DILEMMA 2. DESCRIPTION

The Willay program includes Implementation of information systems and applications. The project implemented 12 information systems and applications to strengthen public entities’ management and their relation with civil society organizations. Six systems were developed and implemented by Willay serving public entities. The program also strengthened the implementation of six Peruvian state systems in schools, health and police stations.

There is a strong difficulty to get some more public entities willing to receive the information systems and application, because there is an extended practice in Peru which consists of receiving some “payment” from the enterprise who sells the hardware or software to the public administration. As Willay is not an enterprise, but a NGO program, and it is funded by donations and grants, no extra-payment is allowed.

Imagine you are working as an engineer as personal staff of the NGO in charge of the Willay program. The program describes some activities, which include the implementation of 15 information systems. Until now, only 6 have been implemented. There is a difficulty to continue the program because of the “extra-payment” asked for by some peruvian civil servants from the municipalities.

A special meeting is organized in order to take a decision in the NGO.

You are trying to gather some information which could help in this meeting. There is a Transparency Law in Perú (see ANNEX2-Dilemma2-DOC2_transparencyLawPeru.pdf, from http://www.peru.gob.pe/normas/docs/LEY_27806.pdf), and a Penal Code and an American Convention against Corruption (see ANNEX2-Dilemma2-DOC1_INTER-AMERICAN CONVENTION AGAINST CORRUPTION.pdf from http://www.oas.org/juridico/english/Treaties/b-58.html). This is one of the articles of this convention:

Illicit Enrichment:

“Subject to its Constitution and the fundamental principles of its legal system, each State Party that has not yet done so shall take the necessary measures to establish under its laws as an offense a significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions.
Among those States Parties that have established illicit enrichment as an offense, such offence shall be considered an act of corruption for the purposes of this Convention. Any State Party that has not established illicit enrichment as an offense shall, insofar as its laws permit, provide assistance and cooperation with respect to this offense as provided in this Convention”.

There are some Ethical Principles and Codes of Ethics of Engineering which may be useful in this case, too.

What should you do if you were the engineer working for the NGO? Would you pay in order to get the activities of the project completely finished?
DILEMMA 2. WORKSHEET

1. READING AND COMPREHENSION OF THE SITUATION

Read carefully the description of both the context and the given situation.

2. ANALYSIS OF THE SITUATION

Considering some of the documents provided:

- ANNEX1-DOC1_ACM-Moral_Imperatives: ACM (Association for Computing Machinery)
- ANNEX1-DOC2_FEANI-Code of Conduct Ethics approved GA 2006: FEANI (Federation of european professionals of engineering)
- ANNEX1-DOC3_RAE-UK-Statement_of_Ethical_Principles. RAE-UK (Royal Academy of Engineering of the United Kingdom)
- ANNEX2-Dilemma2-DOC1_INTER-AMERICAN CONVENTION AGAINST CORRUPTION
- ANNEX2-Dilemma2-DOC2_Law29703Peru
- ANNEX2-Dilemma2-DOC3_ONGAWA-CodeofConduct

Follow the next steps:

- identify and describe the major either ethical or social problematic issues that appear in this situation, and point out the posed dilemma.
- identify into the ethical codes and laws provided either the principles or articles that may be related to the situation, explaining these relations.
- analyze the identified problems taking into account every stakeholder (individuals, institutions, groups, society at large,…), how are they affected, how the different possible options would affect. Explain the situation from different points of view.
- Some reflections might help with the analysis:
  - Having in mind the text provided as annex, which are the reasons a good professional would use to take a decision?
  - Would a good professional reimburse some budget to the funder (Spanish Agency for Development Cooperation? Are there alternative ways of solving the dilemma?)
• Reach an agreement on what a good professional should do and give and argue it (assess their potential risks and consequences of it, compare it with other options, identify ethical principles or values that underlie it, give references of ethical codes and laws that support, etc.)

3. **EXPOSITION TO THE WHOLE GROUP**

Choose a group representative to present your ideas and proposals to the class.