TRANSPARENCY IN GOVERNMENT

Presentation for ILEA Seminar
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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)
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.