

PREVENTING AND FIGHTING CORRUPTION IN THE PUBLIC ADMINISTRATION IN EUROPE.

Presentation in workshop 2 on “Improving the flow and access of information: anti-corruption officers, ombudsmen, hotlines”.

The Dutch experience, short impression of the presentation by Emile Kolthoff, director of the Dutch Office of Local Government Ethics and research fellow with the Studygroup on Integrity of Governance of the Vrije Universiteit Amsterdam.

Preventing and fighting corruption is one of the main concerns in the 4-year policy plan of the contemporary Dutch government.

The anti-corruption policy that was drafted at the end of 2005 is designed around a five pronged approach:

1. Registration. Until now there is no central registration on the national level with concern to corruption incidents. This hinders a balanced approach of the problem;
2. Signals for corruption. Research has been started to distinguish ‘early warning’ signals. Questions have been raised about the effectiveness of the whistle blowing protection act and an evaluation will be carried out;
3. Criminal law enforcement. Cooperation between several investigative bodies is encouraged. The criminal code has been updated on corruption in the strict sense;
4. Establishment of a corruption platform. Exchange of information between law enforcement agencies, ministries, the private sector and NGO’s is seen as an important tool to get grip on the problem of corruption;
5. Integrity. See next.

Because of the lack of a central registration, a research by the research department of the Ministry of Justice was carried out to explore the number of corruption cases in 2005. In this research 130 internal investigations are described, resulting in 50 criminal investigations into corruption in the strict sense. The research also concluded that there are a lot of signals for integrity violations that are not covered by the strict (criminal) definition of corruption. Examples are several forms of fraud, nepotism, harassment and bad examples given by managers.

Since all forms of unethical behaviour have the potential risk of growing into ‘real’ corruption when not properly managed the focus of the Dutch approach is on integrity in general. All governmental organizations are obliged to draft an integrity policy and in 2007 they have to meet the basic standards that have been issued by the government. Summarized these basic standards comprise:

1. A balanced integrity policy;
2. Code of conduct;
3. Recruitment
4. Define high risk positions;
5. Oath of office;
6. Side jobs;
7. Disclosure of financial interests;
8. Treatment of confidential information;
9. Presents and gifts;

10. Purchase and tender policy;
11. Whistle blowing procedure;
12. Procedure for investigating signals.

Our experience is that in general the risk awareness among civil servants as well as politicians is low. An other problem is that no one seems to feel responsible for the prevention of ethics in the organization.

We suggest an approach in which integrity is an integral part of the daily concerns of every public administration. Saying that, integrity has become the responsibility of the operational and strategic management. Managers have a threefold responsibility in this sense: first they have to set the example, second they have to create a safe environment in which ethical dilemmas can be discussed and employees discuss signals of unethical behaviour among each other, and third they have to enforce the ethical policy and regulations. This means that they have to act if an employee behaves in an unethical way.

One of the key issues in maintaining an ethical organization is the exchange of information. Employees should be trained in discussing ethical dilemmas and managers can keep the issue on the agenda by paying attention to it in meetings with their personnel. Integrity should also be a fixed agenda point during personal evaluations, financial and operational audits and in recruitment activities.

Our opinion is that the existing whistle blowing policy does not meet the expectations. The number of cases can be counted on two hands and in many of these cases the whistle blower had a hidden agenda. In the opinion of many employees the position of a whistle blower is far from desirable. An alternative could be the Integrity Help Desk that we just introduced. An approachable facility that offers employees the opportunity to discuss their problem (if they desire anonymously) with an expert and get advise about the status of their problem and possible next steps. Staff of the helpdesk can also play a role as mediator. All employees of member organizations receive a card with the size of a credit card containing essential information and of course the telephone number. Until now the reactions are very positive.

This is how the card looks:



To conclude and following the discussion during the workshop it is good to mention that the Netherlands has a National Ombudsman and several municipalities have a local

Ombudsman. However, these are only to receive complaints from civilians. Signals of corruption in ones own organization have to be reported to the management, the police or through a whistle blowing procedure. For the responsible manager of a public organization it is compulsory to report all criminal behaviour, including corruption, to the public prosecutor.

Exchange of information between all involved organizations, including research centres at universities, seems vital to get more grip on the nature and incidence of the problem.

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