



USAID | **IRAQ**
FROM THE AMERICAN PEOPLE

TATWEER
National Capacity
Development in
Public Management



تطوير
تنمية القدرة الوطنية
في ادارة
مؤسسات الدولة

ETHICS & TRANSPARENCY



Course development



- Review of the basic principles of ethical conduct in the 21st century.
- Review of the basic entitlements and obligation of civil servants in Iraq
- What is corruption and what we have to do to fight it
- Learning about the Inspectors General office.



Expectations



- Consolidation of our ethical principles.
- Put into practice the entitlements and obligations of civil servants
- Learn the theories and solutions for corruption.
- Break the wall that separates us from the IG employees



Agenda for Today

- Work on Individual Awareness
- Discuss ways to improve our areas
- Learn the role of ourselves in the process

Not about finding corruption or pointing fingers



ETHICS IN THE PUBLIC SECTOR





Origin of the word ETHICS



Comes from the Greek “ethos” which means “character” but it should be understood as: character obtained through habit.

Habit comes through the repetition of the same act.

The repetition of acts generates habits and determines attitudes



Definition of Ethics

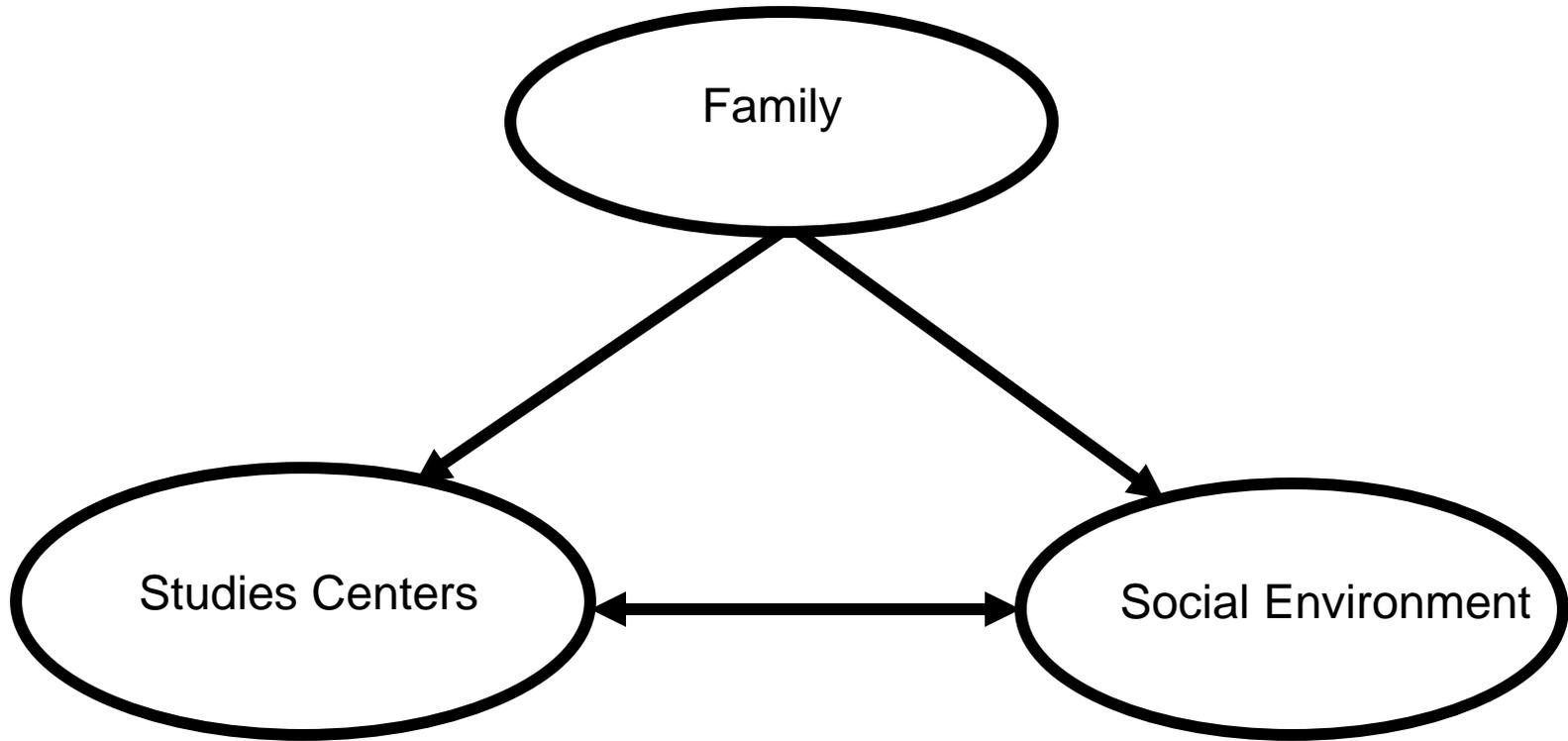


There are many definitions of Ethics, but all of them arrive at the same main concept. One of them is:

“ Ethic is the reality and the knowledge related to responsible behavior **where the man’s concept of “ right or wrong ” comes into the game**” (Vidal, Spanish author)



Where are Ethical Principles Instilled?





Basic principles of Ethical Conduct in the XXI century



- One's conduct shouldn't affect other people's lives.
- One's conduct shouldn't place others at an unfair disadvantage .
- Legal resolutions will never be so comprehensive that they could cover all possible situations or even observe them. Ethical conduct will prevent us from taking unfair advantage even if the action was legal.



Basic principles of Ethical Conduct in the XXI century



- Over time, acceptable practices can become unacceptable, later inappropriate and finally illegal or vice versa. That makes it difficult to take ethical decisions.



Basic principles of Ethical Conduct in the XXI century



Ethical codes are also needed in the public sector, especially when the law :

- Becomes obsolete
- Becomes controversial
- Is not clear
- Can't be applied
- Does not take technological improvement into consideration.



Basic principles of Ethical Conduct in the XXI century



Principal Requirements of Ethical Conduct :

- Loyalty and morality
- Legality
- Financial
- Management controls
- State purchases and contracts



Basic principles of Ethical Conduct in the XXI century



Principal Requirements of Ethical Conduct:

- Avoid interest conflict.
- Transparency balanced with confidentiality.
- Avoid favoritism, discrimination and nepotism.
- Avoid private promises, profits and advantages.
- Disclose non ethical or corrupted conduct and practices done by others.



Basic principles of Ethical Conduct in the XXI century



- The more developed and highly complicated science becomes, the greater the strain is on ethical decision making.
- The basic compass to be chosen between different alternatives when you want to pursue ethics, is the **HUMAN CONSCIENCE**



Basic principles of Ethical Conduct in the XXI century



To choose between different conduct alternatives,
the human conscience is guided by:

- Legal regulations
- Education
- Beliefs and traditions
- Culture and religion
- Historical experience and practice
- Advice



Basic principles of Ethical Conduct in the XXI century



Due to complexity of the decisions, not only ethical codes are needed but also practical courses and advisors with experience



Basic principles of Ethical Conduct in the XXI century



Credibility is obtained when ethical commission are created for investigation and opinion to guide in significant areas.



Basic principles of Ethical Conduct in the XXI century



An “ ethical environment ” or “ the climate at the top ” is a most important factor. Because it consists of ethical attitudes and practices given by the senior officials of the institution.



THE GOVERNMENT DOESN'T REQUIRE
THE LOVE OF THE CITIZENS BUT
NEEDS THEIR CONFIDENCE



BASIC ENTITLEMENTS AND OBLIGATIONS OF CIVIL SERVANTS IN IRAQ

**(Ref. civil service law, code of discipline,
penal law)**



EMPLOYEE ENTITLEMENTS



- Salary and regular allowances
- Annual increment (unless justifiably denied)
- Upgrading according to established conditions
- Training and development opportunities
- Annual vacation, sick leave, and other lawful leaves
- Retirement grant upon conclusion of service
- Protection against humiliation, intimidation, and assault



EMPLOYEE OBLIGATIONS



- Performance of assigned tasks conscientiously and responsibly
- Compliance with working hours
- Respect of superiors and following their instructions within limits of laws, regulations and directives in force
- Treatment of subordinate personnel with dignity and courtesy
- Respect of the public and timely processing of lawful transactions
- Safeguarding state funds



- Keeping confidentiality of work related information and documents, specially classified ones
- Refraining from abuse of position for private benefit or gain
- Adherence to health and safety regulations
- Not occupying more than one regular position at a time
- Not engaging in trading or bidding for tenders
- Not reporting to duty under the effect of intoxication
- Not divulging official work to the media unless expressly authorized
- Refusal of rewards or gifts or bribes from contractors and vendors



GUIDING PRINCIPLES IN DISCIPLINE



To be effective, administration of discipline should be consistent with statutory labor legislation and internal regulations in the organization. Following are some guiding principles.

- Discipline should be firm but fair.
- Discipline should be corrective, not punitive.
- Discipline should be progressive, linking consequences with severity.
- Disciplinary action should be taken within a reasonable time frame and should not be unduly delayed.



- Discipline should ensure careful scrutiny of facts and circumstances. Employee should have the opportunity to state his explanation or justification.
- Discipline should be determined in the light of uniform policies and standard procedures.
- Disciplinary action should be kept private and confidential
- Disciplinary actions should be always documented and placed on employee records along with supporting evidence.



DISCIPLINARY PENALTIES IN THE IRAQI CODE OF CONDUCT FOR GOVERNMENT EMPLOYEES



- Written Reprimand

This implies postponement of annual increment or upgrading for three months

- Written Warning

This entails deferral of annual increment or upgrading for six months



DISCIPLINARY PENALTIES IN THE IRAQI CODE OF CONDUCT FOR GOVERNMENT EMPLOYEES

- Salary deduction (for up to 10 days)

This results in postponement of annual increment or upgrading for at least five months

- Written Admonition

This causes deferral of annual increment or upgrading for one full year

- Salary Reduction (up to 10% of monthly salary for 6-24 months)

This results in postponement of annual increment or upgrading for two years



DISCIPLINARY PENALTIES IN THE IRAQI CODE OF CONDUCT FOR GOVERNMENT EMPLOYEES



- Downgrading

This entails reducing the employee's salary by the amount of three annual increments

- Dismissal (temporarily for 1-3 years)
- Discharge (permanently - without any possibility of return to the service)



Civil Service: Guiding Concepts and Principles



- Why the Need for a Civil Service
- Provides essential services to the public based on legal standards in a wide range of areas, such as:
 - Education
 - Security
 - Medical care
 - Defense
- Can be a source of stability for government and society.
- Ensures that highly trained personnel are able to serve the public without undue political interference
- Provides stable employment; thus promoting economic development and growth



Characteristics of a Good Civil Service



- Legality (statutory laws and regulations)
- Professionalism
- Non-partisanship
- Integrity
- Political impartiality
- Transparency



Civil Service Principles



- Employment based on qualifications and open competition
- Priority for the public's interests
- Equal pay for work of equal value
- High standards of integrity, conduct, and conscientiousness
- Efficient and effective workforce utilization
- Retention and incentives based on performance standards
- Continuing training and development opportunities
- Compliance with sound HR management practices
- Protection of employees from reprisal
- Encouragement of stability through secure tenure



What is Corruption?



- “The abuse of given authority for private gain”
- More than just “stealing and bribery”
- Public Corruption: The abuse of authority by a government person
- Private Corruption: Private citizens – a problem for Iraq, will focus more on the Government today



Corruption Analysis



- Analytically speaking, the concentration can be thrown on four major dimensions, each reflects one aspect of the administrative corruption concept, as follows:
- **The First Dimension:** reflects the public service function, considering the administrative corruption phenomenon as an employee's exit from the public functional requirements and rules, identified to be in compliance with, aiming to achieve a personal benefit through abusing function.
- **The Second Dimension:** reflects the introduction of logic and impact of market or the State's economic situation through which high prices are paid by citizens or employees so as to obtain the intended commodity and service advantages.



Corruption Analysis



- **The Third Dimension:** reflects the public administration in terms of the official power, exercised by employees under the cover of legality so as to achieve a personal advantage rather than the public administration.
- **The Fourth Dimension:** reflects the behavior, that is out of ethical and moral standards, aiming to achieve personal advantages, mostly through negligence of public advantages.



Causes of Corruption #1



- History

Leftover attitudes from a previous time

A centrally-planned government is more prone to corruption because one person or a small group makes all the decisions, often in secret



Causes of Corruption #2



- Low Risk – High Reward
Corruption exists on the individual level when there is a “low level of risk and a high level of reward”
- Without laws and systems in place to catch and punish criminals fairly
- When large amounts of money are present



Causes of Corruption #3



- Corruption also happens when there is no competency and the decision is taken by a few decision-makers without any sets of rules or oversight.



Internationally Recognized Solutions



1. Political Accountability
2. Stronger Citizen Groups
3. Strong Private Sector (Competition)
4. Restraints on Power
5. Informed and Aware Public Sector



Internationally Recognized Solutions for the Anti-Corruption

Institutional Restraints:

- Independent and Effective Judiciary
- Legislative Oversight
- Independent Prosecution , Enforcement

Public Sector Management

- Meritoric Civil Service
- Adequate Pay
- Monetized Wages
- Service Delivery
- Decentralization with Accountability

Political Accountability

- Political Competition
- Transparency in Party Financing
- Disclosure of Parliament votes
- Asset Declaration
- Conflict of Interest Rules

Civil Society Participation

- Freedom of Information
- Public Hearings of Laws
- Role of Media/NGOs

Competitive Private Sector

- Economic Policy Reform
- Competitive Monopolies
- Regulatory Simplification for Entry
- Transparency in Corporate Governance
- Collective Business Associations



How is the Public Sector Responsible?

Systemic Corruption

- Poor relationships between groups and individuals
- Poor relationship between Individuals
- The system has faults in reporting, laws or rules
- The system has been corrupted from above

Individual Corruption

- Bad examples from predecessors
- Bad people
- Bad training - Ignorance
- Opportunity: Low Risk of punishment and High Reward

Institutional Corruption

- Poor rules or procedures
- No rules to prevent corruption
- Complex procedures that breed corruption
- No controls of individuals



Practical Solutions for Individuals



- Know the rules
- Be able to identify corruption and “close-calls”
- Know who to talk to in Iraq



Types of Corruption



- A. Grand Corruption
- B. Administrative Corruption
- C. Appearance of Corruption
- D. Criminal Corruption



A. Grand Corruption: Definition



- Government-wide corruption
- Takes place at the policy formulation end of politics. It refers not so much to the amount of money involved as to the level at which it occurs - where policies and rules may be unjustly influenced
- The state has “seized” the market
- Sets a policy that diverts money, work or contracts to a small group



B. Administrative Corruption Types



- Unauthorized Sale of Government Property
- Misuse of Office
- 4. Bribery
- 5. Unauthorized Disclosure



C. Appearance of Corruption



- When there is no law-breaking
- Example: “At the airport, you wait in line for hours while some people approach the guard and are let into the gate area immediately”



C. Appearance of Corruption Types



1. Special Treatment

2. Conflict of Interest

- Self-Dealing
- Two Hats
- Friends or Family

3. Graft

4. Favoritism

- Nepotism
- Cronyism
- Patronage



D. Criminal Corruption



- Definition: Corruption that is illegal even outside the government sector. Actions that society through history has agreed that is wrong.
 1. Theft
 2. Embezzlement
 3. “Color of Law”



Anti-corruption Methods



1. **Strengthen accountability and transparency systems within different organizations of community.**
2. **Strengthen the role, played by citizens to be able to maintain integrity of work in different organizations of community.**





Anti-corruption Methods



- 3. Organizations adopt what is called “Code of Ethics” includes different ethical principles to be in compliance with and act accordingly.**
- 4. Emphasize that the prevailing management system of an organization is based on a number of essential principles through which it is difficult for corruption to deploy, these principles include: open-mindedness, democracy, interaction and information exchange.**





Group discussion (Case Study)



What are the methods of combating corruption that you suggest?





Conclusions and discussions of the groups





The UN & Anti-corruption

The UN General Assembly has expressed its concerns regarding serious problems, arisen from corruption through a decree issued on Jan.28, 1997, upon which the UN General Secretary is demanded to lay out strategies for corruption elimination and anti-corruption. According to (59/51/RES/A) decree, corruption is considered as a serious danger that threatens stability and security of communities, and undermines democratic and ethical values and eventually brings social, economic and political development to danger.

The General Assembly has also expressed its concerns regarding links of corruption to other types of crimes, especially the economic crimes, including: money laundry, considering corruption as a cross-border crime that may affect on different economies and communities. Thus, international cooperation is regarded as one of the key methods for corruption elimination and anti-corruption.

The General Assembly has also shown its conviction to provide countries with technical assistance upon request so as to improve public administration systems and enhancement of accountability and transparency principles.



Who to Talk To?



- Iraq's Anti-Corruption System
 - BSA
 - COI
 - IG
 - NGOs



Brain storming



- What is Inspector General ?
- Why it has been founded!
- How can we cooperate with it?
- What is our role to support it and to facilitate its mission?



Inspectors General Concepts



- CPA #57 establishes the Iraqi Inspector General (IG) System
 - Each ministry will have an Office of Inspector General
 - IGs are appointed by the Prime Minister, with an opinion on qualifications by COI
 - IGs report to the minister
 - Removal by the Prime Minister only for cause



Inspectors General Concepts



- Additional Activities
 - Serve as an extension of the minister's eyes, ears, and conscience of the Minister
 - Independent and objective fact-finder
 - Opportunity to ensure and improve operational and financial benefits to the ministry
 - Ability to develop relationships among Inspectors General



Inspectors General Concepts



- How do Inspectors General carry out this mission?
 - Conduct audits, investigations, inspections and evaluations of the ministry's programs
 - Review existing or proposed laws and regulations relating to their ministry's programs and operations
 - Inform the ministry of program-related problems and the progress of corrective actions



Inspectors General Concepts



- Powers Established Within the Offices of the Inspector General
 - Full and unrestricted access to all offices within the ministry
 - Authority to subpoena witnesses, obtain documents
 - Access to the head of any governmental entity, when necessary
 - Request to the ministry employees to report waste, fraud, mismanagement, and illegal acts

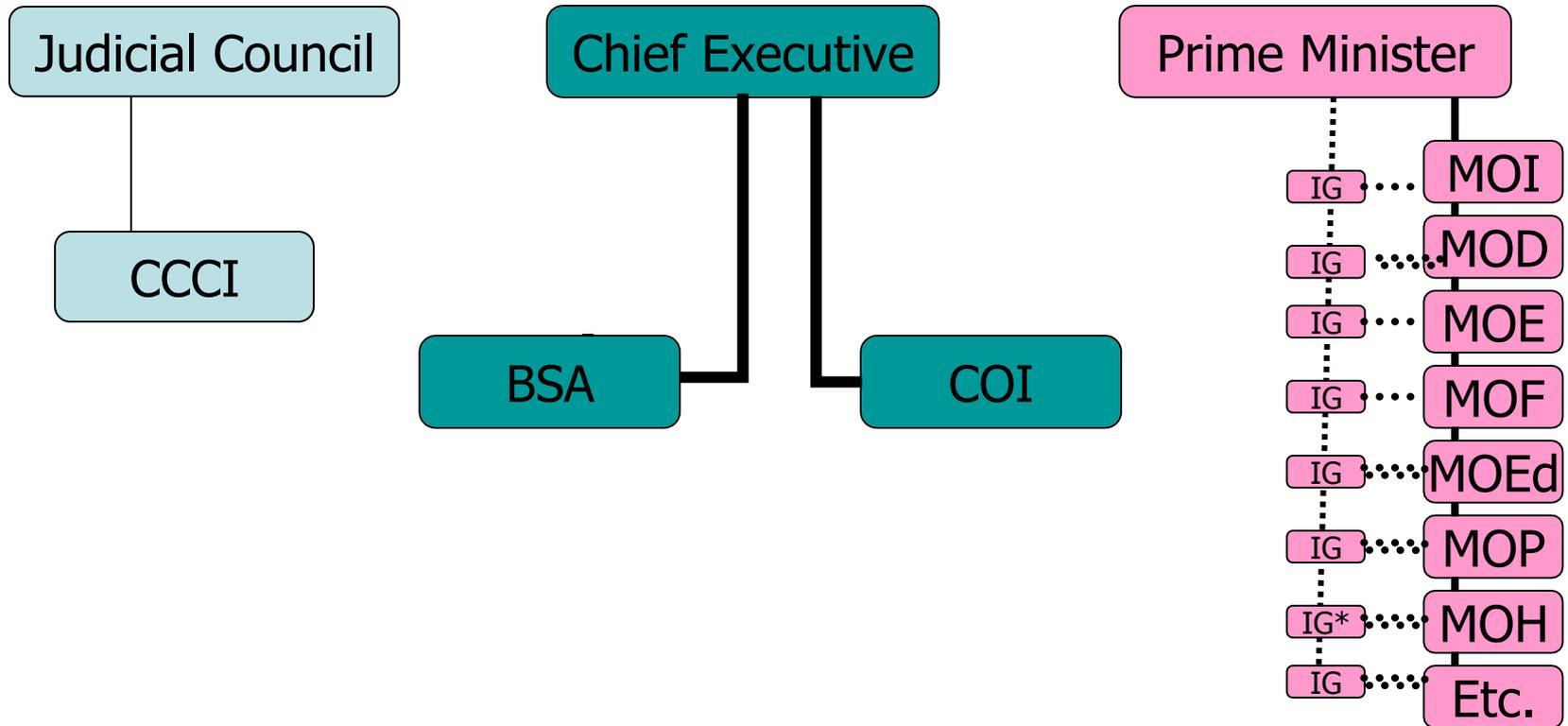


■ Developing Standards

- Code of Ethics
 - Integrity
 - Independence, Objectivity, Impartiality
 - Competence
 - Professional development

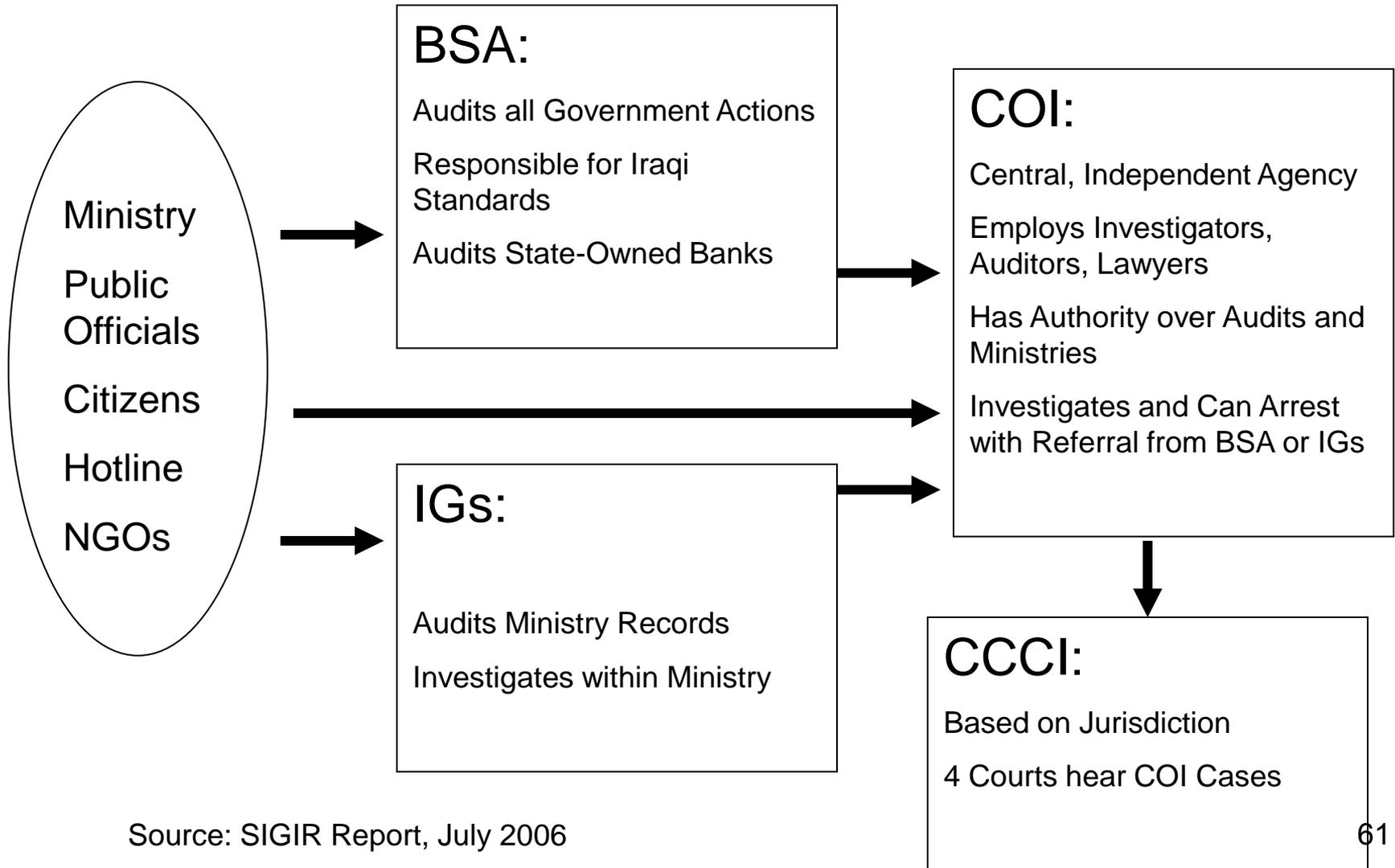


Iraqi Government A-C Structure





Process Flow



Source: SIGIR Report, July 2006



Thank you so much for your attendance

