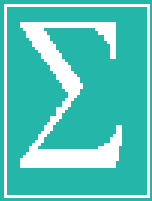


# STRUCTURAL ELEMENTS FOR INTEGRITY IN PUBLIC GOVERNANCE SYSTEMS IN EU MEMBER STATES

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# CONCEPTUAL FRAMEWORK FOR ASSESSING INTEGRITY SYSTEMS

## Assumptions:

- Good administration and politics (good governance) are conditions for EU membership
- Corruption severely hampers those
- Administrative corruption will stay unless political corruption is fought in parallel
- The Council of the EU (Copenhagen criteria) provides the core benchmarks for assessing governance systems of candidate countries

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# BENCHMARKS

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- **Democratic Rule of law**, i.e. legal certainty and predictability of administrative actions and decisions, which refers to the principle of legality as opposing arbitrariness in public decision making and to the need of respecting legitimate expectations of individuals.
- **Openness and transparency** aimed at securing sound scrutiny of administrative processes and their outcome as well as their consistency with pre-established rules and social sensibility.
- **Accountability** lines and mechanisms of politicians and public servants to other administrative, legislative or judicial authorities, aimed at ensuring compliance with the rule of law and the correctness of public behaviour.
- **Efficiency** in the use of public resources and **effectiveness** in accomplishing the policy goals established in legislation and in enforcing legislation.





# These benchmarks are derived from the Copenhagen criteria

**Copenhagen 1993**: Stability of institutions guaranteeing democracy, rule of law and human rights.

**Madrid 1995**: Administrative and judicial structures adjusted so as to be able to transpose EC Law and effectively implement it.

**Luxembourg 1997**: Institutions strengthened and improved and made dependable.

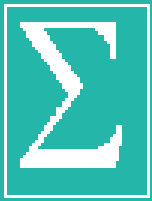
**Helsinki 1999**: Candidate must share the values and objectives of the European Union as set out in the Treaties.

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# Governance: Key elements in Public Administration and in the political process

1. The strength of the principle of legality, of the democratic rule of law, in the internal legal order of countries.
2. The legal arrangements for accountability of public officials and to protect impartiality and integrity of civil servants as basic components of their professional independence.
3. The legal arrangements to take administrative decisions according to sound mechanisms established in law in order to ensure predictability of public decision making and facilitate judicial review of administrative decisions and actions, as well as their public scrutiny.
4. The legal arrangements for the management of and control over public funds and whether or not they work in favour of transparency and accountability.
5. The overall strength of the administrative and judiciary systems to apply and enforce the above legal arrangements.
6. The transparency of the democratic political processes and the effectiveness of the supervision and control mechanisms that are in place.
7. The consistency of the policy cycle from policy preparation to implementation.



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# Reference Points to assessing administrative systems

1. Constitutions
2. Civil Service and administrative law frameworks
3. Internal financial control
4. External Audit
5. Budgeting and public expenditure management, including public procurement
6. Policy-making

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# Reference Points to assessing political institutions and processes

1. Parliament
2. Government
3. Judiciary
4. Political Parties and electoral financing

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# Anti-corruption institutionalisation and strategies

- Combating corruption is a multifaceted, complex endeavour
- Concentrating all (or the majority) of the anti-corruption efforts in a single all-powerful institution is not a good idea
- Dealing with anti-corruption through an omnibus-strategy is not well-advised. Several concurrent strategies are needed.

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# Single institution?

- International experience shows: only if good governance is in place, a single institution may have chances to succeed
- In the majority of OECD countries the anti-corruption effort is not monopolised by a single institution: a plurality of institutions and mechanisms are in place with different responsibilities assigned to them. Inter-institutional checks and balances while cooperating is the general rule.
- Certain European transition countries have created single centralised institutions. They have in general failed.

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# Article 20

## Council of Europe Criminal Convention against Corruption of 27 January 1999

Article 20 calls for:

1. Specialisation
2. Independence
3. Expertise

Article 20 does not pre-empt any  
national institutional arrangements

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# Why “single institution” approaches failed?

Causes are varied and country-specific, but the commonest are:

- Political interference/lack of political will
- Mandate lacking focus
- Inadequate legal frameworks and resources
- Lack of know-how regarding economic and organised criminality
- Lack of independence
- Public disbelief / defective socio-political-cultural climate

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# Main Lessons

- Concentrate efforts in strengthening all the democratic governance systems of the country
- Anti-corruption or pro-integrity policies and institutions will have more changes to succeed if accompanied by more robust governance systems
- Several strategies and several institutions need to concur (the war has to be waged on several fronts)

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