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FOLLOW-UP TO DECISIONS AND RESOLUTIONS ADOPTED BY THE EXECUTIVE BOARD AND THE GENERAL CONFERENCE AT THEIR PREVIOUS SESSIONS

PART IV

HUMAN RESOURCES ISSUES

ADDENDUM

COMMENTS FROM THE INTERNATIONAL STAFF ASSOCIATION OF UNESCO (ISAU)

SUMMARY

B. UNESCO Ethics Adviser: contractual conditions

Pursuant to item 9.2.7 of the UNESCO Human Resources Manual, the International Staff Association of UNESCO (ISAU) submits its comments on human resources issues (document 215 EX/5.IV.B).

1. ISAU takes note of the request to align the appointment of the Ethics Adviser with that of the Director of the Division of Internal Oversight Services (IOS) to a term of six years. We support this proposal because a longer term than the current four years would allow for a better implementation of the strategies and initiatives adopted by the Ethics Adviser by avoiding a too rapid turnover of the incumbents.

2. Nevertheless, we must point out that the text of the draft decision proposed by the Administration contains an ambiguity that must be cleared up. The text submitted to the Board for approval indicates that its decision would have “immediate effect”. However, this text could be misinterpreted to imply that this decision would not only override 191 EX/Decision 5.IV (paragraph 4(c)) of the Executive Board, concerning the duration of the term of office of the



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incumbents of the post of Ethics Adviser, but could also surreptitiously concern the duration of the term of office of the current incumbent, and could amount to a disguised extension of her contract. This ambiguity, which is serious from a legal point of view, is even more so from an ethical point of view. It amounts to creating a text that could depart from its original intention, since, by asking the Member States to decide that their decision would be immediate, they are in practice not being asked to rule solely on a general provision of the Organization's operation, but to decide on the outcome of an individual case. If the objective was to extend the term of the current Ethics Adviser, this should have been clearly stated in document 215 EX/5.IV.B.

3. It is at the discretion of the Director-General to appoint to this post any person she deems worthy, provided that the rules and regulations and, above all, the principle of transparency are respected. However, if it is possible to modify an individual's contract by playing on the ambiguities of a text that the Administration has submitted to the Board, transparency is simply impossible, and the suspicion of growing favouritism and politicization is legitimate.

4. Moreover, the very possibility of renewing the contract of the Ethics Adviser by means of legal artifice is contrary to the most profound provisions of ethics. As the Ethics Adviser herself reminds us in the training she provides to staff, ethics goes beyond mere compliance with regulations and requires that all professionals avoid placing themselves in a situation where they would be in a conflict of interest and thus risk bringing opprobrium not only on themselves, but also on the entire Organization.

5. ISAU therefore requests that it be specified that the revision of the term of office of the Ethics Adviser can only come into effect at the time of the appointment of the next incumbent.



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**FOLLOW-UP TO DECISIONS AND RESOLUTIONS ADOPTED
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AT THEIR PREVIOUS SESSIONS**

PART IV

HUMAN RESOURCES ISSUES

SUMMARY

B. UNESCO Ethics Adviser: contractual conditions

Pursuant to Staff Regulation 4.5.3. and [209 EX/Decision.20](#), the Director-General presents a revision of the term of office of the Ethics Adviser to align it with that of the Director of the Division of Internal Oversight Services (IOS), in compliance with the recommendation contained in the Annual Report 2019 of the Oversight Advisory Committee ([209 EX/20.INF](#)).

Decision required: paragraph 6.



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Background

1. The current tenure of the UNESCO Ethics Adviser (P-5) is a four-year fixed-term appointment, including a one-year probationary period, with no possibility of reemployment in the Organization. This decision was adopted at the 191st session of the Executive Board in 2013¹. At its 38th session², the General Conference adopted Regulation 4.5.3, whereby “*the Director-General shall take decisions concerning the appointment, extension, renewal and termination of appointment of the Organization’s Legal Adviser, Ethics Adviser and Director of Internal Oversight Service (IOS) in consultation with the Executive Board.*”

Practices in other United Nations organizations

2. Since then, most other United Nations organizations have established Ethics Adviser/Head posts, each with varying grades. As a general rule, the Ethics function is led by a D-1 staff in the United Nations Funds and Programmes and by a P-5 level staff in the United Nations specialized agencies, which is the case in UNESCO.

3. With regards to term limits for the function of the Ethics Adviser/Head, this also varies between organizations. Some have yet to establish term limits and for those who do apply term limits, the duration of appointment and terms of renewal vary between organizations. Some agencies³ apply a non-renewable seven-year appointment while other organizations/agencies⁴ allow for the possibility of renewal beyond the initial appointment period. In almost all organizations, newly appointed Ethics Advisers/Heads are subject, as is the case of newly appointed staff members, to a probationary period, usually of a one-year duration.

Alignment of Ethics Adviser appointment period with that of DIR/IOS

4. In its Annual Report 2019, the Oversight Advisory Committee advised UNESCO “*to consider that the appointment of the Ethics Advisor be aligned with that of the Director IOS and that a single term of six years with no probationary period is appropriate*” (209 EX/20.INF). In its decision 209 EX/20, the Executive Board requested the Director-General to ensure the full and timely implementation of all OAC recommendations accepted by the Organization.

5. Therefore, in compliance with the Oversight Advisory Committee recommendation, the Director-General has decided to revise the term of the Ethics Adviser, with immediate effect, from four years to a six-year fixed-term appointment, in line with that of Director IOS.

Proposed draft decision

6. The Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Having examined document 215 EX/5.IV.B,
2. Takes note of the decision to implement the Oversight Advisory Committee recommendation on the term of the Ethics Adviser to a single term of six years, with immediate effect.

¹ 191 EX/Decision 5.IV (VI, paragraph 4, sub-item (c)).

² 38 C/Resolution 87.

³ FAO and ICAO.

⁴ UNDP, UNFPA, UNICEF, WFP, WIPO and UNAIDS.