



ReSPA

Regional School
of Public Administration

Sixth meeting of Ethics and Integrity Network

Organised in co-operation with

Special Investigation Service of the Republic of Lithuania
(STT)

8-9 July 2014

Vilnius, Lithuania

Discussion paper and provisional programme

Background

At the fifth meeting of the Network, it was decided to follow-up on the comparative study on asset declarations with two practical steps: an international standard on asset declarations, and a draft international agreement on data exchange for verification of asset declarations. At the same time, the Network noted that it was time to shift its thematic focus also towards a new subject. To this end, conflicts of interest was identified as the most relevant and urgent issue, also being closely interlinked with asset declarations. The sixth meeting of the Network is designed to address all three topics.

Objective

The objective of the meeting has several aspects:

1. Asset declarations

Site visit to the Special Investigation Service of the Republic of Lithuania (STT) and its investigation of cases related to asset declarations (<http://www.stt.lt/en/> - English).

- Review of the following documents (drafted by the international expert)
- Draft international standard on asset declarations.
- Feasibility study on options for international agreements on data exchange for verification of asset declarations.
- Draft international agreement on data exchange for verification of asset declarations.

2. Conflicts of interest

- Site visit to the Chief Official Ethics Commission (COEC) related to the framework and handling of conflicts of interest (<http://www.vtek.lt/vtek/index.php?Itemid=57> - English).
- Review of the draft structure of a comparative study on conflicts of interest.



Site visit

Following the fifth meeting, ReSPA surveyed the Network members about which institution/country would bring most added values to a site visit. There were five options on the table: Lithuania (Anti-corruption bodies); Romania (National Integrity Agency); Catalonia, Spain (Conflict of Interest Office; Anti-Fraud Office) and Latvia (Anti-corruption Bureau “KNAB”). A visit to the Special Investigation Service of the Republic of Lithuania (STT) and the Lithuania Chief Official Ethics Commission (COEC) seemed to be the best option, given the strong track record of both institutions and their internationally documented role as good examples. The site visit to both institutions allows also raising general questions on corruption prevention, including anti-corruption education and monitoring of lobbying (*Lithuania is one of only 16 countries worldwide comprising of lobbying regulation, besides Macedonia and Montenegro; other ReSPA members are considering passing legislation*). The points of interest raised by members related to the site visit can be summarised as follows:

STT

- ✓ How is the independence of the office ensured in theory and practice?
- ✓ What powers does the office have, and which powers would be helpful to have in practice?
- ✓ To what extent is there international cooperation with other anti-corruption agencies?
- ✓ How does the coordination with the COEC work?

COEC

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- ✓ What powers does the office have, and which powers would be helpful to have in practice?
- ✓ How does the coordination with the STT work?

The following questions might address both or only one of the above institutions:

Conflicts of interest

- Does the current legal framework sufficiently cover all cases of conflicts of interest? Who is included into conflicts of interest (family, friends, business partners, etc.)? Does it cover all public officials?
- How does the system of oversight work?
- Are declarations systematically screened for conflicts of interests related to job duties?
- Is there a system of red flags for detecting conflicts of interest?
- Is there an exchange of data among state bodies for detecting and monitoring conflicts of interest?
- Are there specific mechanisms for conflicts of interest in procurement?
- Does the system of sanctions work in practice?
- Are there any differences between the federal, regional, and local level in theory and practice?
- What are examples of real life cases and investigations? What are successful investigations? Where did investigations get stuck and why?
- Are there cases of whistleblower reporting on conflicts of interest, leading to investigations? Are whistleblower protected?
- To what extent does the freedom of information legislation help the public and media to detect and investigate cases?
- Are there educational and training activities to make public officials and the public aware of conflicts of interest? What are good practices in this context?

Asset declarations

- How does the system work in practice?
- Is there any mechanism for verifying and auditing the declarations?

- How are declarations selected for an audit?
- Is there an exchange of data among state bodies for verifying and auditing the declarations?
- How to achieve that the publication of data is in compliance with the principle of the protection of personal data and how to strike a balance between these two requirements?
- Is there any facilitated way of access to banking data? Would it help for verifying asset declarations?

General anti-corruption work

- What are the activities in the field of corruption prevention in general (public awareness, education, policies, programmes, regulatory proposals, lobbying monitoring, corruption proofing of draft legislation, etc.)?

Obviously, the site visit would not be limited to above questions and topics. Any other noteworthy point/issue will be welcome.

The site visit will have the following expected impact: It will round up the past activities on asset declarations and will support the implementation of current reforms in ReSPA member States as laid down in the list of actions of the 5th Network meeting. The site visit will furthermore set out the direction of the planned comparative study on conflicts of interest which will aim at reforms in ReSPA member States through a set of recommendations that are then planned to be translated into concrete actions.

International standard on asset declarations

There is yet no recognised international standard on asset declarations. The G20 has issued some guiding principles in 2012 (“High-Level Principles on asset disclosure by public officials”).¹ Furthermore, there is some model legislation by the Organisation of American States – OAS (“Draft Legislative Guideline: Basic Elements on the Registration of Income, Assets, and Liabilities”;² “Model law on the declaration of interests, income, assets and liabilities of persons performing public functions”³). However, the G20-principles are too broad, whereas the model law does not really serve as a principle based standard. The standard could serve as a monitoring benchmark not only in the region, but also beyond.

¹www.g20russia.ru/load/781360541.

²www.oas.org/juridico/english/gl_declar_income.doc.

³www.oas.org/juridico/PDFs/model_law_declaration.pdf.

If successfully communicated to international stakeholders, the standard would also bring visibility to the Network and ReSPA.

Network members should consult within their country on the draft standard prior to the meeting, so they can provide substantiated input at the meeting. Following the meeting, the standard will be revised for adoption in autumn 2014.

International agreement on data exchange for asset declarations

There is also no international model agreement yet for data exchange on verification of asset declarations. At the same time, the issue was identified in the comparative study on asset declarations as one of the needs for action.

Network members should consult within their country on the findings of the feasibility study and on the draft standard prior to the meeting, so they can provide substantiated input at the meeting. Following the meeting, the draft agreement will be revised for adoption in autumn 2014.

Comparative study on conflicts of interest

The meeting will also review the draft structure and questionnaire for the drafting of the study. It is planned that drafting of the study will follow immediately after the meeting with the engagement of national authors and in cooperation with an international expert.

Network members should consult with relevant institutions within their country on the draft structure, so they can provide substantiated input at the meeting. The structure will be finalised and adopted immediately at the meeting.

Short Resumes of the Experts

Dr. Tilman Hoppe has worked as a judge, as an executive in the financial sector, and as a legal expert for the German Parliament. For several years he has advised the Council of Europe and other international organizations on governance reforms, and is currently implementing an anti-corruption project in Eastern Europe. (info@tilman-hoppe.de)

Mr. Francisco Cardona is a lawyer and a renowned international expert on public governance, especially on civil service and public administration reform, administrative law and administrative justice, judicial reform, anticorruption policies and instruments and state and institution building. His experience stretches from the civil service of his native Spain to international organisations such as the OECD, where he worked for 15 years in its EU-SIGMA Programme, and to a host of transition and developing countries in Eastern Europe, North and Sub-Saharan Africa, Middle East and Latin American and the Caribbean regions. (cardonapaco@gmail.com).



Draft Provisional Agenda

DAY I, 8 July 2014, Tuesday

- 09.00 – 09.30 **Welcoming and introduction to the purpose and functioning of the STT.**
Mr. Romas ZIENKA, Deputy Director
Location: STT meeting room, 3^d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 09.30 – 10.00 **Presentation of criminal prosecution**
Expert: Mr. Rytis Bartnikas, Head of the First Department
Location: STT meeting room, 3^d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 10.00 – 10.15 **Coffee break**
- 10.15 – 11.00 **Presentation of basic corruption prevention measures and National Anti- Corruption Strategy**
Expert: Mr. Romualdas Gylys, Head of Corruption Prevention Department
Location: STT meeting room, 3^d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 11.00 – 11.30 **Presentation of anti-corruption education and information**
Expert: Mr. Ruslanas Golubovas, Head of Public Relations Division
Location: STT meeting room, 3^d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 11.30 – 12.00 **Round table discussion**
- 12.00 – 14.00 **Lunch**
- 14.00 – 15.30 **Regulation of public and private interests in civil service. Control of lobbying activities – to be confirmed**
Expert: Chief Institutional Ethics Commission
Location: STT meeting room, 3^d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 15.30 – 15.45 **Coffee break**
- 15.45 – 17.00 **Lobbying activities/conflict of interests – to be confirmed**
Expert: Transparency International, Lithuanian Chapter
Location: STT meeting room, 3^d floor, A. Jaksto St. 6, 01105/Hotel conference room

DAY II, 9 July 2014, Wednesday

- 09.00 – 10.30 **National system of declaration of assets and income – to be confirmed**
Expert: State Tax Inspectorate
Location: STT meeting room, 3d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 10.30 – 12.00 **Overall overview of the purpose and functioning of the Immunity Board of Police Department – to be confirmed**
Expert: Head of Immunity Board of Police department under the Ministry of the Interior
Location: STT meeting room, 3d floor, A. Jaksto St. 6, 01105/Hotel conference room
- 12.00 – 12.30 *Wrap-up discussions (LLT, COEC)*
- 12.30 – 14.00 **Next steps of ReSPA network** (comparative study on conflicts of interest, international standard and data agreement)





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