



International Conference on
Fighting Corruption and Safeguarding Integrity
Among Justice and Security Officials

The Hon. Stephen D. Potts
Director
U.S. Office of Government Ethics

Chair
Session of the Whole on
Ethics in the Public Sector

Washington, DC
February 24, 1999

WELCOME

I would like to welcome you all to this session on “Ethics in the Public Sector” and say how pleased I am to serve as the moderator for this panel and to participate in this most important and timely conference. This conference focuses on a critical sector of government, one that has an absolutely essential role to play in achieving good governance. If we can make strides in the security and justice sectors, we can have a significant impact on public corruption. Our efforts here this week should renew our energy so that we can keep up the momentum that has been building in this decade to control corruption.

We have with us today a very distinguished panel with deep practical experience in dealing with government ethics issues. The panel members will be discussing concrete measures and strategies for preventing corruption and promoting confidence in government institutions and programs.

OPENING REMARKS

I would like to open this session with some brief observations on developments that have taken place in the last several years in the worldwide movement to combat corruption, and share with you my own perspective based on my experience as the Director of the U.S. Office of Government Ethics.

I think that anyone who has been involved in anticorruption efforts would agree that the scope and pace of change in this decade has been truly extraordinary. I look back on November of 1994, when my Office, along with the United States Information Agency, held an International Conference on Ethics in Government here in Washington. Nearly all of the participants had substantial experience in the fields of government or business ethics. But I doubt that anyone who attended that conference would have had the boldness or foresight to be able to predict what would occur in less than five years.

Five years ago, there was no anticorruption convention among the nations of the Western Hemisphere. The member countries of the Organization for Economic Cooperation and Development (OECD) had not taken a unified stand against bribery of public officials. The United Nations had not adopted an International Code of Conduct for Public Officials. The World Bank had not announced its policy for dealing with corruption. The International Monetary Fund had not adopted its guidelines regarding governance issues.

Today, all of these events have come to pass. One event that led the way was the adoption of the Inter-American Convention Against Corruption by the members of the Organization of American States (OAS) in 1996. This pathbreaking convention identifies acts of corruption, such as bribery, to which it applies, and creates binding obligations under international law. Particularly noteworthy is the article which calls for the implementation of preventive measures such as codes of conduct, financial disclosure systems, ethics education and procurement integrity.

A little over a year later in 1997, the OECD adopted its convention to combat bribery of foreign public officials in international business transactions. The following year the OECD adopted a statement of principles for ethical conduct in the public service. This statement endorsed a number of preventive measures including clear standards of conduct, transparency in decision making, and protection for public employees who expose wrongdoing.

And just this week the U.S. Department of State published a comprehensive International Strategy Against Corruption.

I am pleased that my Office was able to provide technical assistance in the drafting of both the OECD statement of principles and the OAS convention, as well as the State Department's strategy document.

Hopefully, a broad consensus on effective strategies for controlling corruption will emerge from this conference.

I have focused on the preventive aspects of these various undertakings because I believe that preventive measures are an essential component of any comprehensive approach to dealing with corruption. Certainly investigation and prosecution of misconduct are very important elements. But without effective preventive measures to ensure that the majority of public officials and employees maintain high standards of conduct, our investigative and prosecutorial systems can be overwhelmed. To the extent that we have effective preventive measures, we can reduce the burden on enforcement functions.

Prevention is the core mission of my Office. Established in 1978, the Office of Government Ethics (OGE) is charged with providing overall direction in setting ethics policies to prevent conflicts of interest on the part of executive branch employees.

OGE is an independent agency within the executive branch. The Director is appointed by the President and confirmed by the Senate for a fixed five year term. The ethics program in the executive branch is a decentralized one. Each agency is responsible for the day-to-day management of its own ethics program. OGE sets ethics policy and provides leadership by:

- issuing a comprehensive code of conduct;
- overseeing financial disclosure systems;
- establishing ethics training requirements;
- providing ethics advice and counseling;
- conducting regular reviews of agency ethics programs.

These preventive measures are intended to ensure that the vast majority of executive branch employees observe high standards of conduct. They also are intended to provide assurance to the public that government employees are meeting these standards and thereby maintain public confidence in government.

Now I would like to move on to the presentations of the individual panelists. Following the presentations, there will be an opportunity for questions and comments from the audience.

INTRODUCTION OF EACH INDIVIDUAL PANELIST PRESENTATION

Panelist: The Honorable Miria Matembe

Our first panelist, the Honorable Miria Matembe, is the Minister for Ethics and Integrity in Uganda. Ms. Matembe holds a Bachelor of Laws Degree from Makerere University and a Masters Degree in Law in Development from the University of Warn&k. As ethics minister, she heads the oversight body that is responsible for coordinating and directing the individual anticorruption initiatives of Ugandan government agencies. Drawing on her experience, she will discuss the challenges of creating a new ethics agency. Ms. Matembe, I am delighted that you can be with us today.

Panelist: Mr. Zhao Hong-zhu

Our next panelist is the Honorable Zhao Hong-zhu, the Vice Minister of Supervision of the Ministry of Supervision in the People's Republic of China. Mr. Hong-zhu holds a degree in Public Administration from the Central School of Administration, Beijing. He offers the perspective of someone who works in a large, well-structured agency and he will be discussing how ethics issues are handled by an agency that follows a highly centralized management model. Mr. Hong&m, I am certainly looking forward to your presentation today.

Panelist: Dr. Luis Nicolas Ferreira

Dr. Luis Nicolas Ferreira is the Director of the National Office of Public Ethics in Argentina. Dr. Ferreira holds a medical degree from Buenos Aires University. As the Director of a newly created ethics office, Dr. Ferreira has first hand experience dealing with the challenges of launching a new agency to administer an ethics program. He will be discussing the important role that an ethics code and a financial disclosure system play in an effective ethics program. Dr. Ferreira, as always, I look forward to your wise advice and counsel.

Panelist: Professor Enrico Zanelli

Professor Enrico Zanelli is a Professor of Law at the University of Genoa, Italy. Professor Zanelli is an internationally respected expert in the field and is well known for his work on ethics programs throughout Europe. His presentation will discuss the reasons for the growth of the international movement to establish national ethics programs. Professor Zanelli, I am very pleased to have you with us today.

Panelist: The Honorable Elaine Kaplan

Our final presenter, the Honorable Elaine Kaplan is the head of the U.S. Office of Special Counsel. Ms. Kaplan received her law degree from Georgetown University Law Center. As Special Counsel, she is in charge of the agency that, among other things, investigates alleged reprisals against whistleblowers. Her presentation will discuss how such an agency functions as an independent entity within government and will explore the role of the whistleblower in the fight against government corruption. Ms. Kaplan, you were a stellar speaker at our recent ethics conference in Williamsburg and I am looking forward to your presentation.