



PUBLIC SECTOR INTEGRITY TOPIC GUIDE

Compiled by the Anti-Corruption Helpdesk

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. Through more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

Topic guides are a series of publications developed by the Anti-Corruption Helpdesk on key corruption and anti-corruption issues. They provide an overview of the current anti-corruption debate and a list of the most up to date and relevant studies and resources on a given topic.

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Each part of this topic guide provides an overview of major approaches to public sector integrity , and a compilation of the most up to date and relevant studies and resources on the topic.

PUBLIC SECTOR INTEGRITY

WHAT ARE PUBLIC SECTOR ETHICS?

Public sector ethics are, broadly speaking, the core values and behavioural standards expected of state employees, both in the civil service and in elected public office.¹ Ethical behaviour is essential in public office, as the violation of these shared ethical norms brings public office into disrepute. Once public trust in the ethical standard of public officials disappears, the moral authority to govern crumbles and democratic governance falters.

Public servants are assigned authority to implement laws and public policies, govern state assets and provide services to the public. The abuse of this entrusted power to further private interests is, according to Transparency International, the very definition of corruption.² Building a culture of integrity in the public sector can be challenging as the unique combination of state authority and large discretionary power means that opportunities and incentives for large illicit gains can be plentiful. Officials must learn to appropriately manage competing loyalties to the state, the current government, their institution and their public duties, all of which can overlap or contradict their own private interests.³

KEY CORRUPTION ISSUES

Public sector ethics is an expansive term, covering both elected and unelected public officials as well as civil servants from the highest circles of state power to the lowliest administrators. The corruption challenges these groups face can vary enormously. While junior unelected public officials are more prone to solicit petty bribes during interactions with the public, senior civil servants and elected ministers are more likely to engage in so-called "grand corruption" scams, in which the abuse of public resources and ultimately state capture are real risks.

Moreover, issues around public sector ethics are not limited to time spent as a public employee: it is increasingly recognised that more needs to be done to prevent both the undue influence over political decision making and the unfair commercial advantage caused by the so-called revolving door. Given the range of public sector duties, it is hardly surprising that the nature of related corruption challenges runs the gamut from petty bribe taking to wholesale state capture.

Measures to promote integrity in the public sector are heavily contingent on a country's legal and institutional set-up and are dependent on the nature of the corruption challenge itself. Generally, a combination of robust punitive measures with a "regulatory regime of rules, guidance and enforcement" is an effective means of curbing unethical practices in public office.⁴ Regulation addressing corruption challenges in the public sector frequently covers the following core integrity mechanisms:

- ethics codes
- conflict of interest policies
- assets declaration regimes

Broader good governance approaches for the public sector often include public financial management reform,⁵ freedom of information legislation, whistleblowing arrangements and human resource management procedures (recruit, promotion, dismissal). As these measures are not themselves specific anti-corruption tools, they are only mentioned in passing here.

¹ Transparency International *Plain language guide*, p.18

² Transparency International *Plain language guide*, p.14

³ Whitton, H (2009) *Beyond the code of conduct: building ethical competence in public officials*, pp.1-2

⁴ <http://www.opengovguide.com/topics/assets-disclosureconflicts-of-interest/>

⁵ See a recent Transparency International topic guide on PFM here

http://www.transparency.org/whatwedo/answer/topic_guide_on_public_financial_management

Instead, this topic guide focuses on three main avenues by which governments, civil society and international organisations have tried to improve probity among public servants: (1) the promotion of ethical codes of conduct, (2) the mitigation of conflicts of interest and (3) the requirement for certain public sector workers to declare their incomes and assets. Generally, these approaches seek to mobilise the tools of accountability and transparency to deter, detect and, when combined with appropriate punitive measures, sanction inappropriate behaviour in public office. Taken together, these measures can form part of an effective wider anti-corruption strategy able to reduce impropriety in public office.

GENERAL RESOURCES ON PUBLIC SECTOR ETHICS

Background studies

Introduction to public sector ethics. Amundsen, I., 2009.

<http://www.cmi.no/publications/publication/?3290=introduction-to-public-sector-ethics>

This paper is the introductory chapter to the compendium on *Public Sector Ethics*, developed by the Chr. Michelsen Institute. It has been designed as teaching material for universities, giving an overview of public sector ethics with an emphasis on providing a comprehensive and detailed survey of the topic, and clearly demarcating sub-issues and debates within the field. The chapter has three main focal points: (1) the basis and basics of ethics in the public sector, (2) the “infrastructure” of ethics and (3) the discussion on conflict of interests and corruption (both political and bureaucratic). The chapter concludes by presenting a selection of nine highly relevant journal articles and other written material on the subject.

Towards a sound integrity framework: instruments, processes, structures and conditions for implementation. OECD, 2009.

[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF\(2009\)1](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF(2009)1)

More practice-orientated than theoretical, this OECD report takes stock of accumulated knowledge and emergent data to present the key components of a sound integrity framework in public sector organisations. This framework centres around: (1) core integrity instruments (ethics codes, conflict of interest policy, whistleblowing arrangements), (2) processes (planning, implementing, evaluating) and (3) structures/actors (ethics units, integrity actors). The report provides a comprehensive approach to review and modernise these instruments, procedures and actors for fostering integrity and preventing corruption in the public sector.

The authors build upon the assumption that all aspects of integrity management infrastructure are interdependent and that the framework as a whole is dependent on its context. Seeking to translate its findings into functional policy recommendations, the report also provides a complementary checklist as a hands-on diagnostic tool for managers (see in annex 2). The report has a particularly good section on codes of conduct (pp.34-38), and provides empirical support for the claim that integrity management requires elements of both the rule-based and values-based approaches (Box 1, p.13). It also has informative subsections on managing conflicts of interest (p.39) and principles for post-public employment (p.41).

Public integrity topic guide. McDevitt, A., 2011.

Transparency International GateWay.

http://gateway.transparency.org/files/uploads/Public_ Integrity_ Topic_ Guide.pdf

This topic guide contains information about the different ways to assess the robustness of public integrity systems. Public integrity assessment are defined as those tools which (1) assess the institutional framework for promoting integrity and combating corruption across the public sector, or (2) diagnose corruption and/or corruption risks within specific government agencies and/or among public officials. The guide offers an overview of the different assessment approaches, data sources and key issues and challenges. Finally, the guide provides a list of promising practices in the area.

The ethics challenge in public service: A problem-solving guide. Lewis, C.W. & Gilman, S.C., 2012.
<http://bit.ly/1y7avpF>

First published in 1991, the thoroughly revised and updated third edition of *The Ethics Challenge in Public Service* has been recently published. The book aims to provide public managers with a shortcut through a maze of information and perspectives on public sector ethics. It attempts to promote ethical literacy by offering practical tools and techniques for resolving work-related dilemmas at individual and agency level to help managers structure the work environment to foster ethical behaviour. To this end, case studies are provided at the end of each chapter to showcase ethical problem solving. For instance, it explores what to do when rules recommend one action and compassion another, and whether it is ethical to dissent from agency policy. It also explores managers' accountability to different stakeholders and how to balance often competing responsibilities. The third edition contains a range of excellent resources such as a 13 step guide to integrating ethics in public sector organisations (p.259) and the additional internet resources listed in the appendix.

Ethics and management in the public sector. Lawton, A., Rayner, J., and Lastuizen, K., 2013.
<http://bit.ly/1CqfSvc>

This easy-to-use textbook is a practical guide for postgraduate students of public sector ethics, as well as students of public management and administration more generally. Using extensive vignettes and case studies, *Ethics and Management in the Public Sector* illuminates the ethical implications of practical decisions made by public officials. The book takes a universal approach to ethics, reflecting the worldwide impact of public service reforms and also includes discussions on how these reforms affect traditional values and principles of public services. Relevant chapters include *Managing Ethics in the Public Services*, *Public Service Motivation and Ethos* and *Compliance/Integrity Approaches*.

The public sector and ethical transformation: issues and implications for the bureaucracy. Moti, U.G., 2013.

in *Research Journal of Social Science and Management* vol.2 (10) pp. 49-66
<http://www.theinternationaljournal.org/ojs/index.php?journal=tij&page=article&op=download&path%5B%5D=1574&path%5B%5D=pdf>

This recent review paper provides a useful study of current thinking about ethics as a concept as well as principles of public service ethics and the wider issues involved in public sector ethics. These include political accountability, transparency, fairness, public integrity, leadership, pay reform, recruitment and promotion, conflict of interest, clientelism, favouritism and nepotism. After highlighting the implications of these challenges for the bureaucracy, the paper concludes by advocating an ethical transformation in the public sector in order to build trust in public institutions.

Standards and guidelines

United Nations Convention against Corruption. United Nations General Assembly, 2003.
http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

The United Nations Convention against Corruption (UNCAC), adopted by the UN General Assembly in 2003, includes key provisions on codes of conduct, conflicts of interest and asset disclosure as ways of combating corruption. Article 7(4) declares, "Each state party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest." Article 8(2) further states, "Each state party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions." Finally, article 52(5) requires that, "Each state party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance."

Integrity of public officials in EU countries: International norms and standards. Transparency International, 2015.
http://www.transparency.org/whatwedo/publication/integrity_of_public_officials_in_eu_countries_international_norms_and_stand

This research paper looks at the international anti-corruption and good governance standards, focusing on the anti-corruption norms and defining the work of public officials. The analysis is divided into three main

sections: prevention, criminalisation and citizens' rights. It looks at the standards, overlaps and loopholes in each of the selected sub-fields, providing an insight into the most important aspects of monitoring of integrity standards in the public sector.

Recommendations for improving ethical conduct in the public service including principles for managing ethics in the public service. OECD, 1998.

<http://acts.oecd.org/Instruments>ShowInstrumentView.aspx?InstrumentID=129&InstrumentPID=125&Lang=en&Book=False>

These 12 principles are designed to help countries review the institutions, systems and mechanisms they have for promoting public service ethics. They identify the functions of guidance, management or control against which public ethics management systems may be checked. These principles distil the experience of OECD countries, and reflect shared views of sound ethics management. The principles are intended to be an instrument for countries to adapt to national conditions, and help them balance the various aspirational and compliance elements to arrive at an effective framework.

Practical insights: handbooks and toolkits

CleanGovBiz toolkit: public sector integrity. OECD, 2012.

<http://www.oecd.org/cleangovbiz/toolkit/publicsectorintegrity.htm>

The OECD initiative, CleanGovBiz, supports governments, business and civil society to build integrity and fight corruption. Under this initiative, individual toolkits have been put together for a range of sectors, including on public sector integrity. These toolkits comprise existing anti-corruption tools, a priority checklist and an implementation guide which is illustrated by a number of country case studies. The full [toolkit on public sector integrity](#) helps governments address vulnerabilities to corruption as well as assess the implementation deficit of integrity measures in individual public organisations. They also have [toolkit on whistleblower protection](#).

Governance and public sector management: Anti-corruption. The World Bank.

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:22996457~pagePK:148956~piPK:216618~theSitePK:286305,00.html>

This webpage is a central hub, providing an overview of all the World Bank's anti-corruption work in the public sector, including all relevant projects, blog posts and publications. It provides a platform for national anti-corruption authorities, lists tools and datasets to help practitioners measure the cost of corruption, provides a bibliography of corruption research and individual country corruption reports.

Assessments and databases

Public sector integrity: A framework for assessment. OECD, 2005.

<http://www.oecd.org/gov/ethics/publicsectorintegrityaframeworkforassessment.htm>

This assessment framework provides a roadmap to assess the institutions, systems and mechanisms for promoting integrity and preventing corruption in public service. It includes practical checklists, decision-making tools and options for methodologies based on good practices. The key steps in the assessment process are: (1) defining the purpose, (2) selecting the subject, (3) planning and organising the assessment, (4) agreeing on methodology, and (5) integrating assessment results into the policy cycle. The report provides a unique inventory of methods and solutions used worldwide for crafting well-designed assessments. Selected case studies give more details on recent assessments in the specific country contexts of Australia, Finland, France and Korea.

Public sector integrity reviews. OECD.

<http://www.oecd.org/corruption/ethics/publicsectorintegrityreviews.htm>

OECD's *Reviews of Public Sector Integrity* use the *Framework for Assessment* to conduct in-country surveys of integrity infrastructure. These are then analysed to produce strategic proposals for consideration by governments to enhance their integrity framework based on a comprehensive analysis of their structures, instruments and processes. Particular attention is directed to the evaluation of the effectiveness of countries' integrity management systems and alternative options to address different "at risk" areas. Recent reviews include [Italy](#) and [Tunisia](#).

Public accountability mechanisms. World Bank.

www.worldbank.org

The World Bank's [Public accountability mechanisms](#) database contains 87 country profiles describing economic conditions and government structure, links to country-specific institutions responsible for the enforcement of accountability mechanisms, as well as a historical timeline of relevant legislation and notable incidents of corruption. It also provides summaries of specific indicators related to the accountability mechanisms of income and asset disclosure, freedom of information, conflict of interest, immunity protections, and ethics training.

Resources from the Anti-Corruption Helpdesk

Overview of integrity assessment tools. Martini, M., 2012.

<http://bit.ly/1C65RDz>

Public integrity assessments tools usually aim to either assess broad national integrity systems, or to identify corruption risks within specific government agencies. This Helpdesk answer finds that there are only a few integrity assessments tools that have been implemented to measure individual public officials' integrity and behaviour. As the answer demonstrates, these usually take the form of pre-employment screening, integrity testing and lifestyle checks.

Selected actors and stakeholders

Organisation for Economic Cooperation and Development (OECD).

www.oecd.org

OECD supports public sector integrity in several key areas. Its [guidelines](#), [toolkits](#) and analysis on conflict of interest management and the [revolving door](#) have been pioneering. The [hub on conflict of interest](#) should be the first port-of-call for all those seeking to quickly get to grips with the subject. The OECD also provides excellent [studies on codes of conduct implementation](#) and [tools for public officials' asset declarations](#). The organisation has accrued both expert knowledge and an impressive repository of best practice examples to support both OECD member states and non-member countries to improve public sector probity.

Open Government Partnership (OGP).

<http://www.opengovpartnership.org/>

OGP is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance. It was launched in 2011 and, since then, has grown from 8 to 65 participating countries. In all of these countries, government and civil society are working together to develop and implement ambitious open government reforms. The OGP provides excellent [topic guides to a range of both thematic and sector-focussed anti-corruption issues](#). These offer a brief introduction to the topic, model commitments and legislation, expert organisations, standards and guidance and a list of good practice examples from around the world. Relevant topic guides on public sector ethics include: [asset disclosure and conflicts of interest](#), [right to information](#), [public services](#) and [whistleblower protection](#).

Transparency International.

<https://www.transparency.org/>

Transparency International works extensively on issues relating to public sector ethics. The organisation has a [programme dedicated to public sector integrity](#), and offers an [introductory topic guide](#) to the issue. The [plain language guide](#) is a helpful introduction to many of the key issues. Moreover, in recent years Transparency International has published prominent features on [codes of conduct](#), [working papers on asset declarations](#) and [articles on conflicts of interest](#). Finally, the [Anti-Corruption Helpdesk](#) offers a wealth of background papers on a whole host of public sector integrity problems.

Council of Europe: Group of States against Corruption (GRECO).
http://www.coe.int/t/dghl/monitoring/greco/default_en.asp

GRECO monitors its 49 member states' efforts to tackle and prevent corruption with regards to the Council of Europe's legal standards. It is a peer-review mechanism and each member state is evaluated on an equal basis in rounds which focus on specific themes. GRECO is now in its fourth round, which was launched in 2012. The fourth round is focusing on: (1) ethical principles and rules of conduct, (2) conflicts of interest, (3) prohibition or restriction of certain activities, (4) declaration of assets, income, liabilities and interests and (5) enforcement of the rules regarding conflicts of interest. Regulations for MPs, judges and prosecutors are all evaluated in great detail against these criteria. So far, around half of country evaluation and compliance reports have been completed, and these can be [found here](#).

The Council of Europe also has many sub-entities that produce reports and opinions, such as the Venice Commission and the Consultative Council of European Judges.

http://www.coe.int/t/dghl/cooperation/ccje/textes/Avis_en.asp

Organization of American States (OAS).
<http://www.oas.org/juridico/english/fightcur.html>

The Anti-Corruption Portal of the Americas, developed by the Organization of American States, provides information on transparency in public administration and anti-corruption cooperation, including developments on the implementation of the Inter-American Convention against Corruption. The portal also includes links to the web pages of the member states' agencies with responsibilities in this area.

Three sections of the website are particularly helpful. First, the set of legal tools developed to improve national anti-corruption frameworks across the Americas, which includes legislative guidelines on [conflicts of interest](#), [declaration of assets and liabilities](#), [proper use of state resources](#) and [monitoring and oversight bodies](#). Secondly, OAS provides model laws on the [declaration of interests, income, assets and liabilities of persons performing public functions](#) and on the [facilitation and encouragement of reporting of acts of corruption and to protect whistleblowers and witnesses](#). Finally, there is a good section on [training in ethical values for public officials](#).

UK Committee on Standards in Public Life.
www.public-standards.gov.uk

The Committee on Standards in Public Life is an advisory non-departmental public body for ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders. Recently, the committee has produced reports on [ethics in practice: promoting ethical standards in public life](#) and [ethical standards for providers of public services](#).

Integrity Action.
<http://www.integrityaction.org/>

Integrity Action is an active network of committed NGOs, universities and policy makers that works with governments, media organisations, businesses to identify ways of making integrity work in some of the world's challenging settings. Although the scope is broader than just the public sector, Integrity Action's democratic governance programme focuses on raising standards in public life by building capacity among citizens to monitor probity in the public sector. Integrity Action has produced several reports on public service delivery problems in selected countries, [available here](#).

Centre for Ethics, Harvard University.
<http://ethics.harvard.edu/government-law>

The Edmond J. Safra Center for Ethics at Harvard University seeks to advance teaching and research on ethical issues in public life. An active online community on the site runs a project on ethics in government, including working papers, podcasts, videos, research projects and blogs. Although academic in nature, many of the working papers have useful insights for practitioners.

Institute for Global Ethics.

<http://www.globalethics.org/>

The Institute for Global Ethics is a North American organisation which provides training, consultancy and ethics assessments to a range of organisations, in both the private and public sector. It recently completed a project on [the role of virtues in determining organizational culture](#).

The Centre for Public Integrity.

<http://www.publicintegrity.org/>

The Center for Public Integrity is one of the largest non-partisan, non-profit investigative news organisations in the United States. It seeks to reveal abuses of power, corruption and betrayal of public trust by powerful public and private institutions. As such, it does not work directly to improve probity in public office, but has a range of expertise and publications on money and politics, government waste, fraud, abuse and transparency in government decision making.

Council on Governmental Ethics Laws.

<http://www.cogel.org/>

A professional organisation for government agencies, organisations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobby laws and freedom of information. Its members include: (1) governmental entities, (2) educational institutions, (3) organisations such as law firms and corporations and (4) honorary members.

City Ethics.

<http://www.cityethics.org/>

City Ethics is the Council on Governmental Ethics Laws' project to spearhead the development of municipal ethics programmes across the US and to help cities govern ethically. Its purpose is to provide a centralised location for information and resources for all forms of local government ethics programmes. It has designed a model code of conduct for local government officials, which can be [found here](#).

World Bank.

www.worldbank.org

The World Bank is one of the largest players in the field of public sector integrity, providing US\$3.85 billion in 2013 alone to help countries improve the performance and accountability of their core public sector institutions. Generally speaking, the bank's focuses less on encouraging ethical behaviour in public office than on resolving the monetary implications of inappropriate behaviour by officials via mechanisms such as asset recovery and public financial management reform. The bank has been a leader in the field of [interest and asset disclosure](#), with notable work having been done by the [Financial Integrity Unit](#) and the [StAR Initiative](#).

The bank offers a range of excellent resources. These include a [central hub for anti-corruption work on the public sector](#), providing an overview of all the World Bank's expertise and lists of all relevant projects and publications. The hub provides a platform for national anti-corruption authorities, offers tools and datasets to help practitioners, and provides a bibliography of corruption research as well as individual country corruption reports. Also invaluable is the [Financial Disclosure Law Library](#), a leading collection of laws and regulations on disclosure requirements for public officials' assets and business activities.

CODES OF CONDUCT

WHAT ARE CODES OF CONDUCT?

A pressing concern for many public institutions around the world is the lack of citizen confidence in their integrity. According to Transparency International's 2013 Global Corruption Barometer data, public officials are perceived to be the third-most corrupt group after political parties and police. Codes of conduct can help remedy this trust deficit. According to Transparency International's definition, a code of conduct is a "statement of principles and values that establishes a set of expectations and standards for how an organisation, government body, company, affiliated group or individual will behave, including minimal levels of compliance and disciplinary actions for the organisation, its staff and volunteers."⁶

A frequent distinction is made between "aspirational" and "rule-based" codes of conduct.⁷ While aspirational codes establish broad ethical principles for employees, they generally do not list prohibited kinds of behaviour or set out sanctions for violations of the code.⁸ Rule-based codes are more legalistic, specifying and prohibiting inappropriate behaviours as well as providing enforceable sanctions for contraventions of the code.⁹ Whereas aspirational, peer-regulated codes are the norm in the private sector (for example, the United Nations Global Compact), public sector codes are more likely to be rule-based to help enforce compliance.¹⁰ Indeed, adherence to these codes is normally a condition of ongoing employment and can be made legally binding.¹¹ Good codes of conduct for public officials incorporate aspects of both models into a single document, often broken down into three major sections: general ethical principles, detailed provisions specifying unacceptable behaviour and a regulatory framework laying out enforcement mechanisms.¹²

Codes of conduct for public officials are becoming increasingly common, and are used to cover a whole range of public servants by tailoring the codes to the specific ethical concerns and challenges the various types of public servants face in the course of their duties. They are particularly useful to regulate the behaviour of civil servants, who often operate independently of legislators due to the need to isolate them from political influence.¹³

Codes work in a number of useful ways. Firstly, they establish a benchmark to assess officials' behaviour against the values of integrity, honesty, impartiality and objectivity.¹⁴ In this way, they can also limit the pressure that supervisors and political leaders can put on public officials to act contrary to the code. Secondly, given that issues that are technically legal are not necessarily ethical, codes of conduct are valuable as they can provide clarity on ambiguous points.¹⁵ Functioning as general reference guides for officials, they offer guidance on how to deal with ethical dilemmas and outline expected standards of behaviour.¹⁶ Finally, they serve as an overarching integrity management framework by formalising definitions, procedures (such as conflict of interest resolution and asset declaration) and enforcement processes.

The potential of codes of conduct has been recognised for some time, and an important step was taken in 1996 when the UN General Assembly adopted the [International Code of Conduct for Public Officials](#), and recommended that member states use it to develop their own guidelines. Since then, multilateral initiatives

⁶ Transparency International *Plain language guide*, p 8

⁷ Whitton, H., 2009. [Beyond the code of conduct: building ethical competence in public officials](#)

⁸ Bruce, W., 1996. "Codes of ethics and codes of conduct: perceived contribution to the practice of ethics in local government", *Public Integrity Annual*, p. 23

⁹ Bruce, W., 1996. "Codes of ethics and codes of conduct: perceived contribution to the practice of ethics in local government", *Public Integrity Annual*, p.23

¹⁰ <http://blog.transparency.org/2012/08/03/codes-of-conduct-and-the-legal-system-ideas-and-implications/>

¹¹ <http://www.osce.org/odihr/90913?download=true>

¹² Powers, G. 2009. [Handbook on parliamentary ethics and code: A guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics. p.3

¹³ Rohr, J., 1978. *Ethics for bureaucrats*, p.4

¹⁴ Chêne, M., 2013. [Codes of conduct for local governments](#). Transparency International Anti-Corruption Helpdesk

¹⁵ Martini, M., 2012. [The effectiveness of codes of conduct for parliamentarians](#), Transparency International Anti-Corruption Helpdesk

¹⁶ Lindner, S., 2014. [Implementing codes of conduct in public institutions](#). Transparency International Anti-Corruption Helpdesk

on codes of conduct have proliferated, notably in the [United Nations Convention against Corruption](#) (article 8) and the [African Union Convention on Combating Corruption](#) (article 7).

Finally, while codes of conduct are useful components in any public sector integrity system, their mere existence in writing is incapable of guaranteeing propriety in any organisation.¹⁷ Monitoring codes' implementation and enforcing the regulations requires a great deal of political will. Furthermore, as detailed below, strict regulation, prohibition and enforcement should complement rather than replace thorough ethics training for public officials.

The following sections briefly consider what areas codes of conduct should seek to regulate and briefly examine how to optimise implementation.

ANTI-CORRUPTION PROVISIONS IN CODES OF CONDUCT

Codes of conduct should be tailored to suit the nature of the ethics challenge for the particular group of public officials they cover, and the exact provisions will differ according to whether the code is intended to be applied to legislators, the judiciary, the executive or civil servants. Nonetheless, effective codes generally include the following:¹⁸

Objectives

Codes of conduct should clearly state their key objectives as experience shows that ambiguity can hinder effective implementation and enforcement.¹⁹ Clearly, the central focus of codes will vary according to context, but common objectives include:

- providing a set of ethical standards and guidelines for public officials faced with difficult decisions
- increasing citizens' trust in the probity of public officials and raising accountability
- establishing expected values, principles and responsibilities for public officials
- promoting ethical behaviour and discouraging unethical acts

Principles and values

When formulating a code of conduct for public officials, it is strongly advisable to begin with a discussion of core values before moving on to detail the exact nature of rules and regulations.²⁰ In general, codes of conduct should build upon a country's public consensus on core values while remaining committed to the minimum standards provided by UNCAC.²¹

The large majority of codes reflect values such as rule of law, political neutrality, loyalty, honesty, impartiality, competence, justice, public interests, accountability, efficiency and effectiveness, openness and transparency, reliability and predictability, and citizen participation.²²

Fundamental prohibitions

Bribery

All codes of conduct for public officials should explicitly define and ban bribery. Transparency International defines bribery as "the offering, promising, giving, accepting or soliciting of an advantage as an inducement

¹⁷ Stapenhurst, R. & Pelizzo, R., 2004. Legislative ethics and codes of conduct, World Bank Institute, p.9

¹⁸ Compiled from <http://www.oecd.org/mena/governance/35521740.pdf> & <http://blog.transparency.org/2011/06/03/will-eu-politicians-deliver-on-code-of-conduct-promise/> & <http://www.osce.org/odihr/90913?download=true> & Martini, M., 2011. *Codes of conduct for public officials and members of government*. Transparency International Anti-Corruption Helpdesk.

¹⁹ Palidauskaitė, no date. [Codes of conduct for public servants in eastern and central European countries: comparative perspective](#)

²⁰ Powers, G., 2009. [Handbook on parliamentary ethics and code: A guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics. p.4

²¹ Powers, G., 2009. [Handbook on parliamentary ethics and code: a guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics. p.3

²² Martini, M., 2012. [The effectiveness of codes of conduct for parliamentarians](#), Transparency International Anti-Corruption Helpdesk. p.2

for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, donations, etc.)"²³

Conflicts of interest

Conflicts of interest are at the root of most unethical behaviour in public office and should be comprehensively covered by codes of conduct. Codes should outline what constitutes a conflict of interest, and detail procedures for detecting and resolving conflicts of interest as they arise. Transparency International advocates the inclusion of interest and asset disclosure mechanisms for senior public officials in order to identify potential conflicts of interest.²⁴ Conflicts of interest and disclosure systems are considered extensively in the following sections of this topic guide.

Gifts and favours

Gifts and favours should be regulated by codes of conduct. Both UNCAC (article 8) and the OECD state that the acceptance of gifts is a leading cause of conflicts of interest.²⁵ Nonetheless, [a 2011 OECD study](#) found that less than a quarter of its member countries restricted the acceptance of gifts.²⁶ In many countries, therefore, gift taking needs to be controlled more strictly. In particular, codes of conduct should clearly define what constitutes a "gift" to include both physical gifts and promised services or hospitality. Codes should, moreover, establish clear thresholds and outline in which situations acceptance of a gift is permissible. Note, however, that care should be taken to align permitted thresholds to country norms, otherwise reformers risk introducing unenforceable regulation. Generally speaking, public officials should not accept a gift if it could be construed as an inducement or reward placing the public official under an obligation to a third party.²⁷ Codes should also specify a competent and independent ethics body to supervise gift taking. The Open Government Guide suggests that an internal audit body or ombudsman could develop a system of pre-approval of gifts and services.²⁸

Use of state property

Codes of conduct for public officials should outline unacceptable uses of state property and provide example scenarios to show what qualifies as illicit activity. The US Standards of Ethical Conduct, for instance, declares that, "An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorised purposes". The dishonest use of government property or assets for personal gain is fraudulent activity and should be dealt with appropriately.

Supplementary restrictions

Other areas in need of regulation by a code of conduct include external activities, outside income and restrictions on public servants' pre and post-public employment. These remain less frequently covered in codes but are being slowly added to the legal framework in several countries.²⁹ More detail is provided on these issues in the subsequent section on conflict of interest. Suffice to note here that additional measures to tackle lobbying and improper relations with other public officials should be included in codes of conduct for government ministers and legislators.

Whistleblowing

Public servants are usually the first to notice misconduct, illicit or unethical activity and risks to the public interest. Fear of reprisals or a sense of inefficacy can discourage officials from reporting their concerns and it is important for organisations to overcome these disincentives by providing protection to whistleblowers. Whistleblower protection is a fairly recent addition to the open government movement and where protection exists it is generally provided by separate legislation.³⁰ However, innovative codes of conduct seek to integrate whistleblower mechanisms into the broader anti-corruption framework. The Australian public

²³ Transparency International *Plain language guide*

²⁴ http://www.transparency.org/news/feature/holding_politicians_to_account_asset_declarations

²⁵ <http://www.oecd.org/dataoecd/54/31/48994419.pdf> &

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

²⁶ <http://blog.transparency.org/2012/07/19/codes-of-conduct-a-tool-to-clean-up-government/>

²⁷ New Zealand, 2005. *Public Service Code of Conduct*, p.23

²⁸ <http://www.opengovguide.com/commitments/establish-regulations-governing-gifts-offered-to-public-sector-officials/>

²⁹ Martini, M., 2011. *Codes of conduct for public officials and members of government*, Transparency International Anti-Corruption Helpdesk. p.3

³⁰ <http://www.opengovguide.com/topics/whistleblower-protection/>

service code of conduct is notable for requiring public bodies to set out appropriate measures to react to whistleblower reports of misconduct.³¹

Enforcement, monitoring and sanctioning

Model codes of conduct provide not only sanctions for non-compliance but also stipulate the bodies responsible for monitoring and enforcement of penalties. Sanctions range from suspension from office, fines, official warnings and occasionally criminal prosecution. It is, nonetheless, important to distinguish between the ethical issues which codes of conduct seek to address on one hand and what is covered by criminal law on the other.³²

Providing guidance to public officials on avoiding conflicts of interest is very different from prosecuting officials for corruption. As expanded upon in the section on asset declaration, these two tasks should ideally be undertaken by different bodies. Codes of conduct should therefore make explicit reference to relevant citations in the criminal law code and clearly specify jurisdictions for various kinds of infringements. Crucially, sanctions should be proportionate to the offence.³³

IMPLEMENTATION

There is no sure-fire method of implementing an effective code of conduct, but efficacy and compliance can be improved by:³⁴

Impartial commissions.

The OECD study on implementation of codes of conduct recommends that codes establish an impartial public ethics body to administer the code and provide guidance to public officials. This prevents enforcement of ethical behaviour from becoming a partisan political tool.³⁵ Such bodies should be empowered to audit risks to the integrity of important processes in public life such as tendering, financial management, recruitment, promotion, dismissal and discipline.³⁶

Ensuring a participatory development process

Most studies of codes of conduct emphasise the importance of consultation when drawing up codes of conduct for public bodies. This should involve a range of stakeholders such as public officials themselves, end-users of the public service in question and civil society.³⁷ This allows for valuable input from those who will be subject to the new code and helps convey a sense of ownership.³⁸

The 12 step [model development process](#), advocated by the Ethics Resource Centre, recommends that an organisation empowers a core task force, made up of employees from diverse positions, responsible for the progression and implementation of the code. The literature also stresses that codes be revisited and revised at regular intervals to ensure their continued relevance.³⁹

Leadership

Effective codes of conduct for public officials and elected representatives should have the full support from the highest levels of government. In that way, bodies tasked with monitoring and enforcement are free to go about their activities without fear of partisan interference from above.⁴⁰

Embedding the code into a wider integrity management framework

Codes of conduct should form one part of a wider ethical framework and an integrated and sustained anti-corruption initiative which could include right to information laws, ethical training programmes, asset

³¹ Australian Public Service: *Values and code of conduct* <http://www.apsc.gov.au/values/conductguidelines.htm>

³² <http://www.osce.org/odihr/90913?download=true>

³³ Martini, M., 2011. *Codes of conduct for public officials and members of government*, Transparency International Anti-Corruption Helpdesk

³⁴ Lindner, S., 2014. [Implementing codes of conduct in public institutions](#). Transparency International Anti-Corruption Helpdesk

³⁵ Palidauskaitė, no date. [Codes of conduct for public servants in eastern and central European countries: comparative perspective](#)

³⁶ <http://www.oecd.org/mena/governance/35521740.pdf>

³⁷ https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ParliamentaryCodesofConductinEurope_EN.pdf

³⁸ Powers, G., 2009. [Handbook on parliamentary ethics and code: A guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics

³⁹ [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=gov/sigma\(2006\)1/rev1](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=gov/sigma(2006)1/rev1)

⁴⁰ Holm, S. & Lillywhite, S. 2003. [Turning values into action: Developing a code of ethical behaviour](#).

declaration and conflict of interest resolution mechanisms, whistleblower protection, and support for a free media and engaged civil society.⁴¹ Crucially, when enacting codes of conduct, there should be no discrepancies between the proposed code and other existing laws.

Identifying administrative bodies responsible for implementation

The OECD notes that establishing a specific administrative structure with a mandate to oversee the implementation process is a precondition for a code of conduct's success.⁴² Other studies have recommended assigning responsibility for the overall public ethics framework to one central body to oversee public officials' codes of conduct.⁴³

Dissemination and ethics training

Public officials must be acutely aware of a code's provisions for it to be effective. A programme of dissemination and training is essential to ensure that officials understand the regulations, their obligations and the standards they are expected to comply with. A 2005 study demonstrated that codes of conduct are most effective when ethical standards are clearly known, as officials are then more likely to identify and denounce wrongdoing and are themselves less likely to behave in an unethical manner.⁴⁴

Competency-based training is held by some experts to be essential to "go beyond" a code's basic prohibitions in order to train officials to recognise and appropriately manage ethical dilemmas and integrity risks.⁴⁵ This could include situational-based training to help officials learn how to apply fundamental values to complex ethical situations not provided for by the code and to which there is no easy solution.

Creating incentives for compliance

A recent paper argued that compliance rates can be improved through the creation of incentives for public officials to behave ethically. Approaches include linking adherence to codes of conduct to performance evaluations and the introduction of the code of conduct during appraisal interviews for public sector jobs.⁴⁶

Codes of conduct: good practice examples

[The German civil service's anti-corruption code](#) is often acclaimed as best practice in developing codes of conduct. As a mechanism, it aims to increase awareness of corruption risks and to motivate civil servants to fulfil their duty and obey the law. The first section consists of several simply stated precepts detailing how individual civil servants should behave in particular situations, while the second part focuses on the role managers play in integrity management. The code also discusses practical issues such as internal financial audit procedures, behaviour in corruption opportunities, rotation of staff, obligation of heads of service to inform the public prosecutor's office when corruption is reported and, finally, how to deal with gifts and other possible conflicts of interest.

[The UK's code of conduct for board members of public bodies](#) is useful in that it is tailored to non-executive board members of public bodies, a position often vulnerable to conflicts of interest. The code sets out, clearly and openly, the standards expected from those who serve on the boards of UK public bodies and forms part of board members' terms and conditions of appointment. It begins by laying out the UK's key principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It then discusses use of public funds, allowances, gifts and hospitality policy, use of official resources and information, political activities, employment and appointments, members' interests and responsibilities.

⁴¹ Inter-American Development Bank, 2007. [Formulating and implementing an effective code of ethics: comprehensive guidance manual for public institutions](#) See also: Lawton, A., 2004. "Developing and implementing codes of ethics," *Viesojti Politika ir Administravimas*

⁴² OECD, 2011. [Code of conduct for the civil service: Palestinian authority benchmarking report](#). Joint Learning Studies.

⁴³ Reed, Q., 2008. [Sitting on the fence: Conflicts of interest and how to regulate them](#), U4 Issue 2008: 6

⁴⁴ Gilman, S., 2005. [Ethics codes and codes of conduct as tools for promoting an ethical and professional public service: comparative successes and lessons](#), PREM and the World Bank

⁴⁵ Whitton, H., 2009.: [Beyond the code of conduct: building ethical competence in public officials](#)

⁴⁶ Michael, B., & Hajredini, H., 2011. [How to implement codes of conduct: Lessons from OECD member states.](#)"

RESOURCES ON CODES OF CONDUCT

Background studies

Ethics codes and codes of conduct as tools for promoting an ethical and professional public service: Comparative successes and lessons. Gilman, S., 2005.

<http://www.oecd.org/dataoecd/17/33/35521418.pdf>

This background study has been written as an introductory guide for development practitioners and, as such, the paper is both accessible and useful. The analysis begins with an informative background on the development of ethics codes and codes of conduct. It then examines their role and how codes have been used in different parts of the world. It covers the best practices and limitations of codes, with particular consideration of the use of codes in international development. The author discusses how to integrate codes into existing organisations, what to include and the wider institutional and legal framework best able to support codes of conduct. Finally, the study considers how to evaluate a code's effectiveness and provides examples of which codes have worked in particular settings and why. The paper presents four major findings: (1) the best public sector codes include elements of both values-based and rule-based approaches, (2) effective codes rely on solid institutional and administrative foundations, (3) codes also rely on wider integrity management procedures, such as asset disclosure and conflict of interest resolution and (4) codes become more effective over time as they "naturalise"; actual and perceived independence are vital to sustain the requisite political will.

Codes of conduct for public officials in Europe: Common label, divergent purposes. Hine, D., 2005. in *International Public Management Journal*

<http://bit.ly/1GsB4qz>

Although the empirical basis of this paper is somewhat outdated, Hine's findings are still relevant to those seeking to reform codes of conduct. Looking specifically at appointed public officials, Hine argues that ethics management outcomes are a product of a country's administrative and legal culture. He shows that the difficulty of drafting a code of conduct which can mesh with the existing legal and ethical order is difficult enough in one country, and casts doubt on the value of transnational common codes as advocated by the Council of Europe. Finally, the paper also finds that devising codes of conduct for appointed officials with specialised functions with high exposure to ethical risks is relatively straightforward compared to codes of conduct for generalist public servants who face a whole range of ethics risks.

Beyond the code of conduct: Building ethical competence in public officials. Whitton, H., 2009. <http://www.u4.no/publications/beyond-the-code-of-conduct-building-ethical-competence-in-public-officials/>

This practitioner-oriented brief seeks to explain why traditional methods of managing ethical problems encountered by public officials often fail and examines how this important deficiency might be remedied. The central contention is that traditional rule-based codes of conduct, which aim to prohibit corruption and misconduct, often neglect the promotion of ethical conduct in the exercise of public functions. This short article outlines how a competency-based approach to teaching and managing professional ethics standards in the public sector can "go beyond" rigid codes of conduct. It further suggests applications of this approach in a capacity building programme that can be applied to support public service reform, and to resist corruption and abuse of power by officials.

Towards a sound integrity framework: Instruments, processes, structures and conditions for implementation. OECD, 2009. [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF\(2009\)1](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF(2009)1)

This document presents key components of a sound integrity framework in public sector organisations. It proposes an overall integrity framework for fostering integrity and resistance to corruption in public sector organisations, and assumes that all aspects of this integrity framework are interdependent and the framework as a whole is dependent on its context. The paper also translates this abstract assumption into functional policy recommendations and, in annex 2, provides a complementary checklist as a hands-on diagnostic tool for managers.

The paper has several highly relevant sections related to codes of conduct. Subsection 4.1.1.D clarifies conceptual issues concerning integrity codes and presents research findings about their impact (Box 3,

p.35). This is followed by some more specific policy recommendations related to the scope and content of integrity codes (Box 4, p.36). The question of whether it is preferable to design one code to cover all integrity-related guidance or opt for specific codes to provide specific guidance for particular topics, situations and functions is also discussed. Finally, Box 1 (p.13) provides empirical support for the idea of combining rule-based and values-based approaches in codes of conduct.

Standards and guidelines

International standards

The international code of conduct for public officials. UN General Assembly International, 1997.
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010930.pdf>

The International Code of Conduct for Public Officials was approved by the UN General Assembly Resolution 51/59 in 1996. The two-page code is extremely brief, general and broad, but covers the universally applicable aspects essential to any code for public officials: prioritisation of public interest, impartiality, conflicts of interest, asset disclosure, and policies on gifts and political activity.

See also: [Implementation of the International Code of Conduct for Public Officials](#). UN General Assembly, 2002.

Regional standards

Model Code of Conduct for Public Officials. Council of Europe, 2000.
[https://www.coe.int/t/dghl/monitoring/greco/documents/Rec\(2000\)10_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf)

In 2000, the Council of Europe approved a model code of conduct for public (non-elected) officials. The code is a useful resource and covers all the general issues normally thought to be necessary in codes of conduct, including general principles, conflicts of interest and reporting requirements, political activity, gifts, reaction to improper offers, duties on leaving public service. Like The International Code of Conduct for Public Officials, it is rather broad and, as the literature on codes of conduct stresses, will need to be tailored to local legal, institutional contexts to tackle specific corruption challenges.

Practical insights: handbooks and toolkits

A guide to developing your organization's code of ethics. Ethics Resource Centre, 2001.
<http://www.shrm.org/about/documents/organization-coe.pdf>

Although not limited to the public sector, this basic guide is an easily accessible manual outlining the role of ethics codes, their function, how to write them, what to include and how to develop a comprehensive code. It also includes sample forms and tools for drafting a code. As this guide is rather old and primarily aimed at the private sector, the emphasis here is on values-based, non-enforceable codes. For public sector bodies seeking to go beyond a list of prohibited activities, however, it provides a helpful overview on how to embed ethical behaviour into the heart of an organisation. For example, the recommendation to empower a task force consisting of a diverse group of people from the organisation to be responsible and accountable for the code's development is a practical way to ensure broad acceptance and ownership of the code by public officials. See also: [What to Do after Your Code of Conduct Is Written](#), (Ethics Resource Centre, 2003) which underlines the importance of communication of the code, comprehensive ethics training and frequent revision of the code to guarantee continued relevance.

Handbook on parliamentary ethics and code: A guide for parliamentarians. GOPAC Global Task Force on Parliamentary Ethics, 2009.
http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GOPAC%20Handbook%202009_EN.pdf

This handbook provides guidance to politicians on ethical issues in legislative bodies. It was drafted by politicians and addressed to reform-minded MPs and to a lesser extent civil society to help them understand and improve standards of ethical conduct within parliaments. The handbook has two purposes, first, to describe and explain the constituent parts of a system of ethics and conduct that need to be implemented and, second, to identify the key issues for politicians in developing, implementing and enforcing such a system. It places great emphasis on developing effective ethics regimes that are consistent with varied political and cultural contexts while still adhering to fundamental international standards, notably the United Nations Convention against Corruption.

While not seeking to provide a universal blueprint, the guide sets out the key stages of a political reform process: firstly, establishing political agreement on the broad principles for ethics and conduct, and then building more detailed rules and mechanisms for their enforcement. It conceptualises codes of conduct as made up of three distinct but complementary elements: principles, rules and the regulatory and enforcement framework.

Implementing a code of conduct for the public sector in Jordan. OECD Joint Learning Study, 2010.
<http://www.oecd.org/gov/ethics/45916428.pdf>

This is a helpful peer-review methodology to analyse the progress and challenges of implementing codes of conduct in practice and offers lessons that can be applied elsewhere. The study demonstrates how codes of conduct, as a key instrument in integrity management, can be adapted to complement wider efforts to enhance public integrity, fight corruption and modernise the public sector. It also highlights some innovative practices for increasing the efficacy of codes of conduct, in particular emphasising the use of both incentives and sanctions to improve compliance, pre-appointment financial disclosure initiatives to manage potential conflicts of interest before they arise and the development of interactive awareness-raising training programmes (including role-playing, joint problem solving and hypothetical situations).

How to implement codes of conduct: Lessons from OECD member states. Michael, B., and Hajredini, H., 2011.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2250999&download=yes

This article outlines the basic steps for implementing codes of conduct, breaking down the process into four distinct phases: (1) deciding who and what to regulate, (2) data collection to determine what elements to include in codes of conduct, (3) designing/modifying appropriate institutions (such as an ombudsman, and ethics committee) and (4) sustainable implementation. The paper examines how different OECD member states regulate the behaviour of their public officials: using codes of conduct as a guide to well-established principles in administrative law. It is particularly helpful as it explicitly clarifies the relationship between codes of conduct, ethics-related law and other legislation. Also notable is the emphasis placed on the process of legal analysis and data collection which needs to be undertaken before the code of conduct is drafted.

International best practices for whistleblower policies. Government Accountability Project, 2013.
<http://www.whistleblower.org/sites/default/files/Best%20Practices%20Document%20for%20website%20revised%20April%2012%202013.pdf>

Codes of conduct should also contain provisions on whistleblowing. This document is useful, therefore, as it provides a checklist of 20 requirements to ensure that whistleblower laws are in line with international best practice. These best practice standards are based on a compilation of all national laws and intergovernmental organisation policies, such as those at the United Nations and World Bank. It also compares legal provisions for whistleblowers across many jurisdictions around the world to the Government Accountability Project's 20 point checklist for strong and effective whistleblower protection.

See also: [Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation](http://www.oecd-ilibrary.org/whistleblower-protection-frameworks-compendium-of-best-practices-and-guiding-principles-for-legislation_97953) (OECD, 2011) and [Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses](http://www.oas.org/ombudsman/corruption/corruption_laws.htm) (Organisation of American States, 2011).

Developing and implementing a code of ethical conduct: A guide for businesses and other organisations. Consultative Committee of Accountancy Bodies, 2014.

http://www.ccab.org.uk/PDFs/Code_Guidance_final_sg_amends2.pdf

This recent handbook is intended to assist professional accountants to develop or enhance codes of conduct within their organisations, whether in business, the public sector or the third sector. While it covers the typical elements of a code of conduct guide (such as scope and content) its real utility is the very clear and thorough guide to effectively supporting a code and embedding its values and principles within the organisation. It is also helpful as it outlines the central role that professional accountants can take in the development and implementation phase. The Consultative Committee of Accountancy Bodies (CCAB) also publishes some tools for ethics training, [the Ethical Dilemmas Case Studies](http://www.ccab.org.uk/EthicalDilemmasCaseStudies).

Assessments and databases

Comparative study on the public-service ethics on the EU member states. Moilanen, T. and Salminen, A., 2006.

<http://www.dgap.gov.pt/media/0601010000/finlandia/Comparative%20study.pdf>

Although now somewhat dated, this study offers a valuable overview of public service ethics regimes in 27 EU member states based on a 2005 survey. The report begins with a discussion of core values, ethical codes and the relationship between codes of conduct and the legislative framework. It then summarises the key ethics challenges and their extent across EU member states, and finds corruption and conflict of interest to be the main issue. The role of leadership and human resource management practices in implementing codes of conduct is highlighted.

Two key findings emerge. Firstly, there is a clear disconnect between generally satisfactory codes of conduct and integrity management systems at central government level and the opaque ethics infrastructure at the local government level. Secondly, there are divergent interpretations of what actually constitutes a code of conduct; in some countries only legislation passed by parliament was considered to be an official code, whereas in other cases individual agencies' guidelines were accepted as de facto codes.

More than writing on a wall: Evaluating the role that codes of ethics play in securing accountability of public sector decision makers. Kinchin, N., 2007.

in *The Australian Journal of Public Administration*, vol.66 (1) pp.112–120

<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.2007.00519.x/abstract>

This article argues that the essential factors of a public service code of ethics can be divided into five categories: fairness, transparency, responsibility, efficiency and conflict of interest. The author concludes that while ethics codes have the potential to be an extremely effective tool in ensuring accountability, it is the human element of the code (the internalisation of the ethics by the individual decision maker) that will ensure accountability.

To improve outcomes, Kinchin stresses that codes of ethics must: (1) reflect the precepts of democratic accountability, (2) be framed in language which the public official relates to and can be tailored to individual government agencies, organisations and decision-making bodies and (3) be actively encouraged and exemplified by managers themselves.

Codes of conduct for parliamentarians: A comparative study. King Prajadhipok's Institute, 2009.

http://knjiznica.sabor.hr/pdf/E_publikacije/Codes_of_conduct_for_parliamentarians.pdf

This study presents a comparative examination of codes of conduct for parliamentarians in Australia, Canada, India, Japan, Laos, Pakistan, Philippines, the Republic of Korea, Sri Lanka, Thailand, the USA and Vietnam. The study summarises existing academic work on codes of conduct for parliamentarians and civil servants, and uses this to differentiate national approaches in the Asia-Pacific region. Attention is paid to the regulatory foundations, organisational structures and enforcement mechanisms associated with codes of conduct. The efficacy and transferability of codes of conduct across different types of political systems, parliamentary structures and socio-cultural conditions is also discussed. Finally, the study presents a set of recommendations for governance practitioners in parliaments and civil society organisations on how codes of conduct might be usefully incorporated into democratic governance consolidation programme initiatives.

Effectiveness of ethics codes in the public sphere: Are they useful in controlling corruption?

Garcia-Sanchez, I.M., Rodriguez-Dominguez, L., & Gallego-Alvarez, I., 2011.

in *International Journal of Public Administration*, vol.34 (3) pp.190-195

http://www.tandfonline.com/doi/abs/10.1080/01900692.2010.532184#.VR_nyPnF_n8

This study aimed to determine the relationship between the implementation of a code of ethics and the existence of corruption in the public sector. Analysing 154 national administrations whose information on ethics codes is available on the UN's website, the results show, contrary to expectations, that ethics codes do not have any discernible impact on the control of corruption in the public sector. The study found that the level of education and the public pressure exerted on elected politicians is the most important determining factor in the control of corruption, especially in developing countries. The authors nonetheless

conclude that ethics codes can be useful as an a priori control mechanism to prevent potentially unethical situations.

Codes of good governance: National or global public values? Jørgensen, T.B. and Sørensen, D.L., 2012.

in *Public Integrity*, vol.15 (1) pp.71-96

http://www.tandfonline.com/doi/abs/10.2753/PIN1099-9922150104#.VR_ro_nF_n8

This study examines 14 national codes of good governance to try and establish whether there has been a convergence of public values. It identifies a set of apparently global public values—public interest, regime dignity, political loyalty, transparency, neutrality, impartiality, effectiveness, accountability, and legality—which match international model codes for public officials from the UN and the European Council and the conceptions of good governance launched by the OECD, IMF, World Bank, UN, and EU. Although values converge, they are balanced and communicated differently, and are translated into the national political cultures. The authors propose that these findings may be useful for the increasing number of public servants working in international administrative spaces.

Resources from the Anti-Corruption Helpdesk

Codes of conduct for public officials and members of government. Martini, M., 2011.

Available on request from tihelpdesk@transparency.org

As shown here, codes of conduct for civil servants and the executive branch of government have somewhat different objectives and thus require different provisions. While codes of conduct for public officials typically address general principles of ethics, conflicts of interest, gifts and favours, outside activities and use of state property, codes of conduct for members of government usually include additional provisions on lobbying, and on the relationship between ministers and public officials, parliament and other members of the government. The answer examines countries commonly held to have established good codes of conduct: UK, Canada, the USA and Germany.

The effectiveness of codes of conduct for parliamentarians. Martini, M., 2012.

http://www.transparency.org/whatwedo/answer/the_effectiveness_of_codes_of_conduct_for_parliamentarians

Focusing on parliamentary codes of conduct, this Helpdesk answer firstly surveys the literature on the efficacy such codes. It finds that on top of establishing clear behavioural norms for MPs, the existence of a code is perceived by parliamentarians themselves as helpful as it can “protect” them when dealing with constituents and local parties, as well as increasing scrutiny both inside and outside the house. Secondly, the answer evaluates best practices in parliamentary codes of conduct and establishes that effectiveness depends on a range of factors including a process of consultation and discussion prior to the enactment of the code, the existence of an active civil society and free media, a functioning integrity system, an effective protection mechanism for whistleblowers and on parliamentarians’ commitment.

Codes of conduct for local governments. Chêne, M., 2013.

http://www.transparency.org/whatwedo/answer/codes_of_conduct_for_local_governments

This Helpdesk answer provides guidelines on the specific corruption challenges of local government bodies, and demonstrates how to adopt codes of conduct to address misconduct. It notes that while, in principle, local officials must adhere to the same standards of conduct as other public officials, there are unique vulnerabilities at the local level which require additional attention. As citizens and public officials more frequently come into close and direct contact at the local level, local officials have more opportunities to develop corrupt networks, favouritism, nepotism, patronage and other forms of unethical behaviour. Accordingly, there are several operational areas where a well-developed code of conduct can greatly enhance professional performance in the areas of procurement, human resource management and customer service. The answer also provides several sample local government codes of conduct.

Implementing codes of conduct in public institutions. Lindner, S., 2014.

http://www.transparency.org/whatwedo/answer/implementing_codes_of_conduct_in_public_institutions

This paper addresses the common challenge of going beyond the legal establishment of a code of conduct to investigate how to successfully implement the codes into public sector bodies. Successful implementation is found to rely on: (1) a participatory development process, (2) strong leadership, (3) embedding the code into a wider integrity management framework, (4) structures and mechanisms for guidance, (5) monitoring, (6) review and enforcement, (7) clear dissemination and capacity building plans and (8) creating incentives for compliance. The answer also briefly considers tools to assess the relative degree of implementation, finding that, while the literature is limited, some governments have developed their own self-assessment toolkits which utilise checklists and internal audits.

Selected actors and stakeholders

The Global Organization of Parliamentarians against Corruption (GOPAC).

<http://gopacnetwork.org/>

GOPAC is an international network of parliamentarians dedicated to good governance and combating corruption throughout the world. GOPAC facilitates an exchange of information and analysis, works towards establishing international benchmarks, and to improve public awareness through a combination of global pressure and national action. GOPAC established a Parliamentary Ethics and Conduct Global Task Force (GTF-PEC) to develop a policy position on parliamentary conduct, provide tools and training materials, and promote ethics and conduct regimes aimed at building greater public trust in parliamentarians. This task force produced a ground-breaking [handbook on parliamentary ethics and conduct](#) which has been widely disseminated since its publication in 2009.

Ethics Resource Center (ERC).

<http://www.ethics.org/>

ERC is a non-profit, non-partisan research organisation dedicated to independent research that advances high ethical standards and practices in public and private institutions. It provides a range of resources for ethics and compliance officers from business and government. These include [toolkits](#), [publications](#), [cutting-edge research](#) and [useful links](#). The [Guide to Developing your Organisation's Code of Ethics](#) and [What to Do after your Code of Conduct is Written](#) are particularly useful. ERC also produces a biennial national survey of ethics programmes, issues and culture using a national sample of employees in business and government.

Inter-American Development Bank.

<http://www.iadb.org/en/topics/transparency/transparency-accountability-and-anticorruption,1162.html>

The Inter-American Development Bank fosters public sector ethics in two ways: through good governance mechanisms and working closely with countries to enforce the rule of law and fight corruption at both local and national levels. Within the framework of the bank's [action plan to support countries' efforts to combat corruption and foster transparency](#), it contributes to the improvement of public policies and national plans for preventing and combating corruption. The bank seeks to strengthen the institutional capacity of governments by improving access to information, promoting targeted transparency in strategic sectors, modernising agencies of supreme, external and internal control and enhancing the oversight role of legislative bodies. As well as undertaking in-country projects, such as [improving integrity in the selection of civil servants in Guatemala](#), the bank also produces useful [research tools](#) and a range of excellent [studies](#), including [Formulating and Implementing an Effective Code of Ethics: Comprehensive Guidance Manual for Public Institutions](#).

Government Accountability Project.

<http://www.whistleblower.org/>

A non-profit organisation whose mission is to protect the public interest by promoting government and corporate accountability through advancing occupational free speech and ethical conduct, defending whistleblowers, and actively promoting government and corporate accountability. See also: [Public Concern at Work](#) (UK) and the [Open Democracy Advice Centre](#) (South Africa).

CONFLICTS OF INTEREST

WHY REGULATE CONFLICTS OF INTEREST?

One of the central tenets of public service is the subordination of personal interests to public interests; the failure to do so is the underlying cause of most unethical behaviour in the public sector.⁴⁷ A conflict of interest arises in a situation in which “a public official has a private or other interest such as to influence, or appear to influence, the impartial and objective performance of his or her official duties”.⁴⁸ As noted in this formulation, the appearance alone of a conflict of interest is sufficient to damage an institution's reputation.

Despite this, it is important to note that conflicts of interest are themselves not evidence of wrongdoing; in fact, given that officials inherently occupy multiple social roles they are almost bound to occur.⁴⁹ With the right measures in place, conflicts of interests are quickly detected and easily defused – usually voluntarily – before any impropriety can take place.

However, if these situations are not identified promptly and managed adequately, opportunities materialise for public officials to take advantage of their position to pursue private advantage at the expense of the public interest.⁵⁰ This private advantage should be understood broadly to include not merely illicit financial gain but also attempts to curry favour with potential future benefactors or employers and the professional advancement of friends and family.

Thus, while an unambiguous legal definition of conflicts of interest is an essential part of any public sector integrity system, it is impossible to legislate for all possible conflicts of interest. It is therefore advisable for public officials to be able to seek guidance from an internal ethics commissioner or, better still, an external public ethics body.⁵¹ Ethics training to educate public sector workers about conflict of interest legislation is also recommended.

REGULATING CONFLICTS OF INTEREST

Measures to address conflicts of interest can take different forms, from legislation explicitly designed to deal with conflicts of interest, to more general codes of conduct and management guidelines. Indeed, alongside general civil service legislation, individual public bodies should draft their own specific behavioural standards. Conflict of interest provisions should also be included in officials' employment contracts to facilitate disciplinary proceedings where necessary. Whatever form they take, regulating conflicts of interest is essential to the development of accountable and scrupulous procedures in decision making.

Three major areas should be covered by conflict of interest regulation. Taken together, regulation of these areas, combined with effective oversight and enforcement minimises opportunities for impropriety in public office.

Prohibition

Activities and positions deemed to be incompatible with the proper performance of public duties should be clearly stipulated and prohibited. Officials may be prohibited from:⁵²

- holding another post in a different branch of government

⁴⁷ Powers, G., 2009. [*Handbook on parliamentary ethics and code: A guide for parliamentarians*](#), GOPAC Global Task Force on Parliamentary Ethics. p.18

⁴⁸ Council of Europe, 2000. [*Recommendation no. R 10 of the Council of Europe committee of ministers to member states on codes of conduct for public officials*](#)

⁴⁹ <http://www.opengovguide.com/topics/assets-disclosureconflicts-of-interest/>

⁵⁰ OECD, 2005. [*Fighting corruption and promoting integrity in public procurement*](#).

⁵¹ Reed, Q., 2008. [*Sitting on the fence: Conflicts of interest and how to regulate them*](#), U4 Issue 2008: 6

⁵² Reed, Q., 2008. [*Sitting on the fence: Conflicts of interest and how to regulate them*](#), U4 Issue 2008: 6

- private sector employment (including consulting)
- any ownership stake in a private legal entity conducting business with government
- accepting certain kinds of employment within a specified time period after leaving office

The kinds of functions proscribed will need to be tailored to the specific role as the nature of interests likely to lead to improper behaviour differ for customs officials, parliamentarians, procurement officers, and so on.

Interest disclosure

Certain officials and members of government should be obliged to regularly declare their past and present interests. As described in the following section on income and asset disclosure, a good disclosure regime will include both financial assets and other interests. These are quite distinct. Financial assets and income entail concrete financial benefit. Interests, on the other hand, encompass a range of benefits which, at the time of declaration, may not bestow any particular advantage to the official (for example, membership of business associations or boards), but which could exert influence on an individual's decision making.⁵³

Currently, less than 30 per cent of countries oblige officials to declare private business activities such as board memberships, consultancies or government contracts.⁵⁴ Requirements for legislators to declare interests need to be carefully designed to reflect the fact that legislators are expected to represent constituents' specific interests, which may overlap considerably with their own interests.⁵⁵

Finally, it is increasingly recognised that disclosure of interests must also include the interests, holdings and liabilities of officials' spouses and children, in addition to the officials' own interests. Particularly if immediate family members have ownership stakes in private legal entities conducting business with government, it is an essential requirement that this be disclosed.

Resolution of conflicts of interests

Clear procedures for the resolution of conflicts of interest and disciplinary measures for dishonest activity should be laid out.⁵⁶ As outlined by the OECD, appropriate procedures to mitigate conflicts of interest could involve:⁵⁷

- recusal: the voluntary or enforced abstinence of officials from decision making or participation in discussions in which they have a personal stake
- divestment or liquidation of a particular interest by the public official
- restriction of official's access to sensitive information
- transfer of public official to an alternative duty
- resignation of public official from the conflicting private-capacity function

Failure to manage conflicting interests appropriately should be dealt with by a competent agency and result in disciplinary action, up to and including dismissal. Criminal prosecution leading to fines and imprisonment should be a credible sanction for those contravening conflict of interest rules.⁵⁸ Any decisions or contracts subsequently found to have been affected by an undeclared conflict of interest should be retroactively cancelled, and the beneficiaries excluded from working with the public administration for a period of time.⁵⁹

Other areas covered by conflict of interest regulations

Bearing these three strands in mind, national legal frameworks on conflicts of interests should seek to regulate the following areas:

- **Secondary employment.** This is one of the most obvious conflicts of interest in public office, and undermines the independence and autonomy of administrative and regulative decision making.⁶⁰

⁵³ OECD, 2005. [Fighting corruption and promoting integrity in public procurement](#)

⁵⁴ World Bank Public Sector and Governance Group, 2013. [Financial disclosure systems declarations of interests, income, and assets](#)

⁵⁵ Carney, G., 1997. *Working paper. Conflict of interest: Legislators, ministers and public officials*, Transparency International

⁵⁶ Heggstad, M., et al., 2010. [The basics of integrity in procurement: A guidebook](#), U4 Anti-Corruption Resource Centre

⁵⁷ OECD, 2004. [Managing conflict of interest in the public service: OECD guidelines and country experiences](#)

⁵⁸ OECD, 2007. [Conflict-of-interest policies and practices in nine EU member states: a comparative review](#)

⁵⁹ OECD, 2004. [Managing conflict of interest in the public service: OECD guidelines and country experiences](#)

⁶⁰ <http://www.opengovguide.com/commitments/establish-regulations-governing-post-government-private-sector-employment/>

It can also be prohibited most as it is relatively easy to monitor.

- **Procurement.** Conflicts of interest during procurement procedures can arise at various stages and threaten the integrity of the outcome because the most suitable service provider may not be selected. As well as the risk of outright bribery, officials responsible for making decisions- may have economic interests in a bidding company, or the prospect of future employment with them.⁶¹ The greatest opportunities for corruption are during the evaluation of bids and awarding of contracts as the requisite technical expertise narrows the field of public officials able to make decisions.⁶² Particular attention should be paid to the constitution of bid evaluation committees and the external audit of public contracts.
- **The revolving door.** The promise of future employment, consultancies and board memberships in the private sector has the potential to skew public officials' decision making when dealing with a host of issues. Movement into government to regulate the same issues that former private sector employees have been working on is also deeply problematic and can lead to conflicts of interest. Although restrictions on the "revolving door" are not yet common practice, the transition of public sector employees into the private sector and vice-versa is a real challenge to the integrity of public institutions. Senior officials from all branches of government and administration should be subject to regulations establishing the minimum amount of time they have to wait after leaving office before taking up private sector employment related to their former duties. These cooling off periods are best differentiated according to seniority,⁶³ but a recent Transparency International working paper suggested a two year minimum.⁶⁴
- **Sharing confidential information and insider trading.** Secondments to and from the private sector should also be tightly regulated and monitored to ensure certain companies do not gain insider information or influence on decision making, which would give them an unfair advantage over competitors.⁶⁵ While not perfect, this increases the costs for businesses seeking to buy access to government decision makers. The Canadian conflict of interest code stipulates that Canadian ministers are not permitted to disclose information that is not accessible to the general public to any non-governmental or corporate interests for five years after leaving office. Breaching the code can result in a fine, as well as termination of the government pension.
- **Nepotism and cronyism.** Instances in which an official influences the hiring of relatives and business associates or the provision of favours to them are clear conflicts of interest. While it is unreasonable to prohibit a public department from employing multiple members of the same family, circumstances in which an official is a direct subordinate of a relative should be avoided. This nepotism can be relatively straightforward to detect if both members are within the state apparatus. However, situations where a public official is conducting government business with a private entity which is owned by or employs a relative or friend are more difficult to prevent.
- **Private financial interests.** Measures should be taken to ensure that officials' private financial interests (and those of their spouses and immediate family) do not interfere with their performance of public duty. As outlined above, where private financial interests come into conflict with public policy, officials should either exclude themselves from decisions, divest from the relevant private asset or resign their public post.
- **Fraud and bribery.** Circumstances in which a public official deliberately seeks to augment their own financial wealth illicitly usually go beyond the remit of conflict of interest provisions. Accepting bribes is the crassest form of conflict of interest, but it is also best governed by the appropriate criminal code. Likewise, the dishonest use of government property or assets for personal gain is fraudulent activity and should be dealt with as such.

Lessons learned

Conflict of interest commissioners. Commissioners can play a key role in providing guidance and preventing public officials from inadvertently becoming entangled in a conflict of interest. It is advisable,

⁶¹ Heggstad, M., et al., 2010. [*The basics of integrity in procurement: A guidebook*](#), U4 Anti-Corruption Resource Centre

⁶² Martini, M., 2013. [*Conflict of interest in public procurement*](#), Transparency International Anti-Corruption Helpdesk

⁶³ <http://www.opengovguide.com/commitments/establish-regulations-governing-post-government-private-sector-employment/>

⁶⁴ http://www.transparency.org/whatwedo/publication/working_paper_06_2010_regulating_the_revolving_door

⁶⁵ Transparency International, 2010. [*Regulating the revolving door*](#)

particularly for legislators, to establish a permanent commissioner within the legislative assembly. The commissioner should be responsible for managing the register of legislators' interests, providing guidance, dealing with complaints and reporting to the parliamentary ethics committee.⁶⁶

Consultation. Conflict of interest provisions are best developed in consultation with the public officials who will be subject to them, rather than being imposed from above. This provides an opportunity for useful feedback, the possibility for officials to query aspects of the regulations they do not understand and helps internalise the central message of probity in public office.⁶⁷

Local government. Conflict of interest provisions usually focus on high-level decision makers such as ministers, legislators, political advisors and senior civil servants. While tackling conflicts of interest among the national-level elite is the priority for many integrity systems, officials at all levels of the state apparatus in decision-making positions with large discretionary powers should be subject to conflict of interest provisions. Once conflict of interest management systems have been successfully implemented at the top, they should gradually be expanded to local government, though at a pace which does not outstrip the capacity of oversight bodies.⁶⁸

Regulation over implementation? The paradox of US restrictions on the revolving door

Despite widespread recognition of the problem of the revolving door, restrictions on public officials' post-employment are not widespread. In the EU, legislators have been reticent to impose specified "cooling off" periods despite a series of incidents in which regulators have left public service to work in the industries they previously monitored.⁶⁹ Pre-employment limitations, which prevent former private sector workers from conducting certain tasks in the public sector, are even rarer. They are important, however, in deterring firms from seeking to place staff within government in order to "influence regulations and divert state resources."⁷⁰

On the surface, the United States seems to have a good integrity management system with regards to regulations on the revolving door. The US Federal Government has ethics codes for public officials limiting both pre and post-employment. It imposes a range of restrictions on former officials' subsequent roles in the private sector, from cooling off periods to outright bans on certain kinds of lobbying.⁷¹ Since 2009, officials in the executive branch have also been banned from working on issues related to former employers or clients for a period of two years after taking office.⁷² Moreover, the US Code of Federal Regulation now requires that all public officials do not partake in decisions relating to "any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee".⁷³ Municipal governments, such as New York, Seattle and Los Angeles, have in recent years extended this to local government workers.⁷⁴

Despite all this legislation and regulation, the United States still has a huge problem with the revolving door and undue influence in politics. The US is a prime example of when real change in ethical attitudes lags far behind rhetoric; in the period 2001-2011 alone, 5,400 congressional staffers and 400 former lawmakers left Capitol Hill to become federal lobbyists.⁷⁵ For more detail about the lack of progress in Washington, see <https://www.opensecrets.org/revolving/>

⁶⁶ Reed, Q. 2008. [Sitting on the fence: Conflicts of interest and how to regulate them](#), U4 Issue 2008: 6

⁶⁷ Reed, Q. 2008. [Sitting on the fence: Conflicts of interest and how to regulate them](#), U4 Issue 2008: 6

⁶⁸ Martini, M., 2014. [Local integrity: Allowances, Interest and asset declarations and revolving door](#), Transparency International Anti-Corruption Helpdesk

⁶⁹ <http://blog.transparency.org/2012/07/19/codes-of-conduct-a-tool-to-clean-up-government/>

⁷⁰ E. Brezis and J. Cariolle, (2014), [The Revolving Door Indicator: Estimating the distortionary power of the revolving door](#) U4 Brief No.10. p. 5

⁷¹ United States Federal Code, 2009. [Restrictions on former officers, employees, and elected officials of the executive and legislative branches](#)

⁷² https://www.whitehouse.gov/the_press_office/Ethics-Commitments-By-Executive-Branch-Personnel/

⁷³ US Office of Government Ethics Regulations 5. Code Federal Regulation. § 2635.502(a)(1)(iv)

⁷⁴ Wechsler, R., 2013 [Local government ethics programs](#). CityEthics.org.

⁷⁵ http://www.washingtonpost.com/study-shows-revolving-door-of-employment-between-congress-lobbying-firms/2011/09/12/gIQAxPYROK_story.html

RESOURCES ON CONFLICT OF INTEREST

Background studies

Conflict of interest: Legislators, ministers and public officials. Carney, G., 1999.
<http://www.gsdrc.org/go/display&type=Document&id=1258>

Though this report was written nearly 20 years ago, it remains the classic introduction to conflicts of interest and has become a foundation text for much of the subsequent literature. The study had two main purposes. Firstly, to assist legislators, ministers and public officials to identify exactly what constitutes a conflict of interest and how conflict of interests pose ethical dilemmas in the performance of an official's duties and responsibilities. To do this, the study defined a conflict of interest as arising "when the private interests of a politician or official clash or even coincide with the public interest." The second purpose was to suggest various mechanisms either to prevent such a conflict of interest arising, or to resolve the conflict when it does arise. These include disqualification from office, disclosure of personal interests, codes of conduct, lobbyists' registers, post-employment restrictions, ethics training and enforcement mechanisms.

Conflict of interest and public life: Cross-national perspective. Trost, C., and Gash, A., (eds), 2008.
<http://www.cambridge.org/gb/academic/subjects/philosophy/political-philosophy/conflict-interest-and-public-life-cross-national-perspectives>

This volume, authored by an international group of scholars and practitioners, provides a comparative account of conflict of interest regulations across four Western democracies: the United States, the United Kingdom, Canada and Italy. The study situates conflict of interest regulations within a broader governance discourse, identifies the structural, political, economic and cultural factors that have contributed to the development of conflict of interest regulations, and assesses the extent to which these efforts have succeeded or failed across and within different branches and systems of government. Chapters of special interest include *Conflict of Interest Regulation in Its Institutional Context* and *Legal Standards and Ethical Norms: Defining the Limits of Conflicts Regulations*.

Sitting on the fence: Conflicts of interest and how to regulate them. Reed, Q., 2008.
<http://www.cmi.no/publications/publication/?3160=sitting-on-the-fence>

This paper describes the problem of conflict of interest for public officials and the main ways in which it can be tackled, with particular focus on the regulation of elected officials. The paper describes three main types of regulation – prohibitions on activities, declarations of interests and exclusion from decision-making processes – and how these may be best implemented in practice. The author underlines the need for regulation to be realistic, tailored specifically for different categories of officials and to the specific circumstances of the country in which they are to be applied. The author also suggests possibilities for the engagement of the donor community, in line with the implementation of UNCAC.

Regulating the revolving door. Transparency International Working Paper, 2010.
http://www.transparency.org/whatwedo/publication/working_paper_06_2010_regulating_the_revolving_door

This short working paper offers an introduction to the problem of the revolving door and the associated conflicts of interest which can arise. It goes on to examine the nature of corruption risks and possible remedies.

Cabs for hire? Fixing the revolving door between government and business. Transparency International UK, 2011.
<http://www.transparency.org.uk/our-work/publications/10-publications/132-cabs-for-hire-fixing-the-revolving-door-between-government-and-business>

Moving through the revolving door can be beneficial to public officials and business, improving understanding and communication between both sides. However, the revolving door also undermines trust in government, because of the potential for conflicts of interest. This report concludes that the current system of regulating the revolving door in the UK is not working and needs fixing. Recent changes are welcome, but they do not go far enough and are unlikely to restore public confidence. Urgent and comprehensive reforms are needed to reduce the risk of conflicts of interest and make the revolving door work to the benefit of government, the private sector and UK society more broadly. The paper presents 15 recommendations for how the system can be improved.

Dangerous relations between the public and private sectors. Transparency International Hungary, 2012.

http://transparency.hu/Dangerous_Relations_between_the_Public_and_Private_Sectors

A lack of adequate regulation, public officials working in the private sector and business people working in public administration can breed abuses of office, profiteering and undue influence.

The study by Transparency International Hungary recounts the reasons for the revolving door phenomenon, the risks of corruption, domestic, foreign and international regulations and the specificities of the Hungarian business sector. It also advances recommendations for certain actors of the public and private sector to solve the issue. The study establishes that the demand of economic enterprises for professionals well-versed in politics arises out of helplessness in the face of politics and fickle legislation.

Conflict of interest in global, public and corporate governance. Peters, A., and Handschin, L. (eds), 2012.

<http://www.cambridge.org/gb/academic/subjects/law/comparative-law/conflict-interest-global-public-and-corporate-governance>

This interdisciplinary handbook provides insight into some of the latest thinking on conflicts of interest at a global level, in both the public and corporate sectors. The edited collection contains contributions from a range of international experts analysing the current worldwide trend towards regulation, which seeks to forestall, prevent and manage conflicts of interest. Particularly relevant chapters include *Empirical Research on Conflict of Interest: A Critical Look*, *Conflict of Interest and the Administration of Public Affairs* and *Managing Conflict of Interest: Lessons from Multiple Disciplines and Settings*.

How to measure and monitor the revolving door, & pros and cons of regulating the revolving door. Zinnbauer, D., Anti Corruption Research Network, 2014.

<http://corruptionresearchnetwork.org/acrn-news/blog/how-to-measure-and-monitor-the-revolving-door-data-sources-and-evolving-approaches>

This two-part blog series looks at the most recent literature on the revolving door phenomenon. [The first blog post](#) examines some of the main arguments in favour and against the practice of revolving doors and how these arguments are substantiated by the latest empirical studies, finding that downside risks outweigh upside benefits. [The second blog post](#) focuses on the research approaches and data that are being used, concluding with some thoughts on promising new data sources and the need for a research methodology relevant for practical policy purposes.

The open government guide to asset disclosure and conflicts of interest. Open Government Partnership, 2014.

<http://www.opengovguide.com/topics/assets-disclosureconflicts-of-interest/>

This guide offers a brief introduction to the problem of conflict of interest, a list of expert organisations, sample standards and guidance and country examples of successful conflict of interest mitigation. It also provides six model commitments which can help increase probity in public office.

Standards and guidelines

Managing conflict of interest in the public service. OECD.

<http://www.oecd.org/corruption/ethics/managingconflictinterestinthepublicservice.htm>

The OECD has long been a leader and innovator in the area of public sector conflict of interest management, and this webpage is a hub connecting users to all their activities. It should be the first port-of-call for all those seeking to quickly get to grips with the subject. It provides recent comparative data on conflict of interest systems from a range of countries, outlines the work that OECD does on the topic and provides a range of guidelines, toolkits and analyses.

Guidelines for managing conflicts of interest in the public service: OECD guidelines and country experiences. OECD, 2004.

<http://www.oecd.org/gov/ethics/48994419.pdf>

Essential reading for those who want to gain a comprehensive grounding in conflict of interest mitigation strategies, the OECD guidelines have three core objectives. Firstly, to provide a practical framework of reference to help governance and public organisations review and modernise existing policy solutions in line with good practice. Secondly, to promote a public service culture in which conflicts of interest are properly identified and resolved. Thirdly, to support partnerships between the public, private and non-profit sectors in identifying and managing conflict of interest situations. The guidelines set out four core principles for public officials to follow when dealing with conflict of interest situations in order to maintain trust in public institutions: (1) serving the public interest, (2) supporting transparency, (3) promoting individual responsibility and (4) creating an organisational culture that does not tolerate conflict of interest. The report highlights trends, approaches and models across all 30 OECD countries in a comparative overview that also presents examples of innovative and recent solutions. Eight country case studies (Australia, Canada, France, Germany, New Zealand, Poland, Portugal and the United States) give more details on the implementation of policies in national contexts and on key elements of legal and institutional frameworks. See also: [*OECD Guidelines for Managing Conflict of Interest in the Public Service: Report on Implementation*](#) (OECD 2007). This document outlines the initial progress made and updates the guidelines to include new provisions on post-public employment and lobbying restrictions.

Post-public employment: Good practices for preventing conflict of interest. OECD, 2010.

http://www.keepeek.com/Digital-Asset-Management/oecd/governance/post-public-employment_9789264056701-en#page1

This OECD report from 2010 reviews the measures taken in OECD countries to avoid conflicts of interest when officials leave public office. It provides guidance to policy makers and managers on how to review and modernise rules, policies and practices to prevent and manage conflicts of interest. Key findings include that while, the vast majority of countries have established basic standards for preventing post-public employment conflict of interest, few have tailored these standards to address risk areas and professions such as regulators or public procurement officials. The report includes a detailed case study of Norway's experience in developing and implementing post-public employment guidelines, and provides two practical appendixes which cover post-employment guidelines for politicians and civil servants separately.

Revolving doors, accountability and transparency: Emerging regulatory concerns and policy solutions in the financial crisis. OECD, 2009.

[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/PGC/ETH\(2009\)2&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/PGC/ETH(2009)2&docLanguage=En)

This OECD report from 2009 provides an excellent introduction into the topic of the revolving door. While its particular focus is on the financial sector (including banking, insurance and securities) following the 2008 financial crisis, many of the fundamental principles are more widely applicable to the broader public sector. Section 1 is of particular interest, as it provides a comprehensive evaluation of how the revolving door undermines the public interest, lists best practices and the OECD framework, and sets out principles for managing the post-public employment conflict of interest. The report also examines the pre-employment aspects of the revolving door, and reviews frameworks (for example, rules, procedures and policies) in place for fostering integrity, avoiding conflict of interest and maintaining trust, as well as highlighting lessons learned in addressing existing and emerging concerns.

Practical insights: handbooks and toolkits

Conflict of interest and monitoring financial assets. Organisation for Security and Co-operation in Europe (OSCE), 2004.

<http://www.osce.org/eea/13738?download=true>

Chapter three of the OSCE report *Best Practices in Combating Corruption* (pp.28-41) provides two checklists: (1) to help individual public servants identify situations where a conflict of interest is likely to arise and (2) to assess whether a disclosed conflict of interest might require other public officials to ask the person in question to stand aside. It also examines in detail how to avoid nepotism and cronyism in public sector appointments, suggests methods to monitor public officials' income and provides best practice examples of post-public sector employment restrictions for government ministers.

Managing conflicts of interest in the public sector: Toolkit and guidelines. Australian Independent Commission against Corruption, 2004.

Although now over ten years old, this [toolkit](#) with companion [guidelines](#) offer an excellent overview of how to build an integrity system to avoid and mitigate conflicts of interest in the public sector. [The toolkit](#) offers informative methods to develop and implement a conflict of interest policy and what to do once it is in place, while [the guidelines](#) provide useful background on why such policies are important, key definitions, guiding principles and a host of training resources.

Managing conflicts of interest in the public sector: A toolkit. OECD, 2005.

<http://www.oecd.org/gov/ethics/49107986.pdf>

Experience shows that identifying and resolving conflicts of interest can be difficult to achieve in practice. To overcome this barrier, in 2005, the OECD developed a practical toolkit focusing on specific techniques, resources and strategies for the identification, management and prevention of conflict of interest situations. It provides non-technical, practical help to enable officials to recognise problematic situations. The tools are based on examples of sound conflict of interest policies and practices drawn from OECD member and non-member countries. The toolkit provides a set of practical tools to manage conflicts of interest in accordance with the [OECD guidelines for managing conflict of interest in the public service](#) and which are suitable to be adapted in countries with different legal and administrative systems. It includes objective tests for identifying a conflict of interest, a generic checklist for identifying at risk areas for conflicts of interest, relevant ethics code provisions, a conflict of interest self-test, a gifts and gratuities checklist and hypothetical training cases.

Managing conflict of interest: Frameworks, tools, and instruments for preventing, detecting, and managing conflict of interest. Asia Development Bank (ADB)/OECD, 2008.

<http://www.adb.org/sites/default/files/publication/27975/managing-conflict-interest.pdf>

This report is a resource for both practitioners and policy makers to support the development of new frameworks, tools and instruments for detecting and managing conflicts of interest to curb corruption in the Asia and Pacific region. The three sections cover definitions and conceptual frameworks, legal and regulatory tools and preventive measures (such as codes of conduct and organisational culture). The study is essentially a compilation of analyses and conclusions from an Asia-Pacific regional seminar in 2007, which brought together more than 150 experts from 23 of the ADB's Anti-Corruption Initiative's member countries and jurisdictions, and there are several interesting country case studies, including Korea, Indonesia and the Philippines.

Conflicts of interest: A good practice guide. Northern Ireland Audit Office, 2015.

http://www.niauditoffice.gov.uk/conflicts_of_interest_good_practice_guide.pdf

This guide seeks to provide clear and simple advice relevant throughout the public sector to help organisations draft and implement conflict of interest policies. It also aims to help board members and staff in key positions to recognise when they have a conflict of interest and how they should act when such a situation arises. The guide includes examples of good practice as well as case illustrations of all types of conflicts of interests with the associated problems and possible solutions. Usefully, the guide provides a typology of conflicts of interest and specifies what to do when the policy is breached. Several appendixes offer good practice examples and sample declaration of interest forms.

Assessments and databases

Revolving door watch. Corporate Europe Observatory.

<http://corporateeurope.org/revolvingdoorwatch>

This is a living and frequently updated database of commissioners, MEPs and officials who have gone through the revolving door into lobby or industry jobs, dating back to 2007. Lobbyists who have taken jobs with EU institutions are also featured. Run by the Corporate Europe Observatory, *Revolving Door Watch* seeks to expose how EU institutions – the commission, parliament, council and other agencies – have failed to take effective action to block the revolving door.

Regulating conflicts of interest for holders of public office in the European Union: A comparative study of the rules and standards of professional ethics for the holders of public office in the EU-27 and EU Institutions. Demmke, C. et al, 2007.

http://ec.europa.eu/dgs/policy_advisers/publications/docs/hpo_professional_ethics_en.pdf

This study compares and analyses the existing rules and standards for holders of public office with regards to conflicts of interest in EU member states and in EU institutions. It focuses on the analysis and comparison of the various laws, regulations and codes of conduct for government ministers, MPs, judges, and members of audit bodies and central banks. The study provides a wealth of empirical data on the various conflict of interest regimes across the EU to analyse the accumulated evidence about the effectiveness of such regulations. Key findings include: (1) a trend towards greater transparency and new forms of accountability, (2) in almost every country, codes of conduct are tailored to individual institutions rather than applied to the whole government sector and (3) the category of post-employment is the least regulated conflict of interest area among EU member states. Finally, the report establishes that the older members of the EU generally have fewer regulations and design their disclosure mechanisms to focus on prevention of conflicts of interest, while newer members of the EU are generally more regulated and shape their asset disclosure systems to both prevent conflicts of interest and combat illicit enrichment.

The Global integrity report. Global Integrity, 2011.

https://www.globalintegrity.org/global_year/2011/

The Global Integrity Report is a guide to anti-corruption institutions and mechanisms around the world, intended to help policy makers, advocacy practitioners, journalists and citizens identify and anticipate the areas where corruption is likely to occur within the public sector. Although currently on hold, the country reports from 2010 and 2011 contain detailed surveys examining whether conflict of interest provisions exist in law and whether they are effective in practice for all branches of government and the civil service. It includes a large number of useful indicators on conflict of interest provisions, such as policies on recusal, gift and hospitality, independent auditing, post-public employment restrictions and asset disclosure. For instance, see the example of legislators in the United States [here](#).

Public accountability mechanisms: Conflict of interest. The World Bank, 2012.

<https://agidata.org/Pam/Map.aspx>

This is an unparalleled searchable dataset of legal provisions for conflict of interest for different kinds of public officials (including heads of state, government ministers, MPs and civil servants). The database provides 87 country profiles describing economic conditions and government structure, links to country-specific institutions responsible for the enforcement of accountability mechanisms, as well as a historical timeline of relevant legislation and notable incidents of corruption. It also provides summaries of specific indicators related to the accountability mechanisms of income and asset disclosure, freedom of information, conflict of interest, immunity protections and ethics training. For conflict of interest restrictions, each country is examined in terms of: (1) legal framework, (2) coverage of public officials, (3) business activities covered, (4) sanctions and (5) monitoring and oversight. For example, see France's entry [here](#). Interactive graphs displaying the percentage of countries from different income groups/regions that conform to a whole range of conflict of interest regulations are also available [here](#).

Resources from the Anti-Corruption Helpdesk

Conflict of interest in public procurement. Martini, M., 2013.

http://www.transparency.org/files/content/corruptiongas/Conflict_of_interest_in_public_procurement.pdf

This answer provides an overview of how to prevent and avoid conflict of interest in public procurement. It finds that: (1) countries should enact guidelines with a clear definition of conflict of interest and (2) put forth requirements for officials involved in the procurement process to disclose information on their private interests and assets, in addition to excusing themselves from certain decision-making processes and prohibiting them from performing certain functions if the opportunities for conflict of interest exist. In addition, access to information, stakeholder participation in key stages of the procurement cycle and clear review mechanisms are shown to be essential in preventing conflicts of interest during public procurement processes. Moreover, effective implementation and enforcement of the law are key to create a deterrent effect and ensure integrity during the process.

Declaration of Interests, Assets and Liabilities: Oversight Mechanisms, Disclosure Policy and Sanctions. Martini, M., 2013.

http://www.transparency.org/whatwedo/answer/declaration_of_interests_assets_and_liabilities_oversight_mechanisms_disclosure

This Helpdesk answer examines how conflict of interest regulations can be most effectively embedded into a wider integrity framework alongside interest and asset disclosure regimes, oversight mechanisms and sanctioning procedures for non-compliance. It emphasises that verification of public officials declared interests' must be undertaken by independent and well-resourced public bodies, and that proportionate and dissuasive sanctions for non-compliance with the rules must be consistently applied. Where conflicts of interest are proven, and found to have been ignored or not declared by a public official, there must be scope for the retroactive cancellation of affected decisions.

Local integrity: Allowances, interest and asset declarations and revolving door. Martini, M., 2014.

http://www.transparency.org/whatwedo/answer/local_integrity_allowances_interest_and_asset_declarations_and_revolving_door

The key problems of conflicts of interest are just as applicable at the local level as at the national. Indeed, the wide discretionary powers enjoyed by local officials tasked with the allocation of state resources and provision of public services, combined with the lack of oversight, means that local government is often highly vulnerable to conflicts of interest. This answer recommends that those exercising "significant authority", that is, those who have the ability to influence the outcome of a decision on behalf of the municipality, should be obliged to disclose their interests, as well as their assets and liabilities. It also advocates that public officials responsible for procurement processes as well as licenses and registries should also be required to declare their assets and interests

Selected actors and stakeholders

Organisation for Economic Cooperation and Development (OECD).

www.oecd.org

The OECD [guidelines](#), [toolkits](#) and analysis on conflict of interest management and the [revolving door](#) have been pioneering. The [hub on conflict of interest](#) should be the first port-of-call for all those seeking to quickly get to grips with the subject. The organisation has accrued expert knowledge and an impressive repository of best practice examples to support both OECD member states and non-member countries improve public sector probity.

Corporate Europe Observatory

<http://corporateeurope.org/revolvingdoorwatch>

The Corporate Europe Observatory is a research and campaign group working to expose and challenge the privileged access and influence enjoyed by corporations and their lobby groups in EU policy making. It has a useful tool to monitor the revolving door in and out of EU institutions: a regularly updated database of commissioners, MEPs and officials who have gone through the revolving door into lobby or industry jobs. Lobbyists who have taken jobs with the EU institutions are also featured.

Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

<http://www.alter-eu.org/>

ALTER-EU is a coalition of over 200 public interest groups and trade unions concerned with the increasing influence exerted by corporate lobbyists. ALTER-EU seeks to combine Brussels-based monitoring and expertise in EU institutional affairs with the national-level knowledge and campaign muscle of its member groups to create well-researched campaign demands which attract pan-European support and which lead to political reform. One of their four central campaigns revolves around [blocking the revolving door for EU officials](#). This campaign demands cooling off periods for commissioners and staff of three and two years respectively. ALTER-EU's reports on the revolving door in EU institutions are available [here](#) and [here](#).

Sunlight Foundation

<http://sunlightfoundation.com/>

The Sunlight Foundation is a non-partisan, non-profit that advocates for open government globally and uses technology to make government more accountable to all. While their primary focus is on money in politics, some of their tools are also applicable to identifying conflicts of interest in public offices. For

example, their app Influence Explorer allows users to explore which companies and organisations are donating funds to political campaigns. The Lobbyist Registration Tracker is a database which allows users to see lobbying registrations as they are submitted and the trends in issues and registrations over time.

INCOME AND ASSET DISCLOSURE

THE ROLE OF INCOME AND ASSET DISCLOSURE IN ANTI-CORRUPTION

Requiring public officials to provide lists of their assets and interests is one of the most effective means of preventing and identifying corruption. A distinction can be made between two types of disclosure systems: those which focus on lists of registered interests, and those which prioritise officials' income and assets. Despite their procedural similarity, the two systems play slightly different roles in restraining financial impropriety.

Firstly, interest disclosure systems aim to flag up potential conflicts of interest to employees themselves, their managers, monitoring agencies and, where disclosures are made public, to civil society and the media. The consultative process of regular asset disclosure serves as a reminder to public employees about the need for probity and raises awareness of potential conflicts of interest. Disclosure can also inculcate behavioural norms, like integrity and honesty in public organisations, especially when it is supported at the highest levels.⁷⁶

Secondly, income and asset disclosure regimes aid the prevention, detection and prosecution of illicit enrichment by enabling verification of reported income against other registers (such as the land, vehicle and tax registers), previous declarations and lifestyle.⁷⁷ Financial disclosure therefore raises the costs of corruption and may make some officials less inclined to engage in illicit financial practices. Although income and asset regimes alone are unable to prevent unethical behaviour, systematic analysis of the data they collect can work as a trigger for investigations. In this way, financial disclosure supports a broader anti-corruption strategy, as well as asset recovery programmes.

It is considered good practice to require public officials to declare their interests *and* financial assets. This can be done either by incorporating both procedures into a single disclosure mechanism or independently, as outlined in the above section on conflict of interest. The decision whether to amalgamate these processes or keep them separate should be at the discretion of the relevant national authorities and be made context-dependent.

TOWARDS GOOD PRACTICES IN INCOME AND ASSET DISCLOSURE

Recognising the potential of asset disclosure systems, the 2003 UNCAC agreement stipulated that all signatories should establish mechanisms to compel public officials to report "to appropriate authorities...their outside activities, employment, investments, assets and substantial gifts or benefits".

Despite this, there are, as yet, no specific international standards detailing how disclosure regimes are best designed, implemented and monitored. Indeed, while a recent study by the World Bank illustrated that 78 per cent of the surveyed countries had some kind of financial disclosure arrangement, it also revealed the wide range of approaches.⁷⁸

The literature on income and asset declaration reflects this variety, and stresses the need for context-specific declaration regimes which carefully consider who should declare what to whom and when.⁷⁹ Over the last decade, however, an emerging consensus has identified several "core principles" for the establishment of effective asset declaration mechanisms.⁸⁰ The principles focus on the following areas:

⁷⁶ The World Bank. 2013. [Income and asset disclosure: Case study illustrations](#), p.1

⁷⁷ World Bank Public Sector and Governance Group, 2013. [Financial disclosure systems declarations of interests, income, and assets](#)

⁷⁸ World Bank Public Sector and Governance Group, 2013. [Financial disclosure systems declarations of interests, income, and assets](#)

⁷⁹ Martini, M., 2013. [Declaration of interests, assets and liabilities: Oversight mechanisms, disclosure policies and sanctions](#). Transparency International Anti-Corruption Helpdesk.

⁸⁰ Messick, R., 2009. [Income and assets declarations: Issues to consider in developing a disclosure regime](#)

- **The corruption issue disclosure is intended to address.** Thought needs to be given to the kind of behaviours disclosure regulations are supposed to tackle, as well as the institutional and political background. To address undue influence, regulations focusing on helping officials and monitoring bodies to identify and manage potential conflicts of interest can prevent officials partaking in decisions in which they have a personal stake. Disclosure regimes which facilitate the monitoring and investigation of unusual fluctuations in wealth can help uncover illicit enrichment activities.⁸¹ The best disclosure regimes include provisions for both strands.⁸²
- **Scope and coverage of the disclosure requirement.** An overly ambitious scope of disclosure systems can reduce the efficacy of and political support for anti-corruption bodies. Countries need to ensure that anti-corruption zeal does not outstrip institutional capacity when judging who will be required to declare and how declarations will be managed and monitored. In Kenya, for instance, following a highly publicised corruption scandal, all 675,000 civil servants were required to disclose income and assets. The lack of oversight capacity meant that this actually weakened the country's ability to detect illicit enrichment by overburdening the system.⁸³ Policy decisions about scope and coverage need, therefore, to be connected to the corruption issue the disclosure system is supposed to tackle.
- **Coverage of disclosure systems.** Generally, it is good practice to start at the top and ensure compliance before expanding coverage to progressively include more officials as political will and resources develop.⁸⁴ Most disclosure regimes include the top tiers of the executive, legislative, judiciary and civil service as these positions enjoy high discretionary powers when allocating public money. An alternative approach is to require officials in high-risk postings, such as procurement, tax and customs officers, to disclose their income and assets regardless of seniority.⁸⁵ There is an ongoing discussion about whether the members of an official's household should also be included in disclosure regimes, but most experts concur that a family's financial affairs are so closely entwined that any separation is artificial and excluding them from disclosure makes evading detection relatively straightforward.⁸⁶
- **Types of information to be included.** Disclosure declarations should include both assets (homes, valuables, financial portfolios and liabilities) and other sources of employment (directorships and consultancies, for example). They should also cover gifts and sponsorship deals above an appropriate threshold as well as potential conflicts of interest (unpaid advisory roles, participation in NGOs, membership of trade unions or business organisations). In order to not overwhelm capacity at an early stage of reform, disclosure could be sequenced so that officials are first required to declare income and assets, and obligations to also declare business activities and pre-employment activities can be gradually introduced. While some disclosure regimes permit disclosure to be made within ranges of value, ideally financial disclosure records exact monetary value of all listed items.⁸⁷
- **Frequency of filing.** Disclosure systems either require declaration on entering and leaving office, when there is a significant change in an official's net worth, or periodically. Annual declarations are the most effective, as they familiarise all officials with the system and allow for accurate comparisons over time in office.
- **Monitoring submission compliance.** While some countries establish a single, specialised agency to receive and review all financial disclosure declarations, in other countries, public organisations have assigned responsibility to civil service commissions or even in-house units.⁸⁸ The legislature and judiciary often have their own disclosure arrangements to safeguard their political independence from external influence. Ideally, income and assets should be declared to an independent and well-resourced public body which is able to competently monitor and enforce compliance with submission requirements.
- **Verification of content.** As well as enforcing compliance with submission, for an income and asset declaration system to be effective, the content of the declarations needs to be verified. Entities tasked

⁸¹ The World Bank. 2013. [Income and asset disclosure: Case study illustrations](#).

⁸² Martini, M., 2013. [Declaration of interests, assets and liabilities: Oversight mechanisms, disclosure policies and sanctions](#). Transparency International Anti-Corruption Helpdesk

⁸³ Messick, R., 2009. [Income and assets declarations: Issues to consider in developing a disclosure regime](#)

⁸⁴ <http://www.opengovguide.com/commitments/asset-disclosure/>

⁸⁵ Messick, R., 2009. [Income and assets declarations: Issues to consider in developing a disclosure regime](#)

⁸⁶ OECD, 2011. [Asset declarations for public officials: A tool to prevent corruption](#)

⁸⁷ Transparency and Accountability Initiative, 2011. [Asset disclosure: A guide to best practice in transparency, accountability and civic engagement across the public sector](#).

⁸⁸ OECD, 2011. [Asset declarations for public officials: A tool to prevent corruption](#)

with scrutinising declarations must therefore be empowered to request/access relevant information from other government agencies. There are a number of ways to verify a declaration: by cross-referencing declarations against public or private sector records (property, vehicle and tax registries), against previous disclosures by the same official or against the official's lifestyle. Rather than seeking to verify each and every submission, random sampling and risk-based selection of financial disclosure declarations can exert less administrative strain.⁸⁹

- **Enforcement and sanctioning.** An income and asset declaration regime as described above is well placed to provide a realistic chance of detection and work as a deterrent. But for the system to be truly effective, it must establish a credible threat of punitive sanctions for corrupt officials. These can range from fines, suspension and dismissal to imprisonment. Reputational sanctions, such as publishing the names of those officials who fail to comply, can also be effective.⁹⁰ It is crucial that late submission, non-submission and misreporting of assets be made a criminal offence and adequately sanctioned, otherwise, corrupt officials will be free to massage disclosed information and the system will be shown to be toothless. Indeed, it often proves easier to convict a corrupt official for inaccurate reporting rather than corruption itself.⁹¹ Finally, political support for the neutrality of the relevant anti-corruption agency is essential for the enforcement of sanctions to ensure that it does not become a party-political instrument.
- **Public availability of information.** Financial disclosure can either be made publically available or privately to an anti-corruption body, supreme auditor or other government entity. A recent World Bank survey found that legal requirements to make data publicly available were in place in only 43 per cent of countries sampled.⁹² In states with high levels of violence, public disclosure of officials' wealth is less common as legislators fear this would make wealthier public officials the target of criminal activity. Nonetheless, with the rise of right to information legislation and the open data movement, making asset declarations public is becoming increasingly common. Public access to officials' financial disclosure declarations can be a valuable addition to institutional verification mechanisms by helping to flag up potential discrepancies for investigation. It also reinforces the message that officials are subject to public accountability, and that their actions should be taken in the public interest. Experience has shown that where asset declarations are logically archived, searchable and publically available, disclosure regimes are generally more effective.⁹³ Publishing statistics on compliance rates, investigation and enforcement outcomes can also help convince the public of the sincerity of anti-corruption efforts and exert pressure on officials to behave with probity. Nonetheless, public scrutiny cannot be a substitute for official vigilance; verification, especially of possible conflicts of interest, is a skilled task requiring thorough legal knowledge.⁹⁴

Declaring beneficial ownership: a new global priority

A recent article by the World Bank's Stolen Asset Recovery Initiative noted that while 90 per cent of income and asset disclosure regimes require officials to declare their real estate holdings, the vast majority leave a gaping loophole. Public officials are not considered to be making a false declaration if they exclude property or assets owned through legal entities; 80 per cent of disclosure systems do not require officials to declare shares or property held in the name of a lawyer or other legal entity for the official's benefit.⁹⁵

This is an area of great concern given that two recent reports, *Puppet Masters* and *Corruption on Your Doorstep*, showed that corrupt officials frequently use companies, foundations and trusts to disguise their illicit wealth. Requiring beneficial ownership to be declared alongside legal ownership is a much-needed and innovative step to greatly increase the effectiveness of disclosure regimes. Transparency International has recently launched the *Unmask the Corrupt* campaign to tackle this issue.

⁸⁹ <http://www.opengovguide.com/commitments/establish-a-system-of-oversight-for-asset-and-conflicts-of-interest-disclosures/>

⁹⁰ World Bank Stolen Asset Recovery Initiative, 2012. *Public office, private interests: Accountability through income and asset disclosure*

⁹¹ Messick, R., 2009. *Income and assets declarations: Issues to consider in developing a disclosure regime*

⁹² World Bank Public Sector and Governance Group, 2013. *Financial disclosure systems declarations of interests, income, and assets*

⁹³ World Bank Stolen Asset Recovery Initiative, 2012. *Public office, private interests: Accountability through income and asset disclosure*

⁹⁴ The World Bank, 2013. *Income and asset disclosure: Case study illustrations*

⁹⁵ <http://star.worldbank.org/star/content/keeping-truth-and-luxury-new-york-apartments-hidden-while-not-lying>

LESSONS LEARNED FOR IMPLEMENTATION

Over the last decade, a number of core principles have been established when implementing income and asset disclosure regimes. Taking these into account will maximise effectiveness and can help to increase public confidence by demonstrating to citizens that official behaviour and public finances are being scrutinised.

- **Clarity of form and function.** To be credible, disclosure regimes need to be explicit in defining their purpose and institutional structure: who reports what to whom and when, who enforces compliance, who verifies content and who levies sanctions.⁹⁶
- **Separating compliance from enforcement.** Financial disclosure regimes include both compliance elements (educating officials, managing receipt of declarations and managing conflicts of interest) and law enforcement (verification, investigation and prosecution). It is advisable to separate responsibility between those entities managing the compliance elements from law enforcement agencies so that officials with procedural questions are less reticent to ask questions about declarations.
- **Context matters.** Disclosure systems need to be designed in a way that their objectives and procedures complement the local institutional, cultural and political environment. This can help overcome the inevitable administrative burden, privacy concerns and variable state capacity.
- **Gradual roll-out.** Coverage needs to start with high-risk senior positions and be incrementally expanded as the infrastructure develops. Before introducing meticulous verification procedures, for example, it is advisable to ensure compliance with the submission regime. Excessively ambitious disclosure regimes are likely to prove ineffective and lose political support.

Innovation in income and asset declaration: the role of civil society

The Open Government Partnership advocates publishing financial and interest disclosure as open data sets, as "informed citizens are more likely to demand greater accountability from public officials."⁹⁷ The Sunlight Foundation also campaigns to make disclosures more widely available by removing technological and economic hurdles, encouraging standardisation of disclosures to make analysis and comparison easier.⁹⁸

In 2014, *Poder Ciudadano*, Transparency International's chapter in Argentina, took this one step further. Working with civil society groups and media outlets, 30 volunteers developed an [online visual database](#) which simplifies the top 800 public officials' asset declarations and allows anyone to track and compare how officials have accumulated assets over their time in office. On its own, the tool cannot detect corruption, but it can raise red flags if officials are seen to live beyond their means. The visual database won the 2014 [Global Editors Network](#) award for best data journalism, and the [technology behind it is being shared](#) with other anti-corruption organisations across the world.⁹⁹

⁹⁶ Chêne, M., 2011. [Foreign exchange controls and assets declarations for politicians and public officials](#), Transparency International Anti-Corruption Helpdesk.

⁹⁷ <http://www.opengovguide.com/commitments/publish-asset-and-conflict-of-interest-disclosures-as-open-data/>

⁹⁸ Sunlight Foundation, 2013. [Open data policy guidelines](#)

⁹⁹ <http://interactivos.lanacion.com.ar/declaraciones-juradas/> &

http://www.transparency.org/news/feature/visualising_corruption_award_winning_data_journalism_in_argentina

RESOURCES ON INCOME AND ASSET DISCLOSURE REGIMES

Background studies

Officials' asset declaration laws: Do they prevent corruption? Gokcekus, O., and Mukherjee, R., 2006

in Hodess (ed.) *Global Corruption Report 2006*.

http://works.bepress.com/cgi/viewcontent.cgi?article=1071&context=omer_gokcekus

Despite the somewhat outdated dataset, this article remains useful as it is one of the few pieces of systematic evaluation on the efficacy of disclosure regimes. Examining 42 countries, it finds compelling evidence that there is a strong positive correlation between requiring public officials to declare interests and assets and lower corruption levels. Corruption was found to be lower in: (1) countries whose declaration laws permitted the anti-corruption body to prosecute the offending official, (2) countries which verified the content of officials' asset declarations and (3) countries which made declarations publicly available. Moreover, the combination of content verification and public access to the declarations was found to have a still greater association with lower levels of corruption.

Income and asset declarations: tools and trade-offs. Stolen Asset Recovery Initiative, 2009.

http://www.unodc.org/documents/corruption/Publications/StAR/StAR_Publication - Income_and_Asset_Declarations.pdf

This document provides practitioners with the key principles to follow, the trade-offs to consider, and tools used in the design and implementation of effective income and asset declaration systems. In particular, the report considers how practitioners should design disclosure systems which balance attempts to tackle core corruption concerns with institutional capacity, looking at types of disclosures, verification and storage, and compliance. While the primary focus is on the creation of effective disclosure systems for public officials, the report also considers the role disclosure plays in detecting and preventing asset theft, and assisting efforts to recover the proceeds of corruption.

The report is based on an analysis of national legislative frameworks and a series of cases studies examining how disclosure systems are put into practice. Annex 1 provides a useful, if somewhat outdated literature review for those new to the topic. Annex 2 presents the methodology of the [World Bank's Public Accountability Mechanisms](#) (PAM) initiative which has developed a set of in-law and in-practice indicators to monitor the transparency of governments and the accountability of public officials in five areas: asset disclosure, conflict of interest, freedom of information, immunity protections and ethics training.

Income and assets declarations: Issues to consider in developing a disclosure regime. Messick, R., 2009.

<http://www.u4.no/publications/income-and-assets-declarations-issues-to-consider-in-developing-a-disclosure-regime/>

This is a useful background brief on the pros and cons of asset declaration systems, and provides advice to development agencies drafting asset declaration mechanisms in developing countries. Drawing on the World Bank's experience of providing technical assistance to countries developing disclosure regimes, the paper describes the issues policy makers should consider when deciding to adopt a financial disclosure law and what provisions it should contain. The report cautions against being overly ambitious when deciding on the scope of asset disclosure regimes, arguing that disclosure systems should be targeted at the most senior officials. It also strongly advocates making misreporting a criminal offence in its own right. Overall, the brief finds that disclosure regimes are useful for combating corruption, but that they must be tailored to individual countries.

Sunshine in the state house: Financial disclosure requirements for public officials. Lavin, A., and Rush, L., 2009.

in Selkin, P.E., (ed.) *Ethical Standards in the Public Sector*, 2nd edition, chapter 4

<http://www.right2info.org/resources/publications/publications/USEthicalStandardsStateLaws.pdf>

This is an informative survey of financial disclosure regulations in the United States. It begins with a discussion of the constitutional issues relating to financial disclosure before moving on to explore current financial disclosure requirements. The appendix provides an exhaustive survey of US state-level financial disclosure laws prepared by the Center for Public Integrity. It finds, for instance, that 35 states do not

require legislators to report the value of outside income or investments, and 33 states do not require income disclosure by governors.

See also: US Office of Government Ethics (2009) [*Report: Elements of a Successful Financial Disclosure Program*](#), Washington D.C.

Income and asset disclosure systems: Establishing good governance through accountability.
Burdescu, R., et al., 2010.

World Bank, *Economic Premise* No. 17, June 2010

<http://siteresources.worldbank.org/INTPREMNET/Resources/EP17.pdf>

This paper examines the role of asset declaration systems within the wider context of good governance measures. Attempting to ascertain best practice on implementation and design, the authors find that key considerations are limiting the number of filers to improve the odds of success, setting modest and achievable expectations, providing resources commensurate with the mandate, prioritising verification procedures to align with available resources, and balancing privacy concerns with public access to declarations. There is also a useful stocktaking exercise analysing how different countries legislate or ignore the finer details of disclosure systems, such as verification, where declarations are stored and accessible, and for how long records are maintained.

Public office, private interests: Accountability through income and asset disclosure. Stolen Asset Recovery Initiative, 2012.

<http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf>

This valuable report builds on the previous study, *Income and Asset Declarations: Tools and Trade-Offs*, to examine income and asset disclosure requirements for the executive and legislative branches of government. It is intended (together with its companion, [*Income and Asset Disclosure: Case Study Illustrations*](#)) to be a guide for practitioners and policy makers and for others with an interest in anti-corruption tools and procedures. While the report demonstrates the virtue of disclosure systems as deterrents to corruption, it finds that international standardisation of asset declaration system design is undesirable as local context is crucial. Examining different types of disclosure systems, the report therefore sets out to identify the broader rationale, objectives, core features, and mechanisms that can contribute to their effectiveness and enhance their impact in different contexts. It finds several key challenges are resource and capacity constraints, political resistance to implementation, a lack of public awareness, and limited civil society capacity. Ultimately, it calls for renewed commitment to asset declaration regimes and their proper enforcement. The findings are based on case studies, desk research and analysis of data gathered under the World Bank's Public Accountability Mechanisms initiative to examine the legal frameworks of disclosure in 88 countries.

Income and asset disclosure: Case study illustrations. Stolen Asset Recovery Initiative, 2013.

<https://openknowledge.worldbank.org/bitstream/handle/10986/13835/774620PUB0EP100LIC00PUB0DATE0503013.pdf?sequence=1>

This companion volume to *Public Office, Private Interests* presents eleven national case studies of disclosure systems from across the world: Argentina, Croatia, Guatemala, Hong Kong, China, Indonesia, Jordan, the Kyrgyz Republic, Mongolia, Rwanda, Slovenia and the United States. This volume summarises the key findings of *Public Office, Private Interests* and then describes the experiences of implementing disclosure regimes in each individual context and the approaches taken to address specific challenges in each jurisdiction. Each case study outlines the legal framework for the disclosure regime, the mandate and structure of the responsible agency, and the resources and procedures of the asset declaration system. The characteristics of each system are highlighted along with other findings that illuminate the challenges faced in implementing the system, the steps taken and the progress achieved by the relevant agency in fulfilling its mandate. The hope is that these experiences provide valuable insights to assist policy makers and practitioners devising their own disclosure regime.

Open Government Partnership webinar series: Asset disclosure. Global Integrity, 2013.

https://worldbankva.adobeconnect.com/_a833642795/p4hbmo50fp2/?launcher=false&fcsContent=true&pbMode=normal

This 90 minute webinar hosted by the World Bank Institute and OGP provides a comprehensive overview of the fundamentals of asset disclosure systems. It presents findings that the World Bank Financial Integrity Unit compiled and analysed from 176 countries, and uses this experience to present global and regional trends on the implementation and reform of asset declaration systems. It also features an in-depth case study from Georgia and seeks to understand how the lessons learned there can be applied elsewhere.

Asset declarations: An effective tool to fight corruption? Transparency International working paper, 2014.

http://www.transparency.org/whatwedo/publication/working_paper_1_2014_asset_declarations_an_effective_tool

This recent working paper from Transparency International provides a brief but comprehensive introduction to the issue of asset declaration. It first considers who should be covered by disclosure regimes and what should be declared. The paper then considers the key features and challenges of asset declaration and asks whether it can be a door to forfeiture. It concludes with an examination of Georgia as a good practice example and a list of recommendations.

Standards and guidelines

International standards

United Nations Convention against Corruption (UNCAC). United Nations, 2005.

www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

UNCAC, adopted by the UN General Assembly in 2003, includes provisions for asset disclosure and conflict of interest regulations as a way of combating corruption. Article 8(5) of the convention states that "Each state party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, *inter alia*, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials." Article 52(5) further states that, "Each state party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance."

G20 high-level principles on asset disclosures by public officials. 2012.

<http://www.g20russia.ru/load/781360541>

These high-level principles are based on the [APEC Principles for Financial/Asset Disclosure by Public Officials](#) and are consistent with the UNCAC, the OECD Guidelines for Managing Conflict of Interest in the Public Service and the results of the World Bank and the StAR Initiative analysis on financial disclosures. Recognising the diversity of asset disclosure systems among G20 countries, these principles aim to provide high-level guidance to G20 Members wishing to establish, review, or enhance their legislative and/or administrative standards for asset disclosure of public officials, irrespective of the objectives pursued. Although rather too broad to be of much concrete help, the principles encourage those designing disclosure regimes to ensure they are: (1) fair, (2) transparent, (3) useful, (4) targeted at senior leaders and those in at risk positions, (5) supported with adequate resources and (6) enforceable.

Regional standards

Regional Conventions against Corruption.

The African Union, Union of Arab States, Organisation of American States and the Council of Europe all have conventions containing provisions on financial declarations by public officials.

[The African Union's convention](#) from 2003 states in article 7 that members should "require all or designated public officials to declare their assets at the time of assumption of office during and after their term of office in the public service."

[The 2010 Arab convention](#) specifies in article 28 that, "each state party may consider drawing up effective methods for financial statement declaration, in accordance with its domestic legislation, in respect of public employees and set proper penalties for non-compliance."

[The Council of Europe Model Code of Conduct for Public Officials](#) from the year 2000 requires, in article 14, that public officials "declare upon appointment, at regular intervals thereafter and whenever any changes occur the nature and extent of those interests."

Finally, the [1996 Inter-American convention](#) stipulates in article 3 that, "Systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registrations public."

Model law on the declaration of interests, income, assets and liabilities of persons performing public functions. Organization of American States (OAS), 2013.
http://www.oas.org/juridico/PDFs/model_law_declaration.pdf

The OAS has prepared a useful model law on interest declaration, which includes both accepted best practice measures and some innovative features. It is seen by some experts as superior to the G20's rather broad *High-Level Principles on Asset Disclosure by Public Officials*. While its provisions will need to be tailored to suit individual circumstances, the model law functions as a useful reference for those seeking to design or modernise their asset declaration infrastructure.

The OAS model law advocates that the independent audit agency should be equipped with an adequate budget, qualified personnel, proper facilities and access to relevant technology. Further, such agencies should also be empowered to request any information it deems necessary "from any public agency [national, provincial or municipal] and from any natural or legal person, public or private, all of which are obliged to provide such elements within the time limit established by the competent authority, under penalty of law." It recommends reputational sanctions for non-compliance with the disclosure regime, such as publishing the names of those officials subjected to disciplinary, administrative or criminal penalties. Finally, it stipulates that the disclosure registry be made publically accessible.

Financial/asset disclosure in APEC economies: Standards and practices. 14th Anti-Corruption and Transparency Experts' Working Group Meeting, 2012.

<http://www.oge.gov/About/International-Activities/Docs/APEC-Standards---Practices/>

This document was prepared by the United States Office of Government Ethics and provides a useful overview of eleven international agreements relevant to the Asia-Pacific region which contain provisions related to financial/asset disclosure. The second section of the paper also offers a breakdown of current disclosure practices in 19 of the 21 APEC economies. It categorises disclosure regimes by type, longevity, extent of coverage, types of interest covered, submission requirements, sanctions, public availability and verification processes.

Practical insights: handbooks and toolkits

Asset declarations for public officials: A tool to prevent corruption. OECD, 2011.

<http://dx.doi.org/10.1787/9789264095281-en>

This study is aimed at national governments and international organisations engaged in the development, reform and assessment of asset declaration systems at country level. It provides systematic analysis of existing practices in the area of asset declarations in Eastern Europe and Central Asia to examine the impact of disclosure regimes on the actual level of corruption. It examines the key elements of asset declaration systems, such as: policy objectives, legal frameworks and the institutional arrangements; the categories of public officials who are required to submit declarations, and types of required information; procedures for verifying declared information, sanctions for violations and public disclosure. The study also discusses the cost-effectiveness and overall usefulness of declaration systems. Finally, the report presents policy recommendations on the key elements of asset declaration systems. In a series of tables, the report provides a useful overview of a range of comparative country data including the types of institutions tasked with administering asset declaration systems, financial resources assigned to monitoring, forms of public disclosure and the respective number of officials versus staff responsible for verification.

Anti-corruption transparency monitoring methodology. Access Info, 2011.

http://avada.access-info.org/wp-content/uploads/Anti_Corruption_Transparency_Monitoring_Methodology_25_Oct_2011.pdf

This tool is a practical guide which can be used by civil society, journalists, academics and others to evaluate whether the key information needed to prevent and/or identify corrupt practices within government is in fact readily available. The methodology draws on international anti-corruption treaties, such as the UNCAC, as well as other international standards and best practices, to propose some core classes of information which should be published by democratic and accountable governments. These include, for example, copies of public procurement contracts, assets declarations by public officials and information on decision making in privatisation processes. While this tool does not focus exclusively on disclosure regimes, it has a useful section which provides a range of indicators on asset declaration. These enable citizens to assess whether a country is following good practice in the collection, verification, evaluation and storage of asset declarations.

Asset disclosure: A guide to best practice in transparency, accountability and civic engagement across the public sector. Transparency & Accountability Initiative, 2011.

<http://www.transparency-initiative.org/wp-content/uploads/2011/09/2-Asset-disclosure1.pdf>

This very succinct report outlines the basic elements of asset declaration systems. In particular, it advocates the inclusion of senior members of the judiciary and the practice of random auditing and verification of asset declarations. Finally, it provides a comprehensive list of the kinds of assets and interests which should be declared by public officials.

Using asset disclosure for identifying political exposed persons. The World Bank Group, 2012.

http://siteresources.worldbank.org/FINANCIALSECTOR/Resources/Using_AD_for_PEP_identification.pdf

This paper demonstrates the versatility of disclosure regimes, showing how asset declaration can assist the financial sector by undertaking due diligence of politically exposed persons (PEPs). While the detection and monitoring of PEPs to combat money laundering and asset disclosure requirements for public officials are usually designed and implemented separately, this report demonstrates that there is great overlap. Indeed, of the 176 jurisdictions analysed in the report, over 80 per cent have disclosure requirements and the obligation to comply with PEP provisions.

The authors propose several innovative measures to use asset disclosure tools in order to identify PEPs, and focus on implementation issues involved in the identification of PEPs. While clearly delineating jurisdictions, the report aims to bring together both anti-money laundering and asset disclosure stakeholders and improve coordination between the two groups.

The puppet masters: How the corrupt use legal structures to hide stolen assets and what to do about it. Stolen Asset Recovery Initiative, 2012.

<https://star.worldbank.org/star/sites/star/files/puppetmastersv1.pdf>

This report focuses primarily on the methods used to conceal ill-gotten wealth in a labyrinth of corporate and financial structures. It examines how corporate vehicles (companies, foundations and trusts) are misused and provides an overview of beneficial ownership, its role in facilitating corruption and how to find beneficial owners. As such, its scope goes far beyond public sector ethics, but it does have a short section on how public officials' asset declarations are increasingly being used by investigators to locate beneficial owners. In several of the report's ten case studies, asset declaration systems were an important supplementary tool which helped the authorities to make appropriate links and discern trends or patterns during their investigation.

The report makes a series of policy recommendations to guide national legislation and regulations, and provides information for practitioners engaged in investigating corrupt officials and academics involved in the study of financial crime.

See also: [Barriers to Asset Recovery: An Analysis of the Key Barriers and Recommendations for Action & Asset Recovery Handbook: A Guide for Practitioners](https://star.worldbank.org/star/sites/star/files/puppetmastersv1.pdf), Stolen Asset Recovery Initiative, 2011.

Assessments and databases

Income and asset disclosure requirements for heads of state and governments. World Bank Group, 2006.

http://www.right2info.org/resources/publications/publications/messick_income-and-asset-disclosure-requirements_wb-2006

This comprehensive, though somewhat outdated, survey documents whether heads of state and governments in 147 countries are required to declare assets, if these declarations are made public, which agency oversees the process, which laws regulate the procedure and provides additional comments. In 104 countries, senior officials must disclose their income and assets. Of these 104, 71 countries require officials to declare their wealth to an anti-corruption body. In addition, 33 require that declarations be published.

Public accountability mechanisms: Income and asset disclosure. The World Bank, 2008.

<https://agidata.org/Pam/Map.aspx>

This is an unparalleled searchable dataset of legal provisions for income and asset disclosure. The database provides 87 country profiles describing economic conditions and government structure, links to

country-specific institutions responsible for the enforcement of accountability mechanisms, as well as a historical timeline of relevant legislation and notable incidents of corruption. It also provides summaries of specific indicators related to the accountability mechanisms of income and asset disclosure, freedom of information, conflict of interest, immunity protections and ethics training.

For disclosure regimes, each country is examined in terms of: (1) legal framework, (2) coverage of public officials, (3) content of declarations, (4) frequency of filing, (5) sanctions, (6) monitoring and oversight, (7) verification of declarations and (8) public access to declarations. For example, see Malawi's entry [here](#). Interactive graphs showing the percentage of countries from different income groups/geographic regions with specific disclosure provisions are also available [here](#).

In 2013, the World Bank compiled [a report summarising its findings](#), including lessons learned, good practice examples and key considerations. Annex III (*Selected Features of Financial Disclosure Frameworks across a Sample of 90 Countries*) is particularly valuable as a condensed but comprehensive two-page synopsis of the current state of asset declaration systems around the world.

Disclosure by politicians. Djankov, S. et al., 2010.

in American Economic Journal: Applied Economics vol. 2 (April 2010): pp.179–209
http://scholar.harvard.edu/files/shleifer/files/disclosure_by_politicians_aejapp_final.pdf

This paper surveys disclosure requirements for MPs in 175 countries, using the data in order to construct a "universal" set of items which should be: (1) declared to auditors and (2) made public as part of any comprehensive disclosure system. The findings mention that although two-thirds of countries have some form of asset declaration system, less than a third of countries make politicians' disclosures publicly available, and less than one-sixth of the potentially useful information is publicly available in practice. The authors establish that richer, more democratic countries with a free press have higher rates of disclosure, but crucially *only when declarations are made public* are disclosure regimes associated with higher government quality and lower corruption. Finally, the nature of content disclosed is found to be vital: the identification of the sources of a parliamentarian's assets, gifts and activities is more consistently related to better government than the reporting of values of assets and income.

Financial Disclosure Law Library. World Bank.
<http://publicofficialsfinancialdisclosure.worldbank.org>

The World Bank Financial Disclosure Law Library is a pioneering collection of laws and regulations on disclosure requirements for public officials' assets and business activities, including income, properties, liabilities, stock holdings and positions outside public office. It offers access to over 1,000 laws and regulations across 176 jurisdictions worldwide. These documents include constitutions, codes, laws, decrees, acts, regulations, orders, rules, and so on in 33 languages. The portal allows users to search information according to topic (such as disclosing officials, information disclosed, restrictions, or enforcement), jurisdiction, region, income level and language.

The library also provides information on closely-related topics, such as restrictions on public officials' activities. The library is intended as an unbiased legal source for practitioners, policy makers and researchers within national governments; international organisations; development agencies; the media; academia; and the private sector engaged in the fields of asset disclosure. The aim is to help them to learn from the experience of other countries and act to improve and strengthen financial disclosure systems.

Open Government Partnership eligibility criteria: Assets disclosure. Open Government Partnership.
<http://www.opengovpartnership.org/blog/open-government-partnership/2014/11/27/2014-ogp-eligibility-criteria>

The OGP publishes a list of countries whose integrity and transparency infrastructure qualifies them for membership. One of the four key eligibility criteria for governments to join the OGP requires public disclosure of income and assets for elected and senior public officials. This assessment is based on studies by the World Bank, and the World Bank's Public Officials Financial Disclosure database, which is updated on a rolling basis. Four points are awarded to countries with a law requiring disclosures for politicians and senior public officials to the public, three points awarded to countries with either a law requiring disclosures for politicians or senior public officials to the public, and two points awarded for a law requiring non-public disclosures for elected or senior officials.

Resources from the Anti-Corruption Helpdesk

Foreign exchange controls and assets declarations for politicians and public officials. Chêne, M, 2011.

http://www.transparency.org/files/content/corruptionqas/287_Foreign_exchange_controls_and_assets_declarations.pdf

This query addresses how monitoring and tracking of suspicious activity and money laundering across international borders can be improved. To do so, it examines a number of countries which, as a means to prevent corruption, restrict their citizens and politicians from holding overseas bank accounts or property. The paper finds that such restrictions are typically not specific to politicians, but imposed on citizens as part of a country's foreign exchange control regime. Restrictions can include disclosure requirements, strict prohibition or the written authorisation of the central bank or the taxing authority to open and maintain overseas accounts. As the number of countries where strict exchange controls are in force is constantly changing, however, there is no up-to-date, publicly available and exhaustive list of countries enforcing strict exchange control regimes.

Asset declarations in selected Asian countries. Martini, M, 2013.

http://www.transparency.org/files/content/corruptionqas/381_Asset_declaration_regimes_in_selected_Asia_n_countries.pdf

This query analyses to what extent Afghanistan, Pakistan, Tajikistan, Kyrgyz Republic, India, Bangladesh and Nepal comply with generally accepted good practice in the realm of disclosure systems. To do so, it analyses each country against the following criteria: (1) coverage of assets declaration, (2) types of information to be declared, (3) frequency of filling, (4) monitoring and enforcement, (5) sanctions, (6) availability of information to the wider public. Although the regulations may have changed since 2013, the paper is still useful as the author goes beyond the legislation to also examine how each of these issues is dealt with in practice. Despite a lack of literature on the topic, she describes a number of obstacles which are hampering implementation and enforcement of asset declaration rules in the selected countries.

Declaration of interest, assets and liabilities: Oversight mechanisms, disclosure policy and sanctions. Martini, M, 2013.

http://www.transparency.org/whatwedo/answer/declaration_of_interests_assets_and_liabilities_oversight_mechanisms_disclo

This query surveys good theory and practice of systematic verification of asset and interest declarations, and considers the literature on making officials' declarations public. It also considers the kind of sanctioning mechanisms appropriate in cases of non-compliance. The paper finds a broad consensus that declarations should be verified by an independent and well-resourced public body, and that disclosures should be made public once information that would violate privacy rights has been redacted. Finally, that author argues that in cases of wilful non-compliance, officials' employment may be terminated and affected decisions should be retroactively cancelled.

Selected actors and stakeholders

Right2Info.org

<http://www.right2info.org/>

Right2Info.org, launched by the Open Society Justice Initiative in 2008, provides relevant material concerning the current state of the public's right to information held by public bodies, including all branches and levels of government. With a focus on good law and practice, the website brings together [international and domestic law case examples](#) and related [resources](#) from international and regional bodies as well as more than 100 countries, organised and analysed by topic. The website has excellent [comparative studies of asset declaration regimes](#) from around the world. Moreover, it offers a [good selection of background literature](#) as well as [country evaluation reports](#) on interest and asset disclosure systems.

Global Integrity

<https://www.globalintegrity.org/>

Global Integrity is an independent, non-profit organisation, tracking governance and corruption trends around the world using local teams of researchers and journalists to monitor openness and accountability. Although currently on a hiatus, previous *Global Integrity Reports* provide a guide to anti-corruption institutions and mechanisms around the world, intended to help policy makers, advocates, journalists and citizens identify and anticipate the areas where corruption is more likely to occur within the public sector. They provide a large amount of useful data on conflict of interest and asset disclosure provisions from a range of countries, and whether these regulations are effective in law and in practice. Finally, the organisation has produced a useful two-page brief on asset disclosure as part of the Transparency and Accountability Initiative's *Opening Government: A Guide to Best Practice in Transparency, Accountability and Civic Engagement Across the Public Sector*.

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