Long Session Report

Session Title: Promoting transparent and accountable institutions at all levels
Date & Time: Wed. 24 October 2018, 3-5pm
Report prepared by: Emilie Cazenave, International partnerships coordinator, High Authority for transparency in public life/Network for Integrity

Session coordinated by: Emilie Cazenave

Moderated by: Emile Van der Does, StAR coordinator

Experts:

Emilie Cazenave, International partnerships coordinator, High Authority for transparency in public life (France)/Network for Integrity
Laura Pop, Senior Financial sector specialist, StAR/World Bank
Tetiana Shevchuk, Legal Counsel, Anti-Corruption action center in Ukraine
Joel Salas Suarez, Commissioner, National institute for transparency, access to information and private data protection, Mexico
What were the aims of the session and corruption risks?

The aim of the session was to share innovative practices and experiments notably on the use of digital data tools to foster a culture of accountability and promote transparency, ethics and integrity in the public sector.

The session aimed at showcasing examples of better monitoring of data declared by public officials or of improved transparency in public agencies’ decision making processes in order to strengthen citizens’ trust in public institutions and officials. Achieving this objective has particular relevance as perceptions of corruption in the public sector remain high in many countries around the world and citizens’ expectations increase with regard to integrity and transparency of public officials and decision-making processes.

Interventions highlighted results obtained so far, challenges and successes and the way forward to support building a culture of integrity and more transparent and accountable public officials and institutions.

Summary of panellists’ contributions & discussion points
(please be as detailed as possible)

Laura Pop presented the role of electronic filing and verification with regard to financial disclosure and international trends in the use of such instruments. Electronic filing for asset declarations are becoming more widespread and have been successfully launched across all regions and in countries of different levels of income. The introduction of electronic filing unlocks opportunities in terms of ease of filing for filers, providing better tools for civil society and media to help promote integrity in the public sector and allowing integrity institutions to better deliver on their mandate with less resources dedicated to purely administrative matters. Electronic filing is also a first step towards automatically cross-checking content of declarations with data contained in other databases. Another positive development mentioned was about updating the type of
information requested in filing such forms (beneficial ownership, etc.) to keep the system in line with current practices in terms of hiding assets or interests and thus make it useful to all, from oversight bodies to citizens, including other public authorities. Another issue highlighted was the scope of officials covered by such disclosure obligations and its effects in terms of the mandate of institutions running these systems and the results they can deliver. Having a risk-based approach to the categories of officials who are subject to declaration can contribute to running an effective system. Lastly, there was a discussion of the importance for integrity bodies to focus on their unique mission, while coordinating and collaborating with other integrity and anti-corruption bodies, including in law enforcement.

Joel Salas Suarez described Mexican reforms of the laws of 2016 to answer Mexican citizens’ expectations and then mentioned the first achievements with open contracting standards and in joining and meeting the standards of the Extractive industry transparency initiative (EITI). The Mexican legislation on transparency is one of the most advanced in the world and the Commissioner called on deepening its implementation. He presented the last initiatives to open information in the Mexican public sector and to improve the existing tools aimed at strengthening citizens’ access to public decisions and data. The INAI investigated several cases of non-disclosure of public information and published guidelines to support more transparency in public life. Mexican efforts in implementing its legislation on transparency and in fighting against corruption and for integrity in the public sector must be closely followed as the upcoming months are key for reforms in the country.

Emilie Cazenave from the HATVP presented the digital tools that have been designed, implemented and reformed over the past 5 years, to collect, control and publish interest and asset declarations but also with regard to the lobbying regulation, since 2016. Then, she presented the open data strategy of the institution and the different steps undertaken to transition from close to 20 000 declarations filed on paper forms in 2014 to a completely digital system today allowing to disclose declarations that must be published online in an open data format since July 2017. The online digital lobbying register was conceived from the start to ensure a publication of lobbyists’ identification information and activities in an open data format. She also explained how the institution consults civil society to make sure these data meet the expectations of
their potential re-users. The institution chose an unprecedented bottom-up approach and to be exposed to external scrutiny and ideas to reform its own tools and to make sure data released are reused. This is implemented for instance through regular consultations and workshops with civil society but also through a new project in which a team of engineering students is designing a dashboard for the online lobbying register. The High Authority chose to be exposed to external scrutiny, instead of designing this behind closed doors, and therefore to call on students rather than a service provider to develop this project. These students will ensure that the lobbying register is more accessible and more useful to citizens. Confronted with the complexity of the legislative provisions, the aim of the project is to directly address citizens’ and civil society organizations’ expectations and to release data that are useful to them in order to better understand interest representatives’ profile and activities and to foster public interest in the register.

Tetiana Shevchuk from ANTAC presented their work on the use of asset declarations to support the implementation of anti-money laundering standards, in particular with regards to the issue of politically exposed persons (PEPs). International standards require financial institutions and other entities to have systems in place to identify PEPs and carry out enhance due diligence measures. Since 2016, comprehensive information about the assets and interests of public officials and their family members is declared through an electronic filing system and made publicly available on-line. The financial disclosure database as well as information from other registries was used by ANTAC to create the PEPs list. She presented the disclosure forms and the website and how it is designed to look for and access directly various kinds of information on public officials. The overall aim of the project is to make sure that institutions such as banks leverage all available information, including that in asset declarations in order to prevent the introduction of proceeds of corruption in the financial system. This also demonstrates an additional role that civil society can play, beyond that of monitoring and advocacy, which is to create actual tools enabling the private sector domestically and abroad to make it harder the corrupt to enjoy ill-gotten gains.

Main outcomes of session (include the highlights and interesting questions from the floor)
On asset disclosure systems:
The discussion mainly focused on assets disclosure systems practices, and especially the content of asset declarations, public access to them and the scope and frequency of declarations.

With regard to publicity and the respect of public officials’ privacy, based on comprehensive review of practices globally, the World Bank has not identified instances where a clear could be drawn between public financial disclosure and serious security incidents. A complaint to the European Court of Human Rights was sent in 2015 by a Polish council member refusing to submit a declaration. The Court ruled that the publicity of the declaration is an interference with the right to privacy, but it is justified by a general interest objective. A balance must be found in national disclosure systems between the objectives of transparency and need to guarantee this right to privacy, as it is for instance the case in France with different regimes of publication of the assets and interests declarations.

During the discussion with the audience, the system in Ghana was mentioned. In Ghana, asset disclosure is entrenched in the Constitution and may hardly be changed. Yet, projects aiming at improving the system considering the existing legal basis are designed. For instance, advice will be needed on an e-declaration system that has just been created.

Other issues covered in the discussion with regard to asset disclosure were related to investigation on illicit enrichment, relatives’ assets and cross-border cooperation.

The discussion covered investigation on illicit enrichment, beneficial ownership, the inclusion of liabilities in asset declarations, and the actions on false declarations.

On the whole, one of the main conclusions is that the main components of the financial disclosure system (publication, inclusion of relatives, friend or commercial connections, frequency, type of verification, resources, mandates of the oversight bodies, etc.) depend on the objectives of the overall asset disclosure system, whether it is driven by a transparency objective only, by a verification objective only or by a combination of these two objectives.
On opening institutions to civil society organizations and citizens’ scrutiny:
Overall, the discussion concluded that civil society organizations must be watchdogs but also partners of public authorities in prevention of corruption matters.

Dialogue with civil society fosters the emergence of new ideas and recommendations, raise expectations of increased transparency and demand for new initiatives, such as in France or Ukraine. This dialogue is key for promoting reforms. In Mexico, changes in the forms for declaration of assets and interests are based upon a citizens’ initiative and their expectations. It is expected that it will be implemented in the coming months. Yet, it was emphasized that the current period is a transition time in the country.

Key recommendations and concrete follow-up actions

The key recommendations that emerged from the different presentations and from the discussion are to: encourage disclosure of beneficial ownership and more generally to make the requirements of disclosure more comprehensive (including with regards to interests) and transparency with regards to public officials and the institutions they work in.

These are essential in order to get a clearer picture of the public officials and the institutions they work for and to strengthen or rebuild citizens’ trust.

We value your assessment following the outputs of the session, if you need to, please get feedback from the session coordinator or the moderator for this component.

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?
Fostering a culture of integrity, accountability and transparency in the public sector is essential to scale up such projects and experiments and to strengthen national disclosure systems. Yet, transparency is not an end in itself. The objective behind open data strategies and administrative openness is to strengthen citizens’ trust, notably by enabling them to better understand the functioning of their institutions, decision-making procedures and public officials. Making sure that information that is made public is reused by citizens, investigative journalists, academia and civil society organizations is an important prerequisite to reach such a goal. Partnerships and/or common projects between public sector and civil society organizations are one of the means to do so.
Key Insights for the future of the anti-corruption agenda (including Game Changing ideas/ suggestions/ actions from the session)

Partnerships between integrity institutions and civil society foster and will keep fostering new recommendations, ideas and commitments, for instance in the framework of the Open Government Partnerships and countries’ commitments to conferences like the IACC. Implementation of these new commitments is carefully followed and regularly evaluated.

Yet, beyond the evaluations and commitments, dialogue between civil society, oversight bodies and public institutions can create better understanding of each side’s strengths and challenges and concrete initiatives to increase, transparency and accountability at all levels. Lastly, the synergies between the integrity/anti-corruption and the anti-money laundering systems need to be further explored and additional concrete measures to be undertaken.

Rapporteur’s name and date submitted
Emilie Cazenave, 16 November 2018

This Long Report needs to be submitted by 7 November