

OLA

**Note to Mr. Dossal**

**Re: MDG Award**

I acknowledge receipt of a copy of your note to Ms. Patricia O'Brien of even date and agree with your conclusion that acceptance of an MDG Award by the Secretary-General is a political decision for the EOSG. Having regard to Ms. O'Brien's note to me dated 15 September 2010, and in keeping with United Nations rules and practices, the Secretary-General is unable to accede to the MDG Awards Committee's request to accept an MDG Award. A letter is being sent to Mr. Jacobson, the Executive Director of the Committee, informing him of this.



Vijay Nambiar  
17 September 2010

cc. Ms. O'Brien  
Mr. Akasaka  
Mr. Kell  
Ms. P. Johnson  
Mr. A. Issa





**Note to Mr. Nambiar**

MDG Award ✓

1. I refer to an e-mail message of 9 September 2010 from Mr. Sebastien Lawson, Scheduling Office of the Secretary-General, inquiring whether the Secretary-General should accept the "MDG Award." According to the letter, addressed to the Secretary-General and dated 3 August 2010 from Mr. Michael Jacobson, Executive Director, MDG Awards Committee ("MDGAC"), the MDG Award would be presented on 19 September 2010 at an event organized by the MDGAC, "in collaboration with the Millennium Campaign and the United Nations Office for Partnerships," in New York.

2. While it is ultimately a policy decision as to whether the Secretary-General should accept the MDG Award, I wish to provide the following observations which may be of guidance to the Secretary-General in making such decision. In this respect, having reviewed the background to the "MDG Award" event of 19 September 2010, including the 3 August 2010 letter, and the website of the MDGAC, OLA continues to have many of the same concerns that were expressed in my Notes of 4 and 9 March 2009 (copies attached) concerning the status of the MDG Awards and the MDGAC. The MDG Award is not a UN award and the UN is not affiliated with the MDG Award, as indicated in the Note of 4 March 2009, because neither the General Assembly, nor any other UN legislative organ has approved the establishment of the MDG Award as a UN award. Consequently, OLA considers that the description of the MDG Award and the MDGAC, as referenced below, convey a misleading impression that the United Nations has close affiliation with the MDG Awards and with the MDGAC:

- For example, on the website of the MDG Awards, located at <http://mdgawards.org/home.html>, the "MDG Awards overview" page for the September 2010 MDG Award ceremony displays the UN emblem, with the words "UN Office for Partnerships" below the emblem, together with the logo for "End poverty 2015," which we understand is a logo of the Millennium Campaign. OLA understands that the Millennium Campaign is not affiliated with the UN.
- Another part of the website for the MDG Award states that the recipient of the "Stand Up Mobilisation" Award will be "designated by the UN Millennium Campaign, partners and Stand Up participants around the world." It is not clear whether the UN Millennium Campaign office in UNDP is actually involved in the designation of this Award. We are liaising with our colleagues in UNDP to clarify this point.
- In addition, the website for the September 2010 MDG Award ceremony contains the following factually incorrect statement: "The MDG Award [ceremony], held annually at the United Nations General Assembly Hall and with satellite events in other nations is a celebration honouring outstanding efforts to achieve the MDGs" (emphasis added). Although the MDG Award ceremony was held last year in the General Assembly Hall, OLA does not understand that this has been an annual

event and in any case, this year's MDG Award ceremony is scheduled to take place at the Waldorf Astoria Hotel.

- The website displays the Global Compact logo on the right margin, but OLA has not been able to verify from the website of the Global Compact Office whether the MDGAC which according to its website is a not-for-profit entity, is a participant to the Global Compact.
- The "Media Alert" posted on the MDG Award website for the September 2010 MDG Award ceremony has the following misleading statement: "The MDGAC collaborates with UN agencies and other organizations to present MDG Recognition Awards at their special events across the globe as well as producing MDG related educational events and Public Private Partnerships..." OLA does not have information as to whether "UN agencies" collaborate with the MDGAC with respect to the MDG Recognition Awards.

3. In light of the above, while it is ultimately a policy decision as to whether the Secretary-General should accept the MDG Award, given the background to this event and OLA is concerned about the factually inaccurate statements being made by the MDGAC on its website, it may not be advisable for the Secretary-General to do so. Since it appears that the United Nations Office for Partnerships (UNOP) may have been involved in this year's MDG Award ceremony, the Executive Office of the Secretary-General may wish to consider approaching UNOP to clarify the extent of its participation in the event, including its role in the Award selection process.



Patricia O'Brien

15 September 2010

cc: Mr. S. Mathias  
Mr. A. Dossal  
Mr. G. Kell  
Ms. A. Axenidou  
Ms. P. Johnson  
Mr. A. Issa

**Note to the Deputy Secretary-General**

**Millennium Development Goals Award**

1. This refers to the note of Mr. Dossal addressed to you, dated 24 February 2009, regarding the Launch Ceremony of the Millennium Development Goals Award ("Launch Ceremony") scheduled to take place in the General Assembly Hall on 17 March 2009. We understand that the Launch Ceremony would be attended by the President of the General Assembly and that the Secretary-General has also been invited to speak. The annex to this Note provides further details, based on the information available to OLA, regarding the nature of the Millennium Development Goals Award ("MDG Award"), its affiliation with UN officials and permanent missions, the organizational structure supporting the award and the background to the Launch Ceremony.
2. The information presented about the MDG Award on its website, including the use of the UN name and emblem, conveys the strong impression that the Award and its organizers are affiliated with the UN. However, to date, there exists no legislative approval from the General Assembly or other UN organs establishing the MDG Award as a civilian award of the UN. OLA has consistently advised that such approval is necessary to establish a civilian UN award. The use of the UN name, including its abbreviation, and emblem, is reserved for official purposes of the Organization in accordance with General Assembly resolution 92(I) of 7 December 1946. The website for the MDG Award is also soliciting funds to "support your Nominee/Applicant as well as the work of the MDG Awards Committee". However, the UN is not involved in this fundraising campaign, and has no oversight on how the funds raised are being expended.
3. A coordination meeting for the Launch Ceremony was convened by the Special Events Unit of the Department of Management on 27 February 2009. OLA was requested to assist in the drafting of a Memorandum of Understanding (MOU) between the UN and the Permanent Mission of Madagascar, the sponsoring mission for the event, regarding the Launch Ceremony.
4. In view of the foregoing, we would recommend that any cooperation extended by the UN in relation to the MDG Award should avoid creating any suggestion that the Award is affiliated or endorsed by the UN. The MOU establishing the terms and conditions for holding the event would also need to reflect the fact that the Launch Ceremony is not a UN event.

  
Patricia O'Brien  
4 March 2009

cc: Mr. Nambiar  
Mr. Akasaka  
Mr. Melkert  
Mr. Yamazaki  
Mr. Sach  
Mr. Dossal  
Ms. Kibel



## Annex

### Nature of the award

1. As explained on its website<sup>1</sup>, the MDG Award is intended to "galvanize public support for the United Nations Millennium Development Goals... and to generate public support for those that are making the most effort." Moreover, the website states that "[t]his year, the UN MDG Award Committee has asked UN Agencies involved in helping to achieve the UN MDG, the various global committees that have recognized outstanding projects and member nations to nominate the project that they feel deserves special recognition as a UN MDG Award recipient."
2. The website for the MDG Award uses the name and emblem of the UN, as well as images from inside the UN Secretariat building and photographs of the Secretary-General, which together convey a strong impression that the MDG Award is a UN award or is affiliated with the UN. As OLA has consistently advised, legislative approval is required for a civilian award to be established or legitimately affiliated with the UN. We understand that while efforts are underway to secure General Assembly approval for the award, such approval has not been granted thus far. Moreover, the Millennium Campaign Office of UNDP has confirmed that it has not authorized the MDG Award.

### Affiliation with UN officials and permanent missions

3. The MDG Award was presented in 2007 and 2008 to the outgoing presidents of the General Assembly Mr. Sheikha Haya Rashed Al Khalifa and Mr. Srgjan Kerim, respectively. In 2007, DPI issued an article in the UN News Centre entitled "UN announces awards telecast for Millennium Development Goals" and in 2008, DPI issued a press release concerning the 2008 presentation (copy attached).
4. The website of the MDG Award lists Mr. Zina Andrianarivelo-Razaty, Permanent Representative of Madagascar, Mr. Francis Lorenzo, Ambassador, Permanent Mission of the Dominican Republic, and Mr. Robert Tachie-Menson<sup>2</sup> as participating in the "Board of UN Ambassadors" for the MDG Award.

### Organizational structure supporting the MDG Award

5. The website of the MDG Award indicates that there is an Executive Management, consisting of, *inter alia*, Michael Jacobson (Executive Director) and Heidi Walters (Managing Director). Mr. Lorenzo has indicated that an entity, MDG Award Committee, Inc., has been incorporated as a not-for-profit organization under United States law. The website further states that the "MDG Awards Program is being developed and managed by BidGive International, Inc. on behalf of and in association with the MDG Awards Committee, Inc."

<sup>1</sup> <http://www.un-mdgawards.org/home.html>

<sup>2</sup> The website of the MDG Award refers to Mr. Tachie-Menson as being an ambassador, however he does not appear to be currently accredited with the UN.

6. The website of Bidgive<sup>3</sup> states that "BidGive's responsibilities include managing the entire MDG Award Program year-round in association with the UN's Public-Private Alliance Foundation." In March 2008, Reuters reported that Bidgive began trading common shares under the symbol "BDGV" and described the corporation as having "several high profile accounts [including] United Nations related agencies." Bidgive's director is Mr. Michael Jacobson.

7. The website of the Public-Private Alliance Foundation (PPAF)<sup>4</sup> states that it is a "non-profit organization dedicated to reducing poverty in the world by bringing together business, governmental, community, academic, United Nations and other interests." In February 2009, PPAF apparently received its 501(c)(3) status from the US Internal Revenue Service, with retroactive effect, dating back to PPAF's incorporation on 24 August 2006. Mr. Andrianarivelo-Razaty and Mr. Lorenzo are listed as being on the board of PPAF.

#### Background to the Launch Ceremony

8. On 25 February 2009, Ms. Margaret Kelley, Director, Office of the Director for General Assembly and ECOSOC Affairs, DGACM, responded to Mr. Andrianarivelo-Razaty's letter of 23 February 2009 and granted authorization to use the General Assembly Hall for the Launch Ceremony, on the understanding that a meeting of the General Assembly would take precedence over other meetings or events.

9. We also understand that Mr. Lorenzo met with the Under-Secretary-General for Public Information to request DPI's support for the Launch Ceremony on 26 February 2009.

10. On 27 February 2009, the Special Event Unit of the Facilities Management Service convened a coordination meeting for the event. As OLA is responsible for drafting the agreements concerning the arrangements for special events taking place on UN premises, we were invited to attend the meeting. A number of UN offices that would be in charge of various aspects of the event (such as protocol, security, UN TV) were present at the meeting. Mr. Lorenzo and Mr. Chris Wangro, the producer for the event, also attended the meeting.

11. During the coordination meeting, OLA expressed concern that no legislative approval for the MDG Award had been provided, and yet the information presented about the MDG Award on its website conveyed the strong impression that it was affiliated with the UN. OLA emphasized that the use of the UN name, including its abbreviation, and emblem, is reserved for official purposes of the Organization in accordance with General Assembly resolution 92(I) of 7 December 1946. The agreement establishing the terms and conditions for holding the event would also need to reflect the fact that the Launch Ceremony is not a UN event. Moreover, as it is the case with similar events taking place on UN premises, press releases and promotional materials relating to the event would need to be submitted to OLA for prior clearance. Finally, OLA raised questions as to which UN office would assume the substantive responsibility for the event and sign the agreement on behalf of the UN, after the agreement is cleared by the Controller. The agreement would also need to be approved by the Controller's Office.

<sup>3</sup> [www.bidgive.com](http://www.bidgive.com)

<sup>4</sup> <http://www.ppaafoundation.org/>

12. Mr. Lorenzo indicated his willingness to revise the website of MDG Award to comply with the established rules and policy regarding the use of the UN name and emblem. He indicated that the event would be attended by the President of the General Assembly and that the Secretary-General had also been invited to speak. He stated that Jeffrey Sachs, Special Adviser to the Secretary-General on the Millennium Development Goals, would provide a videotaped statement in support of the event. Mr. Lorenzo listed a number of celebrities who had been invited to the Launch Ceremony, although it was unclear whether they had confirmed their participation. He also said that he will be meeting with the head of the Millennium Campaign Office, UNDP to secure its support and cooperation for the event.

13. OLA has been in contact with Ms. Amanda Kibel, the Deputy Director of Communications for the Millennium Campaign Office. She informed OLA that her office has met with Mr. Lorenzo on a number of occasions for purely informational purposes and that the Millennium Campaign Office has made no commitment to work in partnership with the MDG Award.



ACTION D.S.G.  
COPY ✓

Note to the Deputy Secretary-General

MAR 10 2009

29-02675

Launch Ceremony for the Millennium Development Goals Award on 17 March 2009

1. I refer to the e-mail message of 6 March 2009 from Mr. Sebastien Lawson, Scheduling Office of the Secretary-General, EOSG (copy attached), seeking information concerning the Memorandum of Understanding between the UN and the Permanent Mission of the Republic of Madagascar (the "Draft MOU") for the Launch Ceremony for the Millennium Development Goals Award (the "MDG Award") scheduled to take place in the General Assembly Hall on 17 March 2009, and seeking the advice of OLA and/or DESA whether the Secretary-General should participate in the Launch Ceremony. Attached to Mr. Lawson's message is a copy of the letter of 11 February 2009 to the Secretary-General from the Permanent Representative of the Republic of Madagascar to the United Nations, inviting the Secretary-General to "address the member states, private sector and civil society guests and to accept the MDG Awards sculpture" at the Launch Ceremony. In the event that OLA and/or DESA advise against the Secretary-General's participation in the Launch Ceremony, Mr. Lawson asks whether the invitation should be declined, or whether Mr. Shaaban, Under-Secretary-General for General Assembly and Conference Management, should represent the Secretary-General or the UN at the Launch Ceremony.

The MOU

2. In my Note of 4 March 2009 (copy attached), I recommended that, since the MDG Award is not a UN award and the Launch Ceremony is not a UN event, any cooperation extended by the UN in relation to the MDG Award should avoid creating the impression that the MDG Award is affiliated, related to, or endorsed by the UN. In addition, I stated that the MOU would need to reflect the fact that the event is not a UN event. At DM's request, OLA prepared the Draft MOU and forwarded it to DM under cover of a memorandum by Ms. Maria Vicien-Milburn, Director, General Legal Division, OLA, dated 3 March 2009 (copy attached). Paragraph 8 of the Draft MOU sets out the requirements, *inter alia*, that the UN name and emblem cannot be used in relation to the Launch Ceremony and the website of the MDG Award must cease using the UN name and emblem. OLA indicated that the Draft MOU was subject to the Controller's approval, and noted that it was not clear which Secretariat Office or Department would sign the MOU, after the Controller's approval.

3. On 5 March 2009, OLA was informed by Mr. Francis Lorenzo of the Permanent Mission of the Dominican Republic that the Draft MOU had been signed by the Permanent Representative of the Republic of Madagascar and, on behalf of the UN, by Mr. Yiping Zhou, Director, SU/SSC/UNDP. In this regard, it is not clear whether the signed text of the MOU, which was still marked as "draft", had been approved by the Controller, and whether UNDP had been authorized to sign the MOU on behalf of the United Nations. I understand that based on the signed MOU, on 6 March 2009, the Permanent Mission of the Republic of Madagascar paid to the UN Treasury the estimated costs to be incurred by the UN for the provision of services in connection with the Launch Ceremony. I should note that, although it appears that the UN emblem has been removed from the website of the MDG Award, the website still uses the UN name in such a way that it creates the misleading impression that the MDG Award is affiliated with the UN.



**Participation of UN officials in the Launch Ceremony**

4. In view of the issues raised in my Note of 4 March 2009, OLA remains concerned that the participation of UN senior officials in the Launch Ceremony might create the impression that the MDG Award is endorsed by the Secretary-General or is related to or affiliated with the Organization. I wish to note that it is a policy decision whether the Secretary-General and/or other UN officials should attend the Launch Ceremony. Should it be decided that such participation is in the interest of the Organization, it is recommended that care be taken to avoid creating the impression that the MDG Award is affiliated or endorsed by the UN.



Patricia O'Brien  
9 March 2009

cc: Mr. Nambiar  
Mr. Akasaka  
Mr. Melkert  
Mr. Sha  
Mr. Yamazaki  
Mr. Sach  
Mr. Dossal  
Ms. Kibel  
Mr. Lawson



**Note from Ms. Patricia O'Brien, USG/OLA, The Legal Counsel**

**Mae Arkoncel** to: Vijay Nambiar

15/09/2010 08:00 PM

Cc: Stephen Mathias, Amir Dossal, Georg Kell, Antigoni Axenidou,  
Adnan Issa, **SGCentral**, Sebastien Lawson, Janice Willingston

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Sir,

Please find attached a copy of Ms. O'Brien's note on the MDG Award, the original of which is being sent by special messenger.

Many thanks,

Mae



Note to Mr. Nambiar dt. 15 Sep 2010.MDG Award.pdf Attachment 1.Note to DSG dt. 4 Mar 2009.pdf



Attachment 2.Note to DSG dt. 9 Mar 2009.pdf