

# Is there a Need for Code of Conduct and Ethics also for Land Administrations (LA) Organisation? - If Yes, How it Should be Approached?

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**Key words:** Land Administration, Code of Conduct and Ethics, Principles for Code implementations, Lessons learned, base on practical case experience.

## SUMMARY

Most of Land Administration says: *"We do not need any Code - We have already all defined in the law"*. But the law describes only *"Black or White solutions"* (allowed or not), however in daily practise we deal mostly with the *"grey cases"* for which some guidance (Code) is necessary.

The real need for it becomes more clear when people start to discuss practical ethical challenges e.g. receiving gifts, hospitalities, issues like *"can an employee during the office hours read/write private mail using the employer computer equipment?"*, etc.

The paper defines what is the Code of Conduct and Ethics, as description of public sector behaviour by setting 7 principles of public life selflessness, integrity, objectivity, accountability, openness, honesty, leadership, etc.

The Code is based on 4 foundation pillars: Respect for the law, Impartiality, Integrity and Confidentiality, wherein the topics related to dealing with Customers: Friendly behaviour, Recognizability, Communication and Delivering Service, followed by Behaviour at Work: Accountability, Attendance and performance, Use of company/organisation services/resources, Relation with the colleagues, Professional approach and improving yourself, are presented.

Then, the external/client relationships, incl. gifts, hospitality and other benefits; Private activities; Teamwork; Dealing with fraud and risks; Information and Communication Technology (ICT) and organisational issues are presented, like Reporting breaches of Code, How breaches by employees should be dealt with, etc.

Then, after the above preparatory aspects, the variety of practical experiences as observed during the implementation of above proposed concept based on a specific case, as implemented by National Land Administration organisation in Uzbekistan is given. It presents the various

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challenges related to the legislation, awareness of the need, understanding the Code by employees, its embedding in organisation, etc. all as lessons learned.

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When we start to discuss the need for Code of Conduct and Ethics in a Land Administration organisation the most common reactions are as follows: *“We do not need any Code - We have already defined all in the law, and we are following the law”*.



But the law describes only “Black or White situation/solutions”: What is Not allowed, or What Yes. For example: according to the law you cannot accept any gifts or hospitalities – it sounds easy to follow, however in the daily practise we have to deal mostly with a lot of “grey cases”,

like:

- Can employee of LA organisation accept as a gift in form of a simple and very cheap pen/ballpoint of value of 25 cents? Then, usually the answer is YES (because of the low value of the gift).
- But if a customer offers you 100 ballpoints? or each customer gives you a pen. Can you accept it?
- Or, if the offered ballpoint is of merk Mount Blanc (the value of few hundred USD) can you accept it?

Then, more doubts raises and all discussions starts: YES/NO/MAY BE, etc. If the answer on last item is NO, then it raises also the question if it is also applicable for the Director/Manager? Answer is of course that he/she cannot accept such a gift as Mont Blanc pen.

But if this Manager receives e.g. a foreign delegation and gets as a present, this kind of Mont Blanc Pen - should he/she refuse it or not? Then more serious dilemma become the reality!

Unfortunately, the answers for this kind of variety of cases are usually not defined in the Law! And law cannot cover all life cases.

Another examples:

- Can an employees of LA accept an invitation for a business lunch having a meeting with Contractor and they are working together within a project? Probable YES, but what’s about an invitation to the night club? Or,

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- Can a Land Surveyor that measures a parcel, accept a cup of coffee from the Land Owner? - Probable yes, but what about the invitation for the lunch? And/or invitation for the wedding party of his daughter?
- Can an employee during the office hours read/write private mail using the employer computer equipment?
- Etc.

The above simple examples demonstrating that not all is possible to define in the law. In the daily practise many “grey areas occur” and therefore some guidance (Code of Conduct and Ethics) is necessary. **It confirms the need to have such Code also within the Land**



### Administration organisations.

Agreeing on the above confirmation we need to clearly **define the Code of Conduct and Ethics.**

This kind of Code describes the public sector behaviour by setting the following principles of public life selflessness, integrity, objectivity, accountability, openness, honesty, leadership, etc.

The **Code has 4 foundation pillars** and there are the following:

- **Impartiality** – Land Administration perform his or her duties, with respect for anyone (religion, gender, political preferences, rase and social position)
- **Integrity**- correctness and honesty – elimination of unethical behaviour (corruption, gifts, etc.)
- **Confidentiality** - information from Clients treated with care; access to information; relation to media.
- **Respect for the law** – Registration is based on legal acts that need to be followed




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Then when **dealing with customers the following service approach** need to be followed:

- **Friendly behaviour** – “service with smile”; information and explanation are compulsory, “Client is always right”
- **Recognizability** – badge, dress-code, special id-cards for field employees
- **Communication** – clear, understandable, polite language, email form, etc.
- **Delivering service** – conform the service standards and required quality; No procrastination!



**Behaviour at Work:**

- **Attendance and performance** - comply with all rules at the workplace (working hours); accountability for own work; Management: respect to employees, assuring understanding of orders
- **Use of own organisation and others’ resources** – computers, instruments, etc. for work purposes
- **Relations with colleagues** – respect, help, no-discrimination
- **Professional approach and improve yourself** – performing the best you can; own development

Often much more **detailed tasks description** is required, like:

- **Employer/Employee relations** – responsibilities of both
- **Work environment and property**
- **Information**
- **External/client relationships**, incl. gifts, hospitality and other benefits

Example table what to do:

Fair Value of Gift (i.e. Market Value)	Requirement	Treatment in the Gift Register
\$50 and over	May only be retained or accepted by the LA employee receiving the benefit with the agreement of a member of the LA Regional Director and/or LA HQ Management.	Reportable in the Gift Register
Between \$1 and \$50	The gift may be retained or consumed by the LA employee with the agreement of their line manager.	Reportable in the Gift Register
Up to \$1	The LA employee can retain or accept the benefit without approval and it does not need to be included in the gift register.	One-off gift: not reportable in the Gift Register, if

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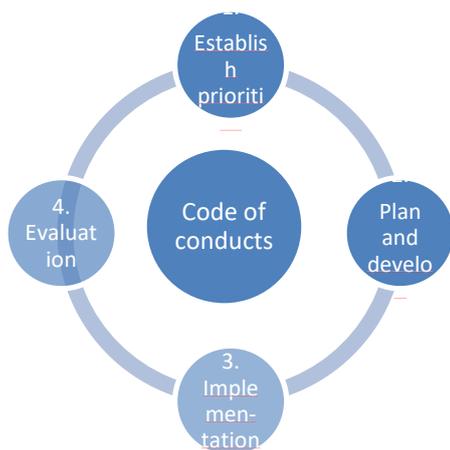
	<p><i>(However, when a LA employee receives a number of gifts or benefits from the same donor over one financial year, with an aggregate market value in excess of \$50, then each individual gift or benefit becomes reportable and must be included in the gift register. More than once: Reportable in the Gift Register)</i></p>	<p>occurred not often than 1 time in the Month</p>
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- **Private activities** – conflicts of interest or integrity
- **Teamwork**
- **Information and Communication Technology (ICT)** – Access, appropriate use, personal use, prohibited activities; offensive and illegal material, malicious activities.

### Organisation

- **Reporting breaches** of the Code of Conduct and Ethics
- How breaches by employees will be dealt with
- When an employee’s expectations of LA organisation have not been met
  
- When expected conduct is not met.

**How to implement such a Code?** We need to follow the known management principles, as presented below:



The pre- condition for the successful implementation of this kind of Code is active involvement, demonstrating the correct behaviour, and following the agreed Code rules by the Top Management of the LM organisation. If not, then it will be only a “Paper Tiger” document.

Based on the above presented approach, as developed by the first Author, **the Code of Conduct and Ethics has been implemented at Cadastre Agency of the Republic of**

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**Uzbekistan.** The 2<sup>nd</sup> author presents below the experience and interesting lessons learned as gathered in the last 2 years during the Code implementation in Uzbekistan.

Uzbekistan is consistently carrying out reforms in the economy, social and other spheres, including in the sphere of public administration.

In particular, in relation to a number of public services, the e-government system is functioning, one of the main principles of which is proclaimed: "It is not people that should move, but documents."

Particular attention is paid to the rules of Conduct and Ethics of civil servants in dealing with citizens and among themselves. The government adopted a resolution dated March 2, 2016 on the approval of the model rules of ethical conduct for employees of government bodies.

Based on the Model Rules, all government bodies have developed and approved departmental rules of ethical behavior, taking into account the specifics of their activities.

Public and private companies, banks, insurance, real estate and other organizations also develop their own internal rules of ethical conduct with a special attention to customer relationships.

The main principles on the basis of which public servants should carry out their activities include:

- legality;
- priority of the rights, freedoms and legal interests of citizens;
- fairness, honesty and impartiality;
- loyalty to the official duty;
- avoidance of conflicts of interest.

Particular importance is attached to the role of Managers at all levels, from the Head of the Department to the Minister. Leaders should be examples of a high level of professionalism, decency and fairness.

Public Administration reform is also being carried out in the field of Cadastre and Registration of real estate. Currently, the Government of Uzbekistan is making efforts to modernize the real estate registration and cadastre system to take advantage of the economic and social benefits of relevant information available for future development.

In particular, since 2017 in the country, with the support of the World Bank, the project "Modernization of real property registration and cadastre" (MRPRC) is being implemented, the task of which is to create an effective and accessible system of registration of real property rights and cadastre in the Republic of Uzbekistan, as an integral part of the structure and services national e-government system.

The governmental body responsible for implementation MRPRC project is the Cadastre Agency under State Tax Committee of the Republic of Uzbekistan, created by the Presidential Decree of September 7, 2020 based on the former State Committee for geodesy, cartography and state cadastre.

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Within the Agency, the Cadastral Chamber was created, uniting all territorial cadastral enterprises and the former National Center for State Cadastres, Geodesy and Cartography as subordinated organization. Cadastral Chamber is responsible for maintenance cadastre and registration of real property, as well as for the creation and maintenance the National Spatial Data Infrastructure.

As part of the MRPRC project, an international consultant (the 1<sup>st</sup> Author) has developed a draft Code of Conduct and Ethics for employees to improve their ability to respond to client needs and raise professional standards. The provisions of the Code are based on international best practice.

Now, the Cadastre Agency is at the stage of transition to a modern, customer-oriented real property cadastre and registration service. The implementation of this Code of Conduct and Ethics is an important part of the ongoing transformation in the country. And the role of Cadastre Agency in this process can hardly be overestimated, especially in terms of customer satisfaction and quality of service, as well as the efficiency and professional ethics of employees.

The Code of Conduct and Ethics provides rules and guidelines for the daily ethical conduct of employees in the workplace. These rules and guidelines set the standard of conduct for dealing with clients, interacting with peers, and communicating with various government and commercial legal entities. This standard applies to both fieldworkers, inspectors, office desk workers and managers.

The activity of the staff of Cadastre Agency and Cadastral Chamber aimed at providing legal guarantees of property rights and conducting real estate transactions, geodesic and cartographic activities make a fundamental contribution to good governance, country development and democracy, and the Uzbek society as a whole through loyal, impartial and unbiased support, which they provide to the state, citizens and legal entities of Uzbekistan.

This Code contains guidelines and measures to help employees effectively deal with real, potential and apparent conflicts of interest that may arise during and after employment in the public service. The prevention, management or resolution of conflict situations is one of the main means of maintaining public trust and confidence in the impartiality and integrity of the public cadastral service.

The Code of Conduct and Ethics developed within the framework of MRPRC project was received as a basis for development of a new edition (to replace that was adopted in 2016) of the following departmental documents, which came into force in April 2020 and are mandatory for all employees of the Cadastre Agency:

- Regulations for the departmental ethics commission activity;
- Rules of professional etiquette for employees of Cadastre Agency;
- Code of Ethics and General Rules of Conduct for Employees of Cadastre Agency.

Newly hired employees must be familiar with the Code of Ethics and confirm in writing that they agree to comply with ethical standards. Employees are liable for violation of the Code of Ethics in accordance with the procedure established by law.

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In particular, in case of violation by an employee of the rules of the Code of Ethics, the departmental Ethics Commission may apply preventive measures against the employee in the form of a warning or even decide to dismiss the employee.

Compliance with the Code of Ethics is one of important criteria for assessing the professional performance and behavior of employees.

The implementation of the Code of Ethics is carried out with certain difficulties associated with the novelty of approaches to work, understanding of the norms of ethical behavior, relations between management and employees, between colleagues, and interaction with clients. Practice has shown that not all employees were able to comply with the requirements of the Code of Ethics. In particular, from June 1 to December 1, 2020, the administration of the organizations of the Cadastre Agency terminated labor contracts with more than 850 employees(!). The main reason was non-compliance with the Code of Ethics in terms of working with Customers.

Also, in November 2020, to ensure the implementation of the above-mentioned Presidential Decree, attestation of the management staff of Cadastre Agency was carried out. Out of 346 managers, only 24% were certified, 15% were certified conditionally and 61% did not pass attestation. Next step is attestation of all personnel of the Cadastre Agency.

In order to ensure compliance with the Code of Ethics, timely detection of corruption offenses, elimination of their consequences, causes and conditions, in June 2020, the Internal Control Service (Compliance Service) was created in the structure of the Cadastre Agency and all its subordinate organizations.

**Introducing new approaches and standards of behavior is a long process that cannot be implemented in a short period.**

Ultimately, it should lead to a more efficient organization of work and a favorable response from customers (citizens, companies and government organizations), who should recognize Cadastre Agency and the Cadastral Chamber as the public service that serves them in the best way.

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