest" statement as part of their recruitment procedures.
136. Many participating institutions highlighted the role played by their relevant ethics entities in the administration of their conflicts of interest regime. In particular, many institutions emphasized the crucial role that such entities play in providing confidential ethics advice to all personnel, including in relation to conflicts of interest regulations. There appears to be significant appetite from individual staff members for this form of guidance and advice, as evidenced in statistics released by the United Nations Ethics Office in its most recent annual report.
137. UNDP has also taken a number of measures to identify and resolve conflicts of interest. In 2013, the UNDP Ethics Office, in conjunction with the UNDP Office of Human Resources (OHR), introduced a conflict of interest disclosure tool to be completed by all short-listed candidates for hire. The tool allows the candidates to identify all potential and actual conflicts of interest and permits the OHR staff and

the hiring manager to work with the candidates to mitigate or eliminate the conflicts prior to hire.

138. WIPO reported that the volume of requests for advice increased by 350% at WIPO compared to 2011 when the office was established. The three largest categories in 2012 at WIPO related to outside activities, matters requiring to be referred to other services (e.g. suspected misconduct, investigations, personal legal issues, other compliance issues) and gifts/hospitality.

139. The importance attached to such advisory services underlined a lesson also evidenced in the context of national conflict of interest policies; namely that while the development and application of clear rules in relation to conflicts of interest is necessary, that alone is not sufficient. There must also be a confidential, independent, easily-accessible, ethics advisory service to assist staff in understanding how these regulations and rules are relevant to their personal circumstances, and how they guide appropriate workplace conduct.

140. The issue of conflicts of interest is also addressed by the International Civil Service Commission, in paragraph 23 of its Standards of Conduct for International Civil Service, which makes explicit reference to this issue stating that:

Conflicts of interest may occur when an international civil servant's personal interests interfere with the performance of his/her official duties or call into question the qualities of integrity, independence and impartiality required the status of an international civil servant. Conflicts of interest include circumstances in which international civil servants, directly or indirectly, may benefit improperly, or allow a third party to benefit improperly, from their association with their organization. Conflicts of interest can arise from an international civil servant's personal or familial dealings with third parties, individuals, beneficiaries, or other institutions. If a conflict of interest or possible conflict of interest does arise, the conflict shall be disclosed, addressed and resolved in the best interest of the organization. Questions entailing a conflict of interest can be very sensitive and need to be treated with care.

Summary

141. Considerable efforts have been made by CEB members in recent years to put in place both the legislative and practical measures that can help staff members in avoiding or resolving conflicts of interest. A particularly effective measure identified by participating organizations is the provision of training and advisory services to staff members aimed at increasing awareness and understanding of the conflict of interest regulations applicable to them. The success and popularity of existing initiatives indicates that all UN system bodies would benefit from providing such services to staff members.

Recommendation: All CEB members should provide staff with access to independent, confidential ethics advisory services, in order to prevent, mitigate and remedy conflicts of interest and to assist staff in conforming to the ethical expectations established by their organizations.

CODES OF CONDUCT AND FINANCIAL DISCLOSURE REQUIREMENTS

- Promotion of integrity, honesty and responsibility of staff (Art. 8(1));
- Adoption of *codes of conduct* for the correct, honourable and proper performance of their functions and duties (Art. 8(2));
- Establishment of measures to facilitate the reporting of acts of corruption to appropriate authorities (Art. 8(4));
- Establishment of measures or a system requiring staff:
 - to make declarations of any *outside activity, employment, investment, assets*;
 - to declare *substantial gifts or benefits from which a conflict of interest may result* with respect to their functions (Art. 8(5));
- Ensure adequate *enforcement mechanisms and disciplinary measures* for officials that violate the established codes of conduct or standards (Art. 8(6)).

142. Article 8 of the Convention provides that integrity, honesty and responsibility among public officials must be promoted. A number of specific ways are then set out in which this broad requirement can be met.

143. Firstly, Article 8, paragraph 2 provides that codes of conduct should be adopted for the correct, honourable and proper performance of their functions and duties. This section is reinforced later by Article 8, paragraph 6 which provides that adequate enforcement mechanisms and disciplinary mechanisms should be put in place for officials who violate such codes or standards.

144. Secondly, Article 8, paragraph 3 provides that measures should be put in place to facilitate the reporting of acts of corruption to appropriate authorities. Finally, Article 8 paragraph 5 states that measures should be put in place requiring staff to make declarations to appropriate authorities regarding their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may arise.

145. It is increasingly recognised amongst State parties to the Convention that the combination of pertinent and well-enforced codes of conduct combined with a transparent and effective asset declaration regime are essential tools in the prevention

of corruption³⁴. In particular, the use of technology has also been harnessed in many countries recently so as to improve the method of collection and analysis of such declarations. While these requirements of the Convention are directed at States, they serve as equally important guidance to the efforts of international organizations in this area.

146. In light of the broad scope of Article 8 of the Convention, the information provided by participating institutions is to be divided into three key thematic areas: Codes of Conduct, Financial Disclosure, and Reporting Mechanisms.

Codes of conduct

147. As noted above, codes of conduct in the United Nations system play a key role in setting the basic ethics and integrity standards which staff members are expected to abide by and, in doing so, provide a framework of permissible conduct that will assist in the prevention of conflicts between the professional duties and personal interests of staff members.

148. Article 101 of the United Nations Charter and Staff Regulations 1.1(d) and 1.2 address integrity, honesty and responsibility of staff of the Organization which, in combination with the United Nations Secretariat's commentary on these sections, could be considered as the equivalent of a "Code of Conduct" for United Nations staff. The restrictions and prohibitions contained in these rules have been explored above in relation to the section on conflicts of interest.

149. A detailed system has also been put in place to address situations in which staff members have violated the standards set out in the Staff Rules and Staff Regulations. Staff Regulation 10.1 states that "the Secretary-General may impose disciplinary measures on staff members who engage in misconduct." Staff Rule 10.1 addresses the issue further and provides that disciplinary procedures may be instituted against a staff member who fails to comply with his or her obligations under the Charter of the United Nations, the Staff Rules and Staff Regulations or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant.

150. The Standards of Conduct for the International Civil Service, recently amended in 2013, also provide a central point of reference for all staff working in United Nations common system organizations.³⁵ The amended version was approved by the United Nations General Assembly in its resolution 67/257 on 3 June 2013. Key areas addressed by the Standards of Conduct with relevance to the prevention of corruption

³⁴ <http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2012-August-27-29/V1254431e.pdf>

³⁵ <http://icsc.un.org/resources/pdfs/general/standardsE.pdf?d=713> and for an explanation of which institutions form part of the UN common system see: <http://icsc.un.org/about/members.asp>

include conflicts of interest, post-employment restrictions, outside employment and activities, and gifts, honours and remuneration for outside sources.

151. WFP, UNDP, UNESCO, UN WOMEN, UNFPA, IAEA, IMO, ITU and UNWTO all noted in their responses that they had adopted the Standards of Conduct for the International Civil Service and outlined activities put in place to raise awareness of the Standards amongst staff members. As an example, WFP noted that as part the awareness-raising sessions of its Ethics Office on their Anti-Fraud and Anti-Corruption Policy, sessions on the Code of Conduct for the International Civil Service and Ethics have been provided to staff. WIPO also noted that revised Standards of Conduct were adopted by their Coordination Committee at its session on 30 September 2013, to be effective in WIPO as of 1 January 2014. They will form part of the WIPO Staff Regulations and Rules by virtue of WIPO Staff Regulation 1.5(c).

152. ITU also noted that ICSC Standards of Conduct form an integral part of the ITU's legal framework, while all officials at the ILO are requested to sign a declaration that they have read and understand them. Similarly, ICAO has an explicit Service Code based upon the ICSC Standards of Conduct and FAO also indicated that their Standards of Conduct are incorporated into the FAO Administrative Manual and are part of the FAO legal framework. UNDP also distributes the Standards of Conduct to incoming Directors as part of their ethics briefing, and its online mandatory ethics training incorporates the Standards.

153. Some institutions noted that, in addition to being subject to the ICSC Standards, they had also introduced specialized codes of ethics and conduct tailored to their specific mandate and functions. This was the case at WMO where the code of conduct makes specific reference to the WMO Vision and Core Values and Guiding Principles. All WMO staff are required to formally recognize the code, and in order to raise awareness amongst staff, a training programme has been designed to educate officials on how to make decisions in line with the Code. WIPO indicated that, in addition to incorporating the ICSC Standards of Conduct into its regulatory framework, it had also developed a new specialized code of ethics in consultation with staff.

Summary

154. The majority of participating institutions emphasized their adoption of the Standards of Conduct for the International Civil Service as the basis for the codes of conduct applicable in their organization. In addition to this, some have developed specialized codes of conduct which take into account the specific activities to be conducted by their staff. Where appropriate, CEB Members may wish to consider whether the development of specialized codes of conduct would provide a useful tool in reducing the potential for conflicts of interest and thereby opportunities for corruption in their organizations.

Financial disclosure

155. At the United Nations Secretariat level, Staff Regulation 1.2(n), provides that “[a]ll UN staff members at the D-1 or L-6 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Secretary-General in respect of themselves, their spouses and their dependent children.” It further provides that “[t]he financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of the United Nations.” The Secretary-General also has the discretionary authority to require other staff members to file financial disclosure statements as he or she deems necessary in the interest of the Organization.³⁶
156. In application of the above regulation and the Secretary-General’s Bulletin on financial disclosure and declaration of interest statements,³⁷ the Ethics Office administers the United Nations Financial Disclosure Programme under which selected staff are required to disclose annually their assets and liabilities, outside activities, and affiliations. Staff required to participate in this process include all staff members at the level of Director or above, those working in areas with a high integrity risk such as procurement and investment activities and all staff working for the United Nations Ethics Office itself. Since the commencement of the programme, the number of staff required to file declarations has increased significantly, from 1,704 in 2006 to 5,015 in 2014, representing an increase of 194%. In addition to covered filers within the United Nations Secretariat, the United Nations Secretariat’s Financial Disclosure Programme covers Assistant Secretary-General and Under Secretary-General level staff appointed to serve in the United Nations Funds and Programmes, as well as selected international staff from UNRWA, UNHCR and UN Women.
157. The primary purpose of the programme is to identify, resolve and mitigate conflict of interest situations arising from the holdings and activities of staff members (and their immediate family members). It does not therefore provide a basis on which potential cases of illicit enrichment or embezzlement of funds can be readily identified. Disclosed information is provided on the “honour system” by covered filers, and is subject to subsequent verification. All disclosed data is maintained as highly confidential and may only be used for the intended purposes of the Financial Disclosure Programme.
158. Information required to be declared by participating individuals includes assets, income or profits with a market value above \$10,000, stock options, and liabilities over \$50,000, any leadership or policy-making roles in non-UN entities, and any gifts from one source over \$250. During the 2013 annual filing cycle, beginning on 1 March 2013 and covering the financial disclosure reporting period from 1 January to

³⁶ Staff Regulation 1.2 (m).

³⁷ ST/SGB/2006/6

31 December 2012, a total of 4,573 filers participated in the programme, including 899 persons who filed for the first time. As at the closing of the 2013 cycle, the programmes had achieved a compliance rate of 99.9%, the same rate that was achieved for the 2012 cycle.

159. In an effort to ensure that the information provided by participating individuals is accurate and truthful, each year, a small percentage of the total number of Financial Disclosure Programme participants is randomly selected for verification, in addition to the regular review process. Those randomly chosen are asked to provide third-party documentation for all items that they have disclosed. These additional documents are requested in order to verify the accuracy and completeness of information disclosed by participants.
160. For the 2013 filing cycle, a total of 228 participants were selected for the verification process on the basis of a stratified random sample across different grades, departments/offices and duty stations. All of the participants selected for the 2013 verification process submitted complete third-party documentation, as had been requested.
161. Since 2007, both the Secretary-General and Deputy Secretary-General have made public their financial disclosure statements reviewed under the Financial Disclosure Programme. While public disclosure is not a requirement of the United Nations Financial Disclosure Programme, senior officials at the grades of Under Secretary-General and Assistant Secretary-General are encouraged to voluntarily make public a summary of their confidential financial disclosure statements.
162. As regards the overall impact of the Financial Disclosure Programme, the Ethics Office noted that it had served to raise greater awareness among participating staff members of relevant organizational rules and policies. The Financial Disclosure Programme regularly identifies individuals and specific conflict situations that require remediation, including by way of the receipt of approval, recusal, or other appropriate interventions. Conflicts revealed through this programme fall into three categories: financial holdings, outside activities, and family relationships.
163. The majority of participating institutions not subject to the United Nations Financial Disclosure Programme indicated that they had introduced similar systems requiring staff members to make declarations regarding both assets and broader interests. Reflecting the approach taken under the United Nations Secretariat programme, officials covered by these declaration systems were generally those in senior roles and those with specialized “high-risk” roles in procurement or finance and investment services. Some institutions, such as the World Bank Group, noted that those in the most senior positions are required to provide more information than other, more junior staff. Officials are required to file statements on an annual basis in all the systems outlined in responses provided.

164. Similar to the United Nations Financial Disclosure Programme, the majority of declaration systems outlined by participating institutions were aimed at the identification of conflicts of interest, with the type of information requested reflecting this primary purpose. Specific categories of information commonly declared include: assets, outside income (e.g. spousal salaries), profits, supplements, and liabilities above certain amounts, and outside activities for self and family members as they relate to the activities of the relevant institution.
165. In 2012, the UNDP Ethics Office implemented the sixth annual financial disclosure exercise in respect of the 2011 transaction year. The exercise involved 1,274 selected filers and the Office received and reviewed 100% of required statements. The verification exercise completed in relation to these declarations demonstrated 100% compliance with the programme by staff members.
166. As an example of a system designed to address a specific form of conflict of interest, WHO noted that the form used as part of their financial disclosure programme is designed to identify forms of conflict of interest that could arise in light of the core activities of WHO with particular emphasis placed on any association with an entity that is directly involved in the production, manufacture, distribution or sale of tobacco products or pharmaceutical products.
167. While not the majority, a number of responding institutions highlighted that they had put measures in place to publicly disclose the financial declarations of their most senior officials. For example, in 2008 the World Bank Group Annual Report announced that for the first time there would be public disclosure of financial and outside interests by the Bank Group's Senior Management Team. While public disclosure is not a requirement of the Bank Group's Financial Disclosure Programme, the Bank Group's Senior Management Team decided to make its disclosures public in the spirit and interest of good organizational governance. Many of the Bank Group's Vice Presidents have also now elected to make their disclosures public.
168. Some institutions, including UNDP and WHO, noted that certain applicants being considered for employment are required to fill out a Declaration of Interest before they are hired, as a preventive measure. Institutions employing such a system noted that this allows for any real or potential conflict of interest to be addressed before the person becomes a staff member.
169. Financial disclosure is also an area in which a number of participating institutions have recently or are currently in the process of introducing reforms. As an example, in 2012, a new financial declaration regime was introduced at FAO under the administration of the FAO Ethics Officer. WFP also noted that in 2011, reforms were introduced to require relevant staff to complete a questionnaire on potential conflicts of interest in addition to the existing financial disclosure statement. At UNRWA, relevant international staff participate in the Financial Disclosure Programme administered by the United Nations, whereas a separate Outside Interest Disclosure Programme for selected locally-recruited staff is administered by the UNRWA

Ethics Office. This latter programme uses a questionnaire that is designed to help detect potential conflict of interest situations faced by this category of staff.

170. UNESCO is also presently in the process of implementing a Declaration of Interest and Financial Disclosure Programme. Under this programme, all fixed-term employees at the P-5 level or above, and employees whose principal duties include the procurement of goods and services and/or whose principal duties relate to the investment of UNESCO assets, will have to complete a questionnaire every year about their personal financial interests and activities.

171. Similarly, IMO has introduced a personal financial disclosure programme for key staff with the planning and development of an analytical framework starting in October 2013. This programme will cover 25 to 30 staff members at the D-1 level and above, in addition to those involved in the procurement activities, the investment of the organizations' assets, and all those serving in the ethics office.

Summary

172. A significant majority of participating institutions have implemented financial disclosure programmes, with these focusing primarily on the identification of potential or actual conflicts of interest, as opposed to the detection of illicit enrichment or the embezzlement of United Nations funds. Those systems that have been in place for some time have proved successful both in terms of participation and compliance rates with the system itself and with regard to the effect this has had on the awareness of staff regarding conflict of interest regulations and relevant prohibitions and restrictions applicable to them as United Nations officials. Indeed, participation and compliance rates system-wide are at their highest since such declaration programmes were introduced.

173. Steps have also been taken to encourage the public release of a summary of declared information from the most senior officials, particularly within the United Nations Secretariat. This parallels efforts made by many States parties to the Convention to make the information produced through the financial disclosure system easily accessible to the public. Relevant ethics entities responsible for the administration of these disclosure systems may wish to consider collectively as to how further transparency can be introduced to the disclosure process.

Reporting misconduct

174. United Nations staff members are obliged to report possible misconduct that comes to their attention under Staff Rule 1.2 (c). Section 1.1 of ST/SGB/2005/21 on "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations" reiterates this: "[i]t is the duty of staff members to report any breach of the Organization's Regulations and Rules to the officials whose responsibility it is to take appropriate action." In addition, staff members have been informed of the obligation to report misconduct by

ST/IC/2005/19 of 24 March 2005 entitled “Reporting of suspected misconduct”. Section 5 of that Information Circular states that:

Staff members have the duty to report cases of suspected misconduct either to a higher-level official, whose responsibility it is to take appropriate action, or to the Office of Internal Oversight Services. All staff members are entitled to make reports directly to the Office of Internal Oversight Services without the need for prior consultation with their supervisor or the head of department (see ST/SGB/273). ‘Misconduct’ is defined by staff rule 10.1 as failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Rules and Staff Regulations or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant.

175. In addition to these binding requirements on staff members a number of participating organizations noted that third parties are also strongly encouraged to come forward with reports of fraud and corruption. At UNDP, contractors, as well as companies doing business with UNDP, are advised that they are obligated “not only to interact honestly in the provision of services for UNDP, but also to report allegations of fraud to UNDP”. WIPO also noted that the obligation to report extends to banks, financial institutions and suppliers, consultants or contractors.

176. In light of the existence of a legal obligation on all United Nations staff members and, in some cases, on other individuals and bodies to report acts of misconduct, including suspected acts of corruption, it is particularly essential that effective mechanisms are put in place in all United Nations institutions in order to allow reporters to do so efficiently and safely. A wide range of measures were cited by participating institutions aimed at facilitating such reports.

177. For officials who do wish to come forward with reports, there are a wide range of bodies that can receive them, including OIOS, the head of the Department or office concerned, or the body established or focal point appointed to receive such reports in their individual institutions. The United Nations Ethics Office is not designated as an official channel to receive such reports, though it will forward any such reports it does receive to the appropriate institution.

178. As regards the establishment of mechanisms and focal points in individual institutions, recent reforms have been made at a number of participating institutions to improve fraud reporting mechanisms. In particular, the variety of tools available for the making of such reports has been expanded and now includes confidential phone-lines, online platforms and in-person reporting centres.

179. As an example, at UNDP a variety of reporting options are now available to members of staff including:

- The option to report confidentially to the Office of Audit and Investigations or anonymously through a third-party fraud reporting service;

- Toll-free telephone reporting from any country in the world, answered by trained call screeners 24 hours a day, 365 days a year, with the ability to ‘patch in’ an interpreter in up to 150 languages;
- Multi-language web reporting with the option of remaining anonymous; and a link to the reporting mechanism at the bottom of UNDP’s main webpage (www.undp.org) to make it easy for people to report suspected fraud and corruption along with other forms of alleged misconduct.

180. FAO, WFP, WMO, WIPO, World Bank Group, IFAD, UNFPA and a number of other participating institutions also highlighted that they operate a telephone *hotline* to facilitate reporting of wrongdoing and corruption which is maintained by the relevant Oversight Office and is promoted both on the internal and external websites of those organizations. In this regard, the World Bank noted that their phone line is operated by a third party in order to ensure their independence.

181. Reflecting the concerns of a number of institutions to protect the persons using these reporting services, the identity of any person who has submitted a report in confidence is generally only disclosed with the consent of that person or, with respect to staff members and any other person under the authority of the relevant institution, when that is required for the conduct of proceedings, whether administrative, disciplinary or judicial. A number of participating institutions also noted that they now permit anonymous reporting, so as to encourage officials to come forward.

182. Many participating institutions noted the importance of aligning the availability of reporting mechanisms with an effective whistle-blower protection policy. This issue is addressed in detail below in the section of this report addressing protection of victims, experts, witnesses and whistle-blowers.

183. While encouraging the reporting of misconduct and making the process of reporting accessible, participating institutions recognize that this mechanism alone is not sufficient in identifying potential misconduct. At the 12th Conference of International Investigators, it was acknowledged that United Nations agencies should also seek to put more emphasis on conducting proactive investigations as a preventative measure. Many shared the opinion that relying only on the reporting of an allegation for initiating an investigation is not an effective strategy. CEB members may wish to consider to what extent this broad conclusion of the Conference is relevant to the issue of fraud and corruption in the United Nations system.

184. Finally, some participating institutions noted the importance of continually assessing and publicly reporting on the effectiveness of the policies put in place to encourage and facilitate the reporting of acts of corruption. The introduction of such measures was also included in a list of “Best Practices to Promote Reporting of Concerns and Protecting Whistle-blowers” produced by the United Nations United Nations Ethics

Office in 2012.³⁸ While many indicated that such assessments were being conducted, this was not universally the case across all CEB members. Those institutions that do not currently have such evaluation and monitoring processes in place should consider their introduction in the near future.

Summary

185. Significant efforts have been made by individual institutions to establish mechanisms for the reporting of suspected misconduct and acts of corruption. Particularly at the United Nations Secretariat level, there is a diverse range of offices to which such reports can be made including OIOS, the head of the Department or office concerned, or the body established or focal point appointed to receive such reports in their individual institutions. Should, however, an office receive a report more suitably handled by another authority, the report or relevant information is forwarded accordingly.

186. While the current measures in place fully meet the requirements of Article 8, paragraph 5 of the Convention as regards the establishment of “measures and systems to facilitate the reporting of acts of corruption to appropriate authorities”, some participating institutions noted that further work could be done to streamline and simplify their reporting systems.

Recommendation: All CEB members should work together to simplify their mechanisms for reporting acts of corruption.

PROCUREMENT AND MANAGEMENT OF FINANCES

Establishment of appropriate *systems of procurement* based on *transparency, competition, objective criteria for decision-making that are effective, inter alia, in preventing corruption* (Art. 9(1)).

Such systems should include/ensure:

- Public distribution of information relating to procurement procedures and contracts (Art. 9(1)(a));
- Advanced establishment of conditions for participation, selection and award criteria, tendering rules and their publications (Art. 9(1) (b)).
- Objective and predetermined criteria for public procurement decisions (Art. 9(1)(c));
- An effective system of appeal to ensure legal recourse and remedies (Art. 9(1)(d));
- Measures to regulate matters regarding *personnel responsible for procurement* such as:
 - *declarations of interest in particular procurements;*
 - *screening of procedures;*

³⁸ Presented by the United Nations Ethics Office, 28 June 2012, to Joint Experts Group Meeting on Preventing Corruption in Public Administration, sponsored by Department of Economic and Social Affairs.

- *training requirement*’ (Art. 9(1)(e)).

Measures to promote ***transparency and accountability in the management of public finances*** (Art. 9(2)). Such measures shall encompass:

- appropriate *procedures for the adoption of budgets* (Art. 9(2) (a));
- *timely reporting on revenue and expenditures* (Art. 9(2)(b));
- *a system of accounting and auditing standards and related oversight* (Art. 9(2)(c));
- *effective and efficient risk-management and internal control systems* (Art. 9(2)(d));
- *Corrective actions in case of failure to comply* (Art. 9(2) (e)).

Establishment of measures to preserve the integrity of *accounting books, records and financial statements and other documents related to public expenditures and revenue, and to prevent falsification of such documents* (Art. 9(3))

187. Article 9 of the Convention mandates the establishment of proper and transparent processes in relation to public procurement and public finances. Paragraph 1, requires that necessary steps are taken to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective in preventing corruption in the procurement process.

188. Furthermore, such procurement systems must contain a range of specific elements including the public distribution of information relating to procurement procedures and contracts, the establishment, in advance, of conditions for participation, the use of objective and predetermined criteria for public procurement decisions, the establishment of an effective system of review for procurement decisions and effective measures to regulate personnel responsible for procurement.

189. The undeniably broad range of measures required under Article 9, paragraph 1 reflects both the complexity of the procurement process and the fact that procurement, whether at the national or international level, is perhaps the sector most likely to be exposed to risks of corruption. An alignment of system-wide and institution-specific procurement practices with the requirements of the Convention would represent an important and necessary step forward in increasing confidence in the transparency and fairness of United Nations procurement processes.

190. Given the range of areas covered by Article 9, paragraph 1 the analysis below begins with an initial overview of the key rules and regulations applicable to the procurement processes conducted by members of the United Nations system, and is followed by a summary of the measures adopted by CEB members in relation to each of the sub-topics listed above.

UN Financial Regulations and Rules, the United Nations Procurement Division and the UN Procurement Manual

191. As regards the key rules applicable to United Nations Secretariat procurement work, the Financial Regulations and Rules of the United Nations provide broad legislative directives governing the financial management of the United Nations. Section C of

the Financial Regulations and Rules sets out the general principles applicable to procurement. Regulation 5.12 states that the general principles which shall be given due consideration when exercising the procurement of the United Nations are:

- (a) Best value for money;
- (b) Fairness, integrity and transparency;
- (c) Effective international competition;
- (d) The interest of the United Nations.

192. Financial Rules 105.14 to 105.16 address: competition; methods of solicitation; and the strictly defined situations in which procurement may deviate from the use of formal methods of solicitation.

193. The key organizational unit responsible for procurement in the United Nations Secretariat is the UN Procurement Division (UNPD) which conducts the purchase, rental or sale of services, supplies, equipment or other requirements on behalf of the United Nations Secretariat. Such activities include, in addition to entering into contracts, the invitation of proposals or bids and the negotiation with potential suppliers or purchasers on the basis of detailed specifications. The procurement activities conducted by UNPD are governed by the Financial Regulations and Rules.

194. To assist UNPD in its work, the United Nations Procurement Manual was developed to provide guidance on procurement policies and procedures and it applies equally to all staff members involved in procurement activities conducted by the United Nations in all offices and in all locations.³⁹ The Procurement Manual, most recently updated in July 2013, goes into detail on issues such as registration of potential recipients of solicitation documents; the acquisition process; preparation and issuance of solicitation documents for acquisitions; treatment of submissions; evaluation and source selection; contract awards; and contractual instruments. The procedures set out in the Procurement Manual are designed to ensure that the Organization obtains good quality products or services at competitive prices, within the time-frame required and that those seeking United Nations business are confident that their proposals and bids are considered and assessed in a fair and transparent manner.

195. All staff members of the United Nations must comply with the provisions of the Procurement Manual. This includes procurement officers as well as staff members of the user departments, offices, peacekeeping missions, field offices and all offices away from Headquarters. UNPD is the authority which provides overall advice and guidance on the procurement policies and procedures and the interpretation of the United Nations Financial Regulations and Rules pertaining to procurement in consultation with the Office of the Assistant Secretary-General/Office of Central Support Services and the Office of Legal Affairs when necessary.

³⁹ <http://www.un.org/depts/ptd/pdf/pm.pdf>

196. As regards the issue of ethics and integrity in United Nations procurement processes, chapter 4 of the Procurement Manual, entitled “Ethical Standards in Procurement”, reminds staff engaged in procurement-related activities of the applicable regulatory framework.⁴⁰ More specifically, section 4.10 of the Procurement Manual addresses “Corrupt, Fraudulent and Unethical Practices” directly, defining “corrupt practice” as “the offering, giving, receiving or soliciting (directly or indirectly) of anything of value to improperly influence the actions of another person.”
197. A series of different corrupt practices, including bribery, collusion and extortion, are then defined so as to make clear to procurement staff the types of activities they should be vigilant for when conducting their work. An obligation is placed on all United Nations procurement staff to “communicate to Vendors during the registration phase, in the Solicitation Documents and in the Contract documents that all United Nations Vendors shall adhere to the highest ethical standards, both during the bidding process and throughout the execution of a Contract.”
198. Section 4.10.3 of the Manual provides that Officials should be vigilant to the risks of corrupt practices and manage the procurement process to mitigate such risks, while section 4.10.4 reminds officials of their duty to report any suspected acts of misconduct, including those involving fraud or corruption, noting that such reports can be made either to the head of the office or department in which they work, or to OIOS. Chapter 5 of the Procurement Manual, entitled “Global Compact”, also refers to Principle 10 of the Global Compact that “business should work against all forms of corruption, including extortion and bribery.”⁴¹
199. As regards specific measures applicable to personnel responsible for procurement, the United Nations Financial Regulations and Rules and the Procurement Manual set out a series of requirements. As noted above, procurement officers and all staff whose principal occupational duties are the procurement of goods and services for the United Nations are required to file financial disclosure statements.⁴²
200. Furthermore, enhanced post-employment restrictions are applicable to procurement personnel after separation with contractors or vendors that conduct business with, or for, the Organization. For a period of one year following separation from service with the United Nations, former staff members who have participated in the procurement process are prohibited from seeking or accepting employment from any United Nations contractor or vendor of goods or service with whom such staff

⁴⁰ Such as the UN Charter, UN Staff Rules and Staff Regulations, and their commentaries.

⁴¹ <http://www.unglobalcompact.org/aboutthegc/thetenprinciples/principle10.html>

⁴² See Section 1.1 of ST/SGB/2006/6. In addition to procurement officers, Section 2 of the SGB further extends the requirement to file financial disclosure statements to: “(a) All staff members at the D-1 or L-6 level and above; ... (c) All staff members whose principal occupational duties relate to the investment of the assets of the United Nations, the United Nations Joint Staff Pension Fund or of any accounts for which the United Nations has fiduciary or custodial responsibility; (d) Other staff members whose direct access to confidential procurement or investment information warrants the filing of a financial disclosure statement; (e) All staff members serving in the Ethics Office”.

members have been personally involved in the procurement process during the last three years of service with the Organization. This prohibition is extended to two years in relation to areas of procurement that were under their official responsibility while they were at the United Nations.⁴³

201. Furthermore, staff members are prohibited from soliciting or accepting any future employment from any contractor or vendor that conducts, or attempts to conduct, business with the United Nations.⁴⁴ Where such an offer is received the staff member must immediately inform the head of office and the Under-Secretary-General for Internal Oversight Services and recuse himself or herself from dealing with that contractor.

202. A range of applicable sanctions for violation of these rules is set out in the Secretary-General's Bulletin. Advice is available through the Ethics Office for staff members seeking clarification as to the application of the above rules to specific situations.

203. Many participating institutions noted the specific integrity challenges they face in conducting procurement activities in difficult environments. As an example, UNHCR noted that a higher risk of fraudulent or corrupt activities arises where services are being provided in remote locations where local non-governmental organizations or government agencies may be the only organizations available to implement projects. The capacity of such bodies to ensure integrity in the supply process may be weak because of inexperience and UNHCR tries to ensure a capacity building component while working with them.

Public distribution of information relating to procurement procedures and contracts

204. Participating institutions outlined a range of measures they had employed to introduce greater transparency in procurement processes through the publication of information in relation to procurement procedures and contracts. Common methods adopted by participating institutions in this regard included the publication of both standard procedures and active procurement actions on external websites, in particular the United Nations Global Marketplace (UNGM),⁴⁵ and the development of easy-to-understand publications aimed at explaining the key stages of the procurement process in their organizations.

205. The UNGM acts as a single window through which potential suppliers may register with 20 United Nations Agencies, using the UNGM as their supplier roster. In addition to the United Nations Secretariat bodies, the CEB Members that use the UNGM as part of their procurement activities are: FAO, IAEA, ILU, ITU, UNDP, UNESCO, UNHCR, UNICEF, UNIDO, UNRWA, UNFPA,⁴⁶ UPU, WFP, WHO,

⁴³ Under section 2 of ST/SGB/2006/15

⁴⁴ Rule 2.3 ST/SGB/2006/15

⁴⁵ www.ungm.org

⁴⁶ <http://www.unfpa.org/public/home/procurement>

WIPO, and WMO. The agencies making use of the UNGM account for 95% of the total value of United Nations procurement spent on an annual basis.

206. In addition to using the UNGM, participating institutions including UNDP, UNIDO, UPU, UNESCO, WIPO and WFP noted that individual procurement actions were made available on their organizational website, as well as to other relevant web sites, newspapers and trade journals. Those procurement notices that are published on these forums usually have to exceed a minimum financial amount ranging from \$40,000 to \$100,000. UNIDO furthermore noted that in order to enhance transparency, it is presently being proposed that contract award notices above €200,000 be uploaded on UNIDO's external web-site in future.
207. WIPO and WFP were among the majority of participating institutions which noted that a further dedicated website specific to their institution is used to publish all procurement notices, which are also available on their electronic tendering portal. The WIPO website also contains documentation on contract conditions, vendor registration, documents on how to do business with WIPO, the applicable code of conduct and statistics relating to WIPO procurement activities.
208. The rules providing the specific requirements for advertising procurement opportunities were, in all participating institutions, detailed in a specific publication or document. As an example, the UNDP Standard Procurement Methods policy details the specific requirements for advertising procurement opportunities.
209. All participating institutions also noted that general terms and conditions applicable to the procurement process were made available on their organization's website. As an example, at WFP, a specialized document, 'Doing Business with WFP' has been made available on their external website explaining how the organization conducts both food and non-food item procurement.
210. At UNDP, specific guidelines for prevention of corruption in procurement are published in the UNDP Procurement User Guide. The purpose of this chapter is to alert personnel of areas of risk for fraud and corrupt practices in procurement, and provide guidance in the prevention, identification, proactive avoidance and handling, managing and responding to instances of fraudulent or corrupt practices.⁴⁷ Similarly, at WIPO, the conditions for participation, selection and award criteria, tendering rules and their publications are all detailed in the WIPO Office Instruction⁴⁸ and Procurement Manual, with the latter currently under review.
211. While UN Women are not part of the UNGM, their current procurement framework can be accessed by all UN Women staff via the UN Women Intranet. This framework is currently being revised with the view to further enhancing and improving the clarity, fairness, integrity and fairness of the UN Women procurement

⁴⁷ Available in English, French and Spanish.

⁴⁸ http://intranet.wipo.int/oiic_doc/en/2006/oi_21rev_2006.pdf

process to all staff. Moreover, as with the majority of other participating institutions, all high-value tenders conducted by UN Women are advertised on their website.

212. In contrast to the above responses, WHO indicated that while it is currently considering making its procurement rules available on their website, they did not presently consider it feasible to routinely publish tenders and award decisions in this way due to the fact that, for much of WHO's procurement, pre-qualification of bidders is necessary. WHO is, however, planning to discuss the development of a system for filtering prequalified bidders with UNGM, thereby allowing WHO to publish certain tenders and award decisions on that portal.

Establishment in advance of conditions for participation

213. All participating institutions indicated that they had rules and procedures in place governing the eligibility of potential suppliers and contractors to take part in the procurement process. The responses of many institutions in this regard focused on rules excluding any company or individuals that are, or have previously been, suspected or found guilty of corrupt practices.

214. Furthermore, a series of measures were outlined by participating institutions regarding the sanctions applied to vendors where they breach applicable procurement rules. Emphasis was placed on those sanctions applicable where corrupt practices have occurred, reflecting the provisions of the overarching United Nations Financial Regulations and Rules and the United Nations Procurement Manual in debarring such bodies from current and future procurement contracts.

215. As regards requirements and conditions for participation in procurement tenders, UNIDO and a number of other participating institutions highlighted that they require suppliers to formally register before they receive detailed information on procurement actions.

216. As regards measures aimed specifically at reducing the risk of corruption, the majority of institutions had put in place provisions requiring suppliers to disclose any on-going investigations, sanctions, or litigation where they are directly involved when submitting an offer. If and when such situations arise, procurement staff are asked to take preventive measures which may include not considering the relevant company or individual for the contract award.

217. As an example, at ILO, the general terms and conditions of contract reserve the right to disqualify a contractor for a specified or indefinite period from participating in the procurement process of ILO or contracting with ILO, if it is shown that the contractor has, directly or indirectly, employed fraudulent, corrupt, collusive or coercive practices or failed to disclose a conflict of interest.

Use of objective and predetermined criteria for public procurement decisions

218. All participating institutions providing information in relation to the issue of procurement practices indicated that they used predetermined criteria for public procurement decisions. In addition to citing the relevant rules containing such criteria, participating institutions also emphasized the key role of independent committees and other bodies in ensuring such criteria are applied objectively and fairly.
219. In this regard, WIPO, UNFPA, UNIDO, and UN-HABITAT all referred to their respective procurement rules and regulations and manuals, citing the criteria that all procurement decisions must be based upon, and which are disclosed to all potential bidders at the outset of the procurement process. For the United Nations Secretariat, and other applicable bodies, the relevant United Nations Financial Regulations and Rules and the United Nations Procurement Manual have already been cited above.
220. The current UN Women procurement framework, as governed by the Financial Regulations and Rules, covers this and requires each UN Women tender document to contain, in detail, and in a means accessible to all bidders, the criteria for bidder participation, contract award and the general tendering rules. Furthermore, those criteria are posted on the UN Women website and are thus available to all participating bidders in addition to the public more broadly.
221. Reflecting the responses of a number of institutions, WHO and UNFPA indicated that the criterion of “best value for money” was given particular weight as part of its predetermined criteria, with WHO procurement rules providing that an offer must be “responsive” to such criteria, i.e. must meet all the procurement requirements specified in the request for proposals, in order to be selected as preferred bidder.
222. The majority of responding institutions indicated that they had put in place a specialized body or committee to ensure the consistent application of pre-established criteria. In an example of a cross-institutional review body, the United Nations Office in Nairobi (UNON) has a Local Contracts Committee made up of members from UN-HABITAT, UNEP and UNON. The Committee is responsible for reviewing recommendations coming from the Procurement Service based on predetermined and objective criteria (and up to defined financial thresholds, beyond which the case will need to be submitted to the Headquarters Committee on Contracts).
223. At UNDP, all contracts in excess of \$100,000, including requests for waiver of competitions, require the approval of the Advisory Committee on Procurement at HQ, while those contracts in excess of \$30,000 must be approved by a committee at the country office level. UNDP indicated that in their experience this ensured separation of duties and therefore ensured objective and fair decision-making. UPU also noted that it has a Tenders and Procurements Committee which is responsible for analysing and recommending bids based on the predetermined criteria. UNFPA noted further that a similar system was in place in their organization and detailed in the UNFPA Procurement Manual.

224. Similarly at WHO, bids are generally evaluated by a bid evaluation panel, comprising staff of the procuring unit and preferably at least one staff from another unit or department in order to increase transparency in the process. Evaluation takes place on the basis of the specifications set forth in the Request for Proposals and the criteria set forth in the WHO procurement rules.
225. As a control mechanism at UN Women, the contracts committee (AMRC) ensures, through procedural review, that all contract awards with a value of \$30,000 or more at HQ level, and all UN Women contract awards from the field with a value of \$100,000 or more, have been conducted in accordance with those principles. The same applies to contracts at the field level with a value between \$30,000 and \$100,000 which are reviewed by the locally established contract committees (LAMRCs).
226. Similarly, all placements of contracts involving expenditure or revenue of CHF 50,000 or more at ITU must be submitted to an independent Contracts Committee which assists the Secretary-General in examining all proposals for contracts with outside suppliers. When making its recommendations, the Contracts Committee must bear in mind economy, the best value for money, quality and the best interests of the Union, in accordance with Article 1 of ITU's Financial Regulations. Furthermore, waiver of competition for contracts of estimated value of CHF 50,000 or more requires the approval of the Contracts Committee.
227. For procurement procedures at WHO exceeding \$200,000, the proposed award is submitted to the WHO Contract Review Committee (CRC) for approval, including in particular for verification that the bid evaluation and award process has been fair and transparent and is based on the principle of best value for money. At IMO, all proposed purchases over £50,000 must be reviewed by the Committee on Contracts to ensure compliance with the Procurement Manual and Financial Regulations and Rules. The Committee will assess whether the purchase is in the best interests of the Organization, and advise on the award of a contract.
228. A relatively new system of review has been introduced at WFP where there is a forum, the Committee for Commodities, Transport and Insurance (CCTI) for ex post facto review of food, transport and insurance procurement activities. Since December 2010, the Oversight Office reviews transport and insurance procurement contracts selected using a random sampling methodology for reporting to CCTI on a quarterly basis. From the beginning of 2013, this review will also include food procurement contracts randomly selected on the same basis for reporting to CCTI.
229. Finally, as regards the actual mechanisms put in place for the processing of procurement contracts, a number of bodies highlighted the use of electronic platforms to facilitate this process. In UNDP, the Procurement Support Office has successfully piloted e-tendering in the Regional Bureau for Europe and the Commonwealth of Independent States (RBEC) and is moving towards rolling out the system for all country offices. Furthermore, UNDP is also working towards creating

a centralized online portal for all individual consultancies. UNFPA also noted that they were presently developing an e-tendering system.

An effective system of review

230. While, as noted above, all participating institutions indicated that some form of system of review was in place for the purposes of ensuring the fair and objective application of predetermined criteria in the public procurement process there was far less consistency amongst institutions regarding possible methods of appeal for procurement bidders.

231. UN-HABITAT, UPU, UNIDO and ITU all indicated that no formal or specialized process for appealing a procurement decision had been put in place. UNIDO nevertheless highlighted that there is a possibility for bidders to present a complaint to the Organization in writing in line with the relevant provisions of the Procurement Manual.

232. In contrast, other institutions indicated that a formal and effective system of appeal was available in relation to procurement decisions. This was the case for example at WIPO, UNESCO and WHO. In this regard, WIPO noted that an arbitration clause is included in its general terms and conditions applicable to the bidding process, providing a mechanism for those wishing to challenge the results of a procurement process.

233. WHO indicated that while an appeal mechanism was in place, bid protests or challenges to WHO's award decisions were quite rare in practice. Where such protests do occur they are generally handled by the WHO Office of the Legal Counsel which evaluates the merits of each protest, based on the terms of the procurement offer and the WHO procurement rules. Specific factors taken into account in this regard include the question of whether the award decision was fair, followed due process, and is justified based on the principle of best value for money.

Measures relating to procurement personnel

234. The most diverse range of information provided by participating institutions in the field of procurement related to the measures applicable to procurement personnel. In this regard, emphasis was placed on submissions on specialized recruitment and training requirements, enhanced asset declaration requirements and specialized disciplinary mechanisms for those involved in managing the procurement process.

235. On a United Nations Secretariat level, the United Nations United Nations Ethics Office provides specialized procurement ethics advisory services to United Nations Procurement Services, including the review of corporate compliance and anti-corruption programmes initiated by vendors. The Ethics Office provides confidential consultations on the experts retained by selected vendors, and ensures that their corporate compliance programmes are reasonably designed to detect, prevent, and

mitigate the risks of corruption consistent with global best practices. These measures are also relevant to the implementation of Article 12 UNCAC, as discussed below.

236. As regards training, the Procurement Division's online training module entitled "Ethics and Integrity in Procurement", developed in cooperation with the UN Ethics Office, has now continued into its fourth year. In 2012 alone, 324 persons completed the programme, which is mandatory for Procurement Division staff and recommended for those with procurement-related duties.
237. UNDP and UNFPA also emphasized the enhanced training provided to procurement officers with staff being required to pass a certification exam on procurement policies and practice which includes ethical aspects. UNIDO, WHO, and UN-HABITAT also emphasized the enhanced qualifications required of and specialized training provided to procurement professionals in their organizations. Such training also included a specific certification programme for procurement officials. This was also the case at IAEA which noted that specialized ethics training is provided to procurement officers.
238. Currently, the UNDP procurement certification level 1 course accredited by the Chartered Institute of Purchasing and Supply (CIPS), is also mandatory for all UN Women committee chairpersons, while review committee members are encouraged to obtain one. However, in order to give more depth to the way staff are trained in the principles of procurement at UN Women, it has been planned to conduct a training needs analysis and to actually offer training, in a consolidated manner and by monitoring activities, in procurement principles for buyers, review of the procurement process (committee members) and procurement ethics. This training would be applicable to all staff, not just those specializing in procurement. The UNDP Ethics Office has also developed a training module on "Procurement Ethics" that it has recently begun delivering via web conference, upon request, in 2013.
239. With regards to declarations of interest, the majority of participating institutions including UNIDO, UNESCO, UNDP, ICAO, UNFPA and WIPO have adopted enhanced declaration requirements for procurement officials, as noted in relation to Article 8 UNCAC above.
240. Furthermore, at UNIDO, staff are required to sign a declaration indicating their compliance with organizational ethics and professional standards, in addition to undergoing enhanced checks regarding conflicts of interest. Similarly, at UNESCO, the Anti-Fraud and Anti-Corruption Policy includes specific requirements for personnel involved in the procurement process aimed at the prevention of fraud and corruption. FAO also requires that members of procurement review committees sign "No Conflict" declarations.
241. At WIPO, the Assistant Director General for the Administration and Management Sector and the Director in charge of the Procurement (and Travel) Division, along with other members of management, are required to make declarations of interest, a

programme which is handled by the Chief Ethics Officer. In addition to this, an Office Instruction on a Code of Conduct for managing supplier relationships is applicable to procurement staff members. At IAEA, mandatory declarations of interest are obtained from all procurement staff and for all participants in procurement processes over \$150,000. Voluntary declarations can be provided for processes lower than that amount.

242. However, a number of participating institutions recognized that there was more to do with regard to declaration requirements and regulations applicable to procurement staff. At UN Women, specialized measures to regulate matters regarding personnel responsible for procurement such as declarations of interest, in particular procurements, are currently not in place, but it was indicated that this would be part of the newly-drafted UN Women procurement manual currently under review as noted above.⁴⁹

243. A number of institutions, including WHO, noted their participation in the discussions of the High Level Committee on Management-Procurement Network (HLCM-PN) regarding potential "Procurement Certification Schemes", mainly focusing on procurement staff in the field.

Transparency and accountability in the management of public finances

244. Article 9, paragraph 2 of the Convention requires that measures are taken to increase the transparency and accountability of the management of public finances. Measures that can be taken to meet this broad requirement include the establishment of clear procedures for the adoption of budgets; the introduction of mechanisms for reporting on revenue and expenditure; the adoption of accounting and auditing standards along with an appropriate oversight mechanism; and the establishment of effective and efficient risk-management and internal controls. Where there is a failure to comply with the above policies and rules, corrective actions should be taken.

245. At the United Nations Secretariat level, financial regulation 2.1 on "authority and responsibility" stipulates that the proposed programme budget for each financial period shall be prepared by the Secretary-General. This regulation then sets out in detail the rules regarding the presentation, content and methodology of the budget, the review and approval process, publication, revision, and unforeseen and extraordinary expenses. Regulation 2.4 provides that "[t]he Secretary-General shall, in the second year of a financial period, submit his or her proposed programme budget for the following financial period to the General Assembly at its regular session. This proposed programme budget shall be transmitted to all Member States at least five weeks prior to the opening of that session." Under the same regulation, accounting, financial and other documents are required to be kept for a period of at least ten years.

⁴⁹ It should be noted, however, that there is presently nevertheless a mandatory requirement for UN Women staff dealing with procurement to be part of the financial disclosure policy led by the UN's Ethics Office.

246. All individual responding institutions noted that they had clear procedures for the preparation, adoption and implementation of their budget as part of their applicable financial regulations and rules, with the majority noting that the above-noted UN Financial Regulations and Rules would apply. Such regulations and rules commonly also set out procedures for reporting on revenues and expenditures, as well as for a system of accounting to be used, and for external and internal audits to be employed as a means to increase transparency and control of public finances.
247. Reflecting the responses of a number of participating institutions, FAO noted that it had a formal zero tolerance policy for fraud resulting in dismissal or summary dismissal (depending on the gravity of the offences) where an individual is found guilty of such an offence. In this regard, UN Women also noted that under its financial rules and regulations, all personnel of UN Women are responsible to the Under-Secretary-General/Executive Director for the regularity of actions taken by them in the course of their official duties. Personnel who take any action contrary to these financial regulations and rules or to the instructions that may be issued in connection therewith may be held personally responsible and financially liable for the consequences of such action.
248. In relation to accounting standards, the majority of institutions made reference to the United Nations System Accounting Standards (UNSAS), which are applicable to nearly all United Nations system organizations. Furthermore, a large number of institutions noted that they had recently, or were seeking to adopt the International Public Sector Accounting Standards (IPSAS), noting that they considered this essential for transparent financial reporting, strong accountability and good governance, more complete disclosure and accounting of assets and liabilities, and improved management, tracking and reporting of financial and non-financial assets.
249. A report produced by the United Nations JIU in 2010 outlines in detail the lengthy process of reform that ultimately led to agreement amongst all United Nations system bodies regarding the use of the IPSAS standards.⁵⁰ While a number of participating institutions have not yet implemented this system and the costs of doing so appear to have exceeded original expectations, participating institutions agreed that this nevertheless represents a significant step forward in enhancing public trust in the accounting practices of the United Nations system. As an example of the practical impact of this change, those organizations that have adopted the IPSAS standards will now produce annual, rather than biennial, audited and published accounts.
250. As regards the specific timing of the adoption of these standards, IMO noted that it had adopted IPSAS as of 1 January 2010 and had successfully produced its first IPSAS compliant annual financial statements for the year ended 31 December 2010. UNRWA introduced IPSAS effective 1 January 2012. FAO noted that this system

⁵⁰ JIU/REP/2010/6

would be introduced in its organization on 1 January 2014. WIPO adopted them in 2010 pursuant to a decision at the forty-third session of the WIPO Assemblies (2007).⁵¹

251. A smaller number of participating institutions, including WFP and UNFPA, noted that they had adopted the best practice guidance on internal control, which has been codified under the Committee of Sponsoring Organizations of the Treadway Commission (also known as COSO). At WFP, risk assessment training is provided for technical units based on the COSO2 Enterprise Risk Management model.
252. In relation to the publication of information regarding budgets, a number of individual institutions outlined proactive efforts to make information regarding their financial budget available to the public. Publication of such information on websites and official United Nations documents through the General Assembly were cited by a number of institutions as examples in this regard. At UNDP, all relevant documentation on budgets for management and programme activities approved by the Executive Board are available on the website of the Executive Board Secretariat.⁵² In addition, UNDP's Financial Report and Audited Financial Statements, including the Report of the United Nations Board of Auditors (UNBOA), are General Assembly Documents (A/61/5/Add 1). All documents are accessible to Member States and the public.
253. Similarly, UNFPA makes available its strategic plan and a corresponding integrated budget available online. UN Women also noted that all contributions received by the organization are uploaded on to the UN Women website on a monthly basis.
254. Efforts are increasingly being made by United Nations system bodies to publicly recognize the internal and external risks in relation to financial management. As an example of this move towards greater transparency, in March 2012, WFP issued its first Executive Director statement on the effectiveness of internal control in WFP. This was published with the financial statements for 2011 and represents a major milestone in WFP's action both to strengthen managerial control and accountability across the Organization and to communicate the results of such action to the public. Similarly, with a view to enhancing the transparency of the Organization's affairs, the IMO Council at its 110th session in July 2013 approved a proposal to publish IMO's annual financial statements and audit opinions.
255. All participating institutions emphasized how technological solutions had been used to increase the transparency and accountability of financial management. In this regard, UNESCO noted that the application of the Finance and Budget System (FABS) programme enables management to monitor and report on core financial and activity implementation, both globally and in real-time.

⁵¹ See WIPO document A/43/5.

⁵² <http://www.undp.org/execbrd/>

256. Some institutions also outlined measures taken to provide Member States with access to the technological applications used to monitor revenue and expenditures. At UNESCO, the SISTER programme was used to record, monitor and report the attainment of expected results and track actual expenditures by activity against the work plans of the Regular Programme; it produces bi-annual reports that are made available to both the Executive Board and Member States.
257. All responding institutions also noted that a specific system had been introduced as regards the retention and maintenance of records. While the retention period differed among institutions, a period of between seven and 10 years marked the average period of time that documents are retained, although certain classes of documents are retained indefinitely. The types of documents retained by participating institutions included accounting records, financial and property records and other supporting documents. The majority of institutions noted that such documents were retained locally.
258. Additionally, all institutions emphasized the role played by external auditors in ensuring that relevant accounting and financial standards were upheld. In general terms, external auditors are required to express an opinion on the biennial or annual financial statements of institutions covering both regular programme and extra-budgetary resources and to make observations with respect to the efficiency of the financial procedure, the accounting system and the administration and management of the relevant institution.
259. A number of participating institutions, including UNIDO and UPU, noted that while risk management systems were in place, these could be improved and that work is presently being carried out with external auditors to see where such improvements can be made. FAO has decided to implement a formal Enterprise Risk Management process, coordinated by the Office of Strategy, Planning and Resources Management and assisted by the Office of the Inspector General. Risks of fraud and corruption and financial misreporting will be covered in the process. A pilot of the system was initiated in 2010 and will run through 2013. Finally, at UNFPA, a process has begun to integrate all risk management activities into a single Risk Management process.

Summary

260. The measures put in place by participating institutions to prevent corruption within the procurement processes conducted by the United Nations system broadly reflect the requirements of the UNCAC, with significant reforms having recently been introduced by CEB Members to further strengthen integrity and promote transparency in this area.
261. In line with the UN Financial Regulations and Rules and those applicable in specialized agencies, all participating institutions base their procurement systems on the principles of transparency, competition and objective criteria. Corruption and other forms of fraud are also directly addressed in the relevant rules and procedures

of participating institutions. Furthermore, mechanisms have been put in place in all institutions that seek to ensure that the predetermined criteria are applied consistently.

262. One of the most dynamic areas of reform in the procurement field has been the introduction across the United Nations system of online platforms for the publication and, in some cases, the full administration of the procurement process. In this regard, the United Nations Global Marketplace now provides an easy-to-use platform for 95% of the total value of United Nations procurement spent on an annual basis. Individual institutions are also proactively distributing procurement notices and relevant rules and manuals on their own websites and portals. These changes have significantly enhanced the transparency of the procurement process and brought United Nations policies and practices clearly into line with the Convention.

263. As regards procurement personnel, the majority of participating institutions apply enhanced financial disclosure requirements to those involved in administering the procurement, with more stringent restrictions and prohibitions placed on these officials with regard to outside activities. Specialized integrity and anti-corruption training has increasingly been recognized by CEB members as a crucial tool in enhancing the capacity of procurement personnel to deal with the particular corruption challenges posed by the procurement process.

264. Recognizing the broad requirements of Article 9, paragraph 2 on transparency and accountability in public finances, information from participating institutions indicates overall adherence to the core principles of this provision. All participating institutions demonstrated that systems were in place as regards budget development, accounting and record maintenance, while also noting that corrective practices are in place where such rules are broken. Institutions have also demonstrated a willingness to enhance the accounting standards to which they hold themselves, with the majority now having implemented the IPSAS standards. A real effort has also been evidenced in the majority of institutions to increase the public availability of information regarding the management of their finances, particularly through the use of web portals and more regular formal reports.

TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION

Measures to enhance transparency in public administration, including with regard to organization, functioning and decision-making processes, *inter alia*, through:

- Allowing for public access to information on the organization, functioning and decision-making process of the Organization (Art. 10 (a));
- Ensuring public information, including periodic reports on the risks of corruption (Art. 10(c)).

265. Article 10 of the Convention requires that measures be taken to enhance transparency in public administration, including with regard to the organization, functioning and

decision-making processes of the relevant body. Examples of how transparency can be introduced include, inter alia, by providing public access to information, by simplifying administrative procedures and by publishing information on the risks of corruption, for example through periodic reports. The provision of access to information for the public is also required under Article 13(1) (b) of the Convention.

266. Information provided by participating institutions demonstrates that while significant efforts had been made both on a system-wide level and at the level of individual institutions to enhance the transparency in their work, further efforts are still required in order that the principles outlined in Article 10 of the Convention are fully reflected in the relevant procedures and policies across the United Nations system.

267. As regards public availability of information on the organization, functioning and decision-making processes of United Nations bodies, it was noted by the United Nations Secretariat that all United Nations Staff Rules and Staff Regulations, Financial Regulations and Rules and an abundance of other documents regarding, inter alia, the Organization's functioning and decision-making processes are available on the United Nations website, as well as through the "ODS search" database at documents.un.org which is freely accessible to the public.⁵³

268. While the United Nations Secretariat does not currently produce periodic reports specifically on the risks of corruption in the United Nations system, a number of reports are produced annually on cases of serious misconduct and criminal behaviour, including any relevant cases of corruption. In this regard, results of investigations of cases of potential serious misconduct and/or criminal behaviour should be reported to OIOS by all members of the Organization.⁵⁴

269. The Secretary-General is also required to ensure that disciplinary action and, where appropriate, legal action in accordance with the established procedures and regulations, will be taken expeditiously in cases of proven misconduct and/or criminal behaviour and to inform Member States on an annual basis of all actions taken in this regard.⁵⁵ The Report of the Secretary-General on this issue, entitled "Practice of the Secretary-General in disciplinary matters and cases of criminal behavior" contains summaries of disciplinary action under a range of categories.⁵⁶ Specific categories with relevance to corruption addressed in the most recent report are: "Fraud, misrepresentation and false certification", "Retaliation", "Misuse of or failure to exercise reasonable care in relation to United Nations property or Assets"

⁵³ ST/SGB/2007/5 of 12 February 2007 on "United Nations Archives, Record-keeping and the management of United Nations Archives" and ST/SGB/2007/6 of 12 February 2007 on "Information sensitivity, classification and handling" contain the procedures to be followed with regard to making UN documents available to the public.

⁵⁴ GA resolution 59/287 of 21 April 2005.

⁵⁵ Ibid., para 16.

⁵⁶ For the most recent report see http://www.un.org/ga/search/view_doc.asp?symbol=A/67/171

and “Unauthorized outside activities and conflict of interest, including procurement irregularities”.⁵⁷

270. A large number of participating institutions also highlighted the use of their organization’s website as a key tool for the provision of information to the public regarding the functioning and decision-making processes of that body. In this regard, UN-HABITAT, UNDP, UNHCR, UPU, UNIDO, UNRWA, UNEP, WMO, ILO and FAO, all noted that their websites provide access to detailed information on key programmes, organizational structure and governing bodies.

271. One example of the use of online platforms to enhance transparency in the administration is the United Nations Ethics Office website which is fully available on both the Internet and the Intranet, with identical information posted for staff members and the public at large. This website, which had its first full year of activity from 2012-2013, provides complete information about the United Nations’ ethical expectations and standards, describes the services and functions of the UN Ethics Office, and includes direct links to all publications, rules, regulations, bulletins and other directives that enhance the commitment of the UN to ethics and integrity. Accessible to all staff and to the public via www.un.org, the website is available in all six of the official languages of the United Nations and has had more than 60,000 individual visits in the last year. Furthermore, in 2011, an internal website, “Accountability A to Z” was launched on the United Nations Intranet (iSeek) to strengthen the culture of accountability in the United Nations Secretariat. The site provides staff with practical guidance and a library of relevant administrative documents.

272. As regards the public reporting of cases of corruption, UNIDO highlighted that the mandate of the UNIDO External Auditor includes reporting publicly on cases of fraud or presumptive fraud. These reports, as well as UNIDO financial reports and audited financial statements, are publicly available on the UNIDO website. Similarly, the UNDP Administrator issues an annual report on disciplinary measures and other actions taken in response to fraud, corruption and other wrongdoing, which is publicized on the UNDP external website. In addition, UNDP provides in its audited Financial Report a summary listing of the cases of fraud or presumptive fraud. The yearly report of the Director of the Division for Oversight Services at UNFPA also includes a section on investigations, detailing the type of complaints.

273. At WFP, a number of recent reforms have been introduced to increase public reporting of fraudulent or corrupt activities at the Organization. In November 2010, the Policy for Disclosure of Internal Audit Reports to Member States was approved by the Executive Board, and in June 2011 the Policy for Disclosure of Investigation Reports was also issued. In November 2012, the Policy for Disclosure of Oversight Reports was issued which provides for the disclosure of internal audit and inspection

⁵⁷ The results of the most recent report produced by the Secretary-General are drawn on throughout this report.

reports to the general public. It also specifies the possibility to share investigations reports with counterparts in Member States and public international organizations on a confidential and reciprocal basis in cases where WFP and these organizations share a common interest in the subject of the report.

274. Similarly, the IMO Council at its 106th session in June 2011 adopted the policy on the disclosure of internal audit reports to Member States to enhance transparency and ensure consistency with the practice in the UN system.

275. In accordance with WIPO's Internal Oversight Charter, a Summary Annual Report is made publicly available containing a description of significant problems, abuses and deficiencies relating to the administration of WIPO in general, or a programme or operation in particular, disclosed during the period. Similarly, FAO noted that the annual report of the Office of the Inspector General is made available on FAO's website and includes detailed information on investigations activities and risks of corruption. FAO also indicated that it issues an Administrative Circular every two years on the practice of the Organization in disciplinary matters. UNFPA noted that it provides information publicly on the outcome of disciplinary cases whenever the number of individuals involved is large enough to safeguard confidentiality and due process.

276. Many participating institutions further emphasized the role that a comprehensive and proactive information disclosure policy can play in enhancing transparency and increasing public understanding of the work of the Organization. As an example, WFP's policy, issued in June 2010, identifies eight categories of information to be made available to the public. The policy describes how information can be obtained and includes an appeal process for any member of the public against any decision to deny requested information. UNRWA adopted a similar policy in 2009.

277. UNESCO also stated that its disclosure policy is based on the presumption of transparency, with limited well-defined exceptions to preserve the Organization's interests, as well as those of its staff and its various partners. Documents and decisions of the Executive Board and General Conference are available online, and these include periodic reports of the Ethics Office and the Internal Oversight Service, as well as the independent external Oversight Advisory Committee.

278. At UNDP, a public disclosure policy has been in place since 1997 under which, upon request, information about UNDP operations should be made available within 30 business days. UNDP also noted that it is a founding member of the International Aid Transparency Initiative, and has consistently met its commitments to publishing aid information in accordance with that programme, and includes over 100 participating organizations. UNFPA also noted that it is a member of this Initiative

and, as a result, now publishes extensive financial information and related documents for all development projects in this common standard and on a transparency portal.⁵⁸

279. Furthermore, the range of information made available under such information disclosure policies has increased in recent years. At the World Bank, a new Access to Information policy took effect in 1 July 2010, making thousands of documents available for the first time.⁵⁹ Similarly, at WMO, documentation of the Financial Advisory Committee that was previously restricted has now been made available to the general public. Starting in December 2012 at UNDP, UNFPA and the United Nations Office for Project Services (UNOPS), the internal audit reports issued by their respective internal audit services are also available to the public on their respective websites for the first time.

280. Other participating institutions noted that while a specific information disclosure policy was not in place, other steps had been taken to increase public access to information or, alternatively, that such a policy was presently being developed. As an example, while UN Women does not currently have in place a specific communications strategy to disseminate information about the prevention of corruption, they indicated that their daily communications work, through their website, media outreach and social media, contributes to increased transparency and access to information about the Organization. No system is in place at UN Women for the publication of information regarding the risk of corruption in the Organization.

281. UNEP also stated that it is currently exploring the value of developing its own information disclosure policy. Similarly, at ITU, a Working Group is currently examining the question of what financial information may be made available to the public, and in what form.

Summary

282. While the information provided by participating institutions demonstrated a strong trend towards an increase in the public availability of information relating to the functioning and decision-making processes of the United Nations system, there remains divergence amongst CEB members with regard to reporting on the risks of corruption. While some organizations publicly report such information on a regular basis, other bodies indicated that they had no such procedures in place. This is an area in which some organizations may wish to consider enhancing existing measures.

<p>Recommendation: All CEB members should consider including public reporting on corruption risks in their organization as part of their information disclosure policies.</p>
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⁵⁸ See <http://open.undp.org> and <https://data.unfpa.org/Apps/IATI/IATIAction.unfpa?method=index> respectively.

⁵⁹ See <http://go.worldbank.org/TRCDVYJ440>

INTEGRITY IN THE ADMINISTRATION OF JUSTICE AND INVESTIGATION SERVICES

Take measures to strengthen integrity and prevent opportunities for corruption within the administration of the justice system “*without prejudice to (their) independence*” (Art. 11(1));

Consider the adoption of *specific rules with respect to the conduct* of members of such services (Art. 11(1)).

283. Article 11 of the Convention requires measures to be taken to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Furthermore, this Article specifically notes that such measures may include the development of rules with respect to the conduct of the members of the judiciary.

284. If the principles of Article 11 are applied to the United Nations system, CEB members should take measures to enhance integrity and prevent corruption in their internal justice systems. However, in doing so, they should also bear in mind the fundamental importance of the independence of those justice systems and should ensure that no effort to enhance integrity has a negative impact on that independence.

The United Nations internal justice system

285. Significant reforms have been undertaken at a United Nations system-level with regard to the internal justice system. In 2007, the General Assembly decided to introduce a new system for handling internal disputes and disciplinary matters in the United Nations.⁶⁰ This reform came as a result of extensive discussions on the issue of administration of justice, and a keen recognition by both management and staff that the existing system no longer met the needs of the Organization.⁶¹

286. The General Assembly acted on a proposal⁶² made by the Secretary-General based on the recommendations of an external panel of experts, the "Panel on the Redesign of the United Nations system of administration of justice", and on consultations with staff through the Staff-Management Coordination Committee. The goal, as noted in

⁶⁰ A/RES/61/261

⁶¹ It should be noted that the introduction of the new internal justice system only concerns the United Nations Secretariat and its Funds and Programmes. It does not concern many of the CEB member organizations, such as the UN specialized agencies which are instead covered by the jurisdiction of the International Organization Administrative Tribunal (<http://www.ilo.org/public/english/tribunal/index.htm>).

⁶² A/61/815

the proposal, was to “have a system that was independent, professionalized, expedient, transparent and decentralized, with a stronger emphasis on resolving disputes through informal means, before resorting to formal litigation”. Many of the aims behind the introduction of a new internal justice system also represent principles that support overall integrity efforts as required under Article 11 of the Convention.

287. The formal resolution procedure under the new internal justice system contains three key steps. As a first step, a staff member who wishes to contest an administrative decision is required to request a management evaluation. In the United Nations Secretariat, management evaluations are carried out by the Management Evaluation Unit in the Office of the Under-Secretary-General for Management, with the Funds and Programmes carrying out the management evaluation function through their own administrative structures. The purpose of this step is to give management a chance to correct itself or provide acceptable remedies in cases where there has been flawed decision-making, and to reduce the number of cases that proceed to formal litigation. However, if the contested decision relates to a disciplinary measure or non-disciplinary measure following completion of a disciplinary process, or was reviewed by a technical body, the relevant staff member can appeal directly to the UN Dispute Tribunal (UNDT).

288. As a second step, when no resolution through informal means can be arrived at, and when the result of the management evaluation is not to the satisfaction of the staff member, the staff member can file an application to the UNDT. Decisions by the Dispute Tribunal may be appealed, either by staff or the administration, to the United Nations Appeals Tribunal (UNAT).

Efforts to enhance integrity in the UN internal justice system

289. A key aim and reason for the reforms described above was to enhance the independence of the internal justice mechanisms from other parts of the United Nations system. To achieve this, a new Office of Administration of Justice, headed by an Executive Director appointed by the Secretary-General, has been established and is responsible for coordinating the functioning of the new system. This contrasts with the previous system under which the internal justice system was mostly handled within the Department of Management, the same Department that makes decisions on human resources management and disciplinary matters.

290. To ensure the highest competency and integrity among individual judges on the UNDT and UNAT, stringent minimum requirements apply to any person seeking to work in these bodies, including between 10 and 15 years of professional experience. Candidates are evaluated by the Internal Justice Council, an independent body, before being recommended to the General Assembly for appointment. Again, the contrast with the previous system in which judges of the UN Administrative Tribunal were nominated by Member States and elected by the General Assembly without any screening or selection process, is stark.

291. A number of participating institutions outlined how they had adapted their own internal mechanisms to adhere to and reflect the new system-wide internal justice system. In this regard, UNRWA noted that in agreement with the United Nations Secretary-General, it had established its own first instance Dispute Tribunal, which conforms to the General Assembly's requirements and is modeled after the United Nations Dispute Tribunal. The Judge of the UNRWA Dispute Tribunal was selected through a thorough recruitment process conducted by the Internal Justice Committee, and is required to uphold the standards of conduct included in the Agency's Staff Regulations, Rules and other administrative issuances, as well as in the Statute of the UNRWA Dispute Tribunal. WIPO noted that it is currently undertaking a comprehensive review of its internal system of administration of justice.

292. Thus, it can be seen that the changes brought in under the new internal justice system have led to real improvements in the independence, and consequently the perceived integrity of the administration of justice in the United Nations system.

293. Similarly, progress has been made in the development of the mechanism for addressing possible misconduct of judges, with a new mechanism having been approved by the General Assembly in its resolution 66/106. Work is also currently underway, in accordance with General Assembly resolution 67/241, on the development of a code of conduct for those acting as legal representatives before the tribunals.

294. It was noted however by some participating institutions that judges in the UN Dispute Tribunal and the United Nations Appeals Tribunal are not subject to the same financial disclosure requirements as staff members of the United Nations Secretariat. There is no requirement placed on members of these tribunals to file financial disclosure statements, disclose outside activities or interests, or provide information about spousal or relatives employment within the United Nations system.

Measures aimed at enhancing the integrity of investigators

295. As regards the rules applicable to the work of investigators, all participating institutions noted that investigations into allegations of misconduct, including fraud and corruption, are carried out in accordance with the Uniform Guidelines for Investigations, the mandate of their respective investigative units and detailed investigation guidance. These Guidelines, adopted by the Conference of International Investigators of the United Nations Organizations and Multilateral Financial Institutions⁶³ include provisions on disclosure and mitigation of actual or perceived conflicts of interests and other integrity standards.

⁶³ In 2003. The second revision was adopted in June 2009 at the 10th Conference of International Investigators.

296. So as to ensure adherence to these standards, WFP noted that it had instigated an external quality assessment of its Office of Investigations undertaken by OLAF (European Anti-Fraud Office) and the Inter-American Development Bank in 2008 to ensure that the Uniform Guidelines were being applied in practice. Another external quality assessment was planned for 2013. Similarly, WIPO noted that it is currently undertaking a comprehensive review of the internal system of administration of justice.

297. Efforts are also being made to reform and enhance the accountability mechanisms applicable to the work of United Nations investigation offices. In this regard, UNDP noted that in September 2012, the Office of Audit and Investigation proposed the establishment of an independent mechanism for the investigation of any complaints against members of United Nations oversight offices. At the time of drafting this report, the proposal was still under discussion by the recently created United Nations Heads of Investigation Sections Group (UNHIG).

Summary

298. The introduction of the new internal justice system marked a significant moment in the efforts of the United Nations system to support the independence and integrity of the administration of justice at the United Nations. Whereas previously the very structure of these mechanisms brought into question its ability to act independently of those bodies whose decisions were being appealed, the establishment of new and operationally independent bodies has significantly enhanced the capacity of the justice system to respond to the needs of staff members. All of these reforms also have direct relevance to, and support, the implementation of the fundamental principles underpinning Article 11 of the Convention.

CONDITIONS FOR THE PRIVATE SECTOR TO ENTER INTO RELATIONSHIP WITH INTERNATIONAL ORGANIZATIONS

International organizations should demand private sector entities that wish to enter into contractual arrangements with them to comply with a set of minimum standards for the prevention of corruption in the private sector (Article 12).

299. Article 12 UNCAC requires that measures be taken to prevent corruption in the private sector. Applying the principles of this article to the work of the UN system, institutions should ensure that those private bodies with which they do business abide by a minimum set of standards with regard to the prevention of corruption. A series of specific measures are then outlined in paragraph 2 as potential tools to be used in achieving this broader goal. Specific measures cited include: promoting cooperation between law enforcement agencies and relevant private entities; promoting the development of standards and procedures designed to safeguard the integrity of

relevant private entities, including codes of conduct; and preventing conflicts of interest by imposing restrictions on the professional activities of former officials.

Reducing corruption risks when working with private sector suppliers

300. The United Nations General Conditions of Contract contain a specific provision prohibiting bribery. Section 6.0 of the United Nations General Conditions of Contract provides that “[t]he Contractor warrants that no official of the United Nations has received or will be offered by the Contractor any direct or indirect benefit arising from this Contract or the award thereof. The Contractor agrees that breach of this provision is a breach of an essential term of this Contract.”
301. The majority of responding institutions referred to the application of the UN General Conditions of Contract in their response, with a number, including UNESCO, also emphasizing additional clauses in their contractual framework whereby all potential contractors shall bear or reimburse the organization for any legal costs or legitimate expenses arising from wrongful acts committed by the contractors. UNIDO also highlighted that all suppliers are obliged to sign a Statement of Confirmation that its Directors and Officers have not, within the last five years, been convicted of any criminal offence related to professional conduct or the making of false statements or misrepresentations, and that the supplier pursues a zero tolerance policy towards all forms of corruption, including extortion and bribery.
302. While such restrictions place a prohibition on corrupt activities by contractors within the context of an individual contract, they do not represent a full satisfaction of the broader requirement of Article 12 regarding the promotion of anti-corruption measures in the private sector. A number of initiatives have, however, been introduced aimed at requiring businesses who wish to engage with the United Nations to meet a set of minimum anti-corruption standards.
303. At a United Nations Secretariat level, the “United Nations Supplier Code of Conduct” has been developed and a list of approved “Registered Vendors” made available online.⁶⁴ Point 19 of the Supplier Code of Conduct specifically addresses the issue of corruption, stating that:
- Corruption:** The United Nations expects United Nations suppliers to adhere to the highest standard of moral and ethical conduct, to respect local laws and not engage in any form of corrupt practices, including extortion, fraud, or bribery, at a minimum.
304. The majority of participating institutions made reference to their use of supplier codes of conduct as an important tool in outlining their zero-tolerance approach to corruption amongst suppliers. As an example, UNDP reported that it has a similar Supplier Code of Conduct, as well as a Procurement Fraud Notice, made available to all vendors.

⁶⁴ www.un.org/Depts/ptd/pdf/vendors.pdf.

305. A number of institutions noted, however, that there was not as yet a clear set of requirements applied to all contracting bodies as regards their integrity and anti-corruption policies. While a number of institutions noted that proposals made by private entities for services over a specified amount must be vetted for compliance with technical standards and international labor standards, no specific provisions exist for vetting suppliers' compliance with anti-corruption standards.
306. As an example, ITU noted that no such broad anti-corruption requirement was in place in their contractual relationships. UN-HABITAT stated in this regard that while due diligence is performed prior to making a decision to collaborate with the non-governmental partners including the private sector, this is not done for purely contractual relationships. In contrast, ILO noted however that a detailed provision on ethical conduct is in place in its revised general contractual terms and conditions relating to procurement of goods and services. The provision requires adherence by bidders and contractors to rigid ethical standards during the procurement process and the execution of contracts. All contractors, their personnel and sub-contractors must also comply with the principles set out in fundamental international labour standards.

Partnerships with private sector bodies to prevent corruption

307. The UN Global Compact represents a key platform for engagement between the United Nations and the private sector.⁶⁵ The Global Compact is a voluntary international corporate citizenship network initiated to support the participation of both the private sector and other social actors to advance responsible corporate citizenship and universal social and environmental principles to meet the challenges of globalization, including the prevention of corruption. Since its inception in 2001, the Global Compact has become the largest voluntary corporate responsibility initiative in the world with 10,000 corporate participants and other stakeholders from over 130 countries.

308. In 2004, the United Nations Global Compact Leaders' Summit announced that the UN Global Compact henceforth included a 10th principle against corruption, with the United Nations Convention against Corruption recognized as the underlying legal instrument for this principle. The principle states:

Businesses should work against corruption in all its forms, including extortion and bribery.

309. The United Nations Global Compact suggests to participants to consider the following three elements when fighting corruption and implementing the 10th principle:

⁶⁵ For more information visit www.unglobalcompact.org.

- Internal: As a first and basic step, introduce anti-corruption policies and programmes within their organizations and their business operations;
- External: Report on the work against corruption in the annual Communication on Progress; and share experiences and best practices through the submission of examples and case stories;
- Collective: Join forces with industry peers and with other stakeholders.

310. Since the introduction of the 10th principle, a wide range of implementing measures have been reported to the Global Compact by its corporate members. A compilation of best practices, “Corporate Sustainability with Integrity: Organizational Change to Collective Action”, was produced in 2012 highlighting the most innovative and effective measures taken by private sector bodies in support of the implementation of the 10th principle.

311. The majority of responding institutions including UNDP, UNRWA, IAEA and UN-HABITAT, made reference to their adherence to, and promotion of the Global Compact 10th principle as one of the guiding principles for their engagement with the private sector. In 2010, UNODC and the United Nations Global Compact collaborated to produce “The Fight Against Corruption: An E-Learning Tool”, aimed at promoting knowledge of the UN Convention against Corruption in the private sector. This tool has proved successful with over 130,000 individual users since its launch, a “Certificate Course” available to those who complete all the modules in the tool⁶⁶ and a number of private sector companies that have incorporated the tool into their internal training programmes.

312. A further initiative governing the relationship between United Nations entities and the private sector are the “Guidelines on Cooperation between the United Nations and the Business Sector”. The purpose of the guidelines is to facilitate the formulation and implementation of partnerships between the United Nations and the business sector in a manner that ensures the integrity and independence of the United Nations. More specifically, they provide that the United Nations will seek to engage with business sector entities which demonstrate a commitment to meeting or exceeding the principles of the United Nations Global Compact by translating them into operational corporate practice within their sphere of influence including policies, codes of conduct, management, monitoring and reporting systems.

313. A number of participating institutions noted that in addition to the United Nations Guidelines outlined above, specialized guidance tailored to their individual organizational functions had been developed to govern their relationship with private sector bodies. As an example, UPU has adopted additional guidelines for cooperation with the business community, in line with its own mandate and activities while UNEP has also adopted a Partnership Policy and Procedures, which operates in conjunction with the UN Guidelines. Similarly, UNRWA’s donor vetting and partnership policies include a due diligence protocol applicable to private partnerships.

⁶⁶ <http://thefightagainstcorruption.org/certificate/>

314. In another example, FAO has adopted the “Principles and Guidelines for FAO Cooperation with the Private Sector” which identifies transparency and accountability as partnership principles. A Partnerships Committee has been established to coordinate and monitor FAO’s relations with the private sector and civil society. A procedure for a due diligence review has also been set to verify if there has been any record of behaviour infringing upon the FAO Principles and Guidelines and to screen against common UN criteria and corporate risk factors.

315. Similarly, WFP private donors are expected to meet certain criteria and adhere to the WFP Code of Conduct; since December 2012, this screening is undertaken by the Legal Affairs office of WFP. UNDP has also developed a “Private Sector Strategy” that underscores the corporate social responsibilities of its private sector partners.

Summary

316. A number of initiatives have been introduced over the last ten years aimed at increasing the standards to which the business community will be held when engaging with United Nations entities. The “United Nations Supplier Code of Conduct and the Guidelines on Cooperation between the UN and the Business Sector” provide a mutually reinforcing framework that helps United Nations entities hold a common and high standard when dealing with the business community. To this extent, the core principle of Article 12 UNCAC that measures should be taken “to prevent corruption in the private sector” has broadly been met.

317. Furthermore, significant efforts have been made to engage and partner with the private sector in the fight against corruption. The UN Global Compact has acted as a key platform in this regard, allowing United Nations agencies to work successfully with companies in the field of corruption prevention and, in the process, facilitating the collection of a wide range of good corporate practices in this field.

PARTICIPATION OF SOCIETY

Participation of individuals and groups, such as civil society, non-governmental organizations, and community-based organizations in the prevention of, and fight against corruption and to raise awareness regarding the existence, causes and gravity of the threat posed by corruption (Art. 13(1)), inter alia through:

- *Transparency of decision-making processes and promotion of the public’s contribution* (Art. 13(1)(a));
- *Effective access to information for the public* (Art. 13(1)(b));
- *Public information activities that contribute to a non-tolerance of corruption, public education programmes including school and university curricula* (Art. 13(1)(c));
- *Measures aimed at respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption* (Art. 13(1) (d)).

Dissemination of information on relevant *anti-corruption bodies* to the public and ensure sufficient *access to such bodies for the purpose of reporting of incidents that may be considered as constituting an offence* (Art. 13(2))

318. In accordance with Article 13 of the Convention, measures should be taken to involve the participation of society in the fight against corruption and raise-awareness of the existence and threat of corruption amongst the public.

319. As applied to the work of international organizations, the principles of this article necessitate measures that allow those outside of the United Nations system, including Member States, civil society organizations and individuals, to contribute to the efforts of United Nations bodies in preventing corruption and enhancing integrity. Furthermore, United Nations bodies should seek to raise awareness, through public reporting and other methods, of the existence, causes and impact of corruption in the United Nations system.

320. Responses from participating institutions indicated a concerted effort from the majority of CEB members to introduce enhanced measures aimed specifically at engaging those outside the UN system in its integrity and anti-corruption efforts. As an example, in October 2012 UNDP updated its “Strategy on Civil Society and Civic Engagement” which, together with the UNDP and civil society organizations “A Toolkit for Strengthening Partnerships”, places emphasis on raising awareness amongst society of relevant UNDP oversight mechanisms and their role in fighting corruption and promoting legal frameworks for anti-corruption at the national and regional levels.

321. Some participating institutions noted that while a specific policy for engagement with civil society was not in place, such strategies were presently under development. For example, FAO’s Council has recently approved an FAO “Strategy for Partnerships with Civil Society”,⁶⁷ which provides an umbrella framework to guide civil society and FAO’s work together in their pursuit of eradicating hunger and poverty. The Strategy provides the tools and know-how to increase the number of quality and effective partnerships with civil society.

322. An example of the way in which CEB members can directly partner with civil society in anti-corruption reform is evidenced at UNRWA, which cooperated with Transparency International (TI) and with The Coalition of Transparency and Integrity (AMAN), which is TI’s local chapter in Palestine, in the assessment of the risks of corruption in its organization. UNRWA adopted TI’s “Handbook on Preventing Corruption in Humanitarian Operations” as an analytical framework for conducting the assessment and invited representatives from TI’s headquarters to participate in a workshop where the provisional results were discussed with senior

⁶⁷ This Strategy was adopted in 2013 together with the FAO Strategy for Partnerships with the Private Sector.

management. UNRWA also participated in a first-ever World Anti-Corruption Forum convened by civil society in Jordan in 2012 and indicated that they envisage further cooperation with TI and other civil society organizations working in the field of anti-corruption in the development and implementation of its anti-corruption strategy.

323. In a further example of the involvement of third parties in the oversight of integrity and corruption matters, ILO also noted that employers' and workers' organizations sit on its Governing Body and participate in the review of the ILO's administrative and financial matters, including the review of internal and external audit reports. Similarly, at WMO, civil society organizations and other individuals are invited to participate in WMO governance meetings. At UN Women, extensive consultations with civil society, government and academic partners informed the first Strategic Plan of the organization while global, regional and country civil society advisory groups have been, or are in the process of, being established to guide UN Women in the implementation of their mandate.
324. Other common measures cited by participating institutions that raise awareness of the existence and impact of corruption in their organizations included the use of institution websites to publish information on corruption risks, the publication of annual audit reports and the provision of briefings to outside organizations on this topic. As an example, the World Bank noted that sanctions outcomes and redacted investigative reports in relation to corruption offences are made publicly available in full online.⁶⁸
325. Many institutions referred to the steps they had taken to ensure that the civil society organizations and private sector bodies they engage with abide by relevant integrity principles. UNDP, FAO and other bodies highlighted initiatives such as Partnership Committees, CSO Capacity Assessment Tools and other mechanisms that provide guidance to assess, coordinate and monitor relations with civil society and the private sector, particularly where the relevant institution is considering entering into contractual relations with such bodies.
326. Finally, it should be noted that many of the measures introduced by participating institutions with relevance to the implementation of this provision of the Convention have already been addressed above in relation to Articles 8 and 10 of the Convention. Readers are referred to these sections for further detail.

Summary

327. All participating institutions demonstrated efforts to increase the availability of information to the public regarding their governance policies and procedures and, to a lesser extent, in relation to their integrity and anti-corruption efforts. Such efforts

⁶⁸ www.worldbank.org/integrity

most commonly manifested themselves in the form of improved websites and the regular publication of external reports.

328. A smaller group of institutions, with UNRWA a particular example, had taken the step of formally involving civil society in their governance bodies and in the development of their integrity and anti-corruption policies. Such efforts to harness and draw upon the knowledge and expertise of civil society organizations in the development and implementation of anti-corruption programmes represents a good practice with regard to Article 13 of the Convention.

UNCAC CHAPTER III

CRIMINALIZATION AND LAW ENFORCEMENT

OFFENCES AND LAW ENFORCEMENT

All offences included in the Convention to be fully reflected in the staff rules and regulations in terms of *internal violations* that would make them liable to internal sanctions and disciplinary measures (Chapter III):

- that take into account the gravity of the offences (Art. 30(1));
- and the obligation of the Secretary-General under Section 20 of the General Convention to waive the immunity of any international public official to allow for *the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences under the Convention* (Art. 30(2)).

Strengthening of legal powers of internal investigation bodies for investigation and enforcement, so as to *maximize the effectiveness of investigations and administration of justice and deter the commission of such offences* (Art. 30(3));

Consideration of the possibility of establishing procedures *for removal, suspension or reassignment* by appropriate authorities of staff accused of an offence under the Convention, *bearing in mind the respect for the principle of the presumption of innocence and any applicable privileges and immunities.* (Art. 30(6));

When warranted by the gravity of the offences, consider the possibility of establishing procedures for the *disqualification*, by a competent authority, for a period of time determined by internal rules, of staff members convicted of offences established in accordance to the UNCAC, *to hold public office* in any international organization (Art. 30(7) (a)).

329. Article 30 UNCAC requires that the commission of an offence detailed under the Convention be liable to sanctions that are enforced. As applied to international organizations, this requires those that form part of the United Nations system to apply and enforce sanctions when acts of corruption take place.

330. When applying such sanctions, account should be taken of the gravity of the offence and whether the waiving of immunity, without prejudice to the interests of the United Nations, would facilitate the course of justice by allowing for effective investigation, prosecution and adjudication of offences, as required under the Convention.

Disciplinary action

331. At the United Nations Secretariat, Regulation 10, Chapter X of the Staff Rules and Staff Regulations and Administrative Instruction ST/AI/371, as amended, contain key provisions regarding UN disciplinary process and procedures. According to Staff Regulation 10.1, the Secretary-General may impose disciplinary measures on staff members who engage in misconduct. Chapter X of the Staff Rules sets out in further detail that failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Rules and Staff Regulations or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant, may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct. A broad range of disciplinary measures can be applied in the case of a finding of misconduct, depending on the seriousness of the breach of applicable rules, ranging from written censure to dismissal from the Organization.⁶⁹

332. Administrative Instruction ST/AI/371 then elaborates on the initial investigation, decision on initiation of the disciplinary process and recommendation of a disciplinary measure. Under section 2 of this Instruction, conduct for which disciplinary measures may be imposed includes the following:

- (a) Acts or omissions in conflict with the general obligations of staff members set forth in Article 1 of the Staff Rules and Staff Regulations and instructions implementing it;
- (b) Unlawful acts (e.g., theft, fraud, possession or sale of illegal substances, smuggling) on or off United Nations premises, and whether or not the staff member was officially on duty at the time;
- (c) Misrepresentation, forgery or false certification in connection with any United Nations claim or benefit, including failure to disclose a fact material to that claim or benefit;
- (d) Assault upon, harassment of, or threats to other staff members;
- (e) Misuse of United Nations property, equipment or files, including electronic files;
- (f) Misuse of office; abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities;
- (g) Acts or behaviour that would discredit the United Nations.

333. The grounds on which disciplinary measures can be imposed as outlined above are consequently sufficiently broad to cover the offences outlined under Chapter III of the Convention. In particular, the broad ground of “unlawful acts” provides a catch-all provision under which any criminal offence, including corruption offences, would

⁶⁹ United Nations Staff Rule 10.2

provide a basis for disciplinary action. Beyond this broad provision, fraud, misuse of office and abuse of authority are also specifically referenced as grounds for disciplinary action. Some responding institutions subject to United Nations Secretariat rules noted that consideration could be given to amending the above rule so as to more explicitly include those offences enumerated in Chapter III UNCAC, for example by amending subsection (b) above to include a reference to this section of the Convention. United Nations system administrative jurisprudence, however, has indicated that the use of specific, non-exhaustive lists of potential conduct may lead to unintentional exclusion of other offences.

334. So as to ensure the gravity of punishment matches the offence committed, as noted above, a range of disciplinary measures of different degrees of severity are available under UN Staff Rule 10.2. Furthermore, matching the requirements of the UNCAC, jurisprudence from the United Nations administrative tribunals makes it clear that the imposition of disciplinary measures have to follow principles of proportionality. A number of organizations, including UPU, noted that accepting bribes is considered as normally entailing dismissal. In all participating institutions, applicable rules allowed for the imposition of suspension or administrative leave pending an investigation into suspected misconduct.⁷⁰

335. Where participating institutions did not directly apply United Nations Staff Rules and Staff Regulations, equivalent policies were put in place closely matching those rules. A number of these institutions such as WMO, FAO and IAEA also noted that while the offences enumerated in the Convention are not specifically mentioned in their staff rules and regulations as grounds for disciplinary action, the definition of misconduct under the codes of conduct and applicable legal frameworks in individual agencies generally covers any unlawful acts committed by staff members. As an example, the UNDP Legal Framework for Addressing Non-Compliance with the ISCS Standards of Conduct allows for disciplinary action in the event of “unlawful acts wherever it occurs and whether or not the staff member was officially on duty at the time”.

336. Some institutions indicated that recent efforts had been made to amend disciplinary regulations following findings by internal and external assessors that further action was required in this area. At UNESCO, in response to the recommendation of the External Auditor to clarify and supplement the Organization’s system of disciplinary measures in order to facilitate the implementation of the financial responsibility of staff members, the Director-General has instructed UNESCO’s human resources department to develop appropriate disciplinary measures under the Staff Rules and Staff Regulations. These rules will also address the observance of the Standards of Conduct of the International Civil Service.

337. As evidence of the practical implementation of these rules and regulations, a limited number of institutions provided specific cases in which staff members had been

⁷⁰ See UN Staff Rule 10.4.

found guilty of fraud or corruption. At ITU for example, over the last 25 years four staff have been found guilty of fraud. As regards the disciplinary measures applied in such cases, three of them were dismissed and one was demoted from P-5 to P-4 (thus losing his diplomatic status).

338. With regard to the bodies responsible for implementing applicable rules and investigating alleged misconduct, many institutions emphasized that both the mandates and resources available had been significantly enhanced in recent times. At UNDP, the authority of the Office of Audit and Investigation had been strengthened and significantly increased with their investigation mandate now including contractors, implementing partners, vendors and other third parties where alleged wrongdoing is deemed to be detrimental to the organization. The authority can also undertake proactive investigations in high-risk areas that are susceptible to fraud, corruption and other wrongdoings. At UNFPA, the mandate of its internal oversight body has been expanded to include all types of internal investigations (including, but not limited to fraud and corruption) as well as external investigations.
339. Similarly, FAO emphasized that the Office of the Inspector General is empowered under its charter with wide-ranging powers of investigation. This is supplemented by Administrative Circular 2008/26 on the Policy on the use of the Organization's information technology resources, which states that the use of the Organization's information technology resources by staff members can be monitored, investigated by the Office of the Inspector-General, and reminds staff that the use of Internet can be monitored by competent national authorities. ICAO has also recently strengthened and clarified its internal investigation processes under its new Ethics Framework.
340. At the World Bank, the Integrity Vice Presidency (INT) conducts a preliminary inquiry to identify whether a formal investigation is required. Where *prima facie* grounds of misconduct are identified, INT will conduct a formal investigation and provide the decision-maker (usually the Vice President, Human Resources) with the information necessary to make a fully informed decision whether misconduct occurred and, if so, what disciplinary measures, if any, should be imposed. At UNDP, allegations of wrongdoing are reported to the Office of Audit and Investigations which reviews the matters and, as appropriate, opens an investigation
341. The majority of participating institutions also emphasized that investigative entities such as OIOS, or individual investigative agencies working in some institutions, were provided with access to all relevant information when conducting their work. UNIDO noted that investigative work is governed by the UNIDO IOS Charter which grants free access to premises, persons and documents, but requires prior authorization of the Director-General for certain electronic documents. IOS's standard for best practice in investigations is described in the IOS Investigation Guidelines. UNIDO furthermore noted that where a case reaches the internal justice system, those dealing with a specific case can access personnel and documents without limitations.

342. A number of participating institutions noted that investigations were carried out in accordance with the “Uniform Principles and Guidelines for Investigations” endorsed by the 10th Conference of International Investigators.⁷¹ Agreed in 2009, and updating the original guidelines adopted six years earlier, these guidelines define the purpose of an investigation as being to “examine and determine the veracity of allegations of corrupt or fraudulent practices as defined by each institution... and allegations of misconduct on the part of the Organizations staff members”.⁷² A few of the key principles provide that all organizations should establish an investigative office responsible for conducting investigations,⁷³ all staff of Investigative Offices should disclose potential or actual conflicts of interest,⁷⁴ and all Investigate Offices should publish an annual report highlighting the integrity and anti-fraud activities of its Investigative Office.⁷⁵

343. Some organizations such as UNDP, UNFPA, FAO and UN Women noted that under their Legal Framework for Addressing Non-compliance with United Nations Standards Code of Conduct (in the case of UNFPA, both under its legal framework on discipline as well as its administrative rules on recruitment), a staff member dismissed or separated from service for disciplinary reasons shall be banned from any future employment and contractual opportunities with the Organization. The majority of responding institutions also noted that they conduct reference checks on future staff members and requires disclosure of criminal offences which may lead to ineligibility for service. A number of institutions, including FAO, indicated that a criminal record would not necessarily lead to automatic ineligibility debarment, with individuals assessed on a case-by-case basis. This demonstrated broad compliance with the principle underlying Article 30, subparagraph 7(a) as outlined above.

344. Many institutions noted the importance of regular reporting on disciplinary matters. As an example, at UNIDO, a yearly report on disciplinary matters informs staff members of all disciplinary actions taken in cases of proven misconduct, the Director of the Oversight Office issues an annual report to the Executive Board, which includes a summary of significant investigations conducted. At WMO, the Internal Oversight Office submits a summary report of its activities annually to the Secretary-General with a copy to the External Auditor on its activities. The Internal Audit and Oversight Division at WIPO also includes in its annual report a summary of matters investigated undertaken under its mandate. A similar approach is also adopted at UNFPA through the report by the Director of the Division for Oversight Services to the Executive Board,

345. At UNDP, the Administrator issues an annual report on disciplinary measures and other actions taken in response to fraud, corruption and other wrongdoing, which is

⁷¹ http://www.un.org/Depts/oios/investigation_manual/ugi.pdf

⁷² Uniform Principles and Guidelines for Investigations, Principle 2.

⁷³ Principle 1.

⁷⁴ Principle 4.

⁷⁵ Principle 6.

publicized on the UNDP external website. At ILO, the Office of the Internal Audit and Oversight reports annually and provides a summary on investigations to the Governing Body.⁷⁶ In addition, a brief version of the annual report of the Committee on Accountability containing a summary of cases referred to it is published on the ILO public website.⁷⁷ The Committee on Accountability is responsible for advising the Director-General on all cases of fraud, presumption of fraud and attempted fraud, as well as of dishonesty, negligence or disregard of established Office procedures or directives which resulted or could have resulted in financial or other loss to the Office or damage to its property. At the United Nations Secretariat level, the Secretary-General reports annually to the General Assembly on disciplinary measures and an Information Circular is promulgated for information of staff at large.

Referral of cases for criminal investigation by national authorities and the privileges and immunities of UN staff

346. In addition to the ability of participating institutions to take effective internal disciplinary measures, cases may also, in appropriate circumstances, be transmitted to national law enforcement bodies. In the case of the United Nations, including its Funds and Programmes, the Secretary-General has an obligation, pursuant to General Assembly resolution 62/63, “to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made”. Even in the absence of an obligation, institutions have emphasized willingness to refer matters to national law enforcement bodies. As an example, INT noted that it will refer findings of an investigation to national authorities where it believes that the laws of a Member State may have been violated. Similarly, at WIPO, the Director, Internal Audit and Oversight Division may make recommendations to refer a case to competent national or international authorities.

347. Once a matter is referred, the national authorities concerned have the sole prerogative to determine what, if any, action they wish to take. In cases involving the United Nations, including its Funds and Programmes, the Organization has cooperated with investigations and/or proceedings initiated by Member States regarding alleged fraud in relation to the activities of the Organization, in a matter consistent with the Organization’s legal framework, including under the United Nations Charter and the Convention on the Privileges and Immunities of the United Nations.

348. Such cooperation has, as appropriate, included waivers of the immunities accorded to the United Nations officials or experts on mission against whom criminal allegations have been brought, pursuant to Sections 20 and 23 of the Convention on the Privileges and Immunities of the United Nations respectively, whereby the

⁷⁶ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_204935.pdf

⁷⁷ <http://www.ilo.org/public/english/edmas/coa/index.htm>

Secretary-General has the right and the duty to waive the immunity of any official or expert on mission where such immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

349. In this regard, WMO, ILO and other organizations not covered under the Convention on the Privileges and Immunities of the United Nations and not subject to United Nations Staff Rules and Staff Regulations, also underlined that privileges and immunities provide no protection to staff members for non-performance of their private obligations or failure to observe laws and police regulations. At WMO, in any case where the issue of privileges and immunities arises, the staff member is required to immediately report to the Secretary-General, who alone can decide whether they are waived.

Summary

350. The information provided by participating institutions in relation to the application of disciplinary measures demonstrates a consistent approach across the majority of CEB members both in terms of the disciplinary rules and sanctions and with regard to the procedures in place for the investigation and final decision in such cases. All participating institutions demonstrated that while the specific offences outlined in Chapter III of the Convention may not be enumerated as grounds for disciplinary action, broad prohibitions on “unlawful conduct” would, in the vast majority of cases, provide sufficient grounds for action where such offences are committed.

351. In almost all institutions, disciplinary rules and associated tribunal jurisprudence specifically provide that the application of such sanctions must be grounded in the principle of proportionality, with all institutions also providing a right of appeal. The mandate, resources and powers of investigating bodies, have also been significantly enhanced in the majority of participating institutions in recent years, with reforms in particular having been introduced to increase their access to information and expand the range of entities, including third parties that they are able to investigate as part of their activities. In addition, significant steps have been taken in a number of institutions to increase transparency in the work of such bodies by requiring them to publicly report on their activities on a regular basis. Institutions have also demonstrated their ability and willingness to refer matters to national authorities where appropriate.

PROTECTION OF WITNESSES, EXPERTS, VICTIMS AND WHISTLE-BLOWERS

Adoption of appropriate measures *to provide effective protection*

- *from potential retaliation or intimidation for witnesses, experts and victims who give*

testimony concerning offences established in accordance with UNCAC (art. 32). Such measures may include:

- *provisions for “non-disclosure or limitations on the disclosure of information on the identity* (Art. 32(2) (a));
- *evidentiary rules that permit to give testimony through the use of communications technology* (Art. 32(2) (b)).
- *against any unjustified treatment of whistle-blowers who in good faith and on reasonable grounds* report to the competent authorities any fact concerning UNCAC offences (Art. 33)

352. Article 32 states that appropriate measures must be taken to provide effective protection from potential retaliation or intimidation for witnesses and experts in criminal proceedings who give testimony concerning offences established in accordance with the Convention and, as appropriate, for their relatives and other persons close to them. Measures that may be adopted in order to provide such protection are then listed in Article 32, paragraph 2 and include establishing procedures for the physical protection of witnesses and experts by the non-disclosure of their identity or relocation, and providing evidentiary rules that allow for the use of technology so as to permit witnesses to give evidence in a manner that ensures their safety.

353. Article 33 makes separate provision regarding the protection of those who come forward with reports of acts of corruption. More specifically, appropriate measures must be taken to provide protection to such whistle-blowers from any unjustified treatment.

354. When applying these provisions to the work of the United Nations system, the assessment of the protection provided should be informed by the purely civil mandate of the relevant investigative authorities and the internal justice systems of participating institutions. The UNDT and the UNAT in particular have a limited jurisdictional mandate focused on the employment relationship between the United Nations and its staff. The protection provided to those coming forward must be assessed against this narrower purpose of the United Nations justice system as compared to the criminal justice systems of States Parties to the Convention. While noting this difference in purpose, the information provided by participating institutions demonstrated significant efforts to provide protection to whistle-blowers and witnesses, comparable to the best practices in place on a national level.

355. On 19 December 2005, the UN Secretary-General, with the objective of enhancing protection for individuals who report misconduct or cooperate with duly authorized audits or investigations, promulgated ST/SGB/2005/21 on the “[p]rotection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations”. This document reiterates the obligation on staff members under the Staff Rules to report any breach of the Organization’s Staff Rules and Staff Regulations or administrative issuances or rules to the officials whose responsibility it is to take appropriate action; that it is their duty to cooperate with duly authorized

audits and investigations; and that individuals who, in good faith, act in conformity with these duties have the right to be protected against retaliation.

356. Protection for witnesses, as envisioned by the General Assembly, and as reflected in ST/SGB/2005/21, refers specifically to those staff members who serve as witnesses in an internal investigation. By its definition, the protections offered under this SGB do not extend to individuals who voluntarily appear or are required to testify before the UNDT, whether as complainants, respondents or witnesses.

357. ST/SGB/2005/21 defines retaliation and addresses the scope of the protection to be given to staff members, interns and United Nations volunteers; the established internal and external mechanisms through which misconduct in this context should be reported; the role of the Ethics Office in the protection of the person who suffered retaliation; action against the person who engaged in retaliation; and the prohibition of retaliation against outside parties.

358. Some participating institutions noted that addressing the duty to report, along with the provision of protection from retaliation in one policy document in the way described above, could have a negative impact on the willingness of people to come forward with reports of acts of corruption and other forms of misconduct. By conflating the duty to report with the protection from retaliation, it was suggested that staff would conclude that should they make a report of observed misconduct they will necessarily require protection from the negative consequences that follow. To avoid this, some participating institutions suggested it may be appropriate to separate the duty to report from the protection against retaliation into two different policy documents.

359. Under the existing rules, the United Nations Ethics Office has responsibility for protecting staff from suffering workplace harm for good faith reporting of misconduct or other wrongdoing, or for cooperating with an official audit or investigation.⁷⁸ To be protected for reporting a violation of United Nations rules or regulations, a report must be made to a UN office officially authorized to receive and act upon reports of misconduct. These include OIOS, the head of Department or office concerned, or the focal point appointed to receive reports of sexual exploitation and abuse. Protection against retaliation applies to all staff members, interns and United Nations volunteers.

360. Under certain conditions, protection against retaliation may be extended to individuals who report misconduct to bodies outside of the United Nations, such as to domestic law enforcement or the media. Staff are also protected for cooperating with official audits or investigations sanctioned by the United Nations. This includes not only OIOS audits and investigations, but also independent external evaluations, such as the Independent Inquiry Committee that investigated the United Nations Oil-for-Food Programme.

⁷⁸ <http://www.un.org/en/ethics/retaliation.shtml>

361. It is worth noting that in relation to when protection from retaliation can be provided, while staff members may contact the United Nations Ethics Office if they fear future retaliation, staff only become eligible for protection once detrimental workplace action has been taken. Staff members who wish to request such protection are required to present a written complaint supported by information, documents, or other relevant data.
362. Upon receiving a protection against retaliation request, the Ethics Office conducts a preliminary review to determine whether a complainant engaged in a protected activity (i.e. reported misconduct or cooperated with an audit or investigation) and, if so, whether the protected activity can be causally linked to the alleged retaliation. The Ethics Office may request additional documentation from the complainant, or seek the complainant's consent to obtain additional case information from third parties. The preliminary review includes an analysis of the relevant rules, regulations, and administrative issuances that have a bearing on the case.
363. The United Nations Ethics Office will refer a matter to OIOS for investigation if it finds that a *prima facie* case of retaliation or threat of retaliation exists. Should OIOS conclude from its investigation that retaliation has been factually established, the report is independently reviewed by the Ethics Office. If the Director of the Ethics Office determines that retaliation has occurred, he or she is authorized to make recommendations to the Secretary-General for the remediation of the harm caused by this retaliation, and to refer the matter for disciplinary action, as appropriate, to OHRM. Where retaliation is not determined, the Director may make other appropriate referrals for management interventions, including the involvement of the Ombudsman. Staff members are notified in writing as to the outcome of all requests for protection against retaliation requests submitted to the Ethics Office.
364. The forms of protection measures that may be recommended to the Secretary-General can be divided into two categories, interim and final protection measures. Interim measures may include the temporary suspension of the action alleged to be retaliatory, such as a non-renewal of contract, or the temporary reassignment of the complainant to another office. If the United Nations Ethics Office determines that retaliation has been established after the investigation is completed, the Ethics Office may recommend that the negative consequences suffered by the staff member be corrected. Relevant measures may include the rescission of the retaliatory action or decision, or the transfer of the staff member to another office or function.
365. From August 2006 to July 2012, the United Nations Ethics Office initiated 106 retaliation complaint preliminary reviews. Of these 106 cases, one remained under review at the time of reporting and 18 were closed as a result either of the complainant having withdrawn or abandoned his or her complaint or of the case having been resolved informally to the satisfaction of the complainant. For the remaining 87 complaints for which preliminary reviews were completed, the Office determined nine *prima facie* cases of retaliation and referred those cases for formal

investigation, pursuant to ST/SGB/2005/21. Investigations were completed for five of the cases, after which the Office determined that retaliation had been established for one of them.

366. From 1 August 2012 to 31 July 2013, the Ethics Office received 49 inquiries relating to the Organization's protection against retaliation policy. Concerning those completed complaints where staff members specifically alleged that retaliation had occurred, the Office initiated 15 preliminary review assessments, with three of those cases referred to OIOS for investigation subsequent to *prima facie* findings of retaliation by the Ethics Office. The Ethics Office additionally facilitated interim protection measures for two complainants: one complainant was placed on special leave with full pay pending completion of the investigation process, while an alleged retaliatory investigation against the other was suspended. To date, the Ethics Office has determined that retaliation did occur in two matters, and has recommended remedial and disciplinary action as appropriate under the circumstances presented.
367. Furthermore, in its most recent report to the General Assembly, the Ethics Office highlighted a range of measures they had taken since 2010 to support and enhance the United Nations retaliation protection measures. These measures included: successfully using an alternative investigating mechanism when OIOS could not conduct an investigation due to a conflict of interest; implementing a rigorous practice of reviewing completed investigation reports, including all evidence and witness statements; and embarking upon an ambitious outreach and educational campaign for staff to encourage staff to speak up and report workplace concerns.
368. While the above statistics and measures demonstrate that in a number of individual cases effective protection is being provided, the Ethics Office itself has recognized that more can be done to ensure that the existing system better serves those that it is targeted to protect. In its 2012 Annual Report,⁷⁹ the Ethics Office noted that the current policy is being overwhelmingly utilized as a staff grievance mechanism pertaining to work performance matters, rather than fulfilling its purpose of facilitating reports of serious misconduct concerning behaviour that may cause severe consequences for the Organization if left unidentified and unaddressed.
369. In light of this, the Ethics Office has initiated an independent and comprehensive review of the existing protection against retaliation policy and practices. This review focuses on enhancing how the Organization encourages the reporting of significant and material misconduct, protects whistle-blowers from retaliation, and intervenes to prevent retaliation from occurring. Pursuant to General Assembly resolution 67/255, the Secretary-General will report to the Assembly at its sixty-ninth session on the modalities and recommendations for enhancing the protection against retaliation policy.

⁷⁹ A/67/306

370. The majority of participating institutions made reference to the above protection system as the key method of providing protection to those who have allegedly suffered retaliation having reported suspected acts of corruption. Other institutions, including UNDP, FAO, UNRWA, WIPO, ITU, UNFPA, ICAO, WMO, ILO, IFAD and WFP, outlined separate whistle-blower protection systems, which are very similar in structure to that of the broader United Nations Ethics Office approach. As part of these efforts, many organizations noted that direct and dedicated communication lines such as e-mail addresses and phone numbers had been established for staff members and others to report the possible existence of fraud, waste, abuse or authority or other irregular activities.
371. As an example, WIPO outlined a new Whistle-blower Protection Policy introduced in 2012. The principal features include: the duty to report wrongdoing and duty to cooperate in oversight activities; mechanisms for reporting suspected wrongdoing have been elaborated both in the Policy and in the new WIPO Staff Rules and Staff Regulations to provide for reporting to a direct or hierarchical supervisor, the Office of the Director General; the Director, Internal Audit and Oversight Division (IAOD); or the Chair, WIPO Co-ordination Committee. The report is to be made in any case to the Director, IAOD, who registers it. Protection under the Policy is extended to any member of personnel who, acting in good faith, is a whistle-blower or participates in any duly authorized oversight activity and claims that he/she has been subjected to retaliation as a result. There is an obligation on IAOD to undertake an investigation into retaliation on the recommendation of its Ethics Office, following a preliminary review.
372. A number of participating institutions, including UNDP and WIPO, indicated that they were presently developing or revising their existing whistle-blower protection policies tailored to the specific functions and activities of their organization. At UNDP, the whistle-blower protection policy was comprehensively reviewed in 2012, with the proposed revised version seeking to expand protection against retaliation to non-staff given the large percentage of individuals working for UNDP who are not staff but who may witness, or have a good faith suspicion of misconduct, or who may be asked to cooperate in a duly authorized audit or investigation. This proposal has been approved by the Organizational Performance Group and is now operational. Under this new policy, staff can obtain protection from threatened retaliation that has yet to occur. Protection is also extended to individual contractors and service contractors, though protection is often limited to remedies available according to their contracts.
373. UNESCO also implemented reforms in 2011 which introduced a whistle-blower protection policy and established the Organization's confidential Protected Disclosures System. Under this system, the identity of any person who has submitted a report in confidence is disclosed only with the consent of that person or, with respect to staff members and any other person under the authority of the Organization, when that is required for the conduct of proceedings, whether administrative, disciplinary or judicial.

374. In its response, FAO noted that the International Standards of Conduct of the International Civil Service are incorporated into the FAO Administrative Manual (Manual Section 304). Pursuant to these Standards, any staff member or member of non-staff personnel of the Organization who in good faith reports a breach of the Organization's rules and regulations has "the right to be protected against reprisals or sanctions". If it is established that a reprisal has occurred, disciplinary action for unsatisfactory conduct may be taken. Furthermore, the FAO Whistle-blower Protection Policy provides for protection against retaliation to those individuals who cooperate with a duly authorized audit or investigation or who report wrongdoing.
375. While the above-described systems provide protection to reporting persons in accordance with Article 33 of the Convention, there was a less comprehensive approach adopted by participating institutions with regard to the extension of protection to witnesses and experts who may give evidence in cases relating to such reports in accordance with Article 32.
376. The majority of participating institutions noted that where a staff member covered by the protection from retaliation policy participates in an internal investigation, and subsequently suffers workplace harm, then they can file their own complaint of protection against retaliation. The act of coming forward to assist in investigations is part of the definition of "protected activity" under ST/SGB/2005/21 and relevant policies in other members of the United Nations system. Many institutions, including the FAO, also emphasized that provision is made for confidentiality to be assured of anyone providing information or documentation when they may be at risk from retaliation as a result of their actions.
377. However, external experts who are not covered by the relevant protection against retaliation policy cannot seek a remedy from the United Nations or any United Nations entity as due to their non-staff status there is no legal jurisdiction for protection to be provided. For participating institutions this reflected the fundamental difference between serving as a witness in an internal investigation or legal proceedings and giving evidence under oath in a national criminal court and did not necessarily call for any form of change in policy.
378. Those considered as being particularly vulnerable in this regard were consultants, service contractors and volunteers who, in some participating institutions, would not be covered by protection from retaliation rules. Those institutions which do not presently extend protection against retaliation protection to the above categories of staff may wish to consider whether extending such protection would assist in ensuring that all those with knowledge of corrupt acts and other forms of misconduct feel able to come forward and provide reports to relevant authorities.
379. Some individual institutions demonstrated efforts to improve protection to witnesses. In this regard, UNHCR noted that in a recent investigation, witness protection experts from the International Criminal Court were called in to advise on procedures

to protect women who provided testimony. Others noted, however, that in light of the fundamental right to defence, which in most cases includes the right to know the identity of the accuser as recently reaffirmed by the United Nations Appeals Tribunal, the non-disclosure of the identity of witnesses and experts must remain an exceptional measure.

Summary

380. Responses from participating institutions demonstrate that significant efforts have been taken in recent years to improve the protection provided to those seeking to report acts of corruption within the UN system. Whether through the mechanism led by the United Nations Ethics Office in accordance with ST/SGB/2005/21, or through specialized reporting mechanisms developed by individual agencies, all United Nations staff members have an available process by which protection can be sought.

381. However, while protection from retaliation is being provided in a number of individual cases, the United Nations Ethics Office has raised concerns as to whether the current whistle-blower protection system is truly serving its primary function of facilitating the reporting of suspected misconduct that is manifestly harmful to the international public interest. The current comprehensive review of the existing retaliation protection mechanisms may serve to identify how the system can be improved.

382. Further issues to consider include the provision of protection against retaliation to consultants, service providers and interns. While many institutions do provide protection to such individuals, some recognized that their policy or procedures did not extend to these categories of individuals.

CONSEQUENCES OF ACTS OF CORRUPTION

Consider corruption a relevant factor in legal proceedings to <i>annul or rescind</i> a contract, withdraw a concession or similar instruments (project documents, agreements, grants etc.). (Art. 34).

383. Article 34 requires measures to be taken to address the consequences of corruption, in particular by considering corruption as a relevant factor in legal proceedings to annul or rescind a contract. Applied to the work of CEB organizations, measures should be taken that allow punitive action to be applied, such as the termination of a contract, where corruption is uncovered on the part of a contracting party.

384. As a preventive measure, the United Nations Secretariat indicated that it follows strict rules and guidelines to ensure a careful selection of its contractors in

accordance with its Financial and Staff Rules and Staff Regulations. Section (c) of financial rule 105.15 regarding “[f]ormal methods of solicitation” stipulates:

The Under-Secretary-General for Management may, in the interest of the United Nations, reject bids or proposals for a particular procurement action, recording the reasons for rejection in writing. The Under-Secretary-General for Management shall then determine whether to undertake a new solicitation, to directly negotiate a procurement contract pursuant to rule 105.16 or to terminate or suspend the procurement action. (Emphasis added.)

385. While the aim is to prevent corruption at every stage of the procurement process, in the event that corruption would occur, section 4.3(3)(c) of the Procurement Manual confirms that the Organization “will cancel or terminate a contract if it determines that a Vendor has engaged in corrupt practices in competing for or in executing a UN Contract.”
386. This approach of potential termination of contracts in the event that corruption is uncovered was reflected in the majority of responses from participating institutions. Money granted to contractors will also have to be refunded if they are used for unauthorized purposes, which will include corruption. A number of responding institutions cited the United Nations Vendor Eligibility Model Policy Framework adopted by the CEB in 2012 as a basis for the vendor sanctions policies.
387. As an example, the UNDP Vendor Sanctions Procedures came into effect in November 2011 and established the procedure for determining action in cases of proscribed conduct (corruption, fraud, coercion, collusion, unethical practice or obstructing an investigation). All allegations of proscribed practices are referred to OAI for investigation. As noted above, OAI’s expanded mandate includes the investigation of alleged wrongdoing by vendors and other third parties where it is deemed to be detrimental to UNDP. Where the investigation substantiates proscribed practices, the investigation report and all relevant evidence is referred to the UNDP Vendor Sanctions Committee for determination of appropriate action, drawing upon OAI, the Ethics Office and the Legal Support. Where clear evidence of fraud, theft, corruption or embezzlement is found to be substantiated, the contract with a vendor may be terminated. OAI recommends the termination of contracts and in appropriate cases, will also recommend the referral of the case to national authorities for criminal investigation.
388. The World Bank outlined a range of different sanctions that can be applied to suppliers in the event that fraudulent practices are discovered. Such measures can include a public letter of reprimand, debarment, conditional non-debarment, debarment with conditional release, or restitution.⁸⁰ Furthermore, it was noted that companies debarred by the Bank Group can no longer seek business from other multilateral development banks, thus closing a problematic loophole in multilateral

⁸⁰ See <http://go.worldbank.org/WICZWZY0E0> for more on the Sanctions System.

development programmes. An agreement was struck between all of the banks stipulating that entities debarred by one party, shall be sanctioned for the same misconduct by the other participating signatories. Parties currently include the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank and the World Bank Group. Signed on 9 April 2010, this accord was first applied in practice with the cross debarment of two Albanian companies on 9 August 2010.⁸¹

389. Similarly, IFAD's financing agreements and general conditions contain provisions allowing for cancellation or suspension of loans or grants, in whole or in part, where fraudulent and/or corrupt practices are determined in the project. WFP also indicated that it will consider inserting standard clauses in its agreements with third parties allowing for rescinding and termination of contracts on the basis of Chapter III offences. FAO has recently approved its Vendor Sanctions Procedures which will come to effect in 2014.

390. ITU and UPU noted that while they had not had to face this kind of situation in the past, nothing in their regulations would prevent them from rescinding or cancelling a contract or withdrawing a concession or similar instrument as a consequence of corruption.

Summary

391. Information provided by participating institutions demonstrates a consistent approach across the United Nations system allowing for the termination of contractual relationships with suppliers and other third parties in the event that fraud or corruption is detected in their operations.

⁸¹ RINIA SK Sh.p.k. and DEA DHV Sh.p.k.

UNCAC CHAPTER IV

INTERNATIONAL COOPERATION

COOPERATION WITHIN AND BETWEEN INTERNATIONAL ORGANIZATIONS

Encourage cooperation within and between international organizations, its staff and its internal bodies and services in charge of investigating cases of corruption and administering justice, including the possibility of *providing relevant information at the authority's own initiative to the investigators* on possible commission of offences (Art. 38)

392. Cooperation between officials and agencies with responsibility for the enforcement of relevant laws is essential to the overall anti-corruption effort. Reflecting this need for collaboration and communication between different entities, Article 38 UNCAC requires measures to be taken that encourage cooperation between public officials and the authorities responsible for investigating and prosecuting criminal offences. Applied to the United Nations system, this principle places a requirement on participating institutions to communicate and work together in order to facilitate the prevention and prosecution of acts of corruption.

393. Many participating institutions made reference to both the United Nations Heads of Investigation Sections Group (UNHIG) and the Conference of International Investigators of United Nations Organizations and Multilateral Financial Institutions as key forums in which cooperation between United Nations system bodies responsible for investigations can take place. Moreover, a number of institutions asserted that through the framework for auditing joint programming or United Nations system coordinated activities, participating institutions committed themselves to sharing information on issues of combatting fraud and corruption. A further useful framework for cooperation in the field of anti-corruption measures are the meetings of Representatives of the Internal Audit Service (RIAS).⁸²

394. A number of institutions noted that beyond merely facilitating cooperation between different investigative bodies, they placed a legal requirement on their respective bodies to conduct such cooperation under their constitutional instruments. WIPO noted that according to its Internal Oversight Charter, IAOD must “liaise and cooperate with the Internal Audit and Oversight services of other Organizations within the United Nations system and of Multilateral Financial Institutions”.

⁸² Participating Organizations highlighted the meetings both of the United Nations system organizations (UN-RIAS) and the Plenary RIAS which includes the Multilateral Financial Institutions and other Associated International Organizations.

395. Some institutions noted that formal agreements had been reached with other international agencies specialized in law enforcement cooperation and anti-corruption training. At UNDP, the OIA has established formal cooperation agreements with the Investigations sections of a number of organizations and with INTERPOL and has also jointly developed training for investigators from across the United Nations System, held periodically at the International Anti-Corruption Academy.⁸³ UNHCR also noted that officials from its Inspector General's Office had also participated in this training.
396. The Integrity Vice Presidency at the World Bank has been particularly prolific in this regard, having established agreements about specific anti-corruption investigative efforts and the sharing of information with the United Kingdom's Serious Fraud Office (SFO), the European Anti-Fraud Office (OLAF), the International Criminal Court (ICC), the United States Agency for International Development (USAID), and the Australian Agency for International Development (AusAID).
397. Agencies sharing a common geographical location have also established frameworks within which such cooperation can take place. As an example, FAO and WFP indicated that an annual meeting has been established between the Internal Oversight functions of the Rome-based United Nations agencies (FAO, IFAD and WFP) to enhance the collaboration between the three organizations, share information and discuss common issues involving the different agencies.
398. The ability to share investigation reports with counterparts in international organizations and Member States was also emphasized by a number of participating institutions as a crucial foundation for meaningful cooperation. In this regard WFP noted that their Policy for Disclosure of Oversight Reports stipulates the possibility to share investigations report with counterparts in member nations and public international organizations on a confidential and reciprocal basis in cases where WFP and these organizations share a common interest in the subject of the report. WMO also noted that they provide relevant information to investigators from other international organizations with regard to alleged corruption offences.
399. Other organizations, including IFAD, ITU and UPU indicated that while specific mechanisms, rules or forums were not in place to allow for cooperation between their investigative departments and those of other agencies, cooperation did nevertheless occur on a case-by-case basis. Such organizations also indicated a willingness to cooperate further with other institutions in the future in relation to offences outlined under the UNCAC. WMO noted that changes to current arrangements to improve cooperation could be elaborated at the United Nations inter-agency level and agreed upon by High-Level Committee on Management.

Summary

⁸³ www.iaca.int

400. A number of forums and formal agreements had been developed amongst United Nations system bodies aimed at facilitating cooperation in relation to investigations, including fraud and corruption cases. In particular, the UNHIG and the Conference of International Investigators of United Nations Organizations and Multilateral Financial Institutions were cited by the majority of participating institutions as providing an effective framework for cooperation in this area.
401. Further work could, however, be undertaken to ensure that an even broader range of bodies participate in such forums so as to maximize the benefit they can bring to cooperation in this field.

COOPERATION OF INTERNATIONAL ORGANIZATIONS WITH MEMBER STATES

Establish rules to allow international organizations to cooperate fully with Member States in investigations of cases of corruption (Art. 46)

402. Article 46 of the Convention calls for the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to all offences established in accordance with the Convention. As applied to the work of CEB members, the principle of this article necessitates the establishment of rules to allow international organizations to cooperate fully with Member States in the investigations of cases of corruption.
403. At the United Nations Secretariat, OIOS plays a central role in investigating acts of fraud and corruption. However, OIOS is a recommendation body only and cannot take direct action to bring a case before national law enforcement authorities (nor can it institute disciplinary proceedings or take administrative measures). Nevertheless, the Secretary-General, in his Note of 11 October 2000 on the “Rules and procedures to be applied for the investigation functions performed by the Office of Internal Oversight Services” states that:
21. If an investigation discloses evidence of criminal conduct, the Section may recommend to the programme manager that the matter be referred to the concerned national law enforcement authorities for prosecution, after consultation with the Office of Legal Affairs.
404. When a case involving the United Nations, including its funds and programmes, is referred to national law enforcement authorities for criminal investigation and possible prosecution, the Office of Legal Affairs, in consultation with the investigative entity and the programme manager concerned, assumes its designated role of liaison between the United Nations and the national authorities. This role of the Office of Legal Affairs ensures that the Organization cooperates with requests for

assistance as made by relevant national authorities, in a manner consistent with its legal framework, including as provided in the United Nations Charter and the Convention on the Privileges and Immunities of the United Nations.

405. The framework under which the United Nations operates confers to the Organization, as well as its officials and experts on mission, certain privileges and immunities. Article 105(1) of the United Nations Charter stipulates: “[t]he organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.” Article II, Section 2 of the Convention on Privileges and Immunities provides that “[t]he United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as it has expressly waived its immunity”. Further, in accordance with Article V, Section 18(a) of the Convention on the Privileges and Immunities of the United Nations, “[o]fficials of the United Nations shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity”. Finally, Article VI, Section 22 of the Convention provides that “[e]xperts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions”.

406. However, the Convention on Privileges and Immunities also provides, in Section 20 that “privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves”. Section 20 further states that the Secretary-General “shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the United Nations”. Section 23 of the Convention provides similar text with respect to immunities accorded to experts on mission. This framework does not prevent the Organization from cooperating with Member State authorities. Indeed, the United Nations has cooperated with investigations and proceedings by Member States by, among others, (i) waiving the immunities of its officials or experts on mission so that they may be prosecuted, (ii) by disclosing, on a strictly voluntary basis, and without prejudice to the Organization’s privileges and immunities, documentation and information requested by Member States in the course of its investigations and proceedings, and (iii) making its officials and experts on mission available on a strictly voluntary basis to be interviewed, or effecting a limited waiver of immunities accorded to such officials and experts on mission so that they can testify as witnesses in investigations or proceedings.

407. A number of participating institutions including UN-HABITAT, FAO and UNESCO noted that similar provisions are found in the Headquarters Agreements between them and host Governments, providing a strong legal basis for cooperation.

408. Within this broad framework, a number of participating institutions outlined the work of their individual investigative bodies to cooperate with national authorities.

As an example, UNDP noted that OAI's mandate now specifically includes the preparation of evidence for referral to national authorities in appropriate cases, stating: "In case the investigation results in credible allegations of criminal conduct, OAI shall prepare a case file with a recommendation for referral to national law enforcement authorities, as appropriate, for criminal investigation and prosecution." In such cases, and subject to the framework described above, OAI cooperates with and supports the investigation bodies of Member States in the investigation and prosecution of cases of corruption, including by providing relevant evidence and by making investigators available to provide evidence where necessary, subject to a limited waiver of privileges and immunities accorded to them.

409. UNHCR outlined a specific example of cooperation in relation to potential fraud in refugee camps, noting that strong cooperation had been established with Member States in relation to the identification and prevention of refugee documentation fraud. A resettlement Anti-Fraud Task Force, established by Member States, advises and trains UNHCR staff. The United States of America has offered to introduce biometrics in some refugee camps to ensure that there is no identity fraud.

410. The United Nations recently referred one case of alleged corruption by an UNRWA international staff member to the relevant national authorities through the United Nations Office of Legal Affairs. In this context, UNRWA suggested that further guidance be provided on existing referral mechanisms in order to enable the UN to effectively cooperate and follow up with national authorities in the prosecution and adjudication of corruption cases (either by launching legal proceedings directly or through referrals, with effective mechanisms for cooperation), with a view to recovering assets and funds lost as a result of such misconduct.

411. Many participating institutions noted that they had developed rules at an individual institutional level aimed at facilitating the exchange of investigation documentation and other information with national authorities. As an example, WFP noted it had recently implemented a policy governing the disclosure of audit and investigation reports to Member States upon their request.

Summary

412. A strong legal basis exists under the United Nations Charter and the Convention on Privileges and Immunities allowing for, and providing the framework for cooperation to take place between international organizations and Member States in relation to criminal offences, including corruption-related offences.

413. Under this framework, many individual agencies have developed more detailed rules aimed at implementing the broad obligations noted above. Specific examples of success in this regard have been demonstrated by UNDP, UNHCR and other bodies where intensive cooperation in relation to specific issues have yielded real results. Further work can be done, however, to ensure that all participating institutions have

adopted clear procedures and rules for such cooperation in order that, when necessary, this can be carried out quickly and effectively.