

**Contribution of the Czech Republic to the Annual Conference of the EGPA, Oeiras,  
Portugal, 3-6 September 2003  
Study Group „Ethics and Integrity of Governance“**

**Ethics in Public Service – Using of International Experience**

With respect to the fact that the Czech Republic considers the issue of ethics in the public administration field as a fundamental one, it takes part in many important international activities. Among the most important in this field is the co-operation with the Council of Europe, the OECD and with many other international organisations acting in the public administration area, such as the International Institute of Administrative Sciences (IIAS). Experience gained from such activities is reflected not only in preparation of strategic and conceptual materials, but also in further domestic co-operation between stakeholders of central state administration, regional and local self-government or in co-operation with such stakeholders as NGOs, and educational institutions. Due to this the awareness of the issue of ethics and ethical conduct in the public service reaches a wide population spectrum.

**Co-operation with the Council of Europe**

Referring to the ethics issue, there is the Steering Committee on Local and Regional Democracy (CDLR) within the Council of Europe that has been dealing with the issue on a long-term basis. Within its agenda, the CDLR developed also an activity entitled “Public ethics at local level: strategies for combating corruption and other forms of financial crime in local government bodies”. The CDLR entrusted a Group of Specialists on Public Ethics at Local Level with implementation of this activity. The Group divided the topic of combating corruption into six sub-topics (status of local elected representatives; funding of political parties, associations and individual candidates; control and audit; status of local public servants; access to information and administrative procedure; relations of local authorities to private sector). A Handbook of good practice was prepared, based on contributions received from the Council of Europe member countries and on other available sources from previous Council of Europe activities. The Handbook is actually a file of model initiatives, which do not represent a legal instrument, but “only” an overview of identified right approaches. Despite the fact that not all the approaches may be implemented in every country, it is inspiring and helpful in defining reforms, which focus on enhancement of public service ethics level and fight against corruption on both the local and the state level.

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During the CDLR meeting in November 2002, it was decided that a phase of national consultations in the field of public service ethics at local level will be launched. The member states were called upon to pay maximum possible attention to this issue, to engage relevant experts and institutions into the consultations, to organise seminars, international conferences and working meetings focused on such topics, to organise training courses and further support promotion and distribution of the Handbook.

In the 2003, the Czech Republic has organised series of presentations of the publication, which was translated into Czech with financial support of the Council of Europe and distributed to all public administration levels and selected universities and libraries. In the e-version the publication was posted on the website of the Ministry of Interior of the Czech Republic ([www.mvcr.cz](http://www.mvcr.cz)). The issue of ethics was also one of the main topic in the international conference “Public administration and training”, which was held on 5-7 May 2003 in Benesov (CR).

The Handbook is also available on the website [www.coe.int/local](http://www.coe.int/local) and at the LOREG e-library ([www.loreg.org](http://www.loreg.org)). Every person or organisation interested in the issue may express their opinion on the document. Based on this feedback (suggestions and comments received during the phase of national and international consultations) the document will be amended. The whole process will then come to its peak at an international conference “Public ethics on the local level”, which will be held at the beginning of 2004 in the Netherlands and where the final version of the Handbook will be approved. The final version will be issued in official Council of Europe working languages (English and French) and afterwards, in some cases with the Council of Europe financial support, also in national languages including Czech.

### **Co-operation with the OECD (PUMA Committee)**

The entire OECD activity in the field of ethics and corruption prevention comes out from a premise that the fundamental task of governments and public institutions is to serve to the public interest benefit. On basis of wide mutual consultations and discussions among the member states about what approaches are useful in practice, the OECD developed a complex approach to ethics, which combines particular steps in order to constitute a strong and interconnected system ensuring an ethic standards observance. Furthermore, the OECD supports member states in their efforts to improve the monitoring mechanisms in the ethics field.

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An example of such a mutual co-operation may be a survey of the OECD PUMA Committee (Committee for public administration), which was realised in the summer of 1999 in all the OECD member states (incl. the Czech Republic). This survey was based on the appeal included in the Recommendation of the OECD Council concerning improvement of ethical conduct in the public service. The Recommendation was adopted by the Council on 23 April 1998 and herewith the Council challenged the PUMA Committee to carry out, within two years, a report evaluating experience with applying the Recommendation in practice.

The Secretariat of the PUMA Committee deduced following from the large survey. Recent trends in public administration indicate, that individual countries are aware of the need to improve the framework for ethics and integrity support and for fight against corruption in public administration. Tools for ethics and integrity support should not be understood separately, but rather as a component part of management system. Individual countries also gradually reallocate their forces from the enforcement of such measures observance to the field of prevention. In a long run this means less expensive investments with a stronger impact on improvement of public service culture and on relations between the public administration and public.

Concerning the impact of the survey on the situation in the Czech Republic, it was the elaboration of response to the OECD survey that initiated creation of Code of ethics of public servants. Despite the fact that the Code is not a legal regulation and therefore its observance is not legally enforceable, the Code is an important tool for support of ethical values within public administration. Adoption of the Code by the Government Resolution No. 270 of 21 March 2001 was an obvious indication showing that the Government intends to deal seriously with support of ethical conduct in public service. Principles of in the Code were for the most part reflected in the new Act on Civil Service (particularly in the part dealing with civil servants duties) and thus became legally enforceable.

Among the most recent important activities in the field of conflict of interests management belongs the Expert group of the PUMA Committee on managing conflict of interests in public service, which was established in 2002. The Czech Republic participates in the Expert group's activities from the beginning of this year. The first crucial outcome of the Expert group is a Guideline on managing conflict of interests in public service, which was approved by the PUMA Committee on its 27<sup>th</sup> meeting in Paris. Afterwards the Guideline was submitted to the OECD Council (the highest OECD body). The OECD Council approved this

document as a Council Recommendation on its meeting in June. In terms of law the difference between Committee Recommendation and Council Recommendation is only formal (none of these Recommendations is legally enforceable). However, a Recommendation approved by the Council represents the opinion of the OECD as a whole, enjoys a greater prestige and particular countries should attach more importance to it and fulfil it more consistently.

The conflict of interests is defined by the above mentioned Recommendation as a situation where private interests of a civil servant (which are not limited to only financial interests) and his position are colliding and concurring (effective conflict of interests) or could be in a conflict or may appear as a conflict of interests (potential conflict of interests). Attention should be paid to this phenomenon mainly for the reason that its existence itself casts doubt on the ideal of equality and objectivity in public decision-making, creates contrast between public resources allocation and negatively affects functioning of democratic government and legal state by decreasing the citizens trust in public power.

In this contribution the Czech Republic briefly presents its international experience in the relevant field. The Czech Republic also shares its experience with foreign partners, for example within the Stability Pact for South-Eastern Europe or in the framework of the Visegrad-Fourth co-operation. As many other countries, the Czech Republic will continue in using of best international practices (in particular from the conflict of interests management, training, ethics field, fight against corruption, etc.) in order to search and define appropriate tools for strengthening of ethics in the Czech public administration.