

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 401 (2016)¹ Preventing corruption and promoting public ethics at local and regional levels

1. In choosing “Ethics and transparency at local and regional level” as its theme for 2016, the Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) recognises that corruption continues to pose a major threat to local and regional governance and democracy in Europe – a threat which governments and parliaments at all levels urgently need to address.
2. As public awareness of the risks and scale of corruption in local and regional public life grows, partly spurred on by the rapid developments in communications, there is a corresponding increase in impatience and intolerance with this situation. Citizens now expect higher standards of probity from public officials, and trust in politicians and civil servants remains dangerously low, threatening the democratic process and encouraging the rise of various forms of political extremism.
3. Corruption, which has been described as a “multi-headed monster”, takes many forms, and no single strategy can be expected to provide all the answers. The fight against corruption in all its forms needs to remain a long-term priority for local and regional governments and their associations. For this reason, the Congress proposes to tackle this challenge on several fronts, using the whole range of its activities and tools.
4. The Congress therefore:

- a. bearing in mind:
 - i. Congress Resolution 316 (2010) on rights and duties of local and regional elected representatives: the risks of corruption;
 - ii. the Council of Europe’s Programme of Action Against Corruption, the Council of Europe Criminal Law Convention on Corruption (ETS No. 173) and the Council of Europe Civil Law Convention on Corruption (ETS No. 174);
 - iii. Parliamentary Assembly Recommendation 2019 and Resolution 1943 (2013) on corruption as a threat to the rule of law;
 - b. adopts the road map appended to this resolution;
 - c. recommends that local and regional authorities:
 - i. develop and make public their own anti-corruption strategies, taking inspiration from the guidelines and examples of good practice proposed by the Congress and other international bodies;

ii. put in place continuous training programmes for elected representatives and public officials in order to raise awareness of the risks of corruption and the strategies for tackling it;

d. calls on associations of local and regional authorities to develop their own anti-corruption strategies and to contribute to the Congress’ work in this respect;

e. agrees to strengthen its co-operation and work closely with its institutional partners in this respect, in particular with the Committee of Ministers, the Group of States against Corruption (GRECO) and the Committee of the Regions of the European Union;

f. proposes the fight against corruption as a future annual theme for the European Local Democracy Week.

Appendix: Road map of activities for preventing corruption and promoting public ethics at local and regional levels

The Congress,

1. undertakes to develop its fight against corruption on several levels: by developing its work in several thematic reports; by revising the 1999 European Code of conduct for the political integrity of local and regional representatives; and by continuing to develop its co-operation activities in this field with local and regional elected representatives of the member States of the Council of Europe and, if requested and appropriate, the countries that are part of the Council of Europe neighbourhood policy;

2. resolves to apply these standards to its own structures and to continue to introduce greater transparency in its own activities and procedures.

A. Thematic reports

3. The Congress instructs its Governance Committee to prepare the following thematic reports:

- i. transparency;
- ii. conflicts of interest and clientelism;
- iii. protecting whistle-blowers;
- iv. nepotism (recruitment of staff);
- v. public procurement;
- vi. abuse of administrative resources in election campaigns.

i. Transparency

4. Open methods of government are proving to be a powerful weapon in the fight against corruption. Opening up meetings, opening up decision-making processes and making information, documents and data available for public scrutiny, raise the levels of public accountability and act as an effective deterrent to abuses of the political process. Developments in information technology have vastly expanded the options and tools available for making government more transparent and have lowered the costs. Local and regional governments need to take inspiration from the authorities that are setting the pace in this respect to transform their own governance processes.

ii. *Conflicts of interest and clientelism*

5. Elected representatives and public officials are required and expected to put public service ahead of their personal interests. Rules and procedures or codes of conduct relating to conflict of interest are therefore necessary to prevent representatives and officials from making decisions in circumstances that could be perceived as violating this principle. A key tool for limiting such risks is the maintenance of registers of the financial and non-financial interests of elected representatives and their close family members. The report will survey the wide variations in practice in this respect at local level, with a view to establishing some principles of good practice.

iii *Protecting whistle-blowers*

6. The risk of corruption tends to be higher where the reporting of wrongdoing is not supported or protected. Public officials have access to information concerning the practices in their workplace and are often the first to recognise malpractice. However, those who report such wrongdoings may be subject to intimidation, harassment, dismissal or violence by colleagues or superiors. The protection of whistle-blowers is therefore essential in order to encourage the reporting of misconduct, fraud and corruption. This report will build on Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on protection of whistleblowers and will examine its application in the local and regional context.

iv. *Nepotism (recruitment of staff)*

7. Nepotism, also known as cronyism or favouritism, includes hiring or awarding contracts on the basis of personal connections rather than merit. It is also linked to patronage, paying back those who may have helped elect the person to office. This can lead to low morale among staff and a loss of efficiency due to failure to recruit the most competent staff or award contracts to the most suitable providers. In some countries it is so deeply engrained in the political culture that it is taken for granted by large sections of the public. This report will examine the range of strategies that have been introduced by European local governments to combat this problem, with the aim of providing guidelines for good practice.

v. *Public procurement*

8. Corruption in public procurement involves the allocation of government contracts for personal gain or for that of third persons such as political parties. The risks of corruption in this sphere are huge, with procurement at local and regional levels accounting for a large proportion of public spending. Standards and examples of good practice are already available in many countries, but a robust regulative framework is required to ensure that they are implemented. A multistrategy approach is required to combat this problem, including proper staff training, strict regulation and full transparency of the procurement process.

vi. *Abuse of administrative resources in election campaigns*

9. The misuse of administrative resources during the electoral process involves unlawful or abusive behaviour on the part of elected civil servants and politicians who use their position or connections to influence the outcome of elections, and thus undermine the fairness of the election. The

election observation experience of various European bodies, including the Congress, suggests that this remains a significant problem in many European countries. This report will examine the application, in the local and regional contexts, of the “Joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes” (2016), prepared by the European Commission for Democracy through Law (Venice Commission) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR).

B. Code of ethics

10. The 1999 European Code of conduct for the political integrity of local and regional representatives has long served as a reference text for local and regional authorities in Europe. It will now be revised and updated to extend its application to all local and regional officials and to take into account the developments of the last 20 years in the understanding of corruption issues and how best to tackle them.

C. Events

11. The Congress undertakes to organise the following events:

i. Strategies for tackling corruption at local and regional levels. Joint conference with the Committee of the Regions (Brussels, January 2017);

ii. Hearing with youth representatives on the role of youth in the fight against corruption (date and place to be confirmed);

iii. Evaluation conference to be organised in autumn 2017 (date and place to be confirmed).

D. Co-operation activities

12. The Congress undertakes to pursue its work on the fight against corruption and the promotion of ethics through its co-operation activities. In 2016, a range of seminars and workshops will be organised in the framework of its projects in Armenia, Georgia, Republic of Moldova and Ukraine. Within the activities targeted at young local leaders, mayors and local councillors, specific sessions will be dedicated to the tools and best practice that can be used in the fight against corruption and the promotion of ethics at the local level.

13. A programme to support local initiatives with coaching and funding will be launched for the mayors from Armenia, Georgia, Republic of Moldova and Ukraine who participated in the previous activities of the project. Their initiatives will aim at increasing transparency and accountability of local government in the targeted countries by introducing new tools and mechanisms designed to raise ethical standards and ensuring sustainable collection of feedback and public oversight.

14. The Congress Secretariat will work on the development of a methodology to assess the impact of its activities in the long term.

1. Debated and adopted by the Congress on 19 October 2016, 1st sitting (see Document CG31(2016)06final, rapporteur: Herwig Van Staa, Austria (R, EPP/CCE)).