

## Chapter IV

# Obligations and responsibilities

### Article 12 Duties, incompatibilities and proprietary rights

#### 12.1 Duties

- 12.1.1 Members of the staff of NATO bodies exercise functions of an international character in the common interest of the NATO countries. They are subject to the authority of the Head of the NATO body employing them and are assigned to their duties by that individual: they are answerable to the Head of the NATO body for the performance of these functions and for compliance with all applicable NATO rules and regulations.
- 12.1.2 The Head of the NATO body may for reasons of service at any moment call upon members of the staff, whose whole time shall thus be at the disposal of the Organization.
- 12.1.3 Members of the staff are bound to professional secrecy. They shall exercise the utmost discretion in all matters of official business and in giving information on matters in any way related to the aims and activities of the Organization.
- 12.1.4 Members of the staff shall treat their colleagues and others, with whom they come into contact in the course of their duties, with respect and courtesy at all times. They shall not discriminate against them on the grounds of sex, race or ethnic origin, religion or belief, disability, age or sexual orientation. The Head of the NATO body may establish local implementation policies in application of this article.

#### 12.2 Incompatibilities

- 12.2.1 No members of the staff may:
- (a) become candidates for or hold a public office of a political character without the prior written consent of the Head of the NATO body;

- (b) engage in any outside occupation or hold any outside office which, in the opinion of the Head of the NATO body employing them, is incompatible with the proper discharge of their duties with the Organization or with their status as members of the international civilian personnel.

12.2.2 No members of the staff shall use their position with the Organization or information gained therefrom for personal advantage.

12.2.3 Members of the staff shall not accept gifts in cash or kind, or favours of any sort, from any external source or from commercial firms or individuals doing or seeking business with or profit from the Organization.

12.2.4 Members of the staff shall not accept any honour, decoration, favour or reward arising out of service with the Organization nor shall they accept any emoluments from any government without first having obtained the consent of the Secretary General or the Supreme Allied Commander.

12.2.5 They shall not, except as authorized in the normal course of official duties or with the prior approval of the Head of the NATO body:

- (a) communicate to a third party classified information obtained during or by reason of the exercise of their official functions (see Chapter VI, Security);
- (b) make or release for publication through the press, radio, television or other agencies of public information statements on matters in any way related to the aims and activities of the Organization;
- (c) give lectures, contribute articles or write books on such subjects.

12.2.6 If the Head of the NATO body should authorize any of the activities listed under Articles 12.2.5(b) and 12.2.5(c) above, members of the staff shall not accept any fee or gift. They may, however accept reimbursement of any travelling and subsistence expenses actually incurred.

### 12.3 Proprietary rights

All rights (including title, copyright and patent rights) in any work carried out by members of the staff in the performance of their official duties shall be vested in the Organization, except as specified in the approved charter of a particular NATO body.

## Article 13 Loyalty to the Organization

13.1 On accepting appointment with NATO, each member of the staff shall sign the following declaration:

"I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the staff of NATO and to discharge these functions with the interests of the Organization only in view. I undertake not to seek or accept instructions in regard to the performance of my duties from any government or from any authority other than the Organization/Headquarters."

- 13.2 Members of the staff shall conduct themselves at all times in a manner compatible with their status as representatives of the Organization. They shall avoid any action or activity which may reflect adversely on their position or on the good repute of the Organization.

#### **Article 14 Assistance and compensation**

- 14.1 If staff members or former staff members, or members of their families, by reason of their present or former office or duties with the Organization, are subject to any insult, threat, defamation or attack on their persons and property, the Organization shall provide assistance, in particular in taking action against the author of any such act.
- 14.2 If, by reason of their present or former office or duties with the Organization, staff members or former staff members or members of their families suffer material damage, the Organization shall, subject to the provisions of Article 14.4, grant compensation insofar as they have not wilfully or through serious negligence themselves provoked the damage and have been unable to obtain proper redress, taking also into account any other payment coming from the Organization or from other sources.
- 14.3 The Organization shall arrange insurance coverage for staff members or former staff members and members of their families in order to provide them with appropriate compensation related to physical injury suffered by reason of their present or former office or duties with the Organization insofar as the injury has not been wilfully or through serious negligence provoked by the injured.
- 14.4 The authorities competent to apply paragraphs 1, 2 and 3 of this article are :
- the Secretary General of NATO, where personnel employed by NATO bodies under the Ottawa Agreement is concerned;
  - the Major NATO Commanders where personnel employed by NATO bodies under the Paris Protocol is concerned.

For this purpose the Secretary General and the Major NATO Commanders enjoy a discretionary power to decide whether there is a direct link between the injury suffered and the staff members', or former staff members', service with the Organization, whether they have wilfully or through serious negligence provoked the injury, whether proper redress has been obtained, what form any assistance should take and, in the case of material damage, what compensation, if any, should be granted.

- 14.5 Prior to receiving compensation from the Organization, the beneficiaries shall make over to the Organization or insurance company, as appropriate, the claims they may have against any third party up to the amount covered by the compensation.