

39. Conflict-of-interest disclosure by top decision makers

Ensuring that the integrity of government decision making is not compromised by conflicts of interest is key to maintaining trust in government. A conflict of interest arises when a public official's private interests could improperly influence the performance of official duties. If not adequately identified and managed, conflict-of-interest situations can lead to corruption.

In OECD member countries, the disclosure of private interests by top decision makers is a common practice. While the majority of disclosures are required by law, some top decision makers provide disclosures voluntarily. The level of disclosure in the executive and legislative branches is comparably high relative to disclosure requirements in the judiciary. For example, top decision makers within the executive and legislature are required to disclose private assets in 86% and 84% of OECD countries, respectively. For officials working in the judiciary, however, only 41% of countries require the same. In some countries, such as Hungary and Korea, certain family members of top decision makers are also required to file separate disclosure statements.

Paid outside positions are the most regulated private interests across the three branches of government. Of the three branches of government, the judiciary branch in particular regulates paid outside positions, albeit a relatively few number of OECD countries prohibit these positions for judges and prosecutors entirely (Greece, Hungary, Israel, Mexico, Portugal, Turkey and the United Kingdom). Over half of responding OECD member countries require that paid outside positions be disclosed. Several countries, such as Estonia, Hungary, Spain and Belgium, have indicated that they do not require disclosure of teaching and research positions. The acceptance of gifts by decision makers is prohibited altogether in less than a quarter of member countries while around half call for disclosure. Gifts are particularly regulated in the judiciary. For example, gifts are prohibited in 13 countries for judges and in 12 countries for prosecutors.

The public availability of disclosed information by top decision makers is also important to ensure accountability and reinforce trust in government. Yet, nearly all OECD member countries only partially make disclosed information public. Certain countries, like Israel, make no information public. For others, only few types of disclosed information are public, such as the assets and liabilities of the president in France, non-paid outside positions and previous employment of the president in Turkey, or gifts received by decision makers across branches of government in Slovenia.

Countries also increasingly require disclosure of private interests by officials in at-risk areas, such as tax and customs officials, procurement officers and financial authorities. These disclosures are made publicly available in only a few countries, for example in Belgium, Mexico and New Zealand. Data further show that the prevention of conflict of interest in at-risk areas focuses primarily on the disclosure and prohibition of outside positions and gifts. With the exception of the judges and prosecutors, the prohibition of acceptance of gifts is higher for officials in at-risk areas in the public sector than for top decision

makers in the three branches of government: 11 countries prohibit gifts for tax and customs officials, 10 countries prohibit them for financial authorities, and 9 do so for procurement officials.

Methodology and definitions

The data collected focus on conflict-of-interest disclosure for top decision makers in the central government and build upon data presented in *Government at a Glance 2009*. Data were collected by the 2010 OECD Survey on Integrity. Compared to 2009, the survey has been extended to collect data on judges, prosecutors and selected public officials considered to be in at-risk areas, namely in procurement, tax and customs administration and financial authorities. 2010 data also cover information about disclosure of income (separated by source and amount) and outside positions (paid and unpaid).

Respondents to the survey were country delegates responsible for integrity policies in central government. A total of 33 OECD member countries responded as well as Brazil, the Russian Federation, Egypt and Ukraine. Data are not available for Luxembourg.

Country-specific data are available in Annex F.

The term "decision makers" refers to the following positions: President, Prime Minister, Minister or members of cabinet, Upper and Lower House legislators, judges, prosecutors, tax and customs officials, procurement officers and financial authorities.

The terms "judiciary" and "judicial branch" cover judges and prosecutors, although in some countries prosecutors do not form part of the judiciary.

Further reading

OECD (2003), *Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service*, OECD Publishing, Paris.

OECD (2007), *OECD Guidelines for Managing Conflict of Interest in the Public Service: Report on Implementation*, OECD Publishing, Paris.

OECD (2010), *Post-Public Employment: Good Practices for Preventing Conflict of Interest*, OECD Publishing, Paris.

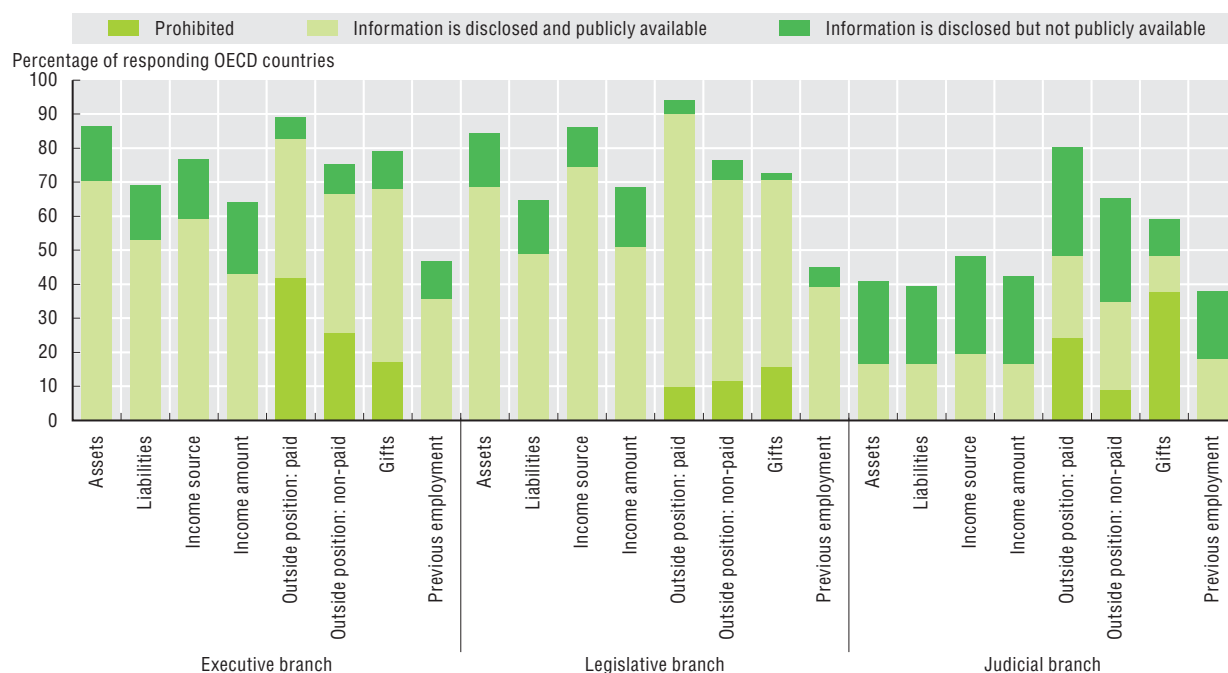
Figure notes

The category "disclosure is not required" is not included in the figure. See StatLink below each figure and/or Annex F for country-specific data and notes.

Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

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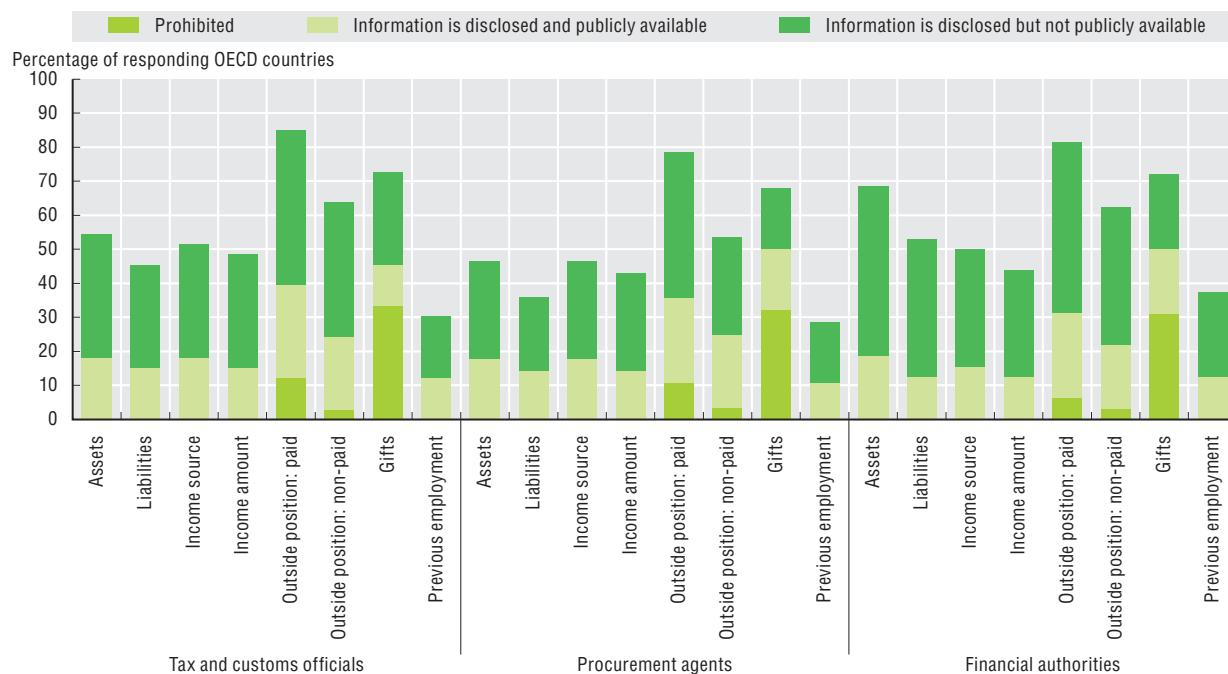
39.1 Level of disclosure of private interests in the three branches of government (2010)



Source: OECD Survey on Integrity (2010).

StatLink <http://dx.doi.org/10.1787/888932390975>

39.2 Level of disclosure of private interests of selected officials in at-risk areas (2010)



Source: OECD Survey on Integrity (2010).

StatLink <http://dx.doi.org/10.1787/888932390994>



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