

LEADERSHIP DIALOGUE

2019

CONFLICTS OF INTEREST: WHY DO THEY MATTER?



PARTICIPANT'S GUIDE AND MATERIALS

PARTICIPANT INSTRUCTIONS

Before participating in this year's Leadership Dialogue, we kindly ask that you familiarise yourself with the following references:

- **UN Oath of Office**
- **Standards of conduct for the international civil service**
- **ST/SGB/2018/1 "Staff Regulations and Rules"**
- **ST/SGB/2016/9 "Status, basic rights and duties of United Nations staff members"**
- **A/66/98 of 2011 "Personal Conflict of Interest, Report of the Secretary-General"**
- **Putting Ethics to Work: A Guide for UN Staff**

Please remember to actively participate, ask questions and contribute relevant examples and discuss relevant situations that you may know of or have heard about. After the session, please consider sharing with the Ethics Office your ideas on how to improve the Leadership Dialogue and suggestions for next year's topic.

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WELCOME TO THE UNITED NATIONS LEADERSHIP DIALOGUE

Thank you for participating in the 2019 United Nations Leadership Dialogue. This annual event is an opportunity for you and your colleagues to discuss topics with great meaning for our work. It is especially relevant this year as we celebrate the centennial of the International Civil Service, founded on the principles of impartiality, integrity and independence, as envisioned in Article 100 of the UN Charter.

Each year, every senior leader conducts a guided dialogue with their staff, who in turn lead their own direct reports in a similar discussion, until every UN staff member has participated and been exposed to material that can strengthen the way we carry out our work on a day-to-day basis.

The first Leadership Dialogue, in 2013, addressed what it means to be an international civil servant; last year's exercise, "*Speaking Up: when does it become whistleblowing?*" highlighted the importance of respectful dissent, constructively raising concerns about inter-personal conflict, reporting misconduct and protection against retaliation. The series has also discussed respect and tolerance in the workplace, fraud prevention, the Organization's Standards of Conduct and what it means to take individual responsibility while doing our jobs.

This year's topic, "*Conflicts of Interest – Why Do They Matter?*", focuses on ways to maintain public trust through mitigating risks arising from personal interests. Such conflicts can interfere, or appear to interfere, with the performance of official duties or with the integrity required by the staff member's status as an international civil servant. Understanding conflicts of interest that might be present in day-to-day UN operations, and most importantly proactively managing or resolving them, is crucial for protecting individuals and upholding the unique standing of the United Nations.

I invite all UN personnel to actively participate in this Leadership Dialogue, and I thank you for your commitment as proud members of the International Civil Service.



ANTÓNIO GUTERRES
Secretary-General

INTRODUCTION TO THE LEADERSHIP DIALOGUE

Conflicts of interests must be resolved in the Organization's best interest. As international civil servants, each of us has an important role in taking proactive steps to manage a conflict of interest. With the goal of increasing understanding of why conflicts of interest matter for our work, your manager will take you through a discussion that covers the following topics:

1. How conflicts of interest arise;
2. How to identify and disclose conflicts of interest;
3. Types of common personal and organizational conflicts of interest, and conflicts of functions or responsibilities;
4. The importance of addressing conflicts of interest; and
5. How to mitigate, manage and resolve conflicts of interest in the best interest of the Organization.

This Participant's Guide serves as a reference guide before, during and after the Leadership Dialogue. It contains some important points that will be discussed in this year's Leadership Dialogue, reference material, contact information and a sample texts for:

- seeking clearance to participate in certain outside activities,
- recusal statement,
- declining anticipated gifts.

What Are Conflicts of Interest?

A personal conflict of interest is a situation where a staff member's personal interests — such as outside professional relationships or personal financial assets — interfere with their performance of official duties or with the integrity, independence and impartiality required by the status of an international civil servant. Conflicts of interest matter because they adversely impact the integrity of UN operations through diverting financial and other resources and unduly influencing decisions for private purposes. They also matter because undisclosed conflicts-of-interest could amount to misconduct, with consequent administrative or disciplinary sanctions.

We must carry out our duties with the integrity, independence, and impartiality required by our status as an international civil servant. Our professional decisions must be based solely on the UN's needs, and we have a duty to avoid even an appearance of a conflict between our personal interests and those of the UN. We are expected to arrange our private affairs so that we can provide our loyalty first to the UN.

Conflicts of interest can be real or actual, perceived or apparent or they can be potential conflicts of interest.

- A real or actual conflict of interest involves a direct conflict between current UN duties and responsibilities and existing personal interests.
- An apparent or perceived conflict of interest exists in situations where a reasonable person would think that a staff member's judgment is likely to be compromised by private interests that could improperly influence the performance of their duties – whether or not this is in fact the case.
- A potential conflict of interest involves a situation that may develop into an actual conflict of interest if the staff member has personal interests that could conflict with their official duties in the future.

Understanding the differences between actual, apparent and potential conflicts of interest helps us identify when a conflict exists and the best approach to resolve or manage the conflict of interest.

Managing Conflicts of Interest — What Should You Do?

Our best advice is to seek guidance on the best way to resolve a potential conflict of interest. We are not expected to manage conflicts of interest on our own. In fact, the first step in managing a possible conflict of interest is disclosure.

- **Disclosure** – disclose all possible conflicts of interest as you become aware of them to your supervisor and seek assistance from the Ethics Office, should you need further assistance. Many conflicts of interest need to be further managed.
- **Manage and monitor** – managers may seek assistance from the Ethics Office regarding the management of possible conflicts of interest. Other ways conflicts of interest are managed involve recusal, restriction of access to related information, divestment and resignation from outside positions.

Enquiries to the Ethics Office are confidential. If you are unsure about the right course of action, ask for advice. The Ethics Office will provide confidential guidance on ethical issues. (For timely advice, please approach the Ethics Office as soon as possible with all pertinent information.)

Ethics Helpline: +1 (917) 367-9858
Fax: +1 (917) 367-9861
E-mail: ethicsoffice@un.org

CONFLICT OF INTEREST SCENARIOS

Below are the conflict-of-interest scenarios to be discussed in this year's Leadership Dialogue.

Scenario 1: Welcoming Ricardo

Ricardo recently joined UNITY Mission as a Procurement Officer and has been living in a hotel. He has spent much of his free time excitedly exploring and writing in his personal Facebook and Twitter accounts about his experiences, observations, and hardships while living in a new country.

After meeting with a host government counterpart, in which Ricardo's personal social media activity was criticized, Ricardo's supervisor Vivian, invited Ricardo to a casual lunch at her home on the weekend. When Vivian raised the issue of his personal social media postings, Ricardo was surprised that his personal social media activity was cause for concern because he never posted about his specific UN work and did not include personal identifiable details.

They had a lovely meal, and Vivian encouraged Ricardo to rent an apartment in the complex where she lived, upon learning that he was seeking a place. After all, it was already cleared by security. Ricardo also brought up possibilities of career advancement in his new mission, highlighting the recent job posting at a higher level for which he felt qualified. Vivian advised him to work hard and prove himself to be a reliable professional since he had just arrived and also apply if he was interested.

On Monday, Ricardo told Ndiaye, a local staff member, about the possibility of renting an apartment in the same complex as Vivian. Ndiaye told Ricardo that he heard that Vivian's complex was very nice but cautioned Ricardo that the Mission's largest vendor owned several buildings in the complex.

That evening, while having tea with his own country's ambassador at her residence, Ricardo mentioned his on-going housing search as well as the lunch he had with his supervisor. The Ambassador suggested that he stay in her empty guesthouse, free of charge, and avoid the complex altogether. Ricardo also sought her support in advancing his career advancement, including speaking to the head of his mission to hire him for the upcoming job posting at the higher level, for which he had applied.

Scenario 2: Tomás the Fiancé

Laila, Tomás' fiancé, is excited about Tomás' new assignment in her duty station with the Regional Office of her Entity. It means he will be joining her in her home country, near her friends and family. Even though they work in the same Regional Office, they are in different units and not reporting to one another. Tomás is in charge of an environment project to advance the SDGs at the Regional Office. Laila approached Tomás about helping her cousin, Nabil Zaitun, find a position with the UN. She assured him that Nabil is very qualified and hard working. Laila also mentioned that Nabil's father, the head of Solaire Foundation, a local NGO, which deals with environmental issues, would be "very" grateful.

A week later, Tomás attended a conference organized by Solaire Foundation. During the reception, he meets Ali Zaitun, Head of Solaire Foundation and Nabil's father, and, among many things, they discuss their mutual interest in art and the local art scene. They never discuss Nabil's interest in joining the UN.

On Monday, when Tomás arrives in the office, he finds a package from Ali containing a beautiful and expensive painting by a rising local artist. Tomás calls Ali and respectfully declines the gift. A week later, he receives an invitation to become a member of the board for Solaire Foundation.

Laila recently set up a small computer repair store near the UN premises, which she oversees during the weekend while her two brothers manage its daily operations. Laila has been sending emails during office hours to her colleagues encouraging them to use the store's services and offering a discount to UN personnel.

Scenario 3: Pamela's Publishing

Prior to joining the UN, Pamela, who now works as a Human Rights Officer, co-authored a significant paper on the sustainability of democracy in Latin America. The paper received much attention in the media, from both academia, and outside stakeholders. Pamela has since decided to write and publish a broader academic thesis on the subject, including updates to her initial work based on two UN projects that she worked on during the last year.

Pamela worked on her new thesis in her office every night after official working hours. She emailed select colleagues inviting them to be interviewed in connection with her research.

Pamela's supervisor, Zheng, noticed her long days in the office and scheduled a meeting to check in with her. During the meeting, Pamela explained that she had been working on an academic thesis on her own time and after hours. Pamela told Zheng that: "I sincerely believe that it will not interfere with my UN duties". Zheng expressed concern about balancing her workload and the potential for the perception of a conflict of interest, as her thesis would be directly related to her responsibilities at the UN. Pamela later revealed that she had submitted the abstract of her prospective paper for a writing prize administered by the Organization of American States (OAS) and that, if selected, she would be given a monetary prize upon completion of the thesis.

OUTSIDE ACTIVITIES

Prior approval from the Secretary-General is required for UN staff members to engage in outside employment and external activities, including teaching or speaking.

Staff members do not require prior authorization from the Secretary-General to engage in an outside activity provided that it is a private, unpaid social or charitable activity with no relation to official responsibilities or the Organisation; compatible with our status as international civil servants; does not create a conflict of interest or interfere with our ability to serve the UN; and takes place outside work hours. Consult the Ethics Office if you wish to serve on any external panels or committees.

Request for Approval of Outside Employment/Occupation/Activities — SAMPLE

Note to (Head of Entity)

I am writing to request the Secretary-General's approval for my engagement in the following non-UN activities. In this regard, please find below relevant detailed information.

[please provide the relevant information in relation to each of your non-UN activities]

- a. *Name of Outside organization/entity*
- ii. *Brief Description of their mission and activities (an internet link is helpful)*
- iii. *A detailed description of the role and responsibilities you will have with this organization. If terms of reference are available, we would appreciate receiving a copy.*
- iv. *How much time will be involved? Will the activity be undertaken outside your working hours?*
- v. *Is the activity remunerated?*
- vi. *Does the outside entity currently have or seek any contractual relationship with the UN;*
- vii. *Does the outside entity have any dealings with the UN or have any role in any programme, project or activity sponsored by the UN?*
- viii. *Does the outside entity receive funds from the UN; or*
- ix. *Are you required to engage in fundraising, lobbying or endorsing an external entity?*
- x. *Does the proposed outside engagement relate in any way to the purpose, activities and interests of the UN?*
- xi. *Does the proposed outside engagement relate in any way to your official UN duties?*
- xii. *Would you be required to hold fiduciary responsibilities, duty-of-care, representational, policy-making, or management responsibilities on behalf of this entity?*
- xiii. *Are you holding a G-4 visa?*
- xiv. *Is the proposed outside engagement permissible under applicable local laws?*

I would be grateful for your consideration. Thank you.

Recusal Statement — SAMPLE

CONFIDENTIAL

To: a:	Head of Office	date: Date
Through:	Supervisor	
From: de:	Staff Member (SM)	
Subject: objet:	Recusal statement	

1. As a proactive measure, I am submitting this recusal statement in order to prevent any possible conflict of interest which may arise between my official role as [SM's official title, Office, Organization] and [e.g. SM's family member]'s role as [e.g. SM's family member official functions].
2. With immediate effect, I hereby formally and proactively recuse myself from any discussion, consideration and/or decision-making process requiring direct bilateral interaction with my [e.g. SM's family member] in my official capacity as [SM's official functions] when my [e.g. SM's family member] is acting in his/her official capacity as [e.g. SM's family member official functions].
3. With immediate effect, I also hereby formally and proactively recuse myself from any discussion, consideration and/or decision-making in relation to [all matters involving the entity in which the e.g. SM's family member is involved], financial or otherwise, in my capacity as [SM's official functions].
4. All [matters regarding the entity in which e.g. the SM's family member is involved], will be handled by the [a SM's colleague from the Office], who will report on these matters to an alternate official outside my reporting line as designated by the [supervisor of the SM or Head of the Office].
5. In the event any matter regarding the entity in which e.g. the SM's family member is involved, is forwarded to my Office, the staff members of my Office have been instructed to ensure that the matter is not brought to my attention and is instead referred directly to the [supervisor of the SM or Head of the Office] for consideration.
6. I undertake to ensure that all non-public information which I may be privy to as a result of discharging my official United Nations duties and responsibilities must remain confidential and not be shared.
7. This proactive recusal will not restrict my ability to participate in discussion, consideration or decision-making processes having a general application. This recusal will not restrict my ability to attend social functions where both my [e.g. SM's family member] and I have been invited.
8. This proactive recusal will remain in effect until I cease to be [SM's official title] or until my [e.g. SM's family member] ceases to be employed by [entity in which e.g. the SM's family member is involved]. I agree to promptly provide written notice of any change in my official UN responsibilities and/or my status to the United Nations through the UN Ethics Office for advice and guidance on conflict of interest management.

Questions regarding this recusal statement may be directed to me.

I am copying this statement to other offices and officials of the United Nations as listed below.

[Signature]

[Date]

Cc: Head of Office
Supervisor of the concerned staff member

Letter for Declining Anticipated Gifts — SAMPLE

From sources having or seeking to have a contractual relationship with the UN:

Dear....,

We thank you very much for your **honour/decoration/favour/gift/remuneration**;

In this regard, we regret to inform you that we are not in a position to accept the proposed **honour/decoration/favour/gift/remuneration** as it is a requirement in accordance with our duties as international civil servants and as per UN Staff Rule 1.2(p) and ST/AI/2010/1.

We thank you in advance for your kind understanding.

From governmental sources:

Dear,

We thank you very much for your **honour/decoration/favour/gift/remuneration**;

In this regard, we regret to inform you that we are not in a position to accept the proposed **honour/decoration/favour/gift/remuneration** as it is a requirement in accordance with our duties as international civil servants and as per UN Staff Regulation 1.2(j) and ST/AI/2010/1.

We thank you in advance for your kind understanding.

From non-governmental sources:

Dear,

We thank you very much for your **honour/decoration/favour/gift/remuneration**;

In this regard, we regret to inform you that we are not in a position to accept the proposed **honour/decoration/favour/gift/remuneration** as it is a requirement in accordance with our duties as international civil servants and as per UN Staff Regulation 1.2(l) and ST/AI/2010/1.

We thank you in advance for your kind understanding.

LEADERSHIP DIALOGUE CONTACT INFORMATION

For more information, or to comment, contact:

United Nations Ethics Office

www.un.org/en/ethics

(Available via iSeek or the public United Nations site)

Email: ethicsoffice@un.org

Phone +1-917-367-9858

Also, please consult these resources, available on our website:

Putting Ethics to Work: A Guide for UN Staff

The Roadmap: A Staff Member's Guide to Finding the Right Place

