

International Conference - 20-21 February 2006 – Cologne
**Preventing and Fighting Corruption in the Public
Administration in Europe, workshop 2**

The Dutch Experience

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Dutch Office of Local Government Ethics



Vereniging van
Nederlandse Gemeenten

Anti-corruption Policy

- Preventing and fighting corruption main concern in 4-year policy plan Dutch government
- International Treaties (EU, OESO, CU)
- Parliamentary inquiry Building & Construction fraud
- CU's anti-corruption working group GRECO -> 20 guiding principles
- Anti-corruption policy document in 2005

Research by WODC 2005 (Justice Department)

Strict definition of corruption:

- 130 internal investigations
- 50 criminal investigations

Broad definition of corruption, including nepotism, (appearance of) conflict of interest, embezzlement, fraud, bullying, etc.

- Signals for a lot of integrity violations

Anti-corruption policy document 2005

- Five pronged approach:
 - Registration
 - Signals for corruption
 - Criminal law enforcement
 - Establishment platform corruption
 - Integrity

Corruption in the strict sense

- Active and passive
- Bilateral
- Doing or not doing
 - In return for gift, promise
 - In the past, present or future
- Legitimate action (2 yrs. Prison) and illegal action (4yrs. Prison)

Categories of Integrity Violations

- Corruption;
- Fraud and theft;
- Questionable promises, gifts or discounts;
- Conflict of interest;
- Improper use of violence ;
- Other improper (investigative) methods of policing;
- Abuse and manipulation of information;
- Discrimination and (sexual) harassment;
- The waste and abuse of organizational resources;
- Misconduct at leisure.

Who does the investigation?

- Management / local politics (obligation to report criminal offences)
 - With or without the aid of external expertise
- Police (including special investigation branches)
- Internal Investigation Bureaus
- National Criminal Investigation Unit (Rijksrecherche)

Our experience

- Conflict of Interest #1;
- Whistle blowing policy does not meet expectations;
- Risk awareness low*;
- Management does not feel responsible for integrity policy*.

*many good exceptions!

Integrity Policy

- Ministry of Interior is Coordinating Department
 - Laws and regulation (e.g. Municipality Law)
 - Facilitating bureau
- All governmental organizations are responsible for their own integrity policy

Basic Norms Integrity (1)

- Integrity Policy
- Code of Conduct (+P)
- Recruitment
- High Risk Positions
- Oath of office
- Side jobs (+P)
- Disclosure of financial interests (+P)

Basic Norms Integrity (2)

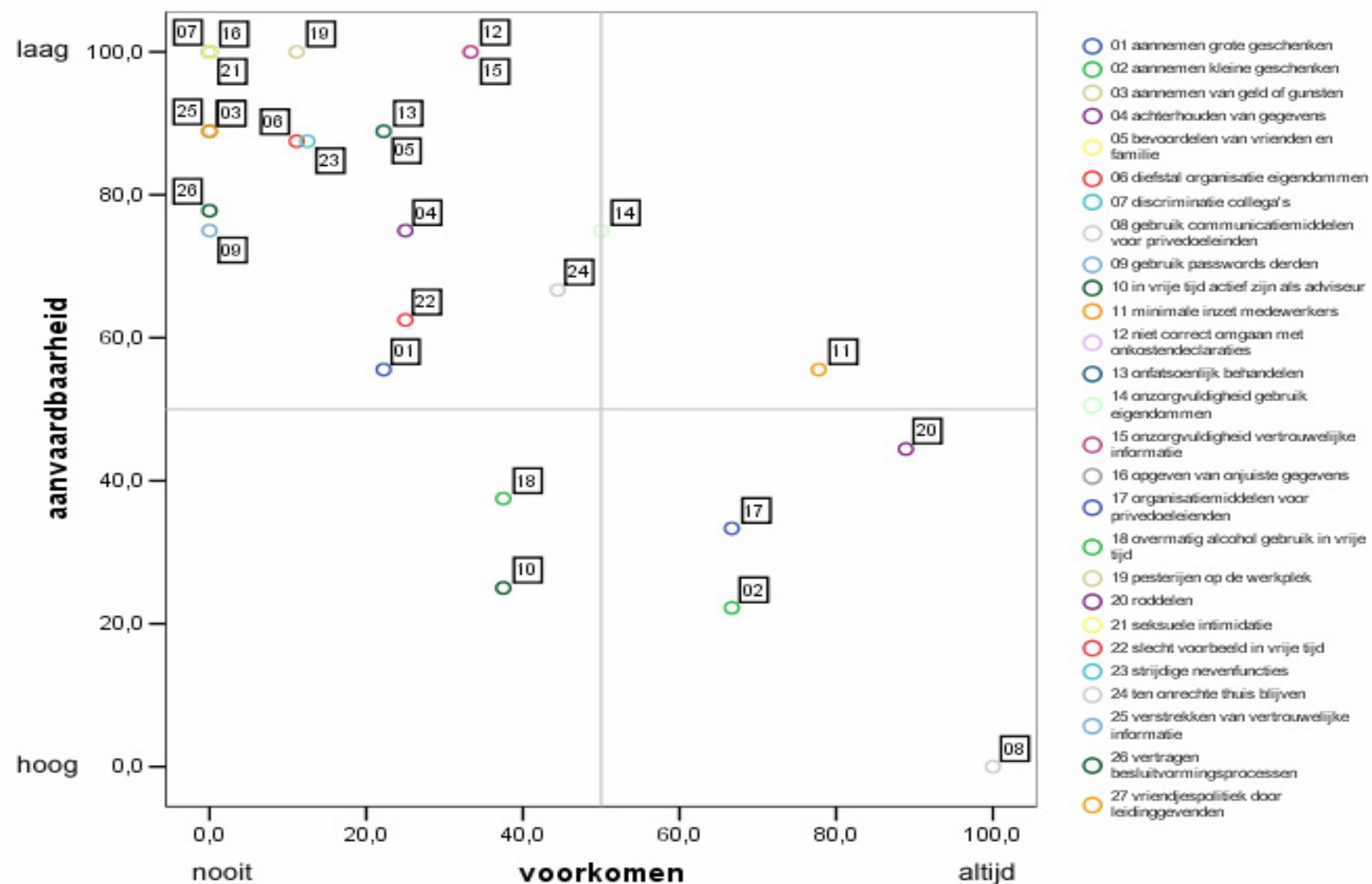
- Confidential information (+P)
- Presents and gifts (+P)
- Purchase and tender policy
- Confidential officer
- Whistle blowing procedure
- Procedure investigating signals

Additional Integrity tools

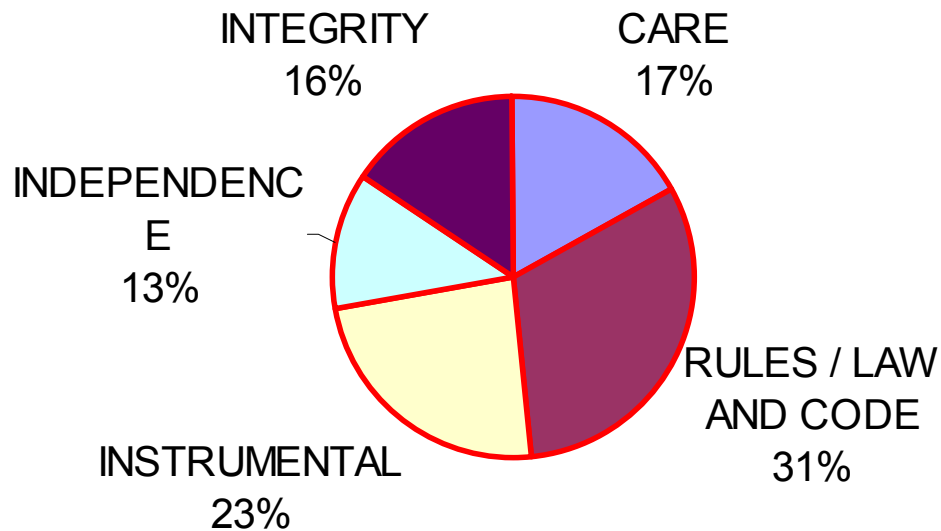
- Structural measures (administrative organization)
 - 4-eyes principle
 - Cash money procedures
- Measurement of integrity
- Education and training
- Personnel policy
 - Screening and evaluation, Job rotation
 - Integrity as a competency
 - ‘post-employment’ arrangements
- Risk-analysis
 - High risk positions and processes
 - Existing protection against integrity breaches

The Integrity measuring device

- General characteristics of respondents
- Integrity violations
 - Frequency
 - Acceptability
- Ethical climate
- Leadership
- Management
- Ethical dilemmas



Ethical working climate

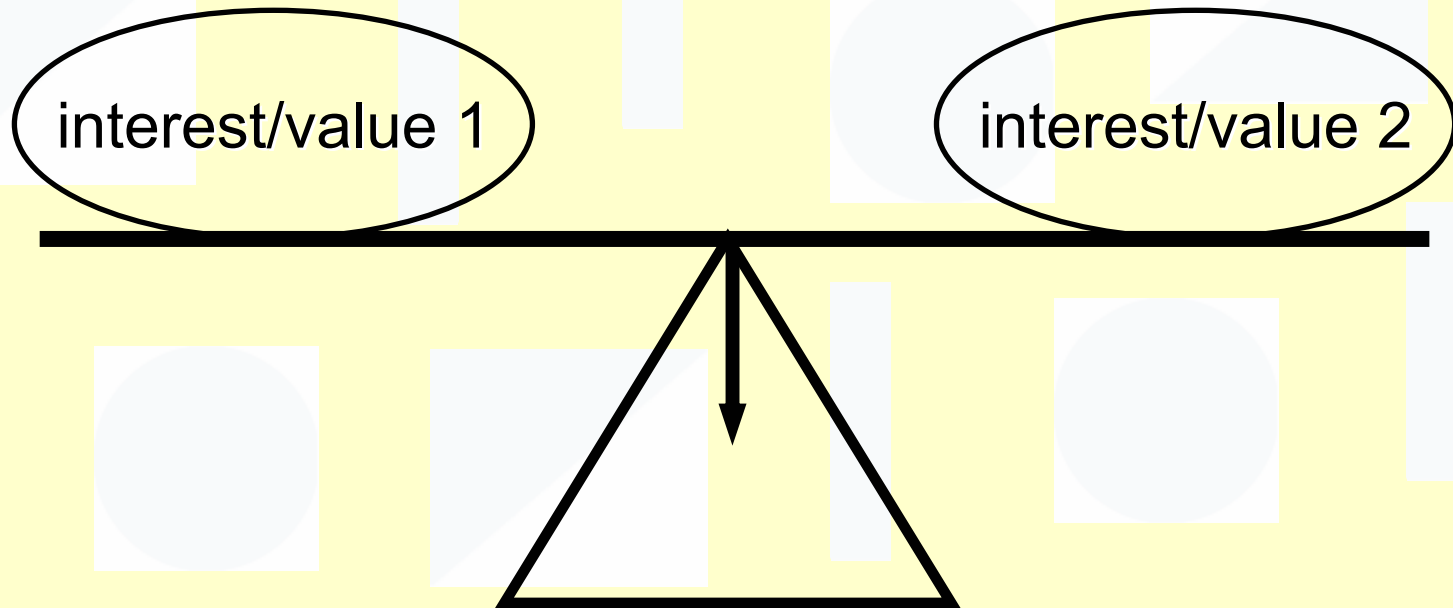


“A code is nothing, coding is everything”

Training

- Focus on management
 - Role model
 - Create positive conditions
 - maintenance
- Embedded in overall policy plan
- Awareness rising
- Practical skills
- Concrete information

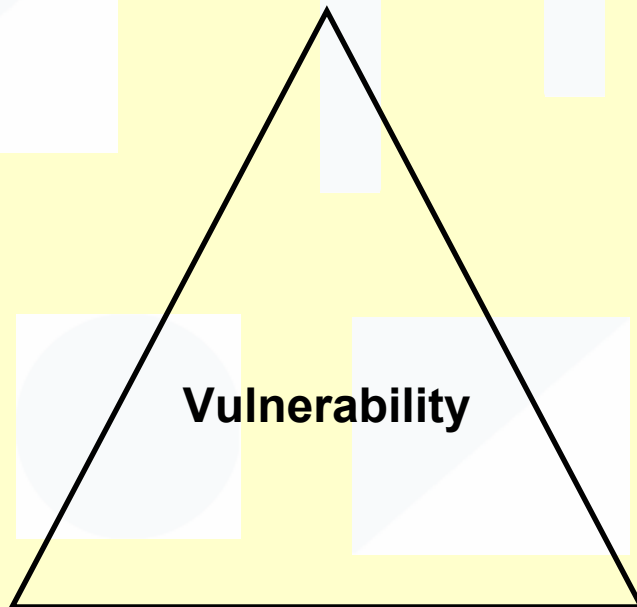
Integrity: dealing with dilemmas



Dilemma...a difficult choice between two interests or values

Dilemmas and vulnerability

Organization / position



Vulnerability

Environment

Individual

Temptations:

Money

Fear

Group pressure

Job

Time

Power

Sex

An Ethical Decision-Making Model (Terry Cooper)

1. Describing the situation
2. Defining the ethical issue
 - Defining the problem in terms of values and principles, not in practical terms
3. Identification of alternatives
 - Not in dichotomous terms
4. Evaluation of the alternatives
5. Resolution

Dilemma 1

I happen to see my boss hit a parked car with his own vehicle while leaving the parking lot. I am sure he has not seen me. After taking a quick look at the damage, he makes sure the coast is clear and then speeds away. One of my dilemmas is that next week he will be deciding on my promotion. What do I do?

Dilemma 1

1. I slip a note under the windshield wipers of the damaged car with the name of the person responsible for the damage.
2. I act as if I haven't seen a thing.
3. I tell my boss that I saw what he did.
4. I report the incident to the management.

Dilemma 2

As head of the Internal Training department, I often hold courses in luxurious conference centers. The manager of one of the centers that I use now and then offers me a complementary weekend stay with my family in the complex's hotel. What do I do?

Dilemma 2

1. I refuse his friendly offer. It's not good to mix work and private affairs.
2. I accept his friendly offer to stay but insist on paying for it myself.
3. I accept his offer.
4. I refuse his offer and decide not to use that conference center any more.

Dilemma 3

As secretary of the City Board, I am responsible for handling expense statements. I discover that the chairman has declared expenses which he did not make. When I confront him with this, he gives me what for. What do I do?

Dilemma 3

1. I issue payment instructions to the accounting department as usual.
2. I make sure that the expenses are paid while drawing the external auditor's attention to the matter.
3. I refuse to sign the payment instructions and return the chairman's expense statements back to him with a note attached.
4. I report the incident to the chairman of the Supervisory Board.

Dilemma 4

As alderman of city planning I am campaigning for reelection. Our campaign is running out of money. The owner of a local touring car company offers to loan me 20 busses for the elections caravan. In return, he wants to make sure that his company is given a permit to enlarge the company terrain. He meets all the requirements for the permit. What do I do?

Dilemma 4

1. I accept the offer and tell him that I will do my best for him without making any promises.
2. I accept the offer.
3. I refuse the offer and report the incident to the judiciary.
4. I refuse the offer but do nothing else.

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