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OUTLINE OF REPORT TO OECD COUNCIL ON PROGRESS IN IMPROVING ETHICAL CONDUCT IN THE PUBLIC SERVICE

**20th Session of the Public Management Committee, Château de la Muette, Paris
28-29 October 1999**

Purpose: The 1998 OECD Recommendation on Improving Ethical Conduct in the Public Service asked the Secretariat to present a Report in year 2000 analysing the experiences, actions and practices of Member countries that have proved effective in promoting integrity and countering corruption in their particular national context. The proposed Outline of the report was considered by the Reference Group on Public Service Ethics on 23-24 September 1999, and it agreed to submit the Outline to the Public Management Committee.

For further information, please contact Anne-Marie Leroy,
Tel (33-1) 45 24 93 59, e-mail: anne-marie.leroy@oecd.org
or Janos Bertok, Tel (33-1) 45 24 93 57, e-mail: janos.bertok@oecd.org

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1. The Reference Group on Public Service Ethics¹ considered the proposed outline of the report at its meeting on 23-24 September 1999 and agreed on the report's structure and content. Moreover, the Reference Group discussed the timetable for the reporting process and suggested the attached schedule.
2. The first analytical part of the report aims to support the designing of strategies in Member countries, by encouraging policy-makers to consider the experiences of other countries in a comparative way and by providing information on trends, models and concrete innovative solutions -- in their respective national context -- to assist organisational learning. However, this approach would exclude the ranking of countries: the focus of the report would be on the overall direction and progress within the OECD area, and not on a comparative analysis of progress in individual Member countries.
3. The second part of the report presents the directly observable data of Member countries' actions and puts them in context by providing information on the surrounding political-administrative and social environments. Some country chapters are provided in a Room Document to inform the Committee of the solutions and experiences used by Member countries.
4. The Committee is invited to:
 - REVIEW and COMMENT the proposed outline of the ethics report.

1. The participating countries in the Reference Group are Finland, France, Hungary, Italy, Japan, Norway, the United Kingdom and the United States.

PROPOSED OUTLINE OF THE REPORT

PART I

1. Foreword

5. The foreword, by the Secretary General, will delineate the efforts of the OECD to support good governance in Member countries by reinforcing trust and confidence in public institutions. These efforts address both the development of legal frameworks and the implementation mechanisms that enforce laws and promote values.

2. Executive Summary

6. It will summarise the key messages of the report for ministers and policy-makers and outline the main outcomes of the survey.

3. Introduction

7. The report will begin by explaining why the OECD has become a leading player in this field and will describe how the report fits into the overall OECD activities. It will also give a short overview of previous ethics work, including the description of the Recommendation (its main purposes, comprehensive approach and a summary of the ethics management principles). Furthermore, this section will clarify the structure of the report and the purposes of the two parts (Part I: analysis, Part II: resource material), give details on the methodology used in the preparation of the report (survey questionnaire), and explain the definitions.

4. Why Ethics Now?

8. This section will group the major types of ethical challenges Member countries are currently facing. It will especially focus on the challenges caused by the following:

- Public management reforms (downsizing, wage freezes, internal markets, outsourcing public services, unintended impacts of reforms leading to fragmentation of the core public service).
- Interaction of the public and private sectors (conflicts of interests between public duties/private interests, especially in privatisation, contracting out or public procurement).
- Political/administrative interface (pressure, patronage).

- Changing social environment (change in expectations regarding behaviour and performance, demand for transparency, access to public information and civil participation).
- In some countries, managing the transition process (negative conditions, such as low wages or prestige in the public service, could increase the temptation for misconduct or corruption).

Finally, this section will explain the impacts of the above-mentioned challenges on traditional values.

5. Delivering a Sound Ethics Infrastructure

9. This part will summarise the frameworks and mechanisms (e.g. legal, institutional) in place to operationalise values by defining, communicating, inculcating, monitoring and rewarding ethical behaviour and high standards of conduct in the public service, and by reporting, detecting, investigating, prosecuting and punishing misconduct of public officials.

Values-based Public Service

10. This section will take stock of the core values on which the public service is based in Member countries and discuss in what forms they are available and communicated. Suggested topics would include the sources of values, recent trends in legislating values, and the consultation processes that have been used in the course of formulation or redefinition of core values.

Putting Values into Action

11. This section will begin with an overview of the standards of behaviour expected of public servants in general, and will specify the additional requirements applicable to specific groups or professions in the public service. Moreover, it will outline the sources of the standards of behaviour (both legal and non-legislated sources) and, especially, will take stock of the criminal regulations covering misconduct.

From Provisions to Compliance

12. This section will delineate the institutions and procedures in place to promote high standards of conduct and prevent and detect misconduct. In particular, it will discuss the following:

- Measures used by human resources management to promote an ethical environment.
- Informing and training public servants on ethics issues.
- Disclosure policies.
- Procedures to report misconduct/suspected corruption.
- Internal control to support the improvement of ethical conduct in the public service.
- Other management techniques/measures to promote high standards of conduct and assist prevention.

Scrutinising Misconduct in the Public Service

13. This section will summarise the institutions and procedures that are in place to scrutinise the misconduct of public servants in Member countries. In particular, it will discuss the following:

- Disciplinary procedures in case of a breach of public service standards.
- Investigation and prosecution of misconduct committed by public servants.
- Performing independent scrutiny over the administration, especially by the audit office and ombudsman.

6. Managing Ethics: Structural Approaches in Co-ordination and Management

14. This section will discuss the experiences of Member countries in managing and co-ordinating government ethics policy and anti-corruption measures. Likely examples range from the independent specialised ethics office to general central management bodies with ethics responsibilities, such as public service commissions, cabinet offices, and ministries.

7. Assessing Effectiveness

15. This section will focus on the mechanisms, procedures and techniques used in Member countries for assessing the effectiveness of the measures used for promoting ethics as well as corruption prevention. Suggested topics would include the institutional framework, the frequency of the assessment, who does the assessment and how the assessment is used.

8. Current Developments

16. This section will give an overview of the driving forces, emerging issues, innovative solutions and practices that have worked well in a particular country context.

Transparency as Driving Force

17. This section will explore the key factors -- such as the increasing demand for transparent mechanisms -- instigating, encouraging and supporting ethics initiatives and measures.

Why these Ethics Systems Now?

18. This section will model emerging issues as well as analyse the experience of lessons learned particularly in the following areas:

- From the phase of sleeping with the enemy to learning from each other: sharing ethical experiences between the public and private sectors. New techniques to defend the public interest at the public/private sector interface.
- Special requirements for senior civil servants.

- New phase at the political/administrative interface, suggested topic would be the employment of political advisors.
- Standards in public life: increased expectations have encouraged politicians to take forward-looking steps in political life. Description of recent initiatives, such as codes for ministers or standards for political financing, will be provided.
- History and social background: policies and practices to build a supportive environment, civic trust and civic capital.
- Focus on raising awareness: recent examples, such as induction training.
- Prevention measures to avoid conflict-of-interest situations: suggested topics would include recent trends in disclosure policy.
- Further emerging issues to be explored in the future.

From Compliance to Integrity

19. The last section of the analytical part will provide an overview of overall trends in ethics management (directions, the most commonly used measures and approaches). It will discuss the steps used to develop a sound Ethics Infrastructure by reviewing its functions from control through management to guidance. Moreover, this section will summarise the experiences of OECD countries, ensuring the comprehensiveness and coherence of measures promoting integrity and preventing misconduct in both the design and implementation process.

9. Annexes

- OECD Recommendation on Improving Ethical Conduct in the Public Service and the communiqué of the Council meeting at ministerial level in April 1998.
- Questionnaire used in the survey.

PART II

Country chapters

20. The country chapters will provide concrete data on the regulations, institutions and procedures used by OECD Member countries in their respective administrative, social, and political environments. The information will be based on the responses to the survey on managing ethics in the public service.

TIMETABLE

21. To ensure the involvement of Member countries, the Reference Group proposes the following timetable for the drafting process:

- Sections of the first draft will be circulated to the Reference Group for their quick feedback during November and December 1999.
- The first draft of the report will be sent to the Members of the Public Management Committee in early January 2000.
- An extended Reference Group meeting will discuss the first draft of the report on 20-21 January 2000.
- The second draft of the report will be sent to the Members of Public Management Committee in late February/early March 2000.
- The Public Management Committee will discuss the second draft at its meeting in late March 2000.
- The Executive Committee of the Council will receive the report in April 2000.
- The report will be sent to the Council in May 2000.