



7 May 2001

ADMINISTRATIVE DIRECTIVE

AD/PER/1

SUBJECT: CODE OF CONDUCT FOR STAFF MEMBERS OF THE SECRETARIAT¹

Introduction

1. The purpose of this administrative directive is to provide guidance to the staff members of the Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW) on the standards of conduct expected of them while they are employed by the Organisation. This guidance is pursuant to Staff Regulations 1.1 and 1.5, and to Interim Staff Rule 12.0.02.
2. The principles and standards contained in the present directive are the practical outcome of the proper application of the Staff Regulations, the Interim Staff Rules, the Financial Regulations and the Draft Financial Rules, and administrative issuances, insofar as they relate to the conduct of staff members. These principles and standards interpret the Staff Regulations and Rules, and contain the core values governing the work of staff members of the OPCW. The observance by each staff member of these values and principles will accordingly be taken into account in their performance appraisals.
3. Defining the standards of conduct of international civil servants is an ongoing process, which necessarily takes into account ongoing changes in the law of the international civil service which are themselves a response to the redefinition of what constitutes acceptable behaviour amongst international civil servants.

Main elements of the code of conduct

4. The main elements of the code of conduct consist of core values, basic principles, and examples of specific conduct expected of OPCW staff members in given situations, as well as of examples of prohibited conduct.

¹ The standards of conduct in this directive are based largely on those in the draft International Civil Service Commission document ICSC/49/R.9, of March 1999. Some parts of the document have been borrowed verbatim.

Core values

5. The Chemical Weapons Convention (the “Convention”) is based on the core value of real and complete disarmament under effective international verification for the elimination of all types of weapons of mass destruction, for the sake of humankind. Chemical disarmament is naturally at the heart of the OPCW’s mandate in this regard. A focus on the following fundamental values will help staff members of the OPCW to respond to the demands of their work in all its complexity. These values are derived both from the objectives of the Convention and from the values embodied in the Charter of the United Nations:
- (a) belief in fundamental human rights and in the dignity and worth of the human person;
 - (b) belief in the equal rights of men and women and of nations large and small;
 - (c) integrity, which includes loyalty, probity, impartiality, fairness, honesty, incorruptibility and truthfulness;
 - (d) competence;
 - (e) efficiency; and
 - (f) independence.

Basic principles

6. In order to realise the above core values and to meet the high standards of conduct demanded of them, OPCW staff members are expected to:
- (a) uphold the highest standards of efficiency, competence, integrity, and transparency;
 - (b) discharge their functions with the interests of the Organisation only in view;
 - (c) neither seek nor receive instructions from any government or from any other source external to the Organisation;
 - (d) ensure that their personal views and convictions do not adversely affect either their official duties or the interests of the Organisation;
 - (e) refrain from participating in any public or political activity that is incompatible with the proper discharge of their duties;
 - (f) treat all individuals and groups of individuals equally, without distinction of any kind with regard to age, race, colour, sexual orientation, disability, gender, national or social origin, language, religion or political opinion;

- (g) treat all persons fairly in an environment free of all forms of harassment;
- (h) treat other staff members, and members of the public, in a courteous and professional manner at all times;
- (i) exercise the utmost discretion and confidentiality with regard to all matters of official business, and to any private transactions which, in one way or another, may reflect on the Organisation;
- (j) refuse any advantage, honour, decoration, gift, remuneration or any economic benefit, whether explicitly stated or not, except when authorised by the Organisation;
- (k) separate strictly the performance of official duties from private affairs in order to avoid any real, potential or apparent conflict of interest;
- (l) respect the rule of law and the administration of justice in the conduct of all administrative tasks; and
- (m) respect the property of the Organisation as if it were the staff member's own.

The foundations of the standards of conduct for OPCW staff members

Standards of conduct within the Secretariat

7. In accordance with paragraph 44 of Article VIII of the Convention, as well as with the OPCW Staff Regulations and Rules, OPCW staff members are required to be efficient, competent, honest and trustworthy in dealing with others.

Integrity

8. Integrity is fundamental to the work of an international civil servant. It includes such basic qualities as honesty, truthfulness, loyalty, probity, impartiality and freedom from corrupting influences.

Impartiality

9. Impartiality is at the core of the work of the OPCW. An effective international verification regime depends on the impartiality of the staff members of the Secretariat. This means that, in the exercise of their functions, staff members must exhibit objectivity, lack of bias, tolerance, and restraint, particularly when disputes or differences arise. Without impartiality on the part of its staff, the OPCW cannot gain public acceptance and confidence. Staff members' personal views and convictions remain inviolate, but such staff members, unlike private individuals, do not have the freedom to take sides, or to publicly express their convictions on matters of a controversial nature, since such behaviour might give the impression that staff members are partial. The need for an international civil servant to be impartial is also

an essential part of the concepts of loyalty and independence. Impartiality in dealing with colleagues is particularly important when assessing the work of others or when trying to resolve disputes.

Loyalty

10. In accordance with OPCW Staff Regulation 1.10, staff members shall subscribe to the following oath or declaration: “I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the Organisation for the Prohibition of Chemical Weapons, to discharge these functions and regulate my conduct with the interests of the Organisation only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or authority external to the Organisation”.
11. Loyalty entails placing the interests of the OPCW above private interests or personal advantage. When national loyalties conflict with international loyalties, the conduct of staff members must clearly reflect their obligation to the Organisation. Any appearance of disloyalty is incompatible with a staff member’s status as an international civil servant. In this regard, the following provisions of the Staff Regulations are of particular importance:
- *Staff Regulation 1.1: “Staff members of the Secretariat are international civil servants. As such, their responsibilities are not national but exclusively international. By accepting appointment, they pledge to discharge their functions and to regulate their conduct with the interests of the Organisation only in view.”*
 - *Staff Regulation 1.4(a): In the performance of their duties, staff members of the Secretariat shall neither seek nor accept instructions from any Government or from any other authority external to the Organisation.”*
 - *Regulation 1.4(b): “Any staff member who in the performance of his or her duties is confronted with any attempt by a Government or by a third party external to the Organisation to induce him or her to violate his or her obligations of loyalty shall promptly inform the Director-General thereof”.*
 - *Regulation 1.5: Staff members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organisation. They shall avoid any action, and in particular any kind of public pronouncement, which may adversely reflect on their status or on the integrity, independence and impartiality which are required by that status. While staff members are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status”.*

Privileges and immunities

12. Staff members are reminded that the privileges and immunities conferred on the Organisation, and extended to its staff members, are conferred in the interests of the Organisation. Such privileges and immunities are not part of the staff members' terms and conditions of service, and they furnish no excuse for staff members to fail to meet their private obligations or to observe applicable laws and regulations. OPCW staff members who seek to claim these privileges and immunities shall immediately, pursuant to Staff Regulation 1.9, report the matter to the Director-General, who shall decide, when appropriate in consultation with the Executive Council, whether the privilege or immunity claimed applies in the case in question, or whether it should be waived.

Working in a multicultural environment

13. As international civil servants, OPCW staff members are required to demonstrate an international outlook. They must be tolerant of different points of view, cultural patterns and work habits, and must also be conscious of how statements of opinion may affect persons of other nationalities. They should avoid any expressions that could be construed as biased or intolerant. Staff members should not promote the attitudes, the working methods, or the work habits of their own countries or regions as the standard for judging the work of their colleagues or the Organisation.
14. Respect, tolerance and humility in interacting with colleagues in the workplace are indispensable as the foundations of acceptable conduct for international civil servants. In dealings with other officials of the Organisation OPCW, staff members - as international servants - have their most immediate opportunity to learn and practice "international-mindedness". Given its international character, with men and women from different parts of the world working for it, the OPCW Secretariat is, in a certain sense, a testing ground for the coexistence of employees from different nationalities and cultural backgrounds.

Gender equality and non-discrimination

15. The Organisation shall not tolerate any form of discrimination, be it based on nationality, race, ethnic origin, cultural background, gender, religious belief, sexual preference, and/or appearance. The Organisation is bound by the principle of the equality of men and women, of all races and nationalities. Discrimination is the antithesis of the very idea of an international organisation bringing together, as it does, men and women of different nationalities and cultural groups on a basis of equality. All barriers to gender equality must be removed. Assumptions about capabilities based on stereotypes must be avoided. In assessing performance, care should be taken to choose assessment tools that are gender neutral.

Harassment

16. Staff members have the right to work in an environment that is free of harassment, whatever its source or nature. In general, harassment consists of any improper behaviour that is directed at, and that is offensive to, any staff member, and which a reasonable person would know to be unwelcome. It comprises comments or displays

of behaviour that demean, belittle, or cause personal humiliation or embarrassment to another person. Harassment takes various forms, including verbal or physical abuse, threats, insults, taunting, derogatory comments, racist and offensive language or physical representations, epithets, jokes in poor taste, offensive statements or pictures, sexual demands accompanied by threats or any form of blackmail, unwanted sexual advances, and the transmission or display of pornographic materials.

17. In particular, the Organisation shall not tolerate sexual harassment, which comprises any conduct, comment, gesture or contact of a sexual nature that might reasonably be expected to cause offence or humiliation to any staff member. Behaviour or language that suggest the superiority of one gender over another must be avoided. Harassment in any form is an affront to human dignity, and negatively affects the workplace. It can create feelings of guilt and isolation on the part of the victim and of doubt and embarrassment on the part of any other staff members present.

Responsibilities of the supervisors and the supervised

18. Each staff member holding a position of authority is obliged to set the highest standards in all aspects of his/her behaviour, and should be guided by the principles of impartiality, fairness, justice, tolerance and understanding. He/she must provide leadership, must uphold the code of conduct by personal example, and by accepting responsibility for the guidance of other staff.
19. Supervisors must find a proper balance between the need to maintain discipline in the workplace and the need for understanding and fair treatment of their staff. They must allow all views to be heard, giving due recognition to the hard work and achievements of each individual. Supervisors have a responsibility to support their staff when they are carrying out their functions in accordance with their work plan and within their authority. Intimidation is not acceptable as an instrument of administration, nor is the practice of selective punishments and rewards.
20. Staff members have an obligation to keep their supervisors fully informed of all aspects of their tasks. This will help to ensure that decisions are taken on the basis of facts and rules. No decisions shall be properly taken if they are taken outside the rules and regulations of the Organisation.
21. All OPCW staff members are responsible for familiarising themselves with the Organisation's statutes, regulations, rules, and administrative issuances, particularly those relating to the conduct expected of staff members. Staff members may not avoid personal responsibility simply by claiming that they were carrying out the instructions of their supervisors. Those who are supervised have an obligation to inform their supervisors, should they have doubts about the compatibility of an instruction which they have received with the statutes, regulations and rules of the OPCW, as well as with applicable international agreements and decisions of the OPCW policy-making organs. If supervisors insist on proceeding with instructions which have been called into question, staff members not in agreement may ask for written instructions. Once such instructions have been received, staff members are obliged to carry out the instructions. Failure to obey such instructions could result in disciplinary measures. If staff members disagree with a written instruction, they may record their disagreement for the official files.

Relations with representatives of Member States

22. The independence of an international Secretariat - essential for the fulfilment of its mission - is put to the most crucial test in the day-to-day relations between staff members and governments and their representatives, and with representative bodies of the Organisation. The basic guide for OPCW staff members is their oath of office, which pledges them not to seek or accept instructions with regard to the performance of their duties from any government or other authority external to the Organisation. All OPCW staff members, whether on permanent or temporary appointment or whether seconded from a national government, are, during their period of service, international civil servants. They must clearly understand that they are not, in any sense of the word, representatives of either a national government or a national policy.
23. This principle of independence in no way conflicts with, and should in no way obscure, the fact that it is the Member States, represented by governments, which together make up the international organisation which the staff member serves. Conduct which facilitates good relations with individual Member States, and which contributes to trust and confidence in the Secretariat, strengthens the Organisation and promotes its interests. Courtesy and tact are obviously required.
24. It is also the duty of staff members to avoid any action which would impair good relations with governments, or which would undermine or destroy confidence in the Secretariat - such as public criticism of, or any kind of interference with, the policies or affairs of governments. For international civil servants, either individually or collectively, to engage in any active criticism of a government or in any activity that undermines or discredits its authority, is incompatible with their status.
25. Just as international civil servants are not representatives of their countries, it should be understood that they have no general authority or justification for considering themselves as liaison agents between their governments and the international organisation, in this case the OPCW.
26. In considering the proper relations between staff members and the representative bodies and committees of the Organisation, two fundamental principles should be kept in mind. First, staff members of the Secretariat should remember that the international organisation is made up of Member States, and that the Secretariat is a service organisation, and is accordingly neither a controlling nor a policy-making body. The function of the Secretariat lies principally in facilitating and assisting in the work of the representative organs and in carrying out their decisions. Secondly, the essential unity of the Secretariat, and the primary responsibility of the Director-General for directing and controlling its work, must be thoroughly understood and accepted.
27. When staff members are submitting proposals to policy-making bodies of the OPCW, they are presenting the position of the Director-General and not that of a given division, branch, unit, or individual. Such proposals and/or statements should be made in the name of the Director-General, and should be in conformity with his/her policies and recommendations. Acceptance of this view will serve to restrain staff members from an overzealous presentation that may lead to their personal

identification with a particular policy. Equally, it will serve to ensure the fair and appropriate presentation of a position with which the staff member may happen personally to disagree. Officials whose opinion is requested on an important subject on which the position of the Director-General is not yet known have a clear responsibility to ascertain that position before expressing their view on it. Should this not be possible, and if the situation in the policy-making body is such that some expression of opinion by them is unavoidable, they should make it clear that they are expressing a tentative view which must be referred to the Director-General for a definitive position. It is to be hoped that, for their part, governmental representatives and other members of policy-making bodies and committees will refrain from requesting the personal views of subordinate officials, particularly after the position of the Director-General has been made known on the issue in question.

Public and private life

28. In principle, the private life of international staff members is their concern, and should not be intruded upon by the Organisation. At the same time, in order to avert situations in which their private lives will bring the Organisation into disfavour, they must set themselves a high standard of personal conduct - one that is more complex in some respects than that which is required of national civil servants. They must bear in mind that their conduct, whether or not it is connected with official duties, must not infringe upon any demonstrable interests of the organisation which they serve, must not bring it into discredit, and must not cause offence in the community in which they live. Such restraint must be exercised even when invoking rights recognised by existing legislation, if this is likely to reflect unfavourably on the Organisation. Not only must staff members of the OPCW be careful and discreet, they should also impress upon members of their households the necessity of maintaining a similar high standard of conduct, in order to avoid any incidents that may reflect negatively on the OPCW.
29. Staff members who are not clear about their authority to carry out certain instructions, or to contact government authorities, private individuals or institutions about any matter that may impinge upon the interests of the Organisation, shall seek clarification, preferably in writing, from their supervisors or the Director-General.
30. Scrupulous compliance with the laws of the host country - including the avoidance of illicit or speculative dealings in currencies, and the honouring of financial obligations - these are only a few of the obvious requirements that derive from the general principles in the Staff Regulations and Rules, and from Article 24 of the Headquarters Agreement. Violations of the law can range from trivial to serious criminal activities, and standards for judgement can best be developed in the light of the nature and the circumstances of individual cases. The approach was formulated by the Secretary-General of the United Nations in his report to the General Assembly, as follows:

“The standard of conduct applicable to staff members is more exacting than ordinary legal standards. A conviction by a national court will usually be persuasive evidence of the commission of the act for which the defendant was prosecuted. And acts that are generally recognised as offences by national criminal laws normally will be

violations also of the independent standard of integrity developed by, and proper to, the United Nations. However, the Organisation must remain free to take no account of convictions of staff members for trivial offences which are generally held not to reflect on integrity, or of convictions made without observance of the generally recognised requirements of due process of law.”

The OPCW confidentiality regime

31. The above is without prejudice to the additional requirements established in the Convention and in the OPCW policy on confidentiality and related procedures, for the protection of confidential information. Every staff member has an obligation to protect confidential information, and is required to report any suspected breach of the confidentiality rules and procedures.

Additional guidelines

32. OPCW staff members are expected to bear in mind that their conduct, whether or not it is connected with their official duties, may not infringe upon any demonstrable interests of the Organisation, or bring it or their colleagues into discredit or cause offence in the community in which they live.
33. The use of OPCW property and facilities should be seen in the light of the requirements for proper conduct. It goes without saying that the use of OPCW property and facilities in an improper or offensive manner is in conflict with the code of conduct.
34. Staff members are expected, as a matter of proper conduct, to meet their legal and financial obligations without the need to involve the OPCW.

Misconduct and disciplinary measures

35. Violations of any of the standards of conduct set out above could be subject to disciplinary proceedings under Article X of the Staff Regulations and Rules.

(Signed)
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Director-General