



الائتلاف الأهلي لمدونة السلوك
CODE OF CONDUCT COALITION

The Palestinian NGOs Code of Conduct

2008

Prepared by:

The Code of Conduct Coalition

The Palestinian General Union for Charitable Societies

the Palestinian NGO Network

the National Institute for Palestinian NGOs

the Palestinian General Union for NGOs - Gaza.

Definitions

Code of Conduct: is the standard for the ethical and work behavioral patterns within the framework of the functioning of NGOs. It specifies the ground rules needed to be observed by the Board, administration and staff while fulfilling their tasks.

Palestinian NGO: is an independent body established by no less than seven persons in order to achieve legitimate objectives for the public welfare on a non-profit basis. It should be characterized by independence, freedom, voluntarism and the accomplishment of public welfare. It must be legally registered at the Palestinian Ministry of Interior according to the Charitable Societies' Law carrying No. 1 and issued in the year 2000. The objective is to promote community service on a non-profit basis. It includes charitable societies, grassroots organizations, sports clubs and the Palestinian networks and unions representing Palestinian charitable societies and NGOs.

Sector: refers to the Palestinian NGOs sector.

Umbrella NGOs of Palestinian NGOs are: the Palestinian General Union of Charitable Societies, the Palestinian NGO Network, the National Institute for NGOs and the Palestinian General Union of NGOs in Gaza.

Authority: refers to the Palestinian Authority.

Participation: refers to involving all stakeholders, men and women, directly or indirectly, in decision-making through legitimate mediating bodies representing their interests.

Networking and Coordination: is a principle based on common visions of value and common objectives to promote the public welfare with a concern not to waste resources and efforts.

Transparency: involves providing reliable and up-to-date information as to the activities, procedures, resolutions and policies. It also involves ensuring providing information to beneficiaries, the public and other related official bodies and donors..

Accountability: refers to the existence of mechanisms to present reports related to the usage of resources. It entails holding officials responsible for the decisions that are undertaken or for any shortcoming in achieving objectives within the NGO's vision.

Equality and Inclusiveness: means non-discrimination on a gender, color or race basis. All men and women should be provided with the opportunity of improving their welfare or maintaining it. Individuals or groups,

whether beneficiaries or staff must be offered equal opportunities.

Good Governance involves making sure that the NGO is functioning efficiently and managed properly. It also has to do with compliance to the endorsed laws in order to achieve the objectives set up in its basic bylaws. This includes delegation of responsibilities to smaller representative committees that are subject to accountability.

Conflict of Interest: it emerges when a person or a group in a position of responsibility utilize their status for personal or subjective benefits.

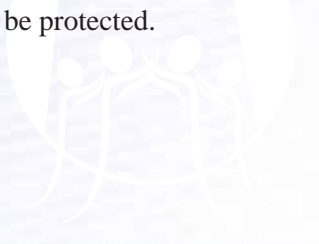
Influence and Effectiveness requires that the outcome of NGOs programs reflects that meets the needs with the best usage of human and financial resources.

Introduction

This Code of Conduct entails the objectives of Palestinian NGOs (that will henceforth be referred to as NGOs) with the level of its aspiration for values, good governance, community development and freedom for Palestinians. The Document is established on the basis of Palestinian diversity and democratic principles. Participation is a basic right with the NGOs being a principal component in community activities. The Document was prepared by the NGOs umbrella networks and unions who implemented a series of discussions with more than 200 NGOs in the WBGS.

This Code of Conduct seeks to set up the pace for NGOs to be responsive to the challenges facing democratic change. This involves participation to create a proper environment allowing self-determination, individually as well as collectively. Through the principles included in this document, the NGOs (that will choose to sign this document) undertake, voluntarily, to consider national liberation, social, economic and political development on top of their agendas while staying up-to-date with the unfolding trends. It is committed that the work mechanisms are in line with the needs and aspirations of the Palestinian people while respecting

the value-system and human rights. This also applies to standards of transparency and accountability regarding the usage of resources. In general, this document asserts the principle of good governance in its performance. It seeks to be a model consolidating monitoring principles to protect the institution from any deviations. The Document falls in line with the Palestinian Basic Law that was endorsed on May 29, 2002. It ensured that the freedom of establishing such organizations is a basic right that must be protected.



Chapter One:

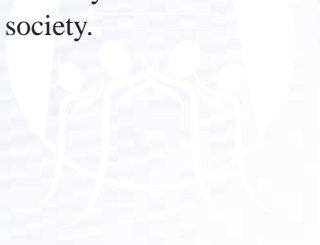
Background of the Palestinian NGOs Sector

Since the beginnings of the last century, NGOs played an integral role in the Palestinian struggle for liberation and development. The development process of NGOs was linked to the changing socio-political environment in Palestine which was associated with the development of Palestinian civil society concepts. It was characterized by a remarkable level of creativity and steadfastness within a highly complex set-up.

The Palestinian NGOs sector was prolific during the First Intifada of 1987. However, drastic changes occurred following the establishment of the PA in the functioning of the NGOs both politically and sociologically. As such, the vision and mandate of the NGOs had to be accommodated to the new developments.

In addition to the essential role of NGOs in socio-economic development, it was instrumental in relief activities with the unfolding events. It proved to be capable of operating under a complex environment and adapt remarkably with a distinctive performance in providing basic services.

Under such exceptional circumstances, the NGOs were keen to upgrade and broaden the range of services with a greater impact on Palestinian development. This is revealed through self-awareness of its community role. Although there is a disparity within the outlook of various NGOs, there is a consensus as to the centrality of its role in the process of development and liberation. The true challenge is the ability to proceed with the mission and effectively contribute in the formation of the Palestinian society.



Chapter Two:

Principles of the Code of Conduct

The following principles are the basis of the Code of Conduct. Endorsing this document means acceptance of these principles and allowing an independent body to check compliance.

Principle 1: Compliance with Covenants & Laws

Palestinian NGOs are committed to comply with all Palestinian legislations within the rule of law, in all of the following aspects:

- The Declaration of Palestinian Independence dated 15 November 1988.
- The Palestinian Basic Law endorsed on 29 May 2002.
- The Palestinian Law of Charitable Associations and Community Associations, Law No 1, Year 2000 and the related implementing regulations adopted by the Palestinian Council of Ministers
- The Palestinian Labor Law No. 7 of 2000.
- The Law for the rights of the disabled No. 4 of 1999.

The Palestinian NGOs are committed to abide by the International covenants and human rights

declarations, particularly:

- The Universal Declarations on 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 Universal Covenant on the rights of the handicapped (or those with special needs).

As an expression of compliance with the aforementioned principle, the NGO signs, in writing (attachment No. 1).

Principle 2: Priorities of Development

The NGOs pledge that their activities will be in line with the priorities of the Palestinian Development and in harmony with its Strategic Plan. The signatories of this Document also abide by the right to reject funding with politically-conditioned strings, since that is bound to distort the development process and/or undermine the legitimate struggle for independence and self-determination according to UN principles.

The signatory NGOs also undertake to be in line with

the national agenda without any normalization activities with the occupier, neither at the political-security nor the cultural or developmental levels. No endeavor would be carried out if it undermines the inalienable Palestinian rights of establishing statehood and the return of the refugees to their original homes, according to the Security Council Resolution 194.

Principle 3: Participation

The NGOs are committed to apply the principle of participation to consolidate voluntary and community contributions. Data and expertise exchange will be facilitated with continued consultation with stakeholders over policy, methodology, orientation and scope of work changes.

It also complies to be in a state of regular consultation with the beneficiaries in order to create a proactive atmosphere with them, as well as with the PA, the private sector and other NGOs. This will ensure involvement and transparency with the stakeholders. Furthermore, the NGOs abide to involve beneficiaries in the design, monitoring and evaluating of projects. It also views the PA as an essential party to be consulted over any new projects, in line with the Charitable Associations'

Law of 2000. This is bound to provide logistic support that would broaden project benefits to the community. The NGOs undertake to encourage communication proactively among the staff, beneficiaries and other stakeholders. This will be within the strategy that aims to communicating the correct data related to various projects properly.

Principle 4: Networking and Coordination

The NGOs abide to develop the spirit of networking, coordination, cooperation and communication within a partnership built on a common vision with the stakeholders on a sector basis. This will be done in an integrated manner avoiding redundancy with the most proper usage of capacity and resources with partnership in planning and implementation. The stakeholders are to be held accountable to each other.

Furthermore, the NGOs undertake to consult over issues of common concern with various groups and agree over representation procedures avoiding redundancy and raising productivity. If a signatory participates in a major event, it is committed to report the outcome to the stakeholders.

Principle 5: Transparency:

NGOs shall be committed to the policy of absolute transparency based on the right of all concerned parties to have access to information, and at the same time ensuring access of the general assembly, beneficiaries, donors and the PA regarding the activities, procedures, decisions and policies. NGOs shall be also committed to ensuring that beneficiaries, public, concerned official parties and donors have access to information, and to work within clear and declared procedures concerning financial and developmental policies, and also ensuring that there are clear policies on disseminating and providing accurate information to the public and abide to standards of professionalism and those of financial transparency, as well as making the following basic information available through mass media:

- The NGOs' principles, mission, objectives and values..
- The administrative and organizational structure and job descriptions.
- Partnerships, coalitions and contractual commitments within the country and abroad.
- Annual administrative financial reports that should include, at least audit results, the party in charge of that, the management's letter to the auditor, incoming and outgoing funds and means of disbursement,

as well as management meeting minutes, with the exception of classified information.

- Employment and procurement procedures.
- Current or future activities.
- Geographic areas of operation, in terms of locality.
- Publishing financial reports in an understandable and accessible form.
- Adopting an effective system of procurement and providing services away from personal considerations.

Principle 6: Accountability

Accountability means providing mechanisms to provide reports related to the usage of resources and holding the decision makers responsible for their decisions and/or their failure to fulfill the vision and objectives of the NGO. It entails holding decision-makers responsible for any shortcomings and the ability to respond to any of the issues related to performance and the institutional obligations at all levels. This is particularly essential for NGOs that raise funds on behalf of deprived people.

The Palestinian NGOs are committed to provide any required information related to its operation with all the detail. It agrees to be accountable in front of its general assembly, grassroots, the beneficiaries, donors and contracts, within the agreed accords and the law.

Simultaneously, the principle of independence is maintained.

In particular, the institution acts to provide the following:

- A complaint system with each case responded, in writing, with the management following up the matters in a methodological manner.
- Having an accredited accounting and auditing system with a proper verification system.
- Utilizing funds according to earmarked and announced standards.
- Specifying the levels of authority on expenditures according to administrative levels while respecting the segregation of duties,

Principle 7: Equality and Inclusiveness

The NGOs are committed to deal with all persons or groups, whether beneficiaries or staff, on the basis of their being alike with equal opportunity. It further abides not to discriminate on the religious, political, clannish, geographic, gender, social background or handicap basis in any form whatsoever. Instead, certain NGOs would exercise some form of positive distinction in favor of certain marginalized groups, women or those with special needs or in geographic isolation according

to a disseminated policy that is in line with the public interest.

Furthermore, the NGOs undertake to develop stern and clear-cut policies to prevent all kinds of discrimination against the staff and providing equal opportunity to all. The same would apply in the selection of beneficiaries and services as well as employment, evaluation, promotion or holding staff accountable on the basis of gender, color, origin, handicap, social status, age, creed or political affiliation.

The NGO is committed to consolidate gender equality in activities, publications and procedures at the level of dealing with staff, volunteers, targeted groups and the public at large.

Equally, the rights of the staff are to be preserved. Therefore, the management must ensure having clear-cut procedures that guarantee the rights of the employees, particularly in:

- Providing a salary scale with a clear known system of promotion to all positions.
- Providing work contracts in accordance with the Palestinian Labor Law.
- Providing a fair evaluation system that is clear to all, as well as a published penal system.

Principle 8: Good Governance

The NGOs are committed to the principle of good governance and democracy, ensuring functioning effectively at the level of the general assembly, management and staff. Specifically, it is bound to:

- Maintain the NGO as completely independent in its decision-making with no factional or denominational factors in providing services and employment. Security functionaries are not entitled to join in its general assemblies or posts.
- Assign a Certified Public Accountant.
- Develop stern procedures to prevent conflict of interest.
- Develop a plan for the optimum utilization of human and financial resources.
- Develop manuals explaining proper procedures in management, finance, operations, monitoring and evaluation.
- Consolidate the concept of management through participation; enhance the sense of ownership of the staff and beneficiaries. The emergence of new leadership is encouraged with capacity building of the actual staff.
- Involve staff in the process of strategic planning.
- Ensure that the programs respond to actual community needs rather than the agenda of the donors, have no negative impact on the community, have the element of sustainability and being economically viable.
- Develop institutional capacity in a manner that fits into consolidating services and projects. This entails ensuring that the elements needed for institutional

development are included within the implemented projects and the grant applications submitted in administrative, financial, data systems and human resources.

- Clarifying communication lines between governing bodies and the staff.
- Critical review of institutional culture, policies and procedures seeking to enhance self-responsibility, creativity and respect of diversity.
- Set up clear-cut standards as part of the follow-up and evaluation methods.
- Foster democracy through participation.
- Foster a culture that encourages initiatives.
- Provide a Code of Conduct Document to the staff.
- Place policies related to staff and volunteers in writing, in a manner that is in line with existing laws.
- Declare tax obligations and respect legal, contractual obligations.
- Spread a just attitude among the staff in evaluation, through unbiased methods, capacity building and the sense of responsibility.

Principle 9: Prevent Conflict of Interest

Conflict of interest surfaces when a person or a clique in a position of responsibility within an institution finds a way to promote personal, clannish or factional self-interests.

To prevent such an eventuality, the Boards should make sure that stern procedures are in place. These procedures should be implemented (by the staff and Boards) in full transparency.

All members of management need to declare all financial or personal interests and its nature. In such cases, where his or her interests are involved, he or she should refrain from the process of decision-making, unless there is a special exception to that.

In addition to the stipulation of The Charitable Organizations Law No. 1 of the year 2000, in terms of limitations that prevent Board members to combine being Board members with working for the same NGO in return for a pay (article 20). The same applies to Board members with a first and second level of kinship ties (article 16). As such, we are committed to abide by the following:

- 1) No privileges are allowed as a result of membership in Board. This includes research, training and paid consultations.
- 2) It is prohibited to combine the position of membership in the General Assembly or the Board of Trustees with the position of Director General of the NGO. The staff must be restrained from electing the Board or voting on issues with a direct link to their

- interests such as salaries and other benefits.
- 3) Prohibiting membership in the Board of anybody having a first and second level of kinship ties or relationship by marriage to the Director General.
 - 4) Prohibiting monitoring or supervising posts for first and second levels of kinship ties or relationship by marriage. This includes the Director General, the Financial Manager and monitoring positions. It is not allowed for a Director General to be above or below first or second level relatives or having a relationship through marriage ties or being a partner in a private business.
 - 5) Prohibiting exchange of supervisory positions among various NGOs when there is a conflict of interest.
 - 6) To ensure the above, every General Assembly, Board member and employee must fill up the form of “Conflict of Interest and Disclosure Declaration”.

Principle 10: Influence and Effectiveness

The Organization’s (NGO’s) Mission lies in the reason for its existence and what it hopes to achieve, and it needs to specify clearly its policy. This clearly formulated Mission should be the base and reference of all activities and plans. Human and financial resources need to be utilized effectively and efficiently to achieve declared objectives.

In particular, each institution needs to do the following:

1) Board: Each member of the Board must fully grasp and support the task of the NGO, he or she should also understand his /her role and assume this role and authority in developing the organization.

2) Evaluation: The Mission and activities of the organization need to be reviewed at two levels:

Regular review of the institution's Mission (every two or three years) to ensure that it is still relevant.

Among the issues that need to be evaluated are:

a) Whether the Mission has been accomplished by the organization or another body. The next step is to determine the advantage of proceeding on with the current structure.

b) Whether there is a need to amend the Mission as a result of social changes.

c) Look into the possibility of setting up new objectives that require revision of the Mission..

- Examining regularly the NGO's activities to make sure of its effectiveness and relevance. This would include evaluating the possibility of amending current programs or introducing new programs. Among the issues that need to be evaluated in this respect are the following:

a) Whether the activities are in line with the current Mission or need amendment or ending it in light of the unfolding changes in the Mission.

b) The level of efficiency and effectiveness in ac-

completing the institutional objectives.

- c) The results accrued by the beneficiaries of the programs.
- d) Program cost in comparison with the outcome.
- e) Whether new services are required.

Evaluation processes need to be carried out with an open mind and integrity with the involvement of all stakeholders.

- 3) Consensus with the objectives: The activities must be in line with the institutional objectives. The Mission must form the basis for strategic planning and the action plan. Focus should be placed to make sure that objectives have, or are about to be, accomplished.
- 4) Efficiency and Effectiveness must be maintained to achieve declared objectives.
- 5) Feedback is required on a regular basis from its program's beneficiaries and all stakeholders.
- 6) Professionalism needs to be practiced with the concept of providing services.

Principle 11: NGO s Integrity

In all NGO activities, especially in communication with the public, respect of the other must be maintained. All efforts should be exerted to avoid problems or resolve it with an open spirit and tolerance. In addition, files need to be properly documented and information well kept (while maintaining restrain against demolishing files)

with the principle of having access to the data.

The NGO will not get involved in any fraudulent or illegitimate acts or fake financial transaction and will take the necessary measures to stand up against such deviations.

Each NGO is committed to develop an administrative and financial system approved by the Board that would define the policies and employment procedures, it should include:

1. Employment policies and procedures.
2. A clear transparent employment system includes employment mechanisms, announcement of job vacancies, requirements for each job with no discriminatory steps based on faction, denomination, clan or gender. This should always apply except when cases where there would be positive distinction to certain categories within a declared policy.
3. Specify a minimum wage scale in line with living standards to secure the minimum of human conditions.
4. Announcing the wage scale and all other benefits to the staff, including honorariums and other allowances. No allowances are allowed in return for consultation or trainings conducted by the staff within the NGO.

Principle 12: Dispute Resolution

The signatories of this Document are committed to resort to mediation and arbitration in the first degree to resolve any disputes among NGOs, or within the NGO itself, or when there are labor disputes.

For such a purpose, the signatories participate in electing an Arbitration Committee that accepts grievances and complaints mediating to resolve disputes within a specific set of bylaws that guarantee the independence and the privacy of each NGO.

