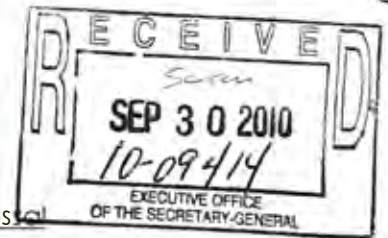


ACTION VII Ethics Office
COPY UNFP



Note to Mr. Nambiar

Request to approve the Board Membership of Mr. Amir A. Dossal
to the Humpty Dumpty Institute ✓

Ref. (10-07674)

I refer to discussion with members of your office related to my advice of 10 August 2010 regarding the above mentioned subject wherein they sought further clarification.

As advised, the Ethics Office based its advice partly upon a legal opinion received from the Office of Legal Affairs wherein they opined that staff seeking to participate as members of boards, panels and committees may only do so in an advisory capacity.

After careful review and discussions with OLA, the Ethics Office would like to provide further clarification to the advice given on 10 August 2010.

The legal opinion provided that the actions or omissions of staff members acting in their *official capacity*, in respect of performance of functions for an external entity, could result in legal liability for the Organization and be inconsistent with the status and privileges and immunities provided under the 1946 Convention on the Privileges and Immunities of the United Nations (the "General Convention"). As such, they recommend non-participation. However, if the decision was made to authorize participation, the official would be limited to an advisory role with no policy or decision-making capacity.

The Ethics Office agrees with this legal opinion not only because it protects the General Convention but it also protects the official's independence, impartiality and his loyalty to the Organization. This is in line with paragraph 24 of ST/SGB/2002/13 Status, basic rights and duties of United Nations staff members.

Alternatively, were the official to be invited to sit on a board, panel or committee in his *personal capacity*, the same considerations would apply; however the decision to authorize participation in a personal capacity would include a reminder to the staff member of his requirement to comply with local laws as stated in staff regulation 1.1 (f), staff rule 1.2 (b) and to honour his private legal obligations as outlined in ST/AI/2000/12.

Therefore, having not found a conflict of interest with Mr. Dossal's participation in his personal capacity, you may wish to authorize his participation on the Board of HDI. We would however, kindly remind him of his obligation to comply with local laws and to honour any private legal obligations arising from his participation with this entity.

Additionally, since Mr. Dossal will be retiring soon, kindly remind him of his obligation under staff regulation 1.2 (i) to ensure any 'insider or confidential' information (information not yet readily available to the public) to which he is or has been privy as a result of discharging his/her United Nations duties and responsibilities remains in confidence.

→ SW
Action taken. Refer
Cor. log 10-07674.
Pl record & link.
Return to Central.

Joan Dubinsky
Joan Dubinsky,
Director
Ethics Office

29 September 2010