

Oecd recommendation on public integrity*

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1. Background.

The OECD Recommendation on Public Integrity provides a new strategic approach for Members and non-Members having adhered to it (the Adherents) to move away from integrity frameworks and develop an integrity system for the public sector that integrates related policies and practices in a mutually supportive way. Such a public integrity system includes the laws, regulations, policies and practices, and officials, bodies and units that specifically contribute to the integrity of the public sector. The Recommendation is also a direct contribution to the United Nations (UN) 2030 Agenda for Sustainable Development (in particular Goal 16).

Integrity, as one of the pillars of political, economic and social structures, is essential to economic and social well-being and to the prosperity of individuals and societies as a whole. However, violations of integrity standards are a plague affecting countries. The first international instrument in the area of managing ethics and enhancing integrity has been the Recommendation of the Council on Improving Ethical Conduct in the Public Service including Principles for Managing Ethics in the Public Service adopted by the OECD in 1998 (the 1998 Recommendation). Building upon the 1998 Recommendation, Members have adopted formal policies, laws and regulations for the public sector to strengthen integrity and reduce corruption and other types of misconduct.

Nevertheless, the global policy landscape changed significantly since the 1998 Recommendation was adopted. The economic and financial crisis has brought the issue of trust and adherence to core values within the public and the private sector to the fore. In particular, the financial crisis highlighted serious governance and regulatory failures, be they related to poor articulation of regulation, limited enforcement of rules or regulatory capture. As a result, while fluctuating over time, trust in the public sector has declined in many OECD member countries. Therefore, the OECD Council invited the Public Governance Committee (PGC) to update and replace the 1998 Recommendation and draft a new document which would contain new integrity challenges and serve as guidance for innovative and cost-effective integrity processes and measures. The PGC had debated that such measures should guide public officials in safeguarding the public interest and should ensure the establishment of a whole-of-government 21st-century integrity framework that is applicable to all stages of the policy cycle. The revisions

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of the 1998 Recommendation, which were also opened to public consultation in early 2016, finally led to the adoption of the Recommendation on Public Integrity on 27th January 2017.

2. Content.

Before illustrating the content of the Recommendation, it is important to clarify the use of public integrity and public sector terms. For the purpose of the document, public integrity refers to the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritizing the public interest over private interests in the public sector. The notion of public sector includes the legislative, executive, administrative, and judicial bodies, and their public officials whether appointed or elected, paid or unpaid, in a permanent or temporary position at the central and subnational levels of government. It can include public corporations, state-owned enterprises and public-private partnerships and their officials, as well as officials and entities that deliver public services (e.g. health, education and public transport), which can be contracted out or privately funded in some countries.

Specifically, the Recommendation provides a comprehensive and articulate implementation of the public integrity strategy to guide policy makers in building and strengthening the effectiveness of a public integrity system. Further, it addresses the nature of integrity risks as they evolve and emerge, and their distinct legal, institutional and cultural contexts. It takes a principles based approach to the framework. Practical guidance on how the recommendations could be implemented in a given context will be provided by the PGC, through SPIO, at the next stage in the form of an Implementation Toolbox of good practices.

Thirteen principles are organized in three pillars: building a coherent and comprehensive public integrity system; cultivating a culture of public integrity; and enabling accountability and transparency.

A. *Building a coherent and comprehensive public integrity system involves:*

- 1) demonstrating political and management commitment;
- 2) establishing institutional responsibilities for the public integrity system;
- 3) developing a strategic risk-based approach;
- 4) setting high standards of conduct.

B. *Cultivating a culture of public integrity by:*

- 5) promoting a whole-of-society approach;
- 6) investing in integrity leadership of public managers;
- 7) promoting a merit-based professional public service;
- 8) providing information, training, guidance and advice for public officials;
- 9) supporting an open organizational culture responsive to public integrity concerns.

C. *Enabling effective accountability by:*

- 10) applying a control and risk management framework;
- 11) ensuring effective enforcement responses to integrity violations;
- 12) reinforcing external oversight and control;
- 13) encouraging transparency and stakeholders' engagement at all stages of the political process and policy cycle.

3. Way forward.

The Recommendation puts special emphasis on making a public integrity system effective. In this regard, it assumes that a public integrity system will optimize its potential if values-

based and compliance-based approaches to public integrity are balanced. A compliance-based approach includes attention to prevention through establishing enforceable standards and ultimately provides for a range of enforcement mechanisms based on the severity of the misconduct. A values-based approach is often aimed at inspiring to integrity through raising awareness of ethics, public-sector values, and the public interest, and adherence to codes of ethics or guiding principles. An unbalanced approach, indeed, may result in overelaborate, formal regulations and procedures that may be counter-effective, with the potential to raise unnecessary administrative costs, institutionalize distrust, and reduce ethical reasoning to a culture of just following rules and procedures.

To build on a coherent and effective public integrity system, all the relevant levels of government – not only the central one – must be involved. The Recommendation highlights the need for clear institutional responsibilities of all organizations within the public sector and the importance of mechanisms for horizontal and vertical co-operation to avoid fragmentation, overlap and gaps between the elements of the system. The development, implementation, enforcement and/or monitoring of the elements of the public integrity system can be tailored to the specific integrity risks of sectors, organizations and officials, which may require the creation of public integrity sub-systems.

Alongside this, the Recommendation assumes that trust in governments is based on public integrity at all stages of the political process and policy cycle, including the regulation of public services that are essential to the public well-being. As such, public integrity should be considered a public good. Thus, the perception of public integrity is influenced not only by cases of misconduct of public officials, but also by how public-sector organizations manage the integrity of their activities, including their accountability and responsiveness to control, enforcement and oversight.

Finally, to ensure the most effective public integrity system for the public sector, Adherents should recognize the importance of working together with the whole of society, namely private sector, civil society and individuals. The engagement of relevant stakeholders when governments elaborate, update or implement their public integrity strategy can contribute to a relevant and effective integrity system for the public sector. By granting the public a voice, trust in the public integrity system can be enhanced. In addition, as much of the activities of the public sector take place in interactions with the private sector, civil society and individuals, these should respect the integrity of the public sector in those interactions. Awareness of risks in these interconnections is a crucial element of the risk-based public integrity strategy. As all actors of society should be aware of the benefits of public integrity, awareness campaigns could promote civic education on public integrity, especially in schools. Likewise, Adherents could engage with the private sector and civil society on the complementary benefits to public integrity that arise from upholding integrity in business and in non-profit activities, and share lessons learned from good practices.

