

**PUBLIC GOVERNANCE AND TERRITORIAL DEVELOPMENT DIRECTORATE
PUBLIC GOVERNANCE COMMITTEE**

GOV/PGC/ETH/A(2006)1/REV1
Unclassified

PROVISIONAL AGENDA

Expert Meeting on Managing Conflict of Interest in the Public Service

**26-27 January 2006
Château de la Muette, Paris**

Aims of the meeting:

- Review progress made in managing conflict of interest in the public service; verify findings of the OECD survey and identify good practices to be included in the progress report.
- Review arrangements in place to avoid conflict of interest in risk areas at the public-private sector interface, namely in post-public employment and lobbying.
- Identify key areas of concern and emerging issues.
- Provide guidance to identify feasible data on integrity as a key factor for public trust.

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PROVISIONAL AGENDA

Thursday, 26 January 2006

9.00 – 9.30 *Coffee outside the meeting room*

9.30 – 12.00 Session 1: Review of progress made

Welcome and introductory remarks

Aim: To set out the objectives for the meeting, to brief participants on the process of preparing the progress report, to update participants on ongoing and future work.

I. Progress made in managing conflict of interest in the public service

The 2003 OECD Recommendation on Managing Conflict of Interest in the Public Service requests the Public Governance Committee to report back to the OECD Council in 2006 on progress made by member countries in implementing the Recommendation. The first session will review the measures taken by countries to modernise their conflict of interest policy and practice, and how the OECD Guidelines have been used in the last three years.

Participants will be invited to review and discuss:

- The efforts, driving forces, approaches and initiatives of countries to review and update conflict of interest policy and practice;
- Solutions that worked well and conditions for their success; and
- Emerging challenges.

Aim: To agree on general trends in recent developments and identify good practices for modernising conflict of interest policy and practice to be included in the draft report to be submitted to the Public Governance Committee.

Questions for discussion

- *How effectively do existing policies and practices prevent, identify and manage conflict of interest?*
- *What concerns have initiated the review and update of conflict of-interest policy and practice?*
- *What solutions could be considered as “good practices”? What lessons can be learned from them?*
- *What are the emerging issues and key areas of concern?*

Background documents:

- Modernising conflict of interest legislation: The Spanish experience
GOV/PGC/ETH(2006)2

12.00– 14.00 Lunch break

14.00–18.00 Session 2: Risk areas**14.00–15.30 II. Risk areas: Post-public employment**

The afternoon session will start by examining a major risk area at the public-private sector interface resulting from more frequent interchange of senior personnel. Participants will be invited to review and discuss the arrangements in place in OECD countries for ensuring effective application of conflict-of-interest policy when officials leave public office. Particular attention will be paid to understanding how prohibitions and restrictions achieve their objectives, and what measures effectively support their application in practice.

Aim: To identify what standards and measures could successfully prevent, resolve or manage conflict-of-interest situations in post-public employment to be included in the draft report to be submitted to the Public Governance Committee.

Questions for discussion

- *What objectives could justify the introduction and/or maintenance of prohibitions and restrictions for post-public employment?*
- *What standards are necessary to achieve these objectives? How could general prohibitions be better tailored to specific categories and activities?*
- *How to achieve compliance? What measures could successfully support implementation and what sanctions proved effective?*

Background documents:

- Avoiding conflict of interest in post-public employment: Comparative review of prohibitions, restrictions and implementing measures in OECD countries GOV/PGC/ETH(2006)3
- Designing and implementing post-public employment regulations for civil servants and politicians: The Norwegian initiative GOV/PGC/ETH(2006)4
- Norwegian Ethical Guidelines and the Post Employment Guidelines GOV/PGC/ETH(2006)4/ANN
- Review of the Business Appointment Rules in the United Kingdom.

15.30 – 15.45 Coffee break**15.45–17.30 III. Risk areas: Lobbying**

While lobbying is often explicitly recognised as legitimate and essential given the complexity of modern government decision making, assertions are often made that it too frequently borders on influence peddling. The conclusion then drawn is that it may not be illegal but it is damaging to the integrity of democratic institutions.

Participants will be invited to discuss what governance arrangements succeed in ensuring transparency and accountability in lobbying.

Aim: To review approaches and solutions for ensuring transparency and accountability in lobbying to be included in the draft report to be submitted to the Public Governance Committee.

Questions for discussion

- *What are the main concerns related to lobbying? Is it related to the integrity of public decision making or lobbyists' behaviour?*
- *How could these concerns be addressed by governments? By improved transparency mechanisms or by setting standards for lobbying?*
- *What governance arrangements succeed in maintaining impartiality in public decision-making (in particular against undue influence)? What measures could ensure transparency and accountability in lobbying?*

Background documents:

- Governance arrangements to ensure transparency in lobbying: Comparative overview GOV/PGC/ETH(2006)5
- Lobbying: Key policy issues GOV/PGC/ETH(2006)6
- Developing a legal framework for lobbying: The Polish experience GOV/PGC/ETH(2006)7
- Polish Act on Legislative and Regulatory Lobbying GOV/PGC/ETH(2006)7/ANN

17.30–18.00 IV. Risk areas: Public procurement

Participants will be briefed on an OECD-wide multidisciplinary effort to develop an “operational guide” in order to help practitioners promote integrity as well as prevent and detect corruption in public procurement, following the Global Forum on "Good Governance: Fighting Corruption and Promoting Integrity in Public Procurement" in Paris in November 2004. Procurement experts reviewed key challenges and risks to integrity in the entire procurement process at an expert meeting in June 2005. Experts also discussed the approach to and methods for collecting information on good practices that could be included in a practical "operational guide" for procurement officials.

Aim: Inform participants on key steps to prepare an “operational guide” and.

Questions for discussion

- *Are there specific mechanisms in place in your country to prevent conflict of interest, promote integrity and prevent corruption in public procurement?*
- *How do you anticipate and identify risks to integrity at the procurement procedure?*
- *What good practices and tools promoting transparency and accountability in public procurement would be most beneficial for the operational guide?*

Background document:

Fighting Corruption and Promoting Integrity in Public Procurement (OECD, 2005)
www.oecd.org/scripts/publications/bookshop/redirect.asp?pub=282005081P1

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9.15 – 12.45 Session 3: Re-enforcing an Ethics Infrastructure

V. Facing challenges – Roundtable

The morning session will start with a *tour de table* in which participants are invited to indicate “what keeps ethics officers awake at night”, namely:

- The key challenges they face to promote integrity and prevent corruption in the public service (e.g. at the political/administrative interface); and
- The issues of concern to ethics officers/advisors.

Discussion will also explore how the OECD could help member countries in providing solutions to these issues.

Aim: To identify the emerging issues and key areas of concern related to promoting integrity and preventing corruption in the public service.

Questions for discussion

- *What are the issues of concern for policy-makers and managers?*
- *What are the challenges for implementing integrity standards in public organisations?*
- *How could the OECD address these concerns and effectively support country effort in designing and implementing integrity measures?*

Background document:

- Political appointees and senior civil servants as policy advisors:
The Danish experience GOV/PGC/ETH(2006)8

10.45 – 11.15 Coffee break

VI. Finding solutions -- Effective policy instruments for public interest disclosure

Facilitating the reporting of misconduct has become a key instrument for effective integrity systems in the private sector. However, this is perceived differently in the public sector in many OECD countries depending on the cultural contexts. Several countries have developed specific laws (e.g. whistleblowing laws in the US, UK, Korea, Japan, Canada) or policy (e.g. Norway) to provide channels and protection for reporting misconduct. However, the considerable organisational and human costs – in particular related to the organisational culture and the whistleblowers’ career as their protection against reprisal remained far from completely resolved in practice – have an impact on the daily application of whistleblowing laws and policies.

Participants will be invited to indicate how the OECD could:

- Support the policy debate on public interest disclosure; and
- Map out what relevant mechanisms and policy instruments work effectively in the public and private sectors.

Aim: Indicate country interest in, and approaches for identifying effective policy instruments for facilitating the reporting of misconduct in the public service, and for protecting those who report such wrongdoing.

Questions for discussion

- *What concerns pushed legislation on public interest disclosure onto the political agenda? What were the lessons learned in the debate (e.g. driving forces, resistance, etc.)?*
- *What instruments are considered effective for facilitating the reporting of misconduct in the public service?*

11.45–12.45 Session 4: Building credible data for measuring integrity

VII. Identifying relevant data for comparison

National perception indices are extensively cited in the media worldwide although they give little indication of where the risks for corruption lie or whether progress has been made in key areas (sectors and organisations). Participants will be invited to:

- Share their experience of providing evidence-based information on implementation and impact of measures for promoting integrity and preventing corruption in public organisations.
- Explore how to connect domestic assessment initiatives across countries and develop common approach for international comparison.

Aim: To review data available on level of integrity and corruption resistance in public organisations and identify what type of data and analysis would be most beneficial to support evidence-based organisational learning in OECD countries.

Questions for discussion

- *What data is available on level of integrity and corruption resistance in public organisations?*
- *What data could be most beneficial for policy makers and managers?*
- *How could the OECD support the comparison of data?*

12.45-14.30 Lunch break

14.30–15.30 Session 4 continues: Building credible data for measuring integrity

VIII. Selecting data for the project on Management in Government: Comparative Country Data

The Public Governance Committee has been called upon to assess the feasibility of developing comparable data on good government and efficient public services. The Committee reached a general agreement that a phased approach is best, starting with descriptive data. The suggested approach and programme of work draw on an extensive initial review of potentially relevant data available inside and outside the OECD. Data on integrity as a key component of trust will be included in the project.

Aim: To brief participants on the ongoing work on governance data base and to identify what dataset on integrity would be preferable to be included in the OECD project on Management in Government: Comparative Country Data.

Questions for discussion

- *What datasets on integrity and trust would be preferable to be included in the OECD project?*

Background information and documents:

- Public Sector Integrity: A Framework for Assessment (OECD, 2005)
www.oecd.org/scripts/publications/bookshop/redirect.asp?pub=422005141P1
- Project of management in government: Comparative country data
http://www.oecd.org/document/0/0,2340,en_2649_33735_35611008_1_1_1_1,00.html
- Data on trust in the public sector: The main issues for discussion
GOV/PGC/MIN(2005)2/ANN
- Management in government: Feasibility report on the development of comparative country data [GOV/PGC(2005)10]

15.30-16.00

Conclusions

Final remarks by the participants, summary and conclusions of the expert meeting.