

Jyoti Munsiff

From SourceWatch

Jyoti Munsiff is a former "General Counsel-Corporate with Shell International Limited and Legal Adviser and Company Secretary of the Shell Transport and Trading Company plc."^[1] She is a "Director of and Honorary Counsel to HRH The Prince of Wales Business Leaders' Forum and Governor of the College of Law. Jyoti Munsiff is a trustee of the Imperial War Museum Development Trust and Chairman of the IWM Trading Company."^[2]

In June 2005, Ms Munsiff "was named "Businesswoman of the Year" at the Asian Women of Achievement Awards ceremony, held here on 26 May 2005, attended by Prince Charles, the Prince of Wales, and his wife, Camilla, the Duchess of Cornwall."^[3] According to an article published in the Baha'i World News (see Baha'i Faith), "An award-winning businesswoman is attributing her success partly to a Baha'i principle taught to her as a child."^[4]

"The Baha'i teachings have been the foundation stone of how I have conducted myself in a working environment," Ms. Munsiff said." Born in Mumbai to Indian parents, Ms. Munsiff is corporate general counsel and the company secretary of Shell Transport. She is one of the most senior women in Shell world-wide. Ms. Munsiff joined the legal department of petroleum giant Shell in 1969 and became a project lawyer in most Shell businesses. She then led groups of lawyers that provided advice to Shell's businesses globally."^[5]

"Presenting her with the award, Member of Parliament Theresa May said that Ms. Munsiff had "marked herself out in a male dominated arena, which says a lot about her strength of character and charisma."^[6] "Ms. Munsiff joined the legal department of petroleum giant Shell in 1969 and became a project lawyer in most Shell businesses. She then led groups of lawyers that provided advice to Shell's businesses globally"^[7] Ms Munsiff was "lead lawyer at Burmah-Shell was it was nationalised in the mid-1970s"^[8], prior to becoming Secretary to the CMD (Chairman and Managing Director) in 1985 ^[9].

In 1993, Ms Munsiff was appointed Shell Transport Company Secretary^[10], and in 2004, she "was appointed by Shell to a new position of Chief Ethics and Compliance Officer, during which time she implemented a global ethics and compliance programme for over 100,000 employees."^[11]

In 2000, Ms Munsiff was appointed to the Uk Government's Sustainable Development Education Panel, alongside Shell's Chairman Mark Moody Stuart, who was appointed as chair of the renewable energy task force.^[12]

Ms Munsiff currently works as independent legal services professional^[13]

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Reported support for changes to laws regarding shareholder privileges

In 1996, Corporate Watch Magazine reported that according to an article published^[14] in that same year by Financial Times journalist, William Lewis, the then company secretary, Ms Munsiff, expressed her support for laws affecting the rights of shareholders to be changed so that "individuals may only attend a company's AGM if they have been shareholders for a specified minimum period, ie 12 months. "I also believe that the investment should be of an amount which evidences serious interest in the company,"^[15]

"Companies are currently able to alter their own rules, with the permission of the shareholders, to clamp down on activists at annual meetings, but Ms. Munsiff feels that "it needs to be treated as a wider issue of law. I am very much more in favour of the law being ammended in some way to eradicate what is a serious problem."^[16]

Reported email correspondence and dealings with Shell whistleblowers

In 2004, a website named Royaldutchshellplc.com was established by Alfred Donovan and his son, as a forum for whistleblowers, and information leaks related to the company. As the Telegraph reported, "Shell unsuccessfully tried to claim ownership of the name Royaldutchshellplc.com. The website belongs to Alfred Donovan, now in his 90s, and his son John. The Donovans owned a chain of petrol stations in east London and Essex and created sales promotions campaigns for Shell. But they fell out with the company and aired their grievances online. Their site became a hub for activists and disgruntled former employees. It has been used to mobilise support for environmental campaigns by the likes of WWF, the environmental lobbying group, against drilling in the Arctic and Russia, for groups worried about Shell's social impact in Ireland and Nigeria, and by the company's former group auditor Bill Campbell to raise issues about employee safety.

In 2006, the site published material related to various alleged dealings between Ms Munsiff and Shell whistleblowers.^[17]

In February 2006,
Email to Jyoti Munsiff from a Shell Whistleblower
Feb 2nd, 2006
by admin.

Email from Dr John Huong to Jyoti Munsiff
Jyoti Munsiff SCO
Chief Ethics and Compliance Officer
Royal Dutch Shell plc
Shell Centre, London SE1 7NA
Tel: +44 020 7934 3080 Fax: +44 20 7934 5140 Mobile: +44 7768 993 600
Email: jyoti.munsiff@shell.com

Jyoti Munsiff,
Congratulations on your appointment as Chief Ethics and Compliance Officer for Royal Dutch Shell Plc. As you know I am being sued by eight companies of the Royal Dutch Shell Group for alleged defamation. The relevant Shell companies have obtained a restraining order which prevents me for speaking the TRUTH in line with the United Nations Universal Declaration on Human Rights. My rights to freedom of expression have in fact been restrained for over 18 months. I had thought that Shell supported this UN Declaration, but it seems that this assumption must be incorrect. I would welcome your clarification on this point as I am sure that my analysis must be at fault?

I am also perplexed by the fact that Shell apparently allows Mr. Alfred Donovan to publish negative commentary about Shell on his website unhindered while I have been sued for articles posted by him on his website under my name? Mr. Donovan has also published an extract from a legal submission purportedly made by Shell International to the World Intellectual Property Organisation in which Shell stated that it

supports the right of Mr. Alfred Donovan to criticise Shell on his website. I have also read the November 2005 email to Alfred Donovan from Shell International General Counsel Mr. Richard Wiseman in which Mr Wiseman confirms how tolerant Shell is of Mr. Donovan's postings on his website. I trust that you can appreciate why I am so puzzled at the apparent disparity in treatment. I am sure there must be a logical explanation?

It therefore seems appropriate to ask you in your new capacity whether the relevant postings by Mr. Donovan i.e. the claimed extract from Shell's submission to the WIPO and the November 2005 email from Mr. Wiseman are genuine? Surely they must be false??? Why would Shell encourage Mr. Donovan to indulge in his rights to freedom of expression while simultaneously adopting a totally different approach towards me? Something really must be seriously amiss. The answers to my questions are important if – as I assume must be the case – you genuinely want to encourage whistleblowers to speak out if they become aware of misdeeds which are in contravention of the Shell Statement of General Business Principles (SGBP). It is surely essential in this regard that an even-handed approach is adopted in such matters so that would be whistleblowers and parties with genuine grievances are not deterred by the prospect that they could be ostracized, victimized, sacked and/or sued if they do come forward. In regards to this paragraph I am speaking of course in general terms, not about my case, as that would be inappropriate under the current ongoing litigation.

This letter also seeks confirmation from you for me to make significant inputs for improving ethics and compliance at Shell. I sincerely believe that for obvious reasons I have a unique perspective on the question of Shell employees engaging professionally in whistle blowing when faced with ethical, moral and/or legal dilemmas.

I also believe that it is fair to make readers of this communication aware that apart from the High Court Restraining Order, I am also constrained in my comments by a threat of imprisonment.

I am sure that the eight Royal Dutch Shell companies who collectively decided to sue me believe that their action is an appropriate and proportionate response to the alleged defamatory comments by one former Malaysian employee of 29 years.

Thank you
Sincerely,
Dr. John Huong

Note: This letter will also be copied to Mr. Alfred Donovan because his name was also mentioned.

FROM A SHELL INSIDER

Dear Alfred

The message below was found on the Shell Web today. I have been with Shell for quite some years, but this beats everything. They are now mixing up the General Business Principles and Ethics (which are from the good old days and perfectly adequate today) with Legal Compliance.

In the past it was very simple: you behave decently and all was well. It was obvious to all one had to remain within the law. I understand that the enormous mountain of regulations and controls rolled out by the various Authorities needs sharpening up some internal processes so one does not forget to submit some document. Otherwise the shysters will get you on a technicality.

But here something else is happening: the management has transformed the organisation over the last 10 years or so. Herkstroter started it, Moody-Stuart lost the grip on the transformation and the evil Watts got rich and destroyed the name of Shell and probably the company itself as well.

It was done very effectively by rewarding promise rather than performance. Remember the expression of 'Overpromise and Underdelivery'? And so he left a basically spineless (but very clever) management behind that is trying to pick up the pieces. All the while ensuring not loosing out on the financial rewards

themselves. And then you get nonsense like this. Or is it in preparation of upcoming lawsuits in the USA where they can say 'but we took all necessary steps' etc etc?

I know of no whistle blower in history that was rewarded for his or her brave actions. Yes, there always is applause from the politicians, the people who felt wronged by whatever system the whistle was blown on, the junior staff who did not know how to bring the issues to the table of the top and of course the Press who always is in for a scandal. But just look at all the whistleblowers a year or so after their act? I know of none that has been rewarded. On the contrary, they all have personally lost out! The name of Dr Huong springs to mind.

And in a company like Shell you have a lot of very clever people. They know what will happen so they lay low and put up with it. Shell Nigeria (where more defalcations were happening than in the rest of the whole Shell group combined) also set up a formal whistle blowers line many years ago. I do not think it led to anything. It might have caught some small fry but the real bad stuff simply was untouched.

So, I will not be using the Shell line, your site is better because there anonymity is guaranteed. I hope more Shell employees will take up this possibility!

PS. I thought you might also be interested in the person appointed as our Chief Ethics and Compliance Officer as I noticed on your website that you have had some personal dealings with Jyoti Munsiff at some point? From what I read her appointment seems analogous to putting a fox in charge of a hen house.^[18]

LEAKED SHELL INTERNAL COMMUNICATION DATED 31 JANUARY 2006

Compliance message for all staff

31-Jan-2006

We all enter 2006 keen to do everything possible to ensure that the Shell name is not damaged by anything that we might do. Our Group's reputation is based on our individual commitment to the core values of honesty, integrity and respect for people. It is these core values which underpin the Shell General Business Principles.

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To continue to be regarded as a great group of companies, we must ensure compliance not only with the laws of the countries in which we operate but also with the ethical standards expected of a leading global organisation. Compliance with the law is the foundation of our 'license to operate' and this has to be achieved in accordance with both the spirit and the letter of our General Business Principles.

In seeking to establish a global Shell Compliance Programme, I would like to share with you some achievements and our plans for 2006.

From the 30th December 2005, we have established a global compliance help-line hosted by a third party: available 24 hours a day, 365 days a year and with access to interpreters for over 150 languages. This will enable employees and third parties with whom we work to raise ethics and compliance concerns and report incidents of non-compliance in confidence and without fear of reprisal. Roll-out to individual countries will be phased over the first few months of 2006 following local consultation and advice. In the meantime, you can find details on how to access the global helpline via "Report your Concerns" on the Ethics and Compliance website - see the link below.

While we all know that our General Business Principles provide the foundation for our activities, we are intending to develop and roll-out a global Code of Conduct. This will assist each of us by translating the General Business Principles into a topic-based code which can be easily incorporated into our daily working lives and help to resolve some of the dilemmas which we might face.

During 2005 all senior management from Letter Category up to and including the Executive Committee completed mandatory training on legislation imposing compliance obligations on companies and a web-based training module on the OECD Guidelines on Bribery and Corruption.

To further assist each employee to appreciate key legislation, which affects us all, and to understand and implement the standards of behaviour expected of us, a global training programme will be launched in 2006. Over a period of time, all Shell employees will be able to benefit from completing a series of tailored training modules.

To help you understand the compliance framework within Shell and how specifically defined compliance roles will operate and interact with each other, together with their reporting responsibilities, please access the Ethics and Compliance website at <http://sww.shell.com/ethicsandcompliance/> and click on Shell Compliance Programme and Contacts.

I am pleased to announce that Business Compliance Officers have been appointed for each of our Businesses, ready to start work during the next couple of months. They are Carlos Desmet for EP, Roy Kretzen for Downstream, Jan Pars for GP, and ChiChi Nwosu for Renewables & Hydrogen. They have an important job to do in developing and maintaining a focused compliance programme for their Businesses, in which they will receive wholehearted support from their management. They are available to each of you in the event that you wish to discuss a matter which falls within the Compliance and Ethics area.

With these developments, I feel confident that we go into 2006 well placed to establish an effective global Compliance Programme for Shell companies. In these days, legal and ethical compliance is not optional. Moreover, it is not a spectator sport - everybody who receives this message has his or her part to play. Great companies are built on trust and integrity and this requires constant vigilance and an environment where we are supportive of each other yet intolerant of those who undermine our combined efforts to protect the Shell reputation.

We will be making more announcements about the compliance training programme and global helpline over the next few weeks. Please look out for our e-mails and keep checking the Ethics and Compliance website for more information.

On behalf of the Global Ethics and Compliance Office may I wish you all the best in your endeavours during 2006 on behalf of this great group of companies.

Jyoti Munsiff SCO
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Email: jyoti.munsiff@shell.com

Website: <http://sww.shell.com/ethicsandcompliance>

Company Number: 4366849

SHELL NOTICE ENDS

(The website address shown is not accessible by the public)^[19]

Board Membership

- Advisory Trustee, International Business Leaders Forum [20]
- Honorary Counsel-IBLF International Business Leaders Forum^[21]
- Member- European Baha'i Business Forum^[22]
- President-Shell Pensioner Association (SPA)^[23]
- President-Commonwealth Association for Corporate Governance^[24].
- Governor-College of Law^[25].

Resources and articles

Related Sourcewatch

- Shell
- International Business Leaders Forum
- European Baha'i Business Forum
- Baha'i Faith

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