## OECD Public Governance Reviews

# The Implementation of the Palestinian Code of Conduct

## STRENGTHENING ETHICS AND CONTRIBUTING TO INSTITUTION-BUILDING

**OECD**

# The Implementation of the Palestinian Code of Conduct

## STRENGTHENING ETHICS AND CONTRIBUTING TO INSTITUTION-BUILDING

**OECD**

BETTER POLICIES FOR BETTER LIVES

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

**Photo credits:** Cover © javarman - Fotolia.com

Corrigenda to OECD publications may be found on line at:
*www.oecd.org/about/publishing/corrigenda.htm*.

# *Foreword*

The Palestinian Authority is seeking to curb public sector corruption by building a stronger legal framework and effective tools for public sector integrity. In the framework of the MENA-OECD Initiative to Support the Palestinian Authority (MIP) – a strategic partnership to help build more transparent, effective and responsive state institutions – the Palestinian Authority has elaborated a Code of Conduct and Ethics for the civil service. The elaboration of the code reflects strategic considerations among the political leadership to contain public sector corruption and strengthen accountability mechanisms for citizens. The Palestinian Authority has steadily progressed in the implementation of the Code of Conduct and officially launched a large-scale training cycle for 30 000 civil servants over the period 2015-16.

With the adoption and implementation of the code, the Palestinian Authority has taken an important step on a path towards a more open, transparent and participatory government. The code of conduct will not only serve public officials as a reference document for adequate professional behaviour but will encourage every Palestinian to play a more active role in the process of policy-making and monitoring the actions of government. The case of the Palestinian Authority illustrates how tools and mechanisms to foster integrity can be embedded into a broader strategy to promote institution building. With a concise presentation of key values and standards of conduct, the code will help civil servants to take better decisions and improve public sector outcomes and services.

This report, an OECD Joint Learning Study (JLS), documents the process of the elaboration and adoption of the code, as well as the first steps towards its implementation. It reviews the efforts undertaken by the General Personnel Council (GPC) to enlarge the number of civil servants who are aware of integrity risks and the role of the code in disseminating key values that should guide the behaviour of public officials. It presents international standards and experiences for turning the code into a reference document and ensuring its full operationalisation. It also provides recommendations on how the Palestinian Authority could further strengthen its integrity framework, building on the Recommendation of the Council on Guidelines

for Managing Conflict of Interest in the Public Service (2003), The Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service (1998)[*] as well as the G20 Guiding Principles for Legislation on Whistleblower Protection (2011).

This report was conducted under the auspices of the MENA-OECD Governance Programme within the OECD Public Governance and Territorial Development Directorate. The Directorate's mission is to help governments at all level design and implement strategic, evidence-based and innovative policies to strengthen public governance, respond effectively to diverse and disruptive economic, social and environmental challenges and deliver on government's commitments to citizens.

Since 2010, with the financial support of the Government of Norway, MIP supported the Palestinian Authority in aligning legal frameworks and policies with OECD standards and international good practices in the fields of rule of law, public sector integrity and e-governance with a view to upgrading institutional capacities.

---

[*] The Recommendation is currently being revised.

# *Acknowledgements*

# *Table of contents*

**Figures**

# *Acronyms and abbreviations*

| | |
|---|---|
| **ACC** | Anti-Corruption Commission |
| **ADNS** | Authority developed the Administrative Development National Strategy |
| **APS** | Australian Public Service |
| **GPC** | General Personnel Council |
| **JLS** | Joint Learning Study |
| **MIP** | MENA-OECD Governance Programme's Initiative to Support the Palestinian National Authority |
| **MoPAD** | Ministry of Planning and Administrative Development |
| **NCCC** | National Committee of the Code of Conduct |
| **PRDP** | Palestinian National Policy Agenda set forth policy goals and objectives in the framework of the Palestinian Reform and Development Plan |
| **SAACB** | Special Anti-corruption Court, State Audit and Administrative Control Bureau |

# Executive Summary

A set of clear standards of conduct for public officials is crucial for promoting openness, transparency and accountability in the public sector and, in the long run, restore citizens' trust in government. To this end, the Palestinian Authority has undertaken significant progress in implementing a Code of Conduct and Ethics for its civil service. This report analyses the underlying factors of an effective code of conduct within the framework of broader public governance reform to build open and transparent institutions. It traces the evolution of the code from the first draft to the adopted document and assesses the final version against OECD recommendations and international good practices. The report provides policy recommendations for making the code operational and strengthening the governance framework for public sector integrity in the Palestinian Authority.

## Key findings

- The consultation process organised by the Palestinian Authority provides a leading example for a transparent and inclusive approach to stakeholder engagement in policy making. For the National Committee of the Code of Conduct (NCCC), the consultation process was critical to secure high-level political support and buy-in throughout the public administration.

- With an improved articulation of values and a generic definition of key terms, the code has gained persuasive power. It applies to all public officials irrespective of the level of responsibility.

- The code benefits from a concise statement of key values. Compared to the earlier draft, new references to "justice", "efficiency", "political neutrality" and "non-discrimination due to race, sex, religion, belief or age" complement the code in a meaningful way. An explicit reference to gender equality was replaced by a value statement requiring non-discrimination. The duties and standards each civil servant should observe are discussed with a view to the relation of public officials *vis-à-vis* citizens, superiors, colleagues and subordinates.

- The code addresses persistent challenges to public sector integrity, such as wasta, conflict of interest, employment restrictions and gifts. While the code does not explicitly refer to wasta, and is less explicit on merit-based and competitive recruitment and promotion, it prohibits such phenomena as unduly preferential treatment and nepotism and provides for notification procedures in case a conflict of interest occurs. However, further clarification in the form of complementary regulation is necessary (i.e. outside/post-public employment, gifts, and illegal orders).

- The final version of the code notes positively the introduction of two implementation tools: the Distinguished Performance Awards and a pledge that the employee has read the code and commits him/herself to comply and disclose interests.

- The code makes an important contribution to strengthening public sector integrity in the Palestinian Authority and marks a critical step towards implementing open government principles in the public administration.

## Key recommendations

- **Administration**: A clear implementation authority should be defined and endowed with hard powers, such as reviewing complaints and providing counselling. The mandate of the NCCC should be strengthened to ensure overall awareness-raising, monitoring, periodic reviews of the status of implementation and quality control of training and education programs. Given the important role of managers for ensuring compliance, they should receive special guidance and assistance to strengthen professionalism and awareness.

- **Communication**: Special attention should be given to target high-level public officials as they will bear the main responsibility for ensuring everyday implementation, dissemination and enforcement. These efforts could be complemented by issuing annual public reports with information on the appropriation of the code, the use of ICT to disseminate the code and ethical skills and awareness tests in recruitment procedures.

- **Training**: An ambitious training programme, targeting 512 civil servants, was launched in January 2015. The outcomes should be monitored closely and assessed against the benchmarks and indicators as

outlined in the action plan to determine if trainings are effective in raising individual moral sensitivity and improving moral judgement.

- **Counselling**: The report notes that the action plan did not commission a specific institution to provide guidance. Public official should be able to seek confidential advice and contact a person of trust other than the direct superior.

- **Monitoring, reporting, incentives and sanctions**: In the course of a future revision of the code, it should be clarified whom public officials can address in case reporting to the direct manager does not seem logical and which types of violations they are expected to report. Public officials exposing wrongdoing must rely on effective (whistleblower) protection. An operational incentive-based system can boost compliance and support a culture of integrity.

- **Adjustment and revision**: Continuous progress assessments should determine if the implementation proceeds in line with the objectives or if an adjustment of the strategy becomes necessary. The provision of performance indicators for implementation activities is laudable, however, some targets seem very ambitious and some indicators are vague or controversial in nature and could therefore benefit from a thorough review.

- **Complementary regulation and tailored codes**: The code cannot replace distinct policies for many of the standards it introduces. Specific codes may usefully complement the code to reflect the peculiarities of particular agencies or professions.

*Chapter 1*

# Process of preparation of the Palestinian Code of Conduct and Ethics

*With a view to building more performant state institutions and promoting a culture of integrity in the public sector, the Palestinian Authority commissioned the National Committee of the Code of Conduct (NCCC) to draft a code of conduct for Palestinian public officials. This chapter analyses the process towards the adoption of the Code of Conduct and Ethics by the Council of Ministers in 2012. It highlights critical junctures, such as the benchmarking exercise of the draft code against international good practices by the Palestinian Authority and OECD, the consultation process and the series of workshops to allow a broad range of stakeholders from government agencies, civil society, unions and syndicates, academia and experts, and university students to comment on its provisions.*

## Wider policy planning framework and governance reforms

Since 2007, the Palestinian Authority has been pursuing ambitious governance reforms aimed to strengthen institution-building and support socio-economic goals. These reforms include measures to safeguard integrity and constitute an enabling environment for strengthening of the public-sector ethics.

The Palestinian National Policy Agenda set forth policy goals and objectives in the framework of the Palestinian Reform and Development Plan (PRDP) 2008-10 and identified the promotion of good governance to enhance the efficiency and effectiveness of the government and strengthen public constitutions as a main priority.

In 2009, the Thirteenth Government adopted a programme which defined the Palestinian Authority's approach to institution building, reform and development aimed at ending the occupation and establishing the State by improving institutional capabilities and public governance. In particular, the Government identified its main institution-building priorities in five core areas:

- the legal framework

- organisational structures and processes

- the use of technology in government

- management of national financial resources

- management of human resources in the civil and security sectors.

As part of its efforts to build a transparent and effective state – and in the framework of human resources reforms laid down by the Thirteenth Government programme – the Palestinian Authority developed the Administrative Development National Strategy (ADNS), led by the Ministry of Planning and Administrative Development (MoPAD) to enhance integrity, performance and responsiveness of the Palestinian public administration. The programme identified three components: *i)* policy management; *ii)* structures, legal framework and processes; and *iii)* human resources management. The corresponding set of strategic objectives and subsequent policies had to be implemented by specific public institutions. Among the measures identified by the ADNS, creating a professional and impartial civil service supports building a culture of integrity in the public administration.

Based on the Thirteenth Government programme and to follow up on the PRDP 2008-10, the Palestinian Authority elaborated a National

Development Plan for three years (2011-13). The Plan aimed to develop state institutions based on the internationally recognised principles of good governance and rule of law, and to continue building the infrastructure and economy of the Palestinian Authority. For the sector of governance, it placed forward six strategic objectives:

- To provide national security and public safety throughout the territory.

- To deliver justice and the rule of law for all citizens.

- To modernise and streamline public administration.

- To empower local government and bring public services closer to citizens.

- To attain financial independence and economic stability.

- To promote the Palestinian Authority's sovereign presence in the international community.

In November 2013, the MoPAD published for consultations the new draft national policy agenda for 2014-16. Regardless of the concrete tasks of future planning documents, the achievement of high standards of governance will remain a complicated and long-term goal, which certainly deserves due attention also in this coming planning period.

## Anti-corruption and integrity framework

The Civil Service Law defines duties, rights and standards of conduct of Palestinian civil servants. They include loyal and accurate performance, respecting working hours, protecting public funds and public properties, and respecting the hierarchy of the public institution. Amendments to the Civil Service Law have been under consideration in order to address legal loopholes, particularly in relation to performance evaluation and incentive systems. Development of specific laws or by-laws to regulate different categories of civil servants (i.e., teachers, health care workers) has been considered as well. The Cabinet established a technical committee composed of various relevant institutions in 2010 to review and amend the Civil Service Law (OECD, 2011, p. 18). However, as of November 2013, the Civil Service Law of 1998 with the latest amendments from 2005 still seemed to be current as published on the website of the General Personnel Council (www.gpc.pna.ps/diwan/viewpublicnewsinfo.gpc?id=30).

Already in the 1990s, the Palestinian Authority realised the importance of tackling corruption and its political commitment materialised in the first

anti-corruption plan in 2002 (AMAN, quoted from Chêne, 2012). Since then a number of laws have been adopted to build the necessary anti-corruption framework, e.g. the Illicit Gains Law of 2005, the Anti-Money Laundering Law of 2007 and the amendments of the Illicit Gains Law renamed as the Anti-corruption Law in 2010. The Anti-Corruption Law closed a number of gaps in the system of asset declarations for public officials (World Bank, 2011, pp. 87-88) as well as complemented existing standards by requiring all public officials to report corruption cases and illicit enrichment (OECD, 2011, p. 18).

Importantly, the Law of 2010 established the Anti-Corruption Commission (ACC) as a multi-functional body responsible for law-enforcement, prevention and awareness-raising on corruption. In particular, the ACC shall develop and co-ordinate anti-corruption strategies and policies, investigate suspected corruption cases, collect information on corruption, conduct awareness campaigns on corruption for all stakeholders, strengthen media and civil society participation in combating corruption, and evaluate anti-corruption legislation. Among notable activities of the ACC in 2012 were the activation of the department responsible for the managing of asset declarations, consultations and preparation of the National Strategy on Anti-Corruption and beginning of a campaign for raising awareness and training (AMAN, 2013, p. 53). The law requires members of the Legislative Council, the Prime Minister and ministers to submit an asset declaration for themselves, his/her spouse and each minor child, which details their assets and liabilities at home and abroad. The judicial authority law also requires judges and prosecutors to submit asset declarations, his/her spouse and each minor child that detail their assets and liabilities at home and abroad (World Bank, 2011).

The National Strategy on Anti-Corruption for the years 2012-14 entails a multi-directional approach consisting of six components:

- prevention of corruption
- law enforcement and prosecution
- raise awareness, education, training and community participation
- co-ordinating anti-corruption efforts
- international co-operation
- capacity building of anti-corruption commission.

Among the many tasks, the strategy reinstated the need to "finalise the preparation of the codes of conduct for the staff of civilian and military governmental institutions; local councils, charitable and national societies

and those subject to the Anti-Corruption Law to guarantee integrity, impartiality, accountability at work, and protection of public funds".

Other key institutions involved in anticorruption and strengthening public-sector integrity are the Special Anti-corruption Court, State Audit and Administrative Control Bureau (SAACB), Attorney General's Office, and the General Personnel Council (GPC) (World Bank, 2011, pp. 106-107). In 2012 the Anti-corruption Court adjudicated 23 cases (8 of them were rejected as unrelated to corruption). The SAACB is mandated to audit all Palestinian Authority institutions and thus carry out financial and administrative oversight. Its periodical reports list violations in public institutions under its jurisdiction and provide recommendations. When suspecting corruption, the SAACB refers the cases to the ACC (AMAN, 2013, pp. 52-53). With the creation of the ACC, the Attorney General's Office lost some of its role in the fight against corruption although it still comprises a unit focusing on economic crime. The GPC oversees civil service issues and has an important role in investigating administrative violations committed by civil servants (World Bank, 2011, p. 107). Reports by the World Bank and the Coalition for Integrity and Accountability – AMAN noted, as a major impediment for the anti-corruption policy, the missing activity of the Palestinian Legislative Council because of its inability to operate officially as a parliament.

## Preparation of the Code of Conduct

In order to more precisely define the values of the civil service and the standards of conduct for civil servants, in 2010 the Palestinian Authority established the National Committee of the Code of Conduct (NCCC) to design a code that would complement the Civil Service Law. Led by the Palestinian General Personnel Council (GPC), the NCCC designed a new code based on an earlier draft.

---

### Box 1.1 **Composition and tasks of the National Committee of the Code of Conduct during the preparation of the Code**

The NCCC was created as an inclusive collective body, which allowed it to take into account different opinions and perspectives as well as consider needs of various parts of the public sector. It was composed of representatives of:

- the General Personnel Council

- the Ministry of Planning and Administrative Development

- the Financial and Administrative Auditing Bureau

---

---

Box 1.1. **Composition and tasks of the National Committee of the Code of Conduct during the preparation of the Code** (*cont.*)

- the Bureau of Fatwa and Legislation

- the Ministry of Health

- the Ministerial Cabinet

- the Ministry of Education and Higher Education

- The University of Birzeit.

As redefined in the beginning of 2011, the tasks and responsibilities of the NCCC until the adoption of the Code were:

- Collecting international experiences in designing and implementing a code of conduct.

- Drafting the code.

- Co-ordinating consultation processes on the draft code with all stakeholders.

- Co-ordinating with the Technical Committee responsible for amending the Civil Service Law to discuss the draft code.

- Submitting the final version of the code to the relevant authority (Council of Ministers) for adoption.

- Launching the first communication campaign (including material geared towards the media and the wider public such as brochures, posters, audio-visual products, etc.).

- Organising conferences with stakeholders and ministry representatives in order to inform and train them on the code, and having them share their knowledge within their respective institutions.

*Source*: OECD (2011), "Code of Conduct for the Civil Service. Palestinian Authority", Benchmarking report, pp. 12-13, www.oecd.org/mena/governance/50402442.pdf.

---

## International standards and experience

The tasks of the NCCC were facilitated by the fact that regulation of public sector ethics is an area with extensive international standards and rich experience from countries in all parts of the world. The earliest global standard in the area of codes of conduct for public servants is the International Code of Conduct for Public Officials adopted on 12 December 1996. The document states that a public office is a position of trust and defines basic principles on issues such as conflict of interest, disclosure of assets, gifts, handling of confidential information and political activity of

public officials. Upon recognition that its member countries show certain homogeneity in their public-service values, the OECD adopted Principles for Managing Ethics in the Public Service in 1998 (see Annex B).

> ### Box 1.2. **Article 8 of the United Nations Convention against Corruption: Codes of conduct for public officials**
>
> 1.  In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.
> 2.  Each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.
> 3.  For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organisations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly Resolution 51/59 of 12 December 1996.
> 4.  Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.
> 5.  Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.
> 6.  Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.
>
> *Source*: United Nations (2004), United Nations Convention against Corruption, www.unodc.org/documents/treaties/uncac/publications/convention/08-50026_e.pdf.

An important European standard is the Recommendation No. R (2000) 10 of the Committee of Ministers of the Council of Europe to Member states on codes of conduct for public officials, which was adopted on 11 May 2000 and included a model code of conduct for public officials – the most detailed international document of its kind. Finally the United Nations Convention against Corruption requires states to promote integrity, honesty and

responsibility among their public officials and consider application of codes or standards of conduct.

In the framework of the MENA-OECD Initiative to Support the Palestinian National Authority, the NCCC and the MoPAD asked the OECD to support the Palestinian Authority in designing and implementing standards of conduct for the civil service as part of its objective to enhance integrity in the public service. The first phase of the collaboration between the OECD and the Palestinian Authority in the field of enhancing integrity consisted of benchmarking the draft Code of Conduct, initially developed by the Ministry of Finance, against international good practices. The OECD benchmarking report presented the experiences of selected OECD and Middle East countries that designed and implemented codes of conduct. In a study visit to Spain, Palestinian officials visited institutions responsible for the topic of conflict of interest and ethics in the public sector and learned about the challenges Spanish public officials experience in this area.

### *Stakeholder inclusion through consultations*

In line with its Action Plan, in 2011 the NCCC drafted the Consultation Plan for the Code of Conduct. In the proposed plan, the objectives of the consultation were to:

- Receive feedback and comments from stakeholders.

- Create a positive and constructive attitude towards the code.

- Involve the largest possible number of stakeholders and the entire public administration and political level.

The GPC led the consultation process and, on 11 January 2012, an open Information Day was held with the purpose to bring key stakeholders together and inform them about the planned consultation process on the draft code. During the event the consultation plan was presented and the draft code introduced. Representatives from ministries, other public agencies, civil society organisations and the academia committed their participation and provided their input.

According to the Action Plan of the NCCC, in January-February 2012, five initial workshops were scheduled. Each aimed to involve a different group of stakeholders to initiate a cascade process of consultation inside each group:

- First workshop – ministries, government institutions, government independent institutions and municipalities.

- Second workshop – representatives of the labour union, doctors union, public servants union, engineering union, teachers union, and health professions union.

- Third workshop – organisations such as AMAN, the Independent Commission for Human Rights, Hawkama and the Chamber of Commerce.

- Fourth workshop – students from different universities (Birzeit, Al-Najah, Hebron, Bethlehem).

- Fifth workshop – experts, academics, research and study centres.

This was then followed by independent meetings and workshops organised directly by such groups which collected comments and reverted back to the NCCC. The NCCC held meetings several times to discuss the results of the workshops and analyse the feedback. The consultation process took several months to be concluded. It was the first comprehensive and well-structured consultation process in the Palestinian Authority that met internationally recognised good practices (MENA-OECD Governance Programme, 2012) and followed the principles established in the national consultation guide that was drafted as part of the initial phase of the OECD project in the territory.

The consultations achieved high and diverse representation of government agencies, civil society organisations, university students, union and syndicate representatives, academics and experts. The events attracted a great deal of interest in particular because they afforded a not so usual opportunity to be involved in such a process. Participants received the draft code well in advance, which allowed them to prepare and engage in genuine participation. This prompted a wealth of substantial feedback. The consultations were documented and institutionalised with members of the NCCC. The media took note of this first structured and comprehensive consultation process. The Palestinian Authority official TV and three Palestinian newspapers took account and covered the events thoroughly (MENA-OECD Governance Programme, 2012).

Eventually the text of the Code of Conduct and Ethics of Public Service Code was finalised and the Council of Ministers adopted the document in 2012.

---

### Box 1.3. **Setting a precedent for the region**

The 2012 consultation process organised by the Palestinian Authority to collect input from different stakeholder groups on the draft code of conduct served as inspiration for the Tunisian Ministry of Governance and Fight Against Corruption, during the preparation of Tunisia's code of conduct for the public sector. The organisation of an information day followed up by workshops led by different public ministries and agencies was replicated in Tunisia, as the model proved effective in allowing the Palestinian Authority to contact a large amount of public officials and other stakeholders in a relatively small period and with scarce financial resources. During May and June 2013, Tunisia's Ministry of Governance reached out to ministries, governorates and civil society organisations, disseminating knowledge about the code and collecting their views on different aspects of the substance and form which the code should take.

---

# *Bibliography*

AMAN (2013), "Corruption Report. Palestine 2012", www.aman-palestine.org/data/itemfiles/b9f3d4d33e3c1ad19ef553436b89070d.pdf.

Chêne, M. (2012), "Overview of corruption and anti-corruption in Palestine", U4 Expert Answer No. 314, www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-palestine/.

OECD (2011), "Code of Conduct for the Civil Service: Palestinian Authority", Benchmarking report, www.oecd.org/mena/governance/50402442.pdf.

United Nations (2004), "United Nations Convention against Corruption", www.unodc.org/documents/treaties/uncac/publications/convention/08-50026_e.pdf.

World Bank (2011), "West Bank and Gaza: Improving Governance and Reducing Corruption", http://siteresources.worldbank.org/intwestbankgaza/resources/governancereportwbgengmay18,2011.pdf.

*Chapter 2*

# From draft to the adopted document: Evolution of the text of the Palestinian Code of Conduct and Ethics

*The final text of the code underwent substantial evolution before its adoption and reflects valuable feedback gathered during the consultation process. This chapter outlines the process that led to the adoption of the code and discusses the degree to which its provisions reflect international good practices and standards. The chapter finds that the code provides an effective reference document for the expected conduct of civil servants as it presents key values in a concise way and targets officials throughout the public administration. It discusses the provision of the code with a view to recurrent challenges to public sector integrity, such as* wasta, *conflict of interest, employment restrictions and gifts. While the code refers to such abuses of integrity and thus can play a prominent role in bringing about attitude change, the chapter draws the attention to legal frameworks that would usefully complement existing safeguards.*

The text of the draft Code underwent substantial evolution before its adoption. The changes affected the scope of covered issues, wording of concrete provisions as well as the structure of the document. Altogether they serve as evidence of how seriously all of the provisions were considered.

## Scope of covered persons

No rigid international standard prescribes exactly what circle of officials should be covered by a code of conduct. However, generally it seems that the scope should be rather broad and inclusive. This idea is most explicitly expressed in the Model code of conduct of public officials appended to the Recommendation No. R (2000) 10 of the Committee of Ministers of the Council of Europe. According to the Model code it shall apply to all public officials defined broadly as persons employed by a public authority (except publicly elected representatives, members of the government and holders of judicial office) (Council of Europe, 2000, Article 1). Similar was the scope of covered persons in the draft Palestinian Authority Code and it remains like that in the adopted Code.

The current Code covers two categories of persons:

- Employees appointed in accordance with the provisions of the Civil Service Law on probation or permanently (Article 3, Item 1). The OECD benchmarking report quoted data from the Ministry of Finance of the Palestinian National Authority on the number of public employees at 149 580, out of which 86 144 were civil servants. Sixty seven percent of the civil servants were affiliated with the Ministry of Health and the Ministry of Education (OECD, 2011, p. 22).

- Staff working in governmental departments under employment contracts (Article 3, Item 2).

The approach is comprehensive and does not differentiate standards of conduct for civil servants with certain decision-making authority on the one hand and employees with more technical tasks on the other hand. Such comprehensiveness implies the unity of the values and standards of the public administration no matter what the level of responsibility of the particular individual.

## Clear statement of values

Safeguarding integrity in the public service requires defining:

- Values: collectively shared principles that guide judgment about what is good and proper.

- Standards of conduct: required criteria for actual actions of public servants/public officials (OECD, 2000, p. 22).

The draft Palestinian Authority Code clearly defined the values of the civil service: "equality, equal opportunities, transparency, accountability, professional integrity, impartiality, and loyalty to the country and the department" (Article 3-d). In addition, Paragraph a of Article 5 required that "an employee shall conduct his functions and tasks with due honesty, integrity, professional accuracy and impartiality serving the goals and purposes of the department and public interest". The OECD benchmarking report suggested that Palestinian Authority may consider revising Article 3-d to highlight that these are the values of the entire civil service (OECD, 2011, p. 22).

The adopted Palestinian Authority Code contains improved articulation of values. Helpfully for awareness-raising, the Code provides a generic definition of values: "Set of common principles that guide judgment of what is good and appropriate." This formulation aptly places values as the benchmark for judging the goodness and appropriateness of conduct. Also other definitions for terms such as public money, ethics of public service, transparency, integrity, conflict of interest, corruption, cronyism and nepotism provide good educational guidance. More explicitly than in the draft, Article 5 of the approved Palestinian Authority Code now states that, while carrying out their work, employees should take into consideration the values listed.

The statement of values in the adopted Code is not only more explicit but also the catalogue of values is expanded:

- justice, equal opportunity, transparency, accountability, integrity, professionalism, efficiency, loyalty to the homeland, motivation and excellence

- neutrality and freedom from political pressure

- merit

- equality and non-discrimination, regardless of race, sex, religion, belief or age

- respect for the rights of women, persons with disabilities and prisoners

- respect human dignity (Article 5).

The list of values opens with justice, which is a fundamental value in any community and was not explicitly mentioned in the draft Code. Another new value is efficiency, which can be perceived as an apt reminder that the civil service shall achieve results. However, the most fundamental novelties in the value statement are political neutrality and non-discrimination due to race, sex, religion, belief or age. The principle of non-discrimination is further expanded in the requirement for respect for women rights, persons with disabilities, prisoners as well as for human dignity in general. All of these are fundamentals to a civil service, which shall act in accordance with the imperative of ethical universalism. Although partially they found reflection elsewhere in the draft Code, the current statement reflects the appropriate priority of these principles. For comparison, Figure 2.1 shows how six core public service values spread among OECD countries between 2000 and 2009.

Figure 2.1. **The evolution of core public service values in OECD countries**
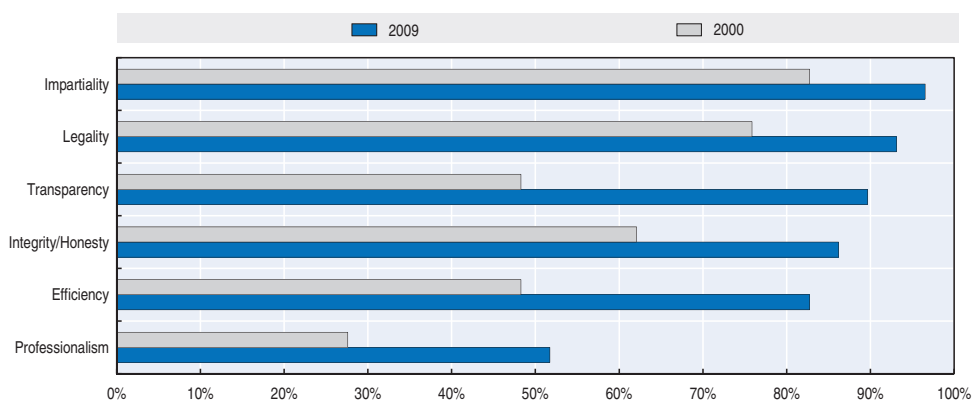


*Note*: Percentage of the 29 countries that responded to both the 2000 and 2009 surveys.

*Source*: OECD (2009), *Government at a Glance 2009*, OECD Publishing, Paris, p. 40, http://dx.doi.org/10.1787/9789264075061-en.

In making the statement of values concise and explicit, the Palestinian Authority has been acting in line with approach already found in some OECD countries with strong public administration, e.g. Australia and New Zealand, which revised their value formulations and made them more memorable (see Box 2.1 and Figure 2.1). Also many other OECD countries adopted the model of issuing a brief set of values or general principles to which all or at least the senior public officials adhere. Examples include the Canadian Values and Ethics Code for the Public Sector, the Italian Code of

Conduct for Public Employees, the Spanish Code of Good Governance for Government Members and Senior Officials of the General State Administration and the British Civil Service Code.

Moreover the OECD Recommendation suggests "a concise, well-publicised statement of core ethical standards and principles that guide public service" (OECD, 2000, p. 75). Still various opinions will persist regarding exactly how concise or elaborate should be the language of value statements. What is clear is that any code of conduct should make existing implicit values explicit and, in this regard, the drafters of the Palestinian Authority Code have succeeded.

---

### Box 2.1. **Revision of the Australian Public Service values**

In the past, the Australian Public Service Commission used a statement of values, which was expressed as a list of some 15 rules. For example, they stated that the Australian Public Service (APS):

- is apolitical, performing its functions in an impartial and professional manner

- provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves

- is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programmes

- delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public, etc.

In 2010 the Advisory Group on Reform of Australian Government Administration released its report, which recognised the importance of a robust values framework to a high-performing, adaptive public service, and the importance of strategic, values-based leadership in driving performance. The APS Reform Blueprint recommended that the APS values be revised, tightened and made more memorable, for the benefit of all employees and to encourage excellence in public service. It was recommended to revise the APS values to "a smaller set of core values that are meaningful, memorable and effective in driving change".

The revised set of values runs as follows:

**Impartial**

The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

---

---

Box 2.1. **Revision of the Australian Public Service values** (*cont.*)

**Committed to service**

The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

**Accountable**

The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

**Respectful**

The APS respects all people, including their rights and their heritage.

**Ethical**

The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

*Sources*: Australian Public Service Commission (2011), "Values, performance and conduct", www.apsc.gov.au/about-the-apsc/parliamentary/state-of-the-service/state-of-the-service-2010/chapter-3-values,-performance-and-conduct; Australian Public Service Commission (2012), "APS Values", www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/aps-values.

---

## Standards of conduct

The adopted Code retains the basic structure of the draft. The Code provides first a definition of the values of the civil service (Article 5) and then defines duties, responsibilities of civil servants, the standards that should be observed when dealing with others, etc. This is a common and well justified way of structuring codes of conduct. The same values can be interpreted in various ways, especially in newly developing systems where the appropriate standards of the public office are not universally internalised. Therefore specific lists of dos and don'ts can be helpful even if somewhat formalistic and compliance rather than integrity oriented (see Chapter 3).

In line with the values of the civil service, employees are required to work with "honesty, integrity, accuracy and professionalism, and impartiality" (Article 6, paragraph 1). Principles are translated by the Code into concrete standards of conduct that employees should observe in their daily work. These standards are found in ten articles namely, Article 6: Employee's duties and responsibilities; Article 7: Employee's duties and responsibilities in dealing with service recipients; Article 8: Employee's

duties and responsibilities in dealing with management; Article 9: Employee's duties and responsibilities in dealing with colleagues; Article 10: Employee's duties and responsibilities in dealing with subordinates; Article 11: Conflict of interest; Article 12: Acceptance or requesting gifts; Article 13: Integrity, transparency and confidentiality; Article 14: Employee obligations in anti-corruption efforts; Article 15: Dealing with public money. The level of detail varies with rather general standards of conduct in Article 6 and much more precise instructions in, for example, Articles 7-10, which define the relations of employees to citizens, superiors, colleagues and subordinates. Still, on the whole unavoidably, the language of this Code must be quite general because it aims to be relevant for the whole of the public administration and thus cannot address specificities important just for particular categories of employees such as teachers, doctors or police officers. Specific codes for particular public sectors or positions can be developed later on and needed rules can also be reflected in other legislation.

There are good reasons to focus on relations between an employee and his/her important counterparts. In many places of the world citizens increasingly demand transparency and efficiency from the public sector. The attitude of public employees toward concerns of regular citizens and quality of services are major factors influencing the perceived legitimacy of the government. Through defining the public service-citizen relationship and raising civil servants' awareness on how to handle citizens' concerns, the Palestinian Authority shows due appreciation for current challenges of the public administration (for comparison, see Box 2.2 for information on how Lebanon defines relationships between the public service and citizens). Meanwhile relations between superiors and subordinates are a key ingredient influencing outputs of the public sector. Mutual disrespect, unfair treatment of employees and obstruction of managerial supervision are just a few of the factors, which act detrimentally on the efficiency and contribute to the risk of unethical or even outright corrupt conduct.

Exactly how detailed provisions of a code of conduct should be is a debatable matter. Too detailed rules can be hard to understand, prone to proliferate (because unforeseen situations require more and more regulation) and in risk of conflict with other rules found in laws, etc. Too general rules can create confusion when civil servants try to link them with the concreteness of real-life situations. Different countries choose different approaches based on traditions and culture of the civil service. In most systems, there will be some balancing act on the continuum of generality and detail (see the Norwegian example below in Box 2.3).

> ### Box 2.2. **Lebanese Code of Conduct and Citizens Charters**
>
> In the case of Lebanon, the high priority of the relationship between the state administration and citizens is reflected in the adoption of not just a regular code of conduct but also specific charters – documents whereby the state promulgates or reiterates certain rights and also obligations. In this case, for citizens in concrete areas of public governance. In the future, addition of such citizen's charters could be an option for consideration also in the Palestinian Authority.
>
> The **Lebanese Code of Conduct for Public Servants** has been divided into seven parts *i)* General Obligations; *ii)* Public Service Obligations; *iii)* Employee Obligations towards Citizens; *iv)* Employee Responsibilities towards His Superiors, Colleagues and Subordinates; *v)* Conflicts of Interest and Outside Activities; *vi)* Employee Rights; and *vii)* Adherence to the Code of Conduct for Public Servants.
>
> The Code of Conduct tackles principles of good governance which aim at establishing ethical rules for public servants. Each part of the Code defines clearly the values and principles by which public servants should abide (loyalty, confidentiality, preparedness, integrity, transparency, rights and obligations towards other employees and superiors, and conflict of interest). It emphasises the ethical framework for job behavior and sets conduct standards leading to increased confidence in and respect for the Public Administration among Lebanese citizens.
>
> The **Citizen's Charter for Education** also emphasises citizens' rights and obligations with regards to education. The charter highlights the fundamental principles, establishing education as an absolute right and learning as an obligation without discrimination.
>
> It then defines carefully the rights and obligations of children, students, teachers, educational institutions, students' parents and citizens in order to achieve the national educational objectives and to achieve "complete and balanced growth". It concludes with the means of implementing such a charter, and underlines the contribution of civil associations, trade unions, media and all citizens in "disseminating educational culture, deepen awareness vis-à-vis this charter".
>
> Finally, the Lebanese Republic drafted a **Citizens Charter for Public Funds**. This charter is divided into five parts, highlighting the fundamental role of public funds and citizens' role as a key partner in safeguarding these funds. The introduction defines issues related to public funds (Constitution and law provisions, budget, tax, corruption and abuse of public funds). It then develops the objectives of such a charter:
>
> - enhance the administration's democratic approach regarding its relations with citizens

---

**Box 2.2. Lebanese Code of Conduct and Citizens Charters** (*cont.*)

- attain a transparent administration that assumes its responsibility towards citizens

- develop trust between citizens and the public administration

- develop tax citizenship approach.

The first part addresses the way citizens deal with public funds in their daily lives, emphasising their rights and obligations in the management of public properties. It tackles building tax citizenship. The charter also underlines the obligation of all concerned bodies – such as educational institutions, economic bodies, mass media, citizens, and public authorities – and their efforts towards the promotion of good governance principles in their work. It also addresses local-level public funds, the philosophy of control and trust dissemination strategy.

These codes are deemed paramount in building efficient and credible relations with the citizens and enhancing their confidence in the state. The application of these guidelines remains voluntary.

*Source*: Office of the Minister of State for Administrative Reform. This text taken from OECD (2011), "Code of Conduct for the Civil Service. Palestinian Authority", Benchmarking report, pp. 24-25, www.oecd.org/mena/governance/50402442.pdf.

---

Exactly how detailed provisions of a code of conduct should be is a debatable matter. Too detailed rules can be hard to understand, prone to proliferate (because unforeseen situations require more and more regulation) and in risk of conflict with other rules found in laws, etc. Too general rules can create confusion when civil servants try to link them with the concreteness of real-life situations. Different countries choose different approaches based on traditions and culture of the civil service. In most systems, there will be some balancing act on the continuum of generality and detail (see the Norwegian example below in Box 2.3).

The OECD benchmarking report suggested re-organising the draft Code in order to formulate clear messages rather than having detailed provisions. In particular, it was suggested that the detailed provisions on protection of public funds, interests and property (Article 11 of the draft) could be addressed in a more succinct matter, with examples and concrete situations included in explanatory materials or separate regulations (i.e., regulation addressing proper use of information technologies and electronic equipment) (OECD, 2011b, pp. 22; 25). The draft provisions relating to the use of computers, the internet and email were potentially useful. However, they

appeared rather more appropriate for an instruction or operations manual than for a code of conduct.

---

Box 2.3. **Ethical guidelines for the public service in Norway: General standards and commentaries**

The strengths of concise and general standards are their clarity and ease of perception. Their weakness is the possible confusion when a civil servant has to apply such standard to a complex real-life situation where particular details may obfuscate the principal issue at stake. One approach to mitigate such difficulties is found in Norway were the Ethical Guidelines for Public Service are published together with commentaries. Below is an example where the principle "concern for the citizenry" is stated and then followed by a commentary.

**Concern for the citizenry**

Both as the exerciser of authority, provider of services and steward of significant social resources, the central government administration and thus the individual employee is obligated to take account of the public interest, to strive to achieve equal treatment and to treat individuals with respect.

**Comments:**

Upon performing the duties of office, especially in exercising administrative authority, a balance will often have to be struck between general social considerations, protecting the principles of government for the citizenry (e.g. legal safeguards) and the individual citizen's special interests. First and foremost, we must bear in mind that the Public Service exists to serve the citizenry.

In both the exercise of authority and the provision of services, each and every public official shall be considerate, friendly, polite, correct and accommodating to the public in written as well as verbal communication. This applies even when the other party does not maintain the same decorum.

All communication must be worded so that the recipients easily understand it.

All legislation and regulation provisions about confidentiality and the protection of privacy shall be observed. An individual public official shall always respect an individual citizen's personal integrity.

It is important to be aware of the needs, values, norms and expectations of members of ethnic minorities, both in communication and in the wording of administrative decisions and the delivery of services.

*Source*: Ministry of Modernisation (2005), "Ethical Guidelines for the Public Service", Norway, www.regjeringen.no/upload/kilde/mod/bro/ 2005/0001/ddd/pdfv/281750-etiske_retningslinjer_engelsk_revidert.pdf.

---

In the current Code, provisions, which govern the use of public assets, have been changed considerably. Instead of providing detailed instructions on the use of computers, the Internet and email, the Article 15 of the Code outlines the principles of handling the assets. This approach is better aligned to the style of the rest of the Code and fully appropriate to this type of document. The current language emphasises the need to rationalise the use of public resources and strive for efficiency and effectiveness. There are no concrete instructions for what is, for example, efficiency but that would be either determined by employees as qualified professionals themselves or outlined in other regulation.

## Wasta, the conflict of interest, employment restrictions and gifts

### *Wasta*

The adopted Palestinian Authority Code retains the emphasis on promoting equality and equal opportunities in the civil service. Hence the Code should be able to help counter persistent challenges of "wasta" that occur in the Palestinian administrative context. The "wasta" phenomenon includes favoritism, cronyism, nepotism and patronage. This practice is not limited to MENA countries and it remains common between relatives and friends as a result of traditional customs of mutual aid.

In difference to the draft, the adopted Code no longer contains the term "wasta" but prohibits such phenomena as unduly preferential treatment and nepotism (Article 8, paragraph 4; Article 11, paragraph 2; Article 13, paragraph 3). The adopted Code is also less explicit on issues related to merit-based and competitive recruitment and promotion addressed in Article 10, paragraphs a and b of the draft. In principle, for these issues, the use of more explicit and direct language might preferable to indirect or overly abstract provisions. Still, as explained above, more concise language is indeed an advantage. What matters is that the important provisions on merit-based recruitment exist at all, preferably in the law.

The requirements of impartiality in the various provisions of the Code should contribute to changing attitudes and the level of acceptance of "wasta" and related practices by the civil servants and citizens. Apart from the legal implications, it is essential that the Code is used to prompt changes in attitudes of both public sector employees and their clients. This is all the more important because attitudes towards the wasta phenomenon are ambiguous in traditional culture (see the example of Jordan in Box 2.4). In social relations where partiality has long been the norm, achieving change toward impartiality can be especially challenging.

---

### Box 2.4. **Perception of wasta in Jordan**

Wasta is a complex phenomenon and its eradication is not easy not least because the public often would not view it unequivocally as a social evil. Below are excerpts from conclusions of a study of the impact of wasta on business climate in Jordan. While these conclusions are based on research carried out in Jordan in 2005 and 2006, the observations retain general relevance for many countries of the Middle East and elsewhere.

"In general, the public perception of *wasta* is ambiguous. Many Jordanians disapprove of it on the grounds that *wasta* is unfair to those who do not have good connections. Others, however, endorse it because it can help people to enforce their rights. While some Jordanians consider it a form of corruption, others believe that "*wasta is not corruption because it is not linked to money*". A third group claims that *wasta* is a form of corruption when it serves to circumvent the law but not if it is used merely to speed up procedures. For this reason, although almost all Jordanians condemn bribery, many legitimise the use of *wasta* in at least some situations. Furthermore, many of those interviewed stated that the use of *wasta* was closely linked to traditional values and social norms and is therefore "*an integral part of Jordanian culture*"."

"Jordanians themselves explain the widespread use of *wasta* in cultural terms. They associate it with cherished values such as solidarity and loyalty and refer to Jordan's tradition of tribalism. Even though this link is much less obvious than it might appear at first glance, the argument is very relevant, because it helps many people to justify behaviour, which they themselves know to be in fact objectionable."

*Source*: Loewe, M. et al. (2007), "The Impact of Favouritism on the Business Climate: A Study on Wasta in Jordan", pp. 5, 6, 9, www.die-gdi.de/cms-homepage/ openwebcms3.nsf/(yndk_contentbykey)/entr-7bmblj/$file/studies%2030.pdf.

---

## *Conflict of interest prevention*

A conflict of interest involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests which could improperly influence the performance of their official duties and responsibilities (OECD, 2005, p. 13). Article 11 of the Palestinian Authority Code requires employees to refrain from carrying out any activity that would lead to the emergence of a real, an apparent or possible conflict of interest. It also asserts, among other standards, that officials must avoid any activity that is not commensurate with impartial performance and shall not obtain any financial gains resulting directly or indirectly from using their work positions. This article covers, in a clear and articulated manner, many aspects of potential conflict-of-interest situations (related to private activities, commercial investments, etc.).

The OECD benchmarking report suggested completing conflict-of-interest provisions with a clear indication to civil servants on the notification procedures they might use. The adopted Code contains two notification procedures apparently intended for use in cases of conflicts of interest: *i)* notify in writing direct supervisors if interests have come into conflict "with any person involved or working with the government" (Article 11, paragraph 4); and *ii)* report to the respective unit or department if any conflict of interest arises (Article 11, paragraph 5). Paragraph 4 of Article 11 appears as referring not so much to typical conflicts of public and private interest but rather some clashes between the interests of the public employee and some third parties. Anyway the direct superior would be indeed the appropriate person to whom problem situations should be reported. The paragraph 5 of Article 11 refers to conflicts of interest in such way how they are typically understood in official ethics literature.

In addition, Article 8, paragraph 3 asks an employee to inform his direct supervisor about any violations or obstacles during performing of work duties. Somewhat repetitively, Article 14, paragraph 1 contains a clear obligation of employees to inform their direct managers about violations that they have observed in their work. Plus paragraph 2 of Article 14 seems to oblige employees to report any acts of corruption that someone else or even they themselves have realised. All of these are important provisions because ordinary employees can have the most direct experience of administrative processes and therefore be better informed than managers or supervising authorities. It should be noted that the implementation of this obligation could be facilitated if such employees are also guaranteed protection against possible retaliation from those who committed violations. In fact, the mere doubt about the availability of such protection can undermine any initiative to report. It remains important to make sure that, for the protection of whistleblowers, due procedures are in place and they are observed in practice. Backing with adequate resources and designation of body/ies responsible for ensuring the protection are essential.

Paragraph 2 of Article 14 obliges employees to report any acts of corruption that they have realised. Various factors can affect the implementation of such provision but it may as well remain symbolic because reporting on one's own corrupt activities could be extremely rare. The legal relevance of this provision might be that any corrupt act will automatically also entail a violation thereof.

All in all the very existence of reporting procedures is in line with the international experience. As seen in Figure 2.2, almost all OECD countries provide procedures for public officials to report violations (29 countries).

Figure 2.2. **Procedures for public servants to report misconduct (2000 and 2009)**
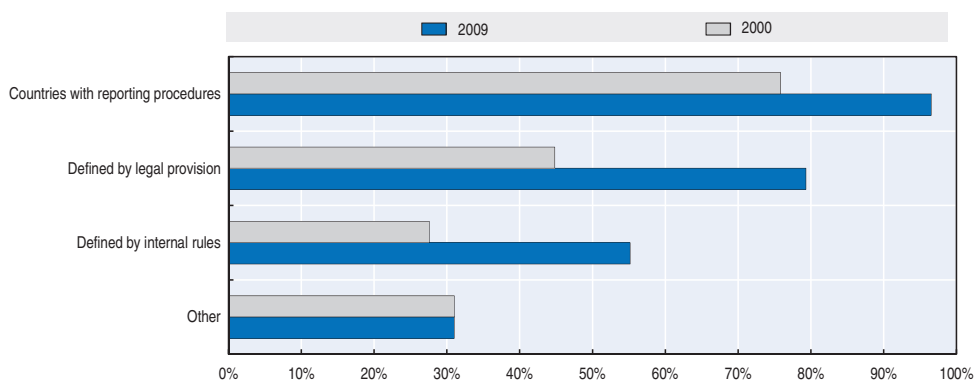


*Note*: Percentage of the 29 OECD member countries that responded to both the 2000 and 2009 surveys.

*Source*: OECD (2009), *Government at a Glance 2009*, OECD Publishing, Paris, p. 109, http://dx.doi.org/10.1787/9789264075061-en.

A further observation of the OECD benchmarking report was that the draft Code did not include instruments to prevent conflicts of interest (OECD, 2011, p. 26). In this regard an important novelty is the requirement to declare "to the government to the extent required by the position on any private business, commercial or financial interests or any kind of activities carried out for financial gains that may constitute a possible conflict of interest" (Article 11, paragraph 6). This provision effectively foresees the declaration of interests. It could be helpful for civil servants if the requirement were complimented with more detailed guidance as to what should be declared, e.g. examples, of what interests may or may not constitute a conflict of interest. So this is one of the issues that should be considered for training activities and explanatory publications. Such duty to declare is an important mechanism for the management of conflicts of interest.

## Box 2.5. **Procedure for the management of the conflict of interest: example of Latvia**

A clear international consensus exists on the requirement for public officials to avoid conflicts of interest wherever reasonably possible. However, when it comes to the practical management of these situations, many uncertainties arise. How is the responsibility for avoiding conflicts of interest to be shared between ordinary civil servants and their superiors? Should the concerned public official refrain from the duties in question or sometimes disclosure is enough and who shall decide on the concrete way of action? According to the Latvian law "On prevention of the Conflict of Interest in the Activities of Public officials" the duties are shared between rank-and-file officials and managers.

**Heads of authorities have duties:**

- Not to allow the public officials working in this authority to be in a conflict of interest situation and in such situation implement the powers of office of the public official.

- To transfer the performance of any function or task to another public official if the public official who should perform the specified function or task in conformity with the duties of office is in a conflict of interest situation.

- To decide upon the issue regarding the possible combining of office of the public official with another office, performance of a work-performance contract or authorization.

- To ensure the drawing up of lists of public officials and amendments thereto and submission thereof electronically to the State Revenue Service so that the latter can control whether everyone has submitted their public officials' declarations.

- To inform without delay the Prevention and Combating of Corruption Bureau regarding detected violations of this Law committed by the public officials of the relevant institution.

- Not to disclose information concerning which public official or employee of the relevant authority has informed regarding conflicts of interest, and not to cause any direct or indirect unfavorable consequences to such a person without any objective reason (this duty may apply also to persons entrusted with fulfillment of duties related to the prevention of a conflict of interest and corruption in the relevant authority, or a collegial authority) (Section 20).

Box 2.5. **Procedure for the management of the conflict of interest: example of Latvia** (*cont.*)

**All public officials:**

- Shall without delay provide information in writing to a higher public official or collegial authority regarding:

    – Their financial or other personal interest, as well as financial or other personal interest of their relatives or counter-parties regarding the performance of any action included in the duties of their office.

    – Commercial companies the shareholder, stockholder, partner, member of a supervisory, control or executive body of which the public official is or his or her relatives are, or on the fact that the public official himself or herself or his or her relative is an individual merchant who receives orders from the relevant State or local government authority for the procurement for the State or local government needs, State or local government financial resources, credits guaranteed by the State or local governments or State or local government privatisation fund resources, except the cases where they are allocated as a result of an open competition.

- A higher public official or collegial authority after the receipt of this information shall assign the performance of the functions of the relevant public official to another public official.

- A public official shall provide information regarding conflicts of interest known to him or her, in which other public officials of the relevant authority are involved, to the head of the authority or to the Corruption Prevention and Combating Bureau (sections 21 and 21.1).

*Source*: The Latvian State Language Center (2015), Law "On Prevention of Conflict of Interest in Activities of Public Officials", Latvia, www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_I nterest_in_Activities_of_Public_Officials.doc.

The majority of OECD Member countries require decision makers to disclose assets and liabilities, outside position, source and level of income, loans and gifts. This information enables the public to follow whether the officials might have a conflict of interest in regard to certain issues (see Figure 2.3).

Many countries have developed separate regulations on conflicts of interest. In some, for example, Australia, elaborate guidance and checklists are used to help public servants assess whether they have an actual,

perceived or potential conflict of interest (see Box 2.6). Such guidance is extremely helpful in complicated situations when concise legal rules alone do not provide an obvious answer.

Figure 2.3. **Evolution of the proportion of countries that require decision makers in the central government to disclose potential conflicts of interest**



*Source*: OECD (2009), *Government at a Glance 2009*, OECD Publishing, Paris, p. 107, http://dx.doi.org/10.1787/9789264075061-en.
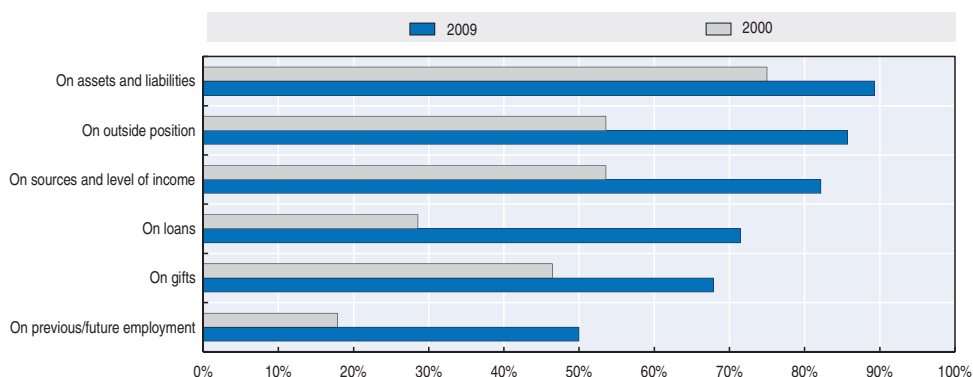
Also MENA countries have been adopting conflict-of-interest regulations. In 2006 Jordan adopted its Financial Disclosure Law requiring senior public officials and other public employees with access to public funds to submit regular financial statements. A department within the Ministry of Justice was given the task to collect and monitor the statements (OECD, 2011, p. 26).

---

Box 2.6. **Checklist for identifying a conflict of interest: example of Queensland, Australia**

The purpose of this tool is to provide a checklist that you can methodically work through when you are faced with a situation in which you think you might have an actual, perceived or potential conflict of interest.

**First steps:**

1. Describe the matter or issue being considered and the situation in which you are involved.

2. What is your public duty in serving the public interest?

---

> Box 2.6. **Checklist for identifying a conflict of interest: example of Queensland, Australia** (*cont*.)
>
> **Making an assessment:**
>
> In assessing whether you have an **actual**, reasonably **perceived** or **potential** conflict of interest, it may be helpful to ask yourself the following questions. The test when assessing these situations is to ask yourself – "Could this conflict with my public duty to serve the public interest?"
>
> **What is the situation?**
>
> - Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?
> - Could there be benefits for me in the future that could cast doubt on my objectivity?
> - Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
> - Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
> - Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?
> - Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
> - Have I contributed in a private capacity in any way to the matter my agency is dealing with?
> - Have I made any promises or commitments in relation to the matter?
> - Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
> - Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
> - Could this situation have an influence on any future employment opportunities outside my current official duties?
> - Could there be any other benefits or factors that could cast doubts on my objectivity?
> - Do I still have any doubts about my proposed decision or action?
>
> *Source*: The Independent Commission Against Corruption (2004), "Managing Conflicts of Interest in the Public Sector. Toolkit", Australia, p. 36-37, www.icac.nsw.gov.au/component/docman/doc_download/3323-managing-conflicts-of-interest-in-the-public-sector-toolkit.

*Employment restrictions*

In line with international practices, the Palestinian Authority Code addresses also other aspects of conflicts of interest such as jobs with entities which have business with the government department, and acceptance of gifts. The Code prohibits the employee from accepting any job that may result in conflict of interest between any parties that have official dealings with the governmental department where the employee works unless a written approval is received from the head of the department ensuring that there is no conflict of interest (Article 11, paragraph 8). Although this provision constitutes a first step towards managing outside/ post-public employment, many issues remain to be defined by complementary regulations (see Box 2.7 for a review of typical problems related to the post-employment). The Code does not specify for how long the restriction may be applicable making the provision less clear than it was in the draft where the period of one year after the end of the public service was stipulated. Hence it is not entirely clear whether the current provision applies to the post-employment period at all. Further guidance seems useful about circumstances, which would bind the head of department when deciding whether to give approval.

---

Box 2.7. **Reviewing the strengths and weaknesses of post-public employment systems: OECD Post-Public Employment Principles**

The principles for managing post-public employment (the "Post-Public Employment Principles") organise essential components of a post-public employment system. The principles provide a point of reference against which policy makers and managers in public sector organisations can review the strengths and weaknesses of their current post-public employment systems and modernise them in light of their specific context, including existing needs and anticipated problems.

**Problems arising primarily while officials are still working in government**

1. Public officials should not enhance their future employment prospects in the private and not-for-profit sectors by giving preferential treatment to potential employers.

3. Public officials should timely disclose their seeking or negotiating for employment and offers of employment that could constitute conflict of interest.

4. Public officials should timely disclose their intention to seek and negotiate for employment and or accept an offer of employment in the private and not-for-profit sectors that could constitute conflict of interest.

---

Box 2.7. **Reviewing the strengths and weaknesses of post-public employment systems: OECD Post-Public Employment Principles** (*cont.*)

5. Public officials who have decided to take up employment in the private and not-for-profit sectors should, where feasible, be excused from current duties that could constitute a conflict of interest with their likely responsibilities to their future employer.

   Before leaving the public sector, public officials who are in a position to become involved in conflict of interest should have an exit interview with the appropriate authority to examine possible conflict-of-interest situations and, if necessary, determine appropriate measures for remedy.

**Problems arising primarily after public officials have left government**

1. Public officials should not use confidential or other "insider" information after they leave the public sector.
2. Public officials who leave public sector should be restricted in their efforts to lobby their former subordinates and colleagues in the public sector. An appropriate subject matter limit, time limit or "cooling-off" period may be imposed.
3. The post-public employment system should take into consideration appropriate measures to prevent and manage conflict of interest when public officials accept appointments to entities with which the officials had significant official dealings before they left the public sector. An appropriate subject matter limit, time limit or cooling-off period may be required.
4. Public officials should be prohibited from "switching sides" and represent their new employer in an ongoing procedure on a contentious issue for which they had responsibility before they left the public sector.

**Duties of current officials in dealing with former public officials**

1. Current public officials should be prohibited from granting preferential treatment, special access or privileged information to anyone, including former officials.
2. Current public officials who engage former public officials on a contractual basis to do essentially the same job as the former officials performed when they worked in public organisation should ensure that the hiring process has been appropriately competitive and transparent.
3. The post-public employment system should give consideration to how to handle redundancy payment received by former public officials when they are re-employed.

> **Box 2.7. Reviewing the strengths and weaknesses of post-public employment systems: OECD Post-Public Employment Principles** (*cont.*)
>
> **Responsibilities of organisations that employ former public officials**
>
> 1.  Private firms and not-for-profit organisations should be restricted in using or encouraging officials who are seeking to leave or who have left government to engage in activities that are prohibited by law or regulation.
>
> *Source*: OECD (2011), "Code of Conduct for the Civil Service. Palestinian Authority", Benchmarking report, pp. 29-30, www.oecd.org/mena/governance/50402442.pdf.

### *Gifts*

Article 12 of the Code prohibits accepting gifts in any form or value directly or indirectly, particularly if it would put the employee in a suspicious position. The provision does allow employees to receive symbolic gifts during official visits when such exhibit slogans or symbols of countries or organisations. The other exception is situations when it is difficult to reject the gift. The wording of the adopted Code is improved and now Article 12, paragraph 2 contains explicit criteria for situations when it can be difficult to refuse to accept a gift, i.e. when such refusal would cause an insult and the gift does not exceed the usual social practice and courtesy. Such clearly-worded exemption can facilitate the implementation of the Code by aligning public service standards with accepted social practices, which do not necessarily put the service in jeopardy.

In the event where the employee accepted the gift, he/she has to disclose it and inform the management about the reasons, justifications and circumstances for not rejecting the gift. Each government department shall open a gift registration archive for the received gifts. Moreover rules for handling gifts are to be issued also by the Ministry of Finance. Comparison with other international practices, such as the Canadian Policy on Conflict of Interest and Post-Employment (Treasury Board of Canada Secretariat, 2012) or the Jordanian Code of Conduct for the Public Sector, attests that this article of the Palestinian Authority Code covers most of the aspects that should be taken into consideration in relation to gift acceptance and solicitation.

In addition, a new provision in the adopted Code is Article 12, paragraph 5, which requires that employees notify direct management immediately when bribes are offered. It could be suggested that employees are provided further guidance on how to distinguish between an offer of a gift that shall be simply rejected and an offer of a bribe that shall be not only

rejected but also reported. In principle, this is a helpful provision because, while the illegality of bribes should be clear to all civil servants, the exact action when a bribe is actually offered may not be so. However, managers are likely to need guidance regarding their own course of action upon receiving such notification apart from the obvious requirement to inform competent authorities.

In practice, civil servants may need a checklist to distinguish between gifts that are genuine and gifts that come with strings attached like, for example, the gifts and gratuities checklist published in a toolkit by OECD:

- **Genuine** – Is this gift genuine, in appreciation for something I have done in my role as a public official, and not requested or encouraged by me?

- **Independent** – If I accept this gift, would a reasonable person have any doubt that I could be independent in doing my job in the future, especially if the person responsible for this gift is involved or affected by a decision I might make?

- **Free** – If I accept this gift, would I feel free of any obligation to do something in return for the person responsible for the gift, or for his/her family or friends/ associates?

- **Transparent** – Am I prepared to declare this gift and its source, transparently, to my organisation and its clients, to my professional colleagues, and to the media and the public generally? (OECD, 2005, p. 43).

## Illegal orders

In practice, a highly sensitive issue is the correct action of a civil servant when he/she thinks that an order by a superior is illegal. From the point of view of regulation, the balance is needed in order to ensure that, on the one hand, illegal acts are prevented and, on the other hand, ungrounded doubts by an employee do not compromise performance of the agency. Meanwhile there are also the sensitive issues about who shall bear responsibility for the execution of an illegal order and how to object a superior while minimising the risk of illegitimate retaliation (see the discussion on whistleblower protection in Chapter 3).

On the face of it, the adopted Code is less explicit on the obligation of employees to refuse implementing instructions when compliance would result in violations. Paragraph 2 of Article 8 only contains the obligation to report orders and instructions, which contradict legislation, without a clear indication on whether they shall be still implemented.

According to the procedure of the draft Code such orders would not have to be implemented unless confirmed in writing by the supervisor (and only if the implementation would not result in a violation, offense or a crime punishable by the penal code or any other applicable legislation). Moreover the employee would have to notify the Financial and Administration Control Bureau in case the supervisor confirms by writing to the civil servant that he/she must proceed with implementing such instructions.

Both the Jordanian Code of Conduct in the Public Sector and draft Code of Conduct in the Public Sector of Tunisia contain a similar principal algorithm of action when a public official receives an illegal order from his/her superior:

- Do not fulfil the order but file a report in writing.

- If the order is confirmed in writing, execute and file a report to a controlling body.

- Even if confirmed, do not execute the order if doing so would constitute a misdemeanour or crime punishable by law.

Still, without a comprehensive analysis of the existing legal framework, one should not claim that the Palestinian Authority Code contains a deficiency in this regard. It is common to regulate the issue of illegal orders in laws governing the public administration. This can well be the best approach also for the Palestinian Authority. It would also be in line with international standards. For example, the recommendation of the Committee of Ministers of the Council of Europe only defines reporting of unlawful or otherwise improper instructions as a principle with concrete procedures to be determined in the law: "The public official who believes he or she is being required to act in a way which is unlawful, improper or unethical, which involves maladministration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law." (Council of Europe, 2000, Article 12, paragraph 1).

## Confidentiality

Article 13, paragraphs 4-6 on maintaining confidentiality and transparency aims at raising employees' awareness about sensitive information. They are required to ensure the secrecy and confidentiality of this information and refrain from revealing information on issues under study or deliberation within government departments (unless permitted to do otherwise). They are also required to notify the direct management if they are asked to testify in court or in front of other authority if the testimony were related to their work duties or their government department and required them to provide official papers and documents.

In comparison with relevant provisions of the draft Code, now Article 13, paragraph 4 embodies squarely the presumption of confidentiality of official information unless the law permits disclosure. Safeguarding of official information is undoubtedly important. However, on a note of caution, a general presumption of confidentiality can lead to situation when a piece of information is kept secret for no relevant reason except that no legal act happens to allow disclosure explicitly. Although the title of Article 13 contains the term "transparency", its provisions focus primarily on restrictions of disclosure and expression.

Of course, the whole legal framework concerning transparency and confidentiality of information should be evaluated in order to determine whether Palestinian guarantees for transparency are sufficient. Public sector employees should be aware that confidentiality is to be ensured while "having due regard for the right of access to official information" (Council of Europe, 2000, Article 11). Transparency, access to public information and public scrutiny are stressed also in the Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service (OECD, 2000, p. 76). For the empowerment of citizens, they should have guaranteed access to all government information except when specific reasons, which are based in the law, dictate otherwise. In the light of the intention of the Palestinian Authority to join the Open Government Partnership where transparency and access to information are key eligibility criteria, provisions of a code of conduct, which mainly reinforce confidentiality, are not helpful.

---

**Box 2.8. Duties to disclose and not to disclose information in the draft Code of Conduct in the Public Sector of Tunisia**

Great damage can be done to the public interest by disclosing information, which shall be secret, e.g. about ongoing investigation activities. Likewise great damage can be done if information is arbitrarily withheld, e.g. allowing concealment of the cost of public projects and hiding deals with business cronies. Provisions of the draft Tunisian code recognise the simultaneous importance of both of these concerns:

- The public official should not withhold information or official documents that could or should be made public, or disseminate misleading or inaccurate information.

- The public official shall not disclose information or documents in compliance with laws and regulations.

*Source:* OECD (2014), "Renforcer l'Intégrité en Tunisie : L'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine", www.oecd.org/mena/governance/Renforcer-Intégrité-Tunisie-Élaboration-Normes-Agents-Publics.pdf.

---

## Gender equality

Regarding the draft Code, the OECD benchmarking report noted the requirement to respect gender equality between employees – in particular from male employees towards their female co-workers (Article 6, paragraph c-3 of the draft). It appeared to be unique compared to other MENA countries' codes of conduct (OECD, 2011, p. 25). The current Code no longer contains this provision. However, the prominence of the issues of gender equality is reflected in the value statement, which now requires non-discrimination on the basis of sex and respect for the rights of women. Moreover the prevention of gender-based discrimination is a matter which deserves a whole policy in its own right.

---

**Box 2.9. Does gender equality reduce corruption?**

It is an inherently valuable ethical imperative to treat both men and women as equals. Moreover interesting evidence exists that greater gender equality correlates with lower levels of corruption. Back in 1999 it was found that:

- In hypothetical situations women are more likely than men to disapprove of the practice of accepting bribes.
- Higher levels of women's participation in public life are associated with lower levels of corruption.

Moreover it has been found that firms owned or managed by men were more likely to give bribes than those owned or managed by women (Azfar et al., 1999, p. 19).

Based on such evidence, some governments have engaged in efforts to tackle corruption by strengthening women's presence in key decision-making positions. For example, in Nigeria "high-profile efforts to appoint women to senior government positions have been framed in terms of tackling grand corruption. Corruption in the country's mining industry and its Food and Drug Association also reportedly declined under the leadership of women in both instances." (Quoted from UNDP and UNIFEM, 2010, p. 35).

Strictly speaking, research hardly proves a claim that women are somehow inherently less corruptible than men. Instead it could be, for example, restricted access to male-dominated corruption networks or greater risk aversion, which reduces female engagement in bribery and the like. But generally fairer political systems may tend to exert their fairness both in equal treatment of men and women and in more honest public life (UNDP and UNIFEM, 2010, pp. 19-21). Even in the absence of definitive explanations, it is reasonable to assume that a culture of non-discrimination and inclusiveness, which judges people on merit, is also the culture that might represent a barrier against mistreatment of citizens who cannot or would not pay bribes or stealing from the budget, which is meant for acute social needs. Hence it may well be that non-discrimination of women in the public service could have a positive spillover effect in preventing corruption.

---

Box 2.9. **Does gender equality reduce corruption?** (*cont.*)

*Sources*: Azfar et al. (1999), "Gender and Corruption", *IRIS Center Working Paper*, No. 232, p. 19, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=260062; UNDP and UNIFEM (2010), "Corruption, Accountability and Gender: Understanding the Connections", pp. 19-21, 35, www.undp.org/content/dam/aplaws/publication/en/publications/womens-empowerment/corruption-accountability-and-gender-understanding-the-connection/Corruption-accountability-and-gender.pdf.

## Rights of employees

The Code no longer contains the Article on rights of employees, which, in the draft Code, required, for example, clear definition of tasks, duties and expected outputs of employees as well as explicit guarantees for the freedom of opinion and expression. While the Code clearly obliges managers to respect the rights of their subordinates (e.g. in paragraphs 2 and 6 of Article 10), less explicit wording concerning some of the rights is notable.

In comparison, the Jordanian code does contain rights of employees to clear definition of functions and responsibilities, good and safe working conditions, freedom of opinion and expression, etc. Also the Lebanese Code of Conduct for Public Servants defines employee rights and obliges the public administration to:

1. Clearly define the employee's functions and responsibilities and expected performance. In all cases related to his job, the administration shall deal with him on the basis of efficiency and proficiency.

2. Maintain good and safe work environment and avoid practicing any discrimination against the employee in the workplace, especially in return for reporting any illegal or immoral act committed by others.

3. Provide adequate and continuous training opportunities to improve his chances for progress.

4. Guarantee him freedom of opinion and expression within the frame of the statue laws and the provisions of this Code.

5. Guarantee his right to complain about any wrong measure or decision taken against him and try to correct this error.

6. Respect his right to candidature to parliamentary, municipal or (muktar) mayoral elections in line with the prevailing rules and regulations.

7. Establish a fair and efficient system for incentives.

8. Give him a salary commensurate with the job burdens and responsibilities, within the frame of a modern job description and classification system (OMSAR, 2001, Part VI).

In addition to the importance of these rights as such, provisions of this kind provide a useful signal that standards of the public service not only restrict but also promise predictable and fair conditions of service. In this sense the Palestinian civil servants might feel less protected in their working places. However, again the text of the Code alone does not give grounds to state whether this is an actual deficiency. It should be noted that paragraph 7 of Article 7 obliges officials to act so as to preserve the dignity and respect of employees, which are important rights.

## Implementation provisions

In comparison with the draft, the Code contains several novelties concerning its implementation. In particular, the Article 16 foresees the Distinguished Performance Awards, which can be a useful positive incentive promoting adherence to high standards of integrity. Another concrete tool for implementation is the pledge of an employee. The adopted Code provides the text of the pledge which contains an acknowledgment that employee has read the Code, commits him/herself to comply with the Code as well as disclose interests, activities and businesses that may cause a conflict of interest. The implementing provisions also give a clear mandate for the National Committee of the Code of Conduct and Civil Service Ethics to follow up the implementation of the Code (paragraph 3 of Article 17) and establish that employees can be held liable disciplinarily or under the criminal laws for violating provisions of the Code (Article 18). Since the Code does not define specific sanctions, the effectiveness of liability depends on how adequate are the provisions of the laws, which do contain the sanctions.

# *Bibliography*

Australian Public Service Commission (2012), "APS Values", www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/aps-values.

Australian Public Service Commission (2011), "Values, performance and conduct", www.apsc.gov.au/about-the-apsc/parliamentary/state-of-the-service/state-of-the-service-2010/chapter-3-values,-performance-and-conduct.

Azfar, O., et al. (1999), "Gender and Corruption", *IRIS Center Working Paper*, No. 232, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=260062.

Council of Europe (2000), "Recommendation No. R (2000) of the Committee of Member States on codes of conduct for public officials", www.coe.int/t/dghl/monitoring/greco/documents/rec(2000)10_en.pdf.

Independent Commission against Corruption (2004), "Managing Conflicts of Interest in the Public Sector: Toolkit", Australia, p. 36-37, www.icac.nsw.gov.au/component/docman/doc_download/3323-managing-conflicts-of-interest-in-the-public-sector-toolkit.

Latvian State Language Center (2015), Law "On Prevention of Conflict of Interest in Activities of Public Officials", Latvia, www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc.

Loewe, M. et al. (2007), "The Impact of Favouritism on the Business Climate: A Study on Wasta in Jordan", www.die-gdi.de/studies/article/the-impact-of-favouritism-on-the-business-climate-a-study-on-wasta-in-jordan/.

Ministry of Modernisation (2005), "Ethical Guidelines for the Public Service", Norway, https://www.regjeringen.no/globalassets/upload/kilde/mod/bro/2005/0001/ddd/pdfv/281750-etiske_retningslinjer_engelsk_revidert.pdf.

OECD (2014), "Renforcer l'Intégrité en Tunisie : L'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine", www.oecd.org/mena/governance/Renforcer-Intégrité-Tunisie-Élaboration-Normes-Agents-Publics.pdf.

OECD (2011), "Code of Conduct for the Civil Service: Palestinian Authority", Benchmarking report, www.oecd.org/mena/governance/50402442.pdf.

OECD (2009), *Government at a Glance 2009*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264075061-en.

OECD (2005), *Managing Conflict of Interest in the Public Sector: A Toolkit*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264018242-en.

OECD (2000), *Trust in Government: Ethics Measures in OECD Countries*, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264187986-en.

Office of the Minister of State for Administrative Reform (OMSAR) (2001), "A Code of Conduct for Public Servants", Lebanon, www.omsar.gov.lb/cultures/en-us/publications/charters/pages/employee%20charter.aspx.

Office of the Minister of State for Administrative Reform (OMSAR) (2007), "OMSAR Publications", Lebanese Republic, www.omsar.gov.lb/Cultures/en-US/Publications/Pages/List%20Publications.aspx.

Treasury Board of Canada Secretariat (2012), "Policy on Conflict of Interest and Post-Employment", www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25178&section=text#appb.

UNDP and UNIFEM (2010), "Corruption, Accountability and Gender: Understanding the Connections", www.undp.org/content/dam/aplaws/publication/en/publications/womens-empowerment/corruption-accountability-and-gender-understanding-the-connection/Corruption-accountability-and-gender.pdf.

*Chapter 3*

# Ensuring effective implementation of the Palestinian Code of Conduct and Ethics

*The operationalisation of the code demands a strategic approach to provide for the necessary administrative capacities, communication and awareness measures, training, monitoring, and incentives and sanctions. This chapter provides tailored recommendations in the above mentioned areas. It calls for institutional leadership to ensure coherence and coordination and steering initial communication efforts towards high-level public officials. Trainings for public officials should be institutionalised rapidly, and mechanisms established to allow public employees to seek counsel. Regular monitoring exercises should assess implementation progress with a system of incentives and sanctions established to raise compliance. For those reporting abuse, adequate protection mechanisms against retaliation must be in place. In the medium term, particular agencies or professions could elaborate distinct codes to address specific risks.*

Good preconditions exist for effective implementation of the Code. The extensive consultation process before the adoption of the Code supported building a sense of ownership among civil servants. This, in turn, can contribute to greater compliance and therefore reduce enforcement costs. The involvement of non-state stakeholders made a strong starting point for the development of broader public awareness. Still successful implementation rests on the establishment of several major components:

- **Administration**: Institutionally the implementation of the code needs capable and committed administrators with adequate autonomy, resources and powers.

- **Communication**: It is essential to communicate the standards to civil servants and citizens, provide training to enhance their skills and ensure access to advice/counselling on an ad hoc basis when actual dilemmas or uncertainty occurs. Ideally a civil servant should be informed about the standards already during the process of recruitment.

- **Monitoring and incentives**: It is necessary to monitor the implementation of the Code and provide a set of positive and negative incentives. Moreover it is important to think about incentives not only in the narrow sense as awards and punishments but also in the frame of career development in general. Civil servants should be evaluated fairly and, other things being equal, the individuals with better personal integrity record should face better opportunities than those with poorer record. A record of good understanding of the standards and demonstrated ethical conduct in previous workplaces should represent an advantage for first-time recruits in the civil service.

- **Adjustment and revision**: The public administration is a dynamic environment and provisions, which tackle challenges of today, may lose their edge in a few years. Moreover the best drafting process of a code cannot ensure that all of its provisions will work as planned. Therefore a well-functioning ethics regime requires periodic revision of written norms. Moreover specific agencies and professions may need special provisions of their own.

Apart from designing formal procedures, one should consider the organisational culture where the new standards are to be introduced and the kind of culture that one would want to promote. Two principal approaches are compliance-based and integrity-based. In real life, any implementation of professional standards would represent some mixture both. Still it is

worth considering where the primary emphasis shall be (see Lawton, Rayner and Lasthuizen, 2013, Chapter 6).

If the primary emphasis rests on compliance, managers and controlling agencies are expected first of all to prevent wrong conduct. The Code then tends to be a regulatory, external tool for control, which works on fear for sanction. Focus on compliance assumes that employees cannot be relied on, so compliance is achieved through a steep hierarchy and one can hardly expect more than a mediocre level of following rules. When the level of compliance appears unsatisfactory, the introduction and enforcement of sanctions is often suggested. This is the case in, for example, many countries of the former Soviet Union (OECD, 2013, p. 117).

If the primary emphasis rests on integrity, the focus is on promoting correct conduct, education and deliberation. Moreover the code becomes a standard to which the employees aspire, often moved by intrinsic motivation. Usually this approach is associated with inclusive, rather than steeply hierarchical leadership. Ideally the staff would develop liking or at least appreciation for their code.

In each particular country, the existing traditions of leadership, dominating attitudes and skills among civil servants as well as many other factors will determine the right balance. However, the international best practice usually regards the integrity-based approach as superior. The action plan of the NCCC contains a complex set of activities to ensure several important elements of the implementation process. Overall the draft plan encompasses a largely integrity-based approach although the Code foresees sanctions, too.

Codes of conduct also have several limitations. The limitations should be kept in mind in order to counter them where possible and avoid unrealistic expectations:

- If officials (especially in managerial positions), do not care and do not want to care about ethics, codes do not help much.

- Codes have little effect against hard core wrongdoers whose actions should be subject to criminal penalties.

- Codes cannot provide detailed, step-by-step instructions for every conceivable situation.

- They do not absolve civil servants from the obligation to reason and exercise moral judgment (Kalnins, 2013).

## Administrative structures

Establishing an administrative structure is a precondition for successful implementation of a code of conduct. Useful tools as they are, codes of conduct are prone to the risk of turning into a pure formality or mere decoration on the walls. Committed agents with authority to implement or supervise compliance with the code are probably the strongest guarantee against a failure. For ensuring greater impact, such authority should be able not only to provide communication and training materials but have also some harder powers such as the review of complaints, provision of counseling, revising the code and perhaps even act to protect whistleblowers. Defining a clear implementing authority generally helps to develop coherent communication and training strategies, maintain continuity in implementing, monitoring and adjusting the code to concrete situations.

The OECD benchmarking report found that, for example, in Jordan, although the Code was adopted in 2006 by the Council of Ministers, its effective implementation did not start before 2009 because an administrative structure was not identified. The establishment of a National Committee in 2009 gave a new impetus to the implementation of the Code of Conduct and allowed different ministries and public institutions to launch an analysis on how to revitalise the implementation of the Code. Other countries, for example, Canada and Australia defined the administrative structure of the code during the design phase. Australia designated the Australian Public Service Commission as administrator of the Code in the Public Service Act of 1999. Appendix to the Canadian Values and Ethics Code for the Public Service defines responsibilities among involved institutions. For example, the Office of the Chief Human Resources Officer within the Treasury Board of Canada Secretariat is responsible for promoting ethical practices in the public sector. It shall "work with all relevant partner organisations to implement and promote this Code, and will provide advice to chief executives and designated departmental officials with respect to its interpretation" (Treasury Board of Canada Secretariat, 2011).

The Palestinian Authority charged the NCCC with the responsibility to design the Code. The National Committee of the Code of Conduct and Civil Service Ethics is also expected to play an important role in its implementation. Its authority is to follow up implementation of the Code (Article 17, paragraph 3). However, the mandate is somewhat vague. Nevertheless it can be filled with real weight given willingness and resources. Already in the past action plan of the NCCC for 2011, a communication campaign was envisaged following co-ordination of the design, drafting and adoption of the Code.

The OECD benchmarking report identified several options regarding the administrator of the Code:

- Assigning the responsibility for administering the Code to an entity in charge of designing and co-ordinating administrative development and human resources policies.

- Administering the Code by an entity responsible for implementing human resources policies.

- Mandating an anti-corruption body to administer the Code.

- Revising the mandate of the NCCC to include effective implementation and administration of the Code.

- Creating a new implementing public entity (OECD, 2011b, p. 34).

The actual implementation provisions of the Code reflect a different, more decentralised model where direct responsibility for the implementation rests with all government departments:

- Each department in the Government must inform the employees about the content of the Code (Article 17, paragraph 1).

- Heads of departments, deputies, deputy heads of non-ministerial governmental departments and all mid-management staff are directly responsible for monitoring the implementation of the provisions of the Code and the adherence of their staff to it (Article 17, paragraph 2).

The responsibility of each employee for his/her own actions is emphasised through the obligation to sign a pledge, which contains an acknowledgment that they have read the Code and commitment to comply with the respective duties. The National Committee will likely remain the key overall awareness-raising and monitoring body although apparently without hard powers.

The chosen approach has its potential strengths and weaknesses. The OECD benchmarking report already took notice of the lack of mandate of the NCCC to effectively implement the Code. A further important aspect is the fact that the National Committee consists of representatives of a number of institutions and thus functions as a joint committee: "However, experience has proven that a single institution of guidance on integrity issue is more effective in implementing measures and policies than a combination of authorities regrouped in a committee" (OECD, 2011b, p. 37).

On the other hand, the National Committee has the advantage of the expertise acquired in designing the Code, an asset of value in further

administering it. Hence the Committee seems well-prepared to ensure co-ordination between authorities on the implementation of the Code, review periodically the status of implementation and ensure quality control of training and education programs. Overall – the approach is similar to the choice of the Jordanian government, which assigned the responsibility for implementing the Code of Conduct to its NCCC (it did not, however, define the guidance procedures to help civil servants in adhering to the Code in their daily work) (OECD, 2011b, p. 37).

The chosen model has analogues also among OECD member countries where a central agency is primarily responsible for provision of information and expertise rather than empowered to implement strict enforcement (see the case of the Netherlands in Box 3.1). The model seems well-suited for environments were civil servants themselves mostly want to uphold standards and usually need just guidance on how to do it better.

---

**Box 3.1. The National Integrity Office of the Netherlands**

The National Integrity Office of the Netherlands is placed outside ministries within the Centre for Labor Relations of Government Personnel (CAOP), which is an independent foundation and serves as a knowledge and service center in the field of labor issues in the public domain. Such placement guarantees the independence of the National Integrity Office.

The first task of the National Integrity Office is the promotion and support of ethics and integrity policies. The various government sectors are supported in setting up and implementing ethics and integrity policy via workshops, conferences and free provision of useful information.

The second task is the collection, dissemination and exchange of knowledge. As a knowledge institution, the National Integrity Office strives to provide all governmental organisations with useful knowledge. The Office actively monitors national and international developments in the area of integrity, tracks national and international best practices, participates in research projects, carries out academic studies and issues publications.

The third and last task is the development of integrity instruments. The Office is constantly developing instruments that can be used to discuss, test or improve integrity within the organisation. The Office does not only (co)develop instruments and models but also promotes similar initiatives among third parties and participates if required.

*Source*: The National Integrity Office (2010), "Tasks of the National Integrity Office", the Netherlands, www.integriteitoverheid.nl/international/international/tasks-of-the-national-integrity-office.html.

---

The potential strengths and weaknesses of the decentralised (chosen in the Palestinian Authority) v. centralised models deserve special attention.

The decentralisation v. centralisation issue was taken up earlier in OECD analysis of another prevention tool – declarations for public officials. The publication recommended:

> In countries where the principle of public accountability and related policies are already mainstreamed throughout the public sector, and where managers of public institutions have reached a sufficient degree of professionalism, each public institution could gather and review its declarations – particularly due to their knowledge of their field and subordinate officials, and stronger legitimacy in, e.g., application of sanctions. [..] In countries where public officials' declarations and conflict of interest policies are relatively new, specialised bodies have an advantage. Such bodies focus on gathering new expertise in a systematic manner and provide assistance to the rest of the public sector (OECD, 2011a, p. 14).

Codes of conduct and asset or conflict of interest declarations for public officials are different tools in particular because implementation of codes does not require complex data processing systems. However, some of the reasoning within the mentioned recommendation is applicable also to the implementation of codes of conduct.

Given the chosen model in the Palestinian Authority, it follows that strengthening of professionalism and awareness of managers is a cornerstone of successful implementation of the code in the Palestinian Authority. Hence they should receive special guidance and assistance. International experience provides useful examples of guidance for managers like the below excerpt from the Austrian Code of Conduct to Prevent Corruption in Box 3.2.

---

**Box 3.2. The Role of the Managers: example from the Austrian Code of Conduct to Prevent Corruption**

**In my capacity as a manager I advise my staff before they take up secondary employment**

In my capacity as a manager I advise members of staff with regard to potential incompatibilities that could arise in connection with secondary employment. Even the possibility that confidential information could be passed on can suffice to create the impression of a conflict of interest in secondary employment. In some cases, it may be necessary or expedient to release a member of staff from duties or to arrange for a transfer. The same applies in situations where conflicts of interest could arise due to activities of family members. In my capacity as a manager I enquire as to whether a member of staff holds a second job at the annual structured appraisal meeting.

---

---

Box 3.2. **The Role of the Managers: example from the Austrian Code of Conduct to Prevent Corruption** (*cont.*)

**I re-evaluate secondary employment in the event of changes in civil service status**

If members of staff are engaged in permissible secondary employment, the question of compatibility with civil service employment must be re-evaluated in the light of changes to the latter such as transfers, promotions, career advancement etc. Previously permissible secondary employment may become impermissible as a result of changed responsibilities and/or any current decision-making influence.

**I pay attention to warning signs in connection with secondary employment**

Some forms of secondary employment can open the door to corruption. I pay attention if members of staff and customers/contractors cultivate off-duty contact with conspicuous frequency, the former hold second jobs, have contracts as consultants or experts or hold an equity stake in companies belonging to the latter. Paid secondary employment that has not been reported is always an alarm signal. Action must be taken in cases where members of staff are engaged in secondary employment or members of their families are employed at companies which are also contractors of the relevant department or have filed applications to it. It can also be a warning sign if members of staff with "outside earnings" enjoy an expensive or unusually high standard of living.

I take these indicators seriously as a manager, but avoid jumping to premature conclusions or judgments. Instead I raise my specific concerns with the member of staff concerned and if necessary report to my manager or the head of the department or agency.

*Source*: Bundeskanzleramt Österreich (2010), "The Responsibility rests with me. Code of Conduct to Prevent Corruption", Vienna, www.oeffentlicherdienst.gv.at/moderner_arbeitgeber/korruptionspraevention/infos/Verhalt enskodexEnglish__2012_druck.pdf?40xutc.

---

Managers play a key role as confirmed, for example, in a Canadian public service employee survey. It found that "sound leadership, at both the supervisor and the senior management level, is closely associated with positive perceptions of values and ethics in the workplace. Employees whose supervisor exhibits good management practices such as providing feedback on their job performance, keeping promises, informing them about issues affecting their work, and assessing their work against identified goals and objectives tend to respond more positively to questions about values and ethics. For instance, employees who agreed that they receive useful

feedback from their immediate supervisor on their job performance were more likely than employees who disagreed to indicate that...

- They know where they can go for help in resolving an ethical dilemma or a conflict between values in the workplace (82% vs. 51%).

- Discussions about values and ethics occur in their workplace (66% vs. 35%).

- Senior managers in their organisation lead by example in ethical behaviour (68% vs. 28%)." (Treasury Board of Canada Secretariat, 2012-13).

It is worthwhile to note that both the text of any code of conduct and its implementing arrangements should be reviewed on a regular basis to make sure they are well-adjusted to current needs and any deficiencies are rectified. Therefore the Palestinian Authority may reconsider the best implementation structure also some time after the Code has been in force.

## Communication

In its action plan, the NCCC envisages extensive dissemination activities to inform civil servants and regular citizens about the Code. The activities fall within several categories such as:

- Paper and internet publications (dissemination of the Code as brochures, publication of the Code on the websites of all public institutions, publication of brochures dedicated to particular subjects covered by the Code, printing of quotes from the Code on the back of pay stubs, a dedicated website as part of the website of GPC, printing and installation of banners).

- Awareness workshops (within each institution for all employees about the Code and about specific topics).

- Media exposure (flashes on certain articles from the Code, production and broadcasting of a media drama).

Figure 3.1. **Publication of the Standards of Integrity and Conduct of New Zealand**



*Source*: www.ssc.govt.nz/sites/all/files/Code-of-conduct-StateServices.pdf, used under https://creativecommons.org/licenses/by/3.0/nz/, desaturated from original.

Moreover a meeting for deputy ministers, general directors and representatives of public institutions is also planned. Experiences in OECD countries showed that disseminating codes of conduct firstly to high-level public officials would raise the awareness of the management level on the standards of conduct that they should apply, along with all civil servants

(OECD, 2011b, p. 38). This is all the more important in Palestinian Authority since the responsibility for the everyday implementation of the Code rests first and foremost with managers. Ideally focusing on managers should enable them to lead by example, thus improving the dissemination of standards of conduct and, when necessary, also enforcement. Targeting the higher-level officials will be of key importance for success as the first experiences of training implemented by trainers on the code inside some public institutions have shown the lack of interest expressed by some senior officials.

Overall many of the concrete activities of the action plan reflect international experience, for example, the idea of banners on the Code installed at the entrance of a public institution. A notable past example of this kind is the publication of the Standards of Integrity and Conduct of New Zealand (see Figure 3.1). Such posters are useful when placed in the receptions of all public bodies as citizens can easily have access to them when interacting with public bodies.

In addition, it would be useful if a public annual report showed information on the number and types of requests for advice on the implementation of the Code, complaints, sanctions, resolution of ethics dilemmas where no sanctions have been necessary, etc. This information could be provided in the commitment reports that are foreseen in the action plan, which then should be made available to the public.

Some of the planned media activities, e.g. production of a media drama can be very resource consuming. Upon consideration of the local context and possibilities, it may turn out to be an effective way of dissemination of information but some other less costly methods to ignite media interest should be considered, too. For example, journalists could be invited to participate in some awareness-raising activities or trainings for public officials. The journalists could then report about the Code and its implementation based on first-hand experience.

The National Committee has already demonstrated its willingness to search innovative ways to promote the Code. It is important to continuously consider using various information and communication technologies to disseminate the Code widely. A broad range of such techniques is found in OECD and elsewhere. For example, the Integrity Cube of the Dutch National Integrity Office is a values-based instrument designed to help analysing dilemmas and improving integrity awareness and moral reasoning. The Cube is a software programme provided on a CD Rom with footage about everyday dilemmas that civil servants can recognise. The Cube contains eight integrity dilemmas based on real-life situations at work as a starting point for discussion. The footage is stimulating and encourages the

participants to react. After viewing the footage, participants engage in discussions "to learn how different arguments can be assessed. As the participants will find, everybody has another opinion/approach to the dilemmas and the arguments. By discussing those, there is a chance to consider different points of view and therefore to reconsider one's own. By debating possible solutions to the featured dilemma, the group will decide on the best approach in this situation, at this moment. The ultimate goal of the training tool is not 'to find the one and only right answer for this situation', but to reach common ground in understanding and dealing with dilemmas." During a first training, the dilemmas in the CD-rom are used for discussion. In a second round, participants are invited to share their own dilemmas (National Integrity Office).

If production of multimedia material is too costly, technologically simple means can also be very effective. Well-formulated advice in the form of questions and answers is also useful and employed in, for example, Germany.

---

**Box 3.3. Catalogues of questions and answers in Germany**

An example of a technologically basic but useful tool is the publication "Answers to frequently asked questions about accepting gifts, hospitality or other benefits" published by the Federal Ministry of Interior of Germany. Importantly, this catalogue of questions and answers was not drafted just by some controlling agency but by a group of chief compliance officers from large and medium enterprises, different federal ministries and associations. Hence it reflects not only a top-down imposed interpretation of rules but shared understanding between public and private parties. The publication covers:

- **Basic information**, e.g. are federal administration employees allowed to accept gifts, what is meant by gifts, hospitality and other benefits?

- **Dealing with gifts**, e.g. is approval always required for accepting a gift, even promotional items, what should I do if I'm not sure whether it is legal to give or accept a gift?

- **Gifts in kind**, e.g. what about giving a book or professional journal related to the employee's field of expertise?

- **Invitations, hospitality**, e.g. is it possible to invite employees to a buffet meal or snack during or after a specialist event, is it possible to invite spouses or life partners to events?

- **Paying for travel expenses**, e.g. is it possible for a third party to pay an employee's travel expenses, what should a federal employee do if offered a ride in a taxi or rental car by a business partner?

---

> Box 3.3. **Catalogues of questions and answers in Germany** (*cont.*)
>
> - **Delegation travel**, e.g. what should one be aware of regarding delegation or factory visits, what should be noted when requesting reimbursement for travel expenses for a delegation or factory visit?
>
> - **Private use of discounts**, e.g. when can the private use of discounts be approved, when is the private use of discounts prohibited?
>
> Altogether 52 questions are answered in a concise, easily accessible manner. An index of key terms with hyperlinks to the right pages facilitates the search.
>
> *Source*: Federal Ministry of the Interior, "Private Sector/Federal Administration Anti-Corruption Initiative – Answers to frequently asked questions about accepting gifts, hospitality or other benefits",
> www.jaunde.diplo.de/contentblob/3809240/Daten/2296502/FragenkatalogKorruption.pdf.

The draft action plan rightly focuses on current civil servants. In order to socialise new servants into the public-sector ethos, attention to values should be paid already during the recruitment procedures. Every job interview should include at least a short discussion of the Code and new recruits must receive briefing.

## Training

According to the OECD Recommendation "professional socialisation should contribute to the development of the necessary judgment and skills enabling public servants to apply ethical principles in concrete circumstances. Training facilitates ethics awareness and can develop essential skills for ethical analysis and moral reasoning." Training is a complex activity, which can pursue several goals. On the most basic level, trainers can teach and explain the rules. Without such knowledge any meaningful implementation of a code is impossible but, as a training goal, it is modest. A broader goal is to raise individual moral sensitivity and awareness, helping people discern ethics issues in real life. With it would come a further goal to improve the moral judgment, i.e. help civil servants choose the correct way of action when they find themselves in difficult situations. The hardest to fulfill is the ambition to improve the moral motivation (intent) and moral character if they are lacking, i.e. to reach a condition where civil servants want to act good even if this has not been so before (Lawton, Rayner and Lasthuizen, 2013; Kalnins, 2013).

A recent study prepared by the OECD Anti-Corruption Network for Eastern Europe and Central Asia and SIGMA initiative[*] proposed eight policy recommendations regarding ethics training (presented here in an abridged form):

- Ethics training should be a part of a comprehensive anti-corruption and integrity policy.

- Political support for ethics training should be demonstrated not only through declarations but also through the practical actions of the leadership.

- There should be a legal requirement to provide and receive ethics training.

- At least one public agency should be responsible for the overall framework for ethics training, for central planning, co-ordination and evaluation of results. In addition, ethics should be integrated in the everyday management of public institutions.

- Training should target specific groups of public officials, e.g. all new officials or senior officials.

- Ethics training should be practical and adapted to the needs of the target groups.

- Training about rules, values and "grey" areas, e.g. where official rules contradict traditions or do not provide clear answers on how to behave in concrete situations.

- Evaluation of the effectiveness of ethics training is a challenging task and the overall impact of the ethics training can be assessed only in the long term (OECD-ACN and SIGMA, 2013, pp. 7, 8).

Palestinian authorities are well-aware of the importance of training. The National Strategy on Anti-Corruption 2012-14 already paid due attention to this need and envisaged:

- A needs assessment on training needs related to anticorruption for public employees.

[*].   SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the European Union and the OECD working with countries on strengthening public governance systems and public administration capacities, www.sigmaweb.org/.

- Development of training curricula and material plus training trainers in integrity, anti-corruption and public office ethics at the "National Training Institute".

- Training public sector employees in the principles of integrity, transparency and anti-corruption, particularly higher-level positions and the groups most vulnerable to the dangers of corruption.

The action plan envisages two types of training activities – train-the-trainers seminars and 22 training seminars for the first stage. The greater ambition of the National Committee is to extend training to civil servants of all agencies. Two train-the-trainers seminars have been organised in co-operation with the OECD. They took place in June and October 2013, lasted for three days and covered a number of topics:

- Public sector values, principles, standards and how they relate to each other (including exercises in which groups of participants are assigned particular values, asked to identify principles from the Code that link the values with concrete modes of action as well as describe real-life episodes in which the values are important but difficult to uphold).

- Purposes, possibilities and limitations of codes of conduct;

- Approaches to and special features of training processes on standards of conduct.

- Review of the inventory of training materials that participants would need to have as future trainers such as case studies for analysis, checklists and guide sheets for resolution of ethics problems, etc.; Participants also engaged themselves in drafting blueprints for some of the training materials that they could use.

- Perception and definition of ethical issues as they occur (including an exercise in which groups of participants were given descriptions of real-life based cases, then asked to consider whether the situation seemed to involve an ethics problem as well as define the issue with a special consideration for concrete values and principles of the Code).

- Identification and assessment of possible alternatives of action of a civil servant who realises that he/she has gotten into an ethically challenging situation (including an exercise where groups of participants were given descriptions of real-life based cases and asked to consider what provisions of the Code should be kept in mind when resolving these problems, then to identify several

possible appropriate alternatives based on the participants' inner sense of appropriateness, the Code, the public interest and possible public reactions and decide on the best alternative).

- The method of situational role plays, an exercise that allows participants to experience how to act when ethical challenges (e.g. provision of a prohibited gift) arise during social contact with other individuals.

- Review of relations between provisions of the Code and provisions of laws, e.g. where they complement or perhaps conflict each other.

- Intra-institutional measures for the promotion of the Code inside public agencies.

One of the needs that became clear during the OECD seminars is a set of support material (perhaps as part of a training manual) for all of the trainers when they conduct training on their own (suggested items of such inventory are listed in Box 3.4). This is especially important when trainers have uneven previous experience with training and group members have varying levels of knowledge about ethics issues. But, even if the background and skills of trainers were level, a common set of materials is important in order to ensure consistency in the provided training.

The contents of the training should also take into account the actual context of Palestinian Authority institutions and related practical considerations on how to implement the Code in the most effective way. The explicit or implicit choice of the predominant implementation style (compliance or integrity based) will partly determine what contents of training will be most useful. If the compliance-based approach dominates, employees may need largely rule-based training, which focuses on the obligations of civil servants and sanctions applied in cases of misconduct. Under the integrity-based approach, training should focus largely on discussing ethical dilemmas in daily work and providing guidance on how to assess such situations. In any case, the choice is not an exclusive option between two extremes. The task for the developers of training contents is finding the right balance between the two approaches. Likewise balance should be found between teaching the general concepts of public-sector ethics and practical instructions for action in particular situations (an example of a programme with both conceptual and detailed/practical elements is shown in Box 3.5).

---

### Box 3.4. **Suggested inventory (parts of the Training Manual) for trainers**

- In addition to the Code itself, trainers should have the main legislative acts, which relate to the issues covered in the Code (e.g. the Civil Service Law and the Anti-corruption Law).

- A brief review of main training methods and their advantages/disadvantages – group discussions, role plays, various other creative tasks (including requests for trainees to draft their own case studies).

- A selection of cartoons, audio or video clips to be used as illustrations.

- A table that lists values of the Code, for each of the values shows corresponding relevant provisions (rules), and briefly refers to typical ethical challenges in the Palestinian public administration related to the particular values and rules.

- Descriptions of typical ethical dilemmas in the Palestinian civil service and recommendations for resolution, especially when different values seemingly conflict, for example:

  − equal treatment of employees would seemingly endanger efficiency

  − the need to impose accountability could compromise motivation of the personnel

  − prohibition to accept gifts would damage an otherwise harmless relationship between a civil servants and client.

- Case studies to be provided to trainees in order to exercise in resolving ethical dilemmas.

- Checklists/ guide sheets/ test criteria for the recognition of ethics problems and assessment of alternatives of action. These would include written criteria for the assessment of complicated situations and understanding of abstract terms, e.g. when:

  − a gift makes the official "suspicious"

  − a private interest causes a real, apparent or possible conflict of interest.

- Tests and other tools, e.g. templates for individual integrity action plans.

---

---

### Box 3.5. **Brazil's training programme on ethics**

In 2010, the Public Ethics Commission and the Office of the Comptroller General of the Union developed a management training and development course to support training public officials on standards of conduct. The 40-hour course is organised in five modules, and its contents are based on Public Ethics Commission resolutions and other guidance materials. Satisfactory completion of this course has been proposed as a criterion for career progression. The modules offered in the course cover the following topics:

- *Principles of ethics*: key concepts, prevailing values and standards, their inter-relation and functions.

- *Principles of policy and public service:* key concepts of public life and fundamental values of the Brazilian federal public administration.

- *Ethics management in the federal public administration:* norms applicable to the federal public administration and governmental actors with responsibility for fostering public ethics.

- *Ethics management in the federal public administration:* exploring the code of professional ethics for the federal public administration.

- *Addressing ethical dilemmas:* identifying dilemmas, ethical guidance and filing complaints, attributes and routines to reinforce ethics in the federal public administration.

The training focused initially on senior officials above a certain level and was delivered by the Public Ethics Commission. With the passing of a new law on conflict of interest, in 2013, the number of public officials who will need to receive training will significantly increase. This will make it impossible for the Public Ethics Commission to be the sole body responsible for the training of all officials. For that reason, a decision was taken to share the responsibility with the Office of the Comptroller General, which will be responsible for training officials who are subject to the new conflict declaration law but of a hierarchic level below those trained by the Public Ethics Commission.

*Sources*: OECD (2012), *OECD Integrity Review of Brazil: Managing Risks for a Cleaner Public Service*, OECD Public Governance Reviews, OECD Publishing, Paris, p. 251, http://dx.doi.org/10.1787/9789264119321-en; OECD (2014), "Renforcer l'Intégrité en Tunisie : L'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine", OECD, Paris, www.oecd.org/mena/governance/Renforcer-Intégrité-Tunisie-Élaboration-Normes-Agents-Publics.pdf.

---

In the long term, a training policy could extend beyond the initial round of training linked to the entry into force of the Code. Efforts should be undertaken to continuously maintain training offer for high-level public

officials and employees who conduct sensitive functions. The training on the Code could be included in the broader training curricula of civil servants. A noteworthy tool for turning training from one-off activity into a continuous activity is the individual integrity action plans of Catalonia.

---

### Box 3.6. **Follow-up to ethics training in Catalonia**

Ethics training provided by the Anti-Fraud Office of Catalonia is based on a training itinerary rather than on a one-off training course approach. Follow-up to a training course is an important part of the itinerary. During the training course, each participant develops his or her own integrity action plan. In this plan each participant identifies integrity risks and challenges in their individual workplace. During the follow-up trainings, participants discuss the implementation of their personal plan. They discuss barriers that have been identified in implementing the actions proposed in their individual action plan, and provide to each other support and share ideas about solutions. The form for the development of individual action plans is presented below.



*Source*: OECD-ACN and SIGMA (2013), "Ethics Training for Public Officials", Presentation by Jordi Tres, Head of Training Department, Anti-Fraud Office of Catalonia at the Vilnius seminar, p. 18, www.sigmaweb.org/publicationsdocuments/EthicsTrainingforPublicOfficials_11Feb2013.pdf.

---

## Counselling

One of the most important types of support to employees is a possibility for employees to raise questions about the standards whenever doubts arise. It has been recognised in the OECD Recommendation that "impartial advice

can help create an environment in which public servants are more willing to confront and resolve ethical tensions and problems. Guidance and internal consultation mechanisms should be made available to help public servants apply basic ethical standards in the workplace." Most OECD countries have established an entity in charge of providing guidance on how to apply standards of conduct in daily actions (OECD, 2011b, p. 40). The German example of contact persons for corruption prevention and the advisory role of the Public Ethics Commission and Ethics Committees in Brazil are described in boxes 3.7 and 3.8.

---

**Box 3.7. Contact persons for corruption prevention in the federal administration of Germany**

A contact person for corruption prevention shall be appointed based on the tasks and size of the agency. One contact person may be responsible for more than one agency. Contact persons may be charged with the following tasks:

- serving as a contact person for agency staff and management, if necessary without having to go through official channels, along with private persons

- advising agency management

- keeping staff members informed (e.g. by means of regularly scheduled seminars and presentations)

- assisting with training

- monitoring and assessing any indications of corruption

- helping keep the public informed about penalties under public service law and criminal law (preventive effect) while respecting the privacy rights of those concerned.

If the contact person becomes aware of facts leading to reasonable suspicion that a corruption offence has been committed, he or she shall inform the agency management and make recommendations on conducting an internal investigation, on taking measures to prevent concealment and on informing the law enforcement authorities. The agency management shall take the necessary steps to deal with the matter.

Contact persons shall not be delegated any authority to carry out disciplinary measures; they shall not lead investigations in disciplinary proceedings for corruption cases.

Agencies shall provide contact persons promptly and comprehensively with the information needed to perform their duties, particularly with regard to incidents of suspected corruption.

---

---

Box 3.7. **Contact persons for corruption prevention in the federal administration of Germany** (*cont.*)

In carrying out their duties of corruption prevention, contact persons shall be independent of instructions. They shall have the right to report directly to the head of the agency and may not be subject to discrimination as a result of performing their duties.

Even after completing their term of office, contact persons shall not disclose any information they have gained about staff members' personal circumstances; they may however provide such information to agency management or personnel management if they have a reasonable suspicion that a corruption offence has been committed. Personal data shall be treated in accordance with the principles of personnel records management.

*Source*: Federal Ministry of the Interior (2004), "Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration of 30 July 2004", Germany, www.bmi.bund.de/shareddocs/downloads/de/themen/oed_verwaltung/korruption_sponsoring/richtlinie_zur_korruptionspraevention_in_der_bundesverwaltung_englisch.pdf;jsessionid=101aea0d576073be48386b3d378db7c0.2_cid295?__blob=publicationfile.

---

There are several ways of organising the counseling functions. One option is to appoint particular civil servants within each larger public body with a responsibility to help maintain a high level of integrity like, for example, the contact persons for corruption prevention in Germany. Such designated persons may have other functions in addition to providing advice, for example, they may also have a special responsibility to report abuse. However, on the one hand, providing confidential counseling and, on the other hand, reporting abuse could also be perceived as conflicting tasks. In any case, it is imperative that civil servants do not fear discussing problems with their counsels.

An alternative way of organising counseling is entrusting this task to a centralised body. In countries where the size of the civil service is relatively small, it is possible to serve all requests in a single body. In a situation where the standards of public-sector ethics are not well internalised across most of the public sector, the centralised approach has an important advantage in that there the necessary expertise can be built before it is spread to the rest of the institutions.

Box 3.8. **Advice by the Public Ethics Commission and Ethics Committees in Brazil**

High public officials may consult the Public Ethics Commission prior to executing any specific asset management operation or transaction, or regarding any questions in respect to ethical conduct and guidelines. In addition, the commission provides a list of frequently asked questions and responses on its website. The Public Ethics Commission provides written responses to queries by high public officials. Between 2007 and 2009, the commission received approximately 180 queries per year from high public officials. Advice provided by the commission is binding and may be used as evidence in ethics and administrative investigations should the situation arise. Other public officials are urged to consult the ethics committee within their respective public organisations in the event any questions occur on standards or the code of conduct. It is also common for the questions to be published on the Intranet of the public organisation for the benefit of all public officials.

*Source*: OECD (2012), *OECD Integrity Review of Brazil: Managing Risks for a Cleaner Public Service*, OECD Public Governance Reviews, OECD Publishing, Paris, p. 252, http://dx.doi.org/10.1787/9789264119321-en.

The implementation plan of the Palestinian Code does not address clearly the question which institution will be responsible for giving advice to civil servants. The Palestinian Authority should consider that counseling should not only be available but encouraged as much as possible. Some of the possible incentives for civil servants to request counseling are:

- possibility to seek advice confidentially

- possibility to seek advice from officials who are not superiors/ cannot apply punishment or retaliate

- following advice as a guarantee against punishment if the official disclosed all relevant facts

- publication of advice and consistency of opinions (partially based on OECD, 2010, p. 55).

On a note of caution, sometimes organisational culture can impede the counseling function. For example, asking questions can be interpreted as a sign of incompetence or weakness, an image of infallibility can be expected from a good official or a false belief may exist that all ethics issues are obviously black and white. Capable managers should realise that such traits prevent employees from seeking advice and rather prompt them to hide any uncertainties and problems as much as possible.

## Monitoring and reporting

In order to achieve compliance, controlling bodies have to be able to obtain information on the conduct of civil servants (monitoring) as well as have rewards (positive sanctions) and punishments (negative sanctions) at their disposal.

The action plan envisages monitoring with the help of annual reports on the level of commitment to the Code and, more generally, meetings with the media, representatives of human rights organisations, local authorities, governorates, trade unions, universities, preachers, supervisors and mentors to engage them, in line with their particular roles, in monitoring, control, awareness-raining and motivating. It is also expected that at least a fifth of participants in awareness workshops will thereafter provide the National Committee monthly with their observations on the application of the code (although it is unclear how these would be collected). All in all the intention is to rely on both centralised monitoring with the help of reporting and outside monitoring with the help of public participation. Especially the planned outside monitoring attests to the advanced awareness in the NCCC about the importance of the broader public in upholding civil service standards.

There can be two types of monitoring – active and passive (OECD, 2011b, p. 40). Active monitoring can entail specific initiatives to:

- Count and analyse violations of the Code (e.g. analysis of disciplinary actions) and trends thereof.

- Measure the awareness of civil servants (e.g. with the help of opinion surveys, including after training events).

- Measure opinion of clients of civil servants – usually also with the help of opinion surveys.

> ### Box 3.9. **Public Service Employee Surveys in Canada**
>
> On behalf of the Office of the Chief Human Resources Officer, Statistics Canada conducts Public Service Employee Surveys every three years. The surveys provide federal public servants an opportunity to express their views on various aspects of their work and work environment, including their level of engagement, perceptions of senior management, opinions on values and ethics, and experience of discrimination.
>
> The survey of 2011 asked respondents if:
>
> - they knew where they could go for help in resolving the situation when faced with an ethical dilemma or a conflict between values in the workplace (74% agreed, 14% disagreed)

Box 3.9. **Public Sector Employee Surveys in Canada** (*cont.*)

- discussions about values and ethics occurred in their workplace (57% agreed, 23% disagreed)
- senior managers in their organisation lead by example in ethical behaviour (58% agreed, 22% disagreed).

The survey revealed that many elements of the organisational environment are linked with perception regarding ethics. For example, employees who:

- expressed confidence in senior management
- believed that their organisation worked hard to create a workplace that prevent harassment
- said that the process of selecting a person for a position in their work unit was done fairly
- were much more likely to agree with the three above-mentioned statements.

The results of the survey feed into assessment of public agencies carried out within the Management Accountability Framework. In the area of values and ethics, the assessment focuses on whether the organisation is using survey findings on the status of its culture to feed into its Values and Ethics Plan. In particular, it looks at how the organisation's values and ethics plan will serve to:

- address identified issues, sustain performance and/or achieve progress in developing a culture that reflects and supports values and ethics
- address vulnerabilities related to the organisation's ethical environment.

The assessment also focuses on how leaders are engaged in the development of the Values and Ethics plan and how the organisation's infrastructure supports the implementation of the Values and Ethics plan.

Surveys of this kind do not aim at exposing concrete cases of wrongdoing. But they do allow for comparisons across agencies, show how supportive are organisational environments and to what extent managers uphold and strengthen values and ethics.

*Sources*: Treasury Board of Canada Secretariat (2012), "Overview of the MAF Methodology for 2012-13", http://static.tbs-sct.gc.ca/maf-crg/indicators-indicateurs/2012/omm-vemc-eng.asp; Treasury Board of Canada Secretariat (2012-13), "2011 Public Service Employee Survey", www.tbs-sct.gc.ca/pses-saff/2011/ve-eng.asp; www.tbs-sct.gc.ca/pses-saff/2011/fs-fi-eng.asp.

Passive monitoring refers to establishing reporting channels (e.g. reporting real or potential conflicts of interest) (OECD, 2011b, p. 40). Here at least two aspects are crucial – to whom a civil servant is required to report and what kind of protection against possible retaliation is provided. The latter issue is often handled as the problem of protecting whistleblowers.

The answer to the first question is rather straightforward and stems from the Article 8, paragraph 3 as well as Article 14, paragraph 1 of the Code, which ask an employee to inform his/her direct manager about any violations he/she observes at work. In the future, when possibly revising the Code, it would be worthwhile to address also situations when for some reason it does not seem logical to report to the direct manager, e.g. when the manager him/herself is implicated in the suspected wrongdoing. The Code does not specify which types of violations employees are expected to report. It is understandable why because the text of the Code should not be overburdened with long lists of possible occurrences. However, when drafting explanatory materials and preparing providers of counsel, the National Committee could consider examples of violations that would have to be reported by civil servants: illegal payments, conflicts of interest, violation in handling property and financial means of the Palestinian Authority, or failure to observe transparency requirements.

The second question – on protection against retaliation – is harder to answer based on the Code, which does not tackle the issue. However, the importance of the question is hard to dispute. The OECD has recommended that "public servants need to know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service. These should include clear rules and procedures for officials to follow, and a formal chain of responsibility. Public servants also need to know what protection will be available to them in cases of exposing wrongdoing." Provision of convincing whistleblower protection is a complicated matter (for more information on some of its aspects see the Box 3.10) and it cannot be regulated in sufficient detail solely in a code of conduct. Moreover, if the status of the code is not the same as of a law in the legal hierarchy, it could not provide the necessary strength of protection either. Therefore whistleblower protection is a vital part of the broader legal framework, which is necessary to uphold public sector values and principles.

> ### Box 3.10. **Principles recommended for whistleblower protection by the G20**
>
> In 2010, the G20 Leaders identified the protection of whistleblowers as one of the high priority areas in their global anticorruption agenda. As a result, a set of guiding principles and examples of best practices to support the implementation of the G20 commitment to strengthen the protection of whistleblowers was proposed. It is clear that the issue of whistleblower protection covers a much wider complex of issues than could be handled in a code of conduct. However, they are important for upholding civil service standards effectively.
>
> - Clear legislation and an effective institutional framework are in place to protect from discriminatory or disciplinary action employees who disclose in good faith and on reasonable grounds certain suspected acts of wrongdoing or corruption to competent authorities.
>
> - The legislation provides a clear definition of the scope of protected disclosures and of the persons afforded protection under the law.
>
> - The legislation ensures that the protection afforded to whistleblowers is robust and comprehensive.
>
> - The legislation clearly defines the procedures and prescribed channels for facilitating the reporting of suspected acts of corruption, and encourages the use of protective and easily accessible whistleblowing channels.
>
> - The legislation ensures that effective protection mechanisms are in place, including by entrusting a specific body that is accountable and empowered with the responsibility of receiving and investigating complaints of retaliation and/or improper investigation, and by providing for a full range of remedies.
>
> - Implementation of whistleblower protection legislation is supported by awareness-raising, communication, training and periodic evaluation of the effectiveness of the framework of protection.
>
> *Source*: G20 (2011), "G20 Anti-Corruption Action Plan: Action Point 7, Protection of Whistleblowers",
> www.g20australia.org/sites/default/files/g20_resources/library/G20_Whistleblower_Protection.pdf.

## Positive and negative incentives and sanctions

When it comes to positive sanctions, the Code and the action plan foresee the Distinguished Performance Award (the Jerusalem Award). There is also a mention of annual employees' performance appraisal forms. It is

believed that incentive-based systems foster compliance with codes of conduct and create a culture of integrity in the public administration. In this respect, the Jordanian experience could provide the Palestinian Authority with examples on how to promote an incentive-based system for the entire civil service or within a specific public institution (OECD, 2010, p. 47).

It seems important to stress that positive incentives are not just particular awards for ethical acts. Rather the whole organisational environment should be encouraging and affirmative for those civil servants who observe high standards in their daily work. The Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service asserts that "an organisational environment where high standards of conduct are encouraged by providing appropriate incentives for ethical behaviour, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of public service values and ethical standards. Managers have an important role in this regard by providing consistent leadership and serving as role models in terms of ethics and conduct in their professional relationship with political leaders, other public servants and citizens." Positive incentives can be:

- Verbal support by managers for ethical conduct in staff meetings and on other occasions.

- Exemplary ethical conduct by the leading managers.

- Clarity of principles on how ethical conduct factors into the determination of wage bonuses, promotions and the like.

- Fair assessments, which favour employees who provide better service or otherwise deliver better quality.

- Depending on cultural norms, posting of photos of exemplary employees or mention of their names in internal publications may be used.

Incentives may be directed also towards individuals who want to become civil servants for the first time. Standards-sensitive recruitment would mean giving an advantage to candidates who demonstrate understanding about standards of conduct (this can be checked with the help of tests). Where available their previous career should be assessed from the point of view of ethics. For example, a candidate whose past professional activities have been noted for ethical behavior (for example, he/she has received an award for high integrity on the former job or in an educational institution) should be advantaged in relation to other candidates who have equal professional skills but no particular signs of excellence in integrity.

The Code does not specify negative sanctions but rather refers to disciplinary liability and criminal laws (Article 18). Even though repression should not be the main tool for the implementation of public-sector ethics, a sanctions mechanism is necessary to ensure compliance when other incentives fail. In addition to strict legal sanctions, moral sanctions can also be considered, e.g. obliging the employee to make an apology, publication of his/her name and the wrong deed in an internal publication or mere notification that a certain action has been wrong. The range of available sanctions should be determined considering the local context so as to avoid sanctions that are either meaningless or disproportionately stigmatising. Moreover, if possible, violations should not be defined in the way that made virtually all civil servants somehow guilty because then sanctions would be perceived as arbitrary and they would foster cynicism.

## Assessment, revision and other policies

An important element in the implementation of the Code, is continuous assessment of progress and, if necessary, revision of the implementation measures or the Code itself. In this regard, it is commendable that all measures and activities indicated in the draft action plan are complemented with performance indicators. Some of these indicators measure outputs, i.e. activities as such, some attempt to measure outcomes, i.e. the impact of activities. Examples of some simple but nevertheless important output indicators are the percentage of employees who have received a copy of the Code by the end of a certain year and the level of satisfaction of participants in training programmes.

A review of the action plan shows that some of the targets can be hard to achieve. For example, the expectation that the publication of the Code on websites of public institutions could increase visits to the websites by 20% (if a website contains a lot of useful information, adding another document could result in just a marginal increase in the total number of visits). It is also questionable whether 20% of participants of awareness meetings will really be prepared afterwards to report monthly to the National Committee about their observations and challenges regarding the implementation of the Code.

Meanwhile it is generally commendable that almost all of the indicators have quantitative targets to be achieved. A few indicators are controversial in nature such as, for example, the annual decrease of complaints received by public institutions, monitoring and human rights organisations. Greater awareness about the ethics requirements could not only decrease the number of violations by officials and hence reduce the number of complaints but

could also sensitise the public towards such violations and hence – quite to the contrary – increase the number of complaints. Moreover some indicators are quite vague, for example, commitment of more than 50% of employees to the terms of the Code. This is an indicator, which cannot be measured without breaking it down further in more specific indicators. And in general it remains a hard problem how to measure commitment in a valid and reliable manner. Commitment is basically an inner state of mind of an individual and finding unequivocal measures for it can be difficult.

These remarks do not imply any fundamental flaw in the action plan. Measuring the real impact of codes of conduct (just like the impact of other ethics and anti-corruption measures) is notoriously difficult. A few suggestions for additional indicators are:

- To measure the effectiveness of training, count results in a simple online test, which checks the understanding of the principles of the Code sometime after participation in the training.

- The mentioned test could be applied also on a broader scale for measuring the level of understanding among civil servants at large.

- Resources permitting, client surveys could measure how standards of conduct are observed by the officials who have face-to-face contact with citizens.

Exactly how many and how resource-consuming indicators should be used depends on a balance between the need to measure progress on the one hand and the ability to devote resources for producing the data on the other hand. There is no single right set of indicators, instead the National Committee and other stakeholders should weigh needs versus possibilities and thus come to the appropriate judgment.

---

Box 3.11. **What makes good performance indicators**

Below is a list of recommendations regarding performance indicators based on a review of typical flaws, which are found in anti-corruption plans of different countries.

**Indicators should be measurable:**

- An indicator "Media is better informed about a code of conduct" is not very good because it itself needs an indicator – how to know when something is better? Instead the number of publications, which mention the code, is clearly measurable.

---

Box 3.11. **What makes good performance indicators** (*cont.*)

**Indicators should be clear:**

- An indicator "The ratio of cases related to the declaration of the property, income and interests considered by the Commission to the total number of cases considered" is unclear because it does do specify whether higher or lower ratio shall count as achievement.

**Indicators should add meaning:**

- An indicator "In accordance with the established procedure, carry out inspections of compliance" does not explain what is to be achieved. Instead indicators should express the expected results: the number of inspections, consequences such as rotation of officials following the inspections, number of proposed preventive measures based on the results of inspections, improved performance of the inspected institutions.

**Link between goal and indicator:**

- If the activity is improvement of regulations related to the public officials' disciplinary responsibility, the indicator should not be the number of elaborated standards, instructions or legislative proposals. The indicator should focus on the improvement instead, for example, fuller coverage of typical wrongdoings by definitions of disciplinary violations.

**Where possible, indicators should measure outcomes rather than just activities:**

- If the task is to improve the system of filing complaints on administrative decisions, then training on handling complaints in itself is not a guarantee for better handling of complaints. The number of incomplete reviews of complaints (e.g. based on data from higher appeal instances) could be a better indicator.

**Simplistic indicators may overshadow practice:**

- Yes/no type of indicators is especially prone. For example, the indicator on the availability of information in reception rooms about patient rights to receive state-funded health care should rather reflect degrees such as percentage of reception rooms with displayed information or completeness of the information.

---

Box 3.11. **What makes good performance indicators** (*cont.*)

**Quantitative indicators cannot express full essence of the matter:**

- Qualitative analysis of case law in conflict-of-interest matters can be more telling than the sheer number of punished officials.

**Danger of adverse incentives:**

- If an institution, which receives fewer complaints, is entitled to serious advantage, there is a risk that officials can discourage submitting complaints by persuasion, concealing information about complaint procedures or even intimidation. Paradoxically, expectation of total compliance may be an adverse incentive. For example, it should be generally acceptable for an institution to admit that it has managed to review only 90% of applications in due time. Otherwise – there's an incentive to avoid accurate reporting at all costs.

- Use multiple indicators for very important tasks but, at the same time, do not try to measure everything. Measuring spends resources and choice of measurements can be a legitimate way of reflecting the level of priority of activities.

*Source*: Kalnins, V. (2011), "Improving the designing of anti-corruption policies", Presentation at the Regional Workshop, 4 November, Strasbourg.

---

The implementation of a code can be assessed also in a qualitative manner where the situation within a particular agency is explored in comprehensive detail. Box 3.12 contains benchmarks of achievement, which emphasise among other things whether codes have been adapted to needs of particular agencies and recently revised.

Existence of a uniform code does not exclude a possibility and indeed a need to adopt multiple codes to address specific risks in particular agencies or professions. Challenges faced by civil servants who fulfill similar functions in different line ministries can be covered in a single code. Meanwhile agencies with specific tasks, e.g. the police or categories of officials fulfilling specific functions (e.g. auditors) can encounter risks or challenges that are unusual for other employees. For example, rules for the use of force are important for the police but not particularly relevant for most of employees in ministries. Auditors may need stronger safeguards for their autonomy against interference from managers than is required for other civil servants. In each case, careful examination of tasks and risks associated

with work in a particular agency or profession can lead to realisation that special provisions should be drafted in a form of a specific code.

The action plan foresees support for certain institutions through adapting the Code to fit their peculiarities. The plan specifies that 1 or 2 institutions should be selected for this annually. However, it seems that the actual number of institutions where such adaptation is needed should be determined based on a needs assessment. The National Committee should determine how the adaptation would be done, e.g. by drafting new institutional codes of conduct or annexing provisions to the common Code. The National Committee should also ensure coordination between agencies, which develop their specific provisions, to maintain consistency across the whole of the public sector.

---

**Box 3.12. Code of conduct: levels of achievement**

- Ranking 5 – The code of conduct has been actively promoted both inside and outside the agency and is featured in agency publications. The code is included in contracts with private sector suppliers. Staff accept and use the code.

- Ranking 4 – The agency's code of conduct was revised within the last 24 months, with staff input, and has been re-issued. Responsibility for updating the code of conduct is with a specific senior manager.

- Ranking 3 – The customised code of conduct includes examples that are relevant to the different types of work carried out by staff in all areas of the agency. All staff receive training on the code via induction and refresher training. The code is linked to appropriate sanctions for non-compliance.

- Ranking 2 – The agency has developed a customised code of conduct. The agency takes regular steps to ensure that staff are aware of the code of conduct and familiar with its provisions.

- Ranking 1 – The agency has adopted the model code of conduct issued by the Premier's Department and made it available to staff.

*Source*: The Independent Commission against Corruption (2002), "The Do-It-Yourself Corruption Resistance Guide", Australia, p. 14, http://tinyurl.com/oocjuns.

---

An indirect sign of an ineffective code is a text, which stays unchanged for many years. This is especially true when the codes are more detailed than mere statements of values and very basic principles. It is advisable

already now to plan a review of the Code at the end of the period covered by the current action plan. If it appears that over time some of the performance indicators keep on showing disappointing results, deficiencies in particular provisions may be among the reasons. During the review, attention should focus also on the relationship between the Code and laws because:

- Codes of conduct need supportive and properly implemented legislation, e.g. on firing and promotion of personnel, public procurement;

- If a code of conduct is a part of the law or well-grounded in the law, it may receive greater respect;

- A major sign of dysfunctional codes is substantial conflicts with laws; and

- When a code of conduct and a law "double-regulate" certain relations, explanations should be provided on how to reconcile the frameworks (Kalnins, 2013).

Last but not least, many standards require whole policies of their own (e.g. conflict of interest control, gender equality, freedom of information and data protection) (Kalnins, 2013). Thus, although most codes of conduct contain the requirement of impartiality, many countries also choose to adopt detailed legal rules with restrictions for additional employment or business activities, procedures on how to act when a conflict of interest occurs, what interests have to declared and how, and what penalties shall be imposed. It can even be that dedicated agencies are set up to control among other things the observation of conflict of interest rules. Hence, even though this analysis focuses almost exclusively on the Code and its implementation, comprehensive assessment would take into account also all of the legal acts and policies, which relate to the issues covered in the Code.

# *Bibliography*

Bundeskanzleramt Österreich (2010), "The Responsibility rests with me. Code of Conduct to Prevent Corruption", Vienna, https://www.oeffentlicherdienst.gv.at/moderner_arbeitgeber/korruptionspraevention/infos/VerhaltenskodexEnglish__2012_druck.pdf?40xutc.

Federal Ministry of the Interior (n.d.), "Private Sector/Federal Administration Anti-Corruption Initiative: Answers to frequently asked questions about accepting gifts, hospitality or other benefits", www.jaunde.diplo.de/contentblob/3809240/Daten/2296502/FragenkatalogKorruption.pdf.

Federal Ministry of the Interior (2004), "Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration of 30 July 2004", Germany, www.bmi.bund.de/SharedDocs/Downloads/EN/Broschueren/2014/rules-on-integrity.pdf?__blob=publicationFile.

G20 (2011), "G20 Anti-Corruption Action Plan: Action Point 7, Protection of Whistleblowers", www.g20australia.org/sites/default/files/g20_resources/library/G20_Whistleblower_Protection.pdf.

Independent Commission against Corruption (2002), "The Do-It-Yourself Corruption Resistance Guide", Australia, http://tinyurl.com/oocjuns.

Kalnins, V. (2013), Presentations for the train-the-trainers seminar on codes of conduct and their implementation, 17-19 June and 21-23 October 2013, Ramallah.

Kalnins, V. (2011), "Improving the designing of anti-corruption policies", Presentation at the Regional Workshop, 4 November 2011, Strasbourg.

Lawton, A., J. Rayner, and K. Lasthuizen (2013), *Ethics and Management in the Public Sector*, Routledge.

National Integrity Office (n.d.), "Integrity Cube", the Netherlands, www.integriteitoverheid.nl/fileadmin/BIOS/data/Publicaties/Downloads/Integrity_Cube.pdf.

National Integrity Office (2010), "Tasks of the National Integrity Office", the Netherlands, www.integriteitoverheid.nl/international/international/tasks-of-the-national-integrity-office.html.

OECD-ACN and SIGMA (2013), "Ethics Training for Public Officials", www.sigmaweb.org/publicationsdocuments/EthicsTrainingforPublicOfficials_11Feb2013.pdf.

OECD (2014), "Renforcer l'Intégrité en Tunisie : L'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine", www.oecd.org/mena/governance/Renforcer-Intégrité-Tunisie-Élaboration-Normes-Agents-Publics.pdf.

OECD (2013), *Anti-corruption Reforms in Eastern Europe and Central Asia: Progress and Challenges, 2009-2013*, Fighting Corruption in Eastern Europe and Central Asia, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264201903-en.

OECD (2012), *OECD Integrity Review of Brazil: Managing Risks for a Cleaner Public Service*, OECD Public Governance Reviews, OECD Publishing, Paris, p. 251, http://dx.doi.org/10.1787/9789264119321-en.

OECD (2011a), *Asset Declarations for Public Officials: A Tool to Prevent Corruption*, Fighting Corruption in Eastern Europe and Central Asia, OECD Publishing, Paris, http://dx.doi.org/10.1787/9789264095281-en.

OECD (2011b), "Code of Conduct for the Civil Service: Palestinian Authority", Benchmarking report, www.oecd.org/mena/governance/50402442.pdf.

OECD (2010), "Implementing a Code of Conduct for the Public Sector in Jordan", OECD Joint Learning Study, www.oecd.org/gov/ethics/45916428.pdf.

Treasury Board of Canada Secretariat (2012-13), "2011 Public Service Employee Survey: Focus on Values and Ethics", www.tbs-sct.gc.ca/pses-saff/2011/ve-eng.asp; www.tbs-sct.gc.ca/pses-saff/2011/fs-fi-eng.asp.

Treasury Board of Canada Secretariat (2012), "Policy on Conflict of Interest and Post-Employment", www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25178&section=text#appb.

Treasury Board of Canada Secretariat (2011), "Values and Ethics Code for the Public Sector", www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049&section=text#cha6.

# Conclusions and recommendations of the Palestinian Code of Conduct and Ethics

The Palestinian Authority is to be recognised for its efforts to design a Code of Conduct with broad stakeholder participation. The adoption of the Code was preceded by an exemplary exercise of public consultations, which made a major contribution to improve the text of the document and favorable environment for its implementation.

The code covers comprehensively all civil servants and government employees. It also contains a clear and concise statement of values. In this way, the code corresponds to international standards and the best international practices. The peer-to-peer policy dialogue within the MENA-OECD Initiative to Support the Palestinian Authority has facilitated this process and also contributed to building capacities among officials implementing the Code, particularly within the General Personnel Council.

A comparison between the draft code and the adopted one shows that a number of provisions are now more concise and succinct. This is in line with main international recommendations and will make the Code more accessible to the readers and users.

Some recommendations can be made with reference to the future work that the Palestinian Authority may undertake in the area of ethics in the public sector, which the OECD can further contribute to:

## 1.  A general code *vs* specific risks

As a consequence of the code's conciseness, on several issues the adopted language omits important details (for example, regarding cases when an employee thinks that he/she has received an illegal instruction from superior). This does not reduce the value and relevance of the Palestinian Authority code, which is a document that needs to be relevant for different public officials, exercising different functions with varied levels of responsibility and vulnerability to corruption – therefore, the code needs to be concise and general. However, this conciseness is a caveat of codes that have as their objective to address the whole of the public sector. It requires that the code is reviewed against existing laws and procedures to verify whether these caveats are fully and adequately addressed in other

legislation. The recommendation applies also to the question whether adequate post-employment restrictions for former civil servants are in place as this is not fully clear in the text of the Code.

## 2. Implementation responsibility

Currently the main responsibility for the implementation of the Code rests with managers of each of the administrative bodies. Such approach is common in the international experience but relies strongly on the competence and quality of leadership across the whole of the public sector. Since such competence and quality cannot always be taken for granted, awareness-raising and training activities should focus especially on the managers. Senior level officials should also be targeted with a specific strategy, as initial training efforts have shown they do not give the code the importance it should receive by senior officials as a message to the whole of the civil service force. After some time, the situation should be reassessed to determine whether a more centralised enforcement model would be more effective.

The action plan of the NCCC envisages extensive training activities, including the training of a group of future trainers, which started in 2013 with the support of OECD. A training manual needs to be developed (accompanied by a set of training materials) to support the trainers and ensure that a minimal common content will be shared among all public servants. In the long-term, training on the Code could be included as a permanent element in the broader training curricula of civil servants.

Counseling for civil servants on issues related to the implementation of the Code should be provided and strongly encouraged. Asking for advice should be generally promoted as the right course and public officials should be provided with a safe discreet channel to ask questions.

## 3. Recognition as a tool to increase integrity

The Distinguished Performance Award is an important positive incentive to promote ethics and integrity within the Palestinian Authority public sector. A variety of positive measures following this example could be developed inside different public institutions across the whole of the public administration, in an effort to develop an environment that recognises and rewards ethical conduct.

## 4. Whistleblower protection

The Code contains obligations for civil service employees to report conflicts of interest and any violations that they face at work. These useful provisions should be accompanied with constant attention to whether civil

servants feel safe to make such reports, especially when concerned with violations allegedly committed by close co-workers and senior officials.

### 5. Balancing professional secrecy with needed transparency

The Code appears to contain a general presumption of confidentiality in the public service. On the face of it, this tilts the balance between transparency and confidentiality too much towards the latter.

### 6. Monitoring the impact of the code and the ethics framework

One of the strengths of the action plan is benchmarks and indicators attached to each of the activities. However, a few of the indicators should be more realistic or less vague (leaving no doubt about what and how is actually measured).

### 7. Maintaining and, as necessary, improving other relevant aspects of the integrity framework

Legislation and implementation in the area of asset declarations of senior public officials, conflict of interest and whistleblower protection need to receive permanent attention of the Palestinian Authority authorities, in order to complement the integrity framework of the public service. Among the different policy areas within the larger anti-corruption agenda, these three topics are particularly linked to a code of conduct for two reasons: they provide the legal foundations and basis for enforcement upon which some of the provisions of the code will rely on (in the case the code is not itself enshrined in law) and they provide a support framework for public officials to comply with the code.

*Annex A*

# The Code of Conduct and Ethics of Public Service of the Palestinian Authority

This is an annex to the Council of Ministers, Resolution No. (04.23.14 / m. / S. F) for 2012 Code of Conduct, the Ethics of Public Service.

**Introduction**

Our dear employee,

Working in the civil service is an assignment for civil servants. To honour this assignment be sure to tackle all of it in the most honest, credible and excellent way, delivering services to recipients as easily and quickly as possible. You are the mirror that reflects the image of the government and you represent the Palestinian Authority to the community.

Tackling your daily tasks and duties according to your job description is considered a legal obligation; one which you must abide by under a penalty of responsibility and accountability. Moreover, your performance at work and the way you carry out your duties have great importance under the terms of your employment and to the beneficiaries of public service, the major focus and measure of success in the delivery of public services. By this code, we inform you of the rules of behaviour which you should respect in performing the tasks entrusted to you.

This Code seeks to align the performance of the public employee with a system of values and principles governing professional and occupational conduct, in order to monitor government performance, and to impact positively on members of the society.

# Chapter I

## Name and definitions, subjects, goals and values

## Article (1)

## Label

This document is titled The Code of Conduct and Ethics of the Public Service.

## Article (2)

## Definitions

For the purpose of this code, the following definitions included in the Civil Service Law will be considered:

| | |
|---|---|
| Values: | Set of common principles that guide judgment of what is good and appropriate. |
| Public money: | Cash in circulation, and fixed assets of movable and immovable state-owned properties, supplies handed to employee, deposits and money owned by others when dealing with the government. |
| Ethics of public service: | In conducting their daily activities, employees must perform the work duties assigned to them faithfully, impartially and objectively. They must constantly work to achieve the objectives of the institution in which they operate, within the limits of the powers conferred upon them, and lead work in good faith, detached from bad intent, negligence, violation of the law, damage to the public interest, or in order to achieve a particular interest to them or to others. |
| Transparency: | Is measured in the level of clarity and openness in work procedures and institutional goals and objectives, guiding employees to perform their duties. |
| Integrity: | Set of common values of honesty, loyalty and dedication at work. |
| Conflict of interest: | Any action or situation which can influence the objectivity and independence of the civil servant and his/her ability to take a decision, leading the decision to be based on private instead of public interest. |
| Corruption: | Set of actions considered corruption according to the Anti-Corruption Law (Revised) (1) for the year 2005. |
| Cronyism and nepotism: | Any employee's undue decision or interference in favour of a person or an entity taking into consideration non objectively work-related elements (such as political, family, religion or clan affiliation) in order to gain a material or a moral benefit. |
| National Committee for the Code of Conduct and Civil Service Ethics: | The committee that is formulated by the decision of the Chairman of the General Personnel Council. |

### Article (3)

### Subject to the provisions of this Code are

1. Employees, appointed in accordance with the provisions of the Civil Service Law, whether they are still on probation or have been settled permanently.

2. Civil servants working in governmental departments under employment contracts, taking into account the duties and rights obtained through such contracts or commitments contained therein.

### Article (4)

### Goals

This code aims to:

1. Provide protection to the employee through knowledge of rights, duties and rules of conduct prescribed by the Civil Service Law and other relevant legislations.

2. Establish values and ethics standards for the civil service and increase the level of compliance and commitment to them.

3. Strengthen the confidence of citizens and recipients of public service in government institutions, and increase the level of respect for its role in providing efficient and effective services.

4. Enhance job satisfaction among employees.

### Article (5)

### Values of the civil service

While carrying out their work, employees should take into consideration the following values:

1. Justice, equal opportunity, transparency, accountability, integrity, professionalism, efficiency, loyalty to the homeland, motivation and excellence.

2. Neutrality and freedom from political pressure.

3. Merit.

4. Equality and non-discrimination, regardless of race, sex, religion, belief or age.

5. Respect for the rights of women, persons with disabilities and prisoners.

6. Respect human dignity.

<div align="center">

**Chapter II**

**Rules of conduct in public service**

</div>

**Article (6)**

**Employee's duties and responsibilities include**

1.  The performance of duties and functions entrusted to him/her with honesty, integrity, accuracy, professionalism and impartiality. The employee must work to meet the goals and objectives of the government and to seek public interest exclusively.

2.  Devote official working hours to carry out the functions and duties of the job solely.

3.  Take into consideration the interest of work, good performance and continuity in the use of his/her right for annual leave.

4.  Knowledge and familiarity with relevant laws and regulations and application of such without any abuse, violation or neglect.

5.  Constant strive to improve performance at work and develop professional abilities in view of the latest developments in his/her field and the work of his department, and to present suggestions to improve working methods, to raise performance levels and to contribute to a safe and healthy work environment.

6.  Wear appropriate clothes according to social norms and ensure presenting oneself in a proper manner during working hours.

7.  Keep the working place and its annexes clean, and care for the equipment, hardware and other public properties.

8.  Respect the procedures in terms of hierarchy of communication and take into account the use of appropriate means of communication.

9.  Commit to communicate in a tactful and respectful manner and refrain from behaving or pronouncing any statements that could be a source of defamation, libel, slander or abuse of reputation.

10. Be responsible and organised in dealing with documents and papers which contain sensitive confidential information in order to maintain the interests of others and the confidentiality of information, and to ensure that these documents are kept from the view of people who are not concerned.

11. Respect others' religious beliefs; refrain from insulting religion or pronouncing verbally abusive or indecent words.

12. Facilitate procedures of follow-up and evaluation carried out by competent authorities, provide information and respond to inquiries in accordance with the applicable laws and regulations.

## Article (7)

### Employee's duties and responsibilities in dealing with service recipients

1. Respect the rights and interests of others, without any exception, dealing with the public with tactfulness, respect, neutrality, impartiality and objectivity, without discrimination on the basis of race, gender, religious or political beliefs, social status, age, physical status or any other form of discrimination.

2. Complete required work tasks accurately and in a timely manner and answer citizens' inquiries and complaints accurately, quickly and objectively.

3. Give priority, attention and care for people with disabilities, providing help and assistance to them.

4. Respect the privacy and confidentiality in dealing with documents and other personal information related to citizens.

5. Refrain from taking any action that adversely affects the public confidence in the civil service.

6. Comply with job limits and the appropriate functional duties while providing service to the recipients.

7. Inform a direct supervisor or head of department immediately about any obstacle or insult by others during performing job responsibilities. The supervisor must act on it immediately in a manner that preserves the employee's dignity and respect.

## Article (8)

### Employees' duties and responsibilities in dealing with his superiors

1. The employee is expected to perform job duties according to the approved job description in addition to any tasks or instructions issued by direct supervisors.

2. If orders and instructions contradict legislations, the employee should inform direct management in writing about this violation.

3. The employee must inform the direct supervisor immediately about any violations or obstacles arisen during performing his/her work duties.

4.  The employee must deal with supervisors in a respectful manner and refrain from gaining any preferential treatment by flattery, deception or through nepotism and favouritism.

5.  The employee must not deceive or mislead his superiors, and refrain from hiding any information related to the work in order to influence the process of decision making, or to impede the workflow, and to cooperate with immediate supervisors providing them feedback, advice and expertise objectively and sincerely.

6.  The employee must inform new direct manager about work related topics and submit all relevant documents completely and accurately to ensure a regular workflow.

## Article (9)

### Employee's duties and responsibilities in dealing with work colleagues

1.  The employees must deal with each other with respect, tactfulness and sincerity, and to maintain healthy and friendly relations without any subject or form of discrimination, to ensure respect for privacy and to avoid discredit any of them or to engage in actions that could adversely affect them.

2.  The employee must collaborate with colleagues in a professional and objective manner and to provide them with assistance when needed to solve problems, contributing to positive work attitudes towards and among colleagues in order to improve the overall performance, enhancing a healthy work atmosphere and institutional culture in the government.

3.  The employee must commit to the code of ethics in conducting work duties so that he/she maintains public morals and high standards of behaviour.

## Article (10)

### Employee's duties and responsibilities in dealing with subordinates

1.  All instructions and directives issued by the management to direct subordinates must be in written and consistent with the current legislation.

2.  It is the direct manager's responsibility to enable the staff to obtain their deserving rights in accordance with the current legislation in the easiest and the shortest ways and as long as they are entitled to it.

3. It is the direct manager's responsibility to work on the development of the capacity of subordinates, help and motivate them to improve their performance, and act as a role model for subordinates in compliance with laws, regulations and instructions in force.

4. It is the direct manager's responsibility to transfer knowledge and experience to subordinates and to encourage them to increase the volume of information exchange and the knowledge transfer among them.

5. It is the direct manager's responsibility to supervise his subordinates and hold them accountable for their actions, and evaluate their performance objectively and impartially and to provide them with training and development opportunities according to regulations and instructions.

6. It is the direct manager's responsibility to respect the rights of subordinates and treat them professionally in accordance to the civil service values enclosed in this Code.

## Chapter III

## Integrity and Anti-Corruption

**Article (11)**

**Conflict of interest**

Tackling job duties is a significant responsibility which the employee must exercise with discretion, paying careful attention and making every possible effort to carry out in the most appropriate way. Priority must be given to the interest of work beyond any personal interest. To avoid any violations of this principle, the employee must consider the following:

1. To refrain from carrying out any activity that would lead to the emergence of a real, an apparent or possible conflict between personal interest from one side and work responsibilities and functions on the other.

2. To refrain from carrying out any activity that is not commensurate with the objective and impartial performance of work functions, or activity which can lead to preferential treatment to any person in dealing with the government, or activities which can harm the reputation and the confidence of citizens in this department.

3. To refrain from using the work position directly or indirectly to obtain financial gains or any matter of value.

4.  To communicate with and inform direct supervisors in writing and immediately if personal interests have come into conflict in the case of dealing with any person involved or working with the government.

5.  Report to the respective unit or department if any conflict of interest arises during the performance of one's job duties. In this case, the employee concerned should not be involved in the task in question (for example, agreements, tenders or external contracts linked to the work of his/her department or in decisions taken on appointments, performance assessments or promotions).

6.  To provide a clear and honest declaration to the government to the extent required by the position on any private business, commercial or financial interests or any kind of activities carried out for financial gains that may constitute a possible conflict of interest.

7.  To inform the respective unit in the government of the employee's desire to participate in fund raising activities or collecting donations, prizes or in-kind contributions for charity organisations. The management reserves the rights to request modification or termination of such activities where he/she sees convenient or that such activity may result in the emergence of real or potential conflicts of interest.

8.  To refrain from accepting any job that may result in conflict of interest between any parties that has official dealings with the governmental department where the employee works unless a written approval is received from the head of the department ensuring that there is no conflict of interest.

**Article (12)**

**Acceptance or requesting gifts**

1.  The employee is prohibited from taking or accepting gifts in any form or value under any circumstances either directly or indirectly, and also prohibited from accepting gifts under any title that would bring on or put him in a suspicious position.

2.  The employee can accept gifts in cases in which rejecting the gift can cause an insult to the sender as long as it does not exceed the usual social practice and courtesy. The employee can also accept symbolic gifts given during official visits as those representing countries or organisations' slogans and symbols. In that case the employee must report to the management the reasons, justifications and circumstances for not rejecting the gift.

3. For the reasons mentioned above, each department is committed to open a gift registration archive for received gifts.

4. In dealing with received gifts, each department shall follow the instructions outlined in this code of conduct and issued by the Ministry of Finance.

5. In case of a bribe offer, the employee must notify direct management immediately. Direct management must take the necessary actions about it and prepare a report to be submitted to the respective authorities on the incident.

## Article (13)

### Integrity, transparency and confidentiality

1. The service rendered by the employee must be carried out according to laws, regulations or to be governed by instructions. The employee must respect and commit himself towards it.

2. The employee -while providing services to citizens- must respect their humanity, dignity and privacy.

3. The employee is prohibited from giving preferential treatment to any class or any person at the expense of another without an authorising law or regulation for this.

4. The employee's access to official documents and information falls under the code of secrecy and confidentiality unless permission is given by law to disclose such information or document to the concerned authorities even after leaving the job.

5. Unless authorised to do so, the employees are prohibited from making any comments, statements or interventions on issues still under study or deliberation within government departments.

6. The employee must notify the direct management immediately in the event of a request to testify in court or in front of other authority if such testimony is related to the work duties, or the government department in which he/she works and which requires to provide these authorities with official papers and documents.

## Article (14)

### Employee obligations in anti-corruption efforts

1. The employee must inform his direct manager in writing about any violation in the laws, regulations and instructions observed through his work, to ensure the adjustment of the situation in accordance to adopted laws and procedures.

2. The employee must report to the authorities any act of corruption realised during the performance of work duties.

3. The employee must cooperate with the authorities in any administrative, financial or criminal investigation.

## Article (15)

### Dealing with public money

1. The employee must work to rationalise the use of public money providing suggestions on how to use funds optimally.

2. Use of work and communication devices and tools such as the internet, e-mail, telephone and computer are intended for work related purposes only and must not be used otherwise by the employee.

3. To use means of communication especially the Internet in a manner prejudicial to the employer is prohibited. It is also prohibited to transfer, watch, download or store information that might offend or defame religion, persons or institutions or to use software applications that might cause harm such as viruses.

4. The employee must deal carefully with public funds and the interests of the Palestinian National Authority as well as its properties, and inform the management of any overrun or carelessness in the use of public money.

5. The employee must use public funds efficiently and effectively and in accordance with what the funds have been designated for, taking all necessary actions to ensure the most efficient use.

6. It is forbidden to use the properties of the Palestinian National Authority for private gain or to promote any goods or services for personal gain or the benefit of a third party.

## Article (16)

### Distinguished Performance Awards

1. Established by decision from the Council of Ministers' under the name of 'Jerusalem Award' to be given to employees whose performance meet the award criteria under agreed standards and conditions. National Committee of the Code of Conduct and Civil Service Ethics will propose the standards, conditions and procedures for granting this award.

2. Each department in the government shall publish the criteria for this award at the beginning of each year on its bulletin board for the information of the staff.

3. The Council of Ministers shall issue a list of distinguished staff annually.

## Chapter IV

## General Provisions

### Article (17)

### Information and Implementation

1. Each department in the Government must inform the employees about the content of this Code of Conduct before having their signature on the pledge form attached to the Code.

2. Heads of departments, deputies, deputy heads of non-ministerial governmental departments and all mid-management staff are directly responsible for monitoring the implementation of the provisions of this Code and the adherence of their staff to it.

3. The National Committee of the Code of Conduct and the Civil Service Ethics will follow up the implementation of the provisions of this Code.

### Article (18)

### Accountability

Violations of the above mentioned obligations according to this Code will entail a disciplinary liability to the employee under the provisions of the Civil Service Law, or under the criminal laws.

## Pledge

I hereby acknowledge that I have read this code of conduct and ethics of public service, and I understood my work duties and rights, and I pledge as an employee to comply with all the values and rules of conduct described in this Code.

In case of any conflict between my personal interests and my work duties or in case there is the possibility of a conflict of interest in any way whatsoever; I pledge to disclose it immediately to the head of the department I work at.

I also admit here, that I do not own or carry out any other activities or private businesses that require to be disclosed. Furthermore, in case there is any activity that requires to be disclosed in the future, I pledge to disclose all information related to it immediately and to follow up according to procedures of the civil service law in order to obtain special agreements for that.

I am fully aware that violating any item or obligation mentioned in this Code will provide the governmental department immediately the right for deciding upon disciplinary sanctions against me according to the Civil Service Law.


Therefore I sign accordingly:

Name of employees: _____

Occupation: _____

Employment No.:_____

Place of work: _____

Date: / / 20

Signature: _____

*Annex B*

# Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service

1.  Ethical standards for public service should be clear.

Public servants need to know the basic principles and standards they are expected to apply to their work and where the boundaries of acceptable behaviour lie. A concise, well-publicised statement of core ethical standards and principles that guide public service, for example in the form of a code of conduct, can accomplish this by creating a shared understanding across government and within the broader community.

2.  Ethical standards should be reflected in the legal framework.

The legal framework is the basis for communicating the minimum obligatory standards and principles of behaviour for every public servant. Laws and regulations could state the fundamental values of public service and should provide the framework for guidance, investigation, disciplinary action and prosecution.

3.  Ethical guidance should be available to public servants.

Professional socialisation should contribute to the development of the necessary judgement and skills enabling public servants to apply ethical principles in concrete circumstances. Training facilitates ethics awareness and can develop essential skills for ethical analysis and moral reasoning. Impartial advice can help create an environment in which public servants are more willing to confront and resolve ethical tensions and problems. Guidance and internal consultation mechanisms should be made available to help public servants apply basic ethical standards in the workplace.

4.  Public servants should know their rights and obligations when exposing wrongdoing

Public servants need to know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service. These should include clear rules and procedures for officials to follow, and a formal chain of responsibility. Public servants also need to know what protection will be available to them in cases of exposing wrongdoing.

5.  Political commitment to ethics should reinforce the ethical conduct of public servants.

Political leaders are responsible for maintaining a high standard of propriety in the discharge of their official duties. Their commitment is demonstrated by example and by taking action that is only available at the political level, for instance by creating legislative and institutional arrangements that reinforce ethical behaviour and create sanctions against wrongdoing, by providing adequate support and resources for ethics-related activities throughout government and by avoiding the exploitation of ethics rules and laws for political purposes.

6.  The decision-making process should be transparent and open to scrutiny.

The public has a right to know how public institutions apply the power and resources entrusted to them. Public scruti
and democratic processes, oversight by the legislature and access to public information. Transparency should be further enhanced by measures such as disclosure systems and recognition of the role of an active and independent media.

7.  There should be clear guidelines for interaction between the public and private sectors.

Clear rules defining ethical standards should guide the behaviour of public servants in dealing with the private sector, for example regarding public procurement, outsourcing or public employment conditions. Increasing interaction between the public and private sectors demands that more attention should be placed on public service values and requiring external partners to respect those same values.

8.  Managers should demonstrate and promote ethical conduct.

An organisational environment where high standards of conduct are encouraged by providing appropriate incentives for ethical behaviour, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of public service values and ethical standards. Managers have an important role in this regard by providing consistent leadership and serving as role models in terms of ethics and conduct in their professional relationship with political leaders, other public servants and citizens.

9.  Management policies, procedures and practices should promote ethical conduct.

Management policies and practices should demonstrate an organisation's commitment to ethical standards. It is not sufficient for governments to have only rule-based or compliance-based structures. Compliance systems alone can inadvertently encourage some public servants simply to function on the edge of misconduct, arguing that if they are not violating the law they are acting ethically. Government policy should not only delineate the minimal standards below which a government official's actions will not be tolerated, but also clearly articulate a set of public service values that employees should aspire to.

10. Public service conditions and management of human resources should promote ethical conduct.

Public service employment conditions, such as career prospects, personal development, adequate remuneration and human resource management policies should create an environment conducive to ethical behaviour. Using basic principles, such as merit, consistently in the daily process of recruitment and promotion helps operationalise integrity in the public service.

11. Adequate accountability mechanisms should be in place within the public service.

Public servants should be accountable for their actions to their superiors and, more broadly, to the public. Accountability should focus both on compliance with rules and ethical principles and on achievement of results. Accountability mechanisms can be internal to an agency as well as government-wide, or can be provided by civil society. Mechanisms promoting accountability can be designed to provide adequate controls while allowing for appropriately flexible management. Adequate accountability mechanisms should be in place within the public service.

12. Appropriate procedures and sanctions should exist to deal with misconduct.

Mechanisms for the detection and independent investigation of wrongdoing such as corruption are a necessary part of an ethics infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigating breaches of public service rules, as well as commensurate administrative or disciplinary sanctions to discourage misconduct. Managers should exercise appropriate judgement in using these mechanisms when actions need to be taken.

*Annex C*

# The National Committee for the Code of Conduct for the Civil Servants: Action Plan 2013-15

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| 1. Publication and awareness | 1.1 Print and disseminate the code of conduct as brochures | GPC<br><br>The National Committee | Parties involved will be participating in fundraising to secure additional funds for the print job.<br>Print 80,000 copies of the COC by the end of 2013 (Phase 1)<br>The GPC will bear the responsibility of the development and implementation of the dissemination plan. | April-Dec 2013 | $20 000 | $6000 | 10% Of the employees have received a copy of the COC by the end of 2013<br>40% by the end of 2014<br>50% by the end of 2015 |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| | 1.2 Publish the COC on all public institutions sites | GPC<br><br>Public Institutions | The GPC oversees the process | June 2013 | 0 | 0 | 20% increase in visits to institutions' site |
| 1. Publication and awareness | 1.3 Design and print brochures relevant to the COC (3 subjects at least) + prepare vital quotes from the contents of the COC, and print them on the back of Pay stubs. | GPC<br><br>National Committee | Parties involved will be participating in fundraising to secure additional funds for the print job.<br><br>Print 80,000 copies of the COC by the first quarter of 2014.<br><br>The GPC undertakes the responsibility to develop and implement a dissemination plan especially through Awareness and training seminars.<br><br>After the initial awareness campaign, the brochures will be handed out on a regular base especially to new employees. | Sept 2013-June 2014 | $10 000 | 0 | At least 40% of employees have received a copy of the brochure by the end of 2015 |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| | 1.4 Designing a webpage for the CoC within the GPC's website that's fed with information relevant to the COC periodically (including information about the Jerusalem Award, coverage of the committees' activities about the COC, receive inquiries and complains). | GPC | The page is part of the GPC's website, and a link is embedded in all institutions' sites. | July-Sep 2013 | 0 | 0 | 15% increase on traffic to the site |
| 1. Publication and awareness | 1.5 Organise awareness workshops within each institution's for all employees about the COC and its obligation (conduct follow up meetings with employees to provide guidance and illustration in addition to responding Inquiries) | GPC<br><br>Personnel Affair<br><br>Legal Dept. in every Institution<br><br>National Committee | Conduct 1-2 awareness seminars for the directors of those departments under the supervision of the national committee. | Sep-Non 2013 | $2 000 | 0 | 20% of Department Managers volunteer to prepare additional awareness articles to be distributed to employees.<br><br>20% of the participants adhere to provide the Committee monthly with their observations on abiding by the Code and the challenges they face.<br><br>70% of the invited directors to these trainings committed themselves to the programme of the training courses. |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| 1. Publication and awareness | 1.6 Produce media flashes on certain articles from the COC. | GPC<br>National committee | Prepare 4 different flashes; each one will be broadcasted 200 on average over a period of 3 months. | July- Dec 2013 | $4000 | 0 | The number of requests for interviews by the media with members of the NC to learn more about the COC are no less than 5 per year. |
| | 1.7 Hold awareness workshops about specific topics (work days- 5 hours each meeting (3 meetings)) | GPC<br>National Committee | Workshop about conflicts of interest<br>Workshop on usage of public property<br>Workshop on public records<br>Determine the targeted groups and indicate the number of expected participants. | First half of 2014 | $3000 | 0 | 5% decrease annually in the number of complaints received by the public institutions, monitoring and human rights institutions on issues contradicting with the mentioned topics<br>At least 200 participants |
| | 1.8 Produce and broadcast media drama in cooperation with the Palestinian's Broadcasting Commission | GPC<br>National Committee | Produce and broadcast 9 drama episodes, focusing on certain important topics in the Code and air them 150 times each year. | Second half of 2013, first of 2014 and 2015 | $10000 | 0 | The number of requests for interviews by the media with members of the NC to learn more about the COC are no less than 20 per year. |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| 2. Empowerment | 2.1 Conduct T.O.T for 30-40 trainers for 2 days (2-3 meetings) | GPC<br>National Committee | Develop training work plan (selection criteria, program, articles, trainers, follow up plan) | June 2013 | $2500 | 0 | The evaluation of participants will indicate the level of satisfaction on the quality of the training<br><br>5% of participants will volunteer to prepare articles to raise awareness with the COC. |
| | 2.2 Hold 22 training seminars ( first stage) the participant in the T.O.T course will be implementing training in public institutions. | GPC<br>National Committee | Develop training work plan (selection criteria for participants, program, articles, follow up plan) | Second half of 2013 | $1100 | 0 | At least 400 employees will take part of these meetings at this stage. |
| | 2.3 Provide support for institutions with peculiarity by adapting the COC to fit this peculiarity. | AMAN-GPC | 1-2 institutions will be selected annually<br><br>Contract a third party to accomplish the process of regionalisation<br><br>Hold an awareness meeting for each institution | Aug-Oct 2013-14-15 | $6000 | $6000 | The annual evaluation report of AMMAN on the level of compliance indicates commitment of more than 50% of employees to the terms of COC. |
| | 2.4 Hold a meeting for deputy ministers, general directors and representatives of public institutions | GPC<br>National Committee | Develop special awareness articles | Sep 2013 | $100 | 0 | At least 20 participants adhere to the programme of the course. |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| 3. Motivation | 3.1 Grant the Jerusalem award annually | GPC<br><br>National Committee | Develop indicators to measure commitment that is based on the performance evaluation model. The model that integrated the principals of the Code in the evaluations sub standard<br><br>Develop a plan to grant the award (standards, announcement, forms, technical committee, format of the award, the award ceremony)<br><br>Hold an Awareness meeting for Personnel affairs about the award and their role.<br><br>Develop employee's performance appraisal forms annually. | May 2013-Nov 2014 | | | Numbers of Employees nominated for the award are no less than 15 per year from each institution. |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| 4. Monitoring and Evaluation | 4.1 Prepare annual reports on the level of commitment to the COC, including the challenges and intervention plans. | GPC<br><br>National Committee | Set indicators to measure commitment<br><br>Develop a methodology to prepare commitment reports annually<br><br>Set a plan to follow up for the evaluation results<br><br>Refer to complaint units reports, human rights organisations, anti-corruption commission, Audit council (this requires preparing special forms for each category to receive feedback and information available to them on practices of breaching the principles of the COC) | Annually | $10 000 | 0 | Annual reports indicate a higher level of commitment by not less than 20% annually |

| Field | Activity | Directly responsible | Details | Time-frame | Budget required | Budget available | Benchmarks/indicators |
|---|---|---|---|---|---|---|---|
| 4. Monitoring and Evaluation | 4.2 Community supervision | GPC<br><br>National Committee | Hold a meeting for the media to motivate them to engage in monitoring compliance with the Code and prepare news and reports about practices related to the level of commitment or not | Feb 2014 | $250 | 0 | Number of audio-visual news allocated by the media to discuss the topic is no less than 5 annually. |
| | | | Hold a meeting for representatives of human rights organisations, local authorities, governorates, trade unions and universities to engage them in the process of supervising and motivate interaction with the Code | March 2014 | $250 | 0 | The annual reports for the Independent Commission of Human Rights indicates an improvement in the performance of complains units in Public Institutions |
| | | | Hold a meeting with a group of preachers, supervisors and mentors to devote time to raise awareness, publishing and motivation on the ethics of public office | April 2014 | $250 | 0 | Number of activities allocated by the participants to discuss the topic no less than 10 |

# ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Publishing disseminates widely the results of the Organisation's statistics gathering and research on economic, social and environmental issues, as well as the conventions, guidelines and standards agreed by its members.

**OECD Public Governance Reviews**

# The Implementation of the Palestinian Code of Conduct

## STRENGTHENING ETHICS AND CONTRIBUTING TO INSTITUTION-BUILDING

**Contents**