

EASTERN PARTNERSHIP-COUNCIL OF EUROPE FACILITY
PROJECT ON “GOOD GOVERNANCE AND FIGHT AGAINST
CORRUPTION”

ETHICS AND CORRUPTION

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HOW TO UNDERSTAND PUBLIC SERVICE?

- A public service is a service which is provided by government to people living within its jurisdiction
- The term is associated with a social consensus that certain public services should be available to all, regardless of income - incorruptibility.

HOW TO UNDERSTAND PUBLIC SERVICE?



- Seoul city government action

CORRUPTION

- Corruption - dishonest or fraudulent conduct by those in power
- corruption is always embedded in a general culture of lack of service mentality, disrespect or disdain for citizens, and absence of caring about the public good
- the level of respect for and implementation of laws is always low in an environment with a low level of ethical culture

WHAT IS PUBLIC SERVICE ETHICS?

H.WHITTON

- Motive: public concerns about PS corruption, 'Core Values', scandals, accountability, ...
- Definition: what is 'PS Ethics' ? – Morality/Religion, Philosophy? Professionalism?
- Scope: How far can PS Ethics Codes relate to Law, (Conflict of Interest / Corruption, etc) & Abuse of Office? Loyalty? Judgement about what is 'reasonable'?
- Purpose: 'reliable' Public Administration? 'Keeping the Minister/Ministry out of trouble? Corruption-prevention? Service to citizens? 'Professionalism'?
- Status: 'Hard' Law? Human Rights? Professional standards, employment contracts, ...
- Responsibility: whose problem is it to set standards? - the Government's? The individual's? The Public Service's? The Community's?

WHAT IS PUBLIC SERVICE ETHICS?

H.WHITTON

- PSE is concerned with the use (and abuse) of the power of the State, under law, by public officials.
- Not primarily about morality, etiquette, religion, philosophy, or personal feelings about what is right.
- ‘Professional Ethics for Public Officials’ concerns:
 - Standards - the “Rules of the Game”, (Football)
 - Role-ethics, (Aristotle) in a democracy
 - ‘Core Values’ – from law/Constitution, organisational mission, Govt policy, culture.
 - The law, conflicting values and objectives, legitimacy
 - Judgment, and justification
 - The central problem of the use of discretion by non-elected officials

ETHICAL CULTURE - MORALITY

- Ordinary morality - manifestation of morality in everyday life - private roles
- Professional morality - manifestation of morality in professional, working life -
 - in codes of ethics/ conduct and value statements

PUBLIC SERVANT - ROLE CONFLICTS

Potential conflict
of interests

- private roles

- family

- friends

- relatives

- sports club membership

- political party



- public roles

- public servant

- manager

- specialist

- leader

- colleague

- Sometimes the norms of ordinary morality and professional morality suggest different answers to moral questions.
- Which morality to choose depend on dominant role
- Importance of acknowledging of the professional role and community
 - avoid corruption - avoid possibilities and rise awareness

CONFLICT OF INTEREST

- A conflict of interests involves a conflict between the public duty and the private interest of a public official, in which the official's private-capacity interest could improperly influence the performance of their official duties and responsibilities.
- apparent/ actual conflict of interest
- potential conflict of interest

PROFESSIONAL ROLE

- Roles: administrative vs political
- What should I do in this role?
 - Relevant facts
 - Relevant norms, codes, rules, laws
 - Right decisions

PUBLIC ROLES AND PROFESSIONAL CODES

- Codes - aspirational vs regulation of behaviour
- Codes
 - for public servants (professional code)
 - for organisation
 - for professional activity (accountants, human resource managers, policemen, border-guards etc)
- “making public service different to other jobs”

PUBLIC SERVANTS AND VALUES

- Systematic development of professional identity in public service
- Law does not (have to) regulate all ethically questionable situations
- Officials have to be ethically competent to recognise and avoid ethically questionable practices as well as analyse such kind of situations
- Public service ethics is public trust!

VALUES IN PUBLIC SERVICE

- European Union
- Impartiality
- Rule of law
- Transparency
- Accountability
- Duty of care
- Courtesy

- OECD
- Impartiality
- Legality
- Transparency
- Efficiency
- Equality
- Responsibility
- Justice
- Integrity

ETHICS INFRASTRUCTURE (I)

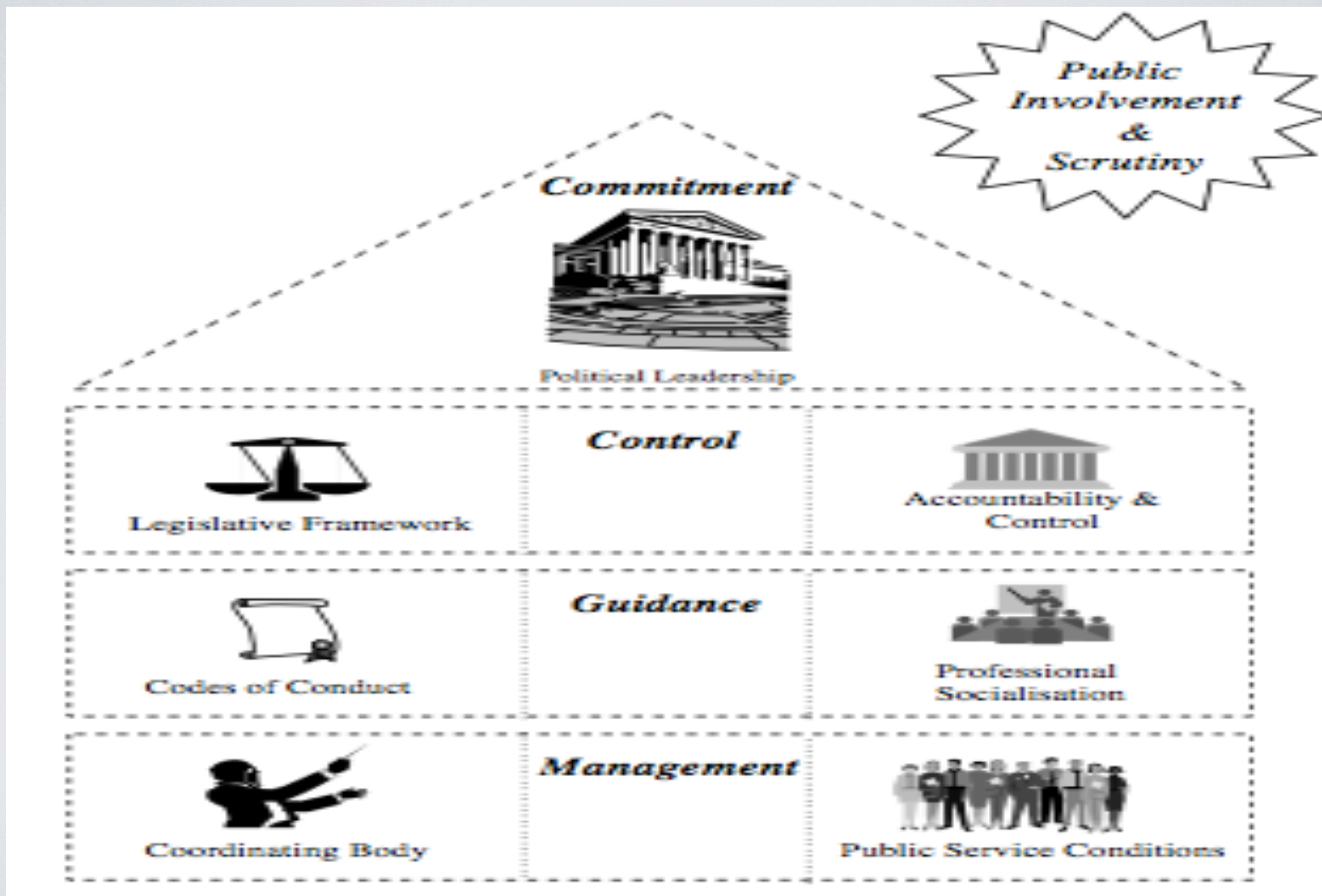
OECD PUMA

- political commitment (politicians should say ethics are important, set an example, and support good conduct with adequate resources);
- an effective legal framework (laws and regulations which set standards of behaviour and enforce them);
- efficient accountability mechanisms (administrative procedures, audits, agency performance evaluations, consultation and oversight mechanisms);

ETHICS INFRASTRUCTURE (II)

OECD PUMA

- workable codes of conduct (statement of values, roles, responsibilities, obligations, restrictions);
- professional socialisation mechanisms (education and training);
- supportive public service conditions (fair and equitable treatment, appropriate pay and security);
- an ethics co-ordinating body;
- an active civic society (including a probing media) to act as watchdog over government activities.



TYPOLOGY OF INTEGRITY VIOLATIONS

L. HUBERTS

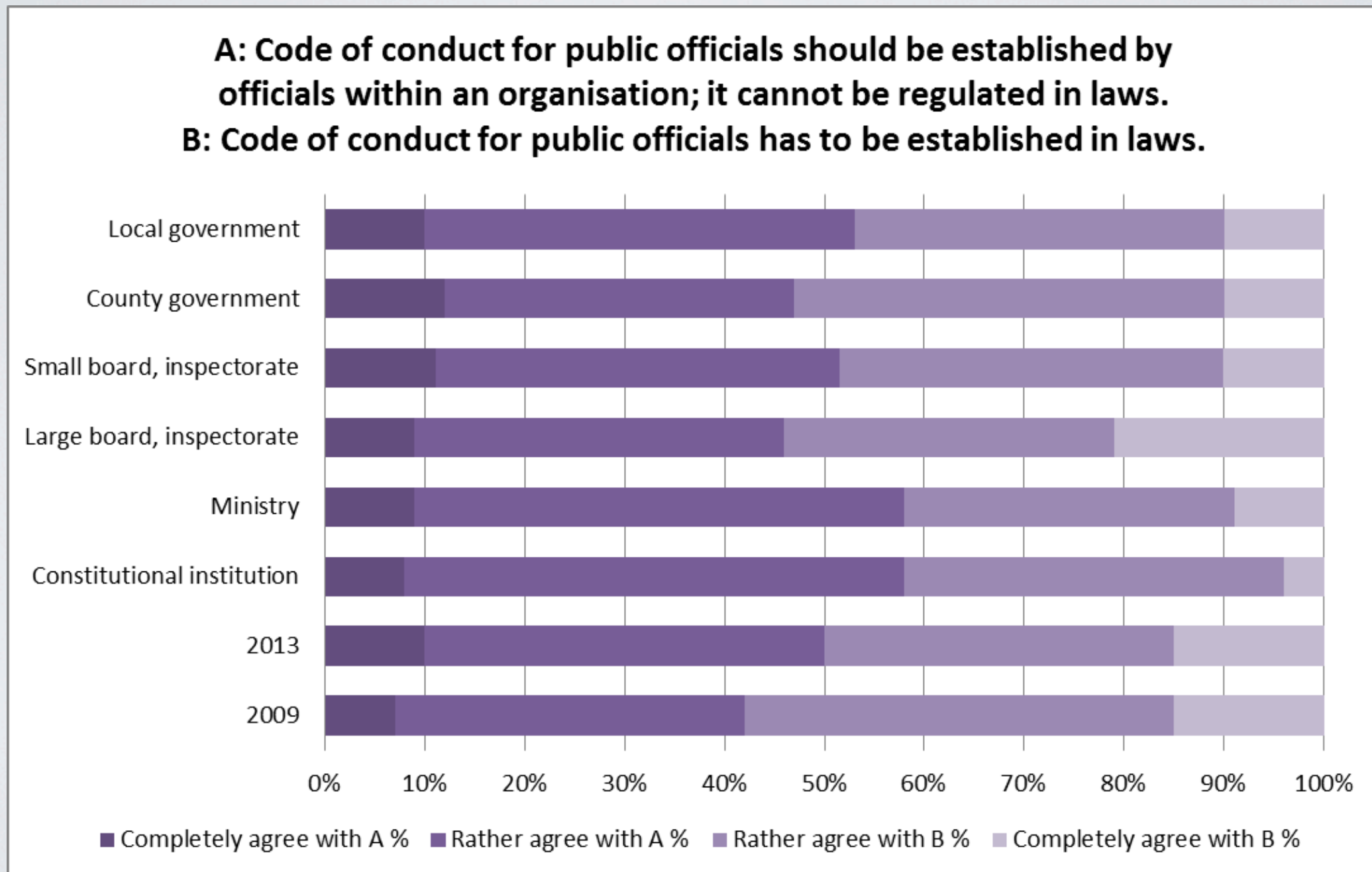
1. Corruption: bribing
2. Corruption: favouritism (family, friends, party)
3. Fraud and theft of resources
4. Conflict of (private and public) interest through gifts
5. Conflict of (private and public) interest through sideline activities
6. Improper use of authority
7. Misuse and manipulation of information
8. Indecent treatment of colleagues or citizens and customers
9. Waste and abuse of organisational resources
10. Misconduct in private time

RULES-BASED VS VALUES-BASED INTEGRITY MANAGEMENT

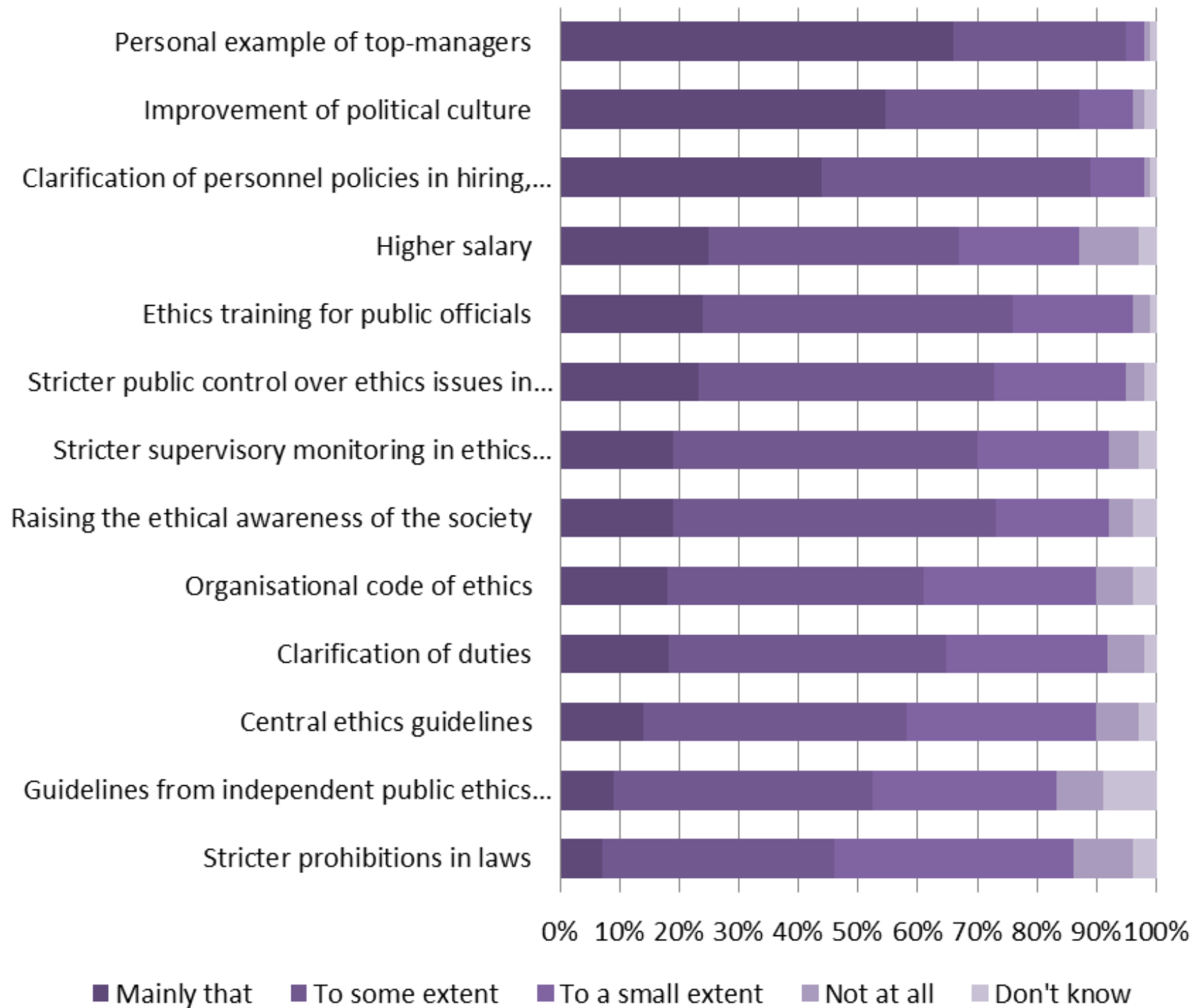
BY JEROEN MAESSCHALCK

- To avoid unethical behaviour
 - Pessimistic view of human nature
 - To emphasise external controls
 - how much do invest?
 - Regulation oriented practice
 - Typical instruments:
 - Legislation
 - Strict codes of conduct
 - Strict procedures
- To stimulate ethical behaviour
 - Optimistic view of human nature
 - To emphasise internal control
 - Typical instruments:
 - Workshops
 - Training sessions
 - Ambitious ethics codes
 - Individual coaching

ETHICS MANAGEMENT, ESTONIA 2013



How to promote ethical behaviour in public service?



POLICY RECOMMENDATIONS ETHICS TRAININGS (OECD 2013)

- Ethics training as a part of a comprehensive anti-corruption and integrity policy
- Ethics training is a useful tool for strengthening ethics and preventing corruption in public administration if applied together with other tools as part of a comprehensive anti-corruption and pro-integrity policy. Ethics training alone cannot produce sustainable results, especially in countries with high levels of corruption. Ethics training produces observable results only in the long-term.

POLITICAL SUPPORT AND "LEADERSHIP FROM ABOVE"

- Political support for ethics training should be demonstrated not only through declarations but also through the practical actions of the leadership, e.g. by setting an example of ethical behaviour and by allocating funds and staff for the implementation of the ethics training programmes. Lack of such "leadership from above" undermines motivation for participation in ethics training and thwarts their positive impact on the behaviour of civil servants.

LEGAL REQUIREMENT TO PROVIDE AND RECEIVE ETHICS TRAINING

- Ethics training should be a part of a broader and comprehensive public policy on anti-corruption/integrity and public administration reform, and should be reflected in programmatic documents. However, a requirement to provide ethics training established in policy and programmatic documents alone may not be sufficient to ensure its practical implementation. It is important to have a legislative or other official requirement to deliver and receive integrity training for public officials established in, for example, a Law on Civil Service, an Anti-Corruption Programme, a Code of Ethics and other appropriate regulations.

LEADING AGENCY AND COORDINATION OF ETHICS TRAINING

- It is important that there is at least one public agency responsible for the overall framework for ethics training, for central planning, coordination and evaluation of results. Civil service, anti-corruption or ethics agencies can play this role; clear formulation of responsibilities of these institutions should be complemented with proper coordination among them, as well as with other institutions that provide ethics training at central and local levels. In addition, ethics should be integrated in the everyday management of public institutions and managers of public institutions should be required to promote ethics in their institutions.

TARGETING THE TRAINING FOR SPECIFIC GROUPS OF PUBLIC OFFICIALS

- When there is a limited budget for training programmes, it is important to prioritise the target groups. Targeting also helps to make the training more focused on the practical needs of a specific group of public officials, thus increasing their motivation in participating. Several groups should be targeted for ethics training: all new public officials should be provided with ethics training; senior public officials in management positions and public officials in areas of risk should also be trained on ethics. Compulsory programmes for these target groups are advisable. It is also important to develop ethics training programmes for political/elected public officials. Finally, ethics/HR officers in sector ministries and local level governments should also be trained for their important role in the dissemination of the integrity policy in the organisation.

MAKING ETHICS TRAINING PRACTICAL

- Assessments of ethics risks and training needs should be carried out in order to adapt the training programmes to the needs of the target groups. Specialised ethics related surveys could be a useful tool for such needs assessment. Close cooperation between the agency that provides the training and the agency that employs the public officials at the stage of developing the training programme is also important in order to adapt the programme to the specific needs of a given institution.
- To make the training less formalistic and more practice oriented, and to use the limited time allocated for ethics training to its best, it is very important to apply modern training methods. This can include a combination of theoretical lectures and practical tailor-made case studies and workshops.
- It is also recommended to use evaluation methods to assess both the knowledge received by the participants of the training and to identify ways to further improve the training. Finally, countries could consider developing follow-up measures, such as individual ethics action plans for participants in the training programmes, and additional coaching in the workplace to support the implementation of such plans.

TRAINING ABOUT RULES, VALUES AND "GREY" AREAS

- It is important to combine the training on ethics rules established in the legislation, ethics codes and other regulations with training on ethical values in order to change attitudes and to strengthen participants' understanding of why anti-corruption reforms are necessary and possible. It is also important to provide practical guidance on ethical behaviour in situations where official rules contradict traditions or do not provide clear answers on how to behave in concrete situations. It is especially important in countries with high levels of corruption where many grey areas have not yet been addressed by formal rules. While lectures appear appropriate for training on rules, interactive and tailor-made practical methods may be more useful for training on values and ethical conduct in risk situations.

HOW TO EVALUATE THE EFFECTIVENESS OF THE TRAINING

- Evaluation of the effectiveness of ethics training is a challenging task. Current evaluation methodologies focus mostly on outputs such as the number of public officials trained. Direct evidence that the training has led to improvement in ethical behaviour among the target group of public officials is usually not available; the overall impact of the ethics training can be assessed only in the long term.

PROFESSIONAL ETHICAL COMPETENCE

- Professional ethical competence is a skill what can be taught
- the ability to identify and formulate moral problems,
- the ability to reason about moral issues
- the ability to clarify moral aspirations
 - How do we train the skills of professional ethical competence within the content of public service ?
 - What should be the content of those trainings?
- Legalistic vs practical approach

ETHICS TRAINING METHODS

- Introducing and explaining laws and codes - lecturing
- Discussions, case-studies
 - A role-playing games
 - 'Ethical competence' using video/ case scenarios
 - Independent moral judgment - value-deliberation
- see: <http://www.oecd.org/corruption/acn/library/EthicsTrainingforPublicOfficialsBrochureEN.pdf>

COMPLIANCE TO WRITTEN NORMS

- Anti-corruption law
- Public service law
- Codes of conduct
- Organisational norms
- Personal professional norms

SEVEN QUESTIONS TO SOLUTION

- What is the core problem?
- Who are involved?
- Who are accountable?
- What information do I need?
- Which arguments do I have?
- What is the conclusion?
- How do I feel now?

SIX STEPS TO SOLUTION

- Define the problem
- Is there any legal issues?
- Is there any ethical/ integrity issues?
- Consider options
- Investigate outcomes
- Decide on action
- Evaluate results