

ANNEX 9

CODE OF ETHICS FOR PEMSEA PERSONNEL

CODE OF ETHICS FOR PERSONNEL OF THE PARTNERSHIPS IN ENVIRONMENTAL MANAGEMENT FOR THE SEAS OF EAST ASIA (PEMSEA)

A. Purpose

To attain the highest standards of efficiency, competence and integrity, the Code of Ethics sets out below the values and principles to guide the conduct and behavior of PEMSEA personnel and officers.

B. Application

1. The Code of Ethics will be applicable to all PEMSEA personnel. For the purposes of this Code, “PEMSEA personnel” or “staff member” includes:
 - a. Employees of PEMSEA;
 - b. Individuals who have entered into a cooperative arrangement with PEMSEA, including work trainees, interns, fellows, international and local consultants, individual contractors, and members/experts of regional and national task forces on mission;
 - c. Employees of non-PEMSEA entities – including Governments, non-country Partners, corporate contractors, etc. – who have entered into a cooperative arrangement with PEMSEA for the said employees to work for or in PEMSEA as work trainees, interns, fellows, seconded personnel and members/experts of regional and national task forces on mission, or to provide services to PEMSEA.
2. Where the personnel under subparagraph 1(c) above are covered by different rules and procedures, this Code shall apply to the extent possible and they are otherwise expected to observe the highest standards of conduct.
3. The said PEMSEA personnel except those referred to under paragraph 2 above shall be required to sign the PEMSEA Code of Ethics, which will form part of their respective contracts.
4. For the purposes of this Code, “ethical misconduct” or “unethical behavior” is a failure by a staff member to observe the Code of Ethics.

C. Values

1. Independence

PEMSEA personnel shall maintain their independence and shall not seek or receive instructions from any Government or from any other person or entity external to the organizational flow, and shall refrain from any action which might reflect negatively on their status as PEMSEA personnel responsible only to PEMSEA.

2. Loyalty

Loyalty to the purposes, values and principles of PEMSEA is a fundamental obligation of all PEMSEA personnel. They shall be loyal to PEMSEA and shall, at all times, discharge their functions and regulate their conduct with only the interests of PEMSEA in view.

3. Impartiality

PEMSEA personnel, in the performance of their official duties, shall always act with impartiality, objectivity and professionalism. They shall ensure that expression of personal views and convictions does not compromise or appear to compromise the performance of their official duties or the interests of PEMSEA. They shall not act in a way that could lead to actual or perceived preferential treatment for or against particular individuals, groups or interests.

4. Integrity

PEMSEA personnel shall maintain the highest standards of integrity, including honesty, truthfulness, fairness and incorruptibility, in all matters affecting their official duties and the interests of PEMSEA. They shall exercise transparency in all their dealings concerning PEMSEA by refraining from fraudulent, deceptive or corrupt acts, keeping accurate records, and making timely and complete disclosure of material information, subject to the requirements of confidentiality and privacy.

5. Accountability

PEMSEA personnel shall be accountable for the proper discharge of their functions and for their decisions and actions. In fulfilling their official duties and responsibilities, PEMSEA personnel shall make decisions in the interests of PEMSEA. They shall submit themselves to scrutiny as required by their position.

6. Respect for human rights

PEMSEA personnel shall fully respect the human rights, dignity and worth of all persons and shall act with understanding, tolerance, sensitivity and respect for diversity and without discrimination of any kind.

7. Environmental responsibility

PEMSEA personnel shall put into practice environmental and conservation principles and endeavor to minimize the ecological footprint of all aspects of PEMSEA operations.

D. Principles

1. Conflict of interest

PEMSEA personnel shall arrange their private interests in a manner that will prevent actual, potential or perceived conflicts of interest from arising, but if such a conflict does arise between their private interests and their official duties and responsibilities, the conflict shall be disclosed and resolved in favor of the interests of PEMSEA.

2. Abuse of authority

PEMSEA personnel shall not use the authority entrusted to them, in particular by taking advantage of colleagues, beneficiaries or other individuals or groups, for financial, political, sexual or other gain.

3. Gifts, honors, favors or other benefits

PEMSEA personnel shall not solicit or accept gifts, honors, favors and/or other benefits from persons or entities having dealings with PEMSEA unless they are of insignificant monetary value and receiving them shall not bring into question their independence, impartiality and integrity. If the refusal of such gifts, honors, favors and/or other benefits would cause embarrassment to the giver or to PEMSEA, the concerned staff member may receive it on behalf of PEMSEA and then report and/or entrust it to the Executive Director, who may retain it for PEMSEA or arrange for its disposal for the benefit of PEMSEA or for a charitable purpose, or inform the giver in a properly discreet manner of the PEMSEA policy prohibiting such gifts, honors, favors and/or benefits.

4. PEMSEA resources

PEMSEA personnel shall only use or allow the use of the resources of PEMSEA, directly or indirectly, including its property and assets, for authorized purposes, and shall exercise reasonable care when utilizing such property and assets.

5. Confidentiality of information

PEMSEA personnel shall not use information that is not generally available to the public for private gain, financial or otherwise, to benefit themselves or others with whom they have personal, family or other ties, nor shall they disclose such information to the public without authorization. That duty continues to apply after the expiration of their service with PEMSEA.

6. Conduct

- 6.1 PEMSEA personnel shall exercise the utmost discretion with regard to all matters of official business. They shall conduct themselves in the manner befitting their status as personnel of an international organization. They shall avoid any action and pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.
- 6.2 The privileges and immunities enjoyed by PEMSEA under the Agreement between the Government of the Republic of the Philippines and PEMSEA are conferred in the interests of PEMSEA. These privileges and immunities furnish no excuse to the PEMSEA personnel to whom they apply to fail to observe laws and police regulations of the Philippines, nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, any person covered by this Code shall immediately report the matter to the Executive Director, who may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the Agreement.
- 6.3 Any person covered by this Code who has been arrested, charged with an offence other than a minor traffic violation or summoned before a court as a defendant in a criminal proceeding, or who has been convicted, fined or imprisoned for any offence other than a minor traffic violation shall immediately report the fact to the Executive Director.

7. Post-employment

PEMSEA personnel shall not act in such a manner as to take improper advantage of their official functions and positions, including privileged information obtained from such functions and positions, when seeking employment or appointment after leaving their service with PEMSEA.

E. Violations or Non-compliance

1. Violations of or non-compliance with the Code of Ethics by PEMSEA personnel falling under paragraph 1(a) of Section B may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct.

2. Violations of or non-compliance with the Code of Ethics by PEMSEA personnel falling under paragraph 1(b) of Section B may lead to termination of the cooperative arrangement between PEMSEA and the individual, or where appropriate, a lighter disciplinary measure.
3. Violations of or non-compliance with the Code of Ethics by PEMSEA personnel falling under paragraph 1(c) of Section B may lead to the institution of a disciplinary process and the imposition of disciplinary measures where appropriate, or termination of the cooperative arrangement between PEMSEA and the entity employing the concerned person. Within a reasonable period prior to the imposition of disciplinary measures or termination of the cooperative arrangement, PEMSEA shall inform the entity of the said violation or non-compliance of the employee, providing the details of the violation, the investigation and the reason for termination or the imposition of disciplinary measures.
4. The cooperative arrangements referred to in paragraphs 2 and 3 herein, may be terminated prior to the completion of the investigative process, if the Executive Director determines that such action is warranted and in the interest of PEMSEA.
5. Where the staff member's failure to comply with his or her obligations is determined through the process instituted in the Rules for Reporting and Investigation of Violations of the Code of Ethics for PEMSEA Personnel to constitute misconduct, such staff member may be required to reimburse PEMSEA either partially or in full for any financial loss suffered by PEMSEA or other entities as a result of his or her actions, if such actions are determined to be wilful, reckless or grossly negligent. Such requirement will not be considered a disciplinary measure.

F. Disciplinary Measures

1. Disciplinary measures may take one or more of the following forms:
 - a. Written censure;
 - b. Loss of one or more steps in grade;
 - c. Deferment, for a specified period, of eligibility for salary increment;
 - d. Suspension without pay for a specified period;
 - e. Fine;
 - f. Deferment, for a specified period, of eligibility for consideration for promotion;
 - g. Demotion with deferment, for a specified period, of eligibility for consideration for promotion;
 - h. Separation from service, with notice or compensation in lieu of notice;
 - i. Dismissal.

G. Ethics Committee

1. The Executive Director shall appoint an Ethics Committee, composed of at least three members, with a term of three years. One or more of the committee members shall be a person external to the PRF, for the purpose of providing an impartial and objective perspective. The Ethics Committee is an advisory body which shall be convened at least once a year or whenever the Executive Director deems it appropriate.
2. The main functions of the Ethics Committee are:
 - a. To advise the Executive Committee on issues concerning the application of this Code to PRF personnel;
 - b. To maintain this Code in compliance with best practice;
 - c. To report once a year to the Executive Director on the status of the Code implementation within the organization, its appropriateness and efficiency, the results of the allegations and investigations, if any, as well as compliance of the Code with best practice and any proposed modifications to be considered.

H. Effectivity

The present Code of Ethics shall enter into effect on ... (*date/month/year*).
