Implementing a Code of Conduct for the Public Sector in Jordan

OECD JOINT LEARNING STUDY

OECD-MENA INITIATIVE
Implementing a Code of Conduct for the Public Sector in Jordan

OECD Joint Learning Study

FINAL REPORT

JULY 2010
FOREWORD

The Organisation for Economic Co-operation and Development (OECD) is a unique forum where the governments of 31 market democracies work together to address the economic, social, environmental and governance challenges of globalisation and development.

The OECD 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.

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The Hashemite Kingdom of Jordan has been a partner of the OECD for several years as part of the MENA-OECD Governance Programme¹. This Programme aims at strengthening the capacity of public officials in Arab countries to design, implement and monitor public governance reforms. Through its topic-based working groups, the MENA-OECD Governance Programme supports Arab countries in reforming the civil service, preventing corruption and promoting integrity in the public sector, implementing e-government strategies, reducing government-imposed administrative burdens on citizens and businesses, improving public finance management and regulatory quality, and promoting civil society participation in public policy making.

In the framework of the MENA-OECD Governance Programme, the Hashemite Kingdom of Jordan launched an official request to undergo an OECD Joint Learning Study ²(JLS) on Implementing Codes of Conduct in the Public Sector in Jordan. The JLS is an innovative approach to knowledge creation and sharing between countries in the Middle East and North Africa (MENA) and OECD countries; its concept was created through adapting the OECD peer review methodology to developing countries.

¹ For further information on the MENA-OECD Governance Programme, see www.oecd.org/mena/governance.

² For further information on the OECD Joint Learning Studies, see: www.oecd.org/gov/ethics/jls.
ACKNOWLEDGEMENTS

The OECD Secretariat would like to thank the many representatives of the Government of Jordan who shared their knowledge and experiences during the OECD mission to Jordan, and whose contributions have enriched this report. These officials represented the following Jordanian authorities:

- Ministry of Public Sector Development
- Audit Bureau
- Civil Service Bureau
- Anti-Corruption Commission
- Government Tender Directorate
- Ombudsman Bureau
- Food and Drug Administration
- Ministry of Finance
- Jordan Customs
- National Institute of Training
- National Centre for Human Rights
- King Abdullah II Center for Excellence
- National Assembly

In drafting the report, the Review Team also relied on the valuable contributions of representatives of the private sector and think tanks who shared their experiences, including:

- Industrial Chamber
- Commerce Chamber
- Jordan Center for Social Research

Special thanks are also extended to members of the National Committee, which ensured an intensive exchange of views during the Review Team’s field mission to Jordan. The Secretariat especially acknowledges Mr. Monther Batayneh, Counsellor for the Ministry of Public Sector Development, for his invaluable support in facilitating the OECD field mission to Jordan, as well as Mrs. Badria Albelbisi, Manager of Human Resources Policies & Development in the Ministry of Public Sector Development, for her continuous work as the project co-ordinator throughout the Joint Learning Study.

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Finally, special thanks are also extended to Mr. Roth Judd, former Director and General Counsel, State of Wisconsin Ethics Board, United States of America, who served as the primary drafter and facilitator of this report, in addition to his service as an expert during the OECD Review Team’s mission to Jordan.
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ABOUT THE JOINT LEARNING STUDY

The concept

Utilising the OECD’s peer review methodology, the Joint Learning Study involves policy experts from both OECD and MENA countries in an in-depth policy discussion among peers. The Review Team aims to facilitate mutual exchange of experience among participating countries.

The Joint Learning Study is especially suitable to test progress of reforms in the field of integrity and anti-corruption. It builds on the extensive experience gathered during the implementation of the OECD-MENA Governance Programme, especially its Working Group on Civil Service and Integrity.

Objectives

The OECD Joint Learning Study on Implementing Codes of Conduct in the Public Sector in Jordan provides an objective assessment of the implementation of Jordan’s Code of Conduct in the Public Sector (“Code of Conduct”), and evaluates key aspects of integrity and anti-corruption policies and practices in Jordan in general. The Study also discusses how the Code of Conduct, as a specific integrity instrument, fits into the Jordanian Government’s wider efforts to enhance public integrity, fight corruption and modernise the public sector. Furthermore, the Joint Learning Study provides proposals and good practices for improving the efficacy of the implementation of the Code of Conduct. Therefore, the Study compares the standards defined in the Jordanian Code of Conduct with international benchmarks, and also identifies gaps in its implementation.

Jordan is undertaking a self-review of the implementation of the United Nations Convention against Corruption (UNCAC). The Joint Learning Study makes reference to Article 8 of the UNCAC on Codes of conduct for public officials. Findings and proposals for action will be shared with the Government of Jordan, as well as organisations monitoring the implementation of the Convention.

The main findings of the Jordanian Joint Learning Study provide a foundation for evidence-based discussions in the framework of the OECD-MENA Governance Programme and beyond.

Methodology

Step 1: Preliminary research and stakeholder identification

The OECD Secretariat conducted preliminary research using both information provided by the Government of Jordan and information available to the public (e.g., on the Internet). The Government of Jordan, in particular the Ministry of Public Sector Development, provided the OECD Secretariat with written information – legislation, regulations, reports, etc. – related to implementation of the Code of Conduct and its wider institutional and regulatory context in Jordan. The initial phase of the project also included close consultation with the Government of Jordan to
Step 2: Fact-finding field mission

During March 2009, the policy experts – accompanied by the OECD Secretariat, together forming the “Joint Learning Study Review Team” – carried out a five-day field mission in Jordan. The Review Team interviewed representatives of key organisations from the Jordanian public and private sectors. During the interviews, senior governmental officials shared their views on policies and practices aimed at promoting the implementation of integrity standards in the public sector in Jordan. The Review Team experts evaluated the system and measures in place in order to agree on the main findings for the report. The field mission was a key feature of the process; it allowed stakeholders in charge of anti-corruption policy and practice to gather and verify the relevant information in the field.

Jordanian interviewees played a crucial role in providing the Joint Learning Study Review Team with first-hand field information. Key organisations were Jordanian government institutions responsible for the implementation of the Code of Conduct as well as ministries, control institutions, the Anti-Corruption Commission, the Government Tender Directorate, the Ombudsman Bureau, the National Institute for Training and the Human Rights Center. The experts also interviewed members of Parliament, local representatives of international organisations, private sector stakeholders, and civil society representatives.

The success of the field mission depended largely on the choice of policy experts to serve as peer reviewers. In order to most effectively fit the Jordanian context, the Joint Learning Study Review Team consisted of policy experts from the Kingdom of Bahrain, Austria, and the United States of America. The policy experts shared their country-specific good practices and knowledge of international practices and standards during the field mission and in the drafting of the Joint Learning Study report.

Step 3: Drafting the report

At the conclusion of the fact-finding field mission, all members of the Joint Learning Study Review Team met to cross-check what they learned and to discuss the Jordanian administrative landscape and its successes and challenges regarding ethical behaviour in governmental service. The discussion was structured around three main issues:

1. The Jordanian Code of Conduct in the Public Sector, including its scope, values, and text;
2. Administrative structure and legal basis for implementation and management of the Code;
3. General strategies for effective administration of a public sector code of conduct, including international best practices for implementing the code.

The Review Team directed the Lead Expert to prepare this report, under the guidance of the OECD Secretariat, based on the fact-finding mission and the information gathered.

Step 4: Discussion and approval of the study
Findings, conclusions, and the draft report drawn from Steps 1, 2, and 3 were shared with Jordan for fact checking and feedback. The Joint Learning Study report supports sharing experiences and lessons learned at regional seminars and other forums for discussion.

Structure of the Study

The OECD Joint Learning Study on *Implementing Codes of Conduct in the Public Sector in Jordan* is structured as follows:

Part I of the Study demonstrates how the Government of Jordan can promote a uniform, nationwide Code of Conduct in the Public Sector while simultaneously accommodating agencies’ interest in supplementing the national Code to bolster their specific missions. This Part also documents how Jordan can establish enforceable rules-based standards of conduct without preventing officials from aspiring to meet higher ethical standards.

Part II identifies the elements of an operative mechanism to effectively administer the Code of Conduct. It analyses how independence, consistency of opinions, institutional memory, both citizens’ and government’s faith and confidence in the integrity of decisions taken, and efficiency issues contribute. Against this framework of effective administrative structures, Part II measures advantages and disadvantages of lodging administration of Jordan’s 2006 Code of Conduct in an existing government agency or creating a new agency expressly for that purpose. This Part also explains the importance of ensuring a solid legal basis for the Code of Conduct.

Part III identifies the key factors for an effective code of conduct. These include: effective implementation strategies; use of incentives or sanctions, or both, to ensure compliance; challenges in dealing with gifts and favours; declarations of assets and income; and a strategy to address potential conflicts of interest before problems arise. This Part highlights the importance of establishing consequences and sanctions for violating the code of conduct. It also addresses raising awareness of ethical standards through educational programmes and how to provide guidance to officials facing ethical dilemmas.
EXECUTIVE SUMMARY

Codes of conduct and ethics – which define standards of ethical behaviour for public officials – have proven to be important integrity instruments in many countries. An effective code of conduct and ethics helps to build citizens’ trust in government, to create an economic climate that attracts foreign investment, and to contribute to a country’s economic development.

In 2006, as part of wider modernisation efforts across the Jordanian public sector, the Ministry of Public Sector Development developed a Code of Conduct in the Public Sector ("Code of Conduct"). The objectives of the 2006 Code of Conduct, which was approved by the Council of Ministers¹, include:

- Establishing ethical standards, rules and basic principles for public offices and officials;
- Promoting values and a culture of professionalism among civil service staff, and fostering commitment to these standards, norms and values;
- Raising awareness of good governance practices as a foundation for government work;
- Directing civil servants towards appropriate careers, ethical behaviour, and self-discipline that is consistent with applicable laws and regulations; and
- Strengthening citizens’ confidence in government institutions, and increasing respect and appreciation for government’s role in providing the highest level of services.²

The Joint Learning Study addresses the phenomenon of wastā and its many relatives – including favouritism, cronyism, nepotism and patronage. Various Jordanian officials stated that these phenomena are rampant in the Jordanian public administration. Fighting wastā to build citizens’ trust in the capacity of the government to deliver public services is a key objective of the Code of Conduct.

² See Article 4 of the Jordanian Code of Conduct, in Annex B.
Apart from the 2006 Code of Conduct, several Jordanian ministries and agencies have developed their own specific codes of conduct to promote values and set standards of ethical behaviour for their employees. These additional codes – such as those developed by the Anti-Corruption Commission, the Audit Bureau, the Food and Drug Administration, Jordan Customs, and the Ministry of Finance – aim to respond to specific risks related to the nature of each agency’s work. While there might be a rationale behind tailoring codes of conduct to agency-specific contexts, the Government of Jordan highlighted the importance of identifying core values within a uniform, nationwide code of conduct applicable to all government officials.

There is general agreement among Jordanian ministries, institutions and agencies that the standards set by the nationwide Code of Conduct must be balanced between a values-based and a rules-based system. The Code could rely on traditional Jordanian values that promote the highest ethical behaviour by officials while simultaneously containing rules that clearly define and provide sanctions for misconduct. For this purpose, it could be effective to limit the nationwide Code of Conduct to a concise statement of ethical standards that are easy to read, understand and apply.

The process for developing the code is as important as the code itself. The Government of Jordan may choose to build upon and update the existing Code of Conduct through consultation with relevant stakeholders. Involving stakeholders – starting with public officials, but also possibly actors from the private sector, academia and civil society – and integrating their views in the revision and implementation of the Code of Conduct will lead to wider public acceptance of ethical standards and compliance with the Code.

Effective implementation of the Code of Conduct requires establishing a successful administrative structure for managing the Code. It is important that the administrator – an individual, a group of individuals, an institution or a group of institutions – ensures continuous application of the Code while securing confidence in its administration. Several Jordanian public organisations could assume this task if they meet crucial conditions such as freedom from undue influence, and capacity to consistently apply the Code and ensure institutional memory with regard to implementation.

The Jordan Government might consider charging a set of agencies – including the Ministry of Public Sector Development, the Anti-Corruption Commission, the Civil Service Bureau, the Audit Bureau, the National Committee for Code of Conduct Review – as currently constituted with managing implementation of the Code, or creating a new commission. In any case, when selecting the administrator of the Code of Conduct, the Government of Jordan must seriously consider institutional strengths, limitations, and capacities.

There is a consensus in Jordan that establishing a legal basis for the Code of Conduct could build legitimacy and credibility, and make it more enforceable. This would require the Government to review the existing legislative framework to avoid legislative overlaps and loopholes. In particular, Chapter 10 of the Civil Service Statute no. 30 of 2007 provides a legal definition of appropriate conduct of relevant civil servants.

The Government of Jordan, and in particular the designated administrator of the Code of Conduct, must take a series of decisions to ensure the Code’s successful implementation. First, it must define the sequencing of implementation. Irrespective of which officials will be targeted first, the Government must assess the first phase of the implementation based on feedback from stakeholders and adjust the process accordingly for future phases.
Jordanian officials shared the view that the Code of Conduct could be more effective if it provided *incentives* for ethical behaviour in addition to punitive measures for inappropriate actions. While several Jordanian institutions already use specific incentive systems to reward their employees’ good performance, few included integrity as a criterion in their employee evaluation systems. The King Abdullah II Center for Excellence, which administers all excellence awards in Jordan, could play an important role in rewarding highly ethical behaviour.

*Educational programmes* to raise awareness and knowledge of the elements of the Code of Conduct are an important component for successful administration. The National Institute of Training, which is responsible for human resources capacity development in the Jordanian public sector, provides training on anti-corruption, integrity and governance; it would be well positioned to undertake educational programmes regarding the Code of Conduct.

The 2006 Code of Conduct, created by the Ministry of Public Sector Development, forbids any government employee from accepting a gift that may sway his or her objectivity in carrying out work functions. Further considerations to *deal with gifts and favours* in the Jordanian public administration must also be implemented. This should include establishment of the gift registry required by the Code of Conduct.

A means to detect illicit enrichment, *financial disclosure* contributes to the promotion of integrity standards in public administration. In parallel to the adoption of the Code of Conduct in 2006, the Government of Jordan passed a Financial Disclosure Law requiring all senior public officials and any other employees with access to public funds to submit regular financial statements. More systematic verification of these financial disclosure forms would demonstrate that senior public officials are held to the same standards as all other employees.

An effective ethics programme is not solely based on detecting violations of the code of conduct, but also on *preventing violations* from occurring by giving content-based advice to public officials facing ethical dilemmas. For example, providing guidance to officials on identifying and managing potential conflicts of interest will help them to understand the provisions of the code.

Finally, the administrator of the code has to set up an appropriate *enforcement mechanism*, based on fair and neutral investigations of complaints or violations, in order to demonstrate the consequences of misconduct. While these consequences are not yet clearly defined in the Jordanian context – due partially to the absence of a designated administrator body for the Code of Conduct – institutions emphasised the importance of the proportionality of penalties to violations. This would imply the use of penalties ranging from warning, reprimand and loss of pay, to delay of promotion, suspension and removal from office. Proportional and timely sanctions in case of non-compliance make the Code credible.

An analysis of implementation of the 2006 Code of Conduct from 2006 to 2009 – designed to help the Government of Jordan reinforce effective practices and make changes where necessary – has identified the following six priorities for future action:

- Establish a concise, uniform, enforceable Code of Conduct.
Choose an administrator for the Code that will ensure independence, consistency, and confidence.

Give the Code a legal basis and procedures for enforcement.

Provide a mechanism for public officials to obtain written advice about application of the Code.

Make ethical behaviour a component of periodic performance evaluations, including incentives for compliance and sanctions in case of breaches.

Foster awareness of the Code’s content through widespread educational programmes that promote ethical values and help prevent wasting, with the help of influential stakeholders.

For further details, see the Proposals for Action in Part IV of this Study.
Although the primary focus of this report is review of and commentary on the creation, administration, and implementation of a Code of Conduct for Jordanian government officials, it is essential to acknowledge the importance and quality of the joint learning aspects of this Study.

The Joint Learning Study Review Team was highly impressed with the dedication and hard work of the Jordanian officials and government agencies. All international experts on the Review Team learned key lessons from the Government of Jordan during their visit to Amman. Among them:

**Ethical values.** The Review Team repeatedly heard from interviewees that Jordan has strong ethical values derived from religious, traditional and cultural foundations. Although this assertion was always advanced with pride and sincerity, sometimes the speakers seemed to imply that legal or enforceable standards of conduct were unnecessary. This reminded the Review Team was that standards of ethical conduct based solely upon minimum requirements established by law can create a “race to the bottom” in which officials seek only to attain minimum legal requirements – instead of aspiring to higher ethical standards appropriate to Jordan’s religious, traditional, and cultural heritage. Other countries may consider how Jordanians draw on their own ethical and religious heritage to promote values-based integrity programmes and need not rely solely on rules-based compliance mechanisms.

**Incentive-based systems.** Jordanian Customs presented its incentive-based system, which seems to be a well-conceived and effective programme for preventing unethical conduct and fostering compliance with ethical standards within the agency. The Review Team acknowledged this system for recognising and rewarding employees’ ethical behaviour. This approach merits further observation and assessment as a potential model for other Jordanian government departments and for other countries.

**Integrity as an element of periodic performance assessment.** Two agencies – Jordan’s Food and Drug Administration and the Jordan Customs – shared how they include regular review of employees’ and managers’ integrity quotients as an integral part of performance assessment. In these agencies, performance assessments clearly show employees the conduct that management values, and provide management information on which to award incentives or apply penalties. When linked to objective performance standards, these reviews and their consequences may enhance ethical, competent government service.

**Ethical standards for regulated professions and businesses.** The Joint Learning Study Review Team’s international experts observed how Jordan’s Food and Drug Administration extends its integrity programme to organisations that the agency licenses or regulates. Using the power of government to promote ethical best practices among such professionals and businesses is yet another promising idea that underscored the significance of the joint learning study aspect.
INTRODUCTION TO THE JORDANIAN CONTEXT

1. Public administration reform in Jordan

Over the last 25 years, Jordan has undertaken several governance reform initiatives to address political, social, economic, and cultural conditions. Recognising that effective and efficient public administration is essential to economic, social and political development, the Government of Jordan has made public sector reform a key priority. To this end, the Government has adopted several initiatives aimed at creating a more efficient, effective and accountable public service to deliver the national Reform Agenda.

Box 1. The Government of Jordan’s public sector reform initiatives during last 25 years

<table>
<thead>
<tr>
<th>Year</th>
<th>Initiative</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>Royal Commission for Administrative Reform</td>
</tr>
<tr>
<td>1989-1992</td>
<td>Administrative development of the public sector in Jordan (UNDP project)</td>
</tr>
<tr>
<td>1989-1996</td>
<td>Royal Commission for Renewal and Reform</td>
</tr>
<tr>
<td>1995</td>
<td>Draft analysis of service delivery, leadership, and training and the provision of staff in the Ministry of Health (World Bank)</td>
</tr>
<tr>
<td>1999</td>
<td>Committee of Public Sector Reform (Phase I)</td>
</tr>
<tr>
<td>2002</td>
<td>Committee of Public Sector Reform (Phase II)</td>
</tr>
<tr>
<td>1999-2002</td>
<td>Ministry of Administrative Development</td>
</tr>
<tr>
<td>2004-2006</td>
<td>Public Sector Development Administration</td>
</tr>
<tr>
<td>2006</td>
<td>Ministry of Public Sector Development</td>
</tr>
</tbody>
</table>

The Public Sector Reform Program

The Public Sector Reform Program includes eight main components:

- Improving the quality of governmental services, and simplifying procedures.
- Restructuring and organising public institutions.
- Managing and developing human resources.
- Carrying out communication related to the public sector programme.
- Developing decision-making mechanism.
- Ensuring sound financial management.
- Managing the public sector development programme.
- Monitoring and evaluating government performance.

The Ministry of Public Sector Development was established in 2005 to implement the first five components of the programme, in co-ordination and co-operation with the relevant ministries and

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5 Recent economic reform programmes include the Social and Economic Transformation Program of 2002-2004, followed by the Social and Economic Development Plan in 2004-2006. These reform programmes aim at tackling the challenges faced by the Jordanian economy.

6 These elements were developed in accordance with the governmental policy statement related to public sector reform titled “Step By Step to Better Government Public Sector Reform 2004 – 2009,” issued and approved by the Council of Ministers in October 2004.
governmental institutions. According to H.E. the Minister of Public Sector Development Nancy Bakeer, a Code of Conduct for all public officials is an important step towards creating a transparent and accountable civil service that will change both citizens’ and civil servants’ perception of the government.

The National Reform Agenda

In 2006 the Government launched a comprehensive National Reform Agenda, “Kuluna al Urdun”, to address the fight against corruption in all government activities. This National Reform Agenda was completed in 2007, with an Executive Program for 2007-2009 focused on concrete actions and budget allocations to finance them.

The National Anti-Corruption Strategy 2008-2012

The National Anti-Corruption Strategy aims at reducing engagement in corrupt acts through development of a strong legal and institutional framework. The Anti-Corruption Commission, created by the 2006 Anti-Corruption Law, is charged with co-ordinating anti-corruption policies, particularly through the National Anti-Corruption Strategy.

Additionally, the Government of Jordan drafted a new Civil Service Bylaw that defines standards of behaviour for the civil service and includes some components of the Code of Conduct for civil servants.

In order to ensure that all these reforms are effectively implemented, the Government of Jordan restructured its institutional framework:

1. The Ministry of Public Sector Development is responsible for implementation of the Public Sector Reform Program.
2. The Anti-Corruption Commission verifies the proper implementation of the National Anti-Corruption Strategy.
3. A Government Performance Administration, affiliated with the Prime Minister’s Office, will supervise and monitor government institutions’ performance in meeting their strategic plans under the National Reform Agenda.
4. The Council of Ministers’ Public Sector Development Committee has responsibility for implementation of specific measures related to the Public Sector Reform Program.

The National Reform Agenda 2006-2015 provides the Kingdom with a well-publicised and respected mechanism for realising a comprehensive, coherent and continuing effort to advance Jordan’s public administration reform agenda. It also aims to bolster standards of conduct and ethics within government. However, the main challenge is to sustain the sequences of the various reform efforts.

2. Wasta in Jordanian society

Wasta and its many relatives – including favouritism, cronyism, nepotism, and patronage – are worldwide phenomena, not limited to any nation or region. In Jordan, public officials repeatedly raised the issue of wasta and called it both a serious problem and a traditional part of the culture.
**Wasta** can be roughly translated to “connections” or “clout”; it can refer to someone who acts as a go-between, or to the use of intermediaries to secure a favour – particularly in the context of government transactions. This can include anything from expediting renewal of a passport to hiring and promotion of public sector employees. For more information about **wasta**, see Annex C.

This report addresses the situation when a **wasta** intercedes on behalf of a person to secure a right or privilege that the person could not attain on his or her own. Like other countries, Jordan identifies **wasta** as a problem for two main reasons:

1. **Queue jumping.** **Wasta** permits those with connections to “go to the front of the line”, often passing ahead of others who are equally or more deserving. This is seen as unfair to competent men and women who are denied a job due to this practice.

2. **Lack of competence or capacity.** **Wasta** can also lead to the hiring, promotion, or retention of a government official who is not competent (or to a university accommodating an unqualified student). This is also recognised as unjust, and can seriously hinder institutional and human capacity building.

Although both of these examples show how **wasta** creates an undue advantage and can undermine confidence in an institution, the second situation does greater damage. It not only undermines citizens’ faith and confidence in the institution, but it also creates the burden of an incompetent, inefficient, underperforming employee (or student).

The former Minister of Public Sector Development, Ms. Nancy Bakeer, told the JLS Review Team that **wasta** is a significant problem within Jordan’s public sector. Other Jordanian officials, including representatives of the Civil Service Bureau, acknowledged that **wasta** plays an important role in employment because the Jordanian civil service is used to secure or maintain jobs for citizens.

The 2006 Code of Conduct addresses **wasta** as follows:

“**The employee should:**

Take actions related to the selection or appointment of staff or upgrading, training, evaluation or reward or transferred or assigned or seconded or any of the matters relating to their work, transparency and absolute impartiality, and free from any considerations of kinship or friendship or utilitarian concepts, and without any discrimination building on race or gender, age or religion, by following the foundations of merit and competency and competitiveness, and full compliance with the terms of reference and adopted work procedures.

... 

Refrain, directly or indirectly, from providing any preferential treatment for any person through **wasta** or nepotism.”

7 Article 10, Parts A and C of the 2006 Code of Conduct. See Annex B.
A joint committee with representatives of the Civil Service Bureau and the relevant departments makes all appointments and promotions throughout the public service. The Audit Bureau audits and reviews all these decisions. In case of a violation, the relevant department is informed and the violation is indicated in the Audit Bureau’s annual report that is submitted to the Parliament.

Recognising wasta as a problem in the recruitment process, in 1999 the Civil Service Bureau launched a pilot project to control wasta in the Ministry of Education by decentralising the recruitment system. However, this initiative failed due to many factors including a lack of political will, a lack of professionalism in human resources management, and cultural resistance.

Wasta cannot succeed if competency, efficiency, and job performance are evaluated with regularly and honestly, and agencies rely on transparent, merit-based selection processes.

**Remark**

Wasta may be addressed at different levels, according to the problem it presents – as a criminal matter, a personnel matter, an administrative problem, an anti-corruption measure, or as an ethical issue.

The Government of Jordan may consider the following means to control wasta:

- Adopt and enforce clear conflict-of-interest provisions;
- Insist upon competency, excellent performance and efficiency from government officials, by using all the tools of modern personnel management, including recruitment and selection of employees according to merit, periodic personnel evaluation, and significant incentives and penalties to reward and to correct behaviours;
- Organise a national debate involving religious leaders, academics and other influential stakeholders on what forms of wasta are not acceptable;
- Review administrative procedures that involve direct interaction with citizens to enhance transparency, avoid “red tape” and provide fewer incentives to resort to wasta.

**Case Study: Basic Code of Ethics Provisions Relevant to Conflict of Interest**

**Serving the Public Interest**

Civil servants and public officials are expected to maintain and strengthen the public’s trust and confidence in public institutions, by demonstrating the highest standards of professional competence, efficiency and effectiveness, upholding the Constitution and the laws, and seeking to advance the public good at all times.

**Transparency**

Civil servants and public officials are expected to use powers and resources for the public good, in accordance with the law and government policy. They should be prepared to be accountable for the decisions they make, and to justify their official decisions and actions to a relevant authority, or publicly, as appropriate in the circumstances.
Integrity
Civil servants and public officials are expected to make decisions and act without consideration of their private interests. As Public Service is a public trust, the improper use of a public service position for private advantage by a public official is regarded as a serious breach of integrity.

Legitimacy
Civil servants and public officials are required to administer the laws and government policy, and to exercise legitimate administrative authority under delegation. That power and authority should be exercised impartially and without fear or favour, for its proper public purpose as determined by the Parliament or the official’s organisation as appropriate in the circumstances.

Fairness
Civil servants and public officials should make official decisions and take action in a fair and equitable manner, without being affected by bias or personal prejudice, taking into account only the merits of the matter, and respecting the rights of affected citizens.

Responsiveness
As agents and employees of the elected Government, civil servants and public officials are required to serve the legitimate interests and needs of the Government, public organisations, other civil servants, and citizens, in a timely manner, with appropriate care, respect and courtesy.

Efficiency and Effectiveness
Civil servants and public officials are required to obtain best value in expenditure of public funds, and efficient use of assets deployed in or through public management, and to avoid waste and extravagance in the use of resources in public programs and official activities.

Source: Managing Conflict of Interest in the Public Sector – A Toolkit, OECD, 2005
PART I. A CODE OF CONDUCT IN THE JORDANIAN PUBLIC SECTOR

Criteria for assessing a code of conduct:
- Feasibility
- Effectiveness
- Relevance
- Coherence

A. A uniform code or multiple codes?

Jordan’s many ministries and agencies have implemented different public integrity programmes. Some efforts rely completely upon the Code of Conduct in the Public Sector (“Code of Conduct”) adopted by the Ministry of Public Sector Development (MoPSD) in 2006. Some have embraced all or some elements of that code while implementing additional agency-specific standards. Some agencies are unaware of the whole-of-government Code of Conduct. Indeed, the MoPSD mentioned that of 25 ministries asked to comment on the draft code, only eight supplied feedback.

Civil Service Bureau (CSB) and the Audit Bureau (AB) representatives told the OECD that the MoPSD did not receive feedback on its Code because the Code has not been culturally accepted, adding that there is no punishment for “bad ethical behaviour”. They also stated that, because the Jordanian public administration comprises important Islamic values and family values, a code of conduct is not necessary. Other officials interviewed believed that certain provisions within the 2006 Code of Conduct, such as those prohibiting strikes and restricting Internet use, prevented broader acceptance.

On the other side, representatives of the Anti-Corruption Commission and the National Center for Human Rights affirmed to the Review Team that Jordan needs a national code of conduct that is in line with international practices and based on collaboration with the international community. According to the National Center for Human Rights, a national code of conduct is necessary to define state employees’ responsibilities, and their rights, in line with international standards. They agreed that it should be clear that all officials are required to abide by the code, no matter their level of seniority.

Some agencies have implemented their own integrity programmes, independent of the actions of other agencies.
During the field mission, MoPSD representatives mentioned that the Ministry will constantly review and update the Code as necessary according to citizen feedback and data received by public institutions through formal communication channels (i.e., website, complaints system).

Options considered:

1. A uniform, nationwide code of ethical conduct

   Advantages: All public servants would be guided by the same core principles and values. A common code:
   - Facilitates awareness-raising and education programmes for public officials.
   - Fosters citizens’ common expectations for government officials.

   This option covers the adoption of one national Code of Conduct, which is concise and meets international and Jordanian standards. This Code could be embedded by a legislative framework that is obligatory for all ministries and departments under the civil service umbrella plus those outside the system. The Audit Bureau even expressed the view that a succinct national code of conduct less than two pages long could fulfil international and Jordanian standards.

2. A specific code of conduct for each agency tailored to the agency’s needs

   Advantages: Each agency may establish rules and expectations to address specific risks related to its functions.

   Disadvantages:
   - Different standards in each agency undermine officials’ and citizens’ confidence in the consistency of the standards – which may be higher, lower, or different among agencies.
   - A patchwork of different codes makes education, understanding, and enforcement complicated, expensive, and maybe even impossible.

The particular work of certain departments and public entities may require specific codes of conduct. For example, the Audit Bureau has its own code of conduct for its employees, based on rules for financial control professionals. The Bureau’s code bans auditors from receiving gifts and meals, for example; all employees must read and sign the code. The President of the Bureau is responsible for implementing and monitoring these rules. The Anti-Corruption Commission, the Food and Drug Administration and Jordan Customs have also adopted standards of conduct tailored to their distinct needs.

The Anti-Corruption Commission’s code of conduct builds on religious, ethical, cultural, and social values. To foster compliance, every employee of the Commission is obliged to sign the code. Specific

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8 The Audit Bureau indicated that, to effect its code of conduct, supervisors evaluate employees on a monthly basis. Violations of the code can result in a notice, a warning, or a deduction penalty. To ensure fairness and transparency, a committee reviews the supervisors’ evaluations before they are finalised. Employees who are served a notice are denied 40% of their monthly bonus, employees who are served a warning are denied 65% of their monthly bonus, and employees who are served a deduction penalty are denied 90% of their monthly bonus.
attention was paid to ensuring that this code is fully in line with the national Code of Conduct; it also includes more specific standards related to the Commission’s investigative role. The Food and Drug Administration and Jordan Customs codes also include systems of incentives and enforcement mechanisms to implement tailored standards of conduct.

3. A uniform, nationwide code of ethical conduct complemented, if necessary, by agency-specific provisions to address particular needs

Advantages: This approach provides the advantages of a uniform, nationwide code, but acknowledges that agencies may need to supplement the national code with additional standards to address their unique business needs through provisions that do not contradict the uniform code.

Several agencies, including the Ministry of Public Sector Development, the Government Tender Directorate, the Civil Service Bureau and the Ombudsman Bureau indicated that this option would be the most appropriate for Jordan’s public administration.

The Government Tender Directorate is considering developing a code of conduct for the procurement profession, in coordination with all procurement departments. This could include two parts: a general code applicable to all civil servants and a code specific to each institution.

The Ministry of Finance developed its own code of conduct focusing on good financial management. The Ministry asks its employees to comply with both its own code and the Ministry of Public Sector Development’s government-wide Code of Conduct. The two codes are consistent. The Ministry of Finance believes that a uniform code of conduct for all government staff that is obligatory and enforced through incentives and sanctions, without prejudice to applicable legislation, is the best approach for the Jordanian Government overall.

Similarly, the Civil Service Bureau supports the idea of a national code of conduct, but does not object to agencies having their own codes to meet their specific needs as long as the agency codes do not conflict with the general code of conduct and are not redundant.

The newly established Ombudsman Bureau has not yet developed its own code of conduct; it relies on the principles and values in the 2006 Code of Conduct. Representatives of the Ombudsman Bureau would be in favour of adopting specific provisions for their Bureau consistent with the nature of its work. These specific provisions could complement the basic uniform provisions set by the 2006 Code of Conduct.

**Remark**

*As the institution that was in charge of developing the 2006 Code of Conduct, the Ministry of Public Sector Development may consider studying all existing codes of conduct and analysing their linkages to the 2006 Code of Conduct with a view to integrating the commonly accepted standards in one general Code that will govern the behaviour of all public sector employees.*
During the meeting with the National Committee for Code of Conduct Review, the Joint Learning Study Review Team understood that the Committee will aim to develop a code of conduct with two parts: a general code for the entire civil service and a specific code for each institution tailored to the institution’s work.

**Remark**

The challenge to the Government of Jordan is to identify a brief statement of core values that will promote a uniform, nationwide code of conduct for all government officials. Experience shows that countries should also account for differences in the issues, circumstances, and problems that different agencies confront. Where necessary to its unique mission, an agency could supplement the uniform code. This approach might lead the Government of Jordan to create efficiencies in raising public awareness, educating government officials, advising officials about the code’s application to specific circumstances, investigating possible violations of the code, and securing enforcement – while still permitting each agency to supplement the uniform code with additional standards specific to its work and risks.

**Country example: Bahrain’s Code of Conduct for the Civil Service**

The 2006 Code of Conduct for Bahrain Civil Service was designed to ensure the impartiality, objectivity, transparency, integrity, efficiency and effectiveness of civil servants when performing their duties. The Code of Conduct has been reviewed to improve the responsiveness of the public administration to new challenges resulting from democratisation, decentralisation, liberalisation and reform of the civil service; this included the adoption of a new Civil Service Law and By-law. The Code of Conduct also aims to fight corruption and ensure professionalism and value for money.

While tailored codes of conduct define integrity standards for specific professions within the civil service (including employees of sectors such as education, healthcare, legal, engineering and accounting), the Civil Service Code of Conduct is applied to the entire civil service. It identifies 106 types of misconduct, including:

- Soliciting or accepting gifts, favors, or money in connection with the discharge of official duties;
- Offering or taking bribes;
- Disclosing confidential government information to unauthorised people;
- Engaging in outside employment which conflicts with government employment;
- Holding or accepting membership on company boards without authorisation.

These offences have been classified into four categories, namely:

1. Administrative offences.
2. Offences related to breach of occupational health and safety instruction.
3. Offences related to abuse of information and communication technology.
4. Offences related to criminal acts committed by civil servants as specified in Bahrain’s Criminal Law.
The Economic Vision 2030 for Bahrain – which outlines the path for the future development of the Bahraini economy – underlines the need for the public sector to become more productive and accountable by designing effective public policies and delivering high-quality services. The Government is working towards increasing good governance within the civil service through promoting integrity. The Civil Service Bureau is currently updating the 2006 Code of Conduct for Bahrain Civil Service on the basis of lessons learned during the implementation process.

Source: Case study provided by Bahrain for the Special MENA Session on Regional Learning Experiences, held on 5 May 2009.

B. Values- or rules-based standards?

During the field mission in Jordan, the Review Team often heard that Jordan’s religious and cultural values and traditions provide the country and its citizens with a strong base of honesty and integrity, which should be maintained and fostered. At the same time, many officials talked about wasa, which they also described as a traditional custom – but one that undermined the Government’s competency and efficiency. This section addresses the two different approaches of codes of conduct: values-based or rules-based.

Options considered:

1. Rely solely on a values-based code of conduct
   Throughout its mission to Jordan, the Joint Learning Study Review Team heard about the importance of religion and tradition in creating a culture in Jordan that discourages the payment or acceptance of bribes, and other corrupt behaviour. Some highlighted importance of an aspirational, values-based code that exhorts public officials to attain higher ethical standards. Interviewees said that in rules-based systems, officials may seek to meet only the minimum standards required and not strive to attain the higher level of ethics that traditional Jordanian values might inspire.

2. Develop a rules-based code of conduct that establishes expectations for public servants
   Several Jordanian officials noted that without established rules of behaviour for officials, managers cannot effectively direct their employees. If there are no rules, there are no consequences.

3. Values and rules
   The combination of values and rules encourages more ethical conduct by inspiring government officials to practice the highest levels of service, while simultaneously establishing and enforcing uniform expectations for government service, which, if violated, will result in a consequence or penalty.
Many Jordanian institutions, including the Ministry of Public Sector Development and the Anti-Corruption Commission, tend to support a combination of values-based and rules-based approaches. Accordingly, it is important to combine the core values and principles that govern the public sector with enforceable standards of conduct, as well as with enforcement mechanisms and penalties. Among the many institutions with which the Review Team met, the Jordan Food and Drug Administration declared that its Good Governance for Medicine Program combines a values-based approach with discipline.

**Remark**

The Government of Jordan does not need to choose between a values-based and a rules-based system. The Government’s challenge is to determine the degree to which it can successfully invoke favourable traditional Jordanian values to spur officials to realise the highest standards of service, efficiency, and ethics; while simultaneously establishing rules-based standards of conduct and ethics that government officials must meet or exceed in order to avoid negative consequences. Rules-based standards of conduct and ethics can also help prioritise traditional values - e.g., should integrity or loyalty to a corrupt minister come first.

**Country example: Preventing conflict of interest in Spain**

In February 2005, the Council of Ministers of Spain approved the Code of Good Governance to provide a general framework for the behaviour of members of the Government and senior officers of the General State Administration. The Code sets forth the fundamental values that govern the performance of Spain’s public administration.

In addition, Act 5/2006 Regulating the Conflicts of Interest of the Members of Government and the Senior Officials of the General State Administration was approved in April 2006. The objective of this Act was to establish the obligations pertaining to the Members of Government and to the Senior Officials of the General State Administration in order to prevent situations that could give rise to conflicts of interest.

The Act requires senior officials to be exclusively dedicated to their public positions, avoiding all activities that could disrupt or influence their civil duties. The Act mandates strengthened control over senior officials’ asset and income declarations, as well as over their activities that fall outside the public office.

In order to enforce the conflict of interest regulations, Act 5/2006 created an independent Conflict of Interest Office.

Source: Case study provided by Spain for the OECD MENA Regional Conference on Integrity – Building a Cleaner Public Sector, held on 26-27 October 2009.
C. Detailed code of conduct or generally stated ethics standards?

Every government that sets out to write a code of conduct and ethical standards confronts the tension between a detailed code to address all the known risks and a more general statement of principles. This section explores that tension.

Options considered:

1. Enactment of a detailed code of conduct

Most people would agree that, for any standard to be effective, it must be clear and readily understood by the people to whom it applies. Codes of conduct should provide the following virtues to guide the drafter: precision, completeness, and clarity. However, the pursuit of these virtues often goes astray.

   a. Attempts to be precise often initially lead drafters to set out very detailed standards. The quest for precision often leads to examining each word, which leads to definitions, which, in their own quest to be precise, add to length of the document.

   b. Attempts to be complete lead drafters to undertake exhaustive lists of all situations that might arise, or at least as many as can be imagined.

   c. In order to ensure that codes are clear and understandable, a drafter is frequently lured into restating a point in multiple ways.

A consequence of pursuing a precise, complete, understandable code of conduct can be a code that is too long and complicated to remember, so detailed that it incorporates inconsistent provisions or definitions, and so bound to specific circumstances that it fails to account for emerging technologies and novel situations.

In Jordan, the current text of the Ministry of Public Sector's Code of Conduct is arguably unnecessarily encumbered with provisions that may safely be omitted or transferred elsewhere. Article 11, for example, largely addresses ordinary work habits such as turning off a computer when it is not in use and use of email and the Internet. Some Jordanian institutions – such as the Civil Service Bureau and the Ombudsman Bureau – consider it unnecessary that the Code of Conduct include procedural items or routine job practices and duties. They therefore believe that article 11 C – dealing with the use of computers – could be repealed, among others.
In order to put these provisions in perspective, the United Nations International Code of Conduct for Public Officials addresses the same matter in a succinct but comprehensive way:

“Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.”

In related explanatory materials, the Code’s administrator could mention examples of how the Code applies to use of computers, telephones, photocopiers, even automobiles, and other government property and services.

This approach has the advantage of stating a general principle and the flexibility of illustrating the principle’s application to specific circumstances, even as circumstances change from time to time.

At this early stage of the Jordanian Code of Conduct’s implementation, it might be appropriate to keep these specific provisions – such as to the provision on the use of computers – in order to illustrate how the Code applies to daily work routines. During the field mission, the MoPSD indicated that the Code addressed the use of computers because the Cabinet considers it to be a matter that needs regulation. Additionally, the Cabinet is developing a complementary policy on this issue.

Other sections of the 2006 Code of Conduct may not be appropriate for inclusion in a code of ethical behaviour. They can unnecessarily burden the Code of Conduct with provisions that distract from its main objectives and make acceptance, implementation, and enforcement of the Code more difficult. Indeed, the National Center for Human Rights said that its main criticism of the 2006 proposed national Code of Conduct was its restraints on free speech and participation in strikes. Article 5 states:

“The employee should:
-- Non-strike action, or inciting others, and refrain from organizing petitions collective job-related or participate in the organisation, whatever the reasons and motives are, and commitment in ways that appeal to be followed.”

9 For the entire text of the UN’s International Code of Conduct for Public Officials, please refer to Annex D.
However, the MoPSD indicated that the Code per se does not prevent free speech. It is harmonised with the Civil Servants Statute (Article 68), which clearly prohibits joining political parties or participating in and organising strikes and petitions. The Statute is based on the provisions of Article 120 of the Constitution, which protects citizens’ right to have access to public services and condemns any activity which can constitute an obstacle to this access.

**Remark**

To maximise effectiveness of its Code of Conduct, the Government of Jordan may consider to what extent it can limit the Code of Conduct to an easily read, understood, remembered, applied and concise statement of enforceable ethical standards that excludes references to strikes and work rules unrelated to ethical standards.

2. Enactment of a code of conduct expressed in general principles

The experience of many countries shows that a code of conduct comprising a short, concise statement of principles and standards is more effective, better accepted by the officials to whom it applies, more readily understood, more easily enforced, and less susceptible to internal contradictions than a lengthy, complicated code that attempts to address every situation that might arise. In Jordan, in particular, the Ombudsman Bureau and Audit Bureau share this view.

**Remark**

The entire text of the model code advanced by the United Nations occupies only about one page of text, and offers a good model for the brevity against which the Government of Jordan might assess any code.

**Country example: Public Service Code of Conduct**

The Government of New Zealand enacted a new Code of Conduct for the State Services on 30 November 2007. The Standards of Integrity and Conduct were developed to set minimum standards of integrity and conduct for the public service and to reinforce public confidence and enhance New Zealand’s international reputation.

The Standards of Integrity and Conduct are a good example of a concise statement of core values applicable to all public servants – they include only one page of text:

**Standards of Integrity and Conduct**

A code of conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57
WE MUST BE FAIR, IMPARTIAL, RESPONSIBLE & TRUSTWORTHY

The State Services is made up of many organisations with powers to carry out the work of New Zealand’s democratically elected governments. Whether we work in a department or in a Crown entity, we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do. We must comply with the standards of integrity and conduct set out in this code. As part of complying with this code, our organisations must maintain policies and procedures that are consistent with it.

FAIR
We must:
- Treat everyone fairly and with respect
- Be professional and responsive
- Work to make government services accessible and effective
- Strive to make a difference to the well-being of New Zealand and all its people

IMPARTIAL
We must:
- Maintain the political neutrality required to enable us to work with current and future governments
- Carry out the functions of our organisation, unaffected by our personal beliefs
- Support our organisation to provide robust and unbiased advice
- Respect the authority of the government of the day.

RESPONSIBLE
We must:
- Act lawfully and objectively
- Use our organisation’s resources carefully and only for intended purposes
- Treat information with care and use it only for proper purposes
- Work to improve the performance and efficiency of our organisation.

TRUSTWORTHY
We must:
- Be honest
- Work to the best of our abilities
- Ensure our actions are not affected by our personal interests or relationships
- Never misuse our position for personal gain
- Decline gifts or benefits that place us under any obligation or perceived influence
- Avoid any activities, work or non-work that may harm the reputation of our organisation or of the State Services.

For further information see www.ssc.govt.nz/code

D. Retain, modify, or re-write the current Code? The merits of consultation with stakeholders
The Code of Conduct in the Public Sector, created by the Ministry of Public Sector Development in 2006, establishes a good base from which to advance Jordan’s governmental integrity program. Including stakeholders in refining the Code might improve its content and increase acceptance. A code of conduct must reflect the standards of conduct that citizens expect of public officials; involving relevant stakeholders through consultation and public debate on integrity standards and their application in practice are therefore crucial.

Options considered:

1. Maintain as is the Code of Conduct that the Ministry of Public Sector Development adopted in 2006.

2. Edit the Code of Conduct to make it more concise (for example, delete provisions concerning the Internet, human rights, and strikes).

3. Adopt an international model code of conduct, such as the International Code of Conduct for Public Officials, adopted by the General Assembly of the United Nations [Annex D], and make it coherent with Jordanian values.


The Government of Jordan is well on its way towards implementing an effective code of conduct. There is no compelling reason to start “from scratch”. The Government of Jordan may be well advised to look to additional models such as the United Nations’ model code [see Annex D], or the Asia-Pacific Economic Cooperation’s Conduct Standards for Public Officials [See Annex E], among others. The International Code of Conduct for Public Officials adopted by the General Assembly of the United Nations offers a very good baseline or starting point for Jordan’s 2006 Code of Conduct; it is simple, brief, and clear. The Government of Jordan might well adopt this model code and build upon it to account for Jordanian values and issues unique to Jordan and its culture.

The Joint Learning Study Review Team considered whether and to what extent the Government of Jordan should involve a variety of stakeholder – including news media, business, commerce, academia, and others – to assist in refining the Code of Conduct. Including stakeholders offers the possibility that the Code of Conduct might be refined and improved in important ways that would not have come up without their participation. Moreover, stakeholder involvement may cause them to become important and effective allies who will be helpful to the Code of Conduct’s implementation process. However, the consultation may also create delays and therefore impede the revision process. In addition, it is important to identify those stakeholders for the consultation whose involvement would be relevant during the process of the Code’s revision.

The value of engaging civil society in preparation of a national code of conduct was advanced by the National Center for Human Rights, among other organisations. The Center has a comprehensive list of NGO’s in Jordan that could be included in such consultations. These NGOs include labour unions, women’s organisations and NGOs working towards integrity and access to information.
Remark

The Government of Jordan may build upon the existing Code of Conduct by making it more concise, and, where appropriate, “borrowing” provisions from the International Code of Conduct for Public Officials adopted by the General Assembly of the United Nations and other examples of international best practice.

The Government should consider and make a determination about whether it can improve the Code of Conduct’s provisions, public acceptance, implementation and effectiveness by including a variety of stakeholders in the ongoing reform process.
When deciding where to place the implementing authority for the Code of Conduct, the Government should consider:

- Efficiency
- Public trust and confidence
- Freedom from influences that undermine confidence
- Actions’ acceptance by government officials
- Single source of guidance on integrity matters
- Avoidance of multiple conflicting standards/advice/enforcement
- Competency and effectiveness in implementing policies and enforcement across government agencies
- Institutionalisation to assure continuity of integrity program
- Capacity for co-ordination among units of government and management of overlapping responsibilities for audit, citizen complaints, investigations, enforcement, employee education, interpretation and application of the Code

A. Components and considerations for a successful administrative structure

Not even the strongest code of conduct can be effective without a well-designed administrative structure for implementation. This section identifies some factors the government might consider in designing its preferred system.

1. Freedom from undue influence

The individual or body charged with administering the country’s code of conduct must establish itself in citizens’ views as an independent, fair-minded, referee of officials’ actions.

During the Review Team’s mission to Jordan, the Anti-Corruption Commission noted that the United Nations Convention against Corruption’s emphasises the need to ensure the existence of an independent body or bodies responsible for fighting corruption – H.M. the King established the Commission as an autonomous body to complete this task in a systematic, institutional way.10

10 Article 6, sections 1 and 2 of the Annex to the United Nations Convention against Corruption provide:

“1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
(b) Increasing and disseminating knowledge about the prevention of corruption.

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.”
Similarly, an institution responsible for administration of a code of conduct must be sufficiently independent to enable it to carry out its functions effectively and free from any undue influence. To some extent, the administrator of a nation’s code of conduct is charged with assuring that all state actors “play fairly” and within the rules. If a government official, in violation of the code, uses his or her position to obtain a personal benefit or an advantage for a family member, the administrator of the code of conduct must issue a caution or exact a penalty.

Options considered:

a. An individual of sterling reputation
   One approach is to designate an individual beyond reproach – a person recognised throughout government and the citizenry as fair, honest, and independent – as administrator of the Code of Conduct.

b. A body of balanced interests
   A second approach, which various governments have used, is to designate a governing board or commission of which no more than one-half of members may be adherents of one political party or faction. Provisions of this type are established to assure that the board or commission will be fair and balanced, and that a single political faction will not control its work. Commissions of this type have often been successful, but there are some concerns. If an ethics commission is divided along political lines and the commission’s members vote accordingly, citizens’ confidence in the system can be undermined. If citizens perceive that commissioners are acting to further political interests, not national interests, public confidence in the body and in government can be eroded.

   Even in jurisdictions which require representation of different factions on a commission, the groups have sometimes conspired with each other to protect their mutual political interests and defend inappropriate or illegal practices to stave off from reform from the outside. Ultimately, the effectiveness of any body is dependent upon the character of its individual members.

c. An independent, non-partisan, citizen body
   In this model, a board or commission oversees the Code of Conduct’s administration – no member of the governing body may be a member of a political faction or hold any other position in government. The aim is to identify and appoint to the commission citizens with impeccable reputations and credentials, widely recognised as incorruptible, often from varied professional and experiential backgrounds, and placing national interest before any other.
Country example: Ohio Ethics Law

The State of Ohio in the United States was among the first states to create a uniform code of ethical conduct. Included in the Ohio Ethics Law, it entered into force on 1 January 1974, over 35 years ago. The Ohio Ethics Law seeks to encourage public confidence in the integrity, transparency, and impartiality of the expenditure of public funds and the exercise of public authority. Ohio’s Ethics Law – legislated in the wake of the national Watergate political misconduct scandal – enacted new ethical standards for all public officials and employees at the state and local levels within Ohio, whether elected, appointed, or serving in civil service positions. The Law was amended by major legislative additions in 1986, and most recently in 1994.

The Ethics Law in Ohio has three primary attributes: disclosure of the financial interests of public officials; a series of uniform statutes regulating the ethical conduct of all public officials and employees to protect against direct self-interest, or family or private business interests, in public actions; and, independent processes of assistance for advice, education, and investigation to support the public and officials in acting ethically and recognising their own conflicting interests. The Ohio Ethics Commission, composed of citizen members, has jurisdiction over the Ethics Law for Ohio’s executive branch, which employs nearly 600,000 public servants. Ohio delegates oversight of Ethics Law application to State legislators, and to State judges, and their respective staffs, to two additional designated ethics commissions.

Further information about the Commission can be found at www.ethics.ohio.gov.

2. Institutional memory – appointment for staggered terms

As governments look to the future, how can they provide for consistent application of ethical standards over time? Consistency in the future requires a memory of the past. While a minister’s governmental memory may go back no further than the start of his or her appointment, providing institutional memory can promote consistency of actions over time. Staggering terms of service for members of an oversight commission or governing board can create such institutional memory.

A board’s or commission’s memory can reach back as far as its longest-serving member, but this is of little assistance if a new government replaces all the commissioners at the same time. Therefore, the Government of Jordan might consider placing responsibility for the direction of the Code of Conduct with a body whose members’ terms expire at different times.

This approach has the benefit of imbuing an agency’s policy makers with institutional memory, and protects against a sudden shift of interpretation – while allowing for a slow, constant renewal of energy by the replacement of members over time.

3. Enhancing the quality of decisions by governing boards or commissions and avoiding decisions by deeply divided bodies

Application of a code of conduct should not be decided by the vote of a single member of a deeply divided board or commission. A close vote – for example, 4-to-3 or 5-to-4 – signals to citizens and government officials that the code is unclear. It suggests that a well-intentioned government official
trying to follow the rules can be second-guessed by a tribunal whose members do not agree. Additionally, a deeply divided decision indicates that a matter decided so closely on one occasion might be decided differently the next time. This shows that ethical values are always changing, debatable, unclear, or whimsical.

Some governments have avoided or mitigated the issues raised by a close vote by requiring that decisions be taken only by a super-majority of votes, such as 4-of-6 or 5-of-7. Requiring a super-majority vote may increase collaboration, enhance both the quality of decisions and citizens’ and officials’ levels of acceptance, establish strong precedents to guide future application of the Code of Conduct, and provide stability in application of the law for the benefit both of citizens and officials.

4. Compensation and length of the administrator’s term

Some government leaders believe that employees of an institution charged with administering a code of conduct should be well paid to prevent them from being susceptible to receiving gifts or favours that will sway their actions. This argument is valid regardless of whether the body is headed by an individual or a full-time commission. The counter argument is that a well-paid administrator will be reluctant to decide any matter contrary to the desire of the appointing authority so as not to jeopardise his or her appointment to the lucrative position.

The fairness and independence of an administrator’s decisions are subject to undue influence if the administrator’s financial well-being is dependent upon making decisions favourable to his or her appointing authority. Various solutions could address this issue.

One solution is to designate the authority, either an individual or a member of a paid commission, to a fixed term of office with no possibility of re-appointment. This frees the authority to act without worrying that his or her finances will be affected.

Another solution is to designate a part-time, unpaid board of citizens to select the full-time administrator and to oversee operation of the institution. Part-time board members whose expenses are paid, and perhaps receive a per diem, may feel more free to act appropriately because they are not dependent upon the government their job.

**Remark**

*The Government of Jordan might weigh the importance of: [i] continuity and consistency of the code’s application; and [ii] securing confidence in the code’s administration; and then select mechanisms that will further the goals identified.*

B. Review of possible administrative structures

This section identifies and reviews several options for administrative responsibility for Jordan’s Code of Conduct.
Options considered

Code of Conduct administration by:

- Ministry of Public Sector Development, in particular, its Human Resources Policies and Development unit
- Another existing department or agency, such as the Anti-Corruption Commission, Civil Service Bureau, or Audit Bureau
- The National Committee for Code of Conduct Review, as currently constituted
- A National Committee for Code of Conduct Review, with expanded or modified membership
- A commission or board of citizen members
  - An independent, stand-alone commission or board
  - A commission or board attached to another institution for administrative purposes

1. Ministry of Public Sector Development

The Ministry of Public Sector Development could be a natural and appropriate choice to hold responsibility for the implementation of the Code of Conduct. The Ministry has a background in this area and has taken a leadership role. During the Joint Learning Study mission to Jordan, the Minister, the interim Secretary General, and the incoming Secretary General (appointed during the Review Team’s visit) all voiced their support for and commitment to the effective implementation of a Code of Conduct. The Ministry has created a Human Resources Policy and Development unit, which could be charged with implementation of the Code of Conduct if this responsibility is assigned to the Ministry. Moreover, because the Ministry includes the National Institute of Training, it could be ideally suited to create and deliver education about both the substance of the Code of Conduct and the procedures for its implementation and enforcement.

Some interviewees – in particular the Government Tender Directorate, the Anti-Corruption Commission and the National Training Institute – told the Review Team that the Ministry of Public Sector Development, acting through the National Committee for Code of Conduct Review, is the most appropriate institution to implement a national Code of Conduct. The National Centre for Human Rights confirmed that the Ministry for Public Sector Development could be the main institution in charge of implementing the Code of Conduct, but that the Ministry has to co-ordinate with other institutions such as the Anti-Corruption Commission, Civil Service Bureau, and Ministry of Justice.

The Ministry of Public Sector Development would welcome responsibility for administration of the Code of Conduct, and proposes to establish a taskforce of stakeholders for consultation on matters related to the Code.

Although the present team of individuals at the Ministry may be ideally suited to implementation of the Code of Conduct, the Joint Learning Study Review Team is concerned about the continuity of the Code of Conduct application over time. During the mission to Jordan, various officials highlighted that as the Ministry’s leadership changes, its priorities can also change. For example, since 2006 different levels of commitment to the standards of conduct and ethics project have been perceived in the
Ministry. In spite of the competence, interest, desire, and dedication of the current Minister and his key officials, the government must ensure the long-term efficacy of the programme if it places its administration in this ministry.

2. Another existing department or agency, such as the Anti-Corruption Commission, Civil Service Bureau, or Audit Bureau

If the Government of Jordan considers placing responsibility for administering the Code of Conduct in any agency other that the Ministry of Public Sector Development, candidates could include the Anti-Corruption Commission, the Civil Service Bureau, and the Audit Bureau.

The Anti-Corruption Commission was created in 2006 to fight corruption in a systematic, institutional way, and began its work effectively during 2008. At the time of the Review Team’s visit, the Commission reported that it had received 538 cases and had transferred 116 of these to the judiciary (mainly cases of embezzlement, bribery, and fraud). The Commission heads a national committee for implementation of the UNCAC; it includes representatives of the Human Rights Center, money-laundering unit of the Central Bank, General Intelligence Services, and the Ministries of Finance, Justice, and Public Sector Development. The Anti-Corruption Commission has an interest in promoting good government. Although the Anti-Corruption Commission has not expressed interest in expanding its jurisdiction, combining the Code of Conduct with the work of the Anti-Corruption Commission might be a good fit.

The Civil Service Bureau was established in 1955 under the name of “Personnel Department”, in accordance with Article 120 of the Constitution as a central Department responsible for organising government agencies’ personnel affairs. According to Statute No. 30 of 2007, which currently governs the Civil Service Bureau, it is an independent department in charge of civil service affairs. It is affiliated with the Office of the Prime Minister.

The Civil Service Bureau’s various responsibilities make it a strong candidate for administering the 2006 Code of Conduct. The Civil Service Bureau is responsible for: [1] primary administration and organisation of employees and jobs in the civil service; [2] management and planning of human resources for increased efficiency and effectiveness of government bodies; [3] ensuring that departments comply with civil services legislation; and [4] reviewing complaints submitted by employees and nominees for jobs, and taking appropriate action pursuant to the civil service system. The Bureau is empowered to stop the implementation of any decision issued from any ministry or department in violation of the system.

The Ombudsman Bureau voiced the opinion that the Civil Service Bureau would be in a good position to take charge of a national Code of Conduct. The Civil Service Bureau supported the idea that the Code of Conduct’s administration should be assigned to an existing department, and officials said the Bureau would be willing to accept the responsibility.

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11 “The administrative divisions of the Hashemite Kingdom of Jordan, the establishment of the Government Departments, their classification, designations, the plan of operations and the manner of the appointment of civil servants, their dismissal, their discipline, supervision and the limits of their competence and powers shall be determined by regulations issued by the Council of Ministers with the approval of the King”.
The Audit Bureau was created in 1952 with the promulgation of the Constitution, which stipulates that: “An Auditing Office shall be established by law, for controlling the revenues and expenditures of the state, and manner of their spending” (Article 119). The Audit Bureau is also in charge of auditing ministries and government departments inside and outside the civil service system to ensure that the principles of integrity and transparency are respected in appointments, promotions and remuneration. As a key actor responsible for combating financial and administrative corruption in Jordan, the Audit Bureau could also be a candidate to administer the Code of Conduct.

3. National Committee for Code of Conduct Review, with current or revised membership

A national committee of agencies to work with the administrator on education, compliance, and enforcement matters could be extremely helpful. These considerations provide ample reason to continue or to build upon the National Committee for Code of Conduct Review, which can further develop the substance of the Code of Conduct and foster implementation. Some institutions, including the Anti-Corruption Commission, expressed a preference to entrust responsibility for administering the Code of Conduct to a committee rather than to one specific agency. Such a committee could involve representatives from relevant Ministries (Public Sector Development, Planning and International Cooperation and Justice), the Anti-Corruption Commission and other monitoring agencies. On the contrary, some institutions, including the Audit Bureau, thought that a committee that represents multiple agencies could hinder progress and therefore believe that a specific agency would be more appropriate for administering the Code of Conduct.

During the March 2009 mission to Jordan, the Review Team learned that the National Committee for Code of Conduct Review had been established only two weeks before its arrival. Therefore, the National Committee was too new to permit an evaluation of its effectiveness.

In any event, effective implementation of standards of conduct and ethics requires a single source of guidance on integrity issues. If there is shared responsibility for the programme, there is no responsibility. Implementation of the Code is unlikely to be successful if administration is lodged within a committee of agencies.

Nevertheless, a National Committee charged with specific tasks such as fostering open communication among government agencies and quality control of education programmes – and which could both take direction from the Code of Conduct’s administrator and provide feedback on the Code’s successes and shortcomings – might be helpful to the administrator.

4. A new board or commission of citizens

The Government could create a new board or commission or attach a part-time board to an existing institution, to administer the Code of Conduct.

A new and independent board or commission. The institutions identified as potential administrators for the Code – the Ministry of Public Sector Development, Anti-Corruption Commission, National Committee for Code of Conduct Review – are already engaged with their original responsibilities. Just as Jordan found it appropriate to create the Anti-Corruption Commission to take on new, important duties, the implementation of the Code of Conduct offers Jordan an opportunity to design an institution that accounts for the principles of independence and institutional memory discussed in...
A new and independent board or commission attached to an existing institution. Although there may be compelling reasons to create a new entity to administer the Code of Conduct, there are also arguments for improving government operations by consolidating government functions and institutions. The Government of Jordan might consider establishing a part-time board or full-time commission to oversee the implementation and administration of the Code of Conduct and rely on the professional staff of an existing institution to implement the Code of Conduct. The Government can thereby give the Code of Conduct a high degree of prominence, ensure institutional memory and independence, and provide professional services and administrative support without creating a new bureaucracy. There are many possible approaches; the following is an illustrative example – not a recommendation. The Government of Jordan could consider designating a part-time board of citizens of sterling reputation and national respect with authority to oversee the implementation of the Code of Conduct. The board could be attached to the Ministry of Public Sector Development for administrative support. Under the board’s supervision, the Ministry’s existing staff could implement the Code of Conduct and direct the National Institute of Training in designing and delivering education programmes about the Code of Conduct. The National Committee could continue to address institutions’ complementary and overlapping responsibilities for audit, citizen complaints, investigations, enforcement, employee education, interpretation, and application of the Code of Conduct. Establishing a new body responsible for administering the Code of Conduct, which might add additional financial burdens on the government treasury, would therefore be unnecessary.

Remark

The Government of Jordan has many reasonable options for designating authority for administration of the Code of Conduct. The Study offers arguments for several choices. In deciding among the options, the Government will benefit from selecting a mechanism that:

-- Affords consistency of opinions;
-- Ensures institutional memory;
-- Inspires citizens’ faith and confidence in the integrity of decisions;
-- Instils government officials’ faith and confidence in the integrity of decisions;
-- Fosters economy and efficiency.

The Review Team suggests that the Ministry of Public Sector Development, or any other agency that the Prime Minister designates, consult with all stakeholders to develop a management structure and identify the appropriate mechanisms for sustaining and administering the Code of Conduct.
C. A legal basis for a uniform code of conduct harmonized with other laws

1. Merits of a legal basis

A code of conduct based in law commands respect, fosters compliance, and can be enforced. However, it may be less flexible, as Parliamentary review and agreement is required for any modification. On the other hand, if the code of conduct is not based in law, it may command less respect, enforcement may be difficult and compliance may be compromised. It can, however, be changed easily, frequently, and without thorough review of the change or its consequence.

It was evident to the Review Team that the Ministry of Public Sector Development’s attempt to establish a national Code of Conduct (2006) does not command the respect of all the ministries and other institutions. Some ministries were unaware of the Code of Conduct. Less than one-third even answered the Ministry of Public Sector Development’s request for comments on the draft Code of Conduct. However, the MoPSD indicated that when the Code was prepared in 2006, all the ministries were asked for feedback by the Cabinet. The MoPSD took these comments into consideration when finalising the Code.

A new impetus for the Code’s implementation came in late November 2009, when the newly nominated Prime Minister circulated a letter to all ministries and government institutions requiring them to take necessary actions to implement the Code of Conduct and to ensure that all staff read and signed the Code.

Several Jordanian institutions – including the Anti-Corruption Commission, the Audit Bureau, the Ombudsman Bureau, and the National Institute for Training – emphasised the importance of giving the Code of Conduct a legal underpinning. Because the Code is not a law, Jordanian ministries and public organisations are not obliged to comply. Of the approximately 203,000 employees in the Jordanian public sector, Chapter 10 of Civil Service Statute N° 30 of 2007 addresses the duties and professional conduct of about 187,000. The remaining 16,000 employees, which are not subject to this Statute, are covered by special HRM bylaws. However, the Code covers these 16,000 employees.

According to the MoPSD, the Code has some legal basis in the Civil Service Statute, particularly Article 6, which charges the Cabinet with supervising civil service affairs, and Article 141, which establishes sanctions for misconduct. As the Code was issued by a Cabinet Decree and is in line with the Article 141, then misconduct, unethical behaviour and lack of professionalism are subject to sanctions. Therefore, this links should be put forward by the administrator of the Code.

<table>
<thead>
<tr>
<th>Country example: Code of Conduct of the Austrian Federal Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ethical values of the Austrian public administration are embedded in a legal framework which includes:</td>
</tr>
<tr>
<td>- The Austrian Criminal Code – for special offences related to public officials, such as abuse of office;</td>
</tr>
<tr>
<td>- The organisational principles embodied in the Constitution;</td>
</tr>
</tbody>
</table>
- The Civil Servants Service Act 1979 (Beamten-Dienstrechtsgesetz); and
- The Act on Contractual Public Employees 1948 (Vertragsbedienstetengesetz), which lays down the specific service duties to be adhered to by civil servants/contractual employees in the federal civil service.

Similar rules can be found in the different service laws of the Austrian provinces (Länder).

A Code of Conduct for the Civil Service was issued in October 2008 in line with the programme of the Austrian Federal Government for 2007 – 2010, which stipulated that:

“The new Austrian Federal Government intends, as part of its efforts to reform the state administration, to take measures to combat the emergence of corruption. In this connection, a cross-departmental code of conduct will be drawn up in cooperation with the other regional and local authorities.”

On the basis of this mandate, a special working group consisting of experts from all ministries and highest offices – and from the regional and local authorities, as well as public sector trade unions – has been set up to develop a special code of conduct based on applicable law for all public sector employees (federal, local, municipal level).

The aim of the Code was two-fold. On the one hand, it clearly and precisely explains what behavior is desired and what is contrary to duty, and provides clear guidance to public sector staff on conflict-of-interest situations. On the other hand, it raises awareness within civil society and thus further strengthens citizens’ trust in their public administration.

In its preamble, the code sets out the basic guiding principles for public administration: Integrity, Transparency, Objectivity and Fairness. It emphasises each employee’s individual responsibility to ensure that these values are being translated into everyday working life.

The Code then focuses on the core areas for potential conflicts of interest: acceptance of gifts, outside employment, objectivity and bias, transparency, and confidentiality. It is applicable to all levels of staff (employees/civil servants, line managers, senior civil servants). It also addresses emerging challenges faced by the public administration such as post-public employment or potential conflicts at the political-administrative interface.

The Code is mainly being communicated via new media such as a website and internal newsletters, but also through articles in newspapers and special informational events. In order to ensure the comprehensive implementation of the Code, a special training programme based on a multi-level training approach was launched by the Federal Administrative Academy in March 2009.

Remark

There is general agreement that a legal basis for the Jordanian Code of Conduct is the source of the Code’s legitimacy and credibility, which would make the Code enforceable and better respected.

2. Harmonising a Code of Conduct with other laws

If the Government of Jordan provides a specific legal basis for the national Code of Conduct, attention must be paid to addressing any existing bylaw, decree, administrative rule, or practice antagonistic to the national Code of Conduct. Unless the Government properly addresses the situation, legislation establishing a national, uniform Code of Conduct runs the risk of encountering conflicts with policies and practices already in place. The trick is to replace the patchwork of provisions now in place with one seamless fabric of law\textsuperscript{12}.

Remark

If the Government of Jordan adopts the Code of Conduct in the form of legislation or another mechanism that provides the Code of Conduct with a specific legal basis, the Government should review the current legislative framework to reconcile discrepancies between the Code of Conduct and other laws – including Chapter 10 of the Civil Service Statute no. 30 of 2007 – in order to avoid conflicts and antagonism.

\textsuperscript{12} See Annex A for the Joint Learning Study Review Team’s understanding of the framework of Jordan’s legal system.
PART III. EFFECTIVE ADMINISTRATION OF A CODE OF CONDUCT

A. Should implementation be phased in? If so, how?

There is a good reason to apply the Code of Conduct to all 203,000 employees in the Jordanian public sector. However, the large number of employees may strain the government’s capacity to create awareness, educate, and address questions of implementation and compliance for everyone simultaneously.

Options considered:

1. Apply the Code of Conduct first to senior officials

   Throughout the world, experience demonstrates that successful implementation of standards of conduct and ethics depends upon leadership from the top. The Government of Jordan might realise several benefits if the Code of Conduct is phased in from the top, including:

   - Senior officials will have knowledge of and experience with the standards before managers are obliged to implement the Code of Conduct among the employees they supervise. This preparation will facilitate implementation.
   - Employees will readily see that management is serious about the Code of Conduct. A Code of Conduct is likely to fail if employees believe that the Code is only for junior workers, not the senior managers.
   - The administrator will be able to assess the Code’s application to real-life situations, address unforeseen matters, improve educational materials and devices, and improve processes for the Code of Conduct’s implementation, before rolling out the standards to all officials.

2. Apply code to all officials simultaneously

   This approach sends the message that observance of the Code of Conduct is important for all public officials. The downside is that simultaneous application to all officials could easily overwhelm the country’s capacity to educate everyone adequately about the Code of Conduct’s provisions. If this option is selected, it may be prudent to announce the future implementation date, perhaps six months in advance, preceded by an intensive half-year education campaign to educate officials about the Code of Conduct’s requirements and processes before it enters into force.

   Jordanian institutions, including the Ministry of Public Sector Development, the Civil Service Bureau and the Ombudsman Bureau, indicated that they favour simultaneous implementation of the Code of Conduct for all officials. However, the Ministry of Public Sector Development proposed to train and educate senior officials about the components and administration of the Code of Conduct before offering those
programmes to other employees. This training, conducted by the National Training Institute, will explain the provisions of the code, its goal, and purposes. It will also serve to: show employees that senior managers are committed to effective implementation of the Code of Conduct; equip senior officials with knowledge of the Code of Conduct to implement it effectively within their own ministries; and help senior managers act according to the Code’s requirements.

On a cautionary note, the first months of implementation are sure to bring many unforeseen questions about the Code of Conduct’s application and interpretation. During this period, people will naturally challenge some of the Code’s provisions and test the implementation and enforcement mechanisms. This is always a critical stage for an administering body. The challenge for Jordan’s public administration will be significant if these questions come simultaneously from a large number of public sector employees.

**Remark**

To facilitate complete and effective implementation of the Code of Conduct, the Government of Jordan might assess its progress 12 to 24 months after renewing efforts to implement the Code. Based on feedback from other ministries and public organisations, the Government may adjust educational efforts and programmes to make the Code’s implantation still more effective.

3. Phase in the Code’s application agency by agency

The Review Team found support for a phased approach from the National Committee for Code of Conduct Review and the Anti-Corruption Commission. Commission representatives said that, because socio-economic factors may push civil servants to engage in corrupt acts, it might be pertinent to begin applying a Code of Conduct in institutions that deal directly with public funds.

On the other hand, a phase-in by agency lacks the advantage of equipping senior officials with experience with the Code of Conduct before they apply it to their own employees. It also misses the important symbol of senior management’s buy-in before application to less senior employees. Phase-in by agency also has the potential to create antagonism between agencies or employees of different agencies if staff perceive that one agency was selected to precede another because the agency was more important or was “better” and could set a good example; or was “worse” and needed correction through implementation of the Code.

**Remark**

Although all the proposed options are reasonable, the best method will emerge from the Government of Jordan’s own assessment of: [i] how quickly it has the capacity to educate its officials about the Code and to address the many practical issues about application and processes that will naturally arise; and [ii] its ability to enlist the support of senior officials.
B. Incentive-based programmes

During the mission to Jordan, officials told the Review Team that a Code of Conduct should not be administered solely by measures to punish inappropriate behaviour, but also by encouraging better behaviour. A member of the National Committee, as well as a representative of the Anti-Corruption Commission, indicated that the national Code of Conduct would need to concentrate more on incentives rather than punishments. In addition, each institution may develop its own incentives.

Chapter seven of the civil service system No. 30 of 2007 allocates bonuses and incentives to employees who take actions to improve their work capacity or performance. This can include obtaining a higher scientific degree; presenting a patent, research or study that is beneficial for the department and society; providing distinguished service; conducting innovative work; or making an achievement that results in savings of public expenditures.

The Review Team learned that several institutions employ specific incentive systems. For example, the Government Tender Directorate’s incentive system that recognises its employees work performance, which might be adapted to reward ethical actions. In order to implement its code of conduct, the Jordan Food and Drug Administration has designed incentives, such as a financial award to a person designated the “employee of the month”. The Ministry of Finance has also adopted a multi-incentive system.

Jordan Customs’ performance incentives for its employees can include costs of Hajj, free training in English, financial assistance in the form of housing loans from its Housing Fund which is funded by employee contributions). Employees receive these incentives based upon successful performance reviews that take ethical behaviour into account. The Joint Learning Study Review Team found Jordan Customs’ approach a promising example of putting into practice meaningful incentives that recognise good behaviour.

In the Audit Bureau, incentives and bonuses are linked to employee performance evaluations, conducted monthly using an approved form. Supervisors/managers submit the evaluation to a committee for discussion and approval. Elements of the performance evaluation include integrity, transparency, credibility and impartiality in work.

At the National Institute of Training, the Joint Learning Study Review Team learned the importance of giving officials reasons to accept, support, and comply with a Code of Conduct. Training is not

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13 The word Hajj refers to the annual pilgrimage of Muslims to the Mecca, and one of the five key pillars of the Islam.
meaningful to official, if they do not understand the impact of misconduct and the importance of abiding by a Code of Conduct.

The Ombudsman Bureau indicated that performance evaluation processes were standardised by the Civil Service Bureau, which has issued 13 forms for this process. It is structured in six stages: preparatory stage, initial review stage by the direct supervisor, second review stage, preparation of the annual performance report, appeals stage, and incentives or disciplinary actions based on the evaluation.

Remark

The Government of Jordan might identify a range of specific incentives it can provide to officials as a means of fostering acceptance, support, and compliance with the national Code of Conduct.

The notion of incentives for superior behaviour is not limited to individuals. Recognition of superior behaviour can also motivate government agencies.

Remark

The King Abdullah II Excellence Center can play an important role in promoting high ethical standards among government officials by including among its criteria for the King Abdullah Award of Excellence: [1] the level of ministries’ and public departments’ implementation of the Code of Conduct; and [2] the level of employees’ awareness of the Code of Conduct, its importance, provisions, mechanisms and obligations.14

C. Role of employee evaluations in strengthening government integrity

The Joint Learning Study Review Team observed that several Jordanian agencies successfully included compliance with ethical standards as a significant factor in regular employee reviews. Two notable examples are the Food and Drug Administration and Jordan Customs.

14 The Report also refers to the King Abdullah II Award of Excellence at Paragraphs III D and K Need to change reference, as paragraphs are no longer numbered.
These two agencies reported that managers undertake a written review of each employee’s job performance every three months, which provide information that allows them to offer incentives and apply consequences based on compliance with the Code of Conduct. It is also important to focus on officials’ and managers’ status as role models, who must fully comply with the Code of Conduct and take the initiative of managing and monitoring implementation in their relevant departments.

**Remark**

_The Government of Jordan might consider extending to ministries and additional departments the good practice of making assessment of ethical behaviour a significant portion of periodic employee evaluations, a practice that the Food and Drug Administration and Jordan Customs already employ._

**D. Fostering awareness and devising educational programmes**

The Joint Learning Study shows varying capacities for devising and effecting education programmes among Jordanian government agencies. Awareness of standards of ethical conduct also varied from agency to agency; from some with high levels of awareness – generally organisations in which top management had implemented quarterly employee reviews – to virtually no awareness.

The Review Team also heard evidence of the importance of train-the-trainer approaches and of creating interactive activities such as role playing, joint problem solving, use of hypothetical situations, and participatory events to identify recurring and significant risk – approaches that engage and inform the adult learner (beyond lecture).

The Ministry of Finance has provided training about the national and institutional codes of conduct to all its employees and has tested their awareness of the codes. Among the Ministry’s workforce, 58% are aware of the main components of the Ministry’s code, while 68% are aware of the main components of the national Code of Conduct.

The National Institute of Training is aware of best training practices for adult learners, including dimensions of subject/content, training styles, audiences, and frequency of training. The Institute designs its annual training plan in co-ordination with the Ministry of Public Sector Development, the Civil Service Bureau, and other agencies with responsibility for government employment. The Institute has a leadership-training programme that focuses on “good government” and provides training on anti-corruption, integrity, and governance – but it lacks Jordanian examples and study cases, perhaps because officials are reluctant to come forward with actual cases. To overcome this shortcoming, the Institute aims to develop a training manual on good governance, transparency, integrity, and anti-corruption that contains case studies and lessons learned from the field. The Institute is also in charge of conducting an orientation for all new employees.
Even though the Institute is well positioned to undertake educational programmes for the public administration, it acknowledges that it should design a specifically targeted training for each government institution.

Jordan Customs has its own centre to train: [1] its own employees according to the requirements and skills associated with their job descriptions; and [2] employees of other government departments on customs procedures. Jordan Customs, in co-operation with Jordanian universities, is working to establish an academy for Jordanian Customs to provide knowledge on customs at an academic level for its staff, the private sector, and countries in the region.

The Jordan Food and Drug Administration also uses training, workshops, and roundtables.

The King Abdullah II Center for Excellence is also undertaking efforts to inculcate principles of quality management into governmental institutions in Jordan. The Center’s establishment by Royal Decree and the royal family’s involvement in its administration demonstrate crucial leadership from the top.\textsuperscript{15}

\begin{remark}
\textit{To devise and implement educational programmes addressing the elements of a code of ethical conduct – such as how to confront ethical issues, how to secure guidance about the Code’s application to specific situations – as well as consequences of compliance and non-compliance, the Government of Jordan might consider:}

- employing the support of top management;
- enlisting the assistance of news organisations;
- routinely including in government contracts and documents standard, nationwide, uniform language explaining that payments and gifts to government officials are neither expected nor tolerated.

\textit{Specialised programmes for top management could provide clarifications on the Code’s provisions and terms to increase the effectiveness of implementation.}
\end{remark}

\begin{remark}
\textit{In addition to educational programmes on ethics for public employees, the Ministry of Public Sector Development, or another agency designated by the Prime Minister, could consider developing awareness programmes for the citizenry, civil society organisations, and other groups; the media might be an effective partner for these efforts. Programmes could reach youth by introducing the Code of Conduct’s concepts in educational programmes in schools and universities.}
\end{remark}

\textsuperscript{15} The Report also refers to the King Abdullah II Award of Excellence at Paragraph III B and K. Change citation, as paragraphs are no longer numbered.
E. A two-way street

The Code of Conduct in the Public Sector forbids employees from accepting certain gifts [Article 8] and from using their positions to obtain financial gain or anything of value for the benefit of the employee or the employee’s family [Article 9].

However, government officials should not shoulder the full burden of upholding standards of conduct when tempted by an improper, illegal offer. In addition to standards for public sector employees, many governments’ codes of conduct have provisions that forbid any improper or illegal offer from an individual and/or business outside the administration. Sample provisions state:

*No person, business, or organisation may give to a government official, directly or indirectly, and no government official may solicit or accept from any person, business, or organisation, directly or indirectly, anything of value than can reasonably be expected to influence the official’s vote, official action, or judgment, or could reasonably be considered a reward for the official’s action or inaction.*

Consequences discourage individuals and businesses from offering improper gifts, so government officials will not be put in a position to address the situation; this encourages compliance. Forbidding individuals or organisation from giving government officials prohibited gifts or items of value that is reasonably likely to influence their decisions is an important deterrent.

Remark

*With attention to its capacity to educate and enforce, the Government of Jordan may consider prohibiting organisations and individuals outside the administration from providing what the Code of Conduct forbids officials from accepting.*

F. Gifts and gift registry

Gift giving is a social custom practiced all over the world and in many aspects of life. The code of conduct is the appropriate instrument to address the receipt of gifts by civil servants, in order to clarify for what is acceptable behaviour and what will not be tolerated, particularly as:

- The Government wields its power through public servants. Officials to whom governmental power is entrusted should use it to benefit the legitimate interests of government, not their own private interests.

- Through the Code of Conduct, the Government can influence citizens’ perception that it is committed to instilling a culture of integrity among its public servants.
By banning public sector employees from demanding or accepting gifts during governmental proceedings, the Government can prove that it treats all citizens and businesses in the same transparent and non-discriminatory way.

The 2006 Code of Conduct created by the Ministry of Public Sector Development forbids government employees from accepting a gift that “may have a direct or indirect impact on objectivity in the implementation of its functions or would affect the decisions” [Article 8].

Further considerations for dealing with gifts could focus around five key issues: [i] the gift’s value; [ii] an allowance for customary or traditional gifts within a country’s culture; [iii] the likelihood that a gift will affect governmental action; [iv] whether gifts are forbidden unless they fall within a permitted exception or are permitted unless they are expressly prohibited; and [v] whether the limitation of gifts is on the donor, the recipient, or both.

Case study: Gifts and Gratuities Checklist

“Codes of conduct/ethics in the public sector often give a lot of attention to the issue of gifts to officials – what gifts can be received, what is prohibited, and under what conditions.

This prescriptive checklist reduces the potential for confusion to four simple tests, arranged under a mnemonic - GIFT - to make the tests easier to remember.

Each element of the GIFT mnemonic recalls one of the principles of public ethics, rather than a set of complex administrative definitions and criteria or processes.”

<table>
<thead>
<tr>
<th>Genuine</th>
<th>Is this gift <strong>genuine</strong>, in appreciation for something I have done in my role as a public official, and not requested or encouraged by me?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If I accept this gift, would I feel <strong>free</strong> of any obligation to do something in return for the person responsible for the gift, or for his/her family or friends/associates?</td>
</tr>
<tr>
<td></td>
<td>If I accept this gift, would a reasonable person have any doubt that I could be <strong>independent</strong> in doing my job in the future, especially if the person responsible for this gift is involved or affected by a decision I might make?</td>
</tr>
<tr>
<td>Transparent</td>
<td>Am I prepared to declare this gift and its source, <strong>transparently</strong>, to my organisation and its clients, to my professional colleagues, and to the media and the public generally?</td>
</tr>
</tbody>
</table>

Source: Managing Conflict of Interest in the Public Sector – A Toolkit, OECD, 2005
For example, the Audit Bureau strictly forbids its auditors from accepting meals or other gifts from officials associated with an agency being audited. However, even in jurisdictions that forbid officials from accepting a gift for private benefit, there may be occasions in which a company offers to provide, for example, computers to an agency, transportation for officials attending a governmental event, or supplies for an office. In these instances, a registry of gifts provided can be useful to demonstrate that the item or service was accepted and used for a government purpose – and not a private one – and to permit public scrutiny of the relationship between the government and its benefactor.

**Remark**

To clarify what will be permitted and what will be forbidden, the Government of Jordan might re-examine the issue of gifts to public officials. The Government could decide to administer its rule more effectively by: (i) defining more specifically what gifts are unacceptable; (ii) placing the burden on government to prove that a gift was accepted inappropriately; or (iii) placing the burden on an employee to demonstrate that a gift received was lawful and appropriate.

The Ministry of Public Sector Development’s Code of Conduct says [Article 8] that the departments should maintain a register recording gifts received and whether they were donated to charity, retained by the institution, or retained by the employee. This register has not been fully implemented.

**Remark**

The Ministry of Public Sector Development, or another agency that the Prime Minister designates, should consider establishing a registry of gifts and encourage other government agencies to do so, as stipulated in the national Code of Conduct. This will likely discourage inappropriate gifts and bolster confidence that gifts retained are appropriate – if there are significant consequences for non-compliance and the registry is open for inspection by any person, for any reason, during any regular business hours.

**G. Financial disclosure programme**

To enhance citizens’ confidence that government officials is not using their positions to obtain financial benefits for themselves, their families, or their business interests, many governments require senior officials to publicly identify their sources of income and each business in which they have a substantial investment. Beyond a declaration of assets, such as real estate and commercial investments, an effective financial disclosure programme can account for sources of income; in the case of a business owned by an official or the official’s family, this could include the business’s
significant sources of income, names of business partners and associates, creditors, and donors and nature of gifts received.

Financial disclosure requirements are applied before officials are appointed. This allows the appointing authority to examine declarations in advance and avoid appointing a person whose personal financial interests will conflict with the responsibilities of the government office. Moreover, disclosure prior to appointment guarantees that all officials supply their initial declarations at virtually no financial or administrative cost to the government.

A financial disclosure programme remains valuable only if the declarations are updated periodically, for example, every twelve months, after a change in position, or significant change of financial interest, whichever occurs first. The notes to the Council of Europe’s recommended code (2000) state:

“Periodic declarations of interest are essential for the effectiveness of this measure. Keeping this in mind, the code provides that the declaration will be made not only upon appointment but also at regular intervals thereafter determined by national legislation. Any change in the situation affecting the public official’s interests will imply the obligation for him or her to submit a new declaration”.

- The Government of Jordan passed its Financial Disclosure Law (Law N°54) in 2006. This law created a Financial Disclosure Department within the Ministry of Justice. This department covers all senior civil servants and any other employees with access to public funds. It requires that they submit financial statements to ensure there are no irregularities.

**Remark**

The Government of Jordan could ensure more systematic verification of disclosure forms to avoid impunity for high-level officials in cases of illicit enrichment.

The United States government, and its many states with financial disclosure requirements, make the financial reports readily available to the public. This approach is thought to be a highly effective means of securing compliance, preventing officials from entering into financial relationships that will compromise their execution of public responsibilities, and identifying potential conflicts. In contrast, the Council of Europe, in name of protection of private life, recommends the confidentiality of declarations.

H. Providing guidance on ethical dilemmas

Effective government integrity programmes emphasises prevention of conflicts and addressing issues before they become problems. One key element can be to help officials apply the code of conduct to
a situation before taking action. Among the most established and respected governmental ethics agencies in North America, for example, many will say that providing advice is the most important service they provide to foster compliance with standards of ethical conduct.

An effective ethics programme is not based solely on catching violations of the conduct code – successful programmes prevent violations from occurring. An effective code of conduct will give officials a means to seek advice about a matter, in confidence and without risk of penalty, before they act. This is particularly important because conflicting interests can sometimes be difficult for an official to recognise and self-determine.

Confidentiality of requestor’s identity. As an inducement to seek advice before an issue becomes a problem, effective ethics laws permit officials to ask for guidance the administering agency in confidence, and forbid the administering agency from publicly revealing the identity of a person seeking advice.

Reliance on advice. As an inducement to seek advice before an issue becomes a problem, effective ethics laws permit officials to rely on the advice that the law’s administrator provides, as long as the official has disclosed all the pertinent facts. An official who has been transparent about the facts will never be penalised for relying on the advice of the law’s administrator.

Publication of advice and consistency of opinions. If advisory opinions remained confidential, there would be a risk that officials asking about similar circumstances might receive different advice. Effective ethics agencies publish their advisory opinions after modifying them to conceal the identity of the requestor. This approach makes it clear to officials, reporters, and citizens that the ethics administrator’s advice is consistent. In addition, the published body of opinions establishes significant precedents over time.

Remark

To help officials avoid and manage potentially conflicting interests, the Government of Jordan should consider establishing a mechanism whereby an official may obtain prompt, confidential, authoritative advice about the application of the Code of Conduct to a situation to which the official is or may become a party.

I. Complaints, investigations, adjudication, and legal procedures

When a potential problem or allegation of improper action comes to a government’s attention, the precise nature of the putative offense, the severity, and the officials involved are unknown. Only after a fact-finding investigation can the competent official or tribunal determine whether the matter is most appropriately dealt with under the anti-corruption laws, the code of conduct, or elsewhere (for example, as a personnel matter).
During all stages, from launch of the investigation to adjudication, the government must protect the public servant’s right to know the charges against her or him, to present his or her own witnesses and evidence to defend against the charges, and to have the matter decided by a fair, neutral, detached decision maker.

Nevertheless, many issues remain: Who will investigate a potential violation of the Code of Conduct? What powers will the person or agency have? What training or experience should an investigator possess? May an agency begin an investigation even if a complaint has not been filed? Should a complaint be public or confidential? How rapidly must an investigation be completed?

**Remark**

*The Government of Jordan has an opportunity to adopt good practices for dealing with complaints, investigations, and legal procedures for handling investigations and adjudications. The Government may look to other countries and regional governments to avail itself of established governmental ethics agencies’ experience with and records of accomplishment in dealing with integrity dilemmas.*

### J. Consequences of violating a code of ethical conduct

It is important that a wide range of consequences be in place for employees who do not meet the minimum standards of the code of conduct. Effective governmental ethics agencies have observed that if penalties for non-compliance are too modest, the code of conduct is not an effective deterrent to improper behaviour. Several Jordanian institutions indicated the importance of enforcing the Code to ensure its effective implementation. Moreover, citizens may not perceive a code of conduct with little or no penalties as an adequate response to a serious violation. On the other hand, ethics agencies have learned that, if the penalty for a violation of a code is too severe, the administering agency will be reluctant to impose a penalty.

The Ministry of Public Sector Development pointed out that legislation determines penalties. Consequently, the task is to verify that the law sets appropriate penalties or ranges of penalties. The Ombudsman Bureau noted that penalties for violation of the Code of Conduct should be harmonized with other laws. The Audit Bureau supported sanctions proportionate to violations.

The best practice is to make the sanction fit the crime. This means equipping the administrator with a full range of penalties such as warning, reprimand, loss of pay, monetary fine, delay of promotion, suspension, removal from office. Under some ethics codes, a contractor or licensee who violates the code may be barred or prohibited from future public contracting or license application for a set period of time.

Jordan Customs said its approach to dealing with employee behaviour distinguishes between a person making an honest mistake and a person acting with a corrupt motive.
Remark

Make the punishment proportional to the violation. Given its cultural norms and the nature and extent of penalties already in place for other transgressions, the Government of Jordan may identify a range of consequences and sanctions available to the administrator.

K. Agency co-operation and other linkages

A wide range of Jordanian institutions – including the Audit Bureau, the Civil Service Bureau, the Anti-Corruption Commission, the Ombudsman Bureau, the Ministry of Public Sector Development with the National Institute of Training, and other agencies – could play a role in receiving complaints, investigations, employee education, and employment practices. How these agencies deal with each other and with the administrator of the Code of Conduct will significantly affect the Code’s success.

For example, the Audit Bureau, in its normal course of business, may uncover a matter that could be treated by the Code of Conduct. A matter examined by the Anti-Corruption Commission might be appropriately transferred for follow-up under the Code of Conduct. The Ombudsman Bureau may receive a complaint that the administrator of the Code of Conduct should investigate. The Ministry of Public Sector Development’s National Institute of Training may be obliged to confer with a variety of agencies to design ethics training seminars tailored to each agency’s circumstance.

The co-operation and linkages among agencies might come from enactment of legislation that assigns one institution responsibility for all efforts to foster high standards of conduct and ethics within the government. It can also come from a directive of the Prime Minister, the National Committee or other co-ordinating committee, or through encouragement and recognition that might come from the King Abdullah II Center for Excellence. Many avenues are possible.

Remark

After assessing the many available options, the Government of Jordan might select and implement a mechanism that accounts for the related responsibilities of and relations among the key administrator of the Code of Conduct and other government agencies.

16 The Report also refers to the King Abdullah II Award of Excellence at Paragraph III B and D. Revise, as paragraphs are no longer numbered.
PART IV. PROPOSALS FOR ACTION

The objective of the OECD Joint Learning Study on Implementing Codes of Conduct in the Public Sector in Jordan is to deliver an assessment of the implementation of the Code of Conduct in the Public Sector, developed by the Ministry of Public Sector Development in 2006. The Study also examines how this Code of Conduct fits into the efforts of the Government of Jordan to fight corruption and enhance public integrity. Additionally, the Joint Learning Study provides proposals for improving the effectiveness of the Code of Conduct.

The Joint Learning Study also supports Jordan’s integrity programmes in implementing the United Nations Convention against Corruption (UNCAC). The Government of Jordan has driven this Study, providing the OECD Secretariat with legislation, regulations, reports, and other documents related to the implementation of the Code of Conduct and to its wider context of promoting integrity. The Study’s first phase included the selection of interviewees and target organisations from Jordan and policy experts from OECD and Arab countries.

In order to realise its objective of equipping the Government of Jordan with proposals for action, the Study benchmarks the standards defined in the Jordanian Code of Conduct against international good practices. To assure knowledge of international standards and country practices and in-depth policy discussion among peers, the Study drew policy experts from three continents. They came from the Kingdom of Bahrain, Austria, and the United States of America.

This assessment has resulted in six key proposals for consideration by the Government of Jordan.

Proposal No. 1: Establish a concise, uniform, enforceable code of conduct.

Experience in both OECD and MENA countries indicates that effective codes of conduct are concise. Although the length of the codes varies depending on the administrative tradition of the country, the baseline is that codes should be simple and easily read by officials, and therefore, their length should be contained. For example, the model code from the United Nations, the International Code of Conduct for Public Officials, fills less than two standard pages of text (See Annex D). A uniform message is critical. Although specific risks and work practices of agencies may merit additional, agency-specific attention, research demonstrates that a uniform standard applicable to all public officials is important to a code’s success.

Jordan’s many ministries and agencies are currently undertaking different public integrity programmes. Some have put a measure of reliance upon the 2006 Code of Conduct in the Public Sector adopted by the Ministry of Public Sector Development. Some agencies have implemented their own integrity programmes, independent of the actions of other agencies. This shows the absence of a national standard of appropriate behaviour generally acknowledged by citizens, businesses, and government officials.

The Government of Jordan might re-examine the current Code of Conduct to limit it to a concise, uniform, nationwide, rule-based, enforceable statement that each agency or governmental unit may supplement to address the specific nature of its work and risks. To achieve this, the
Government of Jordan could shorten the Code, for instance, by revising references to strikes, Internet and email use, and work rules unrelated to ethical standards.

The enforcement of a common standard of conduct for all Jordanian government officials, if it is concise and clear enough to be easily understood and applied, will immediately signal to government officials as well as to citizens and business that the Government is committed to promoting integrity of public sector actions.

Proposal No. 2: Choose an administrator of the Code that will provide independence, consistency, and confidence.

A code of conduct cannot succeed unless its administrator is well-resourced and “above” politics. Success arrives only when a code’s application is steadfast, not buffeted by powerful forces or short-term interests. Officials and citizens can rely on a code only if the consistency of its application is unwavering.

The absence of effective administration of the Code of Conduct in the past was identified as the key reason for its implementation problems. Therefore, the Government of Jordan needs to organise and re-activate administration of the Code of Conduct. The National Committee for Code of Conduct Review, created under the leadership of the Ministry of Public Sector Development, which includes many members with different primary responsibilities, is limited in its effectiveness as administrator of the Code. Nevertheless, the Committee could be very useful in communicating information and co-ordinating educational programmes about the Code of Conduct. In Jordan, the use of commissions can lend stability and consistency to a programme, and the government can set the length of terms, the overlap of terms, and the qualifications of office to promote political independence and consistency.

The Government of Jordan might give careful attention to selecting a mechanism for administration of the Code of Conduct that affords consistency of opinions, uniformity of application throughout agencies, institutional memory, citizens’ and governmental officials’ faith and confidence in the integrity of decisions, economy, and efficiency. When selecting the administrator for the Code of Conduct, the Government of Jordan should seriously consider the strengths, limitations, and capacities of existing Jordanian institutions – including the Ministry of Public Sector Development, the Anti-Corruption Commission, the Audit Bureau, the Civil Service Bureau, and the Ombudsman Bureau – as well as the creation of a new agency and the re-organisation of the structure and duties of existing institutions.

Nominating an administrative body that relies on precedent to afford consistency of opinions will furnish Jordan’s officials and citizens with faith and confidence in the integrity of the Code of Conduct’s application.
Proposal No. 3: Give the Code a legal basis and procedures for enforcement.

Codes of conduct for government officials throughout the world are part of a government’s legal fabric. Most codes are established by an act of a legislature. In governments that have a strong executive, a code may come from the decree of a king, president, or governor. Occasionally a code of conduct is part of a government’s basic constitution. Common to all these approaches is the idea that, to be effective, a code of conduct must be backed by law.

Although general concepts regulating professional conduct are defined in the Civil Service Statute, the 2006 Code of Conduct lacks a specific legal basis. Without this legal backing: [1] the Ministry of Public Sector Development, despite its good efforts, has not succeeded in establishing a Code of Conduct applicable to all Jordanian public officials; [2] the National Institute for Training is challenged to provide officials with a rationale for learning about a code; [3] government ministries, commissions, and bureaus are left to devise their own attempts to enforce good behaviour; [4] powers to investigate possible violations and protect individuals are not spelled out.

The Government of Jordan might give careful attention to providing a legal basis for its national Code of Conduct, as well as means for dealing with complaints, investigations, procedures for investigation and adjudication, and consequences for violations of ethical standards.

Jordan will reap both political – the signal that the government is serious about raising standards of government service – and administrative – the tools to investigate and enforce – benefits from basing its Code of Conduct on a legal foundation. An additional benefit should be the articulation of the procedural protections and rights of people investigated and accused of violating the code.

Proposal No. 4: Provide a mechanism allowing officials to obtain written advice about the Code’s application.

To be a success, it is not enough that a code investigates and punishes bad behaviour after it has occurred. Internationally, experienced administrators of codes of conduct agree that the most successful ethics programmes help government officials identify early and manage conflicts between their personal interests and their governmental responsibilities.

Jordan lacks a mechanism whereby a government official confronting an ethical dilemma can get authoritative advice on which the official can rely before taking action.

The Government might consider allowing officials to obtain prompt, written, authoritative advice from the Code’s administrator about the Code’s application to a situation to which the official is or may become a party. A written record nails down the facts and avoids ambiguity and misunderstanding about the situation being addressed. The enforcement body (the administrator of the Code) should provide the advice directly in order to ensure consistent and enforceable interpretation of the Code. Although all opinions should be published, the administrator could consider redacting opinions to keep the identity of the official confidential; this would encourage officials to seek advice.
Most importantly, establishing a mechanism for advisory opinions will result in better government and higher confidence in governmental decisions. The programme will also benefit Jordan’s officials by giving those who seek and abide by advice important legal protection. Finally, other government officials and all citizens will appreciate creation of a public body of precedents (modified so as not identify the person seeking the advice) of the code’s application.

Proposal No. 5: Make ethical behaviour a component of periodic performance evaluations, accompanied by incentives for compliance and sanctions in case of breaches.

Most governments attempt to achieve compliance with codes of conduct through the threat of penalties for violations. Very few have established incentives to induce good behaviour.

Jordan Customs has the capacity to offer its employees performance incentives that might include costs of Hajj, free training in English, or financial assistance in the form of a loan. The Government Tender Directorate employs an incentive system for its employees that, in addition to recognising work performance, might be adapted to reward ethical actions. The Ministry of Finance, too, said that it has a multi-incentive system. To implement its code of conduct, the Jordan Food and Drug Administration has designed incentives, such as a financial award to a person designated the “employee of the month”.

The Government of Jordan might consider extending agencies’ successful practices and making ethical behaviour a significant portion of periodic employee performance evaluations, coupled with a range of incentives for ethical behaviour and a range of consequences for violations of the Code.

In rules-based systems, officials may seek to meet only the minimum requirements and not strive to attain a higher standard of ethics. Using incentives to recognise exceptionally good conduct is beneficial, as it can spur officials to still higher standards while insisting that they comply with the written rules.

Proposal No. 6: Foster awareness of the Code’s content through wider educational programmes that promote ethical values and help prevent wasta with the help of influential stakeholders.

Promoting and realising ethical conduct of government officials through prevention is generally considered more efficient than spending time and money to punish violations after they have occurred.

Among Jordan’s agencies, awareness of standards of ethical conduct varies from high levels to virtually no awareness. The National Institute of Training operates a leadership-training programme that focuses on good government and provides training on anti-corruption, integrity, and governance. The Institute is versed in good training practices for engaging and informing adult learners, including train-the-trainer approaches and the importance of interactive activities such as
role playing, joint problem solving, use of hypothetical situations, and participatory events to identify recurring and significant risks.

The Government of Jordan might consider how it can best design and implement educational programmes about the elements of its Code of Conduct that cover how to address ethical issues, how to secure guidance about the Code’s application to specific situations, and consequences of compliance and non-compliance. These educational initiatives might also build on the influence of religious preachers, academics, NGOs and media to raise public awareness and help promote new expectations about the standards of conduct that government officials should observe.

Expending resources to promote understanding of the Code of Conduct’s content and the consequences of its violation can lead to enhanced compliance with the Code, while simultaneously benefiting the government by relieving it of the financial, time, and disruptive burdens of enforcement. Enlisting the support of a variety of non-governmental stakeholders in identifying risks, refining the curriculum, and participating in educational programmes may also secure allies that improve the Code’s acceptance, public support, implementation, and effectiveness.

By implementing these proposals, the Government of Jordan could be well equipped to fulfil the objectives of the 2006 Code of Conduct, address the challenges of wasta and promote integrity in the Jordanian public sector.
ANNEX A: JORDAN’S LEGAL SYSTEM

Amendments of the Constitution

Constitution

Legal principles

Laws

Decisions Interpretation

Law amendments

By-laws

Agreements

Constitution

Jordan’s Organic Law was instituted in April 1928 under the guidance of Emir Abdullah. It provided for a consultative parliament, and Jordan’s first elections were held in April of the following year. This document was transformed after Jordan gained full independence in May 1946, following the abolition of the British Mandate. A new Constitution was formulated and adopted by the Legislative Council on 28 November 1947. It was published as law in the Official Gazette on 1 February 1947. This Constitution was liberalised by King Talal and ratified on 1 January 1952. It stands as law today.

Jordan’s Constitution stipulates that it is a hereditary monarchy with a parliamentary system. It outlines the functions and powers of the state, the rights and duties of Jordanians, guidelines for interpretation of the Constitution and conditions for constitutional amendments. It mandates the separation of the executive, legislative, and judicial branches of government, and outlines the regulation of the government’s finances, as well as the enforcement and repeal of laws. Importantly, the Constitution specifically guarantees the rights of Jordanian citizens, including the freedoms of speech and press, association, academic freedom, political parties, freedom of religion and the right to elect parliamentary and municipal representatives.

2. Constitution’s amendments:

Article 126 of the Constitution:

“(i) The procedure prescribed in the present Constitution with regard to draft laws shall apply to any draft law for the amendment of this Constitution, provided that any such amendment is passed by a two-thirds majority of the members of each of the Senate and the Chamber of Deputies. In the event of a joint meeting of the Senate and the Chamber of Deputies in accordance with Article (92) of this Constitution, the amendment shall be passed by a two-thirds majority of the members of both Houses, provided that in both cases the amendment shall not come into force unless ratified by the King.

(ii) No amendment of the Constitution affecting the rights of the King and the succession to the Throne may be passed during the period of Regency”.

3. Laws: Legislation that implements the provisions of the Constitution. Draft laws are prepared by the Council of Ministers. They are endorsed by the two chambers of the National assembly (Majlis-el Umma) and ratified by the King. When it is published in the Official Gazette a law is formally applied.

Article 91 of the Constitution:

The Prime Minister shall refer to the Chamber of Deputies any draft law, and the Chamber shall be entitled to accept, amend, or reject the draft law, but in all cases the Chamber shall refer the draft law to the Senate. No law may be promulgated unless passed by both the Senate and the Chamber of Deputies and ratified by the King.
Article 31:

The King ratifies the laws and promulgates them. He shall direct the enactment of such regulations as may be necessary for their implementation, provided that such regulations are not inconsistent with the provisions thereof.

Article 93:

“i) Every draft law passed by the Senate and the Chamber of Deputies shall be submitted to the King for ratification.

(ii) A law shall come into force after its promulgation by the King and the lapse of thirty days from the date of its publication in the Official Gazette unless it is specifically provided in that law that it shall come into force on any other date.

(iii) If the King does not see fit to ratify a law, He may, within six months from the date on which the law was submitted to him, refer it back to the House coupled with a statement showing the reasons for withholding his ratification.

(iv) If any draft law (other than the Constitution) is referred back within the period specified in the preceding paragraph and is passed for the second time by two-thirds of the members of each of the Senate and the Chamber of Deputies, it shall be promulgated. If the law is not returned with the Royal ratification within the period prescribed in paragraph (iii) above, it shall be considered as promulgated and effective. If any draft law fails to obtain the two-thirds majority of votes, it cannot be reconsidered during the same session, provided that the National Assembly may reconsider the draft during its next ordinary session”.

Other modalities to propose a draft laws:

Article 95*:

(i) Any ten or more Senators or Deputies may propose any law. Such proposal shall be referred to the committee concerned in the House for its views. If the House is of the opinion that the proposal be accepted, it shall refer it to the Government for drafting it in the form of draft law, and to submit it to the House either during the same session or at the following session.

(ii) Any law proposed by Senators or Deputies in accordance with the preceding paragraph and rejected by either House shall not be presented for a second time during the same session.


Rejection of laws:

Article 92:

Should either House twice reject any draft law and the other accept it, whether or not amended, both the Senate and the Chamber shall hold a joint meeting under the chairmanship of the Speaker of the Senate to discuss the matters in dispute. Acceptance of the draft law shall be conditional upon the passing of a resolution by a two-thirds majority of the members of both Houses present. If the draft law is rejected as described above, it shall not be placed again before the House during the same session.

4. By-Laws: Legislation that implements the provisions of a Law, the draft by-laws are prepared by the department, agency, authority or ministry subjected to the Law and responsible for its implementation. They are endorsed by the Council of Ministers after review by the Legislation and Opinion Bureau.

The Legislation and Opinion Bureau is affiliated with the Prime Minister. It analyses, reviews, and amends the draft laws submitted to the Council of Ministers. It also gives legal advice to the Council.
of Ministers. A draft law must be reviewed by the Bureau before it is issued by the Council of Ministers.

5. Two types of legal interpretation

a) Interpretation of the Constitution’s provisions; explained by the Article 122 of the Constitution:

The High Tribunal provided for in Article (57) shall have the right to interpret the provisions of the Constitution if so requested either by virtue of a decision of the Council of Ministers or by a resolution taken by the Senate or the Chamber of Deputies passed by absolute majority. Such interpretation shall be implemented upon its publication in the Official Gazette”.

b) Interpretation of a Law’s provisions; explained by the Article 123 of the Constitution:

i) The Special Tribunal (Diwan Khass) may interpret the provisions of any law which have not been interpreted by the courts if so requested by the Prime Minister.

(ii) The Special Tribunal shall consist of the President of the highest Civil Court as chairman, two of its judges and one senior administrative official, who shall be appointed by the Council of Ministers, as members. It shall also include a member delegated by the Minister concerned from among the senior officials of the Ministry which is involved in the needed interpretation.

6. Agreements:

Article 33:

Treaties and agreements which involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly. In no circumstances shall any secret terms contained in any treaty or agreement be contrary to their overt terms.
ANNEX B:

The Jordanian Code of Conduct in the Public Sector

Article (1):
This code—called Code of Conduct in the Public Sector, and employed (valid) as of the date of approval from (by) the Council of Ministers.

Article (2):
The definitions contained in the civil service system No (55) in 2002 are recommended for the purposes of this Code.

Article (3):
This Code shall apply to all staff subject to civil service and the staff of independent institutions and departments.

Each new employee and before commence work must sign a pledge of commitment to this code, and kept a copy of this pledge in his file career.

This code is based on the foundations and principles of justice, and equal opportunity, transparency, accountability, professional, integrity, neutrality, and belonging to the homeland and the Service and insisting on achieving its mission objectives and responsibility, and the employee must committed to the provisions of this Code in addition to the foundations and principles that based on it.

Any violation of the provisions of the Code requires accountability and to take disciplinary action and penalties in accordance with the rules of this system.

Article (4):
This code aims to:

Establishing (Anchorage) ethical standards, rules and basic principles for public office ethics, values and culture of professionalism among civil service staff, promote commitment to these standards, norms and values, and consolidate the foundations of good practices and good governance, through awareness of civil service staff and directing them toward right careers ethics and self-discipline, which frames Govern the functioning of the civil service and consistent with applicable laws and regulations, as well as through the statement of duties and responsibilities of career and role in improving services and strengthening the credibility of public service.

Strengthen the confidence of citizens and recipients of public service of government institutions work, increasing respect and appreciation for its role in providing best services.

Article (5): The general duties and responsibilities of employee,
The employee should:
Perform his duties and functions entrusted to him actively seeking secretariat impartiality, accuracy and professionalism, impartiality and the maximum potential, and work to serve the goals and objectives and achieving the public interest only.

To ensure familiarity with the laws and regulations in force and applied without any abuse or violation or neglect.

Devote hours to perform official functions and duties of his job, and not doing any activity that does not respect his or her official duties.

Quest to improve performance and develop its professional and see the latest developments in the field of work and that of the Chamber that works for, and submit proposals that would improve the working methods and raise the level of performance in the constituency, and assistance in providing safe and healthy working environment.

Refrain from any acts or practices or acts violate morality and ethical conduct, and to refrain from harming the political views or religious beliefs of others inside or outside the constituency or incitement against it.

Facilitate the investigation and inspections by the competent authorities in all possible means and to provide information and answer queries in possession of those responsible for the tasks of investigation and inspection, in accordance with the laws and regulations in force.

Non-strike action, or inciting others, and refrain from organizing petitions collective job-related or participate in the organization, whatever the reasons and motives are, and commitment in ways that appeal to be followed.

Fulfil all receivables financial implications of the Service in accordance with the laws and regulations in force without delay.

**Article (6): Dealing with others**

In dealing with the recipients of service, the employee should:

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

Seeking to gain public trust through integrity, responsiveness and good behaviour in all its work in line with laws, regulations and instructions in force.

Completion the required transactions in speed and accuracy within the bounds of jurisdiction, and to answer the queries and complaints of service recipients accurately and objectively and speed, and the reasons in case of disapproval or delay access to their transactions.

Provide the information required to service recipients and on the work and activities of his department accurately and quickly without deceive or mislead in accordance with the legislation in
force, and guide them to the complaints mechanism in the event of a desire to lift the complaints to the concerned authorities.

To give priority attention and care for people with special needs and provide aid and assistance to them.

Dealing with documents and personal information relevant to the people who deal with them strictly confidential and in accordance with the laws and regulations, and not to exploit such information for personal purposes.

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

In dealing with his superiors, the employee should:

Strictly enforced the orders of his managers, directives and instructions as hierarchy, and if those orders and instructions in violation of the legislation in force the employee should informs the President in writing to the violation occurred, nor is committed to the implementation of these orders and instructions only if confirmed by the President in writing, and in this case he can informs the Audit Bureau violation occurred. And in all cases, the employee should refuses to implement the instructions if they constitute a breach or violation of a misdemeanor or felony punishable under the Penal Code or any other legislation in force.

Dealing with his superiors to respect and not to attempt to gain any preferential treatment methods Flattery or through deception or through the medium and favoritism.

Non deceive or mislead his superiors, and to refrain from concealing information related to his work aimed at influencing the decisions taken, or obstruction of work, and it should cooperate with his superiors and providing opinion, advice and expertise possessed by all objectivity and sincerity, and make disposition of the information in his possession in the interest of work.

Inform his superior about any abuse or violation or difficulties encountered in the workplace.

Keep his new direct supervisor fully and accurately to the subjects and documents including the outstanding matters, to ensure business continuity.

In dealing with colleagues, the employee should:

To respect and sincerity with his colleagues, maintaining good relations and friendly relations with them, without distinction and careful to respect their privacy and refrain from exploiting any information pertaining to their own lives in order abuse.

Cooperation with his colleagues and share their opinions of high professionalism and objectivity and assistance wherever possible to solve the problems they face in employment, and ensure the dissemination of positive trends among colleagues to help improve the performance of work and improve the working environment and the institutional culture of sound root in the department.

Refrain from any acts or practices or immoral acts violating public morality and ethical conduct, and the commitment of men to respect women's colleague, and his partner at work.
In dealing with subordinates, the employee should:

Develop the capacity of his subordinates, motivate and help them to improve their performance, and be a good example for them in work to be bound by laws, regulations and instructions in force.

Transfer of knowledge and experience gained by his subordinates and to encourage them to increase information exchange and transfer of knowledge among them.

Supervising his subordinates and accountability for their actions, assess their performance objectively and impartially and strive to provide training and development opportunities for them in accordance with the related regulations and instructions.

Rejected any pressure from a third party to deal with the subordinate preferential treatment.

Respect his subordinates rights and cooperate with them in a high professionalism without favoritism or discrimination.

Commitment to write directives to his subordinates in the case received a note written by his subordinate that his orders or directives issued by the violation of the legislation in force.

**Article (7): Maintaining confidentiality and mechanisms for disclosure of information**
The Employee should:

Non-disclosure of official information and documents obtained or accessed during a function, whether in writing or orally or electronically, and passed on confidential instructions or decisions or special legislation, or must remain confidential even after the expiry of his term, unless he has a written approval from the minister.

Refrain from making any comment or statement or intervention on issues still under study or deliberation with government agencies.

Inform the Secretary-General in the event his request for a certificate to the competent courts, unless the testimony concerned the law prohibits the disclosure of information and in conformity with the laws and regulations.

Disclose full and accurate information on every official that require disclosure of ex-officio.

**Article (8): Accept or request gifts, privileges and other benefits**
The Employee should:

Not to accept or request any gift or hospitality or any other benefits of any kind, whether directly or through the medium, may have a direct or indirect impact on objectivity in the implementation of its functions or would affect the decisions, or had compelled him to commit something for acceptance.

When the employee in the case could not be refused gifts, hospitality or other benefits that do not apply to cases in paragraph (a) of this article, or when it is believed that the acceptance of certain
types of hospitality will benefit the institution, the employee should inform his direct chief, and the chief should inform the employee in writing whether to reject gifts, hospitality or other benefits or retained by the Service, or donated to charity or disposed of or retained by the employee concerned.

The department should opened a special register gifts provided to the department to register the gifts listed in paragraph (b) of this article and how to deal with it, whether through keep it or donated or retained by the employee.

**Article (9): Conflict of interests**

The Employee should:

Refrain from any activity that would lead to the emergence of a real or apparent conflict or a potential reconciliation between personal interests on one hand and the functional responsibilities and tasks on the other.

Refrain from any activity which is not commensurate with the objective and impartial performance of his duties, or can lead to preferential treatment for the natural or legal persons in their dealings with the government, or harms the reputation of his department, or subject its relationship with the public at risk.

Inform his direct supervisor in writing immediately in the event of conflict of interests with any person in his dealings with the government, or if a conflict arose between personal interest and public interest, or subjected to official pressure incompatible with his official duties, or raises doubts about the objectivity that should be dealt with Clarify the nature of the relationship and how is the inconsistencies, and the President should take immediate action to do so. In all cases must be taken into account public interest in addressing this incompatibility.

Not to use his job directly or indirectly to obtain financial gain or anything of value for the benefit of its own or his family.

Non-exploitation or recruitment information obtained during the performance of his official duties and after-work in the constituency, to achieve personal benefit for him self or others directly or indirectly, or to harm to others, and not to disclose information to give a concession unfair or unreasonable to other parties.

Must obtain the necessary approvals and deputations accordance with the laws and relevant regulations in force, in the case wish to participate in the process of collecting donations or prizes or in-kind contributions to charitable organizations, the President may direct request from the employee reduction activities, modified or terminated when he finds that will have a real Or apparent or potential conflict in interest.

To avoid establishing close relationships with individuals or institutions rely heavily on his decisions or his department.

Not accepting a post, during the year from the date of the legacy of action, in any institution has had official dealings with the Chamber that important work only under the written consent of the minister. It also does not allow him after leaving the post to provide advice to clients of these
institutions based on information not available to the public regarding programs and policies of the department which was working with.

President direct should information officer who intends to leave work commitments contained in this article.

**Article (10): Merit, competitiveness and justice**
The employee should:

Take actions related to the selection or appointment of staff or upgrading, training, evaluation or reward or transferred or assigned or seconded or any of the matters relating to their work, transparency and absolute impartiality, and free from any considerations of kinship or friendship or utilitarian concepts, and without any discrimination building on race or gender, age or religion, by following the foundations of merit and competency and competitiveness, and full compliance with the terms of reference and adopted work procedures.

Inform the direct President in writing of any misfeasance of laws, regulations and instructions in force seen it during his work in the area of selection, appointment, promotion, training, performance appraisal, etc., and the direct president should verify the authenticity of the notification and take necessary action with the concerned authorities to ensure the correct position in accordance with the laws, regulations and procedures deliberate.

Abstain completely, either directly or indirectly, from any preferential treatment to any person through the medium and favouritism.

**Article (11): Preserving public property and interests of the state and their property**
Preserving public property and state interests and property and not to alienate any of its rights and inform his direct supervisor about any abuse public funds or public interest and any negligence or conduct detrimental to public interest.

Non-use of state property for private gain or for the promotion of goods or services for personal benefit or the benefit of a third party.

The employee who was provided with a computer device should:

Take all necessary action to preserve his computer.
Non-download programs on the device only after reviewing the information systems.
Make sure of turning of the device before leaving the workplace.
Maintaining the confidentiality of information found on his device through the use of password by the promise of non-disclosure.
Non-use device for entertainment and non-download games, entertainment programs.
Not to access to other devices and trying to obtain information of them.
Use the device for development of skills and capabilities and consistent with the Work interests.
Non-use device for the completion of personal things.
Rationalize the use of printers as possible.
The employee who have had access to the Internet should:

Commitment to use for work purposes, including the goals for capacity development and skills related course work and was in the interest of work.
Commitment to the terms and requirements of intellectual property rights of files and programs and taking into account the conditions of license use.

Consulting unit of information systems immediately if observe any abnormal things through the use of the Internet.

Non-download text and images that contain materials that are immoral, or racist, or contain extremist political views, or incite violence and hatred, or any illegal activities.

Non-download files that are not directly related to the nature of his work such as video files and multimedia files such as movies or songs, or music and the like.

Not to use the Internet to try to enter and infiltrate into other devises and Networks. And not to use the Internet to send confidential material, political or Containing threats and harassment to others.

The employee who has email address should:

Not to use e-mail for the creation and distribution of messages containing promotional materials, or personal, immoral, or those that contain extremist political opinions or racism comments about the beliefs and religious practices or social gender, age, race and in the event of any message from any employee in this regard must inform the unit on information systems about that directly.

Not to re-send messages delivered to him that contains jokes or pictures or movies files and images of scale.

Non-re-sent and received messages that may contain viruses or files have suspected viruses, and must in this case ask for help from the unit of information systems.

Taking into account that there is not any specificity with regard to communications that reach to any employee or sent by email system. It may control the e-mail by licensed employees without prior notice.

Not to open any messages are unknown or unexpected, even if the letter from someone known to the employee as well as not to open or download any files attached doubtful origin.

Use e-mail to develop the capabilities and skills in accordance with the requirements of Work.

**Article (12): Employee Rights**

The department should:

To define clearly the functions and responsibilities of the employee and what is expected from him to achieve.
Dealing with employee in every respect of his career based on merit and competitive and equal opportunities.

To ensure good working conditions and safe, and not to practice any discrimination against him at work.

To provide appropriate and continuing training opportunities to improve their chances of career path in accordance with the provisions of the civil service personnel or private system, or as appropriate.

To guaranteed freedom of opinion and expression in the context of legal texts and in accordance with the provisions of this Code.

To ensure the right of grievance or complaint from any wrong decision was taken against him in accordance with the rules.

**Article (13): General Provisions**
The employee must have access to this code and familiarity with its contents and adherence to its provisions.

The department must enable citizens and recipients of services access to this code.

Ministers and secretaries-general responsible for overseeing the application of this activation code.
ANNEX C:

What are wasta and nepotism?

WASTA

“Wasta” may mean mediation or facilitation\(^{17}\). It may denote a person who settles a dispute by mediation, or a person who intervenes in a matter to advocate or facilitate an outcome. It may mean the act of mediation or the act of facilitation.

**Wasta as mediation of disputes.** Wasta as mediation has a long and honourable history. Intermediary wasta endeavours to resolve inter-personal or inter-group conflict. A jaha (wajaha', mediation group of notable emissaries sent by a perpetrator’s family to a victim’s family) acts to inhibit revenge following an incident involving personal injury. The jaha seeks a truce between the parties, with the hope of an eventual agreement to resolve the conflict.

In a tribal setting, wasta mediation binds families and communities for peace and well-being in a hostile environment. This face of wasta may benefit both the parties involved and society as a whole.

**Wasta as facilitation.** Wasta as facilitation or advocacy involves one person’s intervening on behalf of another to obtain an advantage for the latter. The advantage might be a job, a government document, a tax reduction, or admission to a prestigious university. Many individuals, supported by their wasta backers, may be seeking the same benefit. Success or failure may depend on the power of the wasta more than on the merits of the applicants.

Wasta as facilitation may anger unsuccessful candidates who have outstanding credentials, and can create dependencies among those who are less capable, yet obtain power and position because of their wasta. Competition for positions and resources increases the importance of wasta as advocacy. Critics in the wider society condemn this form of wasta as illegal, inefficient, or both.

Sometimes this intervention is seen as corrective or restorative wasta, to secure a right that a person was wrongly denied. In the case of a person inappropriately denied a government job or participation in a government programme, or admission to a university, the person’s benefactor, or wasta, might use his or her influence to secure the interest wrongly denied. Many people seem to welcome this type of wasta and point to wasta as an important leveller in a society in which personal connections trump merit.

**Wasta as tradition.** Wasta’s longevity, in spite of widespread criticism, suggests either that a cure is not simple or that it is so much part of a tradition that the will to end it is weak. People who might complain that the poor state of their affairs is the result of wasta employed by others, may seize upon a wasta to intervene to restore them to a position they imagine to have been unfairly denied them. Wasta breeds wasta. “If others invoke it, then I must too to restore a balance.”

**Nepotism**

The term “wasta” may be uniquely Arabic but the concept and its attendant problems are universal. The issue neatly identified in Arabic as wasta requires two words in English: NEPOTISM and CRONYISM.

“Nepotism” refers to favouritism shown or patronage granted to relatives, especially in government or business. “Cronyism” refers to that same favouritism for long-time close friends or business associates. In both cases, the problem is one of favouritism trumping qualifications and abilities. Many Western governments have dealt directly with nepotism by prohibiting it. Nepotism may not always be more egregious than cronyism, but it is easier to address. It is easier to define “family” and to prove that a job recipient is related to the employer than to define “friend” and to prove that a friendship exists.

Anti-nepotism laws typically include provisions that forbid government officials from: [1] using his or her governmental authority to authorise the employment or promotion of a family member; [2] using the influence or authority of his or her government position to secure another’s authorisation of a family member’s employment or promotion; and [3] exercising jurisdiction, supervision, or direction over a family member.

Key to the effectiveness of an anti-nepotism statute is the definition of “family member”. “Family member” could mean a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, and spouse.

“Family member” could be defined more narrowly or more broadly. Jordan could adapt anti-nepotism measures to its own culture. Although an anti-nepotism law will not address all the dimensions of wasta, it can readily address an important, and perhaps the most egregious, part of the wasta problem.
RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/51/610)]

51/59. Action against corruption

The General Assembly,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering,

Convinced that, since corruption is a phenomenon that currently crosses national borders and affects all societies and economies, international cooperation to prevent and control it is essential,

Convinced also of the need to provide, upon request, technical assistance designed to improve public management systems and to enhance accountability and transparency,

Recalling the Inter-American Convention against Corruption, 1/adopted by the Organization of American States at the Specialized Conference for Consideration of the Draft Inter-American Convention against Corruption, held at Caracas from 27 to 29 March 1996,


Recalling in particular its resolution 50/225 of 19 April 1996, adopted at its resumed session, on
public administration and development,

Recalling Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling also the work carried out by other international and regional organizations in this field, including the activities of the Council of Europe, the European Union, the Organisation for Economic Cooperation and Development and the Organization of American States,

1. Takes note of the report of the Secretary-General on action against corruption 2/ submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

2. Adopts the International Code of Conduct for Public Officials annexed to the present resolution, and recommends it to Member States as a tool to guide their efforts against corruption;

3. Requests the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption, 3/ to be revised and expanded pursuant to Economic and Social Council resolution 1995/14, with a view to offering both those tools to States in the context of advisory services, training and other technical assistance activities;

4. Also requests the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption;

5. Further requests the Secretary-General, in consultation with States, relevant intergovernmental and non-governmental organizations, as well as in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to elaborate an implementation plan and submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session, in conjunction with his report to be submitted pursuant to Economic and Social Council resolution 1995/14;

6. Urges States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in elaborating the implementation plan and in implementing paragraph 4 above;

7. Urges Member States carefully to consider the problems posed by the international aspects of corrupt practices, especially as regards international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;

8. Requests the Secretary-General to intensify his efforts to closely cooperate with other entities of the United Nations system and other relevant international organizations and to more effectively coordinate activities undertaken in this area;

9. Also requests the Secretary-General, subject to the availability of extra budgetary resources, to provide increased advisory services and technical assistance to Member States, at their request, in particular in the elaboration of national strategies, the elaboration or improvement of legislative and
regulatory measures, the establishment or strengthening of national capacities to prevent and control corruption, as well as in training and upgrading skills of relevant personnel;

10. Calls upon States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;

11. Requests the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review.

82nd plenary meeting
12 December 1996

*International Code of Conduct for Public Officials*

**I. GENERAL PRINCIPLES**

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

2. Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

**II. CONFLICT OF INTEREST AND DISQUALIFICATION**

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

5. Public officials, to the extent required by their position, shall, in accordance with laws or administrative policies, declare business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between the duties and private interests of public officials, they shall comply with the measures established to reduce or eliminate such conflict of interest.
6. Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or by administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

III. DISCLOSURE OF ASSETS

8. Public officials shall, in accord with their position and as permitted or required by law and administrative policies, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

IV. ACCEPTANCE OF GIFTS OR OTHER FAVOURS

9. Public officials shall not solicit or receive directly or indirectly any gift or other favour that may influence the exercise of their functions, the performance of their duties or their judgement.

V. CONFIDENTIAL INFORMATION

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall also apply after separation from service.

VI. POLITICAL ACTIVITY

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

Notes


2/ E/CN.15/1996/5.

3/ International Review of Criminal Policy, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).
ANNEX E:

Anti-Corruption and Transparency Experts’ Task Force
2007 Deliverables

Prepared by Asia-Pacific Economic Cooperation

Conduct Principles for Public Officials

At the 14th Economic Leaders’ meeting held in Hanoi in 2006, leaders reaffirmed their high commitment to fight corruption and usher in a community of integrity. Similarly, in 2006, APEC Ministers stressed the importance of preventive measures and integrity systems in the fight against corruption and urged member economies to adopt and implement codes or norms of conduct that are aligned, as appropriate, with the UN Convention Against Corruption.

That Convention requires parties to promote integrity, honesty and responsibility among their public officials. In particular parties are to endeavour to apply codes or standards of conduct for the correct, honourable and proper performance of public functions.

Taking into consideration the UN International Code of Conduct for Public Officials, and further informed by the UN Convention Against Corruption, the APEC Anti-Corruption Task Force recommends member economies establish, enhance or review to ensure that their legislative and/or administrative codes or standards of conduct for all public officials, as defined by national and international law, are based upon the following principles:

1. A public official shall respect and adhere to the Constitution or basic law and the laws and legal norms of his or her economy including applicable codes of conduct.

2. A public official shall use his or her public position only in furtherance of the public interest and not for purposes of gaining an unwarranted advantage for him- or herself or for others.

3. A public official shall not solicit or receive, directly or indirectly, any gift, favour or benefit in exchange for official action or inaction, or that may influence or appear to influence the exercise of his or her functions, duties or judgment.

4. A public official shall protect and conserve public monies, property and services and shall use these public resources for only authorized purposes.

5. A public official shall disclose information that is available to him or her by virtue of official position in accordance with the economy’s applicable transparency norms, but should use such information only for authorized purposes.

6. A public official shall perform his or her duties with efficiency, integrity, fairness and impartiality, including when performing a legitimate political or other activity.
7. A public official shall avoid taking any official actions that will affect his or her personal or family financial interests, or acquire any position or function or have any financial, commercial, fiduciary or other comparable interest that conflicts or may reasonably appear to conflict with his or her office, functions and duties.

8. A public official shall respect and utilize established measures and systems designed to facilitate reporting acts of corruption to appropriate authorities and shall, if within his or her official responsibilities, hold others properly accountable for their actions.

9. A public official shall adhere to all requirements for reporting to appropriate authorities his or her outside activities, employment, financial investments and liabilities, assets and gifts or benefits.

10. A public official shall comply with measures established by law or administrative policies in order that after leaving an official position he or she will not take improper advantage of that previous office.

Consistent with the UNCAC and the APEC Santiago Course of Action, APEC economies shall, according to their capacities, afford one another the widest measure of technical assistance in helping to develop these legal norms and codes or standards of conduct. Member economies shall make every effort to provide public officials with the education, training and counselling necessary for their understanding and appreciation of these principles as well as the various legal norms and codes or standards of conduct that implement these principles. To help create mutual expectations between officials and the public, member economies should publicize the legal norms and codes or standards of conduct. Member economies shall also institute appropriate measures aimed at rectifying the conduct of individuals who fail to abide by and implement these principles.
ANNEX F:

POLICY EXPERTS: OECD JOINT LEARNING STUDY

Policy experts: Kingdom of Bahrain

MR. Ebrahim Kamal, Director of Regulatory and Media Affairs, Civil Service Bureau
MR. Fareed Abdullah, Senior Employee and Evaluation and Relations Specialist, Civil Service Bureau

The Kingdom of Bahrain was among the first countries in the Middle East and North Africa to develop general guidelines for the public service, through a code of conduct in 2006. With its Civil Service Bureau taking the lead, Bahrain is currently in the process of developing a more detailed framework for ethics in the civil service. The current political and administrative reform in Bahrain aims at making the public administration more accountable, transparent, and responsible.

The experience of Bahrain provided the basis for mutual learning between Jordan and Bahrain in order to promote successful implementation of their respective codes of conduct for public officials.

Policy expert: Austria

MR. Stefan Ritter, Special Advisor to the Federal Chancellery

The process of increasing awareness of the importance of ethical values in the Austrian public sector started in the early 1980s. After launching several initiatives to enhance public integrity, the Austrian Federal Government released its code of conduct for the prevention of corruption; “The Responsibility Rests with Me” is a result of wide-ranging consultations with all ministries and high-ranking offices, regional and local authorities, as well as trade unions.

The current Austrian code of conduct shows similarities with the existing Jordanian situation. Both have cross-departmental codes to be applied to the whole of public service and both primarily aim to tackle conflict of interest in the public service.

The sharing of good practices and Austria’s recent experiences contributed to identifying possible drawbacks to and suggestions for Jordan’s implementation of the Code of Conduct.

Policy expert: United States of America

MR. David Freel, Executive Director, Ohio Ethics Commission

The State of Ohio was one of the first states to create a uniform code of ethical conduct under the Ohio Ethics Law in 1974. The Ohio Ethics Law encourages public confidence in the integrity, transparency, and impartiality of the expenditure of public funds and the exercise of public authority.
It enacted new ethical standards for all public officials and employees at the state and local levels within Ohio, whether elected, appointed, or serving in civil service positions.

The long-standing implementation of the Ohio code of conduct provided long-term perspectives for the Government of Jordan.

For many years Mr. Freel has annually surveyed the provinces and states of the Canada and the United States to discover their successes and challenges, as well as new directions in law precipitated by legislation or contests in the courts. He is well positioned to appreciate and communicate the strengths, weaknesses, successes, and challenges to the creation, administration, and enforcement of codes of conduct and ethics.

Lead expert

MR. ROTH JUDD, FORMER DIRECTOR AND GENERAL COUNSEL, STATE OF WISCONSIN ETHICS BOARD, USA

Mr. Judd, a lawyer trained in principles and techniques of mediating disputes, has been an observer of laws and programmes for preventing corruption and conflict of interest since 1974, when he was appointed director of Wisconsin’s Ethics Board. For more than three decades, he has provided legal, policy, administrative, enforcement, and practical guidance to what many consider one of the most successful conflict of interest commissions of the USA’s fifty states.

Mr. Judd was an organiser of the Council on Governmental Ethics Laws (COGEL), an international body of governmental entities (including the provinces and states of North America) responsible for ethics, government transparency, elections, lobbying, campaign finance, and judicial conduct. He has provided more than a dozen presentations to the Council.

His pioneering work in regulation of lobbying won his agency: [1] recognition from the Kennedy School of Government at Harvard University and the Ford Foundation as one of the 25 most significant innovations in American government (2000); and [2] the Public Integrity Award presented by the American Society for Public Administration, Council of State Governments, Council on Governmental Ethics Laws, and the International City/County Management Association (2002).

Mr. Judd’s interest in and support of international efforts to address government corruption and improve standards of conduct has involved him in endeavours on four continents, including fact finding on corruption in India (January-February 2009), expert-advisor to Macedonia’s State Commission for the Prevention of Corruption (2008-2009), and Séminaire de formation portant sur l’éthique dans les services publics (Rabat, Morocco, September 2003).

He has experience dealing with nations derived from different religious and cultural heritages, those governed as constitutional monarchies and parliamentary governments, and governments (like the USA) that separate executive and legislative functions. This allows him to understand and appreciate the variety of potential solutions available to policy makers intent on promoting standards of conduct and ethics.
Implementing a Code of Conduct for the Public Sector in Jordan

OECD JOINT LEARNING STUDY

OECD-MENA INITIATIVE