

Tool 10b: Developing a WSI Code of Conduct

A Code of Conduct (CoC) is a “statement of principles and values that establishes a set of expectations and standards ..., including minimal levels of compliance and disciplinary actions.”¹ Most countries have a general CoC for public officials as well as relevant legislation on conflicts of interest. Where relevant, the WSI should draw on relevant legislation in the development of the CoC. Developing a shared understanding of integrity in a specific WSI is an essential exercise in stakeholder collaboration that serves to build trust among actors, share experiences and good practices, identify shared values, and clarify expectations. As a central reference, a CoC guides **WSI participants** when dealing with ethical dilemmas and grey areas in decision-making and engagement processes.

Tool	A description of key elements of a Code of Conduct (CoC). In combination with the WSI operating principles, you can use this outline to establish a CoC for your WSI.
Related Key Activity	Clarify expectations of WSI behavior, development of an MoU.
Questions Addressed	How do we set out expectations for proper behavior of WSI participants?
Purpose	Outline expectations for behavior of WSI participants, thereby ensuring integrity issues related to conduct are taken into account, and removing the possibility of ethically dubious decision-making or action that might undermine the WSI: <ul style="list-style-type: none"> ✓ Expectations for integrity and professional conduct are clarified. ✓ Principles, values, and expectations are specified to guide conduct of WSI participants.
Possible Users	WSI participants.
Level of Effort	The CoC should build on work completed in previous phases, therefore the CoC formalization should be a relatively simple, though significant preparatory work and can be completed in tandem with the development of an MoU and clarifying expectations of behavior.
WSI Phase	2: Formalization.

You need credible third parties not to play the opposition role, but play it positively. [Private Sector]

(From Field Testimony)

[Guidance for implementation](#)

To get hesitant individuals on board for the development of a CoC and build confidence in it, participatory [integrity risk management exercises](#)

(see Tool 1b) can be helpful. In such a workshop, participants establish the most relevant measures that should be implemented to ensure they are adequately managed.

¹ Transparency International, *The Anti-Corruption Plain Language Guide* (Berlin: Transparency International Secretariat, July 2009), <http://www.transparency.org/whatwedo/publications/top/13/P10>.

Step 1: Analyze Available Information

- Drafters of the CoC need to learn more about the WSI and its context.
- Utilize a desk study to review and analyze public regulations and available CoCs of WSI participants vis-à-vis the operating principles for integrity in WSIs.
- Complement the desk study with insights gathered from one- or two-day interviews with stakeholders concerning which processes are prone to integrity risks and hence which type of rules would be useful.
- Interviews can help to provide insight into work ethics, culture, and motivation of WSI participants and thereby identify values that should be expressed through the CoC.

Step 2: Develop CoC Content

- Develop the CoC in a participatory workshop. (Can be incorporated in the integrity management workshop.)
- Utilize the workshop to foster an understanding of the operating principles for integrity in WSIs, and specify what each principle means in its legal context and daily engagement with the WSI.
- Participants decide how breaches of the code should be sanctioned and communicated.
- Drafting process should take into account cultural and institutional particularities to enable an open discussion.
- Group should decide on a potential focal person within the WSI who will be responsible for the implementation of the CoC. This person may likely be the same one who is responsible for coordinating integrity management efforts in the initiative.
- Large WSIs with serious integrity risks may consider engaging an external ombudsperson to whom breaches of the code can be reported.

Step 3: Implement and Follow Up

- The CoC should be shared with all WSI participants and affected stakeholders for consultation.
- The consultation builds ownership and serves as a forum for planning follow-up activities, including the integration of the CoC into the integrity management of the WSI.
- Participants may consider a signing ceremony for the WSI, the official appointment of a focal person, and means of updating the relevant internal procedures that govern a WSI.
- Review the code at regular intervals.
- Participants should be encouraged to address breaches of the code either with the focal person or directly during meetings of WSI participants.
- Develop a feedback mechanism that keeps all participants informed about the number of complaints, types of complaints (e.g., serious, impact of the WSI), and actions taken in response.

Key Pointers for developing a CoC:

- Translate the provisions of the CoC into the context of the initiative.
- Be realistic to enable alignment of WSI operations with the CoC.
- Use clear, nonlegal wording as much as possible.
- Complement the CoC with specific requirements arising from the operating principles for integrity in WSIs.
- Pay as much attention to the process of establishing a CoC as to the outcome
- WSI participants should jointly analyze, discuss, and clarify each section of the CoC to develop a sense of shared values.

Disciplinary procedures and sanctions for breaching the Code of Conduct should be clarified, even though it may not be necessary to include them directly in the CoC. Below is a summary of potential sanctions that may be imposed for violations of the CoC. This list is not all-inclusive, and others might be added depending on what is culturally acceptable. In determining the appropriate sanction to undertake, the local context and what is appropriate should be taken into account. Those making the decision might ask:

- *What is most effective in ensuring that the Code of Conduct is upheld?*
- *What types of sanctions will most likely lead to desired behavior and limit negative repercussions?*

- 1. Warning:** A Warning is notice, either oral or written, that continuation or repetition of conduct will be cause for additional disciplinary action.
- 2. Reprimand:** A Reprimand formally indicates to a participant that their behavior is unacceptable and that continuing said behavior will warrant additional, more serious consequences.
- 3. Disciplinary Probation:** A participant who is placed on Disciplinary Probation is notified that they are not in good standing with the WSI. Any other violation of the CoC during the probation period will typically result in suspension.
- 4. Restrictive Probation:** Restrictive Probation is a notice to a participant that his or her actions are of such a serious nature that removal from the WSI for a period of time is recommended. The WSI will refrain from suspending the participant as long as he or she meets certain requirements. Any additional violations of the CoC will result in immediate suspension and the possibility of additional sanctions.
- 5. Suspension:** A participant serving a Suspension is removed from the WSI for a specified period, during which they may not participate in any WSI activities or meetings.
- 6. Expulsion:** This is a permanent termination of participant’s status and exclusion from WSI meetings, privileges, and activities. Expulsion is communicated to all WSI stakeholders.
- 7. Restitution:** This is repayment of funds to the WSI or to an affected party for damages resulting from a violation of the CoC.

Annotated outline of a CoC

The degree to which the management and governance of a WSI has been clarified in other agreements determines the scope of a CoC. Wherever possible the CoC should be integrated into existing agreements or an MoU to ensure there is one clear reference document for **WSI participants**. A sample of a CoC can be found in Evans et al. (2004, p.19).² Table 11 provides an overview of sections that should be included in a CoC. Key aspects that should be covered in the code are listed together with examples of clauses. Beyond these elements a CoC may further include:

- Specification of disciplinary procedures and sanctions
- Guidance on compliance with all applicable laws
- Regulations about transparency and confidentiality
- Guidance on the legitimate use of resources and information.

Table 1: Key Sections of a Code of Conduct for WSIs

SECTION	ASPECTS TO BE COVERED	EXAMPLE CLAUSES
Introduction	Brief description of the WSI, its objectives and governance structure, followed by the purpose	Purpose and scope: <i>This document clarifies the values and principles that safeguard the integrity and clarify expectations of conduct by individual WSI participants</i>

² Barbara Evans, Joe McMahon, and Ken Caplan, “The Partnership Paperchase: Structuring Partnership Agreements in Water and Sanitation in Low-Income Communities” (London: Building Partnerships for Development (BPD), November 2004), www.bdps.org.

	and scope of the CoC, including limitations and links to other documents that govern the WSI (e.g., MoU).	<p>toward other WSI participants and affected stakeholders, especially affected communities. The CoC describes the basic values and principles by which the WSI has chosen to govern itself. All WSI participants shall live up to these values and principles.</p> <p>Limitations: You will not find every rule, policy, or standard that governs the WSI in the CoC.</p>
Definition of values	Brief description of the set of values that should govern the WSI (to be agreed on by the participants). This section may also include regulations on diligence, respect and courtesy, and nondiscrimination.	<p>Transparency — We believe that inclusiveness and public access to information about [the WSI] are vital, so that all stakeholders can understand the decision-making processes that affect them. This informs affected stakeholders about the standards to expect from [the WSI] and enables them to participate in its implementation.</p> <p>Other values could include honesty, professionalism, inclusiveness, transparency, accountability, integrity, etc.</p>
Principles	List of principles that provide the direction for managing (integrity in) WSIs (derived from binding national and local provisions, operating principles for integrity in WSIs, and the context of the initiative) and resulting rules for conduct of WSI participants .	<p>As participants in [the WSI] and our joint effort to enhance sustainable water management, we are committed to respecting the following principles and rules of conduct:</p> <ul style="list-style-type: none"> - [list of operating principles adapted to the context of the WSI and resulting rules of conduct]
Conflict of interest	Establish clarity on how potential conflicts of interest should be handled by WSI participants .	<p>Conflict of interest refers to a situation in which an individual or the entity for which they work — whether a government, business, media outlet, or civil society organization — is confronted with choosing between the duties and demands of their position and their own private interests. More specifically:</p> <ul style="list-style-type: none"> - [agreed list of aspects that constitute conflicts of interest, e.g., related to gifts, other favors, relationships among WSI participants, etc.] <p>Should conflict arise between our institutional or individual interests, and the interest of our WSI or its stakeholders, we will disclose such conflict to the WSI participants and resolve it in a transparent manner, in the interest of the jointly owned objectives and principles that we share.</p>
Declaration of commitment	Clarify the context in which WSI participants commit to the CoC.	<p>On behalf of our organization, I hereby declare to adhere to the above principles within and in relation to [the WSI] and commit to applying this code as active participant of [the WSI].</p>

Further reading:

- GIZ Anti-Corruption Toolbox. (no date). "Codes of Conduct for the Private Sector." (Eschborn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH). https://gizanticorruptiontoolbox.org/img_auth.php/f/f7/Codes_of_Conduct_for_Private_Sector.pdf.
- International Federation of Accountants (IFAC). May 2007. "Defining and Developing an Effective Code of Conduct for Organizations." (New York: IFAC). <http://www.ifac.org/publications-resources>.
- Australian Public Service Commission. (no date). Code of Conduct — Determinations and Sanctions. <http://www.apsc.gov.au/aps-employment-policy-and-advice/merit/case-summaries/case-studies-repository/2011-12/code-of-conductdeterminations-and-sanctions>.
- WIN. (no date). Code of Conduct: Individuals, Organizations. Berlin: Water Integrity Network.
- United Nations General Assembly. 1996. A/RES/51/59, Action Against Corruption, Annex: International CoC for Public Officials (December 12). New York: UN General Assembly. <http://www.un.org/documents/ga/res/51/a51r059.htm>.