October 2012



منظمة الأغذية والزراعة للأمم المتحدة 联合国 粮食及 农业组织

Food and Agriculture Organization of the United Nations Organisation des Nations Unies pour l'alimentation et l'agriculture

Продовольственная и сельскохозяйственная организация
Объединенных
Наций

Organización de las Naciones Unidas para la Alimentación y la Agricultura

FINANCE COMMITTEE

Hundred and Forty-seventh Session

Rome, 5 - 9 November 2012

Progress on the Financial Disclosure Programme

Queries on the substantive content of this document may be addressed to:

Ms Maria Abreu Ethics officer Tel: +3906 5705 6760 2 FC 147/21

EXECUTIVE SUMMARY

- ➤ The Ethics Office is pleased to report the progress made on the Financial Disclosure Programme.
- ➤ The Ethics Committee recommends that the Financial Disclosure Programme follow that conducted in the UN Secretariat and within other agencies and funds in the UN system.
- Administrative Circular No. 2012/15 has been issued, explaining the conditions and requesting staff to file for the current year.
- ➤ Hudson Consulting will conduct the review of the questionnaires.

GUIDANCE SOUGHT FROM THE FINANCE COMMITTEE

➤ The Committee is invited to take note of the information presented and, in particular, that the Financial Disclosure Programme is now operational.

Draft Advice

> The Committee considered the progress achieved in implementation of the Financial Disclosure Programme and noted with satisfaction that the Programme was now operational.

FC 147/21 3

PROGRESS ON THE FINANCIAL DISCLOSURE PROGRAMME

1. Administrative Circular 2011/20 introduced a "Declaration of Interest and Financial Disclosure Programme" (the Programme) and announced a pilot phase in 2011. The Programme was established following the adoption, by the FAO Council in 2007, of Staff Regulations 301.1.10 and 301.1.11, providing a basis for its implementation. The purpose of the Programme is to facilitate the implementation of the Organization's duty to prevent and address actual or potential conflicts of interest situations in order to preserve an individual's and the Organization's integrity, as enshrined in Staff Regulation 301.1.10 and the "Standards of Conduct of the International Civil Service".

INTRODUCTION OF A FINANCIAL DISCLOSURE PROGRAMME

- 2. Following review of the 2011 Pilot, Administrative Circular No. 2012/15, attached hereto, has been issued explaining the conditions of the Programme which has been introduced for disclosures related to the current year. This Programme follows that of the United Nations Secretariat, which is also being applied by WFP and is along the lines of that at IFAD.
- 3. Under the Programme, staff members at the following grades/functions who have managerial responsibilities are obliged to file a financial disclosure statement upon recruitment and annually thereafter:
 - Staff members at the D-1 and D-2 level
 - FAO Representatives
 - Assistant FAO Representatives (Programme and Administration)
 - Heads of Offices (Liaison, Regional and Sub-regional)
 - Assistant Directors-General
 - Deputy Directors-General
 - The Director-General
- 4. In addition, staff members whose particular functions carry a risk factor, determined with reference to a set of established risk criteria, are obliged to file a financial disclosure statement upon recruitment and annually thereafter.
- 5. Table 1 below sets out the risk criteria, associated functions and staff covered. In January of each calendar year, the Ethics Office, in consultation with the Office of Human Resources will update the financial disclosure database to reflect the inclusion of all individuals who are required to file financial disclosure statements for the previous calendar year, based on the criteria set out in Table 1. The Director-General may designate additional categories of staff as having an obligation to file financial disclosure statements.

4 FC 147/21

Table 1

Criteria	Functions	Grade /Category /Location
1. Involvement in the procurement of goods and services for FAO	Procurement	All staff members (GS & P) at all locations
	Contract management (IT staff)	Idem.
	Members of evaluation committees	Idem.
	Selection of staff training providers	Idem.
	Definition of technical specifications for tenders and their evaluation ¹	Idem.
	Facilities management	Idem.
	Signing contractors' orders	Idem.
2. Involvement in the management of assets and accounts for which FAO has a fiduciary or custodial responsibility	Credit Union	Idem.
	Members of the Investment Committee	Idem.
	Treasury	Idem.
	Commissary	Idem.
3. Involvement in the management of ethical matters, audit and investigation, evaluation	Ethics Office	Idem.
	Office of the Inspector-General	Professional staff only
	Evaluation	Professional staff only

- 6. In March 2012, the FAO Ethics Committee met for their first session and discussed the Financial Disclosure Programme. The Ethics Committee recommended the Organization should adopt the standard UN Financial Disclosure Questionnaire, as provided in Annex I. It was proposed to initially limit those staff requested to take part in the Programme and to expand the inclusion criteria as the Programme matures. Therefore, around 240 staff will be included in the initial cycle of the Programme [all those at grade D-1 and above, all FAO Representatives, HQ Procurement staff, Investment, Audit, Evaluation, the Ethics Office]. In the near future it is proposed that the number will increase to 600 staff members, both at Headquarters and in Field offices.
- 7. In order to conduct the review of the Questionnaires, the Organization will hire Hudson Consulting, which is the same consultancy company that provides services for WFP and IFAD. The company is based in New York and has been providing the services since 2009 for WFP and other agencies and funds in the UN system. The decision to hire this company took into consideration their

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¹ Staff members falling under this category, which is not fixed at any point in time, will be identified on a case by case basis by managers and will be subject to financial disclosure as required.

FC 147/21 5

knowledge and experience of the UN system including the field offices, their cost proposal and their ability to help in the automation for electronic filing of the questionnaire. For the time being, manual filing is required. The Programme operates under very tight conditions of confidentiality and only the external reviewer – working itself under strict conditions of confidentiality – has access to the information contained in the disclosures.

SUGGESTED ACTION BY THE COMMITTEE

8. The Committee is invited to take note of the above information and, in particular, that the Financial Disclosure Programme is now operational.



administrative circular

ORIGINATOR: Corporate Services, Human Resources and Finance Department (CS) No. 2012/15

ENQUIRIES TO BE DIRECTED TO: Ethics Office (ext: 56760) **Date.** 26 October 2012

FINANCIAL DISCLOSURE PROGRAMME

I. Introduction

Administrative Circular No. 2011/20 introduced the "Declaration of Interest and Financial Disclosure Programme" (the Programme) and announced the launch of an initial Pilot phase in 2011. The Programme was established following the adoption, by the FAO Council in 2007, of Staff Regulations 301.1.10 and 301.1.11, under Article 1 entitled "Duties, obligations and privileges". The purpose of the Programme is to facilitate the implementation of the Organization's duty to prevent and address actual or potential conflicts of interest situations in order to preserve an individual's and the Organization's integrity, as enshrined in Staff Regulation 301.1.10 and "The Standards of Conduct of the International Civil Service" (Manual Section 304). Following a review of the 2011 Pilot, the Programme has been revised and the purpose of this Administrative Circular is to explain the conditions of the Programme in FAO, effective for disclosures to be made related to the current year.

II. Definitions

For the purposes of this Programme, the following definitions are applicable:

Spouse: an individual whose personal status has been recognized as such by FAO.

Dependent child(ren): Any child(ren) who is (are) recognized as such in accordance with the definition in Staff Rule 302.3.135 and for the purpose of dependency benefits and other entitlements.

Conflict of interest: a situation in which a person has a private or personal interest sufficient to influence or to appear to influence the objective exercise of his or her official duties as an FAO staff member. It includes circumstances in which a staff member, directly or indirectly, would appear to benefit improperly, or allow a third party to benefit improperly, from his/her association in the management or the holding of a financial interest in an enterprise that engages in any business or transaction with the Organization.

DISTRIBUTION: Headquarters, Regions, Subregions and Liaison Offices

FAORs and Project Managers

All field staff

III. Scope of the Programme

- a) Who must file a financial disclosure statement?
 - Staff members at the following grades/functions who have managerial responsibilities have an obligation to file a financial disclosure statement upon recruitment, and annually thereafter:
 - Staff members at the D-1 and D-2 levels
 - FAO Representatives
 - Assistant FAO Representatives (Programme and Administration)
 - Heads of Offices (Liaison, Regional and Sub-regional)
 - Assistant Director-Generals
 - Deputy Director-Generals
 - The Director-General
 - ii. In addition, staff members whose particular functions carry a risk factor, determined with reference to a set of established risk criteria, are obliged to file financial disclosure statements upon recruitment and annually thereafter.

The below table sets out the risk criteria, associated functions and staff covered.

Criteria	Functions	Grade /category/location
1.Involvement in the procurement of goods and services for FAO	Procurement	All staff members (GS and P), at all locations
	Contract management (IT staff)	ldem.
	Members of evaluation committees	ldem.
	Selection of staff training providers	ldem.
	Definition of technical specifications for tenders and their evaluation ¹	ldem.
	Facilities management	ldem.
	Signing contractors' orders	ldem.
2. Involvement in the management of assets and accounts for which FAO has a fiduciary or custodial responsibility	Credit Union	ldem.
	Members of the Investment Committee	ldem.
	Treasury	ldem.
	Commissary	ldem.
3. Involvement in the management of ethical matters, audit and investigation, evaluation	Ethics Office	ldem
	Office of the Inspector-General	Professional staff only
	Evaluation	Professional staff only

The Director-General may designate additional categories of staff as having an obligation to file financial disclosure statements.

¹ Staff members falling under this category, which is not fixed at any point in time, will be identified on a case by case basis by managers and will be subject to financial disclosure as required.

In January of each calendar year, the Ethics Office, in consultation with the Office of Human Resources (OHR), will update the financial disclosure database to reflect the inclusion of all individuals who are required to file financial disclosure statements for the previous calendar year, based on the criteria set out in the above table.

b) What information is requested in a financial disclosure statement?

- i. Personal property², if it is held for investment or business purposes, that has a market value of \$10,000 or above per asset, or the equivalent in local currency at the operational rate of exchange;
- ii. Any profit of more than \$10,000 on the sale of personal property that is held for investment or business purposes;
- iii. All stock options, publicly listed or private, regardless of value³;
- iv. Income earned from sources other than FAO in the reporting period, including from investments listed in subparagraph (i) above, any form of deferred emoluments from prior employment (but excluding United Nations pension benefits received from prior employment), or profit shares from prior employment partnerships, if the total of all such income is over \$10,000 in the reporting period;
- v. Any form of supplement, direct or indirect, to FAO emoluments, including provision of housing or subsidized housing, or any gift, per diem, reimbursements, entertainment or travel expenses, favor, benefit, remuneration or in kind contribution from any government, governmental agency or other non-FAO source⁴ aggregating \$250 or more from a single source during the reporting year, other than dependency benefits under national laws, travel and per diem for approved outside activities and residential accommodation that has been accepted by FAO for its staff. Gifts from relatives are excluded;
- vi. Liabilities over \$50,000 owed to any creditor, including a mortgage on personal and/or vacation residence, as well as liability to a former spouse. Liabilities owed to a parent, sibling, or dependent child are excluded:
- vii. Involvement in any other activity, whether or not the activity is subject to approval under the applicable Staff Regulations and Rules, that could have an impact on objectivity or independence in the performance of official duties for FAO, or which could otherwise affect the image or reputation of FAO or of the United Nations;⁵
- viii. A spouse's or dependent child's financial or other interest in, or association with, any entity with which a staff member may be required to have dealings on behalf of FAO, or any entity which has any commercial interest in the work of FAO or a common area of activity with FAO.

In addition, the following shall be reported:

- i. Any leadership or policy-making role in any non-United Nations entity (including membership on any corporate board);⁶
- ii. Any family members' employed by the United Nations System.

² Such as stocks, bonds, mutual fund investments, real estate, motor vehicles, boats, livestock, furniture, carpets, jewellery and art.

³ Staff members must include the name of the companies they hold shares in and the names of the banks with which they hold accounts.

⁴ Staff members should ensure that they are aware of, and act in accordance with, Staff Regulation 301.1.6, Staff Rule 302.1.6, Administrative Circulars Nos. 2006/03 and 2012/14 concerning the receipt of gifts and gratuities.

⁵ Staff members should ensure that they are aware of, and act in accordance with, Staff Regulation 301.1.4 concerning, *inter alia*, the prohibition of engaging in any activity that is incompatible with the proper discharge of their duties as international civil servants.

⁶ Staff members should be aware of the requirements in Manual Section 361 regarding engaging in outside activities. Staff members should also be aware of Staff Regulation 301.1.10 which prohibits active association in the management of a profit-making business or other concern where there is the possibility of a conflict of interest. Guidance may be sought from the Ethics Office.

⁷ Family members means: parent, spouse, domestic partner, child, sibling, grandparent, step (parent, child, siblings), or in-laws (parent, child and sibling) regardless of whether resident in the same household, or any other person residing in the same household.

IV. Obligations associated with filing disclosure statements

Staff members making disclosures pursuant to the Programme shall certify that the information disclosed is true, correct and complete to the best of their knowledge.

Staff members who are not able to comply with the disclosure requirements in respect of their spouse shall submit a detailed justification to the Ethics Office which will consider whether such justification is reasonable, with regard to the particular circumstances of each case, and may make recommendations to the individual and/or to the Director-General in respect of each case.

Staff members who are found to be non-compliant with the requirements of the Programme, as set out in this policy, may be subject to administrative action.

V. Applicable date for values and rates of exchange

For the purposes of filing the financial disclosure statements required pursuant to this policy, the applicable date for all values and rates of exchange is 31 December of the reporting year.

VI. Filing procedures

To file a financial disclosure statement as set out above, it will be necessary to complete the "Financial Disclosure Questionnaire" form. This will be sent to individual staff members by email together with detailed instructions. The form and instructions will be also available on the Ethics Office Intranet pages.

VII. Deadlines for filing of statements

The deadline for filing annual financial disclosure statements pursuant to the present policy is 31 March of each year, in respect of the period from 1 January to 31 December of the previous year. Those required to file will receive notification from the Ethics Office by mid-February.

VIII. First-time filing following appointment at FAO

Any person appointed at a level or position that would require disclosure pursuant to Section III a) of this policy, shall file an initial financial disclosure statement upon appointment. Such a statement shall be made in respect of the immediately preceding 12 month period. Failure to submit an initial statement may result in withdrawal of the offer of appointment or its termination.

IX. Recipient of statements

All statements are received in a sealed envelope marked "confidential" by the Ethics Office who arranges to have them stored in a dedicated safe which can only be opened by the Inspector-General and the Legal Counsel.

X. Security, confidentiality, access to and use of statements

The Organization shall ensure that the security and confidentiality of financial disclosure statements is maintained in accordance with Staff Regulation 301.1.11. At all stages of the process, the Ethics Officer, the External Reviewer (see below) and any other involved officers are deemed to have received the information disclosed by staff members "in trust" and, as such, are bound by strict confidentiality.

An External Reviewer, based in Headquarters, and working under conditions of strict confidentiality, is entrusted with the review of financial disclosure statements. The External Reviewer may request clarifications from concerned staff members, through the Ethics Officer. The staff member provides the requested clarifications to the Ethics Officer in a sealed envelope marked "confidential".

If no conflict of interest is found, the External Reviewer informs the Ethics Officer, who arranges for the financial disclosure statement, properly sealed, to be archived in the dedicated safe.

If a conflict of interest is found, the External Reviewer informs the Ethics Officer, who will forward to the staff member the relevant comments on how to resolve the conflict of interest. The External Reviewer may be supported by the Ethics Officer, as well as by the Legal Counsel and the Inspector-General as may be required in the analysis on how to solve the conflict of interest. Within the allotted timeframe, the staff member informs the Ethics Officer in writing of the steps taken to resolve the conflict of interest. This communication from the staff member, together with the External Reviewer's comments on the conflict of interest, is stored in the dedicated safe by the Inspector-General and the Legal Counsel. If the conflict of interest has not been resolved, the External Reviewer, through the Ethics Officer, informs the Director, Office of Human Resources, for further consideration.

Financial disclosure statements may also be accessed by the Office of the Inspector-General, in accordance with its mandate, in the context of an investigation and where there are reasonable grounds to believe that a breach of the provisions of the Staff Regulations or Rules has occurred.

XI. Review of the Programme

The Organization will keep the overall operation of the Programme under review, in consultation with other organizations of the United Nations Common System as appropriate, with a view to introducing such changes thereto as may be required in the light of circumstances.

Nicholas Nelson Assistant Director-General Corporate Services, Human Resources and Finance Department

FINANCIAL DISCLOSURE FORM

Section I. Personal Information

		Reporting period:	to	<u>—</u>
1.	Name of the staff member:			
2.	Index Number:			
3.	Functional title:			
	Department or Office:			
	Level:			
	(a) Marital status. If married	d, please give the full name of spour	se. (If there is more than one spouse, fi	ling is required for each spouse).
	(,	7,1	1	
	(b) Name(s) of dependent ch	oild(ron)		
	(b) Ivaille(s) of dependent ci	iliu(tell).		

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Section II. Staff member's disclosure in respect of themselves, their spouse and dependent child(ren)

Part 1: Do you, your spouse or dependent child(ren) hold any assets over US\$10,000?

Staff member:	Yes:	No:)	
Spouse:	Yes:	No:	}	if yes, please disclose below
Dependent child(ren):	Yes:	No:	J	

Name and detailed description	Name of asset holder		Value US\$ (check appropriate box)						
of assets over US\$10,000	(you, your spouse or dependent child)	\$10,001- \$50,000	\$50,001- \$100,000	\$100,001- \$250,000	\$250,001- \$500,000	\$500,001- \$1,000,000	Over \$1,000,000		
1.									
2.									
3.									
4.									
5.									
6.									
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9.									
10.									

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Part 2: Have you, your spouse or dependent child(ren) had any profits of more than US\$10,000 on the sale of personal property held for investment or business purposes?

Staff member:	Yes:	No:)	
Spouse:	Yes:	No:	}	if yes, please disclose below
Dependent child(ren):	Yes:	No:	J	

		Name of person	Amount US\$ (check appropriate box)						
Description of personal property sold	Date of sale	selling property (you, your spouse or dependent child)	\$10,001- \$20,000	\$20,001- \$50,000	\$50,001 - \$100,000	\$100,001- \$500,000	Over \$500,000		
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

Yes: No: Staff member: Yes: No: if **yes**, please disclose below Spouse: Dependent child(ren): Yes: No: Name of owner Name and detailed description of stock options (you, your spouse or dependent child) 1. 2. 3. 4. 5. 6. 7. 8.

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Part 3: Do you, your spouse or dependent child(ren) own any stock options, publicly-listed or private, regardless of value?

9.

10.

Part 4: Have you, your spouse or dependent child(ren) had any income from non-United Nations sources totalling over US\$10,000 in the reporting period?

Staff member:	Yes:	No:)	
Spouse:	Yes:	No:	>	if yes , please disclose below
Dependent child(ren):	Yes:	No:	J	

		Name of income-earner	Amount US\$ (check appropriate box)					
Source of income (name and address)	Detailed description	(you, your spouse or dependent child)	\$10,001- \$20,000	\$20,001- \$50,000	\$50,001 - \$100,000	\$100,001- \$500,000	Over \$500,000	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
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10.								

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Part 5. Have you, your spouse or dependent child(ren) received any supplements, gifts, housing, subsidized housing, per diem, reimbursements, entertainment or travel expenses totalling US\$250 or more from a single source during the reporting year?

Staff member:	Yes:	No:)	
Spouse:	Yes:	No:	>	if yes , please disclose below
Dependent child(ren):	Yes:	No:	J	

		Name of recipient	Amount US\$ (check appropriate box)						
Source (name and address)	Detailed description	(you, your spouse or dependent child)	\$250 - \$500	\$501 - \$1,000	\$1,001- \$2,500	\$2,501 - \$5,000	\$5,001- \$10,000	Over \$10,000	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

Part 6. Do you, your spouse or dependent child(ren) have any liabilities (including mortgages and loans on a personal and/or vacation residence) over <u>US\$50,000?</u>

Staff member:	Yes:	No:)	
Spouse:	Yes:	No:	}	if yes , please disclose below
Dependent child(ren):	Yes:	No:	J	

	Type of liability	Date incurred	Term (if applicable)	Name of debtor (you, your spouse or dependent child)	Amount US\$ (check appropriate box)			
Creditors (name and address)					\$50,001 - \$100,000	\$100,001- \$250,000	\$250,001- \$500,000	Over \$500,000
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

Part 7: Follow-up questions in respect of staff member

1.	Do you have	o you have any leadership or policy-making role in any non-United Nations entity (including membership on corporate boards)?						
	Yes:	No:	If yes , please specify.					
2.			involved in any other activity that could have an impact on your objectivity or independence in the the United Nations, or otherwise affect the image or reputation of the Organization?					
	Yes:	No:	If yes , please specify.					
3.	Do you have	any relatives emp	loyed in the United Nations systems, namely spouse, father, mother, son, daughter, brother or sister?					
	Yes:	No:	If yes , please specify.					

Part 8: Follow-up question in respect of your spouse and dependent child(ren)

1.	To the best of your knowledge, does your spouse and/or dependent child(ren) have any interest in, or association with, any entity with which you may be required, directly or indirectly, to have dealings on behalf of the Organization, or which has any commercial interest in the work of the United Nations, or a common area of activity with the United Nations?						
	Yes: No: If yes , please specify the name(s) and the relevant interest or association.						
	Section III. Certification and Affirmation						
A.	I certify and affirm that the disclosures I have made in this Form, including this Certification and Affirmation, and all attachments thereto, are true, complete and correct to the best of my knowledge and belief. I certify and affirm that I understand that failure to provide true, complete and correct information in this Form to the best of my knowledge and belief may have serious consequences, including the institution of disciplinary proceedings.						
B.	I understand that I must declare anything that could affect my objectivity or independence in respect of the performance of my duties for the United Nations, or the perception by others of my objectivity and independence, and if I am uncertain, I will seek guidance from the Ethics Office, OHRM or other appropriate offices.						
	Signature of the staff: Date:						