

PART II
Chapter 9

Evaluation of the Declaration Systems

9.1. Cost

It is axiomatic that running a public officials' declaration system represents an administrative burden and involves costs. While these costs are typically mentioned among the disadvantages of the system (Messick, 2009, p. 7), more seldom is it said just how costly the system is. The questionnaire data show that few countries know the cost of implementing the declaration system – that of completing and submitting the statements, or those incurred by the controlling institutions. This is true especially often in those cases where the implementing unit in charge of declarations is a part of a larger agency, *e.g.* the tax administration. The situation seems to confirm the perception that public officials' declarations have been introduced mostly as a reaction to various political concerns, rather than based on cost/benefit considerations.

The table below shows information about countries that provided data about resources at the disposal of units/institutions occupied exclusively or largely with management of the declarations system. Due to the varying size of the population, public sector and circle of covered officials, as well as different levels of economic development, direct comparisons of expenses are of limited value. Therefore the financial data are presented as a share of the overall budget expenditure. They are approximate only because in several countries these resources are used by the respective institutions for other functions as well.

Table 9.1. **Financial resources of the implementing unit/institution (selected countries)**

Country (approx. number of officials to fill in the statement)	Resources of the implementing unit/institution	Budget expenditure (2008 est.)	Resources as share of budget expenditure (%)
Albania (4 200)	ALL 92 million (approx. USD 1 156 563)	USD 4 175 000 000	0.028
Estonia (330) ¹	EUR 41 903 (2008) (approx. USD 61 378, for high officials only)	USD 9 488 000 000	0.0006
Georgia (2 000)	GEL 359 000 (2008) (approx. USD 244 217)	USD 5 345 000 000	0.004
Latvia (70 800)	LVL 641 672 (approx. USD 1 364 969)	USD 13 410 000 000	0.01
Lithuania (approx. 11 000) ²	LTL 1 399 000 (total budget of the Chief Official Ethics Commission is approx. USD 601 694; it deals with declarations of selected categories of officials and co-ordinates the collection of an additional 150 000 declarations)	USD 16 660 000 000	0.004
Romania (300 000)	EUR 2 600 000 (total budget of the National Integrity Agency is approx. USD 3 808 407)	USD 74 990 000 000	0.005

1. High officials only.

2. Only those who submit their declarations to the Chief Official Ethics Commission.

Source: For budget expenditure: CIA Factbook. Exchange rates from the CIA Factbook for the year 2008: ALL per USD – 79.546, EUR per USD – 0.6827, GEL per USD – 1.47, LVL per USD – 0.4701, LTL per USD – 2.3251.

It is not surprising that the costs vary greatly. The annual budget of the Albanian High Inspectorate of Declaration and Audit of Assets is approximately ALL 92 million (approx. USD 1 156 563 in 2008), apparently one of the most expensive systems given the country's overall estimated budget expenditure of USD 4.175 billion in 2008.¹ The budget of the Inspectorate thus constitutes about 0.028% of the total budget expenditure. The cost is also rather high in Latvia (about 0.01% of the total budget expenditure), which can be explained partly by the vast scope of the Latvian system in terms of the officials covered.

Another measure that gives an idea of the administrative burden imposed by the declaration system is the number of staff employed for related tasks. Again, due to the different size of countries and number of covered officials, direct comparisons of the employed staff numbers represent little value. The table below represents data from questionnaires regarding the number of public officials who should file statements and the number of persons responsible for verification of declarations. Not all countries indicated clearly the latter numbers. Therefore one should view these figures with caution, realising that not all of the staff may be occupied exclusively with the declarations, and in some systems additional staff time from other institutions is involved. In order to allow for a meaningful cross-national comparison, the data are summarised as a ratio of responsible persons per 1 000 covered officials.

Table 9.2. Number of covered officials and staff responsible for verification (selected countries)

Country	Number of public officials who should file statements	Number of persons responsible for verification of declarations	No. of responsible persons per 1 000 covered officials
Albania	Approx. 4 200	20	2.4
Bosnia and Herzegovina	Approx. 6 000	3	0.5
Bulgaria	7 073	9	1.2
Croatia	1 850	5 (whole staff of the Commission for the Prevention of Conflict of Interest)	2.7
Estonia	Approx. 330 (high officials only)	2 (only for high officials)	6
Georgia	2 000	3	1.5
Kazakhstan	470 000	261	0.55
Kosovo	800	4	5
Kyrgyzstan	1 389	4	2.9
Latvia	70 800	66	1.07
Macedonia	Approx. 3 000	2 (exclusive of the Public Revenue Office)	0.7
Montenegro	2 775	10 (total employees of the service of the Commission for the Prevention of Conflict of Interest)	3.6
Romania	Approx. 300 000	57 (integrity inspectors of the National Integrity Agency)	0.19
Slovenia	5 264	2	0.4

Systems where the number of officials covered is small tend to have a higher number of responsible persons per 1 000 covered officials. This is most obvious in the cases of Kosovo and Estonia (in Estonia the number of covered officials in general is rather high, but here only the part of the system dealing with high-ranking officials is considered), and is easily explained by the lack of the economy of scale.

Systems that cover a larger number of public officials differ strongly regarding the human resources devoted to the management of declarations. Kyrgyzstan and Albania stand relatively high by dedicating, respectively, 2.9 and 2.4 persons per 1 000 covered officials. So

it appears for Croatia, but it is unclear what share of the whole workload of the Commission for the Prevention of Conflict of Interest declaration-related activities constitute. Some countries, like Bosnia and Herzegovina and Slovenia, do not devote considerable human resources to the verification of declarations (the ratio is low also for Macedonia, but also involved there is the Public Revenue Office, about which data are missing).

The data of this study do not offer insight into whether a higher number of involved officials is associated with increased effectiveness of the system. The issue of system costs – of which there is indeed a variety – deserves further attention. Information about such costs would be a significant input in discussions to determine the most appropriate scale and design for declarations systems for public officials.

9.2. Effectiveness

Credibility – Verification of the truthfulness of statements is essential. However, it is important mainly for maintenance of system integrity, which is to say avoidance – in extreme cases – of the accumulation of masses of false and hence unusable data.

Declarations usually represent a handy tool for determining whether a public official observes applicable incompatibility rules. In many countries they are viewed as a routine or even primary source of information about conflicts of interest of public officials. The effectiveness of conflict of interest control varies strongly from country to country, but hardly anyone doubts the usefulness of some sort of officials' declarations for this task.

In most systems, questions remain open as to the extent to which the disclosed information is an accurate representation of the wealth and income of public officials. In the questionnaires gathered for the study, some countries are rather confident in this regard, *e.g.* the assessment submitted by Bulgaria states: "Implementation of the *Public Disclosure of Senior Public Official's Financial Interests Act* ensures maximum publicity for their property." Elsewhere, public officials' declarations have proved a useable tool for detecting untaxed income – even if that has not been among the primary purposes of the system. An example of this kind is provided by Latvia, where the public officials' declarations system has helped reveal numerous cases of unpaid taxes.

Meantime, a typical difficulty is public officials registering their assets under the names of other persons – usually relatives. Some countries address this issue by extending the coverage of declarations to these related people as well. However, it is often impossible to cover a sufficiently broad circle of people with sufficient rigour to effectively exclude such a possibility. Calls for the introduction of income/wealth declarations for whole populations have therefore been voiced in some countries that do not yet have such systems.

A related concern is to establish not only that the statement contains accurate data, but also that the wealth of the official can be reasonably accounted for by legal sources of income. Many systems – particularly those of transition countries – face the problem of unverifiable claims, *i.e.* situations where officials claim that their property has been acquired by long-ago-obtained means from undocumented sources, *e.g.* sales of farm produce or flowers in the market, unverifiable inheritance, gifts or business revenue in countries where – often due to past turmoil – such income cannot be checked retroactively. Against this background, it is quite understandable why, for example, Belarus indicated in its questionnaire as a weakness the absence of a legal principle stating that explanations about the sources of income must be reasonable.

There have been attempts to remedy this problem by criminalising illicit or unexplained enrichment. However, this analysis will not cover the various aspects of that approach. Suffice it to say that systems do vary in terms of the explanations that can be sought from public officials.²

According to the information provided by the countries examined in this study, there is little evidence that data from declarations have helped in crime detection. Many countries do have legal provisions mandating referral to law enforcement bodies of information that contains evidence of an offence, or referral when the law enforcement bodies so request. Moreover, there is usually no legal barrier to the use of declarations as evidence in court. However, few declarations have successfully served as evidence of criminal offences. The exception relates to systems where avoidance of the duty to declare and provision of false information are *per se* criminalised in both law and practice. Examples here are Latvia (where criminal proceedings have been initiated against 12 public officials) and Romania (where since April 2008, 99 files have been forwarded to public prosecutor's offices for false statements).

Not much systematic evaluation has been performed on public officials' declaration systems. Measurements of both corruption and occurrences of conflicts of interest are fraught with various limitations of validity and reliability. And even where changes can be measured with a certain degree of confidence, it would be difficult to isolate and assess the contributing factor of public officials' declarations – especially given that government usually employs a host of tools to prevent corruption and to control conflicts of interest. However, the dominant view is that the requirement for public officials to disclose their wealth does diminish corruption, or at least some forms of it.

Among the relatively few research works on this topic is a comparative analysis by Ranjana Mukherjee and Omer Gokcekus. In that analysis, the authors found that countries with a longer tradition of officials' asset declaration laws had significantly lower corruption than countries with newer laws; that perceived corruption was lower in countries whose declaration laws also permitted the government or anti-corruption body to prosecute the offending official; that countries that verified officials' statements had significantly lower corruption than countries that did not verify declaration content; and finally, that countries that allowed public access to officials' asset declarations had significantly lower corruption. Moreover, the combination of content verification and public access to the declarations had a still greater association with lower levels of corruption (Mukherjee, 2006, pp. 326-327). Other research also stresses the importance of effective monitoring and sanctions for non-compliance (Demmke *et al.*, 2007, p. 68).

On a more operational level, it appears that a number of conditions should be met if declarations are to deliver desired outcomes. One of them is having motivated managers, because declarations can be viewed as a tool for precisely their use. As Richard Messick described one of the advantages of declarations, "If periodic disclosures show an unusual increase in assets or extravagant expenditures, the employee can be asked for an explanation. In addition, when managers know what assets an employee owns – interests in firms, real estate, and so forth – they can determine when the employee's participation in a decision may be colored by personal interests, and thus when he or she should be excluded from the decision-making process" (Messick, 2009, p. 7). If this advantage is to be reaped, there must be a manager willing to "ask for an explanation", etc. A conclusion in place is that, apart from when the broader public scrutinises the content of declarations, the effectiveness of this tool is fully contingent upon at least some degree of already existing integrity in the administration.

This is in line with the common recognition that there are (often strict) limits as to what public officials' declarations can achieve. Richard Messick (2009, p. 7) delineated the boundaries of likely effects of financial disclosure, which "cannot stop those determined to accept bribes, award themselves public contracts, or otherwise loot the public purse. What it can do is deter the less determined, those tempted to steal from the public but fearful their wrongdoing might later be revealed. It can also help honest employees by reminding them and their managers when they should abstain from participating in a decision because it could affect their interests. Finally, it can bolster confidence in government by reassuring citizens that conflicts of interest are being policed and public employees' finances scrutinized."

Overall the conclusions of Richard Messick are corroborated by answers to questionnaires submitted for this study. Returning to the previously mentioned issue of crime detection, only two countries out of 14 affirmed that the declarations served as evidence of a criminal offence (or at least served as grounds for filing a crime notice). Several pointed out that information was missing, but that is also indicative of uncertainty as to whether the declarations are useable for purposes of crime detection. Declarations are better suited to detection of conflicts of interest, and this is reflected in questionnaire results. Far more countries indicated that the declarations did serve as evidence of a conflict of interest.

Meantime it is also very common to find highly critical opinions of declaration systems, as in the following quote about the system in Hungary: "In practice, however, the problem of real power of oversight and investigation in relation to asset declarations is glaring and unsolved. Indeed, the system is regarded as so deficient as to be almost entirely unable to prevent corruption."³ Answers to the questionnaire of this study by one of the countries described its current system as inefficient, and used key phrases such as *broad range of officials submitting declarations*, *formal data* (here "formal" means "formalistic", in accordance with regulations of little substantial value), *formal control*, etc.

Obstacles for implementation – Apart from general concerns about the effectiveness of public officials' declarations, it is possible to identify a number of concrete impediments to the implementation of declaration systems. These impediments are grouped into six categories:

- *Flaws in the legal framework* – These are flaws that can be present in both laws and secondary legislation, or even in some subordinate formal procedures. Various flawed parameters of the formal design of declarations can lead to a failure to achieve intended goals. The scope of information to be declared can fail to cover data necessary in order to control conflicts of interest or achieve other goals. The form of the data can differ from that used in other public registries, making it difficult or even impossible to check whether various sources corroborate each other. Even items in the declaration forms can be defined so ambiguously that various officials interpret them differently.
- ❖ The World Bank and the United Nations Office for Drugs and Crime study notes that "whereas nearly 60% of countries [out of a sample of 74 countries] identify an agency tasked with verification or review of declarations, no more than 30% of countries specify explicit criteria in the legislation for this responsibility" (Burdescu *et al.*, 2009, p. 41). A list of possible flaws in declaration systems could be continued, but suffice it to say that, particularly at early stages of development, these are typical stumbling blocks.
- ❖ Moreover, too broad a circle of covered officials (and correspondingly insufficient implementing capacity) is also mentioned as a problem from time to time. For example, the broad range of officials submitting declarations was cited as a reason for the ineffectiveness of the system in the questionnaire submitted by Estonia.

- ❖ Finally, as far as the legal framework is concerned, lack of adequate provisions for sanctions is a serious limitation. To offer the example of Bosnia and Herzegovina, here is GRECO's concern "about the lack of sanctions in existing legislation for cases of incorrect/false reporting, as this almost certainly hampers the effective deterrence of the system in practice, all the more since a material check of the financial declarations submitted (including cross-checks of information between the Election Commission and other authorities) is not systematically carried out."⁴
- *Flaws of implementing bodies* – It can be that implementing bodies do not have adequate powers to carry out their tasks in relation to collecting and verifying declarations. For example, in 2008 the European Commission noted that in Serbia "the Board for Resolution of Conflict of Interest [...] does not have the powers to assess the validity of the information provided in the declarations."⁵ A similar assessment was made about Montenegro, where the powers of the Commission on conflicts of interest were deemed too limited to ensure proper analysis of the declarations made.⁶ (The new Law on Prevention of Conflicts of Interest in Performing Public Functions was adopted in December 2008, but the European Commission still noted the lack of "strong and independent supervisory authorities to evaluate asset declarations".⁷) The impermissibility of random checks has been mentioned as a limitation in Hungary (Transparency International Hungary, 2007, p. 48).
 - ❖ Insufficient resources of the implementing bodies comprise another typical stumbling block. Limited funds are one issue. It is also common to observe systems where the number of submitted declarations surge over time while the number of staff available for processing them remains steady or the increase is inadequate. For example, in 2008 the European Commission's report stated that in Bulgaria, due to insufficient personnel, "it is virtually impossible to conduct substantive audits on assets declarations".⁸ In 2008 the European Commission noted insufficient staff as an obstacle to effective use of declarations in Serbia.
 - ❖ The absence of due autonomy of implementing bodies can make them vulnerable to illegitimate pressure, particularly where verification of declarations can potentially hurt high-level public officials. While countries seldom reported insufficient autonomy as an obstacle to effective implementation of declaration systems, the intention of the Slovenian government to abolish the implementing institution in the period 2004-08 was reported as the main difficulty.
- *Flawed verification* – In many countries, insufficient verification of the declarations raises concerns. This is particularly so in systems based on the idea that a designated public body shall see to the proper fulfilment of declarations by the relevant officials rather than so-called third party enforcement (by media, civil society). In 2008 the European Commission noted deficiencies in the implementation of declaration systems in a number of the monitored countries – Croatia ("There is insufficient supervision and control with regard to the implementation of asset declarations"⁹), Macedonia, Montenegro and Serbia. While there can be various kinds of deficiencies, flaws in verification are often of central importance.
 - ❖ Many Central and Eastern European countries launched their declaration systems without issuing them with adequate implementation mechanisms. Although in the 1990s rather rich international experience had already been accumulated, countries usually went through a lengthy learning-by-doing process. A remark that

exemplifies this trend was provided by Romania: “The early beginning [since 1996] was hesitating because the verification mechanisms were implemented without efficiency, the control of potential conflicts of interest had never been done on a systematic basis and the declaration submitted were not available to the public until 2003 when this problem was solved.”

- ❖ Extreme cases can result in a state where no one – neither government bodies nor the broader public – does anything with the declarations. An earlier OECD report summarised concisely the problem with regard to transition economies: “While formal systems for declaration of assets by public officials have been established, they suffer from multiple deficiencies. The main problem is a lack of control of the information provided: asset declarations by public officials are not verified (even randomly) by any public institution, and the information is not fully open to allow public scrutiny” (OECD, 2008, p. 66).
- *Underdeveloped institutional context* – In some countries anti-corruption agencies tend to turn into lone fighters with no support, and can even encounter widespread animosity on the part of other agencies. Where such an institution is in charge of declarations, the situation may result in insufficient co-operation between state bodies and hence limited effectiveness of the system.
- ❖ Even where no opposition is encountered, limited access to various public databases can be an obstacle. Although in most cases officials in charge of verification of declarations can access public registries (tax, land register, etc.), in some cases there are legal or technical barriers (incompatible software, limited capacity of databases). The impossibility of interconnecting databases sometimes generates a serious drag on verification activities.
- ❖ Finally, in countries where the taxation system is ineffective and private individuals can easily hide income from taxation, it is hard to ensure wealth monitoring of public officials. Assets are often hidden behind the names of private individuals and their sources cannot be verified. In the questionnaires, some countries – Belarus and Latvia are examples – admit there is a problem when officials explain their wealth by citing unverifiable sources, and it is unclear how to defeat unreasonable explanations. Latvia’s questionnaire cites the lack of income declarations for the whole population as a key aspect of a system that needs to be remedied.
- *Lack of support and/or awareness among officials* – Especially in the early stages of implementing declaration systems, a major difficulty is making public officials aware of new requirements¹⁰ and achieving due respect for the need to meet them properly. Part of this problem can be a lack of or insufficient training and guidance.
- ❖ Serious as this problem can be, it is further aggravated in decentralised systems where responsibility for the control of declarations is scattered across the public administration. Where the control role is assigned not only to centralised institutions but also or even solely to institutions where the declaring officials work or to which they are subordinate, implementation can suffer where this task is not sufficiently prioritised or the conflict of interest control function in general is not understood or viewed as important. For example, the Belarus questionnaire mentioned as a weakness the fact that personnel departments of state bodies did not verify declarations properly.

- *Lack of interest and/or support by the broader public:* If the broader public has little interest in the disclosed information about public officials' income, assets and interests, the potential of declarations to enhance the public accountability of officials remains underexploited.
- ❖ A study in the United States revealed that "the overwhelming public response to the financial disclosures of senior federal officials is massive indifference. Most public disclosure forms in [1995-2000] (99.3 percent) were never requested by anyone. They sat in file cabinets, undisturbed until six years passed and they were destroyed" (Mackenzie and Hafken, 2002, p. 91). The authors of the study did not advocate the abolition of public officials' declarations altogether, but rather doubted strongly the usefulness of their public disclosure (as well as a number of other elements in the current system in the United States).

9.3. Trends in reforms

As noted above, comprehensive comparative assessments of the operation of public officials' declaration systems are rather uncommon. Therefore, although declaration systems keep changing in many countries, it is often difficult to discern whether the observable trends are a product of strategic policy choices or rather *ad hoc* and incremental adjustments. It is rare that governments produce evaluations like that carried out by the US Office of Government Ethics where it was proposed to raise some of the thresholds above which data must be declared, streamline the way values are indicated, reduce required descriptive details, etc.¹¹ Even then, however, there is no evaluation of how well the system meets its goals.

It is clear that in 2009 more countries introduced declaration systems, requiring the disclosing of a greater scope of information than in 2000.¹² So the 21st century has seen an overall continuing expansion of public officials' declarations, which have doubtless become a mainstream anti-corruption tool. Also, the European Union has been focusing *inter alia* on the operation of these systems in its candidate countries. Thus, while such declarations are no part of the *acquis communautaire*, they have become a permanent element in the conditions relating to the control of corruption.

Recently created systems often aspire to achieving complex goals, aiming at both control of conflict of interest and wealth monitoring. Such a development seems well-grounded because both purposes are legitimate and relevant. Meantime, the plain catch-all approach can be taken as a sign of little pragmatic assessment of what declarations can or cannot accomplish. As in the past, decisions to introduce declarations for public officials are grounded in symbolic considerations at least as much as in technical reasoning.

Meantime, many literature sources are sceptical about the effectiveness of the use of public officials' declarations for the purposes of wealth monitoring. Although governmental anti-corruption policy papers and legal acts often ignore such reservations, thoughtful accounts by a number of implementing officials corroborate the conclusions of many researchers. This has prompted some countries in Central and Eastern Europe as well as in the former Soviet Union to consider introducing a universal duty for the entire population to declare income and assets. This, in turn, signals the recognition that tax legislation and administration actually represent the most appropriate system for wealth monitoring. While many countries are still in the process of building up their tax administrations, public officials' declarations are sometimes expected to compensate as a wealth monitoring tool at least for this part of the population.

Box 9.1. Setting up asset disclosure systems in Central Asia

Countries in transition face rapid changes in political, social and economic environments, and notions of public service change along with societal values. This makes it more difficult to have stable institutions and legislative frameworks, and often leads to a rising level of uncertainty and distrust of the public for the existing institutions. The low prestige of civil service work and low salaries in the public sector contribute to the challenges in building of integrity in public administration. Such problems are faced by many countries, but they become especially pressing for transition economies, including in Central Asia.

Central Asian systems of asset disclosure in the three countries are currently undergoing establishment and transition processes. The **Kyrgyzstan** system is slightly ahead of the others (the first round of collection and review of asset declarations was carried out in 2005). In contrast, both **Kazakhstan** and **Tajikistan** have yet to fully launch their asset declarations review mechanisms.

In all three countries, the asset disclosure requirement is stipulated in law. Specifically, the Civil Service Law of Kazakhstan (Article 13), Law on Civil Service of Kyrgyz Republic (Chapter V), and Constitutional Law on Government of Tajikistan (Article 11), Law on Civil Service of Tajikistan (Article 18, 31) all stipulate requirements for asset declarations for public officials. These requirements are additionally reinforced by special instruments – the Law on Declaring Information on Income and Assets, Liabilities and Property of Political and Other Special State Appointees and Their Immediate Family Members of Kyrgyz Republic; and the Law on Anti-Corruption Activities of Kazakhstan (Article 9). The legislative framework of the Kyrgyz Republic is the widest in scope, covering officials of all three branches of government equally, whereas Kazakhstan requires only candidates for parliament to declare their incomes to the Central Election Commission (Law on Elections of Kazakhstan, Chapter 12) and members of the judiciary, following the general public servant scheme. Tajikistan does not require representatives of the legislative or judicial branch to declare their incomes and assets. In all three states the declarations must be submitted initially on entering the civil service, with regular annual updates. Additionally, Kyrgyz legislation requires submission of declarations on completion of civil service and in some cases after a set time has elapsed following departure from the civil service. Information on corresponding legislation in the other two countries was not available.

Asset declarations are administered and reviewed (in the case of Kyrgyzstan) by Agency of the Kyrgyz Republic on issues of civil service, which does not inspect the contents of the declarations *per se* and refers irregularities to law enforcement agencies. The formal functions of inspecting the financial content are delegated to the tax administrations in both Kazakhstan and Tajikistan, while declarations themselves are kept decentralised within each individual civil service agency. Even though there seem to be different institutional set-ups for asset declarations processing in Central Asian countries, declarations in all three here are merely reviewed but do not undergo full financial audits and checks, as there is no practice of such inspections; actions in this regard are limited to the realm of criminal proceedings.

Contents of the declarations are kept confidential in Kazakhstan and Tajikistan, with at least the theoretical possibility of access to such information regarding members of the government via freedom of information statutes in the latter. In Kyrgyzstan, information on asset declarations of the high-level officials is available online and published in prescribed mass-media outlets, while information on other categories of civil servants can be obtained upon request and is being released with certain limitations relating to personal data (address, telephone numbers, etc.).

Box 9.1. Setting up asset disclosure systems in Central Asia (cont.)

Sanctions range from disciplinary reprimand to dismissal in the cases of Tajikistan and Kazakhstan. Alternative means of punishment include publication of the names of those who violated requirements on asset declarations in mass media outlets, along with filing notices on the failures of such persons to declare to the president, prime-minister and the head of the parliament, head of the constitutional and Supreme Courts in Kyrgyzstan.

As it appears currently, many elements are yet to be established in all three systems; time will show what changes and improvements are required to make them effective instruments. It is clear that more practical steps need to be undertaken in transferring *de jure* instruments into those that will function *de facto* and ultimately contribute to public integrity in these countries.

* No regular review or checks of the asset declarations have been performed in Tajikistan up to 2007 according to Global Integrity Report – Tajikistan 2007. Similarly, in Kazakhstan the holistic approach in gathering and checking of asset declarations of civil servants and employees of the state-owned companies is planned to be launched in 2011, according to the statement of the Prime-Minister in 2009 (News Agency “Interfax – Kazakhstan” from 22 January 2010).

Since the inception of the very first declaration systems, the principle of public disclosure has been opposed on various occasions due to aforementioned concerns about the privacy and/or security of public officials. There now seems to be an overwhelming international trend to open up declarations for public scrutiny. Still, disputes on these matters continue. Some countries do not disclose the information contained in the declarations to the public and the evolution is not always toward greater transparency. For example, India has seen several years of debates on whether information about judges’ assets should be disclosed to the public. In 2009 the Indian government proposed a bill that would guarantee confidentiality for the assets of Supreme Court and High Court judges (except when the chief justice of India decides otherwise) (Sharma and Chauhan, 2009).

Another development is the strong and growing reliance on bureaucratized mechanisms for the processing of declarations. Historically the idea behind publicly accessible declarations of income, assets and interests appeared to involve a strong reliance on monitoring and where necessary shaming by third parties such as the media and civil society. While wider public disclosure is an international trend, both analytic literature and the declaration systems themselves recommend relying and do rely on bureaucratic controls.

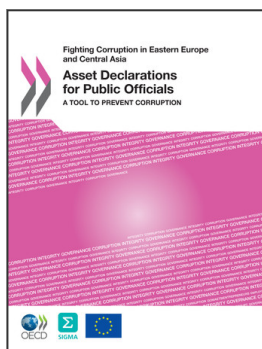
Notes

1. Source: CIA Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>.
2. In Spain for example, senior officials have to explain and justify differences between declarations they have submitted. See Oficina antifrau de Catalunya (2009), “Asset Declaration: A Part of the Fight against Corruption and Management of the Conflict of Interests”, presentation at the seminar “Asset Declarations for Public Officials as a Tool against Corruption” in Belgrade, Serbia, 15-16 October.
3. Quote containing a reference to the Péterfalvi Attila press review, here taken from: Transparency International Hungary (2007), “Corruption risks in Hungary. Part One: National Integrity System Country Study”, p. 20, www.transparency.hu/files/p/en/489/5603216722.pdf.
4. Compliance Report on Bosnia and Herzegovina, adopted by GRECO at its 41st Plenary Meeting (Strasbourg, 16-19 February 2009), p. 8, [www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2\(2008\)7_Bosnia-Herzegovina_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2(2008)7_Bosnia-Herzegovina_EN.pdf)

5. Serbia 2008 Progress Report accompanying the Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2008-2009 [COM(2008)674], p. 13, http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/serbia_progress_report_en.pdf.
6. Montenegro 2008 Progress Report accompanying the Communication from the Commission to the European Parliament and the Council, [COM(2008) 674], p. 12, http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/montenegro_progress_report_en.pdf
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9. Croatia 2008 Progress Report accompanying the Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2008-2009 [COM(2008)674], p. 54, http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/croatia_progress_report_en.pdf
10. As stated in the questionnaire of Croatia: *The main difficulty was familiarising public officials with basic obligations of the Act, especially with proper filling in of asset declarations.*
11. An example of such an evaluation is: US Office of Government Ethics (2005), "Report to Congress Evaluating the Financial Disclosure Process for Employees of the Executive Branch, and Recommending Improvements to It", Washington DC, www.usoge.gov/ethics_docs/publications/reports_plans/rpogc_fin_dis_03_05.html.
12. For an overview of the situation in OECD countries, see sections on Public Service, Values and Integrity from the OECD publication *Government at a Glance*, Expert Group on Conflict of Interest, 5 May 2009, OECD, Paris.

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