Public Service Ethics
Global Practices and Tools

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Integrity, Ethics and Corruption

Accountability, transparency and integrity are points on a continuum.

Accountability is the pillar of democracy and good governance. It implies holding individuals and organizations responsible for performance measured as objectively as possible.
Accountability has Three Dimensions:

- Financial accountability an obligation of persons handling resources, public office or any other position of trust to report on the intended and actual use of the resources.

- Political accountability regular and open methods for sanctioning or rewarding those who hold positions of public trust through a system of checks and balances among executive, legislature and judicial branches.
Integrity, Ethics and Corruption

(contd.)

– Administrative accountability systems of control internal to the government including civil service standards and incentives, ethics codes and administrative reviews.
Integrity, Ethics and Corruption
(contd)

→ Transparency is aimed at openness of the democratic process through reporting and feedback, clear processes and procedures and means of facilitating citizen’s access to information.
Integrity completes the continuum of accountability and transparency. It is synonymous with incorruptibility or honesty.

It requires that holders of public office should not place themselves under financial or other obligations to outside individuals or organizations that may influence them in the performance of their official duties.
Integrity, Ethics and Corruption
(contd)

Integrity in governance can be examined at two levels – institutional and individual.

– Institutional integrity consist of an independent judiciary, and open and transparent legislative and Executive processes following standardized procedures, open administrative and contracting processes.
Integrity, Ethics and Corruption
(contd)

Individual level integrity is usually promoted through “ethics programs that are aimed at preventing and managing individual conflicts of interest.

Four key elements of such “government ethics” programs are:

- Enforceable standards consisting of civil and criminal statues and administrative restrictions, public financial disclosure systems designed systems designed to;

- Address potential conflicts of interests, training and

- Counseling of employees about the ethics programs and enforcement mechanisms.
Corruption is universally recognized as the behavior of public officials which deviates from accepted norms in order to serve private ends.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore

In Hong Kong, an independent Commission Against Corruption (ICAC) was established in 1974, reporting to the Governor and working independently of the police force.

- The ICAC was empowered to investigate and prosecute corruption cases and to promote public education and awareness raising.

- The employees of the Commission were paid more than other government agencies to ensure their independence.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore (Contd)

– The Commission received a high number of complaints from the people.

– The ICAC focuses on three-pronged strategy – investigation/prosecution, prevention, and communication. Its initial strategy of investigating and prosecuting some of the influential persons.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore (Contd)

– Surveys show that the level of corruption was reduced as a result of the activities of the Commission.

– The Hong Kong model shows the significance of an independent Commission to combat corruption reporting only to the head of the government.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore (Contd)

- The factors that led to the success of ICAC were strong political will long-term commitment of the government,

- Independence of the Commission including adequacy of resources at its disposal that enabled it to pursue its investigation and prosecution of those involved in corrupt practices; and

- Public education programs and active participation of an informed public.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore (Contd)

In Singapore, the People’s Action Party (PAP) made anti-corruption policy one of its priorities in 1959 when it came to power. The government strengthened the powers of the existing Corrupt Practices Investigations Bureau (CPIB) that has been reporting directly to the Prime Minister since 1970.

- The Bureau requires government ministries and departments to review their internal processes to reduce incentives for corrupt practices.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore (Contd)

– The government has undertaken several steps to reduce incentives for corruption

- including increasing wages of civil servants;
- improving their working conditions;
- rotating officials; and
- increasing supervision.
The cases of Hong Kong and Singapore show the significance of an independent Commission to combat corruption.

- In an authoritarian regime with weak rule of law, such a model could be used as an instrument to victimize political opponents.

- These conditions do not exist in many of the developing economies - making the replication of the model more difficult.
Case I - Anti-Corruption Strategies in Hong Kong and Singapore (Contd)

– Both ICAC and CPIB had sufficient resources, highly qualified staff, supportive legal framework, and independent judiciary and a competent public administration system.
Case II
Fighting Corruption in Botswana

Unlike other countries in Africa, Botswana has a relatively better governance system.

- Political and macroeconomic stability and lack of systemic corruption have led to the confidence of foreign investors as reflected in lowest “political risk” factor of any country in Sub-Saharan Africa

- These factors have led to the highest rates of foreign direct investment per capita in the region.
Case II
Fighting Corruption in Botswana (contd)

– There have been cases of illegal payments among highly placed government officials responsible for:

  ◆ major government procurements;
  ◆ semi-autonomous corporations and;
  ◆ industrial incentives programs.
Case II
Fighting Corruption in Botswana (contd)

– In 1994, Botswana established the Directorate on Corruption and Economic Crime (DCEC) based on the Hong Kong Model and staffed by the former members of the Hong Kong agency and by the local personnel.
Case II
Fighting Corruption in Botswana (contd)

– The DCEC is operationally independent, though officially under the President.

– It can investigate and prosecute offenders, prepare strategies to combat corruption and provide public education and training.
Case II
Fighting Corruption in Botswana  (contd)

– With a high conviction rate and collection of fines in excess of its operating costs, ECEC is perceived in the region to be a good practice of combating corruption in a democratic.

– Botswana was listed #26 in the Transparency International’s 2000 Survey following France, Israel, and Japan, and the only African country on the top of the list.
Case II
Fighting Corruption in Botswana (contd)

Many factors account for the success of Botswana in combating corruption.

– Operational independence and prosecution powers of DCEC

– Focus on strong enforcement provided deterrence against future abuses.
Case II
Fighting Corruption in Botswana (contd)

– Financial independence and viability of DCEC.

– The success of Botswana was, however, based on “embossed” structural factors –
  
  ◆ favorable political climate;
  ◆ state capacity to govern including effective civil service reforms;
  ◆ macroeconomic stability and record keeping and resource base of the country.

– Seoul Metropolitan Government declared a "war against corruption" in 1998
Case III- Seoul Integrity Pact

- Adopted a systematic and comprehensive approach with four components:
  - eliminated inappropriate regulations to reduce rent-seeking opportunities
  - introduced Corruption Report to the Mayor postcards for clients of City services
  - Introduced the OPEN system and Anti-Corruption Index to enhance transparency through Internet
  - fostered public-private sector partnership through introduction of Integrity Pact
Case III- Seoul Integrity Pact (contd)

Key factors contributing to Seoul’s successful anti-corruption policies:

- Commitment from leadership, at the level of the Mayor
- Wide-spread support from citizens who participated in and backed city’s reform measures
- Real time communication between citizens and the City, due to the spread of information technology.
The Transparency International’s Integrity Pact was introduced by the People’s Solidarity for Participatory Democracy (PSPD) in Korea and was recently adopted by Seoul City Government.
Case III - Seoul Integrity Pact (contd.)

- The Integrity Pact (IP) in Seoul is an agreement between Seoul City and companies submitting bids that bribes will neither be offered nor accepted in public contracts.

- All bidders for the city’s construction projects, technical services and procurement are required to sign the pact to fight corruption.
Case III - Seoul Integrity Pact (contd.)

During the bidding stage, the IP is explained to bidders and only those who agree with the “Bidders’ Oath to fulfill the IP” are qualified to register their submissions.

- A related government official also submits “the Principal’s Oath to the IP”.
- During the contract’s concluding and execution stage, actions undertaken include signing of IP by both parties as a “Special condition for contract”.
- The violators of the Pact will be disqualified by the city for submitting bids, or face termination of contracts.
The Integrity Pact is being implemented in two stages – first stage for projects at the Head Office and Project Offices, and the second stage in the 25 autonomous District Offices in Seoul.

- The IP Ombudsman will monitor the process of implementation.
- Guidelines were also issued concerning the termination of the contract for violation of IP, three stage public hearings on the contract process and publicizing the information on the bidding procedures.
Case III- Seoul Integrity Pact (contd)

– Specific guidelines were issued for the bidders’ submissions, employees of bidders, encouragement of the company code of conduct and the Principal’s oath to fulfill the obligations of the IP.
The IP Ombudsmen – a team of five persons appointed by the Mayor of Seoul with one of them being Chief – were appointed to monitor the process of implementation.

- The IP Ombudsmen were not allowed to hold a concurrent job at the National Assembly, a local assembly, a political party or any company participating in the bids for public projects.
Case III- Seoul Integrity Pact  (contd)

- Initial positive results from the Integrity Pact can be attributed to three factors:
  - strong political commitment by Seoul Metropolitan government to implement Integrity Pact;
  - active participation of civil society in the implementation and oversight;
  - and the Pact being an integral part of a comprehensive on-going program for the city of Seoul.
Case IV - South African Experience

South Africa:

4 Levels of Codes of Conduct:

- Parliamentarians (National Parliamentary Code of Conduct in Regard to Financial Interests)
- Cabinet, Deputy Ministers, Provincial Executive Councillors (Executive Members’ Ethics Bill)
- Directors-General of the Public Service (Public Service Regulations Amendments 2000)
- All other public service employees (Public Service Commission Code of Conduct)
Case IV - South African Experience (contd)

- Public Service Commission Code of Conduct introduced in 1997
- Total public personnel in 1998 = 1.1 million (central and provincial government)

- PSC Code of Conduct covers 5 Areas:
  - Relationship Between the Legislature and Executive Branches
  - Relationship with the public
  - Relationship among employees
  - Performance of duty
  - Personal conduct and private interests
Public Service Commission developed a Manual of Guidelines, workshops, and training programmes to supplement Code

Heads of Departments responsible to communicate the provisions of the Code to their employees
In addition to the Codes, recent ethics campaigns include:

- **Moral Summit (October 1998):** religious and social leaders adopted a code of conduct of “ubuntu” or a “humanitarian ethics pledge”
- **Public Sector Anti-Corruption Conference (November 1998):** developed a plan of action to control and prevent corruption in public sector
- **National Anti-Corruption Summit (April 1999):** business leaders, organized labour, NGOs, donors, political parties, academics, professional bodies, media and public sector to form “blueprint” to controlling and preventing corruption at the national level
- In 1999, Cabinet formally endorsed the resolutions of the summit and designated the Public Service Commission as the lead agency in national anti-corruption programmes
## Mapping “Ethics Infrastructures”

<table>
<thead>
<tr>
<th>Functions</th>
<th>Elements</th>
<th>Survey Issues</th>
</tr>
</thead>
</table>
| Guidance (prevention) | • commitment from political leadership  
                      • statements of values and legal standards  
                      • training | • communication campaigns  
                      • code of conduct exercises  
                      • conflict-of-interest disclosures  
                      • post-employment restrictions  
                      • induction/ongoing training |
| Management (oversight)| • coordination by special body or central management agency  
                      • public sector work conditions  
                      • administrative policies and practices | • independent ethics or anti-corruption agencies or administrative units  
                      • pay levels, career structures, and other incentives  
                      • safeguards in contracting and procurement, etc. |
| Control (enforcement)| • legal enforcement framework  
                      • effective accountability mechanisms  
                      • public involvement | • laws enabling independent investigations and prosecutions (criminal codes, anti-corruption, civil service, and ethics)  
                      • reporting requirements and performance contracts and evaluations  
                      • private sector codes of conduct, civil society watchdogs, professional associations and trade unions |
# Guidance for the Public Service

## Stated Core Public Service Values

<table>
<thead>
<tr>
<th>Values</th>
<th>Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>disinterestedness (financial), impartiality, neutrality, honesty, integrity, professional ethics</td>
<td>Cameroon, Kenya, Madagascar, Senegal, South Africa</td>
</tr>
<tr>
<td>equality</td>
<td>Cameroon, Ghana, Madagascar, Senegal, South Africa</td>
</tr>
<tr>
<td>fairness, justice</td>
<td>Madagascar, Senegal, South Africa</td>
</tr>
<tr>
<td>selflessness, service to the public</td>
<td>Ghana, Kenya, South Africa</td>
</tr>
<tr>
<td>accountability</td>
<td>Cameroon, Ghana, Kenya,</td>
</tr>
<tr>
<td>dedication, diligence,</td>
<td>Cameroon, Ghana, Senegal, South Africa</td>
</tr>
<tr>
<td>discretion</td>
<td>Cameroon, Senegal</td>
</tr>
<tr>
<td>efficiency</td>
<td>Kenya, South Africa</td>
</tr>
<tr>
<td>transparency</td>
<td>Ghana, South Africa</td>
</tr>
</tbody>
</table>
Guidance for the Public Service

Restrictions Covered by Stated Public Service Codes of Conduct

- Receiving Gifts, Fees, Payments: 10
- Unauthorized use of Official Property: 9
- Work Outside Public Sector: 9
- Use of Official Information: 8
- Political Work: 8
- Postemployment Restrictions: 5
- Lobbying: 5
- Use of Official Travel: 4
- Movement to Private Sector: 4
- Employment/Supervision of Relatives, Nepotism: 3
- Use of Official Credit Cards: 2

Number of Countries Responding "YES"
Guidance for the Public Service

Communicating Core Values and Standards

- Are core values and standards generally communicated to public servants? [9]
- ...communicated during induction training? [9]
- ...communicated during ongoing training? [7]
- ...communicated upon transfer to new position? [5]
- Statement/codes distributed upon registering for profession? [4]
- Is statement of values/codes of conduct distributed to all public servants? [2]

Number of Countries Responding "YES"

- Values
- Standards

Number of Countries Responding "YES"
Management of Conduct in the Public Service

Information to be Disclosed

- Previous employment: 10
- Asset and liabilities: 7
- Sources and levels of income: 6
- Gifts: 5
- Loans: 3
- Outside positions: 2
- Other: 2

Number of Countries Having Specific Disclosure Requirement
Protection for Public Servants Exposing Wrongdoing

Is there protection for public servants exposing wrongdoing?

Are the following means of protection available?

- Anonymity: 5
- Legal Protection: 4
- Transfer: 2

Number of Countries Responding "YES"
Control and Enforcement

Public Complaints Mechanisms

- Are there procedures available for the public to expose wrongdoing? 7
- Are procedures available through ombudsman/public protector? 7
- Are procedures available through ministries or agencies? 3
- Are procedures available through complaints hotline? 3

Number of Countries Responding "YES"
V – Reform Strategies

The first component: Preventive measures

- Modify laws that have loopholes for corrupt practices; and
- Examine the potential misuse of subsidy programs and price controls, recognizing that it is not always politically feasible or desirable to end all such programs in view of the social development programs that can not left to the market.
V – Reform Strategies (contd)

- The clarity of regulations
- reduce the discretion of public officials used for payoffs.
V – Reform Strategies (contd)

The second component is enforcement.

- It is essential to establish independent investigators, prosecutors and adjudicators who will perform professional duties in an independent fashion.

- The provision of adequate powers of investigation and prosecution should be consistent with international human rights norms.
V – Reform Strategies (contd)

- development of channels for effective complaint making or whistle-blowing

- the imposition of powerful incentives for the would be corrupt including civil penalties and black listing
V – Reform Strategies (contd)

The third component: Institution Building

– The first step should be to establish an independent commission with broad investigative and prosecutorial powers as well as public education mandates.
The establishment of independent commissions is necessary but not sufficient. Other essentials measures in institution-building are as follows;

Improve performance and quality of public service through civil service reforms aimed at improving wages and working conditions of civil servants, and effective monitoring to ensure compliance with the regulations;
V – Reform Strategies (contd)

- Establish independence and impartial Election Commission to ensure the legitimacy of the electoral process including redesigning the electoral process to reduce incentives to give voters personalized benefits;

- Empower the Public Accounts Committee in the Parliament to ensure scrutiny of public expenditures;
V – Reform Strategies (contd)

- Strengthen the capacity of police to function effectively as frontline investigatory agency and enable it to work closely with other oversight bodies; and

- Improve access to justice and strengthen capacity and independence of judiciary.
VI - Tools

Public Sector Ethics Resource Series of CD-ROMS (Australia/New Zealand):

Set of 5 “hybrid CD-ROMS” containing 12-minute TV-quality dramas:

- video, animation, sound, graphics, text, hypertext, browser, Internet

- developed by a consortium of Public Service Commissions, federal agencies and anti-corruption agencies in Australia and New Zealand, based on consultation of 75 people from 5 countries

- $600,000 and 2 years development
Tools (contd)

- Case studies of realistic ethical dilemmas in the public sector
- Each case study has two alternative endings
- Also contains support material for moral reasoning:
  - Reference and Training Resources
  - Related legislation and Codes of Conduct
  - Keyword index
  - Decision-support model
  - Additional case studies
Tools  (contd)

Subjects include:

- Power and Public Office
- Parliament and Minister
- Respect for persons and Human Resources Management practices
- Integrity Management and Conflicts of Interest
- Professional Conduct and Responsibility
- Public Interest and Due Process
- Corruption Prevention and Whistleblower Protection
Tools (contd)

Public Service Professional Ethics for Africa
(UN/DESA/DPEPA: Manual/CD-ROM)

Manual and CD-ROM based on:
- consultations with 6 six Francophone African countries and one Asian country
- framework for practical action
CD-ROM contains cartoon sketches that illustrate situations of

- Nepotism
- favouritism
- harassment
- price-fixing collusion
- misappropriation of public funds

developed for the Public Service Ethics in Africa Project, contains:

- survey answers by each national consultant of 10 study countries
- supporting political and administrative backgrounds
- basic socio-economic indicators
- public finance indicators
- serial Transparency International CPI ranking (where available)
- texts of actual legislation, regulation, relevant studies, etc. (forthcoming)