



General Assembly

Distr.: General
15 October 2020

Original: English

Seventy-fifth session

Agenda item 146

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/75/82) 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 2019. During its consideration of the report, the Advisory Committee was provided with additional information and clarification, concluding with written responses received on 1 October 2020.

II. Activities of the Ethics Office

2. During the 2019 calendar year, the Ethics Office received 2,141 requests for its services, representing an increase of 175 requests, or 8.9 per cent, compared with the increase of 476 requests, or 31.9 per cent, in the 2018 calendar year. In the report, the Secretary-General indicates that the Office conducted 226 outreach and briefing sessions for individuals and groups and received 934 enquiries for advice. A compliance rate of 99.9 per cent for financial disclosure submissions was attained. The Ethics Office indicated that in 2019, the average number of days to conduct preliminary reviews, upon receipt of all information requested for a complaint, was 14.2 days, compared with an average of 13 days in 2018.

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 in 2019, which has remained constant since 2018, compared with 54 per cent in the 2017 calendar year (*ibid.*, figure III). The report also shows that, as in previous periods, the highest number of requests for advice received concerned 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 934 requests for advice received, including requests concerning the following: outside activities (415); employment-related matters (124); pre-appointment vetting (92); other conflicts of interest, including personal investments/assets and post-employment restrictions (102); misconduct reporting procedures (66); gifts and honours (107); and institutional integrity matters (28) (*ibid.*, para. 13).

Implementation of the financial disclosure programme

5. 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. The Secretary-General indicates that the number of staff covered by the programme continues to expand: 6,157 filers participated during the 2019 programme, compared with 5,937 filers in the 2018 filing cycle and 5,811 filers in the 2017 filing cycle (*ibid.*, section IV.B). In 2019, of the 6,157 financial disclosure programme filers, 1,798 were from the Secretariat, 1,494 were from peacekeeping operations and 2,865 were from other United Nations entities. The Secretary-General indicates that the composition of the filing population has changed from 2018, during which 1,867 filers were from the Secretariat, 1,552 were from peacekeeping operations and 2,518 were from other United Nations entities (*ibid.*, figure VI). Upon enquiry, the Advisory Committee was informed that the decrease in the number of filers from the Secretariat and peacekeeping operations may be attributed to changes in the filing staff's functional responsibilities, the establishment of new field or peacekeeping missions or the closure of existing field missions, and that while the numbers of filers from the Secretariat and peacekeeping missions have fluctuated, the overall population has remained relatively stable.

6. The Secretary-General states that nine non-compliant filers, six from non-Secretariat entities and three from the Secretariat, were referred for appropriate accountability measures (*ibid.*, para. 22). The Secretary-General also indicates that the programme's external reviewers identified 211 filers (3.4 per cent of the filer population) in 2019, compared with 149 filers (2.5 per cent of the filer population) in 2018, as requiring review for the management of potential conflicts of interest (*ibid.*, para. 25). Upon enquiry, the Advisory Committee was informed that the nine non-compliant filers were referred to their respective entities following the closure of the 2019 programme. Of the nine, three staff were from the Secretariat and six were from non-Secretariat entities that participated in the programme. The Committee was also informed that, of the three filers from the Secretariat, one filer separated from the Organization upon the expiry of his appointment, another case was under consideration and the last case was closed following a review of the relevant information. With regard to the conflict-of-interest items identified under the programme, the Committee was informed that the situations identified involved outside activities, the economic interests or activities or employment of family members, non-United Nations income and investment activities of a staff member or their family members which may have an impact on their independence and impartiality. As a result, the measures recommended to mitigate and manage the identified conflict of interest risks varied depending on the merits of each case.

7. In terms of the voluntary public disclosure initiative open to senior officials at the level of Assistant Secretary-General and above, of the 152 senior officials eligible to participate in the 2019 exercise, 115 (or 75.6 per cent) opted to publicly disclose a summary of their assets, liabilities and outside interests at the time of the issuance of the report. The Secretary-General indicates that the participation rate increased by 8.7 per cent compared with the 2017 initiative (*ibid.*, para. 29). Nevertheless, the

Advisory Committee recalls that it was informed that the 2018 participation rate was 119 officials (or 78.3 per cent), representing the highest participation rate in the preceding six cycles (A/74/539, para. 8). The Committee, therefore, notes that the 2019 participation rate appears to have declined compared with the 2018 rate. **The Advisory Committee welcomes the overall increased participation in the voluntary disclosure initiative over time and trusts that the Secretary-General will take all the necessary measures to address potential conflicts of interest with the necessary accountability framework in place, and continue to encourage senior officials who have not yet publicly disclosed a summary of their assets to do so in future cycles.**

Protection of staff against retaliation

8. 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/75/82, para. 31). The Ethics Office received 204 related enquiries in 2019, of which 142 were in fact requests for advice about the policy rather than claims for protection. In total, 36 preliminary reviews were completed in 2019, and 12 cases presented a prima facie case of retaliation. In 2019, the Office referred 12 cases to the Office of Internal Oversight (OIOS) for investigation and, in the same period, OIOS referred 12 cases to the Office for preventive action. Also in 2019, following the conclusion of OIOS investigations, the Ethics Office determined that, of the 12 cases referred for investigation, retaliation had been established in 3 cases but not in 5 other cases (*ibid.*, paras. 33, 35 and 37).

Gift management

9. With regard to gifts received by Secretariat officials, the Secretary-General indicates that while the Ethics Office advises on the appropriateness of receiving or giving gifts, the coordination of gift processing and administration is handled by the Department of Management Strategy, Policy and Compliance. That department noted that, as the pilot gift registry application was based on Lotus Notes technology, which had been phased out, a compatible technology platform was being identified, after which a revised registry platform was expected to be released. The Secretary-General indicates that the management of gifts is currently decentralized to individual entities, as prescribed in administrative instruction ST/AI/2010/1, and that the administering official of each entity establishes and maintains a registry to record summary information on all honours, decorations, favours, gifts or remuneration accepted by staff members. Furthermore, under the new delegation of authority, heads of entities may approve the acceptance of honours and awards (A/75/82, para. 17).

10. **The Advisory Committee notes 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 also A/73/183, para. 16 and A/74/539, para. 14). The Committee reaffirms 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.**

Outreach, training and education activities

11. The Secretary-General indicates that in 2019 the Ethics Office conducted outreach, training and education activities, including 224 tailored ethics briefings, including 22 for newly appointed Under-Secretaries-General and Assistant

Secretaries-General and senior mission staff. These and other customized briefings for various functional groups stressed “leading by example”. In the report, the Secretary-General also indicates that in 2019, the Ethics Office website was upgraded and the mandatory online course on ethics and integrity at the United Nations was completed by 3,104 participants (A/75/82, paras. 44, 49 and 50). Upon enquiry, the Advisory Committee was informed that the Secretariat would continue to develop relevant measures and seek to invest in the latest best practices in integrity, transparency and accountability in order to best deliver on its mandates and protect the public resources allocated to it. As a result, the Ethics Office will continue operating according to the preventive role assigned to the ethics function in the “three lines of defence” approach of moving the organizational culture to better manage administrative and mandate delivery risks. This contribution is made through training, advice and guidance aimed at preventing personal conflicts of interest at the staff level, conflicts of functions at the office level and organizational conflicts of interest at the institutional level.

12. Upon enquiry, the Advisory Committee was informed that, in order to contribute to strengthening the organizational culture of ethics, the Ethics Office conducts outreach missions, training and education activities. In this regard, the coronavirus disease (COVID-19) pandemic had an immediate detrimental impact on the planned outreach visits of the Ethics Office and disrupted certain planned activities, in particular visits to field missions and other United Nations entities in various locations. The Committee was informed that the field duty station visits indicated in the report of the Secretary-General were all conducted prior to the COVID-19 pandemic and that the Office continued to sustain its operations and to support missions through the continued use of electronic communications such as email and telephone communication and videoconferencing capabilities. The communications strategy of the Office was transitioned to remote interventions instead of physical on-site visits. Lessons were learned on ways to more effectively engage staff using remote methods, such as by limiting group size and employing more focused sessions on a specific theme as opposed to holding town hall meetings. The Committee was also informed that the Office plans to continue conducting on-site mission visits and will follow up on and enhance the utilization of remote communication interventions. **The Advisory Committee notes the efforts of the Ethics Office in conducting outreach, training and education and encourages the Office to continue further in these efforts.**

III. Proposal regarding the independence of the Ethics Office

13. The Secretary-General indicates his recommendations for measures to strengthen the independence of the Ethics Office in part VI of the report. The Secretary-General indicates that, in paragraph 94 of his report on the activities of the Ethics Office (A/73/89), he proposed three measures for approval by the General Assembly, which are reiterated in paragraphs 61 to 68 of his current report (see also A/73/89, paras. 94 (a) to (c)), and three additional measures to be noted by the Assembly (ibid., paras. 94 (d) to (f)). **The Advisory Committee notes the current functions of the Ethics Office as established by the Secretary-General’s bulletin (ST/SGB/2005/22), as welcomed by the Assembly in its resolution 60/254.**

14. **With regard to the submission of the annual report of the Ethics Office directly to the General Assembly and the reporting line of the Office, the Advisory Committee once more reiterates its previous view that the proposals continue to 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 also**

A/73/183, para. 19 and A/74/539, para. 15). The Committee notes that, in the absence of such information regarding the implications of the proposed revisions, and as the mandate of the Ethics Office would need to be significantly altered in order to allow the Office to report directly to the Assembly, the Committee is not in a position to make further recommendations on the matter.

15. The Secretary-General proposes raising the rank of the Head of the Ethics Office from the Director (D-2) level to the level of Assistant Secretary-General (A/75/82, para. 67) Upon enquiry, the Advisory Committee was provided with information regarding the levels of the heads of the ethics offices in the funds, programmes and agencies and notes that the heads of the ethics offices across the United Nations system entities are at either the P-5 or D-1 level on a full-time basis, or on a part-time basis in conjunction with other functions. The Committee notes that the only exception is the head of office (D-2) at the International Labour Organization, which is a part-time dual function with the Legal Adviser/Ethics Officer. The Committee was also informed that the proposed Assistant Secretary-General position would include key elements from the job description of the current Head of the Ethics Office, appointed at the D-2 level, including directing and coordinating the work of the Ethics Office in the implementation of a responsive and coherent policy for fostering a culture of ethics, transparency and accountability. The Committee was informed that when advice and guidance is provided by a senior official, it normally demonstrates a higher level of importance and a higher expectation for its implementation, thus carrying more weight when compared with the advice given by an official at a level junior to the recipient. The Committee was also informed that ranking the Head of the Ethics Office at a more senior level, or at the same rank as the other independent offices, could help enhance the credibility of the advisory role of the Ethics Office. The Committee was further informed that the staffing of the Office comprises 12 staff (1 D-2, 2 P-5, 2 P-4, 3 P-3, 1 P-2, 1 General Service (Principal level), 2 General Service (Other level)), including the Head of the Office (D-2), and that the Secretary-General's proposal is aimed at highlighting the work of the Office by means of upgrading the rank of its Head.

16. The Advisory Committee is of the view that the Head of the Ethics Office, currently appointed at the D-2 level, is at the appropriate level to direct and coordinate the work of the Office in the implementation of a responsive and coherent policy for fostering a culture of ethics, transparency and accountability. The Committee is of the view that the proposal to upgrade the position from the Director (D-2) level to the level of Assistant-Secretary General is not justified given that the credibility of the advisory role of the Ethics Office does not reside in the level of the Head of Office but rather with the mandate and functions of the Office. The Committee notes that the level of seniority should not serve as an indicator of credibility and that the work of the Office may be highlighted by a variety of other means. Furthermore, the Committee considers that the level of any particular post should not be used as justification to exclude the incumbent from carrying out those functions that are relevant to the responsibilities of the post. The Committee, therefore, recommends against the proposal to reclassify the post of Head of the Ethics Office from Director (D-2) to the level of Assistant Secretary-General.

17. The Advisory Committee stresses once more 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.

IV. Conclusions

18. The actions that the Secretary-General requests of the General Assembly are contained in paragraph 69 of his report (A/75/82). The Secretary-General requests that the Assembly take note of the report and approve the recommendations for strengthening the independence of the Ethics Office, as outlined in paragraphs 61 to 68 of his report.

19. **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.**
