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

GOV/PGC/ETH/A(2006)1
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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 – 12.30 Morning session: 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 findings of the OECD survey on reviewing and updating conflict of interest policy and practice;
- Solutions that worked well and conditions for their success; and
- Emerging challenges.

Aim: To verify analysis of 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.

Background documents:

- Progress made in managing conflict of interest in the public service: Comparative overview GOV/PGC/ETH(2006)1
- Modernising conflict of interest legislation: The Spanish experience GOV/PGC/ETH(2006)2

12.30 – 14.00 *Lunch break (no host lunch)*

14.00–18.00 Afternoon session: 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.

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
- Business appointment policy and practice: The UK experience.

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.

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”.

Background document:

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

Friday, 27 January 2006

9.15 – 13.00 Morning session: 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.

Background document:

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

VI. Briefing on taking stock of available data for 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.

Background information and documents:

- 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]

VII. Building credible data for measuring integrity

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. 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.

Background document:

- Public Sector Integrity: A Framework for Assessment (OECD, 2005)
www.oecd.org/scripts/publications/bookshop/redirect.asp?pub=422005141P1

13.00-14.30 *Lunch break (no host lunch)*

14.30–16.45 Afternoon session

VIII. 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.

16.15-16.45 Conclusions

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