

Columbia Law School

Scholarship Archive

Center for the Advancement of Public Integrity
(Inactive)

Research Centers & Programs

2017

Transparency Trends around the World

Jason Bressler

Follow this and additional works at: https://scholarship.law.columbia.edu/public_integrity



Part of the Law Commons

Transparency Trends around the World

In June 2017, CAPI presented the second installment of our signature conference, Global Cities II, which brought together anti-corruption leaders from government and civil society worldwide, including delegates from Bogotá, Cape Town, London, Melbourne, Miami, Montréal, New York, Paris, Rio de Janeiro, and San Francisco, to discuss important topics such as using data analytics to combat corruption, government transparency, enforcement challenges and victories, and innovations in oversight. Videos and other materials from Global Cities II can be found [here](#).

Original CAPI Publication:

This brief was prepared by the Center for the Advancement of Public Integrity at Columbia Law School. We can be reached at CAPI@law.columbia.edu.

CAPI would like to thank Jason Bressler, CAPI summer research intern and Columbia Law School student, for his authorship of this brief.

Introduction

The panel entitled Transparency Trends around the World consisted of presentations by three public officials whose governments are actively using transparency to combat corruption: Damien Botteghi, the Director of Legal Affairs for the Office of the Mayor in Paris; Jamie Torres Melo, the Ombudsman for Bogotá; and Nishendra Moodley, the Leader of Governance Component of the City Support Programme for the National Treasury of South Africa. The presentations provided insight into how different governments are answering two key questions: first, what information needs to be collected to ensure public integrity; and second, how should this information be displayed to the public, so as to maximize citizens' understanding and engagement. PowerPoint presentations and videos of the Transparency Trends panel can be found [here](#).

Damien Botteghi, Director of Legal Affairs in the Office of Mayor Hidalgo, Paris

[Damien Botteghi's presentation](#) focused on Paris's asset and interest disclosure system as well as its lobbyist reform laws. In Paris, all public officials, as well as agency directors and assistant directors, must declare all *assets* upon entering and exiting public service. The information to be disclosed includes real estate assets, financial investments, and bank accounts – with inaccurate reporting potentially resulting in criminal sanctions. This policy not only helps to detect corruption, but, like most anti-corruption policies, it deters corruption as well. A public official will be less likely to accept a bribe if he knows that any change in his assets could result in a red flag, which would lead to a closer investigation of his activities. *Interest* disclosures, on the other hand, deal less with corruption and more with preventing conflicts of interest. The theory is, quite simply, that if the government is aware of the interests of public officials through these disclosures (pecuniary interests, volunteer work, memberships, etc.), then officials will only be permitted to work on projects that do not raise any potential conflicts. These asset and interest disclosures are provided confidentially to the government and are not publicly released, so while these regulations make public officials' potentially problematic information transparent to the government, that transparency does not extend all the way to citizens and other non-governmental watchdogs.

Transparency in terms of providing greater information to the public does, however, play a more essential role in new *lobbying* regulation reform that affects Paris. Under these rules, a nationwide mandate requires all people regularly engaged in lobbyist activities to register in a public database. In the database, the lobbyist must describe the full scope of his lobbying activities for the relevant time period, including the number of employees he had, the amount of money he spent on lobbying activities, and any meetings he had with public officials and/or their staffs. Additionally, Paris is considering experimenting with a lobbying calendar, whereby public officials would be required to make public not only all of their formal meetings with registered lobbyists, but their informal meetings as well. Examples of reported attendees at such “informal” meetings might be heads of companies, or others who

are not lobbyists but are seeking to influence policy decisions. Damien emphasized that in the government's view, providing public access to the lobbying information, as opposed to just having the government collect this information, was a key component of the legislation. Public access allows the citizenry to be informed, which is a prerequisite for meaningful action.

Jaime Torres Melo, Ombudsman of Bogotá

[Jamie Torres Melo's presentation](#) centered on how the Ombudsman's Office for Bogotá attempts to use input from citizens as well its own fact finding to advise the Mayor on anti-corruption and anti-waste policies. The Ombudsman's Office has jurisdiction over all city organizations, with the exception of the City Council, but does not have the power to launch criminal investigations into any of them. Instead, the Ombudsman's role is strictly administrative. In light of the Office's role, its vast jurisdiction, and its limited resources, Melo noted that it is beneficial to encourage, and rely upon, public engagement. But for the public to contribute substantively to preventing corruption, they must first be given the requisite information on government activities. To this end, Melo's office collects – and releases to the public – data pertaining to each agency that is relevant to helping citizens evaluate the agency's effectiveness. Examples include complaints against the agencies, budget information, and other data bearing on the agencies' performance. Melo stated that the public's interest in how tax dollars are being spent will motivate citizens to analyze the data provided and develop constructive suggestions for how the agencies could operate more efficiently.

The second part of the equation, Melo explained, is to listen to the suggestions by the public and work to incorporate them into prospective policy decisions. Engaging the public does not mean only searching for public *suggestions*, however; it also means attempting to gauge public *perception*. Melo plans to harness public perception into a *transparency index*: a system of rating Bogotá's agencies, based on surveys of how the public perceives the agencies' performance. While this index may not correlate perfectly with the agency's actual performance, Melo believes that it is a good way of indicating to city government which agencies are in need of change. Ultimately, Melo's faith in the benefits of harnessing public knowledge and opinion lead him to recognize the importance of transparency in government, to the benefit of Bogotá as a whole.

Nishendra Moodley, Leader of Governance Component of the City Support Programme at the National Treasury of South Africa

Lastly, [Nishendra Moodley](#) focused on his department's efforts to combat the substantial waste occurring in South Africa's local governments. The key to reducing government waste, Moodley concluded, is to supplement strong central oversight, which already exists in South Africa, with increased *public accountability*. Moodley believes that increasing public accountability can be accomplished through the Municipal Money Portal, a website containing significant amounts of government data that is easily accessible to the public. The portal aims not only to *educate* the public on government activities, but to *enable* the public to detect corruption and waste on its own.

Crucial to achieving these goals has been Moodley's agency's partnerships with NGOs. These NGOs provide the skills and resources necessary to analyze complex data and then present the data in an easy to understand format. In order for this information to reach as broad an audience as possible, Moodley's agency focuses on how the content is *displayed* as well as how it can best be *distributed*. Moodley maximizes his potential audience by publishing the content in video as well as written form, and by creating the content in five different languages – decreasing the chances that people will be excluded due to literacy or language barriers. On the distribution end, all content can be easily shared via social media; and for those without access to the internet, the written report cards can be printed and handed out at town hall meetings or hung up as posters.

In addition to explainer videos and reports, the portal also has heaps of raw data: specifically, financial data outlining municipal budgets, revenues, expenses, assets, and liabilities. This data exists to help meet the second aim of the portal: *enabling* the public to help detect corruption and waste. While Moodley admits that he was initially hesitant to release such raw data, he ultimately believes that allowing the public to evaluate the government with this information is critical to the goal of achieving integrity and efficiency in the public sector. As he put it, “sunlight is the best disinfectant.”

Breakout Session

Later in the day, the panelists were joined by the rest of the city delegates to continue the transparency discussion. Themes included the public involvement that is the goal of transparency measures, and the importance of whistleblower protection.

With respect to the role that transparency plays in helping the public become involved in anti-corruption efforts, delegates espoused two views. Some felt that expecting the public to sift through heaps of raw data to do the work of an anti-corruption watchdog is unrealistic. Reading raw data requires a high degree of skill and a large amount of time – to expect either out of the public may be far-fetched. A more realistic approach, it was argued, includes partnering with NGOs – as was done in South Africa – or investigative journalists. Providing NGOs or journalists with information or training that helps them analyze government data could be mutually beneficial: the NGOs and journalists would have more information for their own purposes, and the government could learn of cases of corruption and waste in a resource-efficient way.

The session concluded with a discussion on whistleblower protections, during which there was universal agreement that such protections (whether that means job protection, confidentiality, or some other form) are pivotal to weeding out corruption and waste. This conclusion was based on an understanding that certain, crucial information can only be obtained through whistleblowers, and that many potential whistleblowers would not come forward in the absence of guaranteed protections. While it appears to be a bit of a paradox to be touting confidentiality for whistleblowers in the midst of a discussion of the importance of transparency, the delegates universally believed that this was one area in which secrecy trumps openness.

Integrity in Brief
Series



This publication is part of an ongoing series of contributions from practitioners, policymakers, and civil society leaders in the public integrity community. If you have expertise you would like to share, please contact us at CAPI@law.columbia.edu.

The series is made possible thanks to the generous support of the Laura and John Arnold Foundation. The views expressed here are solely those of the author and do not necessarily represent the views of the author's organization or affiliations, the Center for the Advancement of Public Integrity, Columbia Law School, or the Laura and John Arnold Foundation.