

**Issues paper on IATI code of conduct for Technical Advisory Group meeting,**  
**22-23 March 2010**

**Background**

The IATI Code of Conduct is the fourth part of the IATI standard. The aim of the code of conduct is to set out the commitments that donors make under IATI, the principles underpinning the initiative, how commitments will be monitored, and what accountability mechanisms will be in place. The code has a fairly narrow set of objectives that complement those, such as the current and future institutional structure for IATI, that are being addressed by the IATI Steering Committee.

A first draft of the code of conduct was produced by the EC and Civicus on behalf of the IATI Technical Advisory Group (TAG) in Autumn 2009. The code was widely consulted upon, but it was decided that it was premature to agree the code at this time, before other parts of the IATI standards are in place. The Steering Committee therefore agreed in November 2009 that the final code of conduct would be agreed towards the end of the IATI decision-making process, in December 2010. However, work will continue on the code throughout 2010 to build ownership and consensus.

This short note sets out the key issues to be discussed by the break out group on the Code of Conduct at the IATI Technical Advisory Group meeting on 22/23 March in Oxford. It is based on the key issues to emerge from the Autumn 2009 consultation and the October 2009 IATI Conference.

The development of the code will depend on other issues related to the future of IATI post 2011, so will need to be developed in tandem with the discussion due to take place in the Steering Committee on this topic.

**Issues for which there seems to be consensus**

1. The code should be decided on once agreement has been reached on the other elements of the IATI standard: data and documents to be published; common definitions; and the common electronic format.
2. There is no validation or compliance mechanism foreseen, only a monitoring system.
3. The code will not be a legal obligation, and should not include language that suggests otherwise.
4. The code will be finalised and agreed on by December 2010.

**Questions for discussion**

**Substantive issues**

1. How can the code be adapted so that the wording is more in line with the spirit of the Paris Declaration and Accra Agenda for Action? Should the Code be less specifically directive and more guiding?
2. Does the code need to adopt a phased approach? Should each donor/institution determine its own pace of implementation within reasonable limits of achieving full coverage?
3. How should we deal with the fact that IATI data which will be in the public domain won't be final, complete and verified (like CRS)? What sort of 'health warning' should be used,

or is a health warning enough: in other words how best to organise the trade off between timeliness and quality?

4. Is the fact that the Code is primarily focusing on aid transparency and the commitments of the aid providers (bilateral donors and multilateral institutions) sufficient? Should the code include voluntary commitments from partner countries to share information about the aid they receive? Should it include CSOs and foundations as well as official donors?
5. Should the monitoring system be integrated in existing mechanisms? What will be the role of third parties like CSOs, partner governments and parliaments? Does the current draft include too complex monitoring mechanisms? Should the monitoring mechanism be tailored to each donor, with each donor making commitments about when they will reach each of the IATI milestones? See Annex 2 for the monitoring proposals included in the October 2009 draft of the code.
6. To what extent, if at all, is it realistic to ask donors/institutions to strongly encourage or be responsible for enforcement of the implementation of the IATI standard down the chain (implementing NGOs, multilaterals or other agencies)?
7. Is there sufficient attention paid to the workload and additional costs of the implementation of the standard and code by donors/institutions? Is this an issue for the code, or for the implementation plan?

### **Presentational issues**

8. The Code should supplement the other 'IATI' products. The Code is the political commitment to implement and monitor the IATI standard and identifies the ways to make this operational. Is there still overlap with the other IATI 'products'? Should certain parts be moved to the scope, definitions or format?
9. Is there scope to streamline the document, including reducing overlap between paragraphs? Are issues in the operational agreements clearly described?

### **Process issues**

10. How can we make use of other experiences, like EU and TI codes of conduct?

Annex 1: List of IATI signatories

1. Australia
2. Denmark
3. EC
4. Finland
5. GAVI
6. Germany
7. Hewlett
8. Ireland
9. Netherlands
10. New Zealand
11. Norway
12. Spain
13. Sweden
14. Switzerland
15. UK
16. UNDP
17. World Bank
18. Asian Development Bank

## **Annex 2: Proposals on monitoring as outlined in consultation document of 16<sup>th</sup> October 2009.**

*Note that many of the proposals outlined below depend on key decisions to be taken by the IATI Steering Committee about the future of IATI post 2011. This discussion is due to start at the next Steering Committee meeting on 13<sup>th</sup> April 2010. No decision has yet been taken as to whether the Steering Committee or secretariat will continue to exist beyond end 2011.*

[Mid-term review of the IATI standards and Code of Conduct will be started on 1 January 2013, resulting in a report to the IATI steering committee and signatories on 30 June 2013. The IATI secretariat will be responsible for conducting a mid-term review on the implementation of IATI using an independent think tank/group of wise persons/consultant. Terms of Reference will be decided by the IATI steering committee.]

Adherence to the IATI standards will be monitored by the following mechanisms:

1. **Donor self reporting:** signatories will report annually in a standard format based on agreed criteria on how they have implemented the IATI standards. Reports will be submitted for question and scrutiny to the core monitoring group.
2. **Partner country score cards:** implementation of the IATI standards will be monitored in the context of existing country level mutual accountability arrangements agreed by partner country and donors. Scorecards will be submitted to the core monitoring group.
3. **Independent monitoring:** CSOs and/or independent consultants or think tanks will develop a reporting mechanism which assesses progress in implementing the IATI standards on an annual basis.
4. **Core monitoring group:** a committee of representatives of partner country governments, donors, and CSOs will review progress based on findings from the donor self reporting, partner country score cards and independent monitoring. Their report will be discussed in the IATI steering committee.

The report of the core monitoring group will be submitted to:

5. **UNDCF:** The biennial UN DCF (2010, 2012) meeting will offer a multilateral platform to review implementation of the standards.
6. **HLF IV in Seoul, Korea:** at this event Paris and Accra commitments will be reviewed including the commitments on aid transparency.