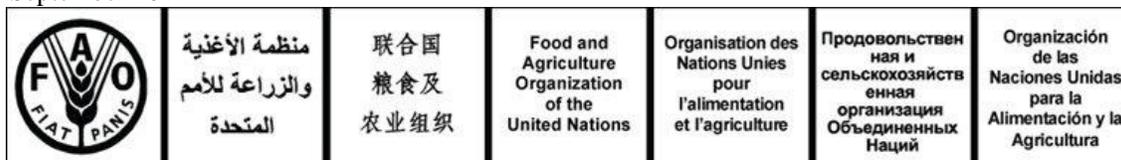


September 2011



# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

**Ninety-third Session**

**Rome, 21 - 23 September 2011**

**Appointment of external members of the Ethics Committee**

## I. BACKGROUND

1. The Immediate Plan of Action (IPA) for FAO Renewal approved by the Conference, at its Thirty-fifth (Special) Session, provided for the “*Review of Terms of Reference and proposed membership of Ethics Committee by the CCLM and the Finance Committee*” (IPA action 3.34). The CCLM examined the issue at its Eighty-eighth Session (September 2009), Ninety-first Session (September 2010) and Ninety-second Session (March 2011), while the Finance Committee did so at its Hundred and Twenty-eighth Session (July 2009), Hundred and Thirty-fifth Session (October 2010) and Hundred and Thirty-eighth Session (March 2011).

2. At its 141<sup>st</sup> Session (11-15 April 2011), the Council endorsed the Terms of Reference and Composition of the Ethics Committee outlined in Annex III of the Report of the 138<sup>th</sup> Session of the Finance Committee and attached herewith as **Appendix I**. According to its Terms of Reference, the Ethics Committee shall operate as an advisory panel on all matters pertaining to ethics within the Organization, ensure general oversight over the operation of the ethics programme and provide assurance that the ethics programme is operating effectively (see paragraph 1).

3. Concerning the Ethics Committee’s composition, paragraph 4 of its Terms of Reference provides as follows:

*“4. The Ethics Committee shall consist of the following members appointed by the Director-General:*

*a) Three reputable individuals external to the Organization whose nominations are approved by the Council, upon recommendation by the Finance Committee and the Committee on Constitutional and Legal Matters;*

*b) One Deputy Director-General;*

*c) The Legal Counsel*

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4. At the time of endorsement of the Committee's Terms of Reference, the Council noted that the external members would be appointed by the Director-General, subject to approval by the Council, upon recommendation made by the CCLM at its current session and by the Finance Committee at its upcoming session in October 2011 (see CL 141/REP, paragraph 24).

5. Accordingly, the Director-General is hereby submitting the following list of six candidates to fill the three positions of external members of the Ethics Committee, for consideration by the CCLM and, subsequently, by the Finance Committee:

1. Ms. Olivia N. **Graham**
  2. Mr. Anwar **Hashmi**
  3. Mr. Hervé **Lejeune**
  4. Mr. Ngonlardje Kabra **Mbaidjol**
  5. Ms. Anne Marie **Taylor**
  6. Mr. José **Zalaquett**.
6. The *curricula vitae* of these candidates are attached as **Appendix II**.
7. The term of office of the individuals external to the Organization shall be of two years. The Director-General may renew their appointment, subject to approval by the Council, upon recommendation by the Finance Committee and the Committee on Constitutional and Legal Matters (see **Appendix I**, paragraph 6).

## **II. SUGGESTED ACTION BY THE COMMITTEE**

8. The CCLM is hereby invited to consider this document and make a recommendation to the Council as to the appointment of three external members of the Ethics Committee.

## APPENDIX I

### **TERMS OF REFERENCE AND COMPOSITION OF THE ETHICS COMMITTEE**

1. The Ethics Committee shall operate as an advisory panel on all matters pertaining to ethics within the Organization, ensure general oversight over the operation of the ethics programme and provide assurance that the ethics programme is operating effectively. The Ethics Committee shall not have any formal supervisory responsibility in respect of the Ethics Office, nor engage in any operational activities in relation to its mandate.
2. The Ethics Committee shall be established for an initial period of four years. During this period, the Membership, through the Committee on Constitutional and Legal Matters, the Finance Committee and the Council, shall review the work of the Committee in order to determine, at the end of that period, whether the Committee should be extended for a further period of four years, or established on a permanent basis, or to make such adjustments to its modus operandi as may be required.

#### **Mandate of the Ethics Committee**

3. Subject to the principles that the Ethics Committee shall not have any formal supervisory responsibility in respect of the Ethics Office, nor engage in any operational activities, the Ethics Committee shall have the following mandate:
  - a) To keep under review all matters pertaining to the formulation, development and implementation of the ethics programme of the Organization, including the Organization's financial disclosure programme or programmes aimed at preventing or addressing conflict of interest;
  - b) To keep under general review the activities of the Ethics Office on the basis of annual reports referred by the Ethics Office to the Committee and to provide guidance thereon;
  - c) To advise on such matters as the Director-General may refer to it;
  - d) To review and advise on the main individual components of the Ethics programme, including any relevant policies, regulations and rules, training, disclosure programmes and conflict of interest prevention and related policies;
  - e) To submit an annual report on its activities to the Director-General, to the Finance Committee and the Committee on Constitutional and Legal Matters;
  - f) To advise or examine any issues related to the fulfilment of its mandate.

#### **Composition of the Ethics Committee**

4. The Ethics Committee shall consist of the following members appointed by the Director-General:
  - a) Three reputable individuals external to the Organization whose nominations are approved by the Council, upon recommendation by the Finance Committee and the Committee on Constitutional and Legal Matters;
  - b) One Deputy Director-General;
  - c) The Legal Counsel.
5. The Chairperson of the Ethics Committee shall be elected by the Committee, from among its external members, for a period of two years.

#### **Term of Office**

6. The individuals external to the Organization shall be appointed for a term of two years. 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. The Legal Counsel shall be an ex officio member of the Ethics Committee. The Deputy Director-General shall hold office for a term of two years, which may be extended for another term of up to two years, at the discretion of the Director-General. Should a position fall vacant, a replacement member shall be appointed for the remainder of the term, in accordance with the relevant procedure.

**Sessions**

7. The Ethics Committee shall hold at least two regular sessions each year. Additional sessions of the Ethics Committee may be convened by the Chairperson if deemed appropriate. The Director-General may request the Chairperson to convene a meeting if necessary.

**Quorum**

8. The presence of all members is expected at each meeting. At the discretion of the Chairperson, if necessary, meetings may take place with at least four members<sup>1</sup>.

**Secretariat**

9. The Organization shall make the necessary secretarial arrangements for the functioning of the Ethics Committee.

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<sup>1</sup> For the time being, as discussed on a few past occasions, the proposals do not include detailed procedural rules for the operation of the Committee (e.g. on voting), given the nature of the Committee. In the future, following a possible reassessment of the workings of the Committee, this position could be reconsidered.

**APPENDIX II****CURRICULUM VITAE**

MS. OLIVIA N. GRAHAM

**PROFESSIONAL EXPERIENCE**

02/11 to Present	<p><b>Ethics Officer, Office of the President and Vice President</b></p> <p>THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, Rome</p> <ul style="list-style-type: none"> <li>• Manage and lead the organization’s Ethics Office (established on February 2011). The office oversees the ethics and compliance function and manages the organization’s ethics and anti-harassment programme. This is accomplished through guidance to management to ensure IFAD rules, policies, procedures and practices reinforce and promote the standards of integrity called for by the organization.</li> <li>• Develop standards, training and education programmes on ethics issues and provide confidential advice to managers and staff on actions that may constitute violations of the Code of Conduct and Core Values.</li> <li>• Implement and manage the annual financial disclosure programme and yearly Code of Conduct compliance certification by staff. Review allegations of misconduct and/or harassment and coordinate with the Internal Oversight Division when an investigation is warranted ensuring confidentiality and protection of staff against retaliation.</li> <li>• Manage the assessment of organizational risk for misconduct and noncompliance with the Code of Conduct and Core Values and report to Senior Management on risks, incidents, and initiatives.</li> </ul>
11/08 to 01/11	<p><b>Senior Investigations Officer, Office of Inspections and Investigations</b></p> <p>THE UN WORLD FOOD PROGRAMME, Oversight Services Division, Rome, Italy</p> <ul style="list-style-type: none"> <li>• Supervised investigation teams to ensure comprehensive preliminary inquiries and investigations into allegations of staff and implementing partners’ misconduct and carried out targeted inspections of World Food Programme activities world-wide. Led investigative missions to the field.</li> <li>• Duties included strategic investigation planning, reviewing and drafting comprehensive reports of investigations, collaboration with major stakeholders, and conducting briefings.</li> <li>• Lead interagency discussions and implementation of the United Nations Secretary-General’s Bulletin pertaining to protection against sexual exploitation and abuse.</li> <li>• Supervised the substantial revision of the unit’s investigations manual and developed process maps for the complaint and investigation processes.</li> </ul>
08/06 to 11/08	<p><b>Inspections and Investigations Officer, Office of Inspections and Investigations</b></p> <p>THE UN WORLD FOOD PROGRAMME, Oversight Services Division, Rome, Italy</p> <ul style="list-style-type: none"> <li>• Conducted preliminary inquiries and initiated complex internal investigations into allegations of staff misconduct and carried out inspections of WFP activities. During this time frame, led nine investigative missions to Kenya, Liberia, the Netherlands, Pakistan, Sierra Leone, Somalia (in Kenya), Tajikistan, Thailand, and Uganda; and had responsibility for more than 70 complaints and cases while assisting or directing the investigative activities of junior staff.</li> </ul>
04/02 to 06/06	<p><b>Senior Institutional Integrity Officer, Internal Investigations Unit</b></p> <p>THE WORLD BANK GROUP, Department of Institutional Integrity, Washington, DC</p>

- Initiated and conducted complex internal investigations into allegations of staff misconduct. More than 100 cases investigated that included leading investigative missions to several countries.
- 08/01 to      **Criminal Law Attorney**
- 04/02      OFFICE OF THE JUDGE ADVOCATE GENERAL, U.S. ARMY, Rosslyn, Virginia
- Served as staff attorney in the day-to-day administration of the military justice system at the U.S. Army departmental level.
- 07/98 to      **Chief Command Counsel**
- 07/01      500<sup>th</sup> MILITARY INTELLIGENCE GROUP, U.S. ARMY, Camp Zama, Japan
- Advised and trained intelligence personnel and provided legal services to soldiers, civilian employees, and families.
- 07/97 to      **Legal Assistance Attorney**
- 07/98      PENTAGON JOINT LEGAL ASSISTANCE OFFICE, Washington, DC
- Provided legal services to 446 clients in the Pentagon.
- 01/96 to      **Prosecutor**
- 07/97      MANNHEIM LAW CENTER, U.S. ARMY, Mannheim, Germany
- Prosecuted cases in military court proceedings against soldiers in cases involving homicide, rape, illegal drugs, grand theft and economic crimes.
- 09/94 to      **Chief Legal Assistance and International Law Counsel**
- 12/95      MANNHEIM LAW CENTER, U.S. ARMY, Mannheim, Germany
- Provided legal advice on a wide range of matters, coordinated NATO Status of Forces Agreement issues with German authorities and performed duties as Trial Observer at criminal trials of Americans prosecuted in German courts.

## **EDUCATION**

- June-Sept.      Completed *The Judge Advocate Officer Basic Course*.
- 1994      The Judge Advocate General's School, Charlottesville, Virginia, USA
- 1993      Law Degree (J.D.)  
University of Baltimore School Of Law, Baltimore, Maryland, USA
- 1990      Business Administration Degree (B.S.)  
University of La Verne, Naples, Italy [home campus in California, USA]

## **PERSONAL**

- Date of birth:                      16 October 1962
- Country of Nationality:              United States of America

**CURRICULUM VITAE**

MR. ANWAR HASHMI

**PROFESSIONAL EXPERIENCE**

- 7/2003 to       **Senior Manager - Corporate Ethics**  
Present       TATA STEEL, Flagship Company of TATA Group, Jamshedpur, India
- 7/1999 to       **Divisional Ethics Coordinator**  
6/2003       West Bokaro Division, Tata Steel, Flagship Company of Tata Group, India
- 1975 to       Held various Human Resource Positions viz Asst. Chief Personnel  
2002       Manager, Asst. Divl, Manager Human Resources, Dy. Divisional Manager  
(Personnel) and operated as Human Resources Generalist.  
TATA STEEL, flagship Company of TATA Group, various locations in India.

**PUBLICATIONS**

- 2010       “Ethics and Tata Steel”, paper published in TATA STEEL WORLD: A Global  
Publication of Tata Steel.
- 2007       “Transcending Transformation: Enlightening Endeavors at Tata Steel”, republished in  
a book titled “Corporate Social Responsibility” edited by Professor Dirk Matten &  
Andrew Crane of York University, Canada.
- 2005       “Transcending Transformation: Enlightening Endeavors at Tata Steel”, in Journal of  
Business Ethics, (2005) 59, No.1 and 2 June (1) and (2), June, 2005, Springer.
- 2005       “Transcending ethical culture”, paper published in Tata Search, Technical Journal of  
Tata Steel.

**EDUCATION**

- 1975   Masters in Business Administration in Human Resource Management, XLRI School of  
Business and Human Resources, Jamshedpur, India.

**PERSONAL**

Date of birth: 2 July 1952

Country of Nationality: India

**CURRICULUM VITAE**

MR. HERVÉ LEJEUNE

**PROFESSIONAL EXPERIENCE***July 2011-Present*MINISTRY OF AGRICULTURE, FISHERIES AND FOOD OF THE FRENCH REPUBLIC, Paris

- **Inspector General**

*January 2007-June 2011*FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO), Rome

- **Assistant Director-General**, Directeur de Cabinet to the FAO Director-General

*June-December 2006*FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO), Rome

- **Assistant Director-General/Special Adviser**, World Food Summit Follow-up, Office of the World Food Summit Follow-up and Alliances (OFA)

*August 2002-June 2006*OFFICE OF THE PRESIDENT OF THE FRENCH REPUBLIC

- **Advisor** (agriculture, rural affairs, trade and artisanal crafts)
- Chairman of the Board of the French National Forestry Commission (ONF) (October 2004-December 2006)
- Member of the Ministry of Agriculture Council for European and International Food and Agriculture Forecasting
- Professor of agricultural economics and agriculture policy at the Institute for Advanced Studies in Rural Law and Agricultural Economics (IHEDREA) (since 1998)
- Appointed Inspector General of Agriculture in April 2006

*June 2000-August 2002*OFFICE OF THE PRESIDENT OF THE FRENCH REPUBLIC

- **Technical advisor** (agriculture, fisheries, hunting, agrifood industry)

*June 1997-June 2000*GROUPAMA

- **Director of Agricultural Insurance**

*June 1995-May 1997*OFFICE OF THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD (Philippe Vasseur)

- **Technical advisor** (legal, fiscal, social, vocational training, agricultural development)

October 1994–June 1995            GROUPAMA

**Deputy Director** at the General Secretariat

1981–1994

NATIONAL CENTRE FOR YOUNG FARMERS (CNJA)

- **Director** (1990-1994)
- **Advisor**, then **Head of Department** (1981–1990)

## **EDUCATION**

1985            MBA  
University of Paris-Sorbonne (Graduate Business School of Paris)

1981            MASTER on Agricultural Law and Economics  
Institute of High Studies on Agricultural Law and Economics

1976            Bachelor's Degree (*Bac D'*) on Agricultural Science and Technology

## **PERSONAL**

Date of birth:            6 August 1958

Country of Nationality: France

**CURRICULUM VITAE**  
MR. NGONLARDJE KABRA MBAIDJOL

**PROFESSIONAL EXPERIENCE**

- 02/2010- Present      **Director, Ethics Office**  
United Nations High Commissioner for Refugees, Geneva, Switzerland
- 2009-2010      **Chairperson of the Staff/Management Consultative Counsel**  
United Nations High Commissioner for Refugees, Geneva, Switzerland
- 2007-2009      **Director, New York Office**  
United Nations Office of the High Commissioner for Human Rights, New York, USA
- 2003-2006      **Deputy Director and Acting Director, Division of International Protection**  
United Nations High Commissioner for Refugees, Geneva, Switzerland
- 2000-2003      **Regional Representative, Central Africa Region**  
United Nations High Commissioner for Refugees, Kinshasa, DRC
- 1996-2000      **Deputy Director, New York Office**  
United Nations High Commissioner for Refugees, New York, USA
- 1992-1996      **Deputy Regional Representative for West Africa**  
United Nations High Commissioner for Refugees, Dakar, Senegal
- 1988-1992      **Country Representative, Burundi**  
United Nations High Commissioner for Refugees, Bujumbura, Burundi
- 1987-1988      **Senior Protection Officer**  
United Nations High Commissioner for Refugees, Nigeria
- 1984-1987      **Associate Protection Office**  
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 Ndjamen, Chad
- 1974-1975     **Postgraduate Degree**  
National School of Administration, Ndjamen, Chad
- 1973-1974     **Final Honours**  
National School of Administration, Ndjamen, Chad

**PERSONAL**

Date of birth:                   1 July, 1952

Country of Nationality:       Chad

**CURRICULUM VITAE**  
MS. ANNE MARIE TAYLOR

**PROFESSIONAL EXPERIENCE**

- 2011 to Present      **Senior Advisor**, Office of the President  
World Bank Group, Washington, USA
- Engage in and lead outreach and communications projects and undertake other activities as requested.
- 2008 to 2011      **Chief Ethics Officer**  
World Bank Group, Washington, D.C., USA
- Responsible for ensuring overall ethics across the World Bank Group.
  - Accountable for providing leadership and communicating the vision on all matters relating to ethics, particularly on issues concerning Conflicts of Interest, the Financial Disclosure Program, Misconduct, Prevention and Outreach and Management of the Ethics and Business Conduct Office.
  - Advised the President and senior management on all matters relating to ethics and business conduct.
  - Led the strategic development and implementation of full-scale Misconduct unit conducting investigations.
  - Accomplishments include the implementation of key recommendations of the Bank-sponsored Volcker Panel Review; launching of a new global Code of Conduct and mandatory e-learning; administration of the Bank's first global ethics survey; contributions to the development of a UN-IFI Ethics Network.
- 1998 to 2007      **Ombudsman and Senior Ethics Officer**  
Merck & Co. Inc., Whitehouse Station, NJ, USA
- Led the Ombudsman function, through progressive assignments, at each major domestic site and directly supported all global divisions.
  - Managed the Ethics Helpline staff & function for intake of cases and their distribution and assignment.
  - Promoted awareness of the Office of Ethics, the Corporate Compliance Program, and the Company's Code of Conduct: *Our Values & Standards*.
  - Advised and counseled on Conflicts of Interest, Fraud and Misconduct, Global Marketing Principles, Competitive Intelligence, and Non-Retaliation, drafting and editing of policies and procedures.
  - Conducted and led internal investigations and recommended appropriate resolution of serious complaints of misconduct, discrimination, and compliance issues.
- 1993 to 1998      **Associate Director**  
Merck Research Labs (Merck Frosst Canada), Montreal, QC, Canada
- Led and directed all LAR/Comparative Medicine functions with full budgetary accountability and staff of 15-20 professional, technical, supervisory, administrative and hourly staff.



**CURRICULUM VITAE**

MR. JOSE ZALAQUETT

**PROFESSIONAL EXPERIENCE**

- 1994-  
present           **Professor of Ethics and Government and Professor of Human Rights**  
Doctoral Program, International Post-Graduate Program on Public Policy and Law  
Program, Faculty of Law, University of Chile, Santiago, Chile
- 1977-  
Present           **Invited Professor and speaker**  
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-  
2011           **Director**  
Program on Human Rights, Faculty of Law, University of Chile, Santiago
- 2002-  
2011           **Co-founder and Co-director**  
Human Rights Center, Law School, University of Chile, Santiago
- 2003-  
2006           **Member**  
Presidential Advisory Commission on Transparency and Public Ethics, Santiago
- 2001-  
2003           **Member**  
Presidential Advisory Commission on Human Rights, Santiago, Chile
- 1990-  
1991           **Member**  
National Commission of Truth and Reconciliation, Santiago, Chile
- 1985-  
1986           **Senior Associate**  
Carnegie Endowment for International Peace, Washington, D.C, USA
- 1979-  
1985           **Deputy Secretary General, International Secretariat and Chair of the  
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