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**PUBLIC GOVERNANCE AND TERRITORIAL DEVELOPMENT DIRECTORATE
PUBLIC GOVERNANCE COMMITTEE**

GOV/PGC/ETH/A(2007)1
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**Expert Group on Conflict of Interest
with a Special Session on Lobbying:
Enhancing Transparency and Accountability**

DRAFT ANNOTATED AGENDA

**6 - 8 June 2007
Château de la Muette, Paris**

This Expert Group meeting will include a Special Session on Lobbying: Enhancing Transparency and Accountability to begin on the afternoon of 7 June.

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DRAFT ANNOTATED AGENDA

6, 7 and 8 June 2007

Wednesday, 6 June

9.00 – 9.30 *Coffee will be offered in front of the meeting room.*

9.30 – 9.45 1 Welcome and introductory remarks

9.45 – 10.45 2 *Tour de Table* on major developments on promoting integrity in OECD countries

10.45 – 11.15 *Coffee break*

11.15 – 12.45 3 Towards an Integrity Framework: Elements and benchmarks

12.45 – 14.30 *Lunch break (no host lunch)*

14.30 – 15.45 3 Towards an Integrity Framework: Elements and benchmarks (continued)

15.45 – 16.15 *Coffee break*

16.15 – 17.30 4 Integrity in public procurement: From good practice to developing a Checklist

17.30 – 18.00 5 Global relations

Thursday, 7 June (Morning)

9.15 – 10.45 6 Preventing conflict of interest in post-public employment: Framework for collecting good practices for a handbook

10.45 – 11.15 *Coffee break*

11.15 – 12.15 7 Managing the political/administrative boundary

12.15 – 12.45 8 Future steps and conclusions

12.45 – 14.30 *Lunch break (no host lunch)*

Special Session on Lobbying: Enhancing Transparency and Accountability

Thursday, 7 June (Afternoon)

14.30 – 14.45	Opening of the Special Session
14.45 – 16.00	Part 1. Lobbying: Global concerns, government responses
<i>16.00 – 16.30</i>	<i>Coffee break</i>
16.30 – 18.00	Part 2. Setting a regulatory framework: The challenge of defining lobbyist and lobbying

Friday, 8 June

9.15 – 10.45	Part 3. How much disclosure is enough?
<i>10.45 – 11.15</i>	<i>Coffee break</i>
11.15 – 12.45	Part 4. Setting standards of conduct: Voluntary or government regulation?
<i>12.45 – 14.15</i>	<i>Lunch break (no host lunch)</i>
14.15 – 15.45	Part 5. Implementation and compliance: How to put rules into effect?
<i>15.45 – 16.15</i>	<i>Coffee break</i>
16.15 – 17.15	Part 6. Towards principles to enhance transparency in lobbying
17.15 – 17.45	Conclusions of the Special Session

NOTES

Item 1. Welcome and introductory remarks

The Chair will welcome participants and set out the objectives for the meeting. The Secretariat will brief participants on developments and the Work Programme for 2007-08.

Item 2. Tour de Table on major developments on promoting integrity in OECD countries

Participants are invited to highlight major developments in the past year as well as point out emerging issues in their countries.

Aim: To share information on recent developments, emerging issues and areas of concern related to promoting integrity and preventing corruption in the public service.

Item 3. Towards an Integrity Framework: Elements and benchmarks

Based on critical review of experiences in the past decade, the first part of this session will review lessons learned in adjusting policies and measures for promoting integrity and preventing corruption in the public service. The Secretariat will present the elements of an updated integrity framework, then participants will be invited to discuss, in particular:

- What elements proved essential for a sound integrity framework (e.g. values, standards, compliance mechanisms)?
- How to ensure the coherence of these elements (e.g. approach, structure, co-ordination)?
- What kinds of adjustments are necessary to properly address emerging risks and challenges (e.g. PPP)?

Participants will also discuss what public management and governance measures are indispensable to support a culture of integrity in public organisations (e.g. public scrutiny, administrative simplification, transparency in public finance, e-government).

Aim: To confirm key components and structure for a state-of-the-art integrity framework.

To provide advice on how to combine specific measures for integrity and corruption resistance with wider public management and good governance arrangements.

Background document: Benchmarks for Integrity: Tracking Trends in Governance, GOV/PGC/ETH(2007)1.

Item 3. Towards an Integrity Framework: Elements and benchmarks (continued)

The second part of the session will discuss what information policy makers find relevant for verifying implementation and impact of policies and measures for enhancing integrity and corruption resistance. Professor Michael Johnston, Colgate University, Hamilton, U.S. will highlight strengths and weaknesses of existing methodologies, then participants will be invited to:

- Review feasible methodologies for developing relevant and credible data for benchmarking (e.g. discuss their potential advantages, possible disadvantages, risks and trade-offs).
- Indicate priority areas for collecting data for benchmarking (e.g. based on experience of using existing data, demand for additional data sets).

This activity will contribute to the 2008 report on “Government at a Glance” by providing evidence-based comparative information on implementation and impact of measures for promoting integrity and preventing corruption in public organisations.

Aim: To review existing data on the level of integrity and corruption resistance in public organisations and identify how to connect domestic assessment initiatives across countries to support evidence-based organisational learning in OECD countries.

Background document: Benchmarks for Integrity: Tracking Trends in Governance, GOV/PGC/ETH(2007)1.

Item 4. Integrity in public procurement: From good practice to developing a Checklist

Following the Symposium on Integrity in Public Procurement in November 2006, the Secretariat will highlight the key findings of the resulting OECD report on “Integrity in Public Procurement: Good Practice from A to Z”. Based on identified good practices, a Checklist will be developed to guide policy makers in reforming their public procurement systems in order to prevent corruption and reinforce public trust in how public funds are managed. The Checklist will provide policy recommendations and tools for promoting integrity in the whole public procurement process through increased transparency, accountability and professionalism.

Participants will be invited to indicate what practical instruments would facilitate their co-operation with the public procurement profession to prevent corruption and manage well taxpayer’s money.

Aim: To bring in views of ethics experts for developing a Checklist for integrity in public procurement.

Background document: *Integrity in Public Procurement: Good Practice from A to Z*, OECD, 2007

Item 5. Global relations

The Secretariat will brief participants on recent developments and future plans with non-member countries, including the process of developing integrated guiding elements and building blocks of public governance and management within the new OECD framework for global relations.

Aim: To provide directions for co-operation with non-member countries.

Item 6. Preventing conflict of interest in post-public employment: Framework for collecting good practices for a handbook

To follow up the 2006 comparative report on post-public employment, the Secretariat presents the main elements of the proposed framework for collecting good practices. Participants will be invited to review, in particular:

- Major post-public employment problem areas;
- Principles for Managing Post-Public Employment Conflict of Interest; and
- Post-Public Employment Good Practices Framework.

Discussion will also focus on methods for collecting good policies and practices that proved effective for preventing and managing conflict-of-interest situations after leaving public office. Collected good practices will be included in a draft handbook to provide practical guidance to policy makers and managers.

Aim: To review the proposed Principles and Good Practices Framework and provide directions for developing a handbook.

Background document: Public Integrity and Post-Public Employment: Issues, Remedies and Benchmarks, GOV/PGC/ETH(2007)3;

Item 7. Integrity at the political/administrative interface

At its last session, the Public Governance Committee discussed studies on the political administrative interface. The Committee agreed to refer this project to the Expert Group on Conflict of Interest and the Public Employment Management Working Party to develop ideas on how to take it forward.

Aim: To indicate country interest related to integrity issues in managing the political/administrative boundary; and provide directions for future work.

Background document: Study on the Political Involvement in Senior Staffing Decisions and on the Delineation of Responsibilities between Ministers and Senior Civil Servants, GOV/PGC/(2007)1 and GOV/PGC/(2007)2/REV2; Political Advisors and Civil Servants in European Countries, GOV/SIGMA(2007)2/REV1.

Item 8. Future steps and conclusions

Following the decision of the Bureau of the PGC in October 2006 to endorse the creation of a working party on public service integrity, participants are invited to express their views on how this OECD working party could better help member countries in addressing integrity issues and providing options for solutions.

Aim: To indicate country expectations and discuss terms of reference for a working party on public service integrity.

Background document: Note on the creation of a working party on public service integrity.

Special Session on Lobbying: Enhancing Transparency and Accountability

This Special Session provides a unique opportunity to exchange first-hand experiences on developing and implementing voluntary or government regulation on lobbying across leading democracies. Objectives of the Special Session include:

- Improving the understanding of possible approaches – their potentials and limitations – that could adequately address concerns related to lobbying.
- Learning lessons on designing and putting regulations into practice through mapping out good practices and conditions for their success.
- Developing a reference that could support policy debate when lobbying reaches the political agenda. It could also provide options for policy makers when designing and implementing regulations for enhancing transparency in lobbying in different socio-political and administrative contexts.

Opening of the Special Session

Opening remarks by the OECD Secretariat and Co-Chairs:

Ms. Odile Sallard, Director, Public Governance and Territorial Development, OECD

Ms. Catherine MacQuarrie, Vice-President, Office of Public Service Values and Ethics, Public Service Human Resources Management Agency of Canada

Mr. Michael Nelson, Registrar of Lobbyists, Canada

Part 1. Lobbying: Global concerns, government responses

Aim: To review main concerns, challenges and recent initiatives related to lobbying.

Public expectations have given new impetus to revisit relevant governance arrangements in order to ensure impartial decision making through enhanced transparency and accountability in different country contexts.

The keynote presentation by Professor A. Paul Pross, Professor Emeritus, School of Public Administration, Dalhousie University, Halifax, Canada will set the scene for the Special Session by highlighting:

- Challenges and policy concerns related to lobbying.
- Approaches and key features of existing regulatory models in place to enhance transparency and accountability in lobbying.
- Emergent principles in regulating lobbying.

The presentation will be followed by questions and answers, and then discussion.

Questions for discussion:

- What are the key areas of concern and emerging issues related to lobbying across countries?
- What are the main aims and key drivers of recent initiatives on lobbying?

- What are the major challenges to enhance transparency in lobbying?

Part 2. Setting a regulatory framework: The challenge of defining lobbyist and lobbying

Aim: To review options for adequately defining lobbyists and lobbying activities in order to provide the basis for viable legislation.

Part 2 will begin by reviewing the key issues of regulating lobbying, first of all, by defining the coverage, namely:

- Who is to be regulated; and
- What activities constitute lobbying.

This Part will start with country presentations to highlight the experiences of initiating a proposal for regulating lobbying. The ensuing discussion will focus on how the socio-political and administrative context influences the approach and coverage of legislation on lobbying, in particular the categories of lobbyists, activities considered as lobbying and exceptions.

Presentations by

- *Mr. Patrick Beaudouin, Member of the National Assembly, France*
- *Mr. Remigijus Rekerta, Advisor, Chief Official Ethics Commission, Lithuania,*

Questions for discussion:

- Are definitions of lobbyists and lobbying activities sufficiently broad and inclusive to achieve policy objectives?
- Are these definitions clear and unambiguous to support effective application of legislation on lobbying?
- How do these definitions reflect the socio-political and administrative contexts?

Part 3. How much disclosure is enough?

Aim: To understand what type of information and procedures constitute an effective lobbying disclosure system.

When the public concern is that decisions are being made out of the public view, increased transparency – through lobbyist registration – directly addresses this concern by dispelling the mystery of who is trying to influence decisions. Enhancing openness on how public decisions were influenced by stakeholders or vested interests is crucial for maintaining trust in public decisions. Meaningful disclosure, at least, captures the intent of lobbying activity, identifies its beneficiaries and the offices that are its targets. Evolving public expectations, however, often demand supplementary information.

Part 3 will review what information is requested by existing rules and how existing procedures could effectively process, analyse and disseminate disclosed information on lobbying in order to maintain trust in public decision making. Part 3 will start with two country presentations highlighting the type of information requested and the procedures for reporting on lobbying. Participants are invited to discuss what elements constitute an effective lobbying disclosure system requiring registration and periodic reporting of lobbying activities.

Presentations by

- *Ms. Pam Gavin, Superintendent, Office of Public Records, United States Senate, and*
- *Mr. Zoltán Lékó, Director General, Ministry of Justice and Law Enforcement, Hungary*

Questions for discussion:

- What information is considered core for an effective lobbying disclosure system?
- What are the emerging concerns that require supplementary disclosure?
- What procedures proved effective in processing, analysing and disseminating disclosed information?
- How to avoid the collapse of the reporting system under the weight of increased demand?

Part 4. Setting standards of conduct: Voluntary or government regulation?

Aim: To review content as well as potentials and limitations of voluntary and government regulation to ensure compliance.

Public concern may also be raised by the conduct of public officials and lobbyists. Regulations could address this concern by establishing requirements for conduct in certain situations, such as accepting excessive hospitality and gifts, avoiding conflict of interest, providing accurate information, etc.

Part 4 will discuss the possible content of regulations, and then review how the form of existing regulations has evolved. This Part will start with two presentations highlighting the main features of the voluntary and mandatory approaches to set standards. Participants will be invited to share their experiences on what strategies and practices – in particular incentives and sanctions – have worked well in achieving compliance.

Last but not least, the discussion will explore how to make lobby regulations – on standards of behaviour as well as on registration and periodic reporting of lobbying activities – consistent with the wider regulatory regime.

Presentations by

- *Mr. Gerard Legris, Head of Unit, Transparency, Relations with Stakeholders and External Organisations, Secretariat General of the European Commission, Brussels, and*
- *Mr. Michael Nelson, Registrar of Lobbyists, Canada*

Questions for discussion:

- What obligations and standards of behaviour could effectively address concerns related to lobbying?
- What are the potentials and limitations of voluntary and government regulation?
- How to ensure the consistency of lobbying regulations with the wider regulatory framework?

Part 5. Implementation and compliance: How to put rules into effect?

Aim: To review what strategies and practices could successfully ensure compliance.

Achieving compliance is a key challenge for lobby regulations. Success depends on clear requirements for inclusive and timely registration and disclosure, as well as on rules on expected behaviour. However, putting regulations into effect requires involving key actors and a spectrum of strategies and practices, in particular:

- Communication and education to raise awareness and understanding.
- Procedures and powers for monitoring and investigation to detect non-compliance and take timely action.

Participants will be invited to share their experience of developing institutional arrangements necessary for effectively implementing and enforcing rules on lobbying.

Presentations by

- *Mr. André C. Côté, Commissaire au lobbyisme, Québec, and*
- *Mr. Juliusz Galkowski, Ministry of Interior and Administration, Poland*

Questions for discussion:

- What strategies and practices could successfully support implementation and compliance?
- What measures proved effective for involving key actors?
- What institutional arrangements (in particular, status, power, capacity) are necessary for ensuring compliance?

Part 6. Towards principles to enhance transparency in lobbying

Part 6 will focus on how to support policy debate when lobbying reaches the political agenda in countries. Participants will be invited to discuss what instruments could enable policy makers to consider options for enhancing transparency in lobbying in different socio-political and administrative contexts.

The presentation by the Secretariat (*Mr. János Bertók, Principal Administrator, Public Governance and Territorial Development Directorate*) will outline the main features of emergent principles. Participants will be invited to review the validity of emergent principles, in particular whether they:

- Sufficiently cover areas of concern.
- Provide adequate responses and reflect the expectations of policy makers.
- Adequately take into consideration the different socio-political and administrative contexts across OECD countries.

This Part will also explore practical steps for follow-up in order to ensure that the emerging principles properly take into account the views of civil society, private and not for profit sectors in OECD countries and beyond.

Questions for discussion:

- How could a set of principles best support policy makers with options for enhancing transparency in lobbying?
- What type of additional information (e.g. explanatory notes, comparative analysis) could further support policy makers?
- What measures could ensure that the principles reflect wide international practices and could also be applied in various contexts?

Conclusions of the Special Session

Final remarks by participants, conclusions and closing remarks by the OECD Secretariat and Co-Chairs:

Mr. Christian Vergez, Head, Innovation and Integrity, Public Governance and Territorial Development Directorate

Mr. Michael Nelson, Registrar of Lobbyists, Canada, and

Ms. Catherine MacQuarrie, Vice-President, Office of Public Service Values and Ethics, Public Service Human Resources Management Agency of Canada.

Background for Special Session on Lobbying: Addressing a global concern

The existence of powerful interests – corporate, private or other jurisdictions – that make efforts to influence government decisions, in particular policy making, legislation or the award of contracts, is a reality in modern democracies. While lobbying is often explicitly recognised as legitimate and essential, given the complexity of modern government decision making, assertions are often made that it too frequently borders on influence peddling. The conclusion is that though it may not be illegal, it is damaging to the integrity of democratic institutions.

“Vocal vested interests” over the “wishes of the whole community” in public decision making was considered a major threat to public trust at the OECD Ministerial meeting on *Strengthening Trust in Government: What Role for Government in the 21st Century?*¹ Purely penalising illegal influencing of public decision making, however, may not be sufficient to maintain trust in public decision making. “Good governance” arrangements have become essential, particularly those clarifying expected standards of behaviour and improving transparency and accountability of decision making.

The issue of formal regulation on lobbying reached political support in a growing number of countries across the world. Several proposals for legislation on lobbying have been presented to legislators in North America, Europe and Asia to meet expectations of increased transparency that shed more public light on the relationship between public officials and representatives of interest groups. However, setting rules for lobbying has proved very difficult because it is not only an important aspect of good governance but also a sensitive political issue. Increasing expectations of transparency and integrity have also brought lobbying back to the political agenda in the European Union and countries with legislation on lobbying.

The challenge, for policy makers and legislators is to determine whether and how to develop a regulatory framework for lobbying that is balanced and adequately addresses concerns within their own socio-political and administrative context.

Methodology

Each Part of the Special Session will start with short expert presentations to highlight the experience of countries with different approaches, and socio-political and administrative contexts. Country presentations will set the scene for an open exchange of views on key aspects for regulating lobbying. Specific emphasis will be put on reviewing concrete experiences and examples in order to understand:

- Why and how these regulations were developed, and
- What measures have been taken to implement regulations and ensure compliance.

¹ Statement by the Chairman Mr. Alexander Pechtold, Minister of Government Reform and Kingdom Relations, The Netherlands on 28 November 2005 in Rotterdam. The full text of the Statement can be consulted at <http://www.oecd.org/dataoecd/0/11/35806296.pdf>. Further information on the event is available at <http://www.modernisinggovernment.com/>.

Practical Information

Background papers and materials

Meeting documents can be obtained from the OECD On-line Information System (OLIS) in advance of the event. A limited number of paper copies will also be available at the meeting.

Languages

The working languages will be English and French, with simultaneous interpretation.

Logistics

The 3-day meeting will take place at the headquarters of the OECD in Paris at the following address:

2, rue André-Pascal, Paris 75016 (nearest metro station: La Muette).