

**Proposal for a
Code of Ethics
for
Municipal Officers**

United Nations Development Program

**Proposal for a
Code of Ethics
for
Municipal Officers**

Prologue

The United Nations Development Program (UNDP) has initiated the publication of a series of documents related to the promotion of the topics of transparency and the fight against corruption in the framework of the project, "Municipal Transparency in Honduras Promotion".

This project, executed by the civil society and the Mayors offices in nine Municipalities with technical assistance from the National Commission of Human Rights and the UNDP in Honduras, has as its goal to fortify the local government by promoting healthy management, transparency and participation of the public municipal resources. Nine pilot municipalities have been located in the departments of Copán, Ocotepeque, Cortés and the Bay Islands and will constitute the base of this development process for transparent practices at the local level.

With the publications of *A Local Experience of Transparency in Honduras*, of the *Tools for the Civil Commissions of Transparency*, a *Code of Ethics Proposal for Municipal Officers and Employees* and of the *United Nations Convention against Corruption*, the United Nations Development Program is trying to provide, to the general public and to the local protagonists of transparency in particular, a series of tools and experiences that are expected to be a support for the realization of their local initiatives.

Numerous studies and our own experience have demonstrated that development cannot be reached without the essential components that are transparency and civil involvement. What is mentioned previously is due to the fact that corruption harms first, those who are most vulnerable, consolidates social inequality and compromises the equal access of all civilians to their rights.

We would like to express our gratitude to the Municipal Mayors of Santa Rosa de Copán, Nueva Arcadia, Florida, Santa Rita de Copán, Copán Ruinas, Ocotepeque, San Marcos de Ocotepeque, Puerto Cortés and Santos Guardiola, and to their Civil Commissions of Transparency and the other institutions and projects who we have accompanied with the "Municipal Transparency in Honduras Promotion" project, and particularly to the Mennonite Commission of Social Action (MCSA), the Local Auto Management Development Project for the Reduction of Poverty in Northern Copán, the Christian Integral Development Organization in Honduras (CIDOH), the Rural Municipal Fortification Project, Second phase (PROMUR II) and the Environmental Management Program in the Bay Islands (EMPBI). We express our special gratitude to the National Commission of Human Rights (NCHR) because we have jointly supported the construction of the local transparency processes in Honduras.

With the present publications we intend to provide a new contribution in support of the local initiatives for promotion of transparency and for the fight against corruption that will constitute a true hope that the management of public resources will be a base for a equitable and sustainable human development that will favor the same opportunities for everyone.

Kim Bolduc
UNDP Resident Representative
in Honduras

Proposal for a Code of Ethics for Municipal Officers

We:

Members of the Municipal Corporation of the Municipality of, elected by civilian will:

Worried about the severity of the problems that corruption presents, that put in danger the stability and security of the societies, that undermines the values of democracy and morality and compromises social, economic and political development.

Keep in mind the principles due to the management of the subjects and public goods, equity, responsibility and equality before the law, just as the need to save the integrity and foment a culture of rejection of corruption;

Considering that the representative democracy, an essential condition for stability, peace and development, because of its nature, demands that we fight all forms of corruption in the exercise of public functions, as well as in those acts of corruption specifically linked to the exercise;

Keeping in mind the Interamerican Convention against Corruption, approved by the Organization of American States in the Specialized Conference about the Interamerican Convention Project against corruption held in Caracas March 27th to 29th of 1996;

Keeping in mind the International Code of Conduct for the protagonists in public positions approved by the United Nations General Assembly on January 28, 1997;

Keeping in mind the United Nations Convention against corruption approved by the United Nations General Assembly on October 31, 2003;

Keeping in mind what was established by the Municipal Law of Honduras and its regulation, in the respect to articles 24; 30; 39 and 59;

Keeping in mind that the Honduran State Law of Contracts establishes in its article 10 that the publishing and transparency principles must follow the administrative contractual activities;

THEREFORE:

We approve the present Code of Ethics for Municipal Officers.

Code of Ethics

Chapter I General Dispositions

Article 1 Purpose

The purpose of the following code is:

- a) Promote the integrity and proper management of subjects and public goods.
- b) Provide a guide that allows all municipal officers to act in fulfillment of their duties according to the basic norms of propriety and recognized integrity at a national and international level.

Article 2 Definitions

Municipal Officer: For effects of the present Code, it is understood as "Municipal Officer" any officer or employee of the Municipality or its entities, including those who have been chosen, delegated or elected to occupy activities or duties in the name of or in service of the Municipality, in all its hierarchical levels. To the effect of, the terms "official", "servant", "agent", "public position holder" or "employee" are considered synonyms.

Public Resources: For effects of the present Code, it is understood as "public resources": the urban and rural land as well as the rest of the real estate or goods whose domain or possession corresponds to the Municipality; the contributions of the Executive Power in favor of the Municipalities or the resources transferred to them; the values that the Municipality acquire in loan concept, with national and foreign entities; the resources that the Municipality obtains by concept of inheritance, legacy or donation; the rest of goods, rights, admissions or assets in any form received or belong to the Municipality. For effects of the present Code, public "goods" and "resources" will be considered as synonyms.

Ethics: A set of rules of behavior and principles that apply to the professional and personal interrelations. The ethic is individual and guides actions and everyday decisions. Where morality dictates, ethics recommend how to act independently of cultural, religious or any other differences.

Article 3
Field of application

This Code applies to the Municipal Officers of
and has as an objective to guide their decisions and actions framed in their public duties. The present Code of Ethics does not pretend to apply to the private life of each Municipal Officer.

Article 4
Compromise

The entry and permanence into any Municipal position implies knowledge of the present Code and assumption of compromise to its fulfillment.

Chapter II
General principles of ethics
for the holders of public positions

Article 5
Responsibility

A public position is one of trust that implies the obligation to act in the interest of the public. Therefore, the holders of public positions will be above all loyal to the public interest of the Municipality and the Country such as expressed through the democratic institutions of the State.

Article 6
Fair and impartial treatment

The Municipal Officers will be diligent, fair, equitable and impartial in the fulfillment of their duties and, in particular, in their relations with the public. Under no circumstance will there be any improper preference or discrimination to any group or individual. Therefore, it is considered that the freedom of opinion is fundamental and essential, the political activities or activities of any other character that are carried out by the holders of public positions will not, in conformity with the laws and administrative policies, diminish the public trust in the impartial fulfillment of their duties and obligations.

Code of Ethics

Article 7 Legality

The Municipal Officers are obliged to know and fulfill international agreements, the Constitution of the Republic, the laws and the rules that regulate their activity.

Article 8 Propriety

The Municipal Officers are bound to act with propriety in the fulfillment of their duties, being vigilant to respect the principles of integrity of the present Code as expressed in the Third part: integrity of the holders of public positions.

Article 9 Transparency

The Municipal Officers are bound to act with transparency in the fulfillment of their duties, vigilant to respect civil rights, according to the current laws, to make petitions for motives of particular or general order, ask for accounts from the Municipal Corporation and to participate in the management and development of local affairs.

Article 10 Suitability

The suitability, understood as technical and legal aptitude, is an essential condition for the access and exercise of the Public Municipal Function. The holders of municipal public positions have as their duty to permanently update their knowledge and aptitudes as demanded by their position so as to develop their innovative attitudes with the aim of trying to improve the quality of public service.

Article 11 Effectiveness and Efficiency

The Municipal Officers will be vigilant to fulfill their obligations and duties in an effective and efficient manner, according to the administrative laws and norms. They will try to ensure at all times that all public resources for which they are responsible are administrated in the most effective and efficient way.

**Article 12
Confidentiality**

All confidential matters that the holders of municipal public positions have knowledge of will be kept secret unless the national legislation, the fulfillment of duties or necessities of justice strictly demand the contrary. Such restrictions will continue to be valid after leaving public office.

**Chapter III
Integrity of Municipal Officers**

**Article 13
Bribes**

The Municipal Officers will not solicit or accept, directly or indirectly, any improper benefit that results in or for their own benefit or that of any other person or entity in order for the officer to act or abstain from acting in the accomplishment of his or her official duties.

**Article 14
Gifts**

The Municipal Officers will avoid, by norm, to solicit, carry out or accept gifts. In effect, the request, the realization or acceptance of a gift can create or give the impression of creating an immediate or future obligation or compromise.

**Article 15
Diversion of public resources**

The Municipal Officers will not comment any form of inappropriate misuse, appropriation or any other form of diversion, in self benefit or to third parties or other entities, of goods, funds or public or private titles or any other valuable thing that has been entrusted to the Officer in the position. The holders of public positions have the responsibility to protect and use public resources accordingly. These resources include cash funds and installations, the materials, the programs and informatics teams and supplies.

Code of Ethics

Article 16 Traffic of Influences

The Municipal Officers will not abuse their real or assumed influence to obtain from the administration or authority of the Municipality or State any inappropriate benefit for himself/herself or another person.

Article 17 Conflict of Interest

The Municipal Officers, in accordance with what is required for the position and adherence to the laws or administrative norms, will declare their economic, commercial or financial interests, or their any profitable activities that might render a possible conflict of personal interest. In the case of relatives, decisions or actions that could affect the personal interests of a holder of a public position or diminish their capacity of independence and impartiality in carrying out of their duties and obligations, they will comply with the dispositions to reduce or eliminate that conflict of interest. The Municipal Officers will also abstain from all activity that entails contracting, promotion or evaluation of relatives.

Article 18 Taking advantage of a previous position

The Municipal Officers will comply with the established dispositions in accordance to the law and/or administrative norms in order to avoid that once having desisted from the fulfillment of their obligations they will not take inappropriate advantage of the benefits of their previous position.

Chapter IV Interpersonal Relationships in the work place

Article 19 Harassment

The Municipal Officers will act in such a way that they create a trust worthy work environment. They will keep watch to not act in such a way so as to create an intimidating, hostile or offensive

environment. Always keeping in mind, the respect for the human dignity of their coworkers and not practice any type of harassment, intimidation or threats.

Article 20
Authority and Obedience

The Municipal Officers will be committed to fulfill orders received from a competent hierarchal superior, according to the formalities of each case and they shall have as an objective to carry out the actions of service that are linked to their duties, except in the supposed case or cases of an arbitrary or illegal character. The holders of public positions will make sure not use their authority to act in an indiscreet or inconsiderate manner or use their position to obtain any inappropriate benefit for himself/herself or another person.

Article 21
Arbitrary Accusations

The Municipal Officers will not formulate against a Municipal authority, or any municipal officer or any civilian any form of arbitrary accusations, unfounded or ill intended.

Article 22
Respect of Private Life

The Municipal Officers that have access to confidential information (including personal files, medical files, relevant information about investigations and disciplinary measures) on coworkers will not use or distribute it in an inappropriate manner, and will only access such information under legitimate and official authorization.

Chapter V
Special Compromise

Article 23
Human Rights

The Municipal Officers will watch for, the fulfillment of their duties and obligations, while always respecting the Human Rights and the inherent dignity of each human being.

Code of Ethics

**Article 24
Vulnerable Groups**

The Municipal Officers will provide special attention to groups that, due to their condition, are the most vulnerable such as children, pregnant women, the elderly, handicapped people, people of scarce economic resources, etc.

**Article 25
Environment**

The Municipal Officers will pay close attention, in accordance to the applicable environmental principles and norms, to what effect their decisions could have on the conservation and protection of the environment.

**Article 26
Ethics of the denunciation**

The Municipal Officers commit to denounce to their superior or to the corresponding authorities, the known acts with motive or during their tenure that could cause damage to the Municipality, State, to the people or constitute a crime or violation of any of the dispositions contained in this Code.

*Approved in the Municipal Corporation meeting on the day
of of*