USING THE 2ND REVIEW CYCLE TO ADVOCATE FOR INTEGRITY IN PUBLIC SECTOR

Grzegorz Makowski
Public administration and corruption – key problems

... democratic Parliament; [...] or the President elected by people, or hereditary "absolute" or constitutional monarch – in relation to trained officers performing administrative tasks always remains in the position of a layman to an expert. And every bureaucracy endeavours to still increase this edge of professional expertise through making secret its information and intentions. Bureaucratic administration, in line with its inherent tendency, is always an administration excluding openness. Bureaucracy tries hard to protect its knowledge and actions from criticisms ...

Max Weber
Public administration and corruption – key problems

- Any kind of administration is prone to corruption, because...
  - It has power and power always corrupts... at least to some extent.
  - Its power lies mostly in their high specialization → transparency deficit.

- Administration (with politicians) is always an usual suspects of corruption...

- That is why since 19th century so many efforts are put to make administration:
  - Public (not private, nor party, nor religious or anyhow narrowly oriented)
  - Controllable (by hierarchy, by politicians, by law, etc.)
  - Professional / well educated
  - Transparent
  - Open to citizens or even open to participation
  - Ethical!
Integrity, public administration and conflict of interest

- **Integrity** is the opposite of corruption.
  - Integrity – a system of norms and institutions assuring that those in power act honestly and for the interest of those who are governed.
  - Closer to public administration – **using power for officially authorized and publicly justified purposes** (C. Sampford)

- **Conflict of interests** – actual or possible situations where official responsibilities and private or other interests of a public officer are at odds, and when the pursuit of private interest can threaten public good or hamper carrying out his or her official duties.

- **Conflict of interest** is not corruption, but it creates grounds for corrupt behaviors.
Conflict of interest in public administration in UNCAC

- Main provisions:
  - Article 8 – legislation, codes and conduct
  - Article 7 (1)(d) – codes of conduct again and education

- Supplementary provisions:
  - Article 8 (4) – protection of whistleblowers in public administration
  - Article 10 (a) – transparency and access to information
  - Article 12 (e) – revolving doors
  - Article 13 (1) – civil society participation
How can we use the review and reviewed UNCAC provisions for advocacy and what do we plan to do in Poland?

- **Building relationships** with public administration
- **Not only law** – advocating for soft-regulations and promoting good practices
- **Use existing expertise** (especially if you own it)
- **Combine UNCAC review with other opportunities** (especially political processes / reforms)
- **Initiate educational / informational campaigns** around the review and promote your agenda
- **Try to participate or even initiate the legislative process**
How can we use the review and reviewed UNCAC provisions for advocacy and what do we plan to do in Poland?

„Density” and types of regulations regarding conflict of interest across the EU

C. Demmke, Regulating Conflicts of Interest for Holders of Public Office in the European Union..., 2007
Thank you!

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