



TRANSPARENCY IN GOVERNMENT



Presentation for ILEA Seminar

20 July 1999

What is Transparency?



- Citizens' access to information
- Facilitating their understanding of decision-making processes

Examples of Transparency in Government

- Freedom of information acts
- Administrative procedures acts
- Televised parliamentary debates
- Published government audit reports
- Advertised government positions
- Etc.

Impediments to Transparency

- Discretion without accountability
- Excessive rules
- Lack of timely, publicized information
- Lack of resources to publish information
- Information not accessible to disadvantaged
- Lack of service culture in government

Why Transparency?



- Basis for accountability
- Check against mismanagement and corruption
- Public confidence
- Informed participation of citizens

Other Balancing Interests



- Privacy needs and rights
- Public order
- National Security

5 Sub-Topics



- Public procurement
- Electoral Process
- Selection to Government Office
- Public Disclosure of Assets and Interests
- Role of the press

Why is Procurement Important?



- If Well-Done:
 - Value for money for government
 - Stimulates national economy
 - Important regional development strategy
 - Attracts investment
 - Promotes equity among disadvantaged groups

Why is Procurement Important?

(continued)

- If poorly done:
 - results in waste and corruption
 - distortion of the market
 - unfair advantage to select groups
 - erodes public confidence

Transparency in Procurement

- Well-defined regulations and procedures open to public scrutiny
- Clear, standardized tender documents
- Documents containing complete information
- Equal opportunity for all in the bidding process

Case Study: South Africa

- National elections in 1994
- 2 reform objectives:
 - good governance in procurement
 - vehicle for socio-economic objectives
- Increase participation of:
 - small and medium enterprises (SMEs)
 - those who did not have political franchise

Case Study: South Africa (continued)

- Ten Point Plan on Procurement:
 - Improve access to information
 - Develop tender advice centers
 - Broaden participation base for small contracts
 - Waive security on construction contracts of less than R100,000
 - Unbundle large projects into smaller contracts

Case Study: South Africa (continued)

- Ten Point Plan on Procurement (cont.)
 - Promote early payment cycles by government
 - Develop preference system for SMEs owned by disadvantaged groups
 - Simplify tender submission requirements
 - Appoint procurement ombudsman
 - Classify building and engineering contracts

Technical Assistance

- International Trade Center in Geneva
(UNCTAD & WTO)
- UNCITRAL Model Law on Procurement of Goods, Construction and Services (1993)

Free and Fair Elections



- Participatory government
- Vote by secret ballot
- Opportunities to run for office
- Impartial election information
- Right to vote
- Right to establish a political party

Free and Fair Elections (continued)

- Freedom to express political opinions
- Freedom to campaign
- Access to media for candidates

Transparency in Elections

- Clear, open, accountable process that is understandable to the electorate
- Accessible document related to voting
- Publicizing political and administrative decisions relating to voting operations
- Equal access to political participants and independent observers

Case Study: Mexico

- Political and electoral systems reforms in mid-90s
- Transformed deficient system undermining democratic credibility
- Increase in elected positions
- Greater freedom to stand in elections
- Greater access to media
- Prohibition of anonymous contributions

Case Study: Mexico (continued)

- Federal Electoral Institute given more independence from executive branch:
 - handle voters' list
 - pay attention to rights of political parties
 - prepare for Election Day
 - train citizens entrusted with ballots/counting
 - regulate electoral observations
 - conduct civic education

Technical Assistance

- UN Department of Political Affairs
- UN Department of Economic and Social Affairs with:
 - IDEA & IFES
 - Administration & Cost of Elections Project
 - CD ROM or www.aceproject.org

Selection to Government Office

- Recruit and retain best people for public service
- Merit main principle
- Professional public service
- Protection from political partisanship
- Adequate Remuneration

Transparency in Selection

- Civil service law to spell out rights and duties
- Clear administrative procedures
- Advertised job descriptions
- Competitive process for evaluating candidates
- Appeal procedures

Case Study: Lithuania

- 1995 Law on Officials
- 1997 EC's Opinion uncovered significant shortcomings:
 - lack of stability
 - lack of political independence
 - poor pay: brain drain, low morale, corruption
- began drafting new Civil Service Law

Case Study: Lithuania (continued)

- Main principles:
 - career principle
 - political neutrality
 - equality and transparency
- Clear categories of civil servants
- Recruitment through open competitions
- Career development
- Performance Evaluation

Technical Assistance



- ILO guides on Human Resources Management
- UN Department of Economic and Social Affairs, Division for Public Economics and Public Administration

Public Disclosure of Assets/Interests



- Enhances public confidence in public office holder
- Protects the declarer from wrongful accusations

Transparency in Disclosures

- Requirement to disclose before taking office
- Regularly filing disclosure statements
- Requirement to file for a period after leaving office
- Public disclosure covers a wide range of high-ranking public officials and family
- Disclosure requirements stated in conflicts of interest law or codes

Case Study: Canada

- Public Registry on the Internet
- covers Deputy Ministers, full-time political appointees, ministers, their staff, parliamentary secretaries, junior ministers
- required to declare assets, outside activities, past outside activities, gifts/hospitality
- applied and enforced by the Ethics Counsellor

Technical Assistance



- UN International Code of Conduct for Public Officials:
 - Section II: Conflict of Interest and Disqualification
 - Section III: Disclosure of Assets

Role of the Press in Government Transparency

- help governments disseminate information about their activities
- serve as watch dogs
- educate citizens about government procedures and decisions

Independent Journalism

- Sources of funding: private, subscriptions, etc.
- No censorship by government or forced to self-censor
- Protection of freedom of speech
- Professional and credible investigative reporting

Case Study: Brazil

- Weak press under military regime
- Significant role in impeachment proceedings against Collor de Mello for corruption in 1992
- Current perception that press contributing to an accusatory climate

Technical Assistance

- UNDP funding investigative journalism training in developing countries
- Non-Governmental Organisations:
 - Philippine Center for Investigative Journalism to fight sensationalism and promote professionalism
 - Center for Media Freedom and Responsibility

Conclusion

- Transparency needed for accountability
- Transparency depends on good records and clear procedures
- Transparency implies a proactive effort to make information accessible to citizens
- Transparency is one indicator of a government that is citizen-focused and service-oriented.