



37th UNOG Staff Coordinating Council 37^{ème} Conseil de coordination du personnel de l'ONUG

Minutes of the 11th meeting (extraordinary)

held on 18 December 2019 at 1.15 p.m. in Room XI

Council members present: ALMARIO Francis; APOSTOLOV Mario; BULYCH Yaroslav; BALI Mohamed; CHAOUI Prisca; DUPARC Philippe; KALOTAY Kalman; MEYER Olivier; PECK ARIF Cathy; RICHARDS Ian; RIOUKHINA Evelina; SAMA ITOUA Nzété Da; TAPORAIE Amos.

Council members absent: BALD Iain; CHANTREL Dominique; DAN Lin; GAZIYEV Jamshid; JAMES Elizabeth; JAQUIOT Cédric; KELLY Paul; LEONI Brigitte; POPA Gabriela; RUHANA MUKAMUSONI Angélique; SMITH Brad; STANOVIC Marko.

The meeting opened at 1.20 p.m.

Single agenda item: Legal action regarding staff magazine

The Council recalled its unanimous decision in May to separate from the WHO Staff Association (WHO SA) in respect to the former "UN Special" magazine and to pursue its own staff magazine. As advised by external legal counsel in light of Swiss trademark legislation, the name "UN Special" was not being kept and, following approval by the Organisation, the name of the new staff magazine was adopted as "UN Today". It was noted that UNOG, in approving the use of the term "UN" in UN Today, had at the same time withdrawn permission to use the term "UN" in UN Special.

A call for tenders was organized and the publisher of the former 'UN Special' submitted a bid and was selected. However, it suddenly declined to sign the publishing contract at the very last minute. The new arrangement with UN Today was going to provide the UNOG SCC with a source of income of CHF80,000 per year.

It was later learned that its refusal had been the result of its decision to collaborate with WHO SA who would be issuing a magazine using the name "UN Special". It was noted with regret that some Council members were collaborating with the WHO Staff Association, effectively going against the decision taken in the Council and against the interest of UNOG staff. By using the name UN Special, WHO Staff Association was using the UN name without permission of the UN and thereby contravening the Swiss Federal law concerning the misuse of the UN name. It was noted that the Swiss Federal law goes as far as establishing prison sentence for violators misusing the UN name. An external lawyer was contacted to review the matter and advise the Council accordingly in order to protect the Council's rights and this vital income stream. A proposal was raised to approve an envelope for UN special related legal fees for an amount of CHF 15,000.

The Council was informed that in the meantime members of the EB had contacted WHO Staff Association by letter which received no response. It had also followed up with several phone calls, none of which were answered.

The Council was informed that UNOG would be sending WHO Staff Association a 'cease and desist' letter as they were not authorized to use the name of the UN in a magazine of their own. He further indicated that should no response be forthcoming; the Office of Legal Affairs in New York would be asked to intervene.

A discussion ensued. A Council member thought it would still be possible to reach an amicable agreement with WHO Staff Association but was reminded that until now they not answered neither the letter from Council nor its phone calls.

Another Council member questioned the legality of the separation from WHO in respect of the UN Special Statutes and the actual unanimity of the decision to separate. It was recalled that, as shown in a previous Council minutes, where the decision had been taken, the Council had agreed to separate without any dissenting vote and in unanimity. It was noted that the minutes of that meeting had been subsequently adopted in the following meeting as such and without objection.

Another Council member noted in the statutes of the UN Special there was no article that regulated the dissolution of the association and asked that all actions undertaken be duly informed to the Council. It was further suggested that UNOG staff should be alerted that the new WHO Staff Association was no longer under the UN, making any collaboration with it, an external activity, whereas per the UN staff rules and regulation could amount to a conflict of interest.

The Council proceeded to vote on the budget proposal registering 10 votes in favor, 3 votes against. The proposal was therefore accepted.

The meeting was adjourned at 1.45 p.m.