

Webinar "Promoting public ethics and preventing corruption at the local level in Tunisia" – 16 October 2020

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Check against delivery - Seul le prononcé fait foi

It is my pleasure to address you today in my capacity as the Congress thematic spokesperson on Promoting public ethics and preventing corruption at the local and regional levels.

Corruption continues to be today one of the major risks for governance and democracy in our member states, and beyond, and is a serious issue for our local and regional authorities. Decentralising decision-making presents the risk of decentralising corruption. With decentralisation indeed, public authorities are taking on increasing responsibility for public spending and the management of public funds. However, although their budgets and competences are increasing, there are often a lack of mechanisms and resources put in place to reduce the risks of abuse.

A long-term approach is therefore urgent in order for us to effectively fight corruption. It is with this in mind that the Congress roadmap of activities was developed in 2016 with six thematic reports on corruption related themes. These include the abuse of administrative resources in election campaigns, public procurement, transparency, conflicts of interest and clientelism, protecting whistle-blowers, and on nepotism.

Ladies and gentlemen,

Allow me to use this opportunity to draw your attention to main highlights and recommendations of mentioned thematic reports, that I hope you'll find useful in your daily work.

Open government is an umbrella term that covers a wide range of mechanisms and initiatives. In order for any government to be open and more efficient, I highlight three key conditions: [1] **Transparency**, which aims at making information available and understandable for the public; [2] **Participation**, which enables people to influence the workings of their government; and [3] **Accountability**, which gives people the opportunity to hold their government responsible for its actions.

There are numerous benefits of open government, but let me remind you of just a few: first, we can achieve better decision-making; second, we can increase public trust – even though transparency reveals corruption or bad decision-making, which exposes government to public criticism, it has a positive effect on public trust in the long run, as it increases trustworthiness;

finally, third, we can reduce corruption. This is actually the main motivation behind many open government initiatives; and we can also improve our public services. With greater transparency, and reduced corruption, public services are able to fully carry out their duties.

There is a number of elements that can be put into place in open government initiatives. For instance, to enhance the level of transparency, the two main mechanisms are the access to information – as a legal right provided to citizens – and open data, which enables large amounts of data to be collated, published and interrogated.

Participatory government is one of the main focuses of open government initiatives around the world. It gives citizens more power to decide on how money is spent. In that way, local governments are playing a pioneering role with regard to open government.

I invite you all to promote the participation of citizens in local public life, by encouraging public participation in policy and decision-making processes and promoting the involvement of citizens in defining budget priorities and evaluating procurement contracts.

Finally, as elected representatives, in particular those of us elected at local level, we are held accountable by citizens for all our decisions, and these decisions need to be made in pursuit of best interests of our constituencies. If the citizens cannot hold their elected representatives accountable, then we would no longer have a rule of law but a rule by law.

As you can see, striving for open local government is not always an easy process, and can sometimes be challenging for local governments.

So, we in the Congress need to accompany this process, which can and will facilitate the procedure towards open governance in our towns and cities. And this is exactly what we aim to do within our project in Tunisia.

Public procurement is one of the government activities most vulnerable to corruption and all our Member States are affected by the problem, albeit to varying degrees. Besides jeopardising public trust in local and regional administrations, corruption in public procurement has an extremely high cost.

My colleague Amelie TARSCHYS INGRE will speak about this more in details in a few minutes.

In addition, 20 years ago the Congress adopted a “European code of conduct for the political integrity of local and regional elected representatives”. This Code quickly became an essential tool and reference text for our activities, workshops and seminars, and has proved its worth as a European Standard. Yet it was also a child of its time, and it became increasingly obvious that we needed a new code to embrace the new challenges that had arisen in the field of ethics, transparency and the fight against corruption.

The organisation of local and regional administration has tremendously changed in the past 20 years. The decentralisation of public structures and the use of subcontractors have raised new issues in terms of control, oversight, or audit. In many municipalities, many of the people involved in delivering public services are now working under private law.

That led to the decision to **broaden the scope of the Code to apply to all people working in the provision of public services, from elected representatives, to appointed officials and managers of public companies.** This has fundamental implications, since a Code usually applies to only one category of personnel. An integrated Code is relatively unusual and this broad approach has been a real challenge.

A second factor is the impact of the digitalization in public affairs. The digitalisation of work process has the potential of creating more transparent processes, in the field of public procurement for instance. Yet it raises important issues about the standards necessary to protect staff and their private data.

Finally attitudes and expectations of citizens about good public behaviour are subject to change. We are currently witnessing growing mistrust toward public institutions and their representatives. Public expectations should be satisfied. Our citizens now expect our governments to be transparent and this has become a key factor in how much trust people have in our institutions. Whistleblower protection is one of the major challenges in this regard.

Out of this reflexion came the “European Code of Conduct for all Persons involved in Local and Regional Governance”, which was adopted by the Congress in November 2018.

It is deliberately short and concise, written in clear and simple language to facilitate the actions of all those involved in local and regional governance. We affirm that these actors should assume their public duties with integrity, and act in accordance with the law and serve the public interest.

Let me take you through the main principles, to give a better idea of how it works.

The Code defines the general principles that should guide the actions of persons involved in local and regional governance. We affirm that these actors should assume their public duties with integrity, act in accordance with the law and serve the public interest. They are accountable at all times for their decisions and actions.

The Code then details various principles, namely transparency, probity, respect and non-discrimination, merit, and impartiality.

As I said before, the expectations of our citizens are changing. They judge the quality of governance by the seriousness of efforts to handle issues and irregularities. Section 4 of the Code - “Institutions and procedures” - addresses this concern.

It includes an article on “reporting” which calls every organisation involved in local and regional governance to set up procedures on how suspicions of wrongdoing can be reported. It emphasises the importance of having mechanisms for effective implementation.

Organisations involved in local and regional governance need to have an explicit integrity policy, with procedures and institutions to support and safeguard public integrity. This should include educational programmes and training courses and foresee the provision of counselling and advice for everyone in order to deal with ethical dilemmas and integrity risks.

Finally, the Code addresses the issue of privacy and the use of data and underlines that developments in control and supervisory technology need to be balanced against the legitimate right to privacy.

This Code, together with all thematic reports are all available in French and in Arabic, and I encourage you to make the most of them.

Dear colleagues,

Corruption is not something that can be solved overnight. This is a fight that takes time and patience and that starts at the grassroots. It is only with the help of local and regional authorities – and co-operation between them, between us - that our fight can be successful and that the standards of local democracy set out in the European Charter of Local Self-Government can be guaranteed.

Thank you for your attention.