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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and First Session

Rome, 21 - 23 October 2015

Ethics Committee - Annual Report 2015

I. INTRODUCTION

1. Under its Terms of Reference, the Ethics Committee submits 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 meetings held by the Committee in 2015.

2. The FAO Ethics 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 ethics programme is operating effectively. The Ethics Committee also reviews and advises on all relevant ethics policies, regulations and rules, training, disclosure programmes and conflict of interest prevention.

3. The FAO Ethics 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 2015, the Committee was composed of Mr Ngonlardje Kabra Mbaidjol (Chairperson), Ms Suomi Sakai and Mr José Zalaquett (external members), Mr Daniel Gustafson, Deputy Director-General (Operations) and Mr Antonio Tavares, Legal Counsel.

II. SESSIONS OF THE ETHICS COMMITTEE

4. The Ethics Committee held two sessions in 2015. The first session was held by video conference on 29 May with the participation of all members. The second session was held on 11 and 12 August at FAO Headquarters, also with the participation of all members. Both sessions were chaired by Mr Mbaidjol and had similar agendas. The longer duration of the second session allowed for in-depth discussions and review of a number of issues.

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III. DELIBERATIONS OF THE COMMITTEE

5. The Ombudsman and Ethics Officer provided a general brief to the Committee on the cases handled by the office. The Committee was appreciative of the Ombudsman and Ethics Officer's work and recognized the support given to the office by different internal stakeholders.
6. The Committee called for strengthened education programmes at all levels, as a means to increase knowledge and raising awareness of ethics issues. The Committee underlined that this was the most effective and appropriate approach to prevent staff misconduct, and re-enforce organizational reputation.
7. The Ombudsman and Ethics Officer informed the Committee that the office had also taken steps to strengthen its education programme by launching an e-learning module which would provide training to staff members, both at headquarters and in decentralized offices, on ethical standards of international civil servants.
8. The Committee was informed that training since the beginning of the year 2015 had also been provided via video-conference to decentralized offices and face-to-face sessions on matters, such as: key FAO policies, prevention of harassment and abuse of authority; whistle-blower protection; identification and prevention of conflicts of interest and protection against sexual exploitation and abuse (PSEA).
9. The Committee recommended that the e-learning training and some thematic ethics training programmes be made mandatory and their completion should be monitored and integrated into performance evaluation mechanisms.
10. While recognizing the justification to achieve savings through outreach training by video conferences and online communication tools, the Committee considered that face-to-face training in decentralized offices was also essential. The Committee underlined that there was a need to balance on-line communication and face-to-face training. The Committee suggested, in particular, that face-to-face training should be carried out in decentralized offices where a large number of staff is deployed or where significant operations are carried out. The Committee also stressed the importance of providing training to FAO senior managers.
11. The Committee examined in some detail the implementation of the Financial Disclosure Programme. The Committee noted that, due to workload and transitional arrangements inherent in the installation of the new Office of the Ombudsman and Ethics Officer, the implementation of the Financial Disclosure Programme had been suspended.
12. The Committee expressed satisfaction at the resumption of the implementation of the Programme, as described in Administrative Circular 2015/18 of 31 July 2015, governing the implementation of the Programme. The Committee noted that some of the arrangements, which had been previously proposed, would continue to be implemented, including recourse to the External Reviewer who had assisted both FAO and the World Food Programme. The Committee welcomed improvements made to the on-line system.
13. The Members of the Committee exchanged views and provided general guidance to the Ombudsman and Ethics Officer on some Human Resource management issues that had been referred to his office throughout the year concerning, *inter alia*, the Performance Evaluation Mechanism (PEMs), the Mobility Policy, the interpretation of some HR policies and procedures.
14. The Committee examined, at both sessions of May and August 2015, the challenges that had arisen in connection with the combination of functions of Ombudsman and Ethics Officer. The Committee had consistently considered that the matter had to be examined *in concreto*, in light of the practical experience gained, rather than on the basis of general principles, which may not take into account the specific situation of each organization.

15. The Committee was satisfied that the combination of these functions had not affected the efficiency of the Ombudsman and Ethics Office, and observed that issues of conflict of interest, which would have been incompatible with the current scheme, had been successfully addressed. The Committee noted, in this respect, that the ethics function in FAO had a special configuration insofar as it did not include investigation responsibilities and advised the Ombudsman and Ethics Officer to continue to systematically refer to the Office of the Inspector-General any cases in which investigation appeared to be required. The Committee encouraged the Ombudsman and Ethics Officer to continue to ensure full confidentiality of matters discussed with him and to continue to monitor closely, especially in situations where the role of ombudsman versus ethics officer was not clear, any potential instances of conflict of interest between the functions.

16. The Committee discussed the staffing level of the Office. The internal Members of the Committee drew attention to the overall financial constraints to which the Organization and its Members were confronted and to the on-going Organization-wide efforts to contain expenditures. The Organization would, however, be prepared to examine any specific operational needs of the office.

IV. FUTURE OF THE ETHICS COMMITTEE

17. The Committee noted that the Ethics Committee had been established for a period of four years beginning in January 2012. The Committee noted that, throughout this period, the relevant Governing Bodies would review closely the work of the Committee in order to determine, at the end of the period, whether the Committee should be extended or to define such changes to its *modus operandi* as required.

18. The Committee examined this matter but could not agree on a recommendation on the convenience of its continuity. The Ombudsman and Ethics Officer was generally of the view that the Committee had played a very useful role and continue to serve a purpose, insofar as it provided a forum for dialogue on important topics, at times of a delicate nature. One of the external members considered that FAO had now fully operational Ombudsman and Ethics functions, that the Committee had discharged its mandate with respect to the ethics function and that there would be no justification to extend the mandate of the Committee. The other two external members were of the view that although they fully recognized that the Committee could be useful both for the Organization and the Ombudsman and Ethics Officer, any decision as to the future of the Committee was one entirely for the relevant Governing Bodies of FAO, to be taken in light of all pertinent considerations. The two internal members noted that the Committee had been useful as a forum for dialogue and exchange of ideas, that there were arguments both in favour and against the continuation of the Committee and that the matter had to be considered by the relevant Governing Bodies of FAO. The two internal members of the Ethics Committee expressed their appreciation to the other Members for the invaluable support that they had extended to the Organization.

19. It is proposed to discuss this matter at a future session of the CCLM and of the Finance Committee in light of a submission by the Secretariat. Pending a decision on the matter, the Ombudsman and Ethics Officer would continue to be able to liaise informally and as required with the members of the Ethics Committee by video-conference.

V. SUGGESTED ACTION BY THE CCLM

20. The CCLM is invited to review this report and make such comments thereon as appropriate.