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منظمة
الغذية والزراعة
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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred Session

Rome, 23 - 24 February 2015

Ethics Committee - Annual Report 2014

I. INTRODUCTION

1. Under its Terms of Reference, the FAO's Ethics Committee (hereafter, "the Committee") is required to submit an annual report on its activities to the Director-General, the Committee on Constitutional and Legal Matters (CCLM) and the Finance Committee. This report provides summary information on the two meetings held by the Committee in 2014.
2. The Committee operates as an advisory panel on all matters pertaining to ethics within the Organization, ensures general oversight over the functioning of the ethics programme and provides assurance that the overall ethics programme is operating effectively. The Committee also reviews and advises on all relevant ethics policies, regulations and rules, training, disclosure programmes and conflict of interest prevention.
3. The Committee consists of three reputable individuals external to the Organization whose nomination is approved by the Council on the recommendation of the Finance Committee and the CCLM, one Deputy Director-General, and the Legal Counsel as ex officio member. As of 1 January 2014, the Committee was composed of Mr Ngonlardje Kabra Mbaidjol, Ms Suomi Sakai and Mr José Zalaquett (external members), Mr Daniel Gustafson, Deputy Director-General (Operations) and Mr Antonio Tavares, Legal Counsel. The Committee designated Mr Mbaidjol as Chairperson of the Committee.

II. FUNCTIONING OF THE ETHICS COMMITTEE

4. The Committee held two meetings in 2014. The first meeting was held by video conference on 23 May. The following members participated in it: Mr Gustafson, Mr Mbaidjol, Mr Tavares and Mrs Sakai. The second meeting was held on 19 August at FAO Headquarters and this session was attended by all members of the Committee. Both meetings were chaired by Mr Mbaidjol.
5. The Committee asked the **Ombudsman and Ethics Officer** to continue acting as Secretary of the Ethics Committee, while noting that the latter should not have any supervisory function vis-à-vis the Ombudsman and Ethics Office.

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III. DELIBERATIONS OF THE COMMITTEE

6. The following issues were in the agenda of the Ethics Committee in 2014:
 - Introduction of the FAO Ombudsman and Ethics Officer;
 - Ombudsman and Ethics Office work plan;
 - Activities of the Ombudsman and Ethics Office;
 - The Financial Disclosure Programme;
 - FAO's Relationships with the Private Sector;
 - Ethics Office 2013 Annual Report; and
 - Modus operandi of the Ethics Committee.
7. At its May 2014 meeting, the Ethics Committee welcomed the new FAO Ombudsman and Ethics Officer Mr Bernardin Ndashimye.
8. The Committee reviewed and approved the Ethics Office annual report.
9. The Committee reviewed the Ombudsman and Ethics Office Work plan for 2014. The members noted that combining the role of the Ombudsman and Ethics Officer is a challenging endeavour as both roles require substantial work. The Committee pointed out that the work plan prepared by the Ombudsman and Ethics Officer for 2014 seemed rather heavy and, therefore the incumbent should concentrate on raising awareness of his new role among FAO staff, as well as holding regular training sessions in ethics, together with networking with UN Ombudsman and Ethics Officers networks in order to catch up quickly with UN environment and adjust its capacity to respond to demands. The Committee examined in detail the Organization's decision to merge the functions of Ombudsman and Ethics Officer under the responsibility of the same official. The Committee noted the reasons which led the Organization to merge the functions and was of the view that it would be useful to assess this experience in light of its practical implementation, rather than on the basis of general considerations of principles governing the two functions. The Committee also noted that the initial implementation had been successful but obviously too short to allow for any definite conclusions. The matter would be kept under review. The Committee expressed the general view that the exercise of functions of ombudsman, mediation and ethics by the same office could be facilitated by the fact that none of the functions warrant a conduct of investigations, which could have increased risks of incompatibility and conflict of interest.
10. The Committee noted that there would be no Financial Disclosure Programme (FDP) in 2014 as the new Ombudsman and Ethics Officer had joined the Organization towards the end of April 2014. The Committee endorsed the proposal whereby FAO should adopt the computerized FDP being used by both IFAD and WFP. The Committee noted that, overall, this system was more efficient and would save time and money, while reducing security and confidentiality risks, which had initially led the Organization to maintain a paper based FDP system. The Committee also noted that this would be a tangible expression of increased cooperation among Rome-based agencies.
11. At its August 2014 meeting the members of the Ethics Committee shared their experiences on the Financial Disclosure Programme in FAO and in their respective organisations (UNICEF and UNHCR). The Committee advocated a change in the procedures in order to allow the Ombudsman and Ethics Officer to have right of access to financial declaration data and to allow him to discuss feedback with the external reviewer, as necessary. This would also be in line with the practice followed at WFP and IFAD.
12. The Committee received information on the new FAO Strategy for Partnerships with the Private Sector (FAO Strategy). The Committee had previously expressed some concerns over potential risks for the Ombudsman and Ethics Office to be involved with such partnerships and highlighted the need for relevant procedures. The Ombudsman and Ethics Officer shared with the Committee the outcome of the discussion he had with the FAO office in charge of partnerships with the private sector and the implementation of the FAO Strategy and steps taken to mitigate the risks of conflict of interest as enshrined in the FAO Strategy.

13. In this respect the Committee noted that the FDP, as currently implemented in FAO as well as in other UN agencies, could not alone sufficiently mitigate those risks. The Committee appreciated the steps taken by the Organization throughout the process of review of possible acceptance of contributions from the private sector (i.e. pre-screening and the selection phase to the monitoring of the process) to mitigate such risks and to address those risks. The Committee noted that there were no particular reasons not to continue to implement the FAO Strategy, but emphasized that there was a need to pay particular attention to risks of conflict of interest that could arise and to maintain a tight system of control. FAO, as other organizations of the United Nations System, had established mechanisms and procedures of prevention and review of those situations and there was a need to implement those mechanisms and procedures rigorously.

14. The Ethics Committee held discussions on the issue of its modus operandi in light of the fact that it had been established on a trial basis. It noted that, at its 96th Session (held on 4-6 March 2013), the CCLM had considered that it was important for the membership to be aware of the work of the Ethics Committee in view of the need to make a determination as to whether it should be established on a permanent basis or whether its modus vivendi should be re-examined. The Committee was of the view that there was merit in the experience of the Ethics Committee of FAO. This Committee allowed for a useful exchange of views, different perspectives and a dialogue between Management and outside parties in respect of a number of ethical challenges and developments in other organizations; this was particularly useful for Management.

15. In this connection, the Committee also noted that, insofar as it had taken a decision to hold one or two annual meetings by video-conference and to hold only one physical meeting every year, costs arising from the functioning of the Committee were contained at very reasonable levels.