

**Code of Conduct for the Civil Service**  
**PALESTINIAN AUTHORITY**  
**BENCHMARKING REPORT**



**Joint Learning Studies**



**Designing and implementing a  
Code of Conduct in the Civil  
Service:  
Benchmarking the Palestinian  
draft Code of Conduct**



## *Foreword*

Integrity, transparency, and accountability are key components to build citizens trust in government, create a level playing field for businesses and contribute to the country's economic development. In this perspective, public servants are subject to greater public scrutiny and increased demand for transparency by citizens. They are required to provide better and more responsive services in a context of higher constraints on resources. Hence, they are expected to assume new functions and responsibilities while observing high standards of conduct. Defining standards of conduct for public officials is a first step towards safeguarding integrity in the public administration. Designing and implementing a Code of Conduct is recognised by international standards such as the 2004 *United Nations Convention against Corruption*, the *OECD 1998 Recommendation on Improving Ethical Conduct in the Public Service* and the *OECD 2003 Guidelines for Managing Conflict of Interest* to create a common understanding within the public service and with citizens on the values and standards of the public service.

The Joint Learning Study is an innovative method that applies the OECD peer review methodology to support countries of the Middle East and North Africa Region (MENA) in designing and implementing integrity and corruption prevention policies. This methodology involves the participation of experts from OECD and MENA countries to benchmark the reviewed country's practices and policies with international good practices. The Study also provides countries, through a wide consultation with all stakeholders, with a platform for developing a consensus on a forward-looking agenda for integrity reforms. Upon the request of countries, areas of focus included preventive anti-corruption institutional mechanisms such as the implementation of codes of conduct for the public administration, the collection and dissemination of information on corruption as well as mapping vulnerable areas to corruption such as public procurement, conflict of interest and the use of e-procurement to promote transparency in public procurement.

Recognising that the a Code of Conduct will support building a culture of integrity in the civil service, the Palestinian Authority requested the OECD to conduct a benchmarking exercise in 2009 on Designing and Implementing a Code of Conduct for the Civil Service in preparation of a continuous support from the OECD to adopt and implement such a Code.

This report, funded by Dfid and the Government of Norway, supports the implementation of the Palestinian 13<sup>th</sup> Government reform programme. In line with international standards, the benchmarking report examines the progress made in designing the Code of Conduct and provide to the government key issues to consider when designing the Code. Based on these findings, the Palestinian Authority has adopted an action plan to sequence the design and implementation of the Code of Conduct.

Despite these achievements and encouraging first steps, public sector integrity and corruption of public officials remain at the heart of citizens' concern. From this perspective, MENA countries and the Palestinian Authority need to demonstrate the effective implementation of mechanisms to curb corruption.

### Summary

Defining standards of conduct for public officials is a first step towards safeguarding integrity in the public administration. Designing and implementing a Code of Conduct is recognised to achieve this objective and create a common understanding within the public service and with citizens on the values and standards to be followed.

In order to define more precisely the values of the civil service and the standards of conduct of the civil servants, the PA has established a National Committee for the Code of Conduct to collect international and national good practices and design a Code of Conduct for the Civil Service. Based on the draft Code of Conduct and Ethics for the Civil Service developed by the Ministry of Finance, the NCCC is designing a new Code that would be embedded in the amended Civil Service Law to be adopted.

This report aims to benchmark the draft Palestinian Code of Conduct against international good practices, and builds on the OECD's work – including the 1998 Principles for Managing Ethics in the Public Service, 2003 Guidelines for Managing Conflict of Interest in the Public Service – to identify principles, establish guidelines and monitor trends to create a clean public sector.

### Impact

- Provided the PA with *good practices, data and analyses* on how to enhance integrity in the public administration through *defining standards of conduct*;
- *Increased awareness* on key elements of a Code of Conduct based on OECD and MENA countries experiences;
- *Enhanced regional collaboration* by organising a study visit in Jordan for the members of the National Committee for the Code of Conduct (which was created in the framework of this project) in order to *engage* with the Government of Jordan in a *policy dialogue* on the Jordanian experience in designing and implementing a Code of Conduct;
- Reinforced the momentum on the next steps as the *policy options* suggested by the benchmarking report have been included in the *Action Plan* of the National Committee for the Code of Conduct.

### Relevance

The report has direct relevance for the implementation of the following national and sectoral policies of the PA:

- Ministry of Planning, Palestinian Reform and Development Plan 2008-10;
- Ministry of Planning, Administrative Development Plan, 2010;
- PA, First year programme of the 13th Government of the Palestinian Authority: “Ending the Occupation, Establishing the State”, 2009;
- PA, Second year programme of the 13th Government of the Palestinian Authority: “Homestretch to Freedom”, 2010.



## *Acknowledgements*

The OECD expresses its gratitude to the Palestinian Authority for its active engagement in completing this report, in particular: Minister of Planning and Administrative Development, Dr. Ali Jarbawi; Head of the General Personal Council, Mr. Hussien Al Araj; Deputy Head of the General Personal Council, Mr. Mahmoud Shaheen; Special Advisor to the Minister and Head of Aid Management and Coordination, Directorate of the Ministry of Planning and Administrative Development. Mr. Estephan Salameh; and all the members of the National Committee for the Code of Conduct, namely:

- Ms. Rania Alawneh, Coordinator of the National Committee for the Code of Conduct;
- Mr. Odeh Aerekat, Director General of the Bureau of Fatwa and Legislation;
- Mr. Ayed Al Masri, Ministry of Planning and Administrative Development;
- Mr. Rabee Al Wahsh, Legal Counsellor, Office of the Prime Minister;
- Mr. Zaher Atweh, Director of the Ministry of Education and Higher Education;
- Mr. Fareed Ershaid, Director at the University of Birzeit;
- Mr. Jaffal Jaffal, Director of the Financial and Administrative Bureau;
- Mr. Lotfy Samham, Acting Director General of the General Personal Council;
- Said Shehadeh, Anti-Corruption Commission;
- Mr. Saleh Thawabteh, Acting Director General of the Ministry of Health.



Special thanks are given to two national experts who participated in shaping the analysis within this report: Abdallah Inrhaoun, Head of the Division for Innovation and Modernisation, Ministry of Public Sector Modernisation, Kingdom of Morocco; and Muna Hakooz expert in institutional capacity building and human resources management, former Executive Director of Human Resources Policies, Ministry of Public Sector Development, Kingdom of Jordan.

The OECD would also like to thank the Government of Jordan for its strong commitment to the bilateral co-operation with the Palestinian Authority on designing and implementing a Code of Conduct for the public sector. This co-operation was initiated by the former Jordanian Minister of Public Sector Development, Mr. Imad Al- Fakhoury, on 4 August 2010 at the national event launching the awareness-raising campaign on the Code of Conduct for the Public Sector and the OECD Joint Learning Study (JLS) on Implementing a Code of Conduct for the Public Sector (which was undertaken in the framework of the OECD-MENA Governance Programme).

This report was conducted by the OECD Public Governance and Territorial Development Directorate, with the oversight and leadership of Janos Bertok, Deputy Head of the Reform of the Public and Carlos Conde, Senior Coordinator of the MENA-OECD Governance Programme. It was drafted by Sana Al-Attar, Research assistance was provided by Cynthia Khalil and Maria-Emma Cantera. The report also benefited from substantive contributions and support by Miriam Allam and James Sheppard.

## *Table of contents*

<i>Foreword</i> .....	3
<i>Acknowledgements</i> .....	7
<i>Executive Summary</i> .....	11
<i>Introduction to the Palestinian context</i> .....	15
A. Fostering integrity and fighting corruption in the public service.....	15
B. Embedding integrity reforms in wider governance reforms.....	15
<i>Chapter 1. Defining Standards of Conduct and Designing a Code of Conduct</i> .....	17
A. The draft Code of Conduct and Ethics defines the values for the civil service .....	19
B. The draft Code Sets Standards of Conduct and Professionalism .....	22
<i>Chapter 2. Ensuring Effective Implementation of the Code: Establishing Administrative Structures and Procedures</i> .....	33
A. Identifying administrative structures .....	34
B. Guiding and Monitoring Compliance with the Code of Conduct .....	38
<i>Conclusions and Key Issues to Consider when Designing a Code</i> .....	43
<i>Annexe 1. The Draft Palestinian Code of Conduct</i> .....	45
<i>Annexe 2. OECD 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service</i> .....	57
<i>Annex 3. 2011 Action Plan of the National Committee for the Code of Conduct</i> .....	61

**Figures**

Figure 1. The Evolution of Core Public Service Principles in OECD Countries..... 19  
Figure 2. Percentage of Countries Requiring Decision Makers in the Central Government to Disclose Conflict of Interest (2000 and 2009).....27  
Figure 3. Procedures for Public Servants to Report Misconduct (2000 and 2009)...41

**Boxes**

Box 1. The Canadian Values and Ethics Code for the Public Service.....23  
Box 2. Lebanon Citizens Charters .....24  
Box 3. The Austrian Code of Conduct to Prevent Corruption: the Responsibility Rest with Me.....28  
Box 4. Reviewing the Strengths and Weaknesses of Post-Public Employment Systems: OECD Post- Public Employment Principles .....29  
Box 5. Preventing Conflict of Interest in Spain.....31  
Box 6. Jordan's Multiple Codes of Conduct .....31  
Box 7. Jordan's Incentive-Based Systems.....39

## *Executive Summary*

Defining standards of conduct for public officials is a first step towards safeguarding integrity in the public administration. In 1998, OECD countries confirmed their commitment to developing effective institutions and systems for promoting standards of conduct and integrity in the public administration by adopting the OECD Recommendation on Improving Ethical Conduct in the Public Service, which includes 12 Principles for Managing Ethics in the Public Service (See Annex 2). In adhering to this Recommendation, OECD countries agreed to:

- Develop and regularly review policies, procedures, practices and institutions influencing ethical conduct in the public service.
- Promote government action to maintain high standards of conduct and fight corruption in the public sector.
- Incorporate ethical consideration into management frameworks to ensure that management practices are consistent with the public service values and principles.
- Combine judiciously aspects of ethics management systems based on ideals with those based on respecting rules.
- Assess the effects of public management reforms on ethical conduct in the public service.
- Use the Principles for Managing Ethics in the Public Service (set out in the Annex) as a reference to ensure high standards of ethical conduct.

Among the first measures set forth by the Principles for Managing Ethics in the Public Service is: defining clear standards of behaviour for the public service that can also be translated into concrete standards of conduct to be observed by public servants in their daily work (Principle 1). The Principle recognises that a Code of Conduct could achieve this objective and create a common understanding

within the public service and with citizens on the values and standards to be followed.

In the 2004, the United Nations Convention against Corruption, to which 148 States are Parties, recommended defining standards of conduct as part of a set of preventive measures to fight corruption (Article 8):

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. In particular, 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.

In line with international good practices, the Palestinian Authority seeks to define integrity standards through the adoption of a Code of Conduct and Ethics for the Public Service. A National Committee for the Code of Conduct (NCCC) was created in 2010 to design the Code and oversee its implementation. It is composed of representatives of:

- The General Personnel Council;
- The Ministry of Planning and Administrative Development;
- The Financial and Administrative Auditing Bureau;
- The Bureau of Fatwa and Legislation;
- The Ministry of Health;
- The Ministerial Cabinet;
- The Ministry of Education and Higher Education; and
- The University of Birzeit.

The NCCC agreed in the beginning of 2011 to more clearly define its tasks and responsibilities until the Code is adopted (expected by the end of 2011)<sup>1</sup>. These tasks include:

1. Collecting international experiences in designing and implementing a Code of Conduct;
2. Drafting the Code;
3. Co-ordinating consultation processes on the draft Code with all stakeholders;

4. Co-ordinating with the Technical Committee responsible for amending the Civil Service Law to discuss the draft Code;
5. Submitting the final version of the Code to the relevant authority for adoption;
6. Launching the first communication campaign (including material geared towards the media and the wider public such as brochures, posters, audio-visual products, etc.); and
7. 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.

In the framework of the MENA-OECD Initiative to Support the Palestinian National Plan (MIP), the NCCC and the Ministry of Planning and Administrative Development (MoPAD) asked the Organisation for Economic Development and Co-operation (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.

This project is the result of a consultation process with Palestinian authorities under the auspices of the Minister of Planning and Administrative Development, Mr. Ali Jarbawi, the former Head of the General Personnel Council (GPC), Mr. Al Araj and the current head of the GPC Mr. Musa Abu Zeid. It is based on the policy priorities set out in the Program of the 13th Palestinian Government. The first phase of the collaboration between the OECD and the Palestinian Authority in the field of enhancing integrity will consist of benchmarking the draft Code of Conduct, developed by the Ministry of Finance, against international good practices. Specifically, the OECD benchmarking report will present the experiences of three Middle East countries that designed and implemented codes of conduct (Jordan, Lebanon and Bahrain), as well as the experiences of five OECD countries (Australia, Austria, Canada, New Zealand and Spain). Although the NCCC indicated to the Secretariat that it would be interested in learning about the experience of France in this area, the Secretariat did not include France in the benchmarking exercise because France did not adopt a code of conduct for the civil service.



## *Introduction to the Palestinian context*

### ***A. Fostering integrity and fighting corruption in the public service***

The Palestinian Authority (PA) has demonstrated political commitment to integrity and corruption prevention measures by issuing a new Anti-Corruption Law in 2010. This measure established the Anti-Corruption Commission (ACC), with responsibility for: developing and co-ordinating anti-corruption strategies and policies, investigating suspected corruption cases, collecting information on corruption, launching an awareness campaign on corruption for all stakeholders, strengthening media and civil society participation in combating corruption, and evaluating anti-corruption legislation. The ACC has just started its activities and has joined the National Committee for the Code of Conduct to support the design of a Code of Conduct.

### ***B. Embedding integrity reforms in wider governance reforms***

Since 2007, the Palestinian Authority has undertaken a wide range of governance reforms aimed at strengthening socio-economic and institutional development to build the State of Palestine. These reforms constitute an enabling environment to safeguarding integrity.

The Palestinian National Policy Agenda (PNPA), which sets forth policy goals and objectives in the framework of the Palestinian Reform and Development Plan (PRDP) 2008-2010, has 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 defines the PA'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 Thirteenth Government has 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; and
- Management of human resources.

This programme was implemented on a yearly basis. Now in its second year, its main priorities have been defined by the Homestretch to Freedom strategic plan.

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 has developed an Administrative Development Strategy (ADSS), led by the Ministry of Planning and Administrative Development (MoPAD) which aims at enhancing integrity, performance and responsiveness of the Palestinian public administration. The programmes identified three components: a) policy management; b) structures, legal framework and processes; and c) human resources management. The corresponding set of strategic objectives and subsequent policies should be implemented by specific public institutions. Among the measures identified by the ADSS, creating a professional and impartial civil service supports building a culture of integrity in the public administration.

Based on the Thirteenth Government programme, the PRDP and the ADSS, the PA is developing a Palestinian National Plan 2011-2013. The Plan aims to lay the foundation for a Palestinian State based on the internationally recognised principles of good governance and rule of law, and to build its infrastructure and economy. In its session held on Monday, 17 August 2009, the Council of Ministers approved an approach for developing the Palestinian National Plan 2011-2013. Essentially, the approach aims to create sectoral and cross-sectoral strategies as an entry point to developing the Palestinian National Plan.

This approach identified four priority intervention areas, in line with the PRDP:

Finalising building central and local government institutions to establish a modern and sovereign State of Palestine.

Improving public service delivery to all citizens.

Launching major projects to build strategically significant infrastructure throughout the territory.

Improving and promoting the image of Palestine internationally and the role of the State of Palestine in bringing stability and prosperity to the region.

*Chapter 1.*  
*Defining Standards of Conduct and Designing a Code of*  
*Conduct*

Building a sound integrity framework requires setting clear standards of conduct to define the values of the civil service and the expected standards of behaviour of civil servants. Codes of Conduct and Codes of Ethics are easily understandable and flexible instruments that articulate these standards. They create a common understanding among civil servants on the behaviour they should observe in their daily work, and what is considered misconduct.

Duties, obligation and standards of conduct of Palestinian civil servants are defined by the 1998 Civil Service Law, amended by the 2005 Civil Service Law. They include: respecting working hours, protecting public funds and public properties, and respecting the hierarchy of the public institution. The 2010 Anti-Corruption Law – which replaced the 2005 illicit enrichment law – complemented these standards of conduct by requiring all public officials to report corruption cases and illicit enrichment. However, despite several governmental (*i.e.*, Ministry of Finance, General Personnel Council) and non-governmental (*i.e.*, Palestinian Coalition for Integrity and Accountability, AMAN2) efforts to design a Code of Conduct to define the values of the Civil service and set standards of conduct for civil servants, the Palestinian Authority has not adopted a Code of Conduct or a Code of Ethics applicable to all civil servants.

Amendments to the Civil Service Law are ongoing in order to address persistent legal loopholes, particularly in relation to performance evaluation, incentive systems and developing specific laws or by-laws to regulate the different categories of civil servants (*i.e.*, teachers, health care workers). A technical committee composed of all relevant institutions was established by the Cabinet in 2010 to review and amend accordingly the Civil Service Law. However, in order to more precisely define the values of the civil service and the standards of conduct for civil servants, the PA has established in parallel a National Committee for the Code of Conduct (NCCC) to design a Code that would complement the Civil Service Law. The NCCC believes that simultaneously adopting a new Civil Service Law and Code of Conduct for Civil Servants will ensure the appropriate legal basis to enforce the Code of Conduct. Based on the draft Code of Conduct and Ethics for the Civil Service developed by the Ministry of Finance, the NCCC is designing a new Code that would be embedded in the new Civil Service Law.

***A. The draft Code of Conduct and Ethics defines the values for the civil service***

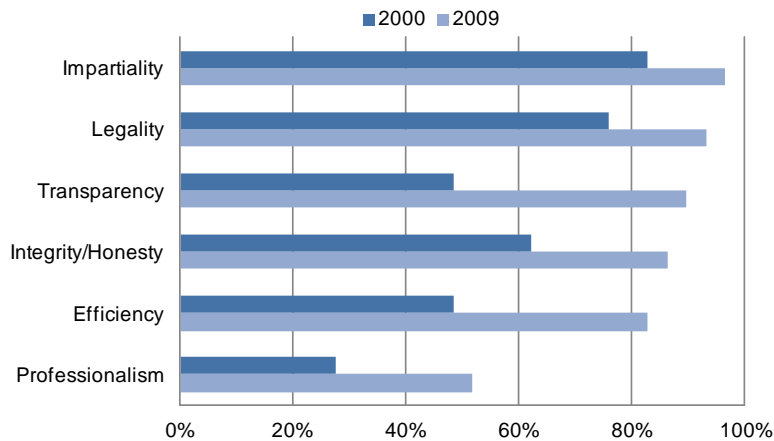
*Challenges to equality and impartiality in the Palestinian context*

Safeguarding integrity in the public service requires defining:

- Values: collectively shared principles that guide judgment about what is good and proper; and
- Standards of conduct: required criteria for actual actions of public servants/public officials.<sup>3</sup>

The draft PA Code of Conduct clearly defines the values of the civil service. These principles are: equality, equal opportunities, transparency, accountability, professional integrity, impartiality, and loyalty to the country and the department (Article 3). In setting their public service principles, OECD countries have recognised that most of these principles are preconditions to establishing a clean and transparent government (See Figure 1).

**Figure 1. The Evolution of Core Public Service Principles in OECD Countries**



Source: Government at a Glance (2009), OECD Publishing, Paris

The draft PA Code puts particular emphasis on promoting equality and equal opportunities in the civil service in order to address persistent challenges of “wasta” that occur in the Palestinian

administrative context. The draft Code contained a clear prohibition of “wasta”, (Article 6, paragraph b-4; Article 6, paragraph d-4; Article 10, paragraph c). The wasta phenomenon includes favouritism, cronyism, nepotism and patronage. Although this practice is not limited to MENA countries, it remains a common practice between relatives and friends as a result of traditional customs of mutual aid. The Jordanian public administration has addressed the significant wasta phenomenon in its Code of Conduct, and complemented the Code with human resources management reforms (*e.g.*, merit-based recruitment). Including a prohibition of wasta in the draft Palestinian Code will contribute to changing attitudes and the level of acceptance of such practices by the civil servants and citizens.

### *Balancing general stated ethical standards and standards of conduct*

Many OECD countries adopted the model of issuing a common set of values to which all public officials adhere; examples include the Australian Public Service Values and Code of Conduct, the Canadian Values and Ethics Code for the Public Service, the Italian Code of Conduct for Government Employees, the Korean Code of Conduct for Maintaining the Integrity of Public Officials, the Spanish Code of Good Governance, the British Civil Service Code and New Zealand Public Service Code of Conduct.

#### **Box 1. The Australian Public Service Values**

The Australian Public Service Commission has identified values of the public service to which all public officials must adhere. These values were formulated in a clear and workable manner, facilitating adherence.

The Australian Public Service (APS):

- is apolitical, performing its functions in an impartial and professional manner;
- is a public service in which employment decisions are based on merit;
- provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves;
- has the highest ethical standards;
- is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament and the Australian public;
- 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;
- has leadership of the highest quality;
- establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- provides a fair, flexible, safe and rewarding workplace;
- focuses on achieving results and managing performance;
- promotes equity in employment;
- provides a reasonable opportunity to all eligible members of the community to apply for APS employment;
- is a career-based service to enhance the effectiveness and cohesion of Australia's democratic system of government;
- provides a fair system of review of decisions taken in respect of employees.
- Agency heads are bound by the Code of Conduct, like all APS employees, and have an additional duty to promote the APS Values.

Source: [www.apsc.gov.au/values](http://www.apsc.gov.au/values).

In the Australian experience, these values were then complemented with a concise Code of Conduct that defines the standards of conduct for public service employees. The Code also referred to other, more detailed regulations with which employees should comply and that constitute the legal basis for sanctions, reporting mechanisms, etc. (*i.e.*, the Public Service Regulations. 1999).

In contrast to the Australian experience, the PA draft code defined the values of the civil service and the standards of conduct for civil servants. Other OECD and MENA countries have also defined both the values and standards in one single code (such as the Austrian Code of Conduct to Prevent Corruption: the Responsibility rests with me<sup>4</sup> and the Jordanian Code of Conduct for the Public Sector). Having two separate codes provides citizens a clearer understanding of the vision and the mission of the public service, on one hand, and what behavior to expect from civil servants when requesting a service, on the other hand. However, a single code that is clearly structured could also provide citizens with this two-dimensional approach (public service values and public servants' conduct). In this regard, the Palestinian code provides first a definition of the values of the civil service (Article 3-d) and then defines duties, responsibilities of civil servants

and the standards that should be observed when dealing with others (citizens, superiors, colleagues). The PA may consider revising Article 3-d to highlight that these are the values of the entire civil service.

### ***B. The draft Code Sets Standards of Conduct and Professionalism***

#### *Scope and objective of the Code: Defining general standards of conduct or providing detailed provisions*

The draft Code is applicable to all employee subject to the 1998 Civil Service Law and its 2005 amendments, irrespective of their level and grade. Out of 149 580 public employees, 86 144 are civil servants<sup>5</sup>. Sixty seven percent of these civil servants are affiliated with the Ministry of Health and the Ministry of Education.

In line with the values of the civil service, civil servants are required to “demonstrate integrity, transparency, impartiality and professional accuracy”<sup>6</sup> in their actions. These values are translated by the Code into concrete standards of conduct that civil servants should observe in their daily work. These standards are defined in seven articles namely, Article 5: General duties and responsibilities of employees; Article 6: Dealing with others; Article 7: Maintaining confidentiality and mechanisms of disclosure; Article 8: Accepting or requesting gifts and other privileges; Article 9: Conflict of Interest; Article 10: Merit, eligibility, competition and fairness; and Article 11: Maintaining public funds, interest and properties of the Palestinian Authority. While Article 5 defines general standards of conduct, the other articles are much more detailed, in particular Article 6, which defines the relation of civil servants to citizens, superiors and colleagues. In order to increase the clarity of this article and avoid any ambiguity in interpretation, the PA may consider re-organising the Code in order to formulate clear messages rather than having detailed provisions. In this respect, the Canadian experience could provide the PA with some insights on how to structure the Code.

### Box 2. The Canadian Values and Ethics Code for the Public Service

The Values and Ethics Code is divided into four chapters: 1) Statements of Public Service Values and Ethics, 2) Conflict of Interest Measures, 3) Post-employment Measures, and 4) Avenues of Resolution. Recalling all the regulations and policies by which civil servants should abide (such as the Access to Information Act, Privacy Act, Financial Administration Act, Policy on Internal Disclosure of Information Concerning Wrongdoing in Workplace, etc.), each chapter has been divided into sections that address a few main ideas in order to make the code easily interpretable and avoid detailed provisions. Thus, the Code succeeded in defining clear and concise standards of conduct.

As for the standards of behaviour in dealing with citizens and colleagues, the Canadian Code has defined the values that should guide this behaviour under the title "People Values", which require civil servants to "demonstrate respect, fairness and courtesy in their dealings with both citizens and fellow public servants". This general statement has been further explained in a set of concrete principles namely:

- Respect for human dignity and the value of every person should always inspire the exercise of authority and responsibility.
- People values should reinforce the wider range of public service values. Those who are treated with fairness and civility will be motivated to display these values in their own conduct.
- Public service organisations should be led through participation, openness and communication, and with respect for diversity and for the official languages of Canada.
- Appointment decisions in the public service shall be based on merit.
- Public service values should play a key role in recruitment, evaluation and promotion.

Finally, concerning the application of Code, a separate section determines the responsibilities, authorities and accountabilities of public servants, Deputy Heads and senior managers, the Treasury Board (which developed the Code and provides guiding materials on how to implement it) and the Public Service Integrity Officers (who are in charge of receiving, recording and reviewing disclosures of wrongdoing). Complementary regulations and guidance's to implement the Code provide further details on how to apply the standards of conduct in specific situations. *Source: [www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/tb\\_851/vec-cve-eng.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_851/vec-cve-eng.asp)*.

Defining relations between the public service and citizens is a growing concern for countries as they address citizens' demands for more transparency and efficiency. Setting standards of conduct for civil servants in their dealings with citizens is an essential condition to providing better service in a transparent manner.



As part of its efforts to build an efficient and transparent State, the PA is aiming at improving the service delivery of its public service. Therefore, one of the objectives that the NCCC would like to achieve through issuing a Code of Conduct is defining the public service-citizen relationship and raising civil servants' awareness on how to improve service delivery.

Various models were adopted by countries to address this issue; as mentioned, some countries highlighted the values that should guide civil servants when dealing with citizens in their Code of Conduct and Ethics. In other countries, separate charters were adopted to define this relationship. The Citizens Chartres developed in Lebanon are significant examples.

### Box 3. Lebanon Citizens Charters

The **Lebanese Code of Conduct for Public Servants** has been divided into seven parts: 1) General Obligations; 2) Public Service Obligations; 3) Employee Obligations towards Citizens; 4) Employee Responsibilities towards His Superiors, Colleagues and Subordinates; 5) Conflicts of Interest and Outside Activities; 6) Employee Rights; and 7) 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 emphasizes 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.
- 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, and 4) the philosophy of control and 4) 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: [www.omsar.gov.lb/Cultures/en-US/Pages/default.aspx](http://www.omsar.gov.lb/Cultures/en-US/Pages/default.aspx).

The detailed provisions on Protection of Public Wealth, State Interest and Property (Article 11) could also 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).

Finally, another provision regarding respecting gender equality between employees – in particular from male employees towards their female co-workers (Article 6, paragraph- C-3) – defined among standards of conduct, appears to be unique compared to other MENA countries' codes of conduct. In order to be effective, however the recognition of gender equality in the code needs to be supported by gender-sensitive policies.

### *Conflict of Interest, Confidentiality, Post-Public Employment and Gifts*

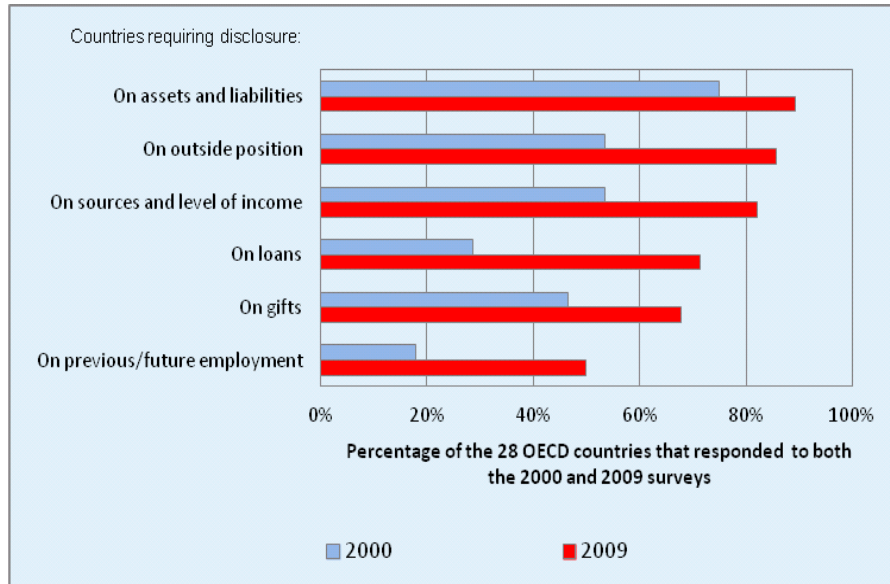
A conflict of interest involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests which could improperly influence the performance of their official duties and responsibilities<sup>7</sup>. Article 9 of

the draft PA Code requires public servants to refrain from conducting any activities that might result in a real or potential conflict of interest. It also asserted, among other standards, that officials cannot make any personal financial gains resulting directly or indirectly from their functions and must avoid engaging in any activity that might affect impartial performance. This article covers, in a clear and articulated manner, many aspects of potential conflict-of-interest situations (assets and activities). The Code defines two notification procedures that civil servants can use in case of real or perceived conflicts of interest: 1) notify in writing the direct supervisor (Article 9-c); or 2) notify the Financial and Administration Control Bureau in case the supervisor confirms by writing to the civil servant that he must proceed with implementing instructions that are in violation to the applicable regulations (Article 6-b-1). This wording can, however, lead to misinterpretations, as it refers to all types of violations without explicitly mentioning conflicts of interest. It is also related to the article on dealing with supervisors rather than in the provision on conflict of interest. As mentioned, the NCCC could consider reviewing the structure of the draft Code, including the article on conflict of interest, in order to complete it with a clear indication to civil servants on the notification procedures they might use. Other significant loopholes of the provisions on conflict of interest are: they do not include an obligation to report conflict-of-interest cases, nor do they include instruments to prevent conflicts.

The PA may consider completing these provisions with specific regulations on conflict-of-interest situations that would include an obligation to report and disclose such situations.

The vast majority of OECD countries require high-level public officials to disclose information that might lead to a conflict of interest (assets and liabilities, outside position, source and level of income, loans, gifts and previous/post employment). Some measures were adopted to facilitate prevention of conflict of interest, such as financial disclosures or conflict-of-interest declarations. Countries such as Spain and New Zealand developed separate regulations on conflicts of interest along with concrete guidance for public servants to understand how to detect potential or real conflicts of interest in their daily work (See Box 5). MENA countries are also moving towards adopting regulations to prevent conflicts of interest. In Jordan, for example, the 2006 Financial Disclosure Law requires all senior public officials and other public employees with access to public funds to submit regular financial statements. The law also established a department within the Ministry of Justice to collect and monitor these statements.

**Figure 2. Percentage of Countries that Require decision Makers in the Central Government to Disclose Conflict of Interest (2000 and 2009)**



Source: Government at a Glance (2009), OECD Publishing, OECD.

In line with international practices, the draft PA code addresses other aspects of potential conflicts of interest such as acceptance of gifts, confidentiality of information, and post-public employment; however, only post-employment is included in the article on conflict of interest. Gift acceptance and maintaining confidentiality of information are referred to in two separate articles (Article 8 and Article 7).

Article 8 on accepting or requesting gifts and other privileges prohibits soliciting or accepting gifts, rewards, benefits or invitations which might compromise, or be seen to compromise, public servants' integrity and the integrity of their institutions. It does, however, allow civil servants to receive official "souvenirs" and invitations from foreign delegations and public institutions of other countries as long as the name of the institutions is clearly mentioned on the gift. In the event where the public servant could not refuse the gift, he has to notify his institution of employment in order to consign the gift in a registry. However, once the code is endorsed, the PA would have to establish a register for recording all incoming gifts in accordance with this article. In comparison with other international practices, such as

the Canadian Values and Ethics Code for the Public Service or the Jordanian Code of Conduct for the Public Sector, this article covers most of the aspects that should be taken into consideration in relation to gift acceptance and solicitation.

Article 7 on maintaining confidentiality and mechanisms of disclosure of information aims at raising public servants' awareness on the confidentiality of politically or commercially sensitive information. They are required to ensure the confidentiality of this information and refrain from revealing information on an ongoing decision-making process. They also require notifying the deputy minister in case they are asked to testify before a court; however, their testimony could not disclose confidential information. In this case the information would be disclosed in accordance with applicable laws and regulations. This article covers the most significant aspect of confidentiality; however, it may be further explained through guiding manuals in order to help civil servants understand how to deal with a demand for disclosing information by a third party, either formal or informal. The Jordanian Code of Conduct, for example, also requires public servants to refrain from making any statements or comments related to issues that are still under study or being debated by government agencies. This provision was added to raise the awareness of public servants on unintentional disclosure of confidential information. The Austrian Code of Conduct has effectively addressed this issue.

**Box 4. The Austrian Code of Conduct to Prevent Corruption:  
the Responsibility Rest with Me**

As transparent as possible – as discreet as necessary:

I work transparently and comprehensibly, and, because of my duty of disclosure, inform individuals and the public about my professional actions.

However, it is also clear to me that, depending on my area of work, I am subject to various and specific obligations to maintain secrecy that limit my duty of disclosure. These also continue to apply after I have retired from or left public service.

Under certain circumstances, passing on information acquired solely in the course of my official duties may violate the justified interests of third parties. Such interests include, above all, particular public interests such as the maintenance of law, order and public security; foreign relations, national defence or the economic interests of public bodies. I may seek to be released from certain obligations to maintain secrecy. Of course, I also seek to protect the interests of individuals, in particular personal rights and their basic right to data protection.

If a member of the public approaches me with a request to pass on information, I carefully balance his/her interest in receiving this information with those private or personal interests which could be violated by the passing on or even publication of the information. Above all, I endeavour to avoid compromising individuals.

In case of doubt, I seek the advice of my manager. I document the forwarding or refusal to forward the relevant information and also the reasons for my decision.

Source: [www.bka.gv.at/DocView.axd?CobId=40151](http://www.bka.gv.at/DocView.axd?CobId=40151).

As another measure to limit conflict-of-interest situations, the draft PA code prohibits public servants from accepting any job within one year after end of government service unless a written approval from the Minister is granted. Although this provisions constitutes a first steps towards managing post-public employment, many issues remain to be defined by complementary regulations. OECD countries identified some challenges raised by post-public employment and ways to overcome them in the OECD Post- Public Employment Principles.

**Box 5. 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.
2. Public officials should timely disclose their seeking or negotiating for employment and offers of employment that could constitute conflict of interest.
3. 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.
4. 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.
5. 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***

6. Public officials should not use confidential or other “insider” information after they leave the public sector.
7. 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.
8. 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.
9. 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***

10. Current public officials should be prohibited from granting preferential treatment, special access or privileged information to anyone, including former officials.
11. 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.
12. The post-public employment system should give consideration to how to handle redundancy payment received by former public officials when they are re-employed.

***Responsibilities of organisations that employ former public officials***

13. 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 (2010).

In line with the OECD Principles for Post-Public employment, Spain’s conflict-of-interest regulation includes measures to avoid conflicts of interest in post-public employment situations.

### Box 5. Preventing Conflict of Interest in Spain

The Act 5/2006 regulating the Conflicts of Interest of the Members of Government and the Senior Officials of the General State Administration requires high-level public servants who are leaving the public sector to go to the private sector to complete a declaration of cessation that contains all the details about their previous employment in the public sector as well as all the relevant information about their new job in the private sector. In order to avoid a conflict of interest, the public servant must declare his/her assets, liabilities and all information concerning the previous employment. Article 8 of the law 5/2006 establishes that during the two years following the date of the end of the position, the former public servant will not sign any contracts or perform any activities in companies directly related to skills or information he acquired in his past position. This is also applies to companies in which he or a direct member of his family holds more than 10% of the company shares (Article 6).

Source : [www9.mpt.es/areas/funcion\\_publica/etica.html](http://www9.mpt.es/areas/funcion_publica/etica.html).

#### *Single code or multiple codes*

Setting common values and principles in a uniform code does not exclude countries from adopting multiple codes to address specific risks encountered in the exercise of sensitive functions, or from targeting public institutions with a unique mission. Countries such as New Zealand and Canada developed a Public Service Code of Conduct while requiring chief executives of government departments to design standards of conduct adapted to the missions of their departments. Canada is also developing a Federal Public Sector Code of Conduct that would have a wider scope than the public service code and would include all public employees at the federal level. In the MENA countries, Bahrain and Jordan have followed this model.

### Box 6. Jordan's Multiple Codes of Conduct

Jordan adopted a Code of Conduct for the Public Sector in 2006, which is applicable to all public employees. However, certain public institutions developed specific codes of conduct tailored to their sensitive missions. Hence, the Ministry of Finance, the Audit Bureau, the Anti-Corruption Commission, the Food and Drug Administration and the Customs Department have established their own Codes. The Audit Bureau Code, for example, is based on the rules for financial control professionals and responds to concerns emerging from its specific tasks.

Source: OECD Joint Learning Study on Implementing a Code of Conduct for the Public Sector in Jordan, 2010.



The NCCC has to determine a co-ordination mechanism among public institutions developing their specific codes to maintain consistency between the codes. It is foreseeable that members of the NCCC would serve as intermediaries between the Committee and the public institution to which they belong. The challenges would be to ensure effective co-ordination with institutions that are not official members of the NCCC. This issue could be addressed by the new Civil Service Law in order to set a legal framework for co-ordination.

*Chapter2. Ensuring Effective Implementation of the Code:  
Establishing Administrative Structures and Procedures*

*The PA is still in an early stage of designing a Code of Conduct for the Civil Service and has not yet identified the modalities of its implementation. At this point, this report can only provide some general consideration to be taken into account when planning for implementation.*

### **A. Identifying administrative structures**

Establishing an administrative structure is a precondition for a successful implementation of a Code of Conduct. In particular, defining a clear implementing authority would maintain continuity in implementing, monitoring and adjusting the Code to concrete situations. Setting a clear implementing authority would also allow development of communication and training strategies, essential to effective implementation of the Code. The PA has charged the NCCC with designing and implementing the Code of Conduct. However, the exact role of the NCCC with regard to the different phases of implementation and monitoring has not yet been clearly defined. The NCCC's action plan limits its role to co-ordinating the design, drafting and adoption processes of the Code and launching a communication campaign.

Before starting the implementation process, the PA will have to define the administrator of the Code. In this respect, several options can be considered:

- 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.

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

The administration of the Code could be led by one of the PA's public institutions in charge of designing and co-ordinating administrative development and human resources policies. The institution with responsibility for co-ordinating the implementation of public-sector and administrative government-wide strategies, and in particular providing an independent review process of the status of implementation of the government commitments, could administer the Code of Conduct. By linking monitoring implementation of the Code and civil servants' adherence to it to other strategic objectives in the public service (such as enhancing its effectiveness and improving its service delivery), this institution would gain a comprehensive understanding of where and why the challenges remain; it could therefore address them when designing new administrative development policies.

In Canada, for example, the Treasury Board monitors the implementation of the Values and Ethics Code in departments and agencies as part of its role in defining the conditions that need to be in place to ensure good management within the government. The Treasury Board translates policies and programmes approved by the Cabinet into operational measures and outputs and provides departments with the resources and the administrative environment they need to perform better. In particular, the Treasury Board developed a Management Accountability Framework (MAF), which is "structured around ten key elements that collectively define management and establish the expectations for good management of a department or agency"<sup>8</sup>. The implementation of the Code will be reviewed through this framework.

However, in order to monitor and report back on the implementation of this measure, such an institution would need to have an overview of the implementation of the human resources management reforms simultaneously to the implementation of the Code of Conduct, and take into account the challenges of daily practices. Additionally, such an institution should find the appropriate balance between a more comprehensive role of evaluating the implementation of administrative policies and implementing specific measures.

### *Administering the Code by an entity responsible for implementing human resources policies*

Implementing standards of conduct in the civil service is a measure to improve the performance of civil servants. The institution in charge of implementing human resources policies could administer the Code – particularly if this institution’s role is to establish a professional, impartial and responsive civil service. Embedding the Code in other human resource policies – such as recruitment, promotion and performance management, incentive-based systems and national training strategies – would ensure its effective implementation.

This model was adopted by Australia. The Australian Public Service Commission, responsible for defining an employment framework for the public service and setting human resource policies in accordance with the Public Service Act of 1999, monitors the implementation of the Code. The Public Service Commissioner even has the responsibility of reporting breaches of the Code of Conduct (whistleblower reports) to the Minister of Public Service after such reports have been processed by the relevant agency. However, aware of potential capacity limitations, the Australian Government has established an Ethics Advisory Service at the disposal of Australian Public Service employees in order to seek advice on ethical dilemmas or how to apply the standards of conduct in their daily work. If the equivalent of such an institution in Palestine is assigned the responsibility for implementing the Code, it could consider relying on another entity to provide guidance on how to implement the Code.

### *Mandating an anti-corruption body to administer the Code*

Defining standards of conduct is a key instrument to foster integrity and prevent corruption. Mandating an anti-corruption body to administer the Code could ensure that it is embedded in other anti-corruption and integrity policies. However, if the anti-corruption body’s function is only to investigate corruption cases, it would not be the most suitable entity to administer the Code unless its mandate is enlarged to investigating breaches of the Code. This enlargement of scope of activities would, however, be complicated to manage. A corruption prevention authority would be more capable of administering the Code, especially as it is more a preventive measure. However, OECD countries’ experiences did not recognise anti-corruption bodies as being the most effective institution to implement a code of conduct.

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

As mentioned, the NCCC does not have a mandate to effectively implement the Code of Conduct. Building on the expertise it would have acquired in defining the objectives to be achieved by the Code, the NCCC could administer the Code. 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. The Committee could, however, be maintained to ensure co-ordination between authorities on the implementation of the Code and could be assigned specific tasks such as independent and periodic review of the status of implementation or quality control of training and education programmes. The Jordanian Government has adopted this model, assigning the responsibility for implementing the Code of Conduct to the NCCC; it did not, however, define the guidance procedures to help civil servants in adhering to the Code in their daily work.

*Creating a new implementing public entity*

Creating new authorities to implement and administer the Code is also a potential option for the PA. This entity could adopt the model of a citizen's board or an ethics commission, or both combined. In the State of Ohio in the United States, for example, an ethics commission, composed of citizen members, was established to ensure the implementation of the Code of Ethical Conduct, provide guidance to public officials on the Code, monitor the disclosure of financial interests of public officials, and investigate conflict-of-interest situations. However, in order to avoid the multiplication of public entities and to improve government performance by consolidating its operations and functions, the PA may consider creating this new entity only to oversee the implementation, and attach it to an existing public institution that would be responsible for implementing the Code.

Irrespective of the model which will be chosen by the PA, the code of conduct will need a clear administrative structure for implementation. The PA may consider defining this structure as soon as the Code has been adopted or even during the process of designing the Code in order to avoid duplication of tasks between public institutions resulting in an unsuccessful implementation of the Code. In Jordan, for example, 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; however, it did not address all aspects of implementing the Code. Canada and Australia, for example, defined the administrative structure of the Code during the design phase. Australia has identified the Australian Public Service Commission as administrator of the Code in the Public Service Act 1999 and Canada has included it in the Values and Ethics Code for the Public service itself.

### ***B. Guiding and Monitoring Compliance with the Code of Conduct***

Effective implementation of the Code has to be complemented by guiding and monitoring civil servants to comply with the standards of conduct defined by the Code. OECD countries' experiences showed that three components are essential to effectively implement standards of conduct:

1. Defining, communicating and inculcating values and standards of conduct.
2. Monitoring and promoting high standards of conduct through career development in the public service.
3. Reporting, detecting, investigating, prosecuting and punishing misconduct by public officials.

This requires adopting measures to disseminate the Code to all civil servants then train them on how to apply the standards of conduct and obligations defined by the Code in their daily work, and defining processes to detect misconduct.

The NCCC has already addressed dissemination activities to inform civil servants about the Code in its action plan. It has also determined the processes to involve the civil service in the design of the Code in order to ensure effective implementation. The NCCC could also consider using information and communication technologies to disseminate the Code widely. Experiences in OECD countries showed that disseminating codes of conduct to high-level public officials first would raise the awareness of the management level on the standards of conduct that they should apply, along with all civil servants. Additionally, managers could then lead by example, thus improving the dissemination of standards of conduct. This would also provide an opportunity to the NCCC to adjust the Code in light of

the feedback of high-level public officials before widely disseminating it to all civil servants.

The NCCC has not, however, defined the types of trainings on the Code nor the modalities to monitor the adherence of civil servants to the standards of conduct.

Specific trainings on the Code should be developed by the administering entity. Different types of training exist, from rule-based training focusing on the obligations of civil servants and sanctions applied in cases of misconduct, to value-based training aiming at discussing potential ethical dilemmas faced in daily work and providing guidance to civil servants on how they should react. Once the Code has been adopted, the PA may consider providing a first set of trainings to high-level public officials and employees conducting sensitive functions. The training on the Code could also be included in the training curricula of civil servants defined by the Administrative Development Sector Strategy.

Incentive-based systems would also foster compliance with Code and create a culture of integrity in the public administration. In this respect, the Jordanian experience could provide the PA with examples on how to promote an incentive-based system for the entire civil service or within a specific public institution.

#### **Box 7. Jordan's Incentive-Based Systems**

The Government of Jordan has embedded the Code of Conduct in the civil service's human resources policies, for example, and has also encouraged compliance through an incentive-based system to award good performance by public institutions through the King Abdullah II Excellence Award. This award is managed by the King Abdullah II Centre for Excellence (KACE), established by the King to evaluate and monitor the progress of public institutions in implementing reforms. The Board of Trustees is chaired by the King's brother, Prince Feisal, reinforcing its high-level leadership. The centre hosts all excellence awards in Jordan, including the King Abdullah II Excellence Award for public institutions and employees. Transparency (at all levels – budget, decision making process, recruitment, etc.) is one of the pillars of the award.

The KACE has itself been assessed by the European Foundation for Quality Management (EFQM) and was recognised as the only excellence centre in the MENA region.

KACE reports on the weaknesses and strengths of institutions participating in the King Abdullah II Excellence Award. The centre also reports every three months to the Prime Minister on institutions' progress towards abolishing *wasta*, or favouritism, and on improving the quality of



service delivery (based on a citizen survey). The KACE award for best employee is an important incentive for civil servants to perform better. The Civil Service Bureau (CSB) has institutionalised this award by including it in the promotion system; thus an employee who wins the award would receive a five-step promotion. Compliance with the Code of Conduct is included in the criteria for best employee award.

This government-wide incentive system has also encouraged specific institutions to develop their own incentive systems. Jordan's Custom Department, for instance, has developed an incentive system whereby the "employee of the month" receives a fully paid trip to perform the *Hajj* (Islamic pilgrimage).

*Source:* OECD (2010), *Progress in Public Management in the Middle East and North Africa: Case Studies on Policy Reform*, OECD, Paris, pp.121-143 "Enhancing Integrity in Public Administration".

Guidance manuals and guiding entities will also have to be defined by the PA. Most OECD countries have established an entity in charge of providing guidance on how to apply standards of conduct in daily actions (*e.g.*, Australia, Turkey).

The PA will have to measure and monitor the results and impact of these training and guidance policies. There are two types of monitoring: active monitoring, which requires managers to undertake specific initiatives to measure violations of the Code (*e.g.*, analysis of disciplinary actions) or to measure the effectiveness of trainings (*e.g.*, opinion surveys); and passive monitoring, which refers to establishing reporting channels (*e.g.* reporting real or potential conflicts of interest).

### *Measuring violations*

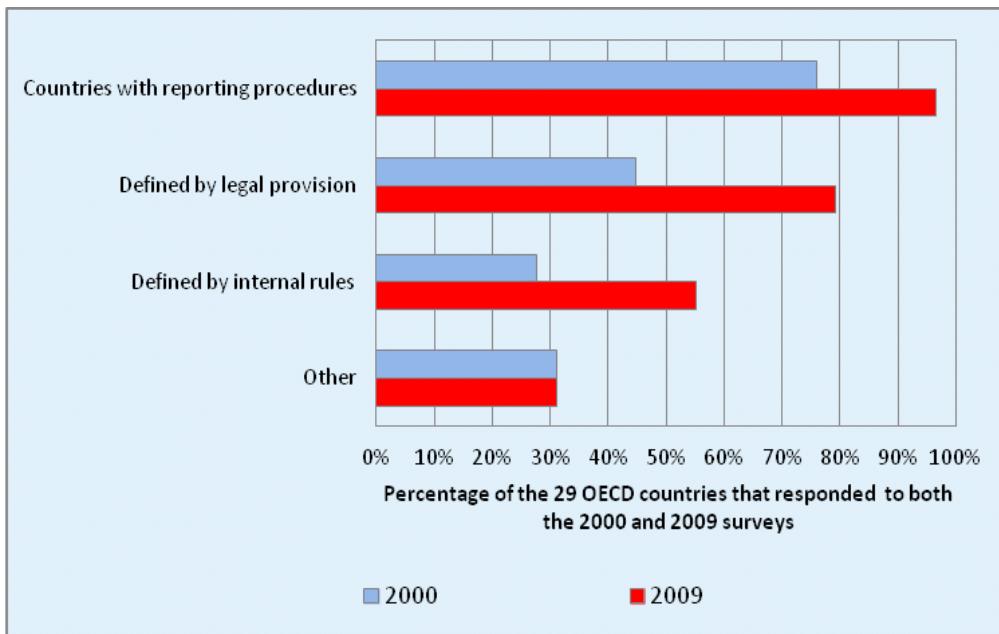
In order to actively monitor the implementation of the Code, a set of quantitative and qualitative data will have to be collected to identify violations of the Code, which require clearly defining sanctions for misconduct.

### *Whistle-blowing*

The draft Code establishes the obligation of civil servants to report wrongdoing, including that of their superiors. Beyond crimes punishable by the penal code, the Code does not specify to which type of wrongdoing it is referring. The NCCC could consider defining the violations that have to be reported by civil servants: illegal payment, conflict of interest, violation of regulations and procedures, or

hindering transparency. Modalities of whistle-blowing would then have to be determined, and, finally, legal instruments should be adopted to protect civil servants from reprisal. Almost all OECD countries provided procedures for public officials to report violations (29 countries). Canada, for instance, has assigned the Public Service Integrity Officer with the responsibility of receiving, recording and reviewing disclosures of wrongdoing. In 2009, almost 90% offered protection to whistle-blowers.

**Figure 3. Procedures for Public Servants to Report Misconduct (2000 and 2009)**



Source: Government at a Glance (2009), OECD Publishing, Paris

These issues above are some considerations that should be taken into account when designing the Code in order to ensure effective implementation of the Code.



## *Conclusions and Key Issues to Consider when Designing a Code*

Based on the analysis and benchmarking of the draft Palestinian Code of Conduct and Ethics against international good practices, the PA should consider the following elements when redesigning the Code:

- Define common values shared by the entire civil service and issue them in a clear and well-articulated document.
- Design easily interpretable standards of conduct which include concise but not simplistic messages. A detailed Code is less appealing and workable for civil servants. Complementary regulations or guidelines could provide further guidance on specific matters (*i.e.*, relations with citizens, conflicts of interest, use of technologies and equipment, etc.).
- Standards of conduct must be well articulated and structured in the Code to avoid misinterpretation by civil servants or citizens.
- Adopting a single code for all civil servants does not exclude developing specific codes for vulnerable functions or public institutions. Ensuring consistency among different codes is, however, essential to avoid contradictory messages.

Effective implementation of the Code requires:

- Defining a clear administrative structure at the beginning of the Code design process, taking into consideration the country's specific administrative context.
- Effective dissemination of the Code to all civil servants.
- Designing guiding materials and activities to support civil servants implementing the standards of conduct in their daily actions.
- Establishing well-defined mechanisms to monitor compliance with the Code.

Periodically assessing the results and impact of the standards of conduct in enhancing the transparency and effectiveness of the civil service.



### *Annexe 1. The Draft Palestinian Code of Conduct*

**ARTICLE (1):**

This code is denominated “Code of Conduct and Ethics in Public Service” and is applicable as of the date of approval by the Cabinet.

**ARTICLE (2):**

Definitions contained in the applicable civil service system shall be used for the purposes of this Code.

**ARTICLE (3):**

- a. Provisions of this Code shall be applicable on all employees subject to the civil service system, the employees of public institutions and independent departments.
- b. Every civil service employee shall sign up a document confirming his/her compliance with this Code. The signed acknowledgment shall be kept in his/her job file.
- c. Every new employee, and before commencing work, shall sign up a document confirming his/her compliance with this Code. The signed acknowledgment shall be kept in his/her job file.
- d. This Code is based on equality, equal opportunities, transparency, accountability, professional integrity, impartiality and allegiance to the country and the department and achieving their missions and objectives. Employees shall adhere to the provisions of this Code as well as its principles and foundations.

- e. Any violation to the provisions of this Code shall render the employee accountable and subject to disciplinary penalties and actions according to the provisions of the system.

**ARTICLE (4):**

This Code aims at the following:

- a. Establish ethical standards and rules for the public jobs as well as high professional culture among civil service employees. This is in addition to strengthening the compliance by these standards, rules and values, enforcing sound practices and good governance through raising the awareness of civil service employees by applicable laws and regulations as well as informing them about their duties and responsibilities and roles in improving services and strengthening credibility in public service.
- b. Enhance the confidence of people and service beneficiaries in public institutions and increase the respect to the role of these institutions in providing services in the best possible ways.

**ARTICLE (5):**

**General Duties and Responsibilities of Employees:**

- a. 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.
- b. Be familiar with applicable laws and regulations and apply the same without any violations or negligence.
- c. Dedicate official working hours to his job functions and responsibilities and refrain from conducting any activity that is not related to official duties.
- d. Continuously work to improve his performance and professional capacities and seeking updates on his work and his department's work.

Make proposals to improve work methodology and improving the department's performance and assist to create safe and healthy work environment.

- e. Refrain from any acts or behavior that contradict with ethics and good behavior and refrain from criticizing political opinions or religious beliefs of others.
- f. Facilitate the procedures of investigation and search conducted by competent agencies by all possible means, providing information and replying to the enquiries from officials in investigation and searching assignments pursuant to applicable laws and regulations.
- g. Fulfill any financial obligations towards the department pursuant to laws and regulations without any delay.

**ARTICLE (6):**

**Dealing with others:**

**a. In dealing with clients, the employee shall:**

- 1. Respect rights and interests of others with no exceptions, dealing with the public respectfully, tactfully, impartially and objectively without any discrimination based on race, sex, religious or political beliefs, social position, age, physical status or any other form of discrimination.
- 2. Gain the confidence of public by demonstrating integrity and sound behavior in all works in line with applicable laws, regulations and instructions.
- 3. Process required transactions in due speed and accuracy within his competency field, replying to the questions and complaints of clients accurately, objectively and speedily and explaining the reasons in case of any disapproval or delay in transactions.



4. Provide necessary information to clients related to the works and activities of the department accurately and speedily with no delusion or fake statements pursuant to applicable legislations and guide beneficiaries on the mechanism of complaints in case they wish to submit complaints to concerned agencies.
  5. Give priority and special attention to those of special needs and provide assistance and help to them.
  6. Deal with documents and personal information of individuals in strict confidentiality pursuant to applicable law and regulations and not utilizing this information for personal purposes.
  7. Refrain from any act that adversely impacts the confidence of public in public jobs.
- b. In the field of dealing with supervisors, the employee shall:**
1. Comply with the instructions and orders of his supervisors following the administrative hierarchy. If such instructions and orders are in violation to the applicable regulations, the employee should inform his supervisor in writing about such violation and shall not implement these orders or instructions unless confirmed in writing by the supervisor. In this case, the Financial and Administration Control Bureau shall be notified about the violation. In all cases, the employee shall reject implementing instructions which implementation results in a violation, offense or a crime punishable by the penal code or any other applicable legislation.
  2. Deal with his supervisors in respect and not trying to gain any preferential treatment through coaxing, delusion, Wasta or nepotism.
  3. Not deluding or misleading his supervisors and refrain from concealing any information related to his work for the purpose of affecting decision making or hindering work progress. An employee should cooperate with his supervisors providing them with his

opinions, advice and expertise objectively and credibly and to put under their disposal the information he has for the work interest.

4. Notify his supervisor of any violations or difficulties faced in his scope of work.
5. Notify his new direct supervisor with all issues and documents related to the work including pending issues to ensure continuation of work.

**c. In dealing with colleagues, the employee shall:**

1. Deal respectfully, tactfully and credibly with his colleagues, maintain sound and amicable relations with them without any discrimination and work to respect their privacy and not using any of their personal information for any malicious purposes.
2. Cooperate with his colleagues and share with them his opinions professionally and objectively, providing help to them wherever possible to solve problems they face in their work and work to spread positive attitudes among colleagues to help in improving work performance, improving the work environment and strengthening sound institutional culture in the department.
3. Refrain from any acts or behaviors that are unethical, violating public ethics and proper behavior. Male employees should respect their female colleagues as colleagues and partners in work.

**d. In dealing with subordinates, the employee shall:**

1. Develop the capacities of his staff, assist and motivate them to improve their performance and to be a good model for his subordinates in terms of complying with applicable laws, regulations and instructions.
2. Communicate gained knowledge and expertise to his subordinates and encourage them to increase information sharing and knowledge transfer.

3. Supervise his staff, question them about their work, evaluate their performance objectively and equally, work to provide them with training and development opportunities pursuant to applicable regulations and instructions.
4. Reject any pressures from third parties for preferential treatment to any subordinate.
5. Respect the rights of his subordinates and deal with them with high professionalism with no nepotism or discrimination.
6. Issue written instructions to subordinates in case of receiving written feedback from subordinates that his instructions or orders are in violation to applicable legislations.

**ARTICLE (7):**

**Maintaining Confidentiality and mechanism of disclosure.**

The employee shall:

- a. Not disclose to third parties any official information or documents he obtained or received during this tenure whether written, oral or electronic, where relevant instructions were issued regarding the confidentiality of this information or that it should remain in writing by nature even after the termination of his services unless a written approval from the Minister is granted.
- b. Refrain from making any statements or comments related to issues that are still under study or debate by government agencies.
- c. Inform the Deputy Minister in case the employee is requested to appear before any competent court as a witness except if the testimony is related to information which disclosure is prohibited by law. In such case, information shall be disclosed according to applicable laws and regulations.

- d. Full and accurate disclosure of all official information that should be disclosed by nature of his job.

**ARTICLE (8):**

**Accepting or requesting gifts and other privileges.**

The employee shall:

- a. Not accept or request any gifts, invitations or any other benefits of any kind, either directly or through mediators, that may have a direct or indirect impact on his objectiveness in implementing his jobs duties or might affect his decisions or force the employee to make any commitment in lieu. This prohibition does not include invitations from official delegations or memorial gifts provided by organizations if displaying the logos of these hosting organizations, the slogans of their countries or their national heritage.
- b. When an employee is in a situation of not being able to refuse gifts, invitations or other benefits not covered by cases mentioned in paragraph (a) of this article, the employee shall inform his direct supervisor by such gifts, invitations or benefits and shall deliver such gifts to the department. The department shall open a register for gifts recording all incoming gifts under this article. The head of the department shall define the way of maintaining these gifts in the department.

**ARTICLE (9):**

**Conflict of interest**

The employee shall:

- a. Refrain from conducting any activities that might result in real or potential conflict between his personal interests and his job duties and tasks.
- b. Refrain from conducting any activities that are contradictory to his objective and impartial performance of duties or that might result in

preferential treatment to natural or legal persons in their transactions with the government or that might compromise the reputation of his department or endangering its relations.

- c. Notify his direct supervisor in writing immediately in case of any conflict of interest with any person in his transactions with the government, in case a conflict between personal and public interests arose, if the employee was subject to pressures conflicting with his official duties or creating doubts about his objectiveness with making necessary clarifications. In all cases, the public interest shall be observed when dealing with such conflict.
- d. Not using his job directly or indirectly to make any financial gains or anything of value for himself or his family.
- e. Not using information gained during the course of his work or afterwards as a mean to realize gains for himself or for others either directly or indirectly or to inflict damage to others. No information shall be disclosed to give unfair or unreasonable advantage to other parties.
- f. Necessary approvals and authorizations shall be obtained according to applicable laws in case the employee wishes to join a campaign for fundraising or collection of in-kind contributions for a charitable association. The direct supervisor may request the employee to reduce, modify or abolish these activities if deemed to result in real or potential conflict of interest.
- g. Avoid making strong relations with individuals or organizations whose interests are based on his decisions or the decisions of his department.
- h. Not accepting any job, one year after end of his services, with any organizations which had substantial official transactions with the department he worked for unless a written approval from the Minister is granted. He is also not allowed after leaving job to provide advice to these organizations based on information not available to the public regarding programs and policies of the department he used to work for.

- i. The direct supervise shall inform the employee willing to leave his job by obligations contained in this article.

**ARTICLE (10):**

**Merit, eligibility, competition and fairness**

The employee shall:

- a. Take necessary actions to select, recruit, train, reward, evaluate, transfer or promote employees in full transparency and integrity without any considerations of relationship, friendship or benefit and with no discrimination based on race, sex, age or religion. This should follow the bases of merit, eligibility and competition and shall follow work procedures.
- b. Notify the direct supervisor in writing of any violation to applicable laws and regulations that comes into his knowledge with regards to selection, appointment, promotion, training, performance evaluation or any similar actions. This is to ensure the rectification of any imbalanced situation following laws, regulations and instructions.
- c. Refrain from, directly or indirectly, granting any preferential treatment for any person through Wasta or nepotism.

**ARTICLE (11):**

**Maintaining public funds, interests and properties of the Palestinian**

**Authority:**

The employee shall:

- a. Maintain public funds and interests and properties of the Palestinian Authority and notify the direct supervisor in case of any action against public funds or interests or any negligence of act that damages the public interest.

- b. Not using the Authority properties for personal gains or for promotion of any products, personal or third party benefits.
- c. Employees provided with computers shall observe the following:
  - 1. Taking all necessary actions to maintain the computer.
  - 2. Not downloading any programs except after consulting the IT department.
  - 3. Switching off the computer before leaving work place.
  - 4. Maintaining confidentiality of information contained on the computer by using a password and not disclosing this password to others.
  - 5. Not using the computer for fun and not downloading games or fun programs.
  - 6. Not entering to the computers of others to obtain any information therefrom.
  - 7. Use the computer for developing his capacities and skills for work interest.
  - 8. Not using the computer for personal works.
  - 9. Rationalize the use of printers, as applicable.
- d. The employee having access to the internet shall observe the following:
  - 1. Using the internet for work purpose and for improving his capacities and skills related to his work nature and for the work interest.
  - 2. Comply with the conditions related to intellectual property rights for files and programs and observing their terms of use.
  - 3. Consult the IT department in case of observing any unusual things while using the internet.
  - 4. Not downloading texts or images containing any unethical, racial or discriminatory materials or containing any radical political opinions, instigating violence and hatred or any illegal activities.

5. Not downloading files that are not directly related to work activities such as video and multimedia files such as movies, songs, music...etc.
  6. Not using the computer and internet to penetrate or hack other computers and networks and not using the internet to send any confidential or political materials or any materials containing threats or harassment to others.
- e. The employee allocated an email address shall observe the following:
1. Not using the email to create or distribute messages containing promotional, personal or unethical materials or those containing radical political opinions, racial comments against religious beliefs or practices, age, race...etc. In case any of such messages are received by the employee, he shall notify the IT department immediately.
  2. Not resending incoming messages containing jokes, pictures, movies or files of big size.
  3. Not resenting incoming messages that may contain viruses or suspicious files. In such case, the IT department should be consulted.
  4. Taking into account that there is no privacy in the messages incoming to or outgoing from any employee using the email system and that the email system of any employee shall be controlled by authorized entities without a prior notification.
  5. No opening any unknown or unexpected incoming messages even if the message is from a known person to the employee. The employee shall also no download any suspicious attachments.
  6. Using the email for developing skills and capacities to meet work requirements.

**ARTICLE (12):**

**Rights of Employee**



The department shall:

- a. Clearly define tasks and duties of the employees and the expected outputs.
- b. Deal with the employee based on merit, eligibility, competition and equal opportunities.
- c. Secure good and safe working conditions and not practicing any discrimination at workplace.
- d. Provide appropriate and continuous training opportunities to improve his career path pursuant to the civil service system or the staff regulations.
- e. Guarantee freedom of opinion and expression according to legislative provisions and this Code.
- f. Guarantee the right of appeal against any decision according to the regulation.

**ARTICLE (13):**

**General Provisions:**

- a. The employee shall review this Code and familiarize himself with all its contents.
- b. The department shall allow employees and clients to review this Code.
- c. Ministers, deputies, heads of public institutions and independent department are responsible for the supervision of the implementation of this code.

*Annexe 2. OECD 1998 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 scrutiny should be facilitated by transparent 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. 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.

11. 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 3. 2011 Action Plan of the National Committee for the Code of Conduct*

<b>Number</b>	<b>Procedure</b>
1.	Get an additional overview on the country practices in designing and implementing a Code of Conduct , including experiences of France and Bahrain
2.	Evaluate the results of the study visit to France, come up with directives and outputs and integrate them to the results of the previous study visit to Jordan
3.	Conduct a comprehensive study on all available Code of Conducts within the public administration in view of combining them in a single Code.
4.	Form a drafting committee composed of 5 members of the National Committee for the Code of Conduct and write a first draft to be presented to the Committee
5.	Present the first draft following its revision and adoption by the National Committee to a legal drafting expert and a Human Resource Management expert
6.	Launch discussions with experts and members of the National Committee to reach an agreement on a final draft
7.	Hold workshops targeting all public institutions to discuss the draft and obtain feedback (consultation with stakeholders)
8.	Integrate the comments from the Committee and specialized experts into the draft
9.	Present the Code to civil society organizations, experts and stakeholders at a national workshop during which two working papers will be presented by academic experts (University of BirZeit) and relevant stakeholders from civil society (The Independent Commission for Human Rights)

ANNEX 3. 2011 ACTION PLAN OF THE NATIONAL COMMITTEE FOR THE CODE OF CONDUCT

10.	Collect the comments received from the feedback and have the Committee and experts review the draft in light of these comments
11.	Meet with the Technical Committee responsible for amending the Civil Service Law to discuss the draft Code
12.	Translate the Code and provide the OECD with a copy of it to begin the revision process
13.	Include the OECD's remarks in the draft
14.	Submit the final draft to the Fatwa and Legislation Office to include their remarks and revisions
15.	Submit the Code in its final version to the relevant authority for adoption
16.	Printing of the Code
17.	Communication campaign: Prepare media and cultural material as well as brochures and posters Prepare programmes specialized in audio-visual media
18.	Hold conferences with stakeholders and ministry representatives in order to inform and train them on the Code and have them sharing their knowledge within their institution

## **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 Commission 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 PUBLISHING, 2, rue André-Pascal, 75775 PARIS CEDEX 16



## NOTES

<sup>1</sup> Action Plan 2011, Arabic version provided by the General Personnel Council and the NCCC (See Annex 3).

<sup>2</sup> AMAN represents a wide variety of civil society organisations; it is accredited as the Transparency International chapter in the Palestinian Authority.

<sup>3</sup> OECD (2000), *Trust in Government: Ethics Measures in OECD Countries*, OECD, Paris.

<sup>4</sup>[www.bka.gv.at/DocView.axd?CobId=40151](http://www.bka.gv.at/DocView.axd?CobId=40151).

<sup>5</sup> Palestinian National Authority, Ministry of Finance, Fiscal Developments, First Quarter 2010, May 2010,  
[www.pmf.ps/en/news/plugins/spaw/uploads/files/First%20quarter%20fiscal%20report%20\\_6\\_%20%20May%2010\\_%202010.pdf](http://www.pmf.ps/en/news/plugins/spaw/uploads/files/First%20quarter%20fiscal%20report%20_6_%20%20May%2010_%202010.pdf).

<sup>6</sup> Article 5-a, Palestinian draft Code of Conduct and Ethics in the Public Service.

<sup>7</sup> OECD, 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service, including Principles for Managing Ethics in the Public Service.

<sup>8</sup> Treasury Board of Canada Secretariat, Management Accountability Framework, [www.tbs-sct.gc.ca/maf-crg/index-eng.asp](http://www.tbs-sct.gc.ca/maf-crg/index-eng.asp).

# Code of Conduct for the Civil Service

## PALESTINIAN AUTHORITY

### BENCHMARKING REPORT

A Joint Learning Study is an innovative method that applies the OECD peer review methodology to help countries in the Middle East and North Africa Region (MENA) improve public governance. These reviews have a specific focus on integrity and corruption prevention as part of a wider OECD work on public governance. Based on the 1998 OECD Principles for Managing Ethics in the Public Service and the 2003 OECD Guidelines for Managing Conflict of Interest in the Public Service, this study benchmarked the Palestinian draft Code of Conduct against international good practices to support the Palestinian Authority in designing and implementing a Code of Conduct.

#### Contents

Chapter 1. Overview of the Palestinian context

Chapter 2. Defining Standards of Conduct and Designing a Code of Conduct

Chapter 3. Ensuring Effective Implementation of the Code, Establishing Administrative Structures and Procedures

Chapter 4. Conclusions and Key Issues to Consider when Designing a Code of Conduct

[www.oecd.org/gov/ethics/jls](http://www.oecd.org/gov/ethics/jls)

[www.oecd.org/gov/ethics](http://www.oecd.org/gov/ethics)

#### In the same series

*Enhancing Integrity in Public Procurement: Morocco* (2009)

*Enhancing Integrity in Public Procurement: Yemen* (2010)

*Data Collection Mechanism on Corruption: Morocco* (2010)

*Improving Transparency in Government Procurement Procedures: Iraq* (2010)

*Implementing a Code of Conduct for the Public Sector: Jordan* (2010)