

Codes of Conduct for  
Arab Non–Governmental Organizations,  
Political Parties, and Labor Unions

# **Freedom of Association and Assembly**

## **Codes of Conduct for**

**Arab Non-Governmental Organizations,**

**Political Parties, and Labor Unions**

**2009**

**The Coalition for Accountability and Integrity - AMAN**

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# **Freedom of Association and Assembly in Palestine**

## **Codes of Conduct: Non-Governmental Organizations, Political Parties, and Labor Unions**

### **\* Introduction:**

Principles for the codes of conduct included in this booklet are based on the Right of Participation and Freedom of Association for all citizens ensured by the Palestinian Basic Law and related international human rights laws. The ethical principles and criteria included address non-governmental organizations (NGOs), political parties, and labor unions, in their capacities as organizations as well as individuals.

These codes are based on democratic principles and aim at promoting practice of these principles among those associated with the three sectors mentioned above. Moreover, the codes also aim at promoting principles of transparency, and systems of accountability as well as respect for the rule of law and acceptance of the other.

Political and labor union leaders as well as NGO activists, from Jordan, Syria, Lebanon, Egypt and Palestine worked together to draft these codes as part of the project “Enhancing the legal framework of associations in the Arab world through national dialogue and empowerment of civil

society” AMAN, in its capacity as a partner in this project, has, and continues to carry out its role as leader of this participatory process in Palestine.

**The aforementioned principles and rules of conduct fall under the following categories:**

- A. Declaration of the Bases of Democratic Practice for Political Parties and Movements
- B. A Code of Conduct for Arab Civil Society Organizations
- C. Declaration of the Bases of Democratic Practice for Political Parties and Movements

For each of these categories, rules and principles of conduct were formulated to ensure the best practices, based on mutual concepts, conditions and standards for each sector of organizations and groups, which can be summed up in the following:

#### **A. In the framework of political parties:**

1. Freedom of forming political parties and movements and freedom to join them.
2. Respect for political pluralism and factionalism and the peaceful transfer of authority through elections.
3. Respect and application of the principles of the organization and the exercise of democracy inside the parties.

## **B. In the framework of Non-governmental organizations**

1. Freedom to establish civil institutions and society organizations and the freedom to join them.
2. Promoting good governance, which includes the values of integrity, principles of financial and administrative transparency and systems of accountability.
3. Promoting participation, networking, coordination and complementary roles between NGOs.

## **C. In the framework of labor unions**

1. Freedom of union organizations to establish and retain its right in setting its bylaws and working to defend the interests of its members.
2. To instill principles that would guarantee the democracy of the union organization.
3. Promoting the efficacy of the union organization towards achieving its goals.

The publication and dissemination of these principles and codes of conduct are aimed at providing the opportunity for activists in unions, NGOs, and Political Parties and factions to have access to them, discuss and adopt them as special codes in their groups and organizations.

# **Declaration of the Bases of Democratic Practice for Political Parties and Movements**

**June 2008  
Beirut-Lebanon**

## **\* Preamble**

All Arab countries are facing the challenges of democratization. This fact has led a host of Arab Political Parties and Movements from all quarters to undergo a deep reconsideration of their political experiences in accordance with the exigencies of democratization.

While the existence of political parties represents a precondition for the existence of democracy, political action in various Arab countries suffers from extreme debility either because of prohibition, or because of non-recognition, or the setting of exceptional constraints, or harassment by the authorities or the ruling parties.

Disregard of constitutional stipulations and laws, and non-compliance to the legal mechanisms of peaceful circulation of power resulted in failure to build a stable and viable polity capable of growing in these countries, and reinforced the continuance of illegal practices by authoritarian regimes that marginalized societal involvement in general

and political participation in particular. It also contributed in many instances to weakening state institutions, to exposing state unity and integrity to grave risks, to jeopardizing national and social integration, to the malfunctioning of development and participatory programs, and to severe violations of basic human rights, chief of which the freedom of assembly, participation, and expression.

The multi-party system represents the rational framework of competition in view of the intellectual and political differences between the political parties, and bolsters the building of a vibrant and stable polity where all political parties and movements can circulate power peacefully under a sovereign law. Thus, the Arab democratic political parties and movements working for the achievement of their aims can contribute in reinforcing the positive trends in the process of democratization, and overcome many of the obstacles that impeded this process, chief of which is the unregulated struggle for power. Compliance with the principles of democratic practices by all parties is the best way to control the intra-party practices of all political parties, the inter-parties relationships, and the relationship of political parties with the citizenry and the authority that be. It will also improve the status of all these parties and make them a model of practice for ordinary citizens.

In their pursuit of freedom and democracy, the personalities who participated and contributed in preparing this declaration assert that the freedom to create political parties and practice political action is the foundation and guarantee of democracy. This declaration is meant to be



an ethical confirmation of the principles regulating political practice in the Arab World in as much as it is based on commitment to pluralism, the rule of law, and the respect of human rights.

### **The freedom to establish political parties and movements:**

#### **First, the administration of public affairs:**

1. Commitment to democracy as a means of achieving decent living conditions for all citizens regardless of their affiliations. and affording them the necessary political, social, economic and cultural conditions that enable them to enjoy all their rights.
2. Commitment to ensure political participation to all individuals and groups democratically and within the framework of constitutional laws, for the development and betterment of constitutional and legal instruments with the aim of providing additional guarantees for the rights and freedoms of all.
3. Commitment to respect the principle of the separation of powers, of their collaboration. and their balance.
4. Complete commitment to the rule of law and respect of the independence of the judiciary ,and bolstering its institutions, and the compliance of all individuals and institutions to the rule of law.

5. Commitment to the principles of democracy, topmost of which are freedom, justice, equality, equity, the right to differ, and respect of cultural, religious, social, and political pluralism.
6. Commitment to political pluralism as a means to express the interests and ambitions of the citizenry.
7. Commitment to guarantee the freedom of peaceful political action and the right to participate in political life.
8. Commitment to the peaceful circulation of power through free and fair periodical elections ,to respect the results of such elections, and to honest competition in electoral campaigning.
9. Commitment to develop electoral laws that guarantee accurate and fair representation and the equality of opportunity for candidates, to enable the widest representation for all layers and groups in society, and strive to reinforce the trends of national assimilation and social integration in the political life of the State.
10. Commitment to the principles of transparency, accountability, and scrutiny in the administration of the public good, and to the implementation of UN Agreement on fighting corruption.
11. Commitment to the use of peaceful means, and democratic dialogue in managing differences and competition between all parties in representative bodies.

12. Commitment to avoid resorting to the state of emergency and extraordinary laws except in cases related to catastrophes or to defending the integrity and unity of the homeland, for a limited and definite period in clearly delimited places.
13. Commitment to regulate the financing of political parties through a law that guarantees funding political parties' and electoral campaigns' budgets from local donations and the public coffers.
14. Commitment to work for protecting public money and public properties, to fight all forms of corruption, and abstain from extending any protection to those who practice it.
15. Commitment to support CSOs, and reinforce their independence and refrain from using them as fronts and instruments for political parties, and sustain their role in development as well as societal and political participation.

## **Second-The rights of individuals:**

1. Commitment to ensure the right of citizens to participate in the governance of public affairs, establish and join political parties, abolish any constraints that impede this right to participation. Their right to express their opinions and participate in parties' activities and bodies and to hold office within the latter according to their internal bylaws should also be ensured.

2. Commitment to respect the right of every citizen to run for and hold all public offices regardless of their level, without any discrimination.
3. Commitment to ensure the right of every citizen to choose freely his/her representatives to any national, regional, or local representative bodies.
4. Commitment to activate the participation of the citizenry in political and party life, and to protect their political rights and their right to access information and circulate it.
5. Commitment to respect human rights and work to adjust national legislations in conformity with the principles of the Universal Declaration of Human Rights, and respect the right of all individuals, groups, and peoples to resist occupation, and external aggression.

### **Third-The relationships between political parties:**

1. Commitment to managing competition over power between political parties through democratic means away from any type of violence, annihilation or exclusion.
2. Commitment to abstain from using political money in the competition between political parties.
3. Commitment to settling differences and disagreements between political parties through legal procedures and democratic dialog.

4. Commitment to respect the right all parties in each country to form political alliances with each other.

#### **Fourth-the internal organization of political parties:**

1. Commitment to adopt the democratic mechanisms in internal party activity, foremost among which carrying out periodic elections to select party leaders, bodies, and representatives according the internal bylaws of the party.
2. Commitment to educate party members and supporters in the culture of democracy, human rights, and good citizenship; to enhance their capacities in political action and habilitate them to hold leading positions in the party and offices in the state apparatuses.
3. Commitment to encourage internal dialogues and the participation of youth and women in party activities, and holding leading positions.
4. Commitment to adopt the principle of volunteering in joining or quitting the party.
5. Commitment to sort out internal party differences through peaceful means.
6. Commitment to respect the principle of rational administration in their actions, and managing their assets and to make public the sources of financing and the ways the money was used.

## **Coded Behavior Conduct Rules for Arab Workers' Associations**

### **\* Introduction**

This paper contains a set of behavioral rules that are supposed to guarantee the exercise of a free, democratic and effective practices of workers' associations. We have opted to give this set of rules the name "coded behavior" rather than a "code of conduct" to highlight the following two issues:

To highlight the fact that the concept of this paper is different than the concept usually adopted in economic/business institutions in general and in multinational enterprises in particular;

To highlight that this paper contains behavioral rules tested for their effectiveness in the practices of workers' associations all over the world; these rules are listed in this paper as such and not only as ideal standards to be followed.

The paper focuses on the behavior of workers' associations, and only refers to the behavior of associations members digressively. "Behavior" in this context refers to the broad definition of the word which includes: the attitudes, convictions as well as practice.

This paper addresses Arab workers and employees, members and non-members of workers' associations. By addressing them, it urges them to examine the reality of the Arab trade union life based on certain specific

rules and to attempt to develop the Arab trade union life towards more freedoms, democracy and effectiveness. This paper may become a reference if approved by a number of Arab workers' associations after being discussed and developed.

The paper was to choose between two approaches: an approach that collects general rules, specifically rights and an approach that goes beyond rights and touches on actual and diverse practices. It is easy to reach agreements if the first approach, which is not affected by the special conditions in the different geographic areas and countries, has been followed, but this approach wouldn't be of practical value in analyzing the existing conditions and in developing these conditions. By contrast, the second approach contains rights and actual practices; thus it serves as a standard tool for monitoring the existing realities and prospects for developing this reality. Because of this nature, it raises the question on the validity of these selected behavioral rules and the possibility of having them applied in the different social, economic and political contexts. We have opted to choose the second approach despite of its pitfalls, and we encourage the use of the conduct rules below as a standard tool adjustable upon an interactive dynamic dialect between these rules and the reality where they are applied. This will give the opportunity to seriously discuss what has been known as the "Arab specificity" on the level of trade unions – a specificity usually used to justify the current situation and for discarding projects aimed at developing this situation. It is worthwhile mentioning that these rules of conduct as well as debate around them, should be considered within this given phase characterized by the globalization of the economy and its repercussions on various levels.

For practical reasons, the present paper lacks the background theory and field evidences explaining and supporting the list of conduct rules, their content and their order. Nevertheless, we have tried, wherever possible, to give a prelude to these conduct rules by referring to some underlying sources. We count on other occasions, organized by the project, to thoroughly discuss the relevant implications and background information.

Conduct rules of trade unions can be discussed through three concepts, these are: the freedom of the workers' associations, internal democracy of workers' associations and their efficiency. In addition to being inclusive of the different rules of conduct, the three concepts are characterized by the following:

- They are widely known in the circles of workers' associations, they do not only facilitate discussions but also encourage and motivate these discussions.
- They are usable as they give clear and tangible indicators.
- There is an interdependent and dialectical relations between them and this allows linking the different factors in a comprehensive framework.

Approaching conduct rules from the perspective of the effectiveness of the workers' associations will definitely raise the question of freedom of members (individuals and unions) and of the level of their participation.



Approaching these rules from the perspective of democratic practices of associations, will definitely takes us back to the question of freedom of associations and their efficiency. An association cannot be democratic if it is not independent; this democracy, form a trade union point of view, is not useful if it is not capable of taking the move and of being active (efficiency).

Finally, approaching conduct rules from the perspective of the freedom of the association will necessarily make us wonder about the capacity of these rules in providing a space for expressing this freedom in a democratic way and on the effective tools that would guarantee that this freedom achieves its aims.

### **First: Freedom of Workers' Associations**

This texts is based on the ILO concept of freedom of association as expressed in international conventions (specially Nos. 87, 98 and 135) and in interpretations of these conventions by the ILO. Our choice is based on the following considerations:

- The universality of the concept and the fact that it does not contradict with the diversity existing in the different countries of the world;
- The applicability of the concept through specific standards stated in the conventions
- The existence of interpretations by ILO (Committee on

Freedom of Association for example) of the concept and its applications.

- The possibility of using the concept, with its international legal legitimacy, to amend violating national legislations.

**Workers' associations should adopt conduct rules that guarantee the practice of freedom by:**

1. Commitment to the right to freedom of association that guarantee the freedoms of workers' associations as stated in the international conventions, most importantly:
  - All workers, without distinction whatsoever, shall have the right to establish and to join organizations of their own choosing without previous authorization (Trade Union Pluralism).
  - Workers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes without any interference from public authorities;
  - Workers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers without previous authorization;
  - Workers' organizations shall not be liable to be dissolved or

- suspended by administrative authority;
- Workers' Associations right to guarantee protection for their premises, their correspondences and their telephone communications;
  - Protection of workers against acts of anti-union discrimination in respect of their employment;
  - Protecting workers' unions against any interference by employers in their establishment, functioning or administration;
  - Protect the funds and assets of workers' associations against any interference from government authorities;
  - The right of workers' associations to bargain collectively to organize work conditions and other issues affecting their members;
  - The right of workers' associations to practice their activities inside companies and at work places;
  - Protecting labour representatives from any prejudice or any acts that may affect them (unjustified decisions by companies' management) for practicing acts in line with their freedom of association rights;
  - The right of workers and their associations to strike as a mean to protect their economic and social interests.
2. Encourage concerned authorities to ratify international conventions on freedom of association;

3. Advocate the amendment of national legislations to adhere to international conventions on freedom of association.
4. Practice rights included in the concept of freedom of association.
5. Compile and submit complains to ILO when these rights are violated by the government, employers, or any other party.
6. Take all decision in full independence from any external party (specially the state, employers, political parties) and remove all (legal and non-legal) challenges that impede the practice of independence. The decisions of workers' associations should be a free expression of its members and this could not be achieved unless the association is democratic. Hence there is a dialectical relation between freedom (and independence) and the principle of democracy.
7. Commitment to freedoms and individual and public rights as stated in the Universal Declaration of Human Rights and the two international covenants of human rights and commitment to protect and guarantee these rights as basis for freedom of association.

## **Second: Democracy of Workers' Associations**

Unlike the concept of freedom, there is no internationally approved definition of democratic associations. The concept we adopt here is based on a number of sources: the principles of political democracy, democratic associations as manipulated in the internal bylaws of

associations, critical review of democracy as applied by associations from the perspective of actual participation of members in the decision-making, and democracy as a mechanism for the respect of the rights of minorities and marginalized groups and guaranteeing their representation.

Workers' associations should adopt rules of conduct that would guarantee the establishment of democratic rules within their structures. Among these are:

1. Broadening the base of membership by organizing mobilization campaigns and other means, given that the number of members is the external basis of organizational democracy: with low rate of membership, the association loses its representative character of workers and internal democracy becomes an organizational game that does not reflect the real trends of workers represented by the association.
2. Building a vertical and horizontal organizational structure: vertically, general assemblies, summits, councils of representatives or central councils and executive councils; horizontally: commissions and branches in the different regions.
3. Adoption of internal rules to ensure equal rights and duties for all members.
4. Adoption of an electoral mechanism that allows lower-level bodies to elect higher bodies vertically and horizontally

and the adoption of the proportional representation system related to the number of membership in the composition of the different bodies and elections, and minimizing the margin between the minimum and maximum percentages so as not to allow larger bodies to overwhelm smaller bodies. Elections should be held by secret ballot, periodically by and among members.

5. Ensuring the existence of physical and legal conditions for holding free and fair elections without any interference from any outside party (among these are central associations and other associations) and ensuring that elections are monitored by an external independent party that has no personal interests in results.
6. Resolving conflicts and contests related to elections by just legal means by resorting to the relevant judicial authority. If such means do not exist, associations should attempt to create them.
7. The decision-making process should engage all committees and branches within the framework of respect of vertical hierarchal relationship; decisions taken with regard to all issues should reflect the will of the majority.
8. Informing members of all issues, businesses and activities through a specific mechanism endorsed by the organization. The mechanism should be periodically examined by members.

9. Adopting and applying rules for managing meetings, discussions and decision making in line with rules applied by democratic organizations.
10. Taking measures to prevent the transformation of workers' associations into an oligarchy where decisions and the administration are monopolized by a few number of leaders while other members are not allowed the opportunity to participate and are kept outside the framework of decision-making. Among these measures are:
  - Expanding the powers of the associations' committees and branches,
  - The diversification associations functions,
  - The establishment of societies (sporting, cultural, and social) within the association and preserving their freedom in organizing their work and their activities,
  - Providing necessary frameworks and securing the necessary human and material resources to educate and train members in order to create incentives for participation on the one hand and in order to enhance workers capacities to actively participate on the other hand,
  - Ensuring the right of opposition within the association capable of utilizing official and non-official means of communications with members.
11. Addressing the problem of lack of participation of women and young people (or other marginalized groups for reasons

of ethnic, religious, sectarian, national, physical or otherwise) in trade unions, by adopting at least two measures:

- The principle of quotas to ensure the representation of these groups,
  - The creation of special committees for them and giving these committees the powers and capacities needed to carry out their tasks.
12. Adopting democratic good governance principles in managing workers' associations, public and financial affairs on all executive levels in an transparent manner free from corruption.

### Third: The Effectiveness of Associations

The effectiveness of an association is its ability to achieve its objectives. The effectiveness of the organization is measured at the national level but within the framework of the globalization of the economy and its social and economic impact. Given the diverse objectives of associations from one to the other and in the different countries, effectiveness will be measured through general conduct rules that apply to trade union movements in general.

- ◆ **Workers' associations should adopt rules of conduct that would enable them to enhance their efficiency and achieve their objectives. These rules include:**



1. Setting-up professional, sectoral and geographical structure on the basis of professional/economic structure, the development of these structures, the distribution of labor force among these structures and also on the basis of the organizational structures of employers.
2. Developing a strategic plan for several years, through a democratic process within the association to include the demands of the organization, its priorities and forms of action within a long-term vision to achieve social justice.
3. Adopting forms of action that would achieve the demands of labors such as collective bargaining and democratic pressure methods such as sit-ins, strikes and demonstrations.
4. Giving greater importance to the campaigns as a form of pressure to achieve demands, especially given the decline of governments to interfere through the tripartite committees and with the collapse of the collective bargaining systems, with the control practiced by international financial institutions, World Trade Organization and multinational corporations in drawing economic and social policies in the different countries.
5. Building an organizational model as a substitute for the currently existing service-based model which is incapable of defending the interests of laborers in the globalized economy and the need of associations to act by organizing campaigns and mobilizing grass-roots and involving them in actions taken.

6. Serious and effective engagement in international associations as a necessary condition for any effective action at the local level in a globalized economy and given the control practiced by international trade and financial institutions in the economies of the different countries.
7. Participating actively in the different local and international civil society networks, particularly those working for the respect for human rights, the rights of women, combating poverty and challenging the World Trade Organization policies in order to build a more just globalization for individuals and peoples.
8. To unite workers, regardless of their ethnic, national, religious or political affiliations so as to face fundamentalism and civil conflicts that threaten the national societies and the unity of the state; this is done by defending human rights, citizenship and socio-economic interests.
9. Commitment to the democratic system as a viable political framework for struggle to achieve and apply social justice.

★ Service-based model is based on the following elements: leaders take actions and provide services to members, reliance on experts, communication within the association take the form of up-down approach, associations' actions are reactions to stances taken by employers and governments and are not based on a self-developed plan, centralization in the organization and marginal importance given to educating members. The organizational model is based on a completely different set of elements: the leadership mobilizes grass-roots, communications are two-ways through mobilization and qualified structures, associations' actions are according to a strategic plan set by associations for a period of time, broad decentralization (huge powers given to committees and branches), training and educating members is a necessary condition for this model.

**A Code of Conduct for Arab Civil Society  
Organizations  
2008**

**Prepared by  
A number of experts and activists**

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## \* **Definitions**

- ◇ A Code of Conduct: Is standards for the ethical and behavioural patterns governing the activities of civil society organizations. It specifies the ground rules that need to be observed by the board, administration and staff while fulfilling their tasks.
- ◇ Civil Society Organizations: A legal independent entity established by a number of persons in order to achieve legitimate objectives of interest to the public welfare on non-profit basis, characterized by independence, freedom and voluntarism.
- ◇ Participation: The participation of all concerned stakeholders, men and women, directly or indirectly, in the decision-making process through legitimate mediating bodies representing their interests.
- ◇ Networking and Coordination: The principle of networking and coordination is based on common vision of values and common objectives to promote the public welfare and to prevent wasting resources and efforts.
- ◇ Transparency: It involves providing reliable and up-to-date information on activities, procedures, resolutions and policies. It also involves making information accessible to beneficiaries, the public and other related official bodies and donors..

- ◇ **Accountability:** It refers to establishing reporting mechanisms on the use of the institution's resources; holding officials responsible for their decisions and holding them responsible for any failure in achieving the objectives and the vision of CSOs.
- ◇ **Equality and Inclusiveness:** This means giving both men and women the opportunity to improve their well-being and/or to maintain their current status. It means treating individuals or groups, beneficiaries and staff members on basis of equality and equal opportunities.
- ◇ **Good Governance:** It is a process which ensures that the CSO is efficiently functioning and is properly managed. It is also a process which ensures the CSO's compliance with the laws in force to achieve the objectives set up in its basic bylaws.
- ◇ **Conflict of Interest:** Any person or a group who holds powerful and responsible position or holds powers should not use such privileges to achieve personal or family related gains and should not use his relations with other institutions to achieve personal gains.
- ◇ **Influence and Effectiveness:** The activities of CSOs should respond to the needs while operations should utilize human and financial resources in the best possible means.

## \* **Introduction**

The aim of this Code of Conduct is to respond to the expected roles of CSOs. This role is expected to grow and develop in the future and CSOs are expected to participate in achieving sustainable development efforts, democratic transformation and in enhancing human rights, civil, economic, social and political rights cultures.

This Code is based on the principle of freedom to establish associations upon the free will of founders, a will fully independent from any kind of control by government institutions, with the purpose of serving the interests of the public and in a manner which strengthens and enhances the role of civil society in achieving stability and progress in the different democratic, social and economic fields.

This Code aims at enhancing and developing relations between CSOs and government institutions on the one hand and enhancing CSOs credibility as perceived by the public opinion and by their own constituencies who are directly targeted by CSOs activities on the other.

Given the importance of the creation of CSOs on democratic principles, these CSOs should function according to the following objectives:

**First:** Enhancing and achieving the democratic transformation and supporting political and intellectual pluralism and participation in public affairs.

**Second:** Seeking to liberate institutions and CSOs from legal restrictions in order to allow the creation of CSOs in a spirit of freedom and stressing that registration should be based on notification and that

all administrative restrictions limiting the activities of CSOs should be lifted.

**Third:** Enhancing freedom of opinion, expression, peaceful assembly and the right to freedom of association.

**Fourth:** Enhancing human rights values and principles as stated in the Universal Declaration of Human Rights and other UN international human rights conventions.

**Fifth:** Committing to the Millennium Development Goals (MDGs), directing efforts toward fighting poverty and enhancing programmes that aim at achieving social justice for the marginalized groups of the society.

**Sixth:** Commitment to the principle of equality, combating all forms of discrimination, enhancing women's participation and protecting the rights of minorities.

**Seventh:** Commitment to the principles of transparency and accountability.

**To achieve these objectives it is important that:**

CSOs shall adopt the principles of good governance and democracy when implementing their activities; utilize financial resources in best possible means; administer the affairs of the institution by those who are responsible in a way that provide a model for others with regard to commitment to laws, executive procedures, and professional ethical standards. In this regard, it is important that CSOs set-up rules to prevent any conflict of interests on the administrative and organizational

levels. It is also important to develop transparent and clear financial and accounting regulations. Additionally important is to spread knowledge and information on the activities of the institution and to ensure participation and partnership with the local communities as CSOs should first be accountable to these communities in their activities. CSOs should also develop monitoring mechanisms to ensure that the executive and administrative bodies abide to the regulations and do not violate them. Moreover, CSOs should ensure the existence of internal organization mechanism and on the level of the organization.

The success of CSOs depends on their ability to respond to the local communities' needs and their capacity to broaden their participation in decision making.

CSOs who wish to sign this code should rectify their internal structures according to the values, principles and bases listed in the code and based on their willingness to abide to its principles and standards.

- ◆ **This code specifies the aims of CSOs. It is based on the principle of pluralism, democratic principles, participation, the right to associate and on the principle that CSOs are the key actors in achieving the rights of all members of the society.**

This code will enable CSOs to respond to the challenges of democratic transformation, the participation process to create an enabling environment which allows self-determination for the society members,



individuals and groups.

According to principles listed in this draft, CSOs who will adopt the code will commit to put the national liberation process, social, economic, political, cultural development, and achieving progress and modernization on top of their priorities. They shall also commit to adopt work mechanisms that respond to the needs of the society and that they would respect human values and rights. They shall commit to the principles of transparency in the use of their financial resources. In general, the code stresses the importance of good governance and empowers CSOs to abide to good governance principles and to establish internal monitoring mechanisms that would protect CSOs reputation.

## **The Principles of the Code of Conduct**

The following principles shall form the basis of the code. By adopting the code CSOs declare that they accept the principles listed in it and they accept that an independent institution shall have the authority to ensure commitment to these principles.

### **1. Commitment to International covenants and laws**

**CSOs shall commit to abide with the international human rights conventions and particularly:**

- The Universal Declarations of Human Rights.
- The International Covenant on Civil and Political Rights

- The International Covenant on Economic, Social and Cultural Rights
- The Convention Relating to the Status of Refugee
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women
- The Convention on the Rights of Persons with Disabilities (or those with special needs)

## 2. Enhancing good governance

CSOs shall commit to the principles of good governance and democratic practices to ensure efficiency and good management in the general assemblies, the boards of directors and with regard to employees. They specifically commit to the following:

- To maintain the independent decision of CSOs away from any factional, sectarian and partisan affiliation in service providing and in employment policies. They shall also commit not to assign members of security apparatuses in high positions and in other positions.
- To enhance the principle of participatory management in order to develop a sense of ownership among employees and beneficiaries; to encourage the emergence of new leadership and the development of the capacities of the existing ones.
- To allow the staff of CSOs to participate in the strategic planning process.

- To ensure that programmes developed respond to the needs of the society and not restricted to the directives of donors. To ensure that these programmes do not have a negative impact on the local communities, are sustainable and economically feasible.
- To develop and enhance their organizational capacities and to increase their services and their projects and to ensure the existence of institutional building elements within programmes implemented and in requests for grants related to administrative and financial fields and to information systems and human resources.
- To clarify means of communications between governing bodies and employees.
- Critical review of the institution culture and its procedural methods in order to encourage self-responsibility, renewal, and respect for pluralism.
- Setting-up clear performance standards as part of follow-up and assessment methods.
- Encouraging democracy by participation.
- Encouraging the spirit of taking initiatives.
- Creating a code of conduct for the employees.
- Policies related to employees and volunteers should be set-out in writing and within the existing laws.
- Spreading a spirit of justice between employees by using neutral assessment methods and developing the capacities and the spirit of responsibility.

Additionally CSO shall commit to protect the rights of employees. The board of directors shall ensure that there are clear procedures and instructions regarding all rights of the employees, specifically:

- ◇ Establishing a clear salary scale and a clear system of promotion for all positions. The system should be known to all employees.
- ◇ Providing employees with work contracts which are in accordance with the Labor Law.
- ◇ Establishing a fair evaluation system clear to all employees as well as a clear punitive system.

### **3. The principle of accountability**

This means establishing reporting mechanisms on the use of institution's resources. It also means that responsible persons are held accountable for their decisions and for any success or failure in achieving the objectives and vision of the institution. It means the ability to provide explanations and clarifications related to behavior, performance, and duties of the institution or any member of the institution (the board and the employees). This is specially important for CSOs working for or on behalf of the deprived people and is mobilizing funds on these basis.

CSOs shall commit to provide needed information on any subject or activity related to the institution with maximum level of openness and details. They accept to be accountable to members of the general assembly, beneficiaries from among the society members, and towards donors and those who enter into contracts with these institutions

according to conditions set in the contract and the law while maintaining their independence.

### **CSO shall specifically:**

- ◇ Establish a system for complaints which any person can use in case of any damage resulting from the programmes and activities of the institution. The institution should respond to these complaints in writing and boards of directors should periodically and systematically review these complaints.
- ◇ Use acceptable and authorized accounting and monitoring methods and also measurement methods.
- ◇ Use the funds as specified and declared
- ◇ Specifying the authority of those who are responsible for the institution's funds according to the different administrative levels and separating responsibilities.

### **4. The principle of integrity**

In all of their activities, specifically those related to communication with the public, CSOs shall respect the values and policies of other institutions, groups and individuals. They shall attempt to prevent any conflict with others; in case a conflict arise, CSOs shall commit to settle it by open and tolerant spirit. CSOs shall also commit to keep records and documentation of decisions, preserve information and set-up restrictions regarding the disposal of records. Additionally, they shall commit to the principle of freedom to access information.

CSOs shall oppose and shall not take part in any wrong-doing, corruption,

bribery or any incorrect financial acts. They will undertake necessary procedures to combat such acts.

CSOs shall establish an administrative and a financial systems approved by their boards and documented. These systems shall contain:

- ◇ Employment policies and procedures.
- ◇ A clear transparent employment system should be established to contain employment mechanisms, announcement of job vacancies, requirements for each job with factional, sectarian, familial or gender discrimination other than that of positive discrimination targeting certain segments of the society and according to a declared policy.
- ◇ Specifying the minimum wage according to living standards and in way which secures the minimum human conditions.
- ◇ Announcing the wage scale and all other benefits, including other honorariums and allowances. No allowances are allowed in return for consultation or trainings conducted by the staff from within the NGO.

## 5. The principle of influence and effectiveness

**CSOs shall ensure the following:**

1. **The board of directors:** Every board member must fully understand and support the mission of the CSO. He/she should understand his own role and his powers in building the institution and in developing it.

- 2. Evaluation:** The mission and activities of the organization need to be reviewed at two levels:
- Regular review of the institution's mission to ensure that it is still relevant. Among the issues that need to be reviewed are:
    - a. Whether the mission has been accomplished by the organization or by any other body. The next step is to determine the advantages of proceeding on with the current structure.
    - b. Investigate whether there is a need to amend the mission according to social developments.
    - c. Look into the possibility of adding new roles that would require a revision of the mission.
    - d. Examining regularly the activities of CSOs to ensure their effectiveness, relevance, the benefits of continuing these programmes or amending them and the extent to which there is a need to introduce new programmes. Among the issues that need to be evaluated in this respect are the following:
      - Whether the activities are in line with the current mission or there is a need to amend or conclude the activities according to developments related to the mission.
      - The level of efficiency and effectiveness in accomplishing the institution's objectives.
      - The results obtained by the beneficiaries.
      - The cost of the programme measured according to its results.

- Whether there is a need to introduce new services. The evaluation should be an open process conducted with integrity and with the participation of all stakeholders.
- **In harmony with the objectives:** The activities must be in line with the institution’s objectives. The mission and vision of the institution should be the basis for strategic planning and for the action plan of the institution’s activities. The institution shall focus on ensuring that the objectives have been met or are on their way to be accomplished.
- **Efficiency and effectiveness:** The programme of the institution shall be conducted in an efficient and effective manner to achieve the declared objectives.
- **Feedback:** The institution should seek to obtain regular feedback from its beneficiaries and from all other stakeholders.
- **Professionalism:** The institution should practice its work in a professional manner and should stress the concept of providing services to people.

### 3. Strengthening good financial management

- CSOs shall assign authorized auditors according to laws in force;
- They should develop strict procedures to prevent any conflict of interest;
- They should develop a plan for the best utilization of human and financial resources;



- They should develop indicators of good practices including financial, administrative, practical, monitoring and evaluation procedures;
- They should make tax clearance and respect their legal and contractual commitments.
- Annual financial and administrative reports should include at least the budget, summary of the auditing results, the name of the auditor, the management letter of the auditor, financial resources from donors and other resources, how these funds were spent, summary of the board and general assemblies meetings (except for the confidential ones);
- Employment procedures, management of purchases through tenders;

## **6. Ensuring equality and indiscrimination**

CSOs shall commit to deal with individuals and groups from among the employees and the beneficiaries on equal terms according to the principle of equal opportunities. They also commit not to discriminate on sectarian, political, familial and geographic basis or on social or disability basis or to practice any kind of discrimination with the right of some institutions to practice positive discrimination in favor of less privileged people, women and people with disabilities or in favor of marginalized geographic areas according to a declared and written policy and in a way that does not contradict with the public interest. CSOs shall also commit to develop strict and clear procedures to prevent any kind of discrimination against the employees and in a way which

ensures equal opportunities.

CSOs shall also commit to develop clear and decisive procedures to prevent any discrimination based on sex, color, origin, disability, social class, age, religious beliefs and political affiliation, in selecting the beneficiaries, in providing services, in employment, evaluation, promotion, or in applying penalties

## **7. Preventing conflict of interest**

Conflict of interest surfaces when a person or a group becomes in a powerful position or holds high responsibility within an institution which empower him to use his position to promote personal, familial, partisan interests or those of other institutions he has relations with.

To prevent such eventuality, the board of directors should ensure that there are stern procedures are in place. In such cases, these procedures should be implemented (by the staff and Boards) in full transparency.

- ◆ All board members should declare all financial or personal interests when discussing any related issue. They should clarify the nature of these interests and should withdraw from any decision-making process where these interests are involved, unless there is a special exception to that.
- ◆ Board members shall not work for the institution in return of a salary during their term.
- ◆ The board shall not have members who have kinship relations of the first and second degree.
- ◆ No privileges shall be obtained in services as a result of

board membership. This includes research, training and paid consultations.

- ◆ It is prohibited to combine board, general assembly or board of trustees membership and working for the institution for as a general director. The membership of employees shall also be restricted. They shall not participate in the board election or vote on any decisions that might affect their interests such as salaries, privileges and other related issues.
- ◆ Any person who has a first and second level of kinship ties or relationship by marriage with the general manager shall not become a member of the board.
- ◆ Any person who has first and second levels of kinship ties or relationship by marriage shall not hold any supervising or monitoring position. This includes the position of director general, financial manager and monitoring positions. It is not allowed for any of the directors to be a director or under the direction of one of the relatives, those with whom he has marriage relationship or partners in a private business.
- ◆ Exchange of supervisory positions among various CSOs in case there is a potential for conflict of interest shall not be allowed.
- ◆ To ensure abidance with the above rules, every member of the general assembly, the board and every employee must fill up a form “Disclosure Declaration”.

## **8. Conflict resolution**

The signatories of this code commit to first resort to mediation and arbitration in resolving any conflict that may arise between CSOs, within a CSO or when there are conflicts related to the work of the CSO.

For this purpose, the signatories participate in electing an arbitration committee with the task of receiving complaints and mediating to resolve conflicts according to a special system to be stipulated for this purpose and which maintains the independency and specificity of each CSO.

## **9. Enhancing networking and coordination:**

CSOs shall commit to apply the principle of participation in order to encourage voluntarism and social participation and to facilitate the exchange of information and expertise between CSOs and the different stakeholder. They shall also commit to hold continuous consultation with stakeholders regarding any changes in policies, methodologies and scope of work.

CSOs shall commit to continuously consult with beneficiaries on issues that affect them in order to create a culture of consultation within the organization and with the stakeholders, the beneficiaries, government institutions, the private sectors and other concerned institutions. CSOs shall also commit to consult with local communities as beneficiaries when designing, monitoring and evaluation the different projects. CSOs consider government as one of the main stakeholders and will undertake to inform government bodies, consult with them when implementing

new projects when there is a need for such consultation and will work according to the association's law stipulations.

CSOs commit to encourage and develop communication and contacts between the employees themselves and between them and the beneficiaries and other stakeholders in the framework of a strategy that aims at delivering accurate information on projects and the different activities of the CSO.

CSOs shall seek to develop the coordination and networking process, cooperation and communication, partnerships build on shared vision with stakeholders specially on the sectoral level, integration and avoidance of duplication, the best utilization of resources and assets and partnership in planning and implementation. The concerned parties should be accountable toward each other. They shall commit to conduct necessary consultation with concerned parties and to coordinate stances. When one institution participates in any event, it shall commit to inform concerned parties about the results of its participation.

## **10. Enhancing the right to access information**

The mission of CSOs is the reason for their existence and this mission is what a CSO aims to achieve. For this reason, CSOs should very clearly define their mission. The mission- very clearly defined – shall be the reference and framework for all activities and plans implemented by the CSO. CSOs shall utilized their human and financial resources in an efficient and effective way to achieve their declared aims.

CSOs shall commit to adopt a policy of absolute transparency based on the right of all concerned parties to have access to information, and

in a way that ensures openness to the general assembly, beneficiaries, donors and government regarding activities, procedures, decisions and policies. CSOs shall work within clear and declared financial and developmental policies and clear policies for access of information by the public. They should abide by professional standards and specific rules related to financial transparency. They shall make the following information accessible through the different audio-visual, printed and electronic means:

- ◆ The mission, vision and values of the CSO.
- ◆ The administrative and organizational structure of the CSO stating clearly the roles and the different responsibilities.
- ◆ Partnerships, coalitions and contract signed with different parties.
- ◆ The current and future activities that the CSO is conducting or will be conducting.
- ◆ The geographic area covered by the CSO activities.
- ◆ Publishing the financial reports of the CSO in a clear and accessible way.
- ◆ Adopting systems which ensures effectiveness in the purchase of goods and services and protecting these systems from being misused for personal interests.