

Conference on “Strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks: emerging trends from two years of GRECO Round IV evaluations”

April 10-11, 2014

International Anti-Corruption **Academy** (IACA)

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I was asked to speak about organizational integrity, which to me is a topic that spans all three groups GRECO is covering this round. The issue seems to have come up more frequently, however, in the context of Parliaments.

GRECO research and reviews thus far, with some exceptions, have indicated the public often has a general mistrust of Parliaments. That, in part, is very probably one of the consequences of being a political body; to some observers political views color their perceptions of integrity. A separate issue may be that Parliaments as organizations have not addressed this lack of trust and its culture of integrity as an organization.

Parliaments are organizations, albeit made up of individuals that are not chosen by and primarily beholden to a central authority within the organization, and whose views regarding appropriate public policy may differ substantially. However, as a body, it is an organization with agreed-upon rules of procedure, a hierarchy, and leaders. It ultimately acts as a body and often suffers reputational harm as a body. Therefore, it is fairly clear that it is no longer simply acceptable in the public eye or fair to the individual Members for Parliaments to rely simply on the personal values of the individual Members to drive the integrity, or the perception of integrity, of the Parliament as a body. On the other hand, no system will create a positive culture of integrity if a critical mass of the individual Members do not have a reasonable degree of personal integrity.

Every organization has some type of “ethical” culture whether it pays attention to how it develops or not. Establishing a program designed to enhance a culture of integrity within an organization can, if supported and properly implemented,

specifically affect that culture and, primarily for public sector organizations, slowly help shift public opinion in a positive manner. I emphasize slowly because culture doesn't change overnight and public trust, once lost, is slow to come back. *[Personal aside: In addition I've noted during the initial stages of implementation of a new public sector organizational integrity program, the publicity that comes from the additional transparency and accountability may initially heighten public concerns and unease and/or create unrealistic expectations for immediate change. These responses by the public need to be anticipated and thoughtfully addressed early in the life of the program, if possible.]* Establishing and then maintaining an effective infrastructure that has continuity regardless of the outcome of elections (or similarly in the private sector when corporate leaders change), provides critical support for an organization's integrity in reality and in perception.

Over the last 30 years, in both the public and the private sectors, the basic elements of programs designed to enhance the culture of integrity within an organization, as well as the individuals who serve as a part of that organization, now have some fairly standard characteristics. For the public sector, the bones of those elements are also found throughout the UN Convention against Corruption. Not surprisingly, the the more structured entities such as the private sector and the executive functions of public service have been more quick to embrace these programs than have Parliaments. GRECO reviews for this round have fairly consistently included recommendations to Parliaments for individual elements of a these programs.

What are the elements that are common to both public and private sector programs?

First, which will come as no surprise, is adopting an agreed-upon code or standards of conduct. A written code or standards do two important things: it provides internal agreement and guidance to the Members for shared expectations of their conduct while serving the public as Members, and it helps establish joint expectations among the Members, the Parliament as a body and the public they serve.

What is in the code or those standards (hereinafter code), however, will need to be tailored to the circumstances of each country. Codes can often begin with basic aspirational principles and then move into more specific content. These details are important particularly if Parliamentarians are also subject to a number of statutory restrictions that should form the minimum of expected conduct. A good code has

elements of what individuals “should do” (i.e. be truthful and avoid the appearance of conflicts of interest) and what they “should not” do (i.e. violate laws or specific prohibitions articulated in the code). Codes that are extreme at either end of that spectrum leaves one either with an overbroad range of subjective considerations or just a compliance code. Neither extreme is overly helpful in establishing and promoting a culture of integrity.

For programs that are most successful in promoting a culture of integrity, a code should not merely contain provisions that are mirrored in the criminal code. If the only guidance a code provides is basically “don’t be a crook” it will do little to gain public trust. An example of this would be a provision in a code that merely says, “do not accept a bribe” but leaves the acceptance of all other gifts and benefits to the full discretion of the recipient without any other guidance. Since gifts aren’t “owed” any public servant, providing guidance in a code of when the acceptance of certain gifts will to a reasonable observer bring the individual as well as the organization’s reputation into question, is very positive. I chose gifts of course because they are easy examples of something that can be inappropriate and cause reputational harm without being corrupt. And I think it is important to note that a substantial number of private sector organization codes address gifts as well because of the reputation the company wishes to maintain with their suppliers, their shareholders, and the consumers of their products.

A code can and probably should be supplemented with even more specific guidance regarding particularly thorny or recurring issues and it should include guidance on how to raise an issue about the perceived misconduct of another.

Let me stop here and put in a plug for the Global Organizations of Parliamentarians Against Corruption’s (GOPAC) Handbook on Parliamentary Ethics and Conduct. It provides a great deal of discussion on getting consensus within a Parliament for a code or a set of standards that are certainly above and beyond what might be considered corruption.

The **second** element is ongoing training and awareness building both for new and current officers and employees of the organization. For Parliaments that would be Members as well as Parliamentary and personal staff, as they are also a part of the organization. Training should be on some type of recurrent schedule and, awareness-building woven in to the context of other events. The training does not need to be designed to make everyone an expert (particularly if the code references the application of specific statues) but to help everyone at least spot the issues. Consistency and clarity are important in this function; it is beneficial to have the training conducted by individuals who have a common understanding of the code. In many organizational ethics programs this training is organized by a dedicated

office or group, which either conducts all of the more formalized training or which trains a cadre of trainers. This training and awareness-building provides continual reinforcement of the expectations set out in the code and the expectations of the organization (and its leadership) to meet the code. However, if necessary, and as an aside for those prosecutors in the room whose eyes are, by now, glazing over, showing that an individual participated in training may help prove the knowledge or “knowing” element, if that ever becomes necessary. Showing exposure to and knowledge of the code is also important when applying internal sanctions.

The **third** element common to organizational integrity programs is setting up a professional, neutral system for day-to-day guidance and counseling that members of the organization can use for immediate, personal questions when they have spotted an issue of concern to them. There is a great deal to be said about talking through difficult ethical issues with colleagues, but this element is about providing a responsible organizational source for advice. Typically, this a dedicated office or group made up of individuals who are trained to provide that advice, are well-versed in the requirements of the code and other related requirements, are perceived as professional (neutral/non-political), and who have common sense. Again, for Parliaments this source of advice would not just be available for Members but for personal and Parliamentary staff as well. *[If you allow me a personal aside, when I was at the U.. Office of Government Ethics (OGE) we once had the money to do surveys of agency employees about the value of various parts of the executive branch ethics programs. That survey showed that employees felt the more valuable part of the ethics program to them was the counseling/advice program—a trusted source to ask individual questions as they arose. Of course employees had to be sensitized to issues in order to raise the questions, but nonetheless, it was instructive to those of us who were running the program as well as evaluating its success.]*

Fourth, is ensuring that the program has a system of accountability for those who fail to heed the standards or violate laws. In Parliaments, this is accountability to the organization (and the public) not accountability to a party. For the non-criminal standards, (for example, the acceptance of a gift that was prohibited by the code but which was not a bribe, or engaging in the strong appearance of but not an actual a conflict of interest), accountability involves ensuring there is a functioning system for imposition of some sanctions by the Parliament against individual Members, as well as ensuring that perceived violations of law are properly referred to enforcement authorities. Without the will or ability to hold individuals ultimately accountable for their acts, this program will be, or will be perceived to be just pretty words. The culture of the organization will also reflect this “so what” environment as, undoubtedly, will the public’s level of trust in the organization.

And finally, whether it is a **fifth** element, or it is good governance of the program, there needs to be monitoring of implementation of various laws and standards that place specific requirements on the members of the organization (i.e. is training regularly provided, and are individuals participating; are appropriate forms being provided in a timely fashion when necessary and are the forms being completed and filed by the individuals, etc.). Also important, and this is often overlooked--evaluation of the effectiveness of the integrity program. All this information is necessary to properly administer and maintain a healthy, successful and well-respected program.

Outlining what needs to be done is probably the easiest part. The more difficult part is getting the **visible and personal support of the leadership** for all of the aspects of this program: personal adherence to the code, verbal support, personal participation in the training and education programs, and support for investigation and imposition of sanctions for violations of the code, if needed—often quite hard in a Parliament when a member of the party is involved. Leadership commitment to a sustained effort is also critical; the program needs resources and structural protections to live healthily across changes of leadership.

A final important, overarching consideration is that the system of organizational integrity, particularly in any branch of government, should be **transparent to the public**. The public should know and have access to the code. They should have easy access to information that indicates training, education, and counseling programs exist and function, they should easily be able to know, there is a process for imposing sanctions or for referring matters for prosecution, and they should be able trust it will happen.

As I mentioned at the start, these four elements plus internal monitoring/evaluation, plus the overarching need for support from leadership and for transparency are common to many private sector and public sector. There is, however, often an additional requirement for certain individuals in public sector organizations, a requirement that is not normally found in the private sector, and that is a **financial or asset disclosure system**. The creation of these systems for Members of Parliament appears to be growing world-wide.

GRECO has already had a special session on financial disclosure with an excellent presentation from the World Bank and a colleague from Romania. You've all heard me speak in plenary sessions about financial disclosure much more than you like, I'm sure. So, I simply want to reiterate one thing here. There is no one best model. There are different models for systems, having equally legitimate purposes for financial disclosure. Different models result in different types of information being reported in different levels of detail, some public, some not. The important thing is

that once the purpose of the system is clear, the system needs to be designed in a practical fashion to meet that purpose, given the resources to be effectively administered without collapsing under its own weight or raising public expectations beyond those which are reasonable, and then administered properly. Failure to be practical and purpose-driven will undermine the individual filer's and public's trust in the system, the ability to prevent and/or detect conflicts of interest or illicit enrichment, and/or the value of the reports as law enforcement tools. Members of an organization who are required to file the reports should be expected to adhere to the requirements as a part of the standards of integrity of the organization, whether or not those requirements are administered within the organization or by an independent office.

In **conclusion**, are the constituent parts of an organizational integrity program fairly straight forward? As concepts, yes, but the devil in many of these steps is in the details. It is hard to write an effective code embraced by all within an organization, let alone an organization made up of elected officials with various political agendas and ideologies. And it is certainly hard to sanction fairly the conduct of a colleague, particularly when that colleague may be a member of one's own party. It is also hard to design and administer a financial disclosure system that gathers the right kind of useful-for-its-purpose information without being overly burdensome either to the filer or to the office that has to administer the program. However, for Parliaments or other public organizations to simply say it is too hard and do nothing, I think in these times will no longer be acceptable to the public.

Every organization has a culture. It can be allowed to occur naturally or it can be molded. GRECO, in its fourth round reviews, has certainly indicated a clear preference for the latter.