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Human resources management

Activities of the Ethics Office

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee considered the report of the Secretary-General on the activities of the Ethics Office ([A/74/78](#)) submitted pursuant to General Assembly resolution [60/254](#), in which the Secretary-General provides an overview and assessment of the work programme of the Office during the period from 1 January to 31 December 2018. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 21 October 2019.

II. Activities of the Ethics Office

2. During the 2018 calendar year, the Ethics Office received 1,966 requests for its services, representing an increase of 476 requests, or 31.9 per cent, compared with the 2017 calendar year. In the report, the Secretary-General indicates that the Office conducted 226 outreach and briefing sessions for individuals and groups and received 862 enquiries for advice. A compliance rate of 99.9 per cent for financial disclosure submissions was attained. The Ethics Office also improved the time taken to complete the review of the protection against retaliation cases from 26 days in the previous cycle to 13 days.

3. The progression in the annual quantity of requests for the Office's services is shown in figure I of the report, while a breakdown of requests for services by location and entity is provided in figure II of the report. Ethics advice continued to account for the majority of requests for services received by the Office, representing 44 per cent of the total requests for services, down from 54 per cent in the 2017 calendar year (*ibid.*, figure III). The report also shows that, as in the previous period, the highest number of requests for advice received regarded outside activities (*ibid.*, figure IV).

4. In terms of the advice and guidance function performed by the Office during the reporting period, the report contains a breakdown of the 862 requests for advice received, including requests concerning the following: outside activities (331); employment-related matters (160); pre-appointment vetting (65); other conflicts of



interest, including personal investments/assets and post-employment restrictions (115); misconduct reporting procedures (67); gifts and honours (104); and institutional integrity matters (20). The Office also conducted 67 “one-on-one” advisory sessions during field missions (*ibid.*, para. 16).

5. The Advisory Committee was informed, upon enquiry, that all staff of the Office were required to sign a confidentiality agreement upon assuming their duties. In addition, the Ethics Office maintained a confidential electronic mailbox for all staff of the United Nations Secretariat to contact the Office and/or seek confidential ethics advice in order to safeguard the confidentiality of the requests for advice and the information provided. The mailbox was managed by the Ethics Office and was accessible only to designated staff of the Office responsible for monitoring communication. The Committee was further informed that a telephone helpline was answered during regular business hours by a designated staff member in the Ethics Office who provided a preliminary response or forwarded the query to the appropriate staff of the Office. The Committee was also informed that the Office maintained a confidential internal data management system, accessible only to authorized staff and that it reviewed and updated its standard operating procedures concerning information management to comply with the applicable instructions of the Secretary-General ([ST/SGB/2007/6](#) and [ST/SGB/2005/22](#)). Furthermore, in line with its procedures, the Ethics Office did not reveal the identity of or confidential information relating to individuals without the individual’s express permission.

6. Information on the implementation of the financial disclosure programme administered by the Ethics Office is contained in section IV.B of the report. The Secretary-General indicates that the number of staff covered by the programme continues to expand: 5,937 filers participating during the 2018 programme, compared with 5,811 filers in the 2017 filing cycle and 5,504 filers in the 2016 cycle. The Secretary-General states that the programme’s external reviewers identified 149 filers (2.5 per cent of the filer population) as requiring review for the management of potential conflicts of interest. The data is broadly comparable to previous filing cycles. He also states that the new platform for supporting the financial disclosure programme was launched in March 2018 and that a new external reviewer for the financial disclosure programme was contracted in the first half of 2018 (*ibid.*, paras. 31 and 32).

7. In his report, the Secretary-General indicates that the financial disclosure programme is administered on a cost-sharing basis for those entities of the United Nations system that outsource their financial disclosure service to the Secretariat. In 2018, of the 5,937 financial disclosure programme filers, 3,419 (57.6 per cent) emanated from the Secretariat, including its peacekeeping operations, and 2,518 (42.4 per cent) from other United Nations system entities (*ibid.*, para. 29). Upon enquiry, the Advisory Committee was informed that a total of 22 United Nations entities participated in the financial disclosure programme in 2018.¹

¹ The entities participating in the financial disclosure programme include: the International Criminal Court; the International Civil Service Commission; the International Trade Centre; the Joint United Nations Programme on HIV/AIDS; the secretariat of the United Nations Convention to Combat Desertification; the United Nations Development Programme; the United Nations Environment Programme; the secretariat of the United Nations Framework Convention on Climate Change; the United Nations Population Fund; the United Nations Human Settlements Programme; the Office of the United Nations High Commissioner for Refugees; the United Nations Children’s Fund; the United Nations Interregional Crime and Justice Research Institute; the United Nations Institute for Disarmament Research; the United Nations Office for Disaster Risk Reduction; the United Nations Institute for Training and Research; the United Nations Office for Project Services; the United Nations Relief and Works Agency for Palestine Refugees in the Near East; the United Nations System Staff College; the United Nations University; the United Nations Entity for Gender Equality and the Empowerment of Women and the World Food Programme.

8. In terms of the voluntary public disclosure initiative open to senior officials at the level of Assistant Secretary-General and above, of the 142 senior officials eligible to participate in the 2018 exercise, 95 (66.9 per cent) opted to publicly disclose a summary of their assets, liabilities and outside interests at the time of the issuance of the report (*ibid.*, para. 35). Upon enquiry, the Advisory Committee was informed that the figure had risen to 119 officials (78.3 per cent) voluntarily disclosing that information for the period under review, representing the highest participation rate in the past six cycles. The Committee was also informed that the Secretary-General was regularly provided with information on that voluntary initiative, including the reasons provided by those electing not to participate. In accordance with the request of the General Assembly in resolution [71/263](#), senior officials are regularly reminded of the Secretary-General's expectation to participate in the initiative. **The Advisory Committee welcomes the increased participation in the voluntary disclosure initiative and trusts that the Secretary-General will continue to encourage senior officials who have not yet publicly disclosed a summary of their assets to do so in future cycles.**

9. With respect to instances in which a staff member performs two or more functions, upon enquiry, the Advisory Committee was informed that a review would be needed to determine on a case-by-case basis whether the designated functions may lead to, or appear to lead to, a conflict of functions or a personal conflict of interest based on the specific range of duties and responsibilities. The Committee was further informed that the head of the entity would be best positioned to assess the situation and determine the conflict of interest risk in order to mitigate it in the best interest of the Organization. Any staff member who had been requested to temporarily perform dual functions should disclose any transactional conflicts of interest to the head of the entity.

10. The Advisory Committee was also informed upon enquiry that the Ethics Office provided advice on issues relating to personal and organizational conflicts of interest as well as reputational risks. These included: conflict risks arising at the functional or transactional levels; process risks, such as possible gaps in procedures, that had an impact on the integrity of organizational business processes; issues related to official travel; human resource administration; partnerships with private sector businesses to host events or promote activities supported by the United Nations; the acceptance of gifts or donations to the Organization; and offers of support by implementing partners or non-United Nations entities. The Committee was further informed that the Office continued to provide independent advice to offices regarding the development and/or implementation of ethics and integrity policies, such as post-employment restrictions, procurement manual provisions, personal and institutional use of social media and seconded uniformed personnel, and that due diligence reviews regarding the Organization's engagement with external entities were conducted to ensure that partnerships were free of potentially corrupt or fraudulent practices.

11. In his report, the Secretary-General also indicates that the protection of staff against retaliation from reporting misconduct and for cooperating with duly authorized audits or investigations is governed by the revised bulletin of the Secretary-General ([ST/SGB/2017/2/Rev.1](#)) ([A/74/78](#), para. 37). The Ethics Office received 136 related inquiries in 2018, of which 65 inquiries were in fact requests for advice about the policy rather than claims for protection and 16 were outside the Office's jurisdiction. In total, 39 preliminary reviews were completed in 2018. Thirty-two of the requests for protection did not present a *prima facie* case of retaliation, and the majority of the cases were about workplace disputes. In 2018, the Office referred six cases to OIOS for investigation. In the same period, OIOS made seven referrals for preventive action. Also in 2018, following the conclusion of OIOS investigations, the Ethics Office determined that retaliation had been established in four cases but

not in four other cases (*ibid.*, paras. 44, 46 and 49–51). Upon enquiry, the Advisory Committee was informed that, of the 32 formal requests for protection in 2018 that did not present a *prima facie* case of retaliation, the Ethics Office referred 10 cases to the Ombudsman and 5 cases to the Office of Staff Legal Assistance.

12. With regard to gifts received by Secretariat officials, the Secretary-General indicates that the overall coordination of gift processing and administration is handled by the Department of Management Strategy, Policy and Compliance, while their management is currently decentralized to departments, offices or missions (see [ST/AI/2010/1](#), sect. 4.1). The Advisory Committee notes that the role of the Department includes overall monitoring and compliance with the policy. In his report, the Secretary-General also indicates that, in September 2016, a global gift registry was launched on a pilot basis in New York and that, drawing from lessons learned and technological developments, the technical features of an online registry are currently under revision (see [A/74/78](#), para. 19). Upon enquiry, the Committee was informed that a technology platform compatible with the platform currently used in the Secretariat in New York was in the process of being identified.

13. As regards the requests for advice concerning honours, decorations, favours, gifts or remuneration, the Advisory Committee was informed upon enquiry that the Ethics Office had responded to 104 related requests in 2018, representing a 73 per cent increase from 2017. The Committee was informed that the increase was attributable, *inter alia*, to the annual Leadership Dialogue series featuring a case study on gifts and other potential inducements, as well as greater institutionalization of the ethics induction briefings to newly appointed senior officials.

14. **The Advisory Committee notes the increase in requests for advice regarding honours, decorations, favours, gifts or remuneration and the continued absence of a consolidated online gift registry. The Committee recalls its recommendation regarding the need for an analysis of the benefits, lessons learned and developmental requirements of the pilot registry prior to the development and roll out of the gift registry across the global Secretariat (see [A/73/183](#), para. 16). The Committee also reiterates the importance of collecting information and monitoring trends and expects that this analysis, as well as updated information regarding the implementation of the online gift registry platform, will be provided in the next report of the Secretary-General.**

III. Conclusions

15. The actions that the Secretary-General requests of the General Assembly are contained in paragraph 75 of his report. The Secretary-General requests that the General Assembly take note of the report, that it approve the recommendations for strengthening the independence of the Ethics Office, as outlined in paragraph 94 (a), (b) and (c) of the twelfth report of the Secretary-General on the activities of the Ethics Office ([A/73/89](#)), and that it take note of paragraph 94 (d), (e) and (f) therein. **The Advisory Committee reiterates its previous view that the proposals lack substantiation and that any revisions to the stature, reporting line and governance structure of the Ethics Office would have significant consequences for the Secretariat and for the Organization as a whole (see [A/73/183](#), para. 19). The Committee continues to be of the view that the experience of the Office of Internal Oversight Services in reporting directly to the General Assembly is very relevant in this regard, as is the reporting line to the Independent Audit Advisory Committee, given that both of these elements are at the core of the Secretary-General's proposals. The Committee also reiterates that greater clarity and consistency are necessary in terms of the linkages between the Secretary-**

General's management reform proposals and the proposals regarding the future of the Ethics Office. The Committee again stresses that should the Secretary-General wish to make a fully justified proposal concerning the independence of the Ethics Office, a detailed report would need to include such matters as the workload, structure and functions of the Office. The implications for other offices in the Secretariat, including oversight bodies and other oversight entities, as well as wider implications for United Nations funds and programmes, would also need detailed consideration. Furthermore, the Committee considers that best practices and the experiences of other United Nations system entities are relevant in terms of the implications for the Organization. The Committee is therefore of the view that a comprehensive analysis of all related and interconnected aspects of the proposal, as well as other applicable experiences, is required.

16. The Advisory Committee recommends that, subject to its comments and recommendations above, the General Assembly take note of the report of the Secretary-General on the activities of the Ethics Office.
