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TO: H.E. Mr Ban Ki-moon, United Nations Secretary-General
CC: Office of Internal Oversight Services
Assistant Secretary –General for Human Resources
Ethics Office
FROM: Sètondji Roland Adjovi, *Pro Bono* Counsel for UN Staff reporting misconduct
DATE: 20 January 2016

SUBJECT: REPORTING MISCONDUCT AGAINST MR. JOAN CLOS, THE EXECUTIVE-DIRECTOR OF UN-HABITAT

Dear Mr. Secretary-General,

1. I represent a number of staff members of UN-Habitat who, in accordance with your 2005 bulletin (ST/SGB/2005/21), wish to perform their duty as staff members by reporting the persistent misconduct by Mr. Joan Clos, Under-Secretary-General and Executive-Director of UN-Habitat, in violation of the regulations and rules of the Organization.
2. I am writing to you as the head of the United Nations Secretariat, the Chief Executive of the Organization, who supervises Mr Joan Clos and under whose authority the offices that are responsible for dealing with such issues fall, with a request to investigate the misconduct as alleged herein and to take the necessary action as appropriate.
3. This reporting is made in good faith but the staff members, based upon prior experience with Mr. Clos, are concerned and have requested for protection against retaliation as provided for in paragraph 1.1 of the same bulletin (ST/SGB/2005/21). These individuals are also exercising their right under paragraph 4(b)(i) to seek my services as *pro bono* counsel. It is our hope that you would be able to ensure them the benefits of your internal rules in the same regard with respect to investigating the misconduct and according them the protection when the need arises.
4. It is my intention to also notify Member States of the staff members who were present at the various meetings when the misconduct occurred because they could be victims of retaliation and the protection of their country of citizenship would be good to safeguard their rights and interests.

5. The allegations of misconduct against Mr. Clos include abusive behaviours, abuse of authority, harassment and discrimination in violation of ST/SGB/2008/5. Mr. Clos has consistently engaged in these behaviours towards the staff members who tend to be helpless and have remained quiet because of fear of reprisals.
6. The most recent of these behaviours occurred on 24 November 2015 during the UN-Habitat senior managers retreat at the Lord Errol Restaurant in Nairobi.
7. Specifically, during a discussion on urbanization and planning, Mr. Clos, was very disrespectful to the Japan International Cooperation Agency (JICA) and Singapore. In his reaction to the work carried out by Japan, through JICA, and Singapore about providing master plans and support document for cities, Mr. Clos stated that:

"JICA and Singapore are going around giving master plans to African Cities. I have been asked by some African Mayors to explain to them what these Japanese mean in their Master Plans. What JICA is doing is bullshit. I repeat, it's absolutely bullshit. If you do not believe in the UN-Habitat [*sic* Mr. Clos' approach] approach to urban planning then go work for Singapore."

8. Mr. Clos went on to say that:

"The typical UN staff member is too polite, too diplomatic. UN staff are only good at writing pages after pages and compiling things."

9. In his attempt to explain the meaning of partnership within the context of United Nations partners including donors and implementation partners, he questioned the value of the English language, stating:

"The problem is with the English language. What is partnership? There is no word for Partnership in Spanish. What is mainstreaming? English is full of woolly ideas. We should try a system where every UN staff member is compelled to speak Spanish for two days per week, French for two days and so on."

10. On 26 November 2015 as part of the closing statements with respect to the same retreat, Mr. Clos shocked the participants, when he told the attendance that UN staff members were overpaid while they are doing nothing. He tried to explain the uselessness of the UN staff by saying that in Spain people saw the UN as

"a good Whiteman looking for a poor 'Negro' to help".

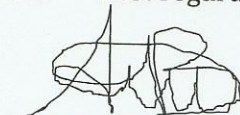
11. He first said it in Spanish then translated it as above in English. He later claimed he was drawing an analogy with the book by Gustau Nerlin, entitled *Blanco Bueno, Busca Negro Pobre*. As if that is an excuse for violating the rights of staff members to be treated with dignity and respect. This is a man who is widely known in the Agency to be extremely uncomfortable with people of colour, especially those of African descent. Most people would be prepared to state that he is a racist, notwithstanding the fact that most of the staff of the Organization, regardless of their identity, and Mr. Clos's biased lenses, do get along very well. He seems determined to poison that relationship. It is also evident in his recruitment practices and in his preference for the face of the Organization. Mr. Clos's desire for the future face of the Organization is evident from his New Year greetings.
12. Mr. Clos went on to abuse the staff further by stating that:

"Some of you think because you have a PhD including from Harvard you think you know everything. That is false! I can tell you from my experience of working in Barcelona with some chaps who had PhDs. People with PhDs are useless, completely useless. I have listened to these Harvard professors and they know nothing, quote me!"
13. He consistently referred to how the UN would have worked better if it operated like the private sector and by consultants. He is known to hire consultants for functions where in house capacity already exists.
14. He also denigrated the sovereign State of Kenya by referring to the traffic challenges of Nairobi as a phenomenon that came about:

"... because here [sic Kenya] there are no serious people who can think..."
15. Mr. Clos's behaviour, and this is not an isolated incident, is an unfair treatment and an arbitrary distinction of a group based upon race, nationality, language and academic status. This is in violation of ST/SGB/2008/5.
16. Mr. Clos went out of his way to use words to abuse, demean, intimidate, belittle and humiliate the staff and also created a very hostile and offensive work environment in violation of ST/SGB/2008/5. All these amount to abuse of authority because Mr. Clos is known to be a very vindictive individual who will retaliate in a manner to negatively affect the career progression of staff members who disagree with him. We are aware of at least one staff member who was denied his promotion to a senior level because he openly disagreed with Mr. Clos on his values towards the Agency.
17. Article 101 of the Charter of the United Nations and the core values set out in staff regulation 1.2(a) and staff rule 1.2 protect the right of staff members to be treated with dignity respect and to work in an environment free from discrimination, harassment and abuse; all of which are prohibited conduct under ST/SGB/2008/5.

- Staff regulation 1.2(a) requires that staff members must exhibit respect for all cultures and not to discriminate against any individual group or abuse the power and authority vested in them. In addition, Staff Regulation 1.2(f) protects the convictions and personal views of staff members including those that are political and religious, while it also requires that the staff members shall ensure that those views and convictions do not adversely affect their official duties or the interest of the organization.
18. Staff members are moreover required to act with tolerance, sensitivity and respect for differences, which Mr. Clos has not done.
 19. Pursuant to rule 1.2(f) of the Staff Regulations and Rules, any form of harassment, including but not limited to abuse in any form in the workplace or in connection with work is prohibited. Rule 1.2(g) prohibits staff members from threatening intimidating or engaging in any conduct intended directly or indirectly to interfere with the ability of other staff members to discharge their official functions.
 20. Pursuant to ST/SGB/2002/13, "Tolerance and understanding are basic human values. They are essential for international civil servants, who must respect all persons equally, without any distinction whatsoever. This respect fosters a climate and a working environment sensitive to the needs of all. To achieve this in a multicultural setting calls for a positive affirmation going well beyond positive acceptance." In addition, "freedom from discrimination is a basic human right. International civil servants are expected to respect the dignity, worth and equality of all people without any distinction whatsoever. Assumptions based upon stereotypes must be assiduously avoided."
 21. Therefore, "harassment of any type or form is an affront on human dignity and international civil servants must avoid. They should not engage in any form of harassment and must be above any suspicion. International civil servants have a right to an environment free of harassment."
 22. All these legal provisions apply to Mr. Joan Clos and it is our submissions that he has violated them through the derogatory statement reported herein.
 23. It is a fact that the world is a myriad of different people, languages, cultures and customs and traditions. It is self-evident that a genuine respect for them, all is fundamental for an international civil servant. Any behaviour that is not acceptable in a particular cultural context must be avoided.
 24. Section 2 of ST/SGB/2008/5 requires the Organization to take appropriate measures towards ensuring a harmonious work environment and to protect staff from exposure to any form of prohibited conduct. As a result, any form of prohibited conduct in the work place or in connection with work in violation of the above mentioned values and principles should lead to disciplinary action.
 25. Mr. Clos has violated his obligations under Section 3 of ST/SGB/2008/5 namely, to ensure that he does not engage in a behaviour that would constitute a prohibited conduct with respect to his supervisees and others performing duties for the United Nations.

26. As a manager, he has a duty to take steps to promote a harmonious work environment, mutual respect free from intimidation, hostility offence and any form of prohibited conduct, but he has failed to do this and instead has promoted this conduct himself.
27. The fact remains that "innocent mistakes occur, but the accumulated insults and indignations caused by racial presumptions are very destructive in ways that are hard to measure."
28. Differences in people's appearance and between countries have existed since time immemorial but the notion that the United Nations will consider that these "factors can correctly organize a society and that they signify deeper attributes" is very scary and this is what Mr. Clos is portraying.
29. Mr. Clos is a former Mayor of Barcelona, a former Minister of the Kingdom of Spain and a former Ambassador of the Kingdom of Spain to Turkey and a current Under-Secretary-General of the United Nations and should know better, at least by experience.
30. It is our request to you that Mr. Clos be put on suspension in accordance with the relevant rules pending investigations to avoid any intimidation of staff members. If the allegations reported are confirmed, appropriate disciplinary measures should be taken against him including issuance of a public apology, be made to attend a racial and multicultural sensitivity classes, establishment of a sensitivity committee within UN-Habitat to address such issues and summary dismissal.
31. To facilitate your investigations, I have attached a list of staff members who attended the various meetings and who should be interviewed in the process. One should not mistakenly consider this list as the list of individuals that I am representing in this reporting.
32. Mr. Ban, in an unsolicited information, my short visit to Nairobi exposed me to a chilling revelation. I have never seen moral so low in any UN agency as seen among the staff at UN Habitat, notwithstanding the dedication and hard work I saw in them. I really do urge you to do something about it because it is inhumane.
33. I am grateful for your consideration of this letter and will be looking forward to hearing from you.
34. Best regards.


Adjovi, Sètonджи Roland

N.B. As per paragraph 4 above, a copy of this letter has been sent to the following 37 Members States: Australia, Austria, Belgium, Bosnia Herzegovina, Brazil, Cameroon, Canada, China, Colombia, Denmark, Ethiopia, France, Gabon, (The) Gambia, Germany, Ghana, Haiti, India, Italy, Japan, Jordan, Kenya, Latvia, Malawi, Mexico, Nigeria, Norway, Peru, Philippines, Senegal, Spain, Sweden, Uganda, United Kingdom, United Republic of Tanzania, United States of America and Zimbabwe.

Annex 1. List of participants to the meeting on 24 November 2015

1. Acioly, Claudio (Brazil)
2. Adebajo, Modupe (Nigeria)
3. Arimah, Ben (Nigeria)
4. Aubrey, Dyfed (United Kingdom)
5. Badiane, Alioune (Sénégal)
6. Barcelo, Jean-Yves (France)
7. Barugahare, Martin (Tanzania)
8. Bech, Susanne (Denmark)
9. Bhattacharjee, Debashish (India)
10. Blanco, Sergio (Haïti)
11. Bonongwe, Justin (Malawi)
12. Contreras, Liliana (Colombia)
13. Cox, Andrew (United Kingdom)
14. Djacta, Yamina (United States of America)
15. Dzikus, Andre (Germany)
16. Evans, David (United Kingdom)
17. Fukasawa, Yoshinobu (Japan)
18. Garcon, Jean-Philippe (France)
19. Jaidka, Amrita (India)
20. Kamiya, Marco (Peru)
21. Kanyinda, Alain (Austria)
22. Kebede, Gulelat (Ethiopia)
23. Kehew, Robert (United States of America)
24. Kessler, Rocio (Spain)
25. Kitio, Vicent (Cameroon)
26. Kossy, Pacome (Gabon)
27. Kulikaukas, Paulius (Latvia)
28. Lalande, Christophe (France)
29. Lettington-Lewis, Robert (United Kingdom)
30. Lewis, Dan (Canada)
31. Lopez, Diana (Spain)
32. Melin, Thomas (Sweden)
33. Mensah, Chris (United States of America)
34. Moreno, Eduardo (Mexico)
35. Mutizwa-Mangiza, Dorothy (Zimbabwe)
36. Mutizwa-Mangiza, Naison (Zimbabwe)
37. Mwai, Angela (Kenya)
38. Mwololo, Rosa (Kenya)
39. N'Dow, Saidou (The Gambia)
40. Nyakairu, Jane (Uganda)
41. Odera, Helen (Kenya)
42. Oguzhan, Channe (Norway)

43. Otieno, Pireh (Kenya)
44. Oyebanji, Oyeyinka (Nigeria)
45. Pajtic, Haris (Bosnia Herzegovina)
46. Petrella, Laura (Italy)
47. Popuri, Srinivasa (Ghana)
48. Ragan, Douglas (Canada)
49. Rollo, Cris (Philippines)
50. Schaefer, Katja (Germany)
51. Shen, Jianguo (China)
52. Sietchiping, Remy (Australia)
53. Silla, Oumar (Sénégal)
54. Somers, Kerstin (Germany)
55. Tuts, Raf (Belgium)
56. Velasquez, Elkin (Colombia)

Annex 2. List of participants to the meeting on 26 November 2015

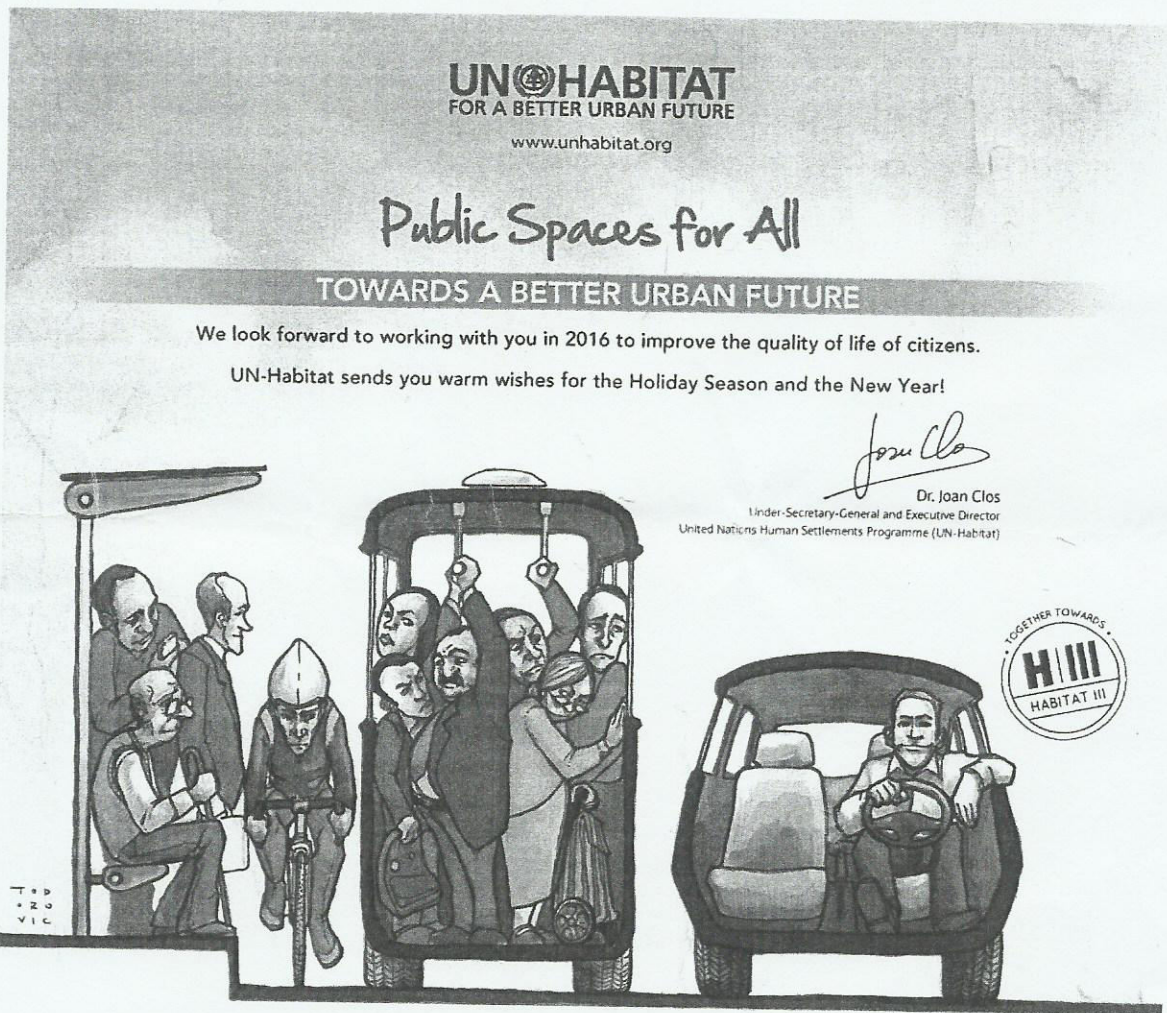
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26. Lalande, Christophe (France)
27. Lettington-Lewis, Robert (United Kingdom)
28. Lopez, Diana (Spain)
29. Melin, Thomas (Sweden)
30. Mensah, Chris (Ghana)
31. Misra, Kumaresh (India)
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43. Pajtic, Haris (Bosnia Herzegovina)
44. Petrella, Laura (Italy)
45. Popuri, Srinivasa (India)
46. Ragan, Douglas (Canada)
47. Robleh, Mohamed (Canada)
48. Rollo, Cris (Philippines)
49. Sietchiping, Remy (Australia)
50. Silla, Oumar (Sénégal)
51. Tuts, Raf (Belgium)
52. Velasquez, Elkin (Colombia)
53. Zaki, Iman (Jordan)

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Annex 3. Greeting cards by Mr. Joan Clos for the New Year



Urban October Design Competition, WINNING DESIGN "Justicia Urbana" © Fabian Todorovic (Chile)