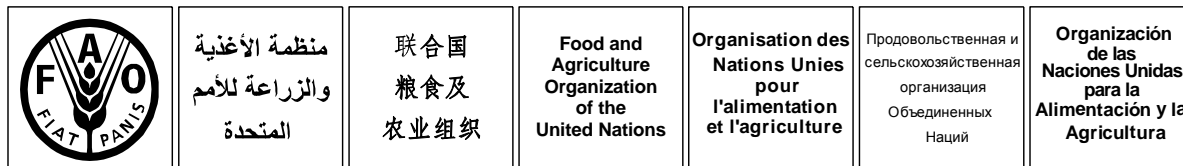


October 2013



# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

## Ninety-seventh Session

Rome, 21 - 23 October 2013

### ETHICS COMMITTEE - APPOINTMENT OF EXTERNAL MEMBERS

#### I. BACKGROUND

1. The Immediate Plan of Action (IPA) for FAO Renewal approved by the Conference at its 35<sup>th</sup> (Special) Session (18-21 November 2008) provided for the establishment of an Ethics Committee (IPA action 3.34). After extensive review by the Committee on Constitutional and Legal Matters (CCLM) and the Finance Committee, the Council, at its 141<sup>st</sup> Session (11-15 April 2011), endorsed its Terms of Reference and decided that it be established for an initial period of four years (2012-2015). It also decided that throughout this period, the CCLM, the Finance Committee and the Council itself would review the work of the Ethics Committee in order to determine, at the end of that period, whether it should be established on a permanent basis, or to agree on changes to its *modus operandi*.

2. Pursuant to paragraph 4 of its Terms of Reference, the Ethics Committee is composed of five members: three external to the Organization whose nomination “*shall be approved by the Council, upon recommendation by the Finance Committee and the Committee on Constitutional and Legal Matters*”, and two internal members (one Deputy Director-General and the Legal Counsel as *ex officio* member). Mr Ngonlardje Kabra Mbaidjol, Ms Anne Marie Taylor and Mr José Zalaquett were elected as external members by the Council at its 143<sup>rd</sup> Session (28 November - 2 December 2011) upon a common recommendation by the CCLM at its 93<sup>rd</sup> Session (21-23 September 2011) and the Finance Committee at its 140<sup>th</sup> Session (10 - 14 October 2011).

3. During the process that culminated with the recommendation on the external members, the CCLM and the Finance Committee established very detailed criteria to be followed in the future by the Director-General for the nomination of candidates. According to the criteria, which was endorsed by the Council, due regard should be paid, first and foremost, to the “reputability” of the individuals, including their competence on ethical matters. Moreover, the Director-General should apply the following criteria when nominating candidates:

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- (i) no former officials of FAO;
- (ii) desirability of avoiding candidates serving, or having served with other United Nations Rome-based organizations;
- (iii) knowledge of, and experience in ethics, in the United Nations System;
- (iv) gender balance;
- (v) regional balance; and
- (vi) usefulness of private sector experience, including academia.

4. On 6 January 2012, the Director-General established the Ethics Committee appointing Ms Ann Tutwiler, Deputy Director-General (Knowledge), Mr Ngonlardje Kabra Mbaidjol, Ms Anne Marie Taylor and Mr José Zalaquett as members for a term of two years (1 January 2012 to 31 December 2013). Subsequently, in December 2012, Mr Daniel Gustafson, Deputy Director-General (Operations), was appointed as an internal member to replace Ms Tutwiler. In June 2013, upon Ms Taylor's resignation for medical reasons, Ms Suomi Sakai was appointed for the remainder of Ms Taylor's term.

## **II. PROPOSED RENEWAL OF THE APPOINTMENT OF THE THREE EXTERNAL MEMBERS FOR ANOTHER TERM OF TWO YEARS (PERIOD 2014-2015)**

5. The term of office of the three external candidates currently serving in the Ethics Committee - Mr Ngonlardje Kabra Mbaidjol (Chad), Ms Suomi Sakai (Japan) and Mr José Zalaquett (Chile) - expires on 31 December 2013. Pursuant to paragraph 6 of the Terms of Reference of the Ethics Committee, "*the Director-General may renew the appointment of the individuals external to the Organization, subject to approval by the Council, upon recommendation by the Finance Committee and the Committee on Constitutional and Legal Matters*".

6. Accordingly, the Director-General is hereby recommending the renewal of the appointment of the three external members of the Ethics Committee for another term of two years i.e. from 1 January 2014 to 31 December 2015. The *curricula vitae* of these candidates are attached as **Appendices I-III**.

7. This recommendation is made for a number of reasons. First, the possibility of renewal of the external membership of the Committee is foreseen in the Terms of Reference approved by the Council (see paragraph 6 of the Terms of Reference as reproduced in paragraph 5 above). Second, the experience of the Secretariat in drawing lists of candidates shows that the criteria listed in paragraph 3 above are not easy to implement together. Third, since its establishment in January 2012, the Ethics Committee has only held three meetings and it would be both fair and effective to extend the membership of the external members for a further term. So far, only one external member was able to attend the three meetings held by the Committee and one of the members, Ms. Suomi Sakai, appointed last April, has not yet participated in any meeting. Finally, it should be recalled that the process of review of the list of nominated candidates by both the CCLM and the Finance Committee and endorsement by the Council was a lengthy one and it could be difficult for the membership to agree on a set of new external candidates. In sum, reasons of expediency and efficiency would seem to make it preferable to avoid a potentially time-consuming and cumbersome effort of proposing new candidates, whereas it would seem to be in the best interest of the Ethics Committee that the current ones can be renewed for another two years. This is especially so as there are some doubts as to the usefulness and

justification for the Ethics Committee, and the CCLM, the Finance Committee and the Council are supposed to monitor closely the operation of the Ethics Committee with a view to determining at the end of 2015 whether it should be established on a permanent basis.

8. If agreed, a common recommendation by the CCLM and the Finance Committee would be submitted to the 148<sup>th</sup> Session of the Council (2-6 December 2013).

#### **SUGGESTED ACTION BY THE COMMITTEE**

9. The CCLM is hereby invited to consider this document and make a recommendation to the Council as to the renewal of the appointment of Mr Ngonlardje Kabra Mbaidjol (Chad), Ms Suomi Sakai (Japan) and Mr José Zalaquett (Chile) as external members of the Ethics Committee until 31 December 2015.

**Appendix I**  
**CURRICULUM VITAE**  
MR. NGONLARDJE KABRA MBAIDJOL

**PROFESSIONAL EXPERIENCE**

Since 2012	Retiree
2010- 2012	<b>Director, Ethics Office</b> United Nations High Commissioner for Refugees, Geneva, Switzerland
2009-2010	<b>Chairperson of the Staff/Management Consultative Counsel</b> United Nations High Commissioner for Refugees, Geneva, Switzerland
2007-2009	<b>Director, New York Office</b> United Nations Office of the High Commissioner for Human Rights, New York, USA
2003-2006	<b>Deputy Director and Acting Director, Division of International Protection</b> United Nations High Commissioner for Refugees, Geneva, Switzerland
2000-2003	<b>Regional Representative, Central Africa Region</b> United Nations High Commissioner for Refugees, Kinshasa, DRC
1996-2000	<b>Deputy Director, New York Office</b> United Nations High Commissioner for Refugees, New York, USA
1992-1996	<b>Deputy Regional Representative for West Africa</b> United Nations High Commissioner for Refugees, Dakar, Senegal
1988-1992	<b>Country Representative, Burundi</b> United Nations High Commissioner for Refugees, Bujumbura, Burundi
1987-1988	<b>Senior Protection Officer</b> United Nations High Commissioner for Refugees, Nigeria
1984-1987	<b>Associate Protection Office</b> United Nations High Commissioner for Refugees, Geneva, Switzerland

1975-1977      **Administrator**  
Ministry of Foreign Affairs and Cooperation, Ndjamena, Chad

## **EDUCATION**

1979-1984      **Doctorate in Political Sciences (International Law)**  
The Graduate Institute of International Studies, Geneva, Switzerland

1977-1979      **Postgraduate Degree**  
The International Relations Institute of Cameroon

1972-1975      **Law Degree**  
University of Ndjamena, Chad

1974-1975      **Postgraduate Degree**  
National School of Administration, Ndjamena, Chad

1973-1974      **Final Honours**  
National School of Administration, Ndjamena, Chad

## **PERSONAL**

Date of birth:                      1 July, 1952

Country of Nationality:        Chad

**Appendix II**  
**CURRICULUM VITAE**  
MS. SUOMI SAKAI

**PROFESSIONAL EXPERIENCE**

- 2012-present    **Principle Advisor, Ethics**  
United Nations Children's Fund (UNICEF), New York, USA
- 2008-2012    **Representative to Nigeria**  
United Nations Children's Fund (UNICEF), Nigeria
- 2007-2008    **Representative to Cambodia**  
United Nations Children's Fund (UNICEF), Cambodia
- 2002-2006    **Representative to Nepal**  
United Nations Children's Fund (UNICEF), Nepal
- 2000-2002    **Chief of Immunization Activities**  
United Nations Children's Fund (UNICEF), New York, USA
- 1996- 2000    **Senior Health Adviser**  
United Nations Children's Fund (UNICEF), New York, USA
- 1995-1996    **Chief of Health**  
United Nations Children's Fund (UNICEF), Malawi
- 1989-1995    **Programme Officer, Health**  
United Nations Children's Fund (UNICEF), China
- 1986-1987    **Field Research Associate**  
Johns Hopkins School of Hygiene and Public Health, Indonesia

**PUBLICATIONS**

Several Japanese language publications and one English language publication in Japanese Public Health Journals.

**EDUCATION****1989 Doctor of Public Health**

Johns Hopkins School of Public Health, Baltimore, Maryland, USA.

**1983 Master of Public Health**

Institute of Public Health, Tokyo, Japan.

**1982 Medical Doctor**

Hamamatsu University School of Medicine, Hamamatsu, Japan. General Medicine. Medical license in Japan.

**PERSONAL**

Date of birth: 11 November 1955

Country of nationality: Japan

**Appendix III**  
**CURRICULUM VITAE**  
**MR. JOSE ZALAQUETT**

**PROFESSIONAL EXPERIENCE**

- 1994- **Professor of Ethics and Government and Professor of Human Rights**  
 present Doctoral Program, International Post-Graduate Program on Public Policy and Law  
 Program, Faculty of Law, University of Chile, Santiago, Chile
- 1977- **Invited Professor and speaker**  
 Present Harvard Law School, Princeton, Columbia Law School, Stanford, Berkeley, New York  
 University, Wisconsin, Hastings College of the Law, Santa Cruz, Michigan, Fletcher  
 School of Diplomacy, Georgetown Law School, Washington College of Law at  
 American University, University of Maryland, Minnesota Law School, USA; Oxford  
 University, London School of Economics, Universities of Berlin, Utrecht, Enschede,  
 Maastricht, Uppsala and Salamanca, among others.
- 2003- **Director**  
 2011 Program on Human Rights, Faculty of Law, University of Chile, Santiago
- 2002- **Co-founder and Co-director**  
 2011 Human Rights Center, Law School, University of Chile, Santiago
- 2003- **Member**  
 2006 Presidential Advisory Commission on Transparency and Public Ethics, Santiago
- 2001- **Member**  
 2003 Presidential Advisory Commission on Human Rights, Santiago, Chile
- 1990- **Member**  
 1991 National Commission of Truth and Reconciliation, Santiago, Chile
- 1985- **Senior Associate**  
 1986 Carnegie Endowment for International Peace, Washington, D.C, USA
- 1979- **Deputy Secretary General, International Secretariat and Chair of the**  
 1985 **International Executive Committee**  
 Amnesty International, London, United Kingdom



- 1978- **Fellow**  
1980 Woodstock Theological Center, Georgetown University, Washington, D.C., USA
- 1973- **Founder and Director**  
1975 Legal Aid Department, Cooperation Committee for Peace in Chile (assisted thousands of political prisoners after the 1973 coup d'état), Santiago, Chile

## **PUBLICATIONS**

- 1965- Numerous publications in Ethics and Governance, International Law, Human Rights,  
Present Law and Development, Commercial Law and Criminal Law, including: "Transparency and Public Probity: Latin America Case Studies", book edited with Alex Muñoz, 2008; "Religion, Ethics and Sociopolitical Order", Journal SOCIETAS, Santiago, Chile 2010; "Civil disobedience in John Rawls' Work and the Ethics of Exceptional and Extreme Measures", in "*Philosophy and Politics in Rawls Work*", edited by Agustin Squella, University of Valparaiso, 2007; "Conflicts of Interest: Norms and Concepts", in 2011 Human Rights Annual Journal, Human Rights Centre, University of Chile, 2011; "The Ethics of Responsibility: Variations on a Theme by Max Weber", (forthcoming) in Journal SOCIETAS, Santiago, Chile; "Transparency, Accountability and Fight Against Corruption in America", Law School, University of Chile, Santiago, 2005; "Balancing Ethical Imperatives and Political Constraints: The Dilemma of New democracies Confronting Past Human Rights Violations", in Hastings Law Journal, Volume 43, August 1992, N° 6, University of California, Hastings College of the Law; "The Ethics of Responsibility. Human Rights: Truth and Reconciliation in Chile", Washington Office on Latin America, April 1991.

## **EDUCATION**

- 1995 **LL.D., Honoris Causa**, Notre Dame University, Indiana, USA
- 1980 **LL.D., Honoris Causa**, City College, City University of New York, USA
- 1967 **Law degree (*summa cum laude*)**,  
Faculty of Law of the University of Chile, Santiago, Chile

## **PERSONAL**

Date of birth: 10 March 1942

Country of Nationality: Chile