Cultivating a culture of integrity in the civil service in times of crisis

OAS | More rights for more people

SUMMITS of the AMERICAS SECRETARIAT

OECD | BETTER POLICIES FOR BETTER LIVES

Cultivating a culture of integrity in the civil service in times of crisis

Luis Almagro
Secretary General

James Lambert
Secretary for Hemispheric Affairs

María Celina Conte
Director of the Summits of the Americas Secretariat

Table of Contents

Prologue

Luis Almagro
Secretary General of the OAS
Chair of the JSWG

In response to the complex and multifaceted nature of corruption, heads of state and government of the Americas adopted the "Lima Commitment: Democratic Governance against Corruption" (OAS, 2018) in the framework of the Eighth Summit of the Americas held in Lima, Peru, on April 13-14, 2018. The Lima Commitment deems that corruption is one of our Hemisphere's major challenges and exhaustively addresses actions to prevent and combat this scourge, as well as its implications for democratic governance.

The OAS, through the Summits of the Americas Secretariat (hereinafter the Summits Secretariat), as the technical secretariat of the Summits process, has undertaken since 2018 a series of actions to support the efforts of member states to implement the mandates adopted in the Lima Commitment, including actions to strengthen coordination of the institutions making up the Joint Summit Working Group (JSWG).

The Mechanism for Follow-up and Implementation of the Lima Commitment: Democratic Governance against Corruption was proposed by the Peruvian Government chairing the Group at the time and was adopted by the states participating in the Eighth Summit in the framework of the Summit Implementation Review Group (SIRG) in November 2018 (SIRG, 2018). Likewise, a Memorandum of Understanding was signed by the institutions of the Joint Summit Working Group (JSWG) in September 2018 to harmonize and coordinate its efforts (JSWG, 2018), along with the JSWG Action Plan (2019-2021) (JSWG, 2021). These efforts made it possible to steer actions to support the states in effectively implementing the mandates adopted at the Eighth Summit of the Americas.

On the basis of this background and the recommendations made in the "Guidelines for the Management of Policies for Probity in

the Public Administrations of the Americas" (OAS, 2017), the Summits Secretariat convened a capacity-building workshop for the member states in connection with mandates 9, 10, and 11 of the Lima Commitment, geared to promoting a culture of integrity in the region's civil service as a key aspect of the fight against corruption, as well as to highlight the practical experiences of public administrations in the merit-based selection of civil servants and conflicts of interest in public administration.

As for the Organization for Economic Cooperation and Development (OECD), in its Recommendation on Public Integrity (2017), it recommends promoting professional development of civil service, based on merit and dedicated to public values and good governance to guarantee responsibility and ethics in public service. The OECD Action Plan on Integrity and Anti-Corruption drawn up as a follow-up on the Lima Commitment and adopted as a result of the Third High-Level Meeting of the OECD Latin America and the Caribbean Regional Programme (LACRP), held in Lima, Peru, on October 18-19, 2018, contains a series of recommendations to strengthen civil service in line with the guidelines of the OECD Handbook on Public Integrity.

With this objective, the OAS Summits Secretariat and the OECD Directorate for Public Governance convened the workshop on "Integrity in the Civil Service," which was held online on September 30, 2020. Delegations from the region's public administrations, coming from both anti-corruption offices and those in charge of civil service issues, shared challenges, experiences, and best practices in connection with building a culture of integrity in their administrations, marked by the specific context arising from the COVID-19 pandemic. Moderated by the OECD Directorate for Public Governance (Integrity Division), the workshop benefited from the participation of the Technical Secretariat of the Mechanism for Follow-up on the Implementation of the Inter-

American Convention against Corruption (MESICIC), and it reviewed the status of recommendations in connection with the provisions on integrity in public service in the region.

The workshop was attended by delegates from Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, and Peru, who reflected upon the challenges that civil service administrations had to tackle because of the pandemic: Were the civil services prepared to respond to the risks of fraud and corruption emerging from the crisis? How can the region's governments work to ensure a professional, stable, and merit-based civil service that is developing a culture of integrity, which is key to reactivating economies after the pandemic? How can governments enhance the civil service and bolster public trust?

Picking up on the discussions and best practices addressed during this workshop, the Summits Secretariat and OECD entrusted the independent consultant Miguel Peñailillo López with the drafting of a policy note. The information obtained from the workshop was supplemented with information provided by the states attending the Eighth Summit of the Americas, via an online platform of the Mechanism for Follow-up and Implementation of the Lima Commitment, in the framework of MESICIC, as well as with recommendations made by OECD. Interviews with officials from government institutions of the member states participating in the workshop were added to the above. The present published version incorporates the revisions and comments made by the Summits Secretariat and other relevant entities of the OAS and the OECD Directorate for Public Governance.

The present policy note "*Cultivating a culture of integrity in the civil service in times of crisis*" intends to provide an overview of the relevant reforms in terms of integrity in the civil service that focus on transparency and equal opportunities in civil servant procurement processes, codes of conduct, and promoting a highly professional public sector. The practices address the cases of Argentina, Brazil, Chile, Colombia, Costa Rica, and Peru.

The OAS, in particular the Summits Secretariat, thanks the authorities and civil servants of the six countries that took part in this effort for their valuable contributions and the time spent on the initial workshop, interviews, the drafting of the present document, and the second workshop for validating it. Their contributions made it possible to examine the policy responses to integrity from member states in the context of the pandemic. Special thanks is also extended to the Development Bank of Latin America (CAF) for its support of the Summits Secretariat, which has allowed this initiative to be undertaken, and for the technical assistance to meet the requirements of the states in diverse sectors to move forward with the implementation of the mandates issued by the Eighth Summit of the Americas.

This effort is part of the cooperation initiatives promoted by the Summits Secretariat in the framework of the implementation of the Mechanism for Follow-up and Implementation of the Lima Commitment with the participating states, JSGW entities, civil society, and social stakeholders.

Executive summary

The sudden outbreak of the health crisis caused by COVID-19 has laid bare what could be identified as an impending crisis of governance in the region of Latin America and the Caribbean (LAC). The pandemic has exerted adverse impacts on governance in the region which also have their origins in preexisting conditions. The low trust in government institutions, political and social polarization, and a perception that the state has been taken hostage and that political parties are powerless have led LAC into a crisis that has spilled over the confines of a mere public health emergency to become a governance emergency.

At the start of 2020, all governments of the region were implementing—with differing degrees of forcefulness—measures and policies to ensure integrity in the civil service. In line with the specific recommendations made by the MESICIC,[1] some of them consisted of broad reforms to ensure the widespread practice and coverage of transparent, competitive, and merit-based civil service procurement. Others involved improving staff management or promoting a culture of integrity in government institutions, in accordance with the vision fostered by the OECD. In 2017, the OECD Council in its Recommendation on Public Integrity emphasized integrity leadership in the public sector as a way to actively promote and boost integrity and to provide personal models of commitment to integrity leadership by those with high profiles of responsibility in government institutions (Principle 6). It also underscored the value of a merit-based civil service as the key foundation for developing a culture of integrity. By applying the principles of merit and transparency, the Recommendation asserts that professionalism can be strengthened and practices, such as favoritism and nepotism, undue political interference, abuse of position, and misconduct, can be prevented (Principle 7).

Despite progress that was being made in the region, the crisis unleashed by COVD-19 has brought Latin America to a standstill on the subject of integrity in the civil service. In most countries, questions have been raised about the lawfulness of the processes involved in the procurement and distribution of medical supplies and protection equipment. In several counties, the weakness of internal and external oversight was highlighted, in particular at the subnational level, and scant accountability and insufficient openness and access to information underscore the challenges to ensuring transparency, in addition to nurturing the climate of mistrust in the region. In all of these areas, civil servants are on the front line to defend citizens against abusive practices.

Diverse traditional challenges for civil services that were present or unfolding during the years prior to the present crisis became even more evident during the pandemic. Those challenges involved the incontrovertible need to undertake a cultural change in government institutions, a change that would focus their attention on integrity

and address the absence of political will of government authorities to exercise self-control over their discretionary powers when procurement staff, as well as the need to build up the capacity of government institutions to respond ethically and the need to promote integrity in the civil service by means of coordination arrangements between natural partners and allies.

In response to the different challenges the region is facing in terms of integrity in the civil service and the need to strengthen integrity in the midst of a crisis, six experts from diverse countries of Latin America have been consulted. On the basis of that information, the commitments made by several countries to ensure integrity and the reforms they undertook, as well as those reforms that were made in the context of the pandemic, were examined. Taking into account the challenges of the region that are hampering the implementation of successful reforms for integrity, policy recommendations are being proposed to take up the most salient challenges in terms of integrity in the civil service and to contribute to the regional dialogue on the matter.

The recommendations that are being made are as follows:

1 **The state serves the people better if at least it has an ethical bureaucracy, which is trained and has high degrees of autonomy in its administrative decision making. Implementation of civil service reforms must be accelerated.**

It is necessary to implement fair, transparent, and equitable remuneration systems for public servants and professional advancement structures. These employment systems must include key features, such as competitive merit-based procurement processes, reasonable job stability, performance evaluations, and greater constraints on political discretionary power in the procurement of staff. Furthermore, it is necessary to fast track the reforms with respect to the political will of governments and key stakeholders, including legislative bodies, political parties, and trade unions. With this perspective, it is necessary to clarify political-institutional coordination to reach agreements that would make it possible concretize the reforms.

2 **The cornerstone of the public integrity challenge is cultural, and tools must be used to manage a culture of integrity in government institutions.**

Integrity leaders can create and consolidate cultural patterns in society and government institutions. Because of that, ethical leadership and the example of those at the helm of government, their supporters, and government officials are key to promote adequate conduct among other political and institutional players and to give them greater legitimacy in the eyes of the public. Of even greater relevance is the establishment of a culture of open government and integrity that will make it possible to monitor more efficiently and effectively the public sector without undermining its flexibility and incentives for innovation. Excessive control over public administration, in response to public mistrust in civil servants, has prevented flexibility and innovation, which are elements of the utmost importance when building responses to scenarios of crisis. To achieve the above, ethical leadership is being proposed as a criterion for selecting all high-profile management positions in public institutions, as well as for appointment or advancement procedures. Furthermore, preparation, compliance with, and updating of codes of integrity in each sector of public administration must be firmly promoted. These codes must emerge from participatory dialogues and must be the focus of skills-based training.

Finally, governments must consider strengthening a preventive culture that gives incentives to upright conduct in public service, including policies that publicly reward and commend exemplary conduct.

3 Policies and reforms for a civil service that excels in its duties must be mainstreamed into key government policies, associating merit and transparency with improvements in the delivery of services to the public.

The challenge of the emergency for governments is not merely about health, it is also about democratic governance. As a result, the implementation of reforms to ensure a civil service with integrity can help to tackle the present and future crises of other kinds.

The process of drawing up said reforms can rely on technical cooperation from current intergovernmental mechanisms such as the Organization of American States (OAS), the Summits of the Americas, the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC), the Inter-American Cooperation Mechanism for Effective Public Management (MECIGEP),[2] and the Organization for Economic Cooperation and Develpment. Furthermore, at the national level, the drafting of said reforms should start with a context of greater coordination and synergy among the diverse institutional stakeholders and policymakers working together to support their viability.

Finally, the ultimate goal of these reforms is to create public value supported by the trust of the public. Because of that, the process of achieving these reforms must promote public participation, in order to create a response by the state that is more coherent and inclusive to tackle cases of fraud and corruption.

4 The public and groups of interest are the beneficiaries of state action and, at the same time, they shape the institutional context. Therefore, improving the ethical performance of public institutions means including the public in the problem and the solution.

The last recommendation is based on the need to involve the public more. It must be recalled here that mechanisms of transparency, public participation, and whistleblowing contribute substantially to reducing fraud and corruption. The absence or weakness of these mechanisms, however, contribute to the current climate of mistrust that the region is encountering.

Because of the above, mechanisms for transparency, public participation, and whistleblowing, which contribute substantially to reducing fraud and corruption, and also implementation of mandate No. 20 of the Eighth Summit of the Americas in connection with the adoption of the Inter-American Open Data Program to Prevent and Combat Corruption (PIDA),[3] in the context of a pandemic, have been valuable allies in protecting public resources and the well-being of the population. The absence or weakness of said mechanisms leads to information that is unclear and scattered, pointless debates, or politically motivated accusations and feuds, which in turn build up a climate of mistrust.

Participation via adequate mechanisms such as open government can provide solutions to decision- making, regulatory, and performance problems, as occurs when public consultations are conducted. Social auditing can help detect problems from the standpoint of the beneficiaries of institutional actions. Whistleblowing is also an important source of information about acts of fraud and corruption that can undermine government efforts. One way of ensuring institutional capacity building, especially in a merit-based system for the civil service, is the availability of effective systems for whistleblowing and reporting, which everyone can have access to, including civil servants and candidates running for public office in the administration, and which can guarantee protection to whistle-blowers. Finally, dialogue, risk assessment, and risk management are highly efficient ways to shift from reactive institutions to proactive ones that have a higher capacity for anticipating and correcting the activities pertaining to management, which can contribute to the efficiency and governance of the organizations.

---

[1] MESICIC: Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption.
[2] MECIGEP: This mechanism is an institutional tool for regional cooperation to facilitate peer dialogue, exchange of experiences, and technical cooperation strategies to support the pursuit of national goals and priorities set by each OAS member state.
[3] Program whose purpose is to strengthen policies for open information and boost the capacity of governments and citizens to prevent and combat corruption on the basis of open data: AG/RES. 2931 (XLIX-O/19), Resolution on Strengthening Democracy, section on Open and Transparent Digital Government.

1.
Background

The Eighth Summit of the Americas brought together heads of state and government of the Americas to focus on the subject of democratic governance against corruption. At the same time, the OECD- LAC Action Plan on Integrity and Anti-Corruption (LAC Action Plan), was adopted as a result of the Third High-Level Meeting of the OECD Latin America and the Caribbean Regional Programme (LACRP), held in Lima, Peru, on October 18-19, 2018.

The Lima Commitment[4] includes two mandates directly related to managing the integrity of human resources in the public sector. The first consists of guaranteeing transparency and equal opportunities in the selection process of public officials (Commitment No. 9) and the second promotes codes of conduct for public officials containing high standards of ethics, honesty, integrity, and transparency (Commitment No. 11). At the same time, the OECD Recommendation on Public Integrity of 2017 stresses integrity leadership in the public sector as a way to actively promote and manage integrity and provide personal models (principle 6), and also underscores the value of having a merit-based civil service as the cornerstone on which to develop a culture of integrity. By applying the principles of merit and transparency, the Recommendation asserts that professionalism can be strengthened and that practices such as favoritism and nepotism, undue political interference, abuse of position, and misconduct can be prevented (principle 7).

Nevertheless, various weaknesses in the civil service in the region's countries are undermining the efforts to create a culture of integrity in government employment. For example, to effectively implement basic values and standards, institutions must educate and train their civil servants on an ongoing basis. Nevertheless, training efforts customarily rely on the procurement status of public sector employees and therefore they do not include staff who are not part of any administrative career stream. At the same time, short-term service contracts involve specific risks in connection with integrity.

The recent health crisis has amplified the systemic vulnerabilities that already existed, both in terms of risk of corruption and fraud and in terms of challenges to achieve a professional civil service with high standards of integrity. Regarding this, the Summits Secretariat, as the Technical Secretariat of the Summits of the Americas process, and the OECD, which is member institution of the JSWG, for which the Summits Secretariat also servs as its Secretariat, are striving to draw up policy recommendations for the region, taking as its baseline the general progress and challenges in the region and information from six countries in particular, in the context of the COVID-19 pandemic.

The present policy note provides a summary of the context of the health emergency for the reforms and commitments that were promoted, as well as the challenges for their implementation, and concludes with policy recommendations.

This effort is made in the framework of the follow-up and implementation of the Lima Commitment in view of the upcoming Summit.

---

[4] "Lima Commitment: Democratic Governance against Corruption" available at: LimaCommitment_en.pdf (summit-americas.org)

2.

COVID-19 crisis in 2020 creating demands on public administration and civil service

According to the World Health Organization (WHO), after the COVID-19 outbreak in Wuhan, China, it spread rapidly to communities, regions, and the world. On January 30, 2020, the Director General of the WHO declared that the COVID-19 outbreak was a global public health emergency. According to the Pan American Health Organization (PAHO), the first case in the Americas region was confirmed in the United States of America on January 20, 2020, and Brazil notified the first case in Latin America and the Caribbean on February 26, 2020. Since then, the epidemic has spread to the 54 countries and territories of the Americas region.

The crisis triggered by the COVID-19 pandemic required all governments, without exception, to respond rapidly and urgently to a demand, first of all, for protecting the health of their populations and to ensure law and order, and afterwards for protecting the economy. This urgency led to the indefinite postponement of many government policies and programs or to the modification of their implementation. Governments focused their priority efforts on adopting a health strategy that would contain the epidemic and economic measures to mitigate the impacts of the disease, as well as measures to protect the population. Over the short term, the attention of governments focused on the dual need to protect civil servants, while upholding the capacity to fulfill core and emerging government priorities, as well as the need to ensure that public administration would be more efficient and transparent by providing a wider range of online procedures and services for the citizenry in the midst of lockdown.

In Latin America, albeit not only in that region, the principal health strategies that were implemented by the countries were based on the following: (a) declaration of a state of health emergency or something similar; (b) closure of all international borders, the suspension of international flights, and the mandatory quarantine of travelers arriving from abroad; (c) promotion of more stringent measures of personal hygiene and the mandatory use of face masks; (d) the search and tracing of suspected cases; (e) social isolation measures for suspected cases; (f) social distancing or lockdown or both; (g) restrictions on the mobility of persons and vehicles; (h) suspension of public transportation; and (i) suspension of collective and group activities (schools, shopping centers, public spaces, among others).

By March 31, 2020, 188,949 cases and 3,561 deaths had been confirmed. In view of this scenario, many governments received technical guidelines from PAHO to restructure their health services, in particular for triage, isolation, and intensive care of adults and to estimate the necessary expansion of hospital admission capacity. In that month, PAHO had already alerted that one of the challenges of the countries in the region would be the constraints on health staff, because "the limitation of human resources hinders the efforts of countries to locate contacts and treat patients in quarantine."

Governments used special or extraordinary budget plans and took measures to reinforce the capacity of the public health system in order to respond to the demand for outpatient care and hospital admission, as well as epidemiological follow-up. Medical care and hospital procedures, as well as public procurement processes in the area of health to meet the needs of the emergency, were subject to unprecedented pressure to act, especially bearing in mind that most public health systems in the continent have traditionally been insufficient to tackle the regular health needs of their populations. The OAS called upon the region to draw up a hemispheric response to the crisis, on the basis of democratic leadership, cooperation, and solidarity, and sought to involve multilateral institutions to support national efforts to tackle economic, health, and security impacts. In several countries, the hospital system was overwhelmed at the most critical moments of the emergency. In others, it was necessary to adopt urgent measures to expand its capacities by incorporating resources from the private sector or procurement additional staff. The state health sector was effectively required to provide an extraordinary response to an exceptional threat whose characteristics were as yet not clearly specified.

In Latin America, 120 days after the first case was reported in the region, the figure of infected persons had risen to 5,136,705 and the number of deaths to 247,129. The shortage of health staff continued to be a challenge for governments, and PAHO kept warning that insufficient human resources were blocking efforts of the countries to locate contacts and treat patients in quarantine, while drawing attention to two additional aspects: (a) infected health staff, because staff who are ill or in quarantine can overburden health systems; and (b) shifting staff and resources from other programs (HIV, tuberculosis, non-communicable diseases) to the treatment of patients ill with COVID-19, which in turn jeopardized the continuity of those treatments.

The international body also identified the challenge of meeting the need for adequate logistic systems as "[m]any countries are not as yet prepared to administer the distribution of supplies and equipment." The pandemic continued to spread and the availability of skilled staff to respond to it in the public health system and government procurement became increasingly important.

By the end of September 2020, there were already more than half a million dead and more than 16 million infected persons. PAHO identified, among the several pillars of the response to the pandemic, caseload management, which depends on skilled

and sufficient health staff and adequate support for operations and logistics. By early December 2020, the figures had reached 753,210 dead and more than 28 million infected. The international organization reiterated its assessments and recommendations to governments to ensure a coordinated and effective response.

COVID-19 and social distancing measures continue to expose governments to new public management challenges. As indicated by the United Nations Development Programme (UNDP), "the responsibility of responding to the pandemic depends, to a large extent, on the state, which as an institution is currently facing a crisis of legitimacy and trust. But the public is now expecting the state to provide health services, relief, protection, and even comfort at this time of uncertainty."

3.

Commitments and reforms

3.1

Background and evaluations of commitments to integrity in the civil service in Latin America and the Caribbean

Latin America is considered to be a region with states that traditionally have had difficulty meeting the needs of their citizens. One of the factors associated with this historical deficiency is, first, the absence of a stable bureaucracy and, second, the lack of an efficient civil service. While recognizing that there are differences between the countries of the Caribbean and Latin America, studies by the Economic Commission for Latin America and the Caribbean (ECLAC) suggest that historical tendencies of asset hoarding and vested private interests, leading to practices of state capture, have been one of the causes of this situation. As for the OECD, it points to a series of institutional weaknesses in several dimensions of public governance in Latin America that explain the vulnerability of many of the region's countries to the inefficiencies stemming from waste, abuse, and takeover of the state by self-serving interest groups, as well as to exogenous economic shocks.

One of these dimensions is the civil service in general and the professional development of that service in particular. According to the OECD, evidence shows that "although the public sector in the countries of LAC tends to be comparatively small—accounting for 11.9% of total employment in LAC, in contrast to 21.1% in OECD countries, according to figures for 2018—, public employment in various countries of LAC is not based on merit." The Inter-American Development Bank (IDB) agrees with the OECD that many political and party leaders in the region are

using national and local public administration to build networks of political patronage for electoral purposes and concludes that, although there is broad agreement about the need to reform the civil service, there are vested political interests in upholding the status quo.

According to ECLAC, over the past few years, most Latin American and Caribbean states have drawn up and implemented several successive reforms with diverse scopes, modalities, and outcomes, which, while discarding models, respond to the pragmatism of what is possible. Twenty years ago, IDB studies summarized the evolution of civil service in Latin America and the Caribbean throughout the twentieth century as recurrent attempts to implement administrative reforms, characterized by actions to modernize civil service systems based on the state's central role as a coordinator of social ties, except over its last decades. From that standpoint, the reforms of the eighties were carried out using an approach that sought to downsize or curtail the state, with certain changes in the ninetieswhen, in a second stage, efforts were made to better integrate the state's organizational and functional rationale.

One noteworthy contribution: in early 2016, the OAS Department for Effective Public Management (DEPM) drafted a Study on Integrity, whose purpose was to carry out an assessment of how countries in the Latin American region were tackling the issue of integrity from the standpoint of human resources management, as well as to examine other international experiences and best practices.

Taking into consideration the assessment and conclusions, a proposal for Integrity Guidelines was drawn up and developed, based on the principles of transparency and rationalization of public management procedures. These guidelines were subsequently approved in 2017 by the leading civil service institutions of 12 countries of the region at a meeting held in Mexico, under the leadership of that country's Civil Service Secretariat. The Guidelines that were approved contain specific recommendations in connection with the duties of a

public servant, integrity institutions, the system of human quality, and public management in general, highlighting the importance of referring to an integrity system.

According to the IDB, at the start of the decade of 2000, in almost all the countries staffing had been more or less substantially reduced and there was no predictable ratio between the size of the civil service and the population, or between that and the workforce. It fluctuated between slightly more than 5 % (Chile) and more than 17 % (Uruguay). Twenty years ago, civil service systems of Latin America and the Caribbean had the following characteristics:

1. The organizational charts of public administration show evidence of increasingly frequent horizontal structures that integrate the organizational structure, which creates, for the staff, a dual hierarchical and functional dependence.

2. The designation of authority and responsibility to organizational units is based predominantly on functional criteria rather than on results.

3. The criteria used to hire staff do not take into account general procurement procedures based on competitive bidding or the strict application of impartial transparent criteria.

4. Responsibility for the process tends to be in the hands of the director (or superior) of the body that ordered the procurement process to fill a job vacancy.

5. There are virtually no cases where there is an effective and widespread application of formal performance evaluation systems.

6. Staff training consists more of an indiscriminate supply of courses, instead of a realistic identification of training needs.

7. In most countries, the salaries of lower-echelon state employees are comparatively higher than those for equivalent staff in the private sector, whereas the opposite is true for staff holding higher-echelon positions.

3.1.1
Frameworks for reform from the standpoint of international stakeholders

At that time, the IBD promoted policies for the civil service that it called next-generation policies aimed at improving management rather than downsizing the state. These reforms included actions geared to restructuring the organizational aspects of the administrative apparatus, redesigning the state's permanent staff, streamlining bureaucratic administrative norms, procedures, and paperwork, installing merit-based administrative career stream systems, providing the staff with continuous training and professional development, and improving information systems and their related computer supports. It also disseminated an analytical framework for the institutional assessment of civil service systems, with which it would promote the implementation of assessments in the systems in Latin America and the Caribbean.

Shortly thereafter, the Latin American Center for Public Administration and Development (CLAD), which was promoting reform of the state and the civil service as a focus of study and making proposals, gave impetus to the Ibero-American Public Service Charter, adopted in June 2003 at the Fifth Ibero-American Conference of Ministers of Public Administration and State Reform. The Charter summarizes a series of underlying principles for the civil service, which concur with various aspects of IDB's proposals and that were used by several administrations to draw up their policies.

These benchmark criteria are as follows:

a) The preeminence of persons for the sound functioning of public services and the need for policies that guarantee and develop to the utmost the value of human capital made available by governments and public sector organizations.

b) The professional development of the human resources at the service of public administrations, as a guarantee for higher-quality public services provided to citizens.

c) The stability of government employment and its protection from arbitrary dismissal, without detriment to the duration that is set, whether indefinite or temporary.

d) Flexibility in organizing and administering government employment, which is necessary to adapt, with the greatest efficiency possible, to the transformations in the environment and the changing needs of society.

e) The accountability of government employees for the work they perform and the results of their work, as well as respect for and involvement in the development of public policies set by governments.

f) Compliance, by all staff included within the scope of their enforcement, with all ethical principles for civil service, namely, honesty, transparency, and conscientiousness in the management of public resources and the application of constitutional principles and values.

g) Leadership from senior public officials and ownership of their role as those principally responsible for managing the persons under their supervision.

h) Promotion of communication, participation, dialogue, transaction, and consensus for the general benefit of the public, such as instruments of coordination between government employers and their staff, in order to achieve a more conducive working environment and a greater alignment between the objectives of the organizations and the interests and expectations of their staff.

i) The promotion of active policies favoring gender equality, the protection and mainstreaming of minorities, and, in general, inclusion and nondiscrimination for reasons of gender, social origin, ethnic belonging, disability, or other causes.

These benchmarks for reform led to a series of policies and draft bills of law in Latin American countries, with varying degrees of progress. This impetus coincided with several aspects of key elements of international anti-corruption commitments in civil service or government employment (which for the present purpose are viewed as synonymous).

One of these benchmarks is merit as a mechanism to ensure state efficiency, but also protection from arbitrariness, state capture by patronage, or politics. Another is the operational capacity of the systems, that is, their capacity to exert a positive impact on the conduct of government employees, directly related to professional qualifications and performance incentives, including ethical conduct and the system's flexibility.

A decade later, the situation of civil service showed progress achieved in regulatory frameworks pertaining to next-generation reforms, the mainstreaming of competitive merit-based procurement systems, and professional development and executive management initiatives.

It is very useful to examine closely the main findings stemming from the application of IDB's analytical framework for institutional assessment as it allows an overview of the general situation in 2012, reflecting variables that are still prevailing today. The situation in the region could be summarized as follows:

• Human resources planning is especially weak in most of the region's countries, except for Brazil and Chile. Progress achieved stems from budget-based planning efforts.

• Organization of the work is not well developed. The design of structures and job descriptions are highly deficient in most of the region's countries. In Argentina, Chile, Mexico, and Brazil, management of posts is being supplemented by the introduction of skills-based management.

• As for the management of government employment, it is noteworthy for its differentiation of recruitment and appointment procedures, as well as advancement processes, which range from extreme political interference and attempts to develop merit-based systems that are difficult to implement to certain sound merit-based systems with elements of flexibility. The mainstreaming of merit has been mostly developed as a statutory framework, but in almost all countries attempts to implement it have encountered diverse levels of success. Among the latter, Brazil is noteworthy for having achieved more than other countries: it shows the use of open recruitment based on suitability of staff, guarantees against arbitrariness, skills-based selection, mechanisms for staff advancement, and dismissal for failure to perform devoid of arbitrariness.

• Job performance management has not been truly implemented, and when it is applied it is a formal process subject to adaptive conducts. This subsystem is the least developed in most of the region's countries; for example, Central American countries, except for Costa Rica, have formal performance evaluation processes that are left virtually unimplemented.

• Management of compensation is characterized by a widespread system of internal inequality in terms of salary. There is limited information about employment and remuneration, and it is presumed that in Peru, Ecuador, El Salvador, Honduras, Panama, and Paraguay there is severe internal and external unfairness.

• As for the promotion of employees and training, there is a wide range of situations, from the total absence of career streams and certain cases where career streams suffer from problems of rigidity to exceptional cases where there are elements of flexibility. The management of professional development is marked by higher levels in Brazil and Chile, followed by Mexico, Uruguay, Argentina, Colombia, and Costa Rica.

• The scant capacity for mainstreaming a human resources system is evident in the widespread absence of policies for the management of the working environment and communication, and coverage of social security benefits is not generally provided for temporary contract-based procurement, which contributes to the precariousness of the employee relationship. In Brazil and Chile, initiatives have been observed geared to consolidating merit-based criteria for career advancement and efforts have been made to steer training towards strategic goals.

• It has been confirmed that institutions in charge of promoting or administering human resources policies have shown little maturity, except for certain cases that show greater continuity and benefit from more political support, as in Colombia and Costa Rica.

Over ten years, much progress has been noted, although at varying degrees, and it is possible to see, in greater detail, the complexity and difficulties still being encountered by reforms in the civil service. In subsequent sections herein, the situation of integrity in the civil service shall be examined within the context of the pandemic.

3.1.2
International statutory commitments to integrity in the civil service

At the First Summit of the Americas, held in December 1994, 34 countries of the Hemisphere declared that "[e]ffective democracy requires corruption to be comprehensively fought, as it constitutes a factor of social disintegration and of distortion of the economic system undermining the legitimacy of political institutions."[5] They drew up an Action Plan that asserted the governments' pledge to develop "a hemispheric approach to ending corruption in the public and private sectors."[6] This was the first public step toward negotiating the first international treaty against corruption. After two years of negotiations, the Inter-American Convention against Corruption (IACAC) set a series of standards governed by international law to prevent and punish corruption, as well as to cooperate to combat it.

The IACAC started recognizing that "representative democracy, an essential condition for stability, peace and development of the region, requires, by its nature, the combating of every form of corruption in the performance of public functions, as well as acts of corruption specifically related to such performance." Because of that, the signatory states agreed that the purposes of that international instrument would be to "promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption" and to "promote, facilitate and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance."

As for the present note, the treaty included Article III on preventive measures that committed signatory states to consider a series of norms, mechanisms, and systems, among which there were some focusing on integrity in public office. That norm provided as follows:

"For the purposes set forth in Article II of this Convention, the States Parties agree to consider the applicability of measures within their own institutional systems to create, maintain and strengthen:

> 1. Standards of conduct for the correct, honorable, and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of resources entrusted to government officials in the performance of their functions. (…) Such measures should help preserve the public's confidence in the integrity of public servants and government processes.

> 2. Mechanisms to enforce these standards of conduct.

> 3. Instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities. (…)

> 5. Systems of government procurement and procurement of goods and services that assure the openness, equity and efficiency of such systems. (…)

> 12. The study of further preventive measures that take into account the relationship between equitable compensation and probity in public service."

In connection with these provisions, it is important to stress that, from the standpoint of subjective actions, the IACAC set forth the binding elements for understanding what it meant by public function and civil servant, providing a broad-based definition.

By public function it meant "any temporary or permanent, paid or honorary activity, performed by a natural person in the name of the State or in the service of the State or its institutions, at any level of its hierarchy." It also indicated that it viewed the terms "public official," "government official," or "public servant" as synonymous, in the understanding that they meant "any official or employee of the State or its agencies, including those who have been selected, appointed, or elected to perform activities or functions in the name of the State or in the service of the State, at any level of its hierarchy." From that wide-ranging standpoint, all kinds of activities carried out by a natural person on behalf of or in the service of the state and its agencies are subject to international obligations, which are applicable to any authority or employee of the state or its agencies, regardless of the origin of the relationship or hierarchy.

Despite the cautious wording of the standard on preventive measures, which included a strong rule of safeguard for states, over time this provision has gradually acquired, as a result of its interpretation and throughout its intergovernmental monitoring, a broader and deeper content. The Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), created in 2001 in follow-up on the Third Summit of the Americas (Quebec 2001), was gradually establishing the scope of these provisions throughout its many rounds of review, which turned out to be in agreement with, and receptive of, the visions and frameworks on reform and integrity in the civil service established over the past two decades in the Hemisphere. This aspect shall be reflected in the next section.

To conclude, it is important to highlight the commitment made by the countries of Latin America and the Caribbean in that matter as reflected in the resolutions of the OAS General Assembly on Strengthening Democracy, in its section "Public Management Strengthening and Innovation in the Americas" where the countries pledge to promote codes of conduct with high standards of ethics, probity, transparency, and integrity and to support efforts of awareness-raising and training in these topics, taking as a reference the recommendations contained in the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas."

3.2

Principal reforms recommended by the MESICIC in connection with the Lima Commitment

The present section intends to provide a summary description of consolidated information on a series of reforms that MESICIC has been recommending in matters concerning the civil service and responds to the mandates adopted by governments at the Eighth Summit of the Americas. It is based on the final reports of the Fifth Round of Review of MESICIC of the six countries consulted. The section helps to understand what kind of reforms emerging from the IACAC were still pending implementation in 2018, after several years of intergovernmental monitoring via MESICIC. It shows the status of the reforms still pending when the Summit was held. First, the mandate of the Lima Commitment is highlighted and then the series of recommendations made by MESICIC in connection with said mandate is examined.

3.2.1

Equal opportunities and transparency in access to government employment

Lima Commitment No. 9. Ensuring transparency and equal opportunities in the selection processes of public officials based on objective criteria such as merit, fairness, and aptitude

Principal recommendations made by MESICIC providing contents to the Lima Commitment:

a) To give high priority to access to government employment and suitable staff management in the civil service by promoting competitive, merit-based public procurement processes and an administrative career stream by doing the following:

• Ensuring observance of the principles of publicity, equity, and efficiency as provided for in the Convention in the different procurement systems or appointing staff in government institutions, as well as special career streams and other systems.

• Ensuring that competitive, merit-based procurement and permanent staff employment become the rule in the management of government employment.

• Adopting the necessary measures to put an end, in the country's executive branch of government and in territorial institutions, to procurement on the basis of service outsourcing and all other kinds of transient employment modalities, as a way of making sure permanent staff perform the duties that pertain to their position.

• Monitoring the implementation of special or exceptional statutes on the recruitment of professional and technical services, when incidental activities not customarily pertaining to the institution must be carried out, to ensure that this system does not lead to possible successive contract renewals and that these exceptions are not used as a mechanism to avoid competitive, merit-based recruitment processes.

• Adopting measures to ensure that lawful percentage limits restricting staff procurement via service outsourcing and all other kinds of transient employment modalities are duly met, thus

avoiding surpassing the maximum percentage authorized for this type of procurement relative to permanent staff positions.

• Conducting periodic audits to identify, correct, and eventually punish irregularities in connection with temporary procurement and service outsourcing.

> b) To boost the efficient implementation of changes in systems that guarantee a merit-based and transparent approach to staff procurement in the state by doing the following: concluding the transition to new civil service systems currently being implemented; regularizing, on a timely basis, situations of prolonged vacancies or transient employment; ensuring more efficient and timely selection processes; and extending to more government bodies and agencies systems for appointing senior government officials and executives based on competitive, merit-based recruitment processes.

• Concluding the transition to new civil service systems that are currently being implemented.

• Using mechanisms that render selection processes more efficient and make it possible for public sector institutions to benefit from suitable staff for shorter periods of time, preferably by using international technical cooperation and online systems for government employment.

• Adopting the necessary mechanisms to publicize calls to applicants to participate in competitive, merit-based public procurement systems to fill civil service career vacancies or those involving temporary appointments or interim duties.

• Adopting measures that strengthen or extend mechanisms for publicizing announcements of vacancies in the executive branch of government via online systems.

• When a competitive, merit-based procurement system for senior government officials or executives is in place, expand it to the highest number of government bodies and agencies.

> c) To improve statistical information on government employment for decision making, access to employment, and accountability to the public:

Ensuring the management and publication of statistical data and specific information that would make it possible to know in detail the number of staff in the state's different bodies, with a breakdown of their employment system and the results of the procurement processes, including for senior officials and managerial posts.

> d) To strengthen the operational and technical capacity for implementing competitive, merit-based systems by the issuance of the necessary administrative regulations, the adoption of instruments that would make it possible to conduct public recruitment processes, the use of competency-based employment profiles and the use of online government employment information and management systems.

> e) To establish mechanisms that curtail the capacity of political authorities to overrule competitive, merit-based procurement processes, providing them with selection criteria and requiring them to specify the grounds for their decisions.

3.2.2
Codes of conduct for integrity

> *Lima Commitment No. 11. Furthering codes of conduct for public officials that contain high standards of ethics, honesty, integrity, and transparency, using as a point of reference the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas" and urging the private sector to develop similar codes of conduct.*

Principal recommendations by the MESICIC that have given content to the Lima Commitment:

> a) To increase the scope, coverage, and effectiveness of training on ethical duties and public integrity by doing the following:

• Requiring staff of the country's public administration, regardless of the procurement system, to attend said training as a compulsory activity.

• Ensuring that said training focuses specifically on compliance with codes of ethics in force and on the risks of corruption.

• Appointing authorities or public officials in charge of implementing said codes and training programs.

> b) To implement mechanisms to ensure that the staff receives from their institutions, on an ongoing basis, clear instructions about the performance that is expected of them, the obligations pertaining to their posts, as well as information and guidelines about the ethical duties they are required to fulfill by doing the following:

• Delivering handbooks, guidelines, or other kinds of instruments and modern technologies providing guidance to civil servants on how to adequately perform their duties and warning them of the risks of corruption pertaining to the discharge of their responsibilities, as well as the scope and interpretation of the ethical norms governing their activities and the consequences of failing to observe these norms for the civil service and for the offenders.

• Adopting induction and re-induction programs for their civil servants, regarding their responsibilities in their posts and on the ethical norms that are applicable to them, using current codes of ethics and modern technologies especially for this purpose.

• Transmitting guidelines from the leading body in charge of the civil service, in order to ensure that the institutions governed by the civil service system provide their staff with consistent information about their responsibilities and ethical duties.

> c) To ensure that senior authorities adequately know and understand the norms, instructions, and guidelines on public ethics that are applicable to them and monitor the effectiveness of activities for that purpose.

> d) To ensure that every public official can receive and request information and guidelines about ethical norms and duties, as well as answer queries about the scope and interpretation of said norms.

> e) To require institutions belonging to the executive branch of government to report annually on the activities carried out to ensure their staff adequately understand the responsibilities of their position and their ethical duties, so that the state can duly examine and assess those activities and ascertain whether or not they are adequate.

> f) To strengthen the bases for managing public integrity in government institutions by adopting measures to build up the institutional role of the body in charge of public integrity, guaranteeing that it benefits from the necessary budget to autonomously discharge its duties.

> g) To efficiently move forward in drawing up and using basic instruments to promote ethics in government employment such as, for example, general and institutional codes of ethics and integrity plans, programs, or strategies in every government institution.

> h) To adopt, implement, and provide transparency to an equitable remuneration system for public officials which provides adequate merit-based incentives that allow advancement and overcome existing salary discrepancies in the civil service based on impartial and transparent criteria.

In short, over the past two decades, MESICIC has made recommendations that focus sharply on transparency in the mechanisms to hire and promote public officials, to build capacities for the management of integrity for and in government agencies, to enforce integrity norms and mechanisms for authorities and senior officials, to strengthen the professional development of civil servants, and to improve information and guidance on integrity and civil service.

The recognized follow-up mechanism for the first international treaty against corruption has carried out technical monitoring work over a long period of time to mainstream legal reforms and draw up policies on integrity in public functions. In addition, the OAS has promoted, in its many forums and resolutions, a direct connection between civil service and integrity, as in the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas (2017)," which called upon states to manage policies for probity on the basis of a series of guidelines focusing on formal and informal mechanisms that have an impact on the rules of conduct of public officials relative to appropriate behavior in public administrations. As for the Summit of the Americas, it has been a high-level political forum which, on a permanent basis since 1994, has been promoting probity and combating corruption. The hubs of action of the Lima Summit described in the present section show the very close linkage between legally binding commitments between the states parties to the IACAC and the international policy mandates and commitments promoted by the OAS and the process of the Summits of the Americas to promote, in the Hemisphere, policies that mainstream and strengthen the linkage between probity and the civil service.

3.3

The OECD 's vision on public integrity and civil service

A professional and effective public administration is a key factor to ensure trust in public institutions. An OECD document, as yet unpublished, forecasts that the future of work shall be characterized by greater uncertainty and by changing and unpredictable circumstances and crises. The challenge for the future is to develop a civil service with a vision for the future, one that can be flexible to withstand crises and meet the needs of civil servants. The OECD Recommendation of the Council on Public Service Leadership and Capability sets forth 14 principles to support countries in establishing public services that are competent, responsible, and capable of providing society with high-quality services. It promotes an effective public administration based on a values-driven culture and leadership, qualified and effective officials, and responsive and adaptive government employment systems. It fosters collaboration and innovation in designing and implementing public policies and services, while mainstreaming values and principles into the strategic management of human resources. Recognizing that public leaders play a key role, the recommendation places them at the heart of the efforts and calls upon the countries to provide public leaders with the mandate, skills, and conditions to act as coordinators between the political sphere and the administrative one and to provide impartial evidence-based advisory services.

At the same time, the OECD Recommendation of the Council on Public Integrity provides policymakers with a strategic vision of public integrity. It replaces ad hoc integrity policies by policies that take into account the context in which they are implemented, using a behavioral and risk management approach and placing special emphasis on promoting a culture of integrity throughout society. On the basis of this recommendation, the OECD steers countries in the practical implementation of cross-cutting integrity strategies that encompass the entire government and all of society. To this end, the OECD provides 13 principles structured under three pillars (as indicated in the inset shown below). The first focuses on building a coherent and comprehensive public integrity system. The recommendations of this first pillar include

the commitment and exemplary conduct of senior-level public officials, as well as a clear explanation of responsibilities among the different stakeholders so that the system can be efficient. The second pillar promotes the development of a culture of public integrity, by anchoring a perspective that includes all of society and the adoption of measures that promote a culture of transparency, especially in public institutions. The recommendation's third pillar requires the creation of accountability instruments, in particular those involving internal audits, risk management, repressive mechanisms, and external oversight.

This vision has led to a series of assessments, developments, and compilation of best practices carried out in the member countries of the international organization, nurturing the dialogue on public policymaking. In 2018, the OECD released a series of integrity policy findings and proposals in the study entitled "Public Integrity in Latin America and the Caribbean 2018-2019, from reactive governments to proactive states."

This wide-ranging study considered a merit-based civil service as a pillar to achieve a culture of public integrity in Latin American and highlighted the following aspects:

> • Transparency as the key principle for public actions, as a result of which it is vital for government and administrations to benefit from an organizational structure that is transparent and accessible to the public, which must also be reasonable and clearly identifies posts and duties.
>
> • The impartiality of the procurement process as a key condition so that the system for admission into the state is perceived as fair. In that regard, this involves not only providing standards for the system, but also

ensuring that it is impartial and perceived as such, by the open publication of vacancies available and the process, for example, as well as the design of decision-making systems that reduce the possibility of arbitrary or discretionary decisions, the mandatory declaration of family ties at the time of the recruiting, and the management of conflicts of interests when procurement next-of-kin and relatives, among others.

• An approach ensuring better performance and reducing risks of corruption, for which it recommends investing in capacity building of public employees, ensuring that they are driven by ethical values when in their decision making, and developing a structure of incentives with clear benefits and aligned performance evaluations that include ethical performance.

• Investing in measures that comprehensively promote ethics and public values in public management, such as the provision of guidance and training to identify and manage situations of conflicts of interest and to resolve ethical dilemmas. And although the OECD's vision is preventive rather than punitive, it also points to the need for the effective penalization of violations by public servants, as well as sanctions through disciplinary codes.

Furthermore, the OECD identified certain aspects directly related to the culture of integrity in public organizations pointing to a preventive approach. One of those aspects is risk management, including the risk of corruption and fraud, where one of the most important challenges of the countries is to ensure that the administration takes ownership of its risk management and uses it for decision making.

This challenge becomes clearly relevant every time acts of corruption appear in public institutions, especially when it is confirmed that said events could have been avoided on time, that is, before they actually happened. According to the OECD, public institutions are better prepared to avoid corruption scandals that undermine the public's perception when they can count on prepared staff who take over risk management and when policies and instruments for corruption risk management are used for decision making. As pointed out by the OECD in the above-mentioned study, in those Latin American countries where the system of recruiting services and admitting new staff into the administrative career stream favors transparent and competitive

merit-based processes, there are more favorable conditions for understanding and taking ownership of the control function by managers and, as a result, for effective accountability.

An integrity culture can be consolidated where every member of an organization takes charge of managing the risks of fraud and corruption and where a system geared to preventing them from materializing is mainstreamed. Thus, education and training of public servants must also focus on a full understanding of their responsibilities and the ethical conduct that is expected of them, as well as on the technical capacity to fulfill their duties. The codes of ethics must guide them to participate in protecting their organization's tangible and intangible assets and ultimately the rights of their beneficiaries.

From a macro perspective, the OECD has a broad vision of integrity which makes it possible for it to propose public policies for integrity, best practices, and the use of tools for the development and amplification of a culture of integrity that encompasses the diverse sectors of society. It also proposes a vision of public administration that provides an environment that makes it possible for civil servants to build up and benefit from the necessary capacities and resources to design and implement public policies and services allowing them to tackle the challenges of the future. The MESICIC is also the extension of an international treaty and proposes statutory frameworks and mechanisms arising from the standards agreed upon in the IACAC and developed throughout its review process. Taking this into account, it is possible to visualize how dynamic aspects pertaining to public policies and the structural aspects inherent to an international statutory baseline complement each other.

---

[5] Further information at: http://www.summit-americas.org/i_summit/i_summit_dec_en.pdf
[6] Further information at: http://www.summit-americas.org/i_summit/i_summit_poa_en.pdf

4.

Analysis of reforms and context of crisis in six countries

4.1

Functioning of the state in an emergency

This section addresses a contextualization of the state and its policies for integrity and the civil service when the pandemic appeared and spread in 2020 in order to identify common challenges or problems in the six countries consulted.

The sudden outbreak of a global health crisis impacted policy priorities in almost all countries, which led to the urgent need for an effective governmental response to tackle the COVID-19 pandemic. In Latin America, the UNDP indicates that many of the situations stemming from the pandemic have their origin in conditions that already existed in the region, for example, low levels of trust in government institutions, political and social polarization, a perception that the state has been taken hostage and that political parties are being undermined. The UNDP asserts that, in this region, COVID-19 was more than just a health crisis; it must also be understood as a governance crisis. What is certain is that the region's governments are encountering a high demand for responses to a situation of uncertainty and, in many cases, the different government agencies must adapt to a new way of doing things.

In several of the countries consulted, the pandemic impacted, at first, the regular activities of public functions. Although government agencies adapted quickly, because governments first adopted measures and then established regulations to promote telecommuting and the onsite activity of public servants, it can also be said that, in certain countries, the emergency at times—especially during the first 100 days—brought the state to a standstill or at least constrained its regular activities, despite the implementation of the necessary measures to contain the epidemic and protect the public servants themselves.

On the one hand, the countries of the Americas had more time than the countries of Asia and Europe to be warned of the approaching danger, which led to early measures for containment of the health emergency. On the other hand, despite the above and the early release of measures and legislation on telecommuting in the public sector, the implementation of this modality came up against underlying conditions and capacities of Latin American states in terms of digital government and telecommuting.[7]

Some countries were better prepared than others to meet the public needs of the population in its many sectors, owing to a higher capacity for digital government and more, albeit relatively small, experience than others in using telecommuting. The practice of telecommuting involves a series of variables of different kinds, among which, regulatory frameworks, organizational culture, the digital divide, and access to Internet. In this matter, the experts point to the importance of digital capacity building of states in this matter, via digital skills training in organizations and implementation of strategies that make it possible to attract, develop, and keep qualified public servants.

Throughout the crisis, in the midst of new circumstances and contexts, public administration was required to carry out its work, for which it was faced with the imperative of rapidly adopting new technologies and tools. This provided the opportunity to promote change, for example, new procedures and protocols for telecommuting, the acceleration of recruiting, and work mobility programs to quickly reestablish priorities in terms of posts and key areas and to redistribute the workforce to address changes in demand. At the same time, the crisis highlighted the value of innovation, collaboration, digital skills, resilience, and crisis management skills, in particular for the public leaders in charge of responding effectively to the challenges and uncertainties that were emerging. After reflecting upon and reviewing the changes introduced, governments can take advantage of new tools and the know-how acquired to place themselves on a more sustainable ground to draw up a long-term strategy for public administration. At the start of 2020, all governments continued to implement—with varying degrees of emphasis—integrity policies or measures in public functions, aimed at the civil service or government employment. Some of them consisted of broad reforms and

measures to expand the practice and coverage of transparent, competitive, and merit-based public processes to most groups of staff employed by the state and to better manage the culture of integrity in public institutions. In other cases, governments made adjustments to their staff procurement and management systems, in accordance with their government programs, in line with the specific recommendations of MESICIC or introducing elements of integrity management in accordance with the vision promoted by the OECD. In that respect, some national policies were tackling reforms or enhancing their capabilities to a greater extent while others were focusing on moving forward with their policies or correcting failings or distortions in their staff management systems in the public sector.

4.1.1
An overview of integrity policies in the civil service during the pandemic

The countries attending the Eighth Summit of the Americas in 2018 adopted the mandates to strengthen the civil service and ethical leadership in the state, and virtually all countries consulted have followed through with their integrity policies in the civil service.

In Argentina, despite the pandemic, the line of work to regularize the situation of temporary civil servants and revise the national Anti-Corruption Plan was upheld. In Brazil, audits of staff recruitment was upheld, and progress was made in developing a merit-based bureaucracy and a culture of integrity. In Chile—in an effort similar to that of Brazil, albeit with a different degree of implementation—codes of conduct have been adopted in public institutions and integrity committees have been established. In Colombia, the main challenge over the past few years has been to correct distortions undermining the administrative career stream. And in Peru, there have been no changes in the area of reform in the civil service since 2018, but efforts have been made to implement a high-standard integrity model.

In almost all countries, there has been ongoing induction and training activities on integrity in the civil service, with varying degrees of breadth and depth. Governments have fulfilled their obligation to inform their civil servants, both clearly and using up-to-date approaches, about the norms and instructions to which they are subject, the conduct expected of them, and the ethical duties that should be guiding their actions.

4.1.2
Continuity and change in the reforms when the pandemic broke out

During the health emergency in 2020, national authorities in charge of promoting a culture of integrity in the civil service and directing and regulating government staff recruitment processes continued to fulfill their duties. Their daily tasks were naturally restricted or redirected, first of all, because of the initial difficulties to operate which affected all the other public institutions and, second, because the government's agenda focused on adopting health measures and protecting the population, and in this case the front-line government institutions were those of the health sector, law enforcement, and border control.

According to the specialists who were consulted, virtually all six countries gave continuity to their integrity policies in the civil service. In Argentina, the line of work to regularize the situation of temporary civil servants in the state's administration was upheld and, although all policy efforts were geared to deal with the emergency, progress was made in evaluating the Nation Anti-Corruption Plan for 2019-2023, after which it expects to choose the themes for a national strategy.

Also in the period, training on integrity was upheld and, in some cases, even increased. In Brazil, the Comptroller General of the Union (*Controladoria-Geral da União—CGU*) upheld the audits on staff procurement and the progress achieved in introducing a meritocracy, even in positions of trust of the government and in state enterprises. In addition, work has continued on developing a culture of integrity, that goes beyond the codes of ethic with a punitive approach that are in force in all entities of the executive branch, in order to move forward toward the drafting of codes of integrity. The CGU has also continued to promote the development of integrity offices in different public institutions in charge of implementing risk-based integrity programs.

In Chile, in 2016 codes of conduct had already been introduced in public institutions, and these codes continue to be drawn up and implemented in the executive branch of government, thereby striving to secure wider coverage. Also, in the National Civil Service Department (*Dirección Nacional de Servicio Civil—DNSC*) integrity committees have continued to be established formally in a large number of public institutions of the executive branch, although with challenges when assigning them a role in strengthening ethical leadership and managing a culture of

integrity in each institution. In Colombia, the challenge over the past few years has been that of correcting distortions that can undermine the administrative career stream, such as regularizing the situation of temporary staff on the basis of competitive public procurement procedures.

Nevertheless, there has also been changes both during the pandemic and because of it. In Brazil, the CGU started focusing on the vulnerability of the government procurement system, taking the crisis as an example. This institution started reflecting upon the lessons learned from the emergency, and as a result of said reflection, it is scheduling, for the year 2021, a risk-based planning exercise and support to a government agency to tackle the challenge of ethical leadership in public administration.

It is the Ministry of Agriculture that has been identified as the government institution with a broad outreach that is to be supported in establishing a culture of ethics. In Costa Rica, since 2018 a change has occurred in the public discussion, and a dialogue has started on the subject of government employment and its challenges. At the end of 2019, the government convened a range of stakeholders to draw up a transparency and anti-corruption strategy, which has led to a national integrity and corruption prevention plan which shall be released in the first quarter of 2021. In these cases, the pandemic has been an additional factor for reflection on, and further development of, integrity policies in the civil service.

As for training, the pandemic prevented institutions in charge from conducting traditional training activities and required them to change their strategies and use digital tools. After a short period of learning, public institutions of most of the six countries consulted were able to reach wide nominal range of trained staff and have exceeded many times over the targets that had been set. But it should also be observed that coverage data continue to be insufficient, bearing in mind the universe of staff who should be trained and the growing challenge of ethical leadership over the course of a pandemic.

4.2

Civil service and integrity in the pandemic

In the countries of the Americas, there is a differentiation between the institutions in charge of steering and regulating the government staff procurement processes and those responsible for promoting a culture of integrity in the civil service. The former normally pertain to finance secretariats or ministries of the economy, public function or civil service departments, authorities, or secretariats. The latter consist of government ethics offices, anti-corruption commissions, anti-corruption offices or secretariats, or external oversight bodies. In the context of the emergency, the institutions in charge of conducting government procurement in the six countries consulted performed their duties without any additional requirements to their work plans and policies, other than the specific difficulties of operating under new operating arrangements and without any, or very low, onsite attendance at the workplace.

In these countries, most of the governments did not engage in massive recruitment of new government employees, whether permanent career staff or temporary employees. According to the experts who were consulted, staffing in the health sector was reinforced or reassigned, and mass recruitment was the exception rather than the rule. That is why the public sector had to quickly ascertain which jobs and areas were essential, identify the competencies that were necessary and available, and redistribute the workforce to meet changing demands. Several tools were used, mostly consisting of temporary reassignments inside the ministries and the accelerated use of existing recruitment procedures. To achieve this redistribution, it was essential to identify the competencies of the employees and to ensure the availability of tools to reassign them over a short period time.

In addition to restructuring the workforce to address the changes in demand, governments also had to ensure that the capacity of public administration was upheld to meet the government's priorities and protect its civil servants. Because of that, government institutions in charge of public employment had to draw up new policies and instruments to do the following:

> • To guarantee public health measures in those workplaces where government employees would not be able to work from their homes and telecommute.
>
> • To organize telecommuting, providing civil servants with the necessary tools and resources and drawing up policies to structure telecommuting.
>
> • To take advantage of digital skills in order to foster telecommuting and provide effective services to the public.

To promote continuous learning, in particular to acquire new skills, such as the use of new technologies and ways of working to perform their duties. In particular, leadership and management skills were key to manage the transition to new working environments with integrity and in line with the values of the institution and the public sector. At the same time, it was necessary to take up challenges in connection with the telecommuting modality and the related risks of undermining integrity because of the greater interconnection between private and public spaces, such as the use of professional equipment, working hours, confidentiality, among others.

In this regard, criticism targeting government measures, when there was such criticism, focused on the suitability of the measures proposed by the authorities and the capability of civil servants in charge of managing a health crisis.

In that general context, a difference must be noted between situations where there was no new recruitment, others where recruitment remained normal, and yet others where recruitment was exceptional. Thus, when the pandemic appeared, Argentina was already officially in a state of economic, financial, fiscal, administrative, social security, tariff, health, and social

emergency. In February 2020, before the declaration of a health emergency, a presidential decree had imposed restrictions on the recruitment of new staff in the federal government. In those countries where competitive recruitment processes were being undertaken or where the status of temporary staff was being regularized, the institutions in charge continued following their plans and assignments—as in Colombia and Peru—and hired staff on a regular basis. One exception was Chile, where the government adopted an emergency recruitment program to employ 9,000 additional health professionals and technicians to meet the requirements of higher demand for health services.

The demand for the activities of the institutions in charge of ensuring public integrity, however, was quite distinct. In most cases, there was a demand for action, whether preventive or reactive, in response to criticism and whistleblowing. At the start of the pandemic, in several countries consulted, government measures to protect the population were criticized, to differing degrees, by several stakeholders, which is characteristic of healthy democracies. In many cases, the criticism paved the way for opportunities to participate, provide information, and improve the situation analysis, which led to a better response from the state. In other cases, the criticism challenged, through institutional media, the capability of authorities, and that was the case in Chile, where charges on constitutional grounds were filed against the minister of health at the time.

But in most countries consulted, questions were raised about the uprightness of government procedures and there were even reports of illegality in procurement and distribution processes involving medical and protection supplies, as a result of which the integrity of certain public institutions was targeted for investigation.

In this type of case, the ethical leadership signals transmitted by authorities at the head of government and senior authorities in charge of the institutions involved turn out to be of vital importance to inspire trust or prevent mistrust from spreading among the public. In Argentina, for example, in response to whistleblowing about government procurement of allegedly overpriced medical supplies, the President of the Republic ordered measures declaring the suspect procurement null and void. Furthermore, the staff involved in managing said procurement were dismissed, and monitoring of operations was tightened to prevent further difficulties. In Colombia, external oversight authorities, who perform a key role in promoting and protecting government integrity, responded to a call for action from the public, which required them to work in a coordinated fashion. The Office of the Prosecutor General of the Nation received more than 1,000 whistle-blowing reports

of possible corruption and coordinated actions with the Office of the Comptroller General of the Republic and the Office of the Attorney General of the Nation to provide a response that would instill trust among the citizens with respect to the state's actions to protect government resources.

The population is not indifferent to this type of action undertaken by government agencies in response to breaches of the principle of integrity. When cases of corruption or gross negligence in high-profile institutions that are important to the population are disclosed, public trust in the government is severely impacted, which in turn brings harm to governance. The timeliness and visibility of the response also influences public perceptions. An example of the above can be seen when protection supplies were purchased for the Peruvian police force: in April 2020, the Ministry of Justice investigated direct purchases of protection equipment by staff of the National Police, with evidence of overpricing, from companies not engaged in supplying the above-mentioned equipment. It was one of the many cases involving senior commanders and officers of the institution. This occurred in August 2020 after more than 400 police officers had already died of COVID-19, an affair that led to radical repudiation and disparagement of the government by the Peruvian population.

Furthermore, in several countries, lower levels of oversight at subnational levels were clearly evident. In Colombia, although there were national authorities investigated for corruption, many of the whistle-blowing cases processed by the Office of the Prosecutor General of the Republic brought charges against subnational authorities (governors and mayors) who were involved in decisions for the purchase of medical supplies and for the irregular distribution of resources. The same happened in Brazil, and it is assumed that these failings are common to most of the region's countries. The weakness of internal and external oversight at the subnational level, as well as organizational environments with a more vulnerable culture of public integrity, exposes civil servants to illegitimate pressure from corrupt decision makers and deprives citizens of the urgent services that the state must provide in times of crisis.

4.3

Risks of corruption and abuse in an emergency were evident before they materialized

The pandemic triggered a widespread fear among the population, especially during the first months, but also made it more sensitive to the response it was expecting from the state in a context of need. In certain cases, corruption has been informally labeled the second pandemic and government procurement decisions were more exposed to the scrutiny of a sensitive public. But it does not merely involve perceptions of the population.

The risk of corruption in a pandemic is real, and international organizations and civil society organizations commended for combating corruption, such as the OAS, the OECD, Transparency International, and the World Bank, alerted the world about it. In early 2020, Transparency International drew the attention of governments to the risk of corruption in a pandemic and stated that, in a pandemic, corruption finds fertile ground to thrive, especially when oversight institutions and mechanisms are weak and public trust is scant. On the basis of their experience with previous world health emergencies, such as the Ebola virus and swine flu, they encourage states to keep in mind the lessons learned and to identify the risks of corruption in order to consolidate a global response to the pandemic.

In follow-up on this declaration, Transparency International and the OAS, through its Department for Effective Public Management (DEPM) launched, on April 27, 2020, a dialogue with civil society entitled "Challenges of democratic governance with respect to COVID-19 and the promotion of the principles of open government,"[8] from which certain recommendations were drawn, among which the following:

• Upholding a proactive approach to open data in all sectors.

• Promoting data-based and evidence-based public policies and actions in response to the pandemic.

• Striking a balance between technical, legal, and ethical criteria for open data, in order to respond effectively to the emergency and be aware of the risks to privacy.

• Promoting the implementation of a media communication strategy that is informative, data-based, and evidence-based.

• Ensuring that assistance resources for COVID-19 from international organizations to governments go hand in hand with measures of openness, transparency, and oversight as an indispensable condition for the granting of funds or urging the use of the COVID-19 budget transparency guide and participation in the preparedness process, including data on stimulus plans, sources of revenue, and subsidy beneficiaries, among others.

• Establishing mechanisms to monitor and oversee budgeting, spending, and recruiting with social stakeholders and civil society.

• Promoting conditions for the correct functioning of the democratic system and the state's three branches of government.

• Draw up democratic control mechanisms to restrict emergency measures that breach the democratic principles of freedom of expression and access to information.

• Bolster official two-way communication with evidence-based and data-based explanations.

• Implement co-creative government forums with social stakeholders supporting processes to design, implement, and monitor COVID-19 measures.

Likewise, on May 20, 2020, Transparency International, in an open letter to the OAS Secretary General,[9] called for "urgent action from the OAS in order to make sure that, in the Americas, corruption risks are minimized, transparency is strengthened, and emergency powers are reasonably exercised" during the COVID-19 crisis and recommended five anti-corruption measures in response to COVID-19.

> • Articulate and demonstrate OAS and JSWG commitment to anti-corruption during the COVID-19 crisis.
>
> • Reasonable exercise of emergency powers and state of emergency.
>
> • Transparency and accountability in public procurement.
>
> • Audits by internal audit bodies and third parties.
>
> • Implementation of existing anti-corruption and anti-money laundering frameworks.

International and regional organizations members of the Joint Summit Working Group (JSWG), chaired by the OAS, also drew attention to the risks of corruption and how the pandemic entrenches these risks. At its fourth special meeting on the impact of COVID-19 in the Americas, the senior authorities of the JSWG, in their Joint Declaration "Addressing Corruption, Integrity, and Democratic Governance associated with COVID-19," reiterated their concern that progress made in tackling corruption would run the risk of being undermined "as national and subnational authorities in the region rush to implement new policy responses and emergency measures, including the rapid disbursement of large amounts of public resources and new lines of credit, sometimes without the necessary anti-corruption and accountability safeguards." In this Joint Declaration they also warned that "the arbitrary elimination of adequate oversight that is evident in many jurisdictions, whether as a result of restricted access to public data and the limitations of accountability measures or the diminishing opportunities available to civil society to guarantee transparency, runs the risk of undermining democratic norms and the effectiveness of regional governance."

In April 2020, the OECD drew timely attention to preliminary evidence suggesting that corruption and fraud were occurring during the health crisis, and previous experience indicated that its impact would probably escalate in the near future. Regarding this, the OECD noted that cases of contracts for personal protection

equipment being awarded to companies of doubtful origin had already been recorded, as well as rising prices of medicines and basic health equipment, physicians stocking treatments for friends and family, and various types of online fraud, among others.

Along with this, the OECD called upon governments to focus special attention on three aspects:

> • Challenges to integrity in government procurement, because experiences from other humanitarian and health crises have shown that emergencies are vulnerable to abuse.
>
> • Accountability, monitoring, and oversight of economic stimulus packages.
>
> • Rise in the risk of breaching the principle of integrity in government organizations.

In April 2020, the World Bank also identified[10] areas of government response to COVID-19 where there were risks of corruption and how they could escalate: (1) response to the health emergency; (2) response to food insecurity and livelihood precariousness, and (3) the adoption of emergency powers to address economic and health crises and to uphold public law and order. The World Bank drew attention to the risks of corruption in various areas and proposed that governments should adopt a series of measures to prevent, reduce, or mitigate risks of corruption and implement those that ensure that government agencies have the capacity to act correctly in the case of a health emergency. Many of the measures proposed by the World Bank and the OECD coincide, and both institutions issued early warnings about the threat of corruption.

Among the measures to ensure the integrity of procurement processes, the OECD first advised ensuring that there would be a team of trained civil servants with the skills to implement emergency procurement procedures. Along with this, it also recommended the following measures, among others:

> • Documenting procurement processes and ensuring the greatest openness in terms of information, including open data.

• Ensuring all emergency recruitment processes are subject to auditing and oversight, and including an analysis of corruption patterns.

• Permitting remote access to auditors and oversight bodies.

• Creating digital tools that make it possible to follow up on emergency recruitment and provide easy access to the public.

For accountability, monitoring, and oversight of economic stimulus packages, the OECD noted that, paradoxically, governments are relaxing control in order to fast track the use of funds. It pointed out that this situation increases the risks of corruption, fraud, waste, and abuse, which could undermine the effectiveness and efficiency of these programs. In that respect, the OECD issued a call to do the following:

• To coordinate clear responsibilities and lines of communication to ensure that all civil servants are held accountable for their actions. In view of the relaxation of controls, it warned that civil servants continue to be on the "front line" of protection and that it is necessary to transmit to the entire staff that they are expected to monitor public funds permanently.

• To ensure an adequate assessment of integrity risks, in which civil servants are encouraged to document and report any obstacle or deviation that might appear.

• That external oversight bodies should adopt a risk-based and data-centered approach.

To strengthen accountability, the OECD especially recommended establishing specialized oversight bodies and ensuring they have a clear and consistent mandate in connection with existing stakeholders for accountability. As a complement to this, the World Bank recommended that "when a specific fund has been created, an explicit oversight mechanism must be established. Said oversight mechanism must guarantee clear management and leadership and include a special board, special audits, and earmarked resources to enhance supervision and follow-up."[11]

As for the rise in the risk of integrity breaches in government institutions, the OECD recognized that most public sector employees have high standards of integrity, but highlighted that the evidence from previous recessions has shown that they lead to greater occupational fraud, embezzlement, bribery of public officials, and other breaches of integrity. Nevertheless, it also noted that the risk increases when financial pressures, opportunities, and rationalization come into play, as they did in the COVID-19 emergency. Furthermore, it recognized that emerging scandals of corruption can also adversely impact the perception that citizens have of corruption and, as a result, undermine support for government measures and reforms.

In response to this, the OECD pointed out that public sector organizations can proactively improve controls to prevent and detect corruption and fraud, especially by reviewing and strengthening current public integrity systems in organizations. As for the World Bank, it pointed out that urgent procurement processes must last as long as the emergency, thus avoiding the artificial prolongation of staff, but agrees that staff with fit-for-purpose skills should be hired. Following this advice, governments will clearly benefit from clearly setting forth the qualifications that are required for the jobs to be filled, especially those for positions of high-level responsibility and public management. Furthermore, they would benefit from publicizing the need for merit and emphasizing this aspect of recruiting operations.

One successful example of a measure of this kind was the program "I serve my country in the emergency" (*Yo sirvo a mi país en la emergencia*), promoted by the Ministry of Health of Chile in partnership with the DNSC. This program facilitated the timely recruiting of 9,000 civil servants for the health sector on the basis of a competitive and merit-based process at the worst moment of the pandemic (May and June 2020). Its purpose was to call upon health professionals and technicians throughout the country, so that they would bring their skills and talents together to cooperate in the health emergency triggered by the coronavirus.[12] This program made it possible to substantially absorb the highest demand for qualified health staff in the midst of the emergency, and it was devoid of any whistleblowing and accusations. It is thus an experience of fast-tracking cooperation between public health bodies and the civil services.

In view of rising risks because of the pandemic, the OECD also recommended the following:

• Raising awareness about standards of integrity to ensure that all staff continue to abide by the rules and uphold the highest standards of public sector values.

> • Ensuring basic internal oversight, such as the administrative certification of financial statements, anti-fraud policies, surprise audits, and job rotation.
>
> • Taking advantage of and improving digital tools to promote integrity and accountability, especially by guaranteeing that relevant information from the government is available in a format that is open and reusable, enabling social oversight and ensuring the effectiveness of online whistle-blowing mechanisms.

As for this last item, the OECD and the World Bank agreed on the importance of keeping records and public access to these records, in order to facilitate social oversight.

In a region noteworthy for its progress over the past decade in making information accessible, transparency in the emergency has remained oftentimes undermined, which has led to mistrust in the public. The publicity of records for evidence, medical statistics, and procurement was at first suspended or restricted in various countries of the Americas, generally on the grounds that there were urgencies to attend to and that it was difficult to provide information while ensuring protection measures for public officials. In many cases, these measures of secrecy, confidentiality, or opacity have been amended and today there is more information available to the public than in 2020. Nevertheless, even in the continent there are exceptional cases in which governments are restricting access to information on evidence and procurement, far below what international organizations have recommended.

Civil society called early upon governments to respect and not restrict access to public information, and international organizations stressed the importance of keeping records and taking information on the beneficiaries of loans or subsidies and ensuring adequate staffing for record-keeping departments and noted that they would be essential for public agencies and civil servants to be held accountable. The OECD urged the use of digital technologies and underscored the importance of open data to spread transparency and make sure that, despite social distancing measures, citizens would be able to participate in the response to the health emergency, express criticism, and contribute solutions.

Transparency is a factor that empowers society's other stakeholders to participation in the problem solving, drawing up proposals, and abiding by government policies. In April 2020, the Inter-American Court of Human Rights issued a public statement addressed to the States Parties to the American Convention on Human Rights, entitled "COVID-19 and Human Rights: The Problems and Challenges must be addressed from a human rights perspective and with respect to international obligations."[13] In said declaration, the Commission called for the adoption of measures compatible with human rights and pointed out that it was essential to ensure access to accurate and reliable information, as well as to the Internet.

Ethical leadership builds trust and one of the most important measures to highlight this is ensuring the transparency of records of operations, submitting information to official and public scrutiny, and using that same information and participation to bolster the implementation of the measures and policies to tackle the emergency. In short, transparency of public action is a measure that helps to prevent risks and build greater public trust.

As for the recruitment of staff, the World Bank recommended the following for governments in the emergency:

> *"To define clear principles for the recruitment of new or temporary staff. The mobilization of additional human resources needed to tackle the crisis must be based on the principles of transparency and accountability, duly documented and guided by clear principles when exceptions are authorized or required. This does not necessarily require prolonged competitive processes that might be inconsistent with the urgency of the response. Rather, the emphasis should be on highlighting the qualifications required for a job which would make it possible to revise it subsequently. The appointments must be for a limited period of time to tackle urgent needs or must be subject to revision after the immediate emergency has disappeared."*[14]

Attending to the health emergency has also required allocating and implementing special financial resources, as mentioned by the OECD. In the different countries, special budgets and emergency funds have been enacted, and in some cases financial cooperation mechanisms established with the private sector. These special budgets and funds have been financed by their own resources, including state reserves and national debt, which has impacted the finance and borrowing capacity of states. International organizations have clearly indicated that there can be no special funds without oversight.

When using special funds, regular oversight mechanisms must be used or mechanisms that can also be special must be established, while ensuring clear management and leadership and including resources to enhance this monitoring and oversight. One initiative

of this kind was the creation, in El Salvador in March 2020, of an Emergency Fund and subsequently a Citizen Monitoring and Oversight Committee for the Emergency Fund and Economic Recovery amounting to US$2 billion. This Committee was formed by civil society organizations with the power to access government information and with the mandate to deliver periodic reports to the Legislative Assembly and the public.[15] Although this special body was not allocated with any of its own resources when it was established, it was a pioneer initiative in its field, which is on the right course and has issued a valuable report[16] on the distribution of resources.

As can be observed, according to international organizations and bodies, most of the risks and whistleblowing involving corruption are in connection with government procurement, food distribution, and allocation of subsidies or assistance to persons and companies, not the recruitment of staff. Nevertheless, there are two aspects that reveal that these whistle-blowing reports and investigations are directly related to the integrity of the civil services: ethical leadership and institutional capacity to ensure effective oversight systems and a culture of public integrity.

According to the OECD, it is expected that public-sector leaders will be effective, capable of steering their teams, inspiring their workforce, and instilling a culture promoting innovation while consolidating public sector values, with high standards of integrity and ethics. And this notion does not apply merely to administrative heads or national executives, but also extends to ministers and heads of government.

It is impossible to decouple ethical performance in the many echelons of authority from the impacts their conduct, example, and guidance exert on subordinate public officials, stakeholders, and the community. Ministers, governors, mayors, generals, and senior government officials hold offices for which ethical performance has an impact on the culture of integrity of their public institutions and on public trust. When a scandal breaks out with respect to overcharging, bribery, illicit enrichment, or VIP vaccines, it is no longer a mere problem of procurement and distribution processes. It involves persons and, in the case of a political office, the failure of ethical leadership, which in turn undermines governance and public trust.

The other relevant aspect of the materialization of corruption risks in the emergency is that it highlights evident failures of institutions—and sometimes between institutions—to prevent and detect gross breaches of basic agreements on integrity in public affairs. The OECD Recommendation of the Council on Public Integrity (2017) contends that public institutions must hire professional and qualified individuals that are deeply committed

to the values of integrity in the civil services, that is, merit-based systems. And they must also rely on an effective system for integrity risk management and oversight, that is, with preemptive mechanisms that guarantee effective accountability. What the numerous cases of corruption being investigated during the pandemic are highlighting is that, when government agencies that are not yet robust enough to benefit from suitable committed staff are required to deal with breaches of legal and ethical standards by a civil servant or a group of public officials, they find that they do not have the capacity to anticipate, detect, or use external oversight mechanisms in order to prevent them.

---

[7] For example, the government of Costa Rica issued, on March 10, 2020, a directive with measures for inter-agency attention and coordination to tackle the health alert because of the coronavirus and then, on September 30 of the same year, a law governing telecommuting for both the public sector and the private sector.

[8] OAS, Report of the Talk with Civil Society on "Democratic Governance Challenges of COVID-19 and the Promotion of Open Government Principles" http://portal.oas.org/LinkClick.aspx?fileticket=fucAB2YCUXk%3d&tabid=1814

[9] Transparency International: Open letter to the OAS: https://images.transparencycdn.org/images/Carta-OEA-COVID-19-Espanol_TI.pdf

[10] World Bank, Ensuring Integrity in the Governance and Institutional Response to COVID 19, April 2020. https://elibrary.worldbank.org/doi/pdf/10.1596/33705

[11] Ibid.

[12] See the initiative at the following link: https://yosirvoamipais.cl/emergencia/

[13] OAS, Statement of the Inter-American Court of Human Rights to the States Parties to the American Convention on Human Rights, "COVID-19 and Human Rights: The problems and challenges must be addressed from a human rights perspective and with respect to international obligations," 2020. See at: https://www.corteidh.or.cr/tablas/alerta/comunicado/Statement_1_20_ENG.pdf.

[14] World Bank, Ensuring Integrity in the Governance and Institutional Response to COVID 19, April 2020, see: https://elibrary.worldbank.org/doi/pdf/10.1596/33705

[15] To learn more about the initiative, see: https://www.asamblea.gob.sv/node/10353

[16] See the report at: http://www.repo.funde.org/1725/

5.

Challenges for the success of reforms identified by experts

In 2018, the OECD noted that a common characteristic of the entire region of Latin America and the Caribbean is the growing disconnection between citizens and the government institutions charged with representing them. The international organizations drew attention to the fact that the scant attention paid to the calls for greater transparency and integrity in the exercise of government functions has triggered public mistrust, which in turn jeopardizes the social contract and undermines sustainable and inclusive economic growth.

The OECD also observed that, despite efforts to draw up anti-corruption policies and strategies, it continues to be a challenge to implement said policies and strategies, and to promote, alongside this, a broader culture of integrity in both public and private institutions. Along that same line, MESICIC in its rounds of review has made recommendations to tackle these challenges, by stressing the need to provide clear instructions to civil servants, apply basic instruments to promote ethics, and look for more equitable remuneration systems.

To achieve a culture of integrity in the public sector, according to the OECD it is also primordial to benefit from a civil service that is competent, professional, and committed to public values and interests. According to this body, although most countries of the region have made progress in installing a merit-based civil service, there continue to be several challenges that have to be tackled. The OECD's approach gives priority to policies and practices, but the challenges that have been identified coincide, to varying degrees, with the mechanisms that MESICIC has been recommending to the countries of the Americas for the civil service and are closely related to the commitments of the Lima Summit.

To better ascertain the scope of the reforms for integrity and the civil service and its challenges in times of the pandemic, government experts were consulted in the six countries, who identified important current challenges to their implementation.

Some of these challenges could be called traditional challenges because they were there before or unfolding over previous years and had emerged in normal times of health and showed persistence in times of crisis. Other challenges were contingent on, and were rooted in, or gained momentum during, the pandemic.

a) In bodies in charge of public management, staff management, and integrity, the need for a change in culture in government agencies has become evident, leading to a resolute perspective in favor of integrity.

This conviction has appeared at the same time as circumstances have been highlighting a series of realities that indicate resistance to this change in culture.

A culture of integrity can be installed more firmly in organizations where the virtues of policy options can be freely discussed, without fear of any deterioration in personal or collective working conditions or fear of retaliation. It can also be more easily installed in those organizations where it is possible to report inappropriate conduct or corrupt practice, where there is reasonable certainty that the whistle-blower will not be targeted for retaliation, and where inquiry, investigation, and remediation mechanisms will be activated. The positive perception of staff members of government agencies about themselves and about the sound stewardship of their superiors at the service of the common good is a signal that they are part of an organization with a living culture of integrity. Transparent decision making creates an environment of greater trust in the integrity of the authorities and department heads who are exercising their leadership in each area of the institution.

But the reality that many public officials are living is different. Government institutions in Latin America and in the countries being examined are profoundly impacted by the formalism of the standards, where the symbolic and effective value of the laws and norms on public integrity in particular is relative and circumstantial and is affected by conditions of control, opportunity, and incentives. The indicators measuring the perception and victimization of corruption show that, as a rule, Latin American countries have high levels of corruption, with certain exceptions. In those countries, perception indicators show that bodies of the executive branch of government register high levels of corruption and low levels of public trust.

In Latin America, there are low levels of whistleblowing by public officials against corruption. According to persons interviewed, there is still fear among public officials that reprisals will be taken by heads and authorities. Some even mention that it is very difficult for a civil servant to oppose any of the decisions or orders of their superiors, even when said decisions and orders might be unlawful. This information coincides with the MESICIC's insistent recommendations that states must establish a legal framework and mechanisms that can provide protection to civil servants and individual citizens who report, in good faith, acts of corruption using either administrative or criminal law remedies. Cases of improper procurement, overcharging, or corruption in the context of a crisis shows that internal oversight might have failed and that an important part of the failure is due to the human factor, because the pressure exerted by outside persons or powerful public officials is capable of adversely affecting the willingness of subordinate civil servants to voice their legitimate objections or even rendering null and void their oversight and whistle-blowing activity.

Some of the experts interviewed stressed that public perception of the state in general is negative and that this impacts the organizational climate of the institutions, because they socialize an external perception into the internal environment, which affects the image that civil servants have of the institutions where they perform their duties. The negative internal perception fosters a belief in the advisability of taking opportunistic decisions and undermines the institution's integrity from the bottom up. Furthermore, the same public officials who know their institutions well from the inside may have a bad impression of their institutions and directors. The survey conducted by the Office of the Comptroller General of the Republic of Chile with 16,000 persons shows a distressing perception of corruption in the state. According to this poll, those areas where there is the greatest corruption are government procurement (71.8 %) and staff recruitment (65.3 %). What is most striking, however, is that 31 % of the persons interviewed were public officials themselves. Behind these perceptions there may be a belief that decision-making systems and processes, for example, for government procurement in an emergency, are vulnerable and that the rules governing them can be bent if there is someone with enough power to do so.

b. There is a traditional lack of political will on the part of government authorities to restrict their discretionary powers for staff recruitment.

The experts consulted observe that, in government procurement processes in their countries, the influence of political authorities over decision-making in recruiting staff and keeping them in office is strong and that this discretionary power impacts, to varying degrees, the meritocracy in government administrations and senior officials. This challenge has been identified by the OECD when it points out the following:

In the region, high staff turnover in the civil service is more the norm than the exception and this is fostered by its heavy dependence on political cycles. The survey of experts on the quality of governance (…) confirms that public administration in Latin America is strongly politicized, which on average (3.0) is perceived to be below the average for G20 countries (4.4) and OECD countries (4.6). In fact, even countries with the highest ratings, Brazil and Costa Rica, obtained scores below the average for G20 and OECD countries (Figure 3.3). This is an indicator of the extent to which politics and/or political affiliation influences recruitment in the civil

service, which impacts professional development and can lead to political patronage and favoritism, undermining its loyalty to the public and diverting it toward a political party of the "boss" in power. The high rate of staff turnover can jeopardize the stability of management and the continuity needed to carry out reforms.

The loss of trust in institutions has one of its roots in this deeply entrenched practice in Latin American public administrations. In most of the six countries consulted for the present note, the heavy influence of politically motivated appointments to public office on discretionary recruitment of staff has been observed, which in turn leads to high staff turnover, owing to the changes in said posts (as in Peru), an accumulation of persons with precarious employment (as in Chile) or who are permanently transient (as in Argentina), resorting to subcontracting/outsourcing services (as in Colombia), or even a failure to provide protection to those dismissed for political reasons.

c. To secure better integrity performance from public institutions, it is necessary to build up their capa city for responding ethically.

Today public institutions and governments are subject to greater public scrutiny than a few years ago, and public responsiveness to suspicions of corruption is even more acute during an epidemic. Institutions have encountered a scenario with greater urgency, but also greater discretionary power in their decision making and incentives to be more opaque, while also subject to greater demand for them to be held accountable for the outcomes of their decisions and use of public resources to tackle the emergency.

In short, public institutions have encountered a high risk of probable whistleblowing and scandal. To respond to this risk, they need technical and political competencies, but also institutional capabilities for integrity. The scandals of corruption in certain countries, such as Argentina, Brazil, Peru, or Colombia, have shown that the failure of internal oversight mechanisms were to blame, as well as the importance of the message being transmitted from top management. It also shows that public institutions against which charges are brought do not always have the capacity to anticipate and respond to integrity risks. In cases of overcharging, it seems there is no institutional capacity for assessing risks, discerning in time the consequences of their decisions, informing citizens on time, and ensuring satisfactory accountability in order to mitigate the suspicion of corruption. In cases of obvious corruption,

institutional and even inter-agency oversight has been bypassed as a result of decisions taken by public officials who have not come up against any checks to their scope of discretionary power. In those cases, the institution has no capacity whatsoever to oppose the source of the corruption.

Some of the experts interviewed have pointed out that it is important to increase institutional capacity to identify risks of corruption. In most countries of the region, the notion of risk management has been introduced to public institutions, and those countries are now in various stages of developing risk management. Furthermore, both Canada and the United States benefit from dynamic and long-standing evolution in that direction. In Latin America, at least Brazil, Chile, Colombia, and Mexico now benefit from specific principles and practices to manage risks to integrity and of fraud. According to the study on public integrity in Latin America in connection with risk management, including the risk of corruption and fraud, one of the three most important challenges for the countries in that area is ensuring that administrations take ownership of risk management. It is the public manager who must identify and manage risks, including those involving fraud and corruption. And the best evidence of an adequate understanding and ownership of risk management is that the information about risk is used by the administration continuously to take its decisions.

But to reach that point, the OECD report identified that Latin American countries have to overcome three customary obstacles: (a) lack of knowledge of civil servants in diverse institutions about the existence of risk management norms, policies, or guidelines; (b) a failure to understand risk management processes and their usefulness; and (c) a decoupling of those in charge of management and those in charge of identifying and evaluating risks, as if two separate functions were involved.

The absence of knowledge depends, to a large extent, on the existence of an apt information system to communicate rules and guidelines for public management and an organizational environment that is suitable for their adoption. The absence of understanding usually depends on the level of institutional capacities and the training of operational staff and the supervisor. The decoupling, in many cases, seems to be associated with the feeling that risk management duties is not one of the obligations that civil servants must fulfill. All of the above aspects are an integral part of any state with respect to its civil servants: due information and training about the standards governing them and what is expected from the performance of their duties, including ethical performance, all of which the IACAC has required states parties to commit to and that governments have promoted in observance of the Lima Commitment.

But the insufficient capacity to manage risks of corruption also stems from the insufficiency of the systems to professionalize public management and reduce the high turnover of staff. Executive management, selected on the basis of skills and merit, benefits from higher technical skills to understand the challenges of both public management and fraud and corruption risk management. Furthermore, recruitment systems restricting the discretionary powers of the authority to select or dismiss officials and guaranteeing reasonable conditions of stability promote greater individual freedom and the administration's greater capacity to offset the legitimate objectives of government by means of controls that ensure the use of legitimate means for the implementation of policies respectful of the law.

Government institutions can also consolidate their strength by promoting a culture and mechanisms for responsible whistle-blowing and timely accountability of civil servants and authorities. In this aspect, various interviewees provided valuable data on whistleblowing by citizens in the pandemic, but few were able to provide relevant data on whistleblowing by civil servants in their own institutions to report corruption. Although public officials are qualified informants in cases of corruption because, more than citizens, they are knowledgeable about internal operating, decision-making, and oversight mechanisms, the prevailing culture punishes internal whistleblowing and by far most civil servants seem to be held back from whistleblowing for fear of retaliation. As mentioned, the establishment of real mechanisms for reporting corruption and protecting whistleblowing is a task that, for governments, is still pending. The question remains about the real possibilities of a subordinate civil servant actually telling his or her superior or even a public authority that certain things cannot be done. Except in the United States of America and Canada, this is a key task that is still pending in almost all member states parties to the IACAC.

Likewise, accountability mechanisms in many Latin American countries that do not come from an Anglo-Saxon tradition and culture, involve the attendance of yearly events for the purpose of informing, unilaterally, the population about the government or institutional goals or successes, with scant conditions for receiving any public feedback or political criticism. Accountability is oftentimes viewed as an event instead of a dialogue that would make it possible to redirect public management and policies. Furthermore, despite notable examples of performance-based management, in the public institutions of many countries, the notion of accountability towards superiors is not fully understood, which constrains efforts to evaluate performance and responsibility.

The implementation of integrity policies in the civil service is a task that goes beyond the missions of each one of the bodies in charge and requires joining political and institutional forces. In some of the countries examined, integrity policies and civil service policies have usually run on separate tracks and have only crossed paths occasionally. The specialty of institutional missions can be added to the task and are necessary to benefit from the assessments, proposals, and skills of implementing reforms in the civil service with an integrity-based approach.

The policy processes to successfully change ways of recruitment by mainstreaming competitive selection processes, transparency mechanisms, and merit-based criteria, and reducing the discretionary powers of government decision-makers, require years to achieve. The reports issued by MESICIC show that certain countries, after almost 20 years of recommendations and over successive government administrations, still have challenges deemed to be basic in the matter, such as, for example, extending institutional coverage of the competitive processes and making the respective information about them available to potentially interested parties.

Civil service reforms are for the long term and many of them have moved forward thanks to public agendas arising from scandals of corruption and calls made by the public, as occurred, for example, in Chile and Brazil over the past 15 years. Other recent progress has required a dialogue promoted by strong institutional stakeholders, although addressing institutional and non-institutional partners. This is what has occurred over the past few years in Colombia, where it was possible to secure sufficient resources to authorize competitive public recruitment processes for 24,000 vacancies over the medium term, and in Costa Rica, where it was possible to adopt a broader integrity strategy that includes not only the civil service, but also government employment. For a long-term task of this kind, the bodies in charge of the civil service and those responsible for promoting integrity are natural partners.

The alignment of several institutional stakeholders around certain policy objectives has shown that this alignment can facilitate the possibility of implementing reforms in the civil service with an integrity-based approach. Furthermore, the absence of inter-

agency dialogue and coordination around common objectives may explain the difficulties that some of the countries consulted, such as Brazil, have had in moving forward further in their ambitious objectives.

Recommendations

Over the past thirty years, a series of reforms and initiatives for integrity in the civil service has taken place in the continent, although they have moved forward unevenly, focusing on statutory frameworks and the introduction of career stream mechanisms, competitive recruitment process, and skills-based training. At the same time, incremental adjustments have been gradually taking place in the countries, although use of temporary recruitment and outsourcing systems has persisted, where public integrity is neglected for the benefit of greater flexibility in government management.

As indicated in the UNDP and OECD studies, as well as international indicators on governance and anti-corruption, democratic governance has been shaken over the past two decades by state corruption scandals and public demand for better government performance. As for transparency, it has been mainstreamed more widely in most countries for 10 years now, which has led to increasingly greater publicity for competitive selection announcements and the social scrutiny of civil service.

At present, with standstills and advances in civil service integrity, the crisis arising from the COVID-19 pandemic has required rapid and effective responses from governments to protect the population although the emergency itself is putting constraints on the state's traditional way of working. The experts consulted from the six countries have underscored how increasingly important integrity in decision making and government performance has become for citizens in the midst of the crisis and the challenges that civil service institutions are facing to move forward with reforms and implement measures to consolidate integrity and prevent corruption in government agencies. In addition, the absence of public information has been called the "second pandemic." And in some countries, years of backtracking in terms of access to information are even being reported. At a time of noteworthy progress in terms of transparency, digital agendas, and higher electronic capacities of governments, the refusal or insufficiency of information on the pandemic, government resources, and results does nothing but foster a climate of mistrust, which in turn undermines the support given to policies to tackle the pandemic and its consequences.

The pandemic is still under way and its impacts will continue to be felt for several years more, especially in less advanced countries. Nevertheless, there are already lessons which government initiatives and policies can use to promote integrity in the civil service.

The analyses, initiatives, and development that have been promoted by international organizations in general are on the right course. The biggest challenges require, on one hand, giving further impetus to the reforms under way, along with greater transparency, participation, and efficiency in the state, and on the other hand, achieving a decisive change of culture in public institutions, moving forward toward a perspective marked by integrity and accountability.

To this end, the following areas, among others, should be considered as topics for the next agendas of the Summits of the Americas:

> • There is an international consensus that the state will better serve the population if it can rely on an ethical bureaucracy that is well trained and enjoys considerable autonomy in managing decision making. Reforms of the civil service must be implemented more quickly.
>
> • The basis of the challenge for public integrity is cultural and tools must be used to manage the culture of integrity in public institutions.
>
> • The policies and reforms for a civil service of excellence must be mainstreamed toward key government policies associating merit and transparency with improvements in service to the public, but must be interconnected with similar policies that reinforce the linkage between ethics, merit, and transparency, which will boost public trust.
>
> • Citizens, beneficiaries, and interest groups are the targets of state actions, although they arise from an institutional context, because of which enhancing the ethical performance of public institutions means including the citizenry in the problem and its solutions, which reinforces the possibilities for effective accountability.

> **a. There is an international consensus that the state better serves the public if at least it can rely on an ethical bureaucracy that is well trained and with considerable autonomy in its decision making Reforms in the civil service must be implemented more quickly.**

There is virtually no disagreement about what constitutes adequate procurement and civil service career systems, as well as human resources management. As repeatedly indicated in the reports of the MESICIC and by experts in the matter, it involves implementing consistent systems for procurement and developing government employment, on the basis of competitive public procurement processes, reasonable job stability, performance evaluations, and greater constraints on arbitrary and disproportionate political discretionary powers in recruiting staff. The differences are specific to each country, driven by the history of the states, rooted in past practices, and government policy needs, including the existence of pressure groups that run the risk of losing something because of the change.

Accelerating reforms requires the political will of governments and key stakeholders, including legislative bodies, political parties, and trade unions. In most cases, governments cannot by themselves adopt legal reforms, and it is necessary to establish political and institutional coordination mechanisms to reach agreements and give them impetus.

Furthermore, there are administrative reforms that only require the government to give them higher priority and allocate budget resources. In an effort to establish priorities, the will of the government should, over the short term, give priority to reforms that are within its sphere of duties and opportunities and, over the medium term, promote core reforms, based on high-level political agreements. The initiatives to publicize procurement and performance systems, as well as greater transparency in public decision making, are administrative initiatives of this kind, and as a rule only require the government's political will to move them forward. In these efforts, civil society can also be a stakeholder giving legitimacy to these proposed reforms, which involves tackling participatory and joint production processes,[17] informing and involving civil society in the entire cycle of formulating the reforms, including their design, promotion, and evaluation. At the same time, governments must take the time that is needed to reflect upon the policies and tools introduced throughout the pandemic, revise them, and evaluate how they can contribute to a modern public service. Thus, the pandemic could serve as a driving force for change.

> **b. The corners tone of the challenge for public integrity is cultural, and tools must be used to manage a culture of integrity in public institutions**

Integrity leadership generates and reinforces cultural patterns in society and government institutions. Because of this, the ethical lead and example of heads of government, collaborators, and senior government authorities are key to giving impetus to adequate conducts among other political and institutional stakeholders and to bringing greater legitimacy to groups of citizens. Just as in the private sector where the message transmitted by senior management is widely promoted, in the public sector the population is daily calling for a renewal of the ethical commitment of government authorities. In organizations, ethical leadership has an even greater impact, because it promotes or inhibits opportunistic or oligarchic conducts. Ethical leadership must be clearly included in all profiles of responsibility in public institutions as a criterion for the selection, appointment, and advancement of leadership positions.

In the case of government managers, ethical leadership should be constantly assessed. At the same time, leaders need to be supported so that they can become value-based leaders. This means that they must receive training and the tools to cultivate a value-based culture. In addition, it is important to support them so that they can openly discuss decision making with staff and thus also support their staff so that they can take their own value-based decisions within their sphere of competence. Decisive support must be given to drawing up, observing, and updating codes of integrity in every sector of the administration, striving for them to be the result of participatory dialogues in each government institution. Governments must promote preventive codes that guide and facilitate conducts of integrity committed to performance at the diverse levels of government institutions or that discharge public duties. These codes should be the cornerstone for an ongoing training in ethics for public officials which, based on regular competency training programs will instill knowledge, procedures, and civil servant attitudes that are in line with the protection of the common good and the settlement of conflicts of interest.

Governments must consider that the drafting, promotion, and updating of integrity codes, as well as guiding staff in cases of conflicts of interest, are activities that must be assigned to organizational units that take up this duty with both responsibility and accountability. These units may be ethics commissions, integrity units, or similar. These units must be granted resources and set up so as to ensure that other public officials are fully trusted in terms of their independence and capacity for support and guidance. In addition, the establishment of such organizational structures are only the basis for implementing work policies, plans, and programs to exert an impact on the culture of ethics in public institutions.

Governments must strengthen a preventive culture that fosters conducts of integrity in the civil service, including by means of policies that reward and publicly recognize exemplary conduct. This would include ethical performance as a factor in the regular performance evaluations of public officials. At the same time, civil servants and the public must understand that penalties will be truly enforced when civil servants fail to observe the norms

and values associated with integrity. In that regard, they must make sure that investigation and penalty systems function, especially when high-level civil servants and public managers are involved.

> **c. Policies and reforms for a civil service of excellence must be mainstreamed into key government policies, associating merit and transpa rency with improvements to services provided to the population, but must be linked with similar policies that consolidate the link between ethics, merits, and transparency, which in turn will boost public trust.**

As indicated by the UNDP, the challenge of the emergency for government is not merely a health crisis, but also a crisis in democratic governance. For the OECD, integrity is a cornerstone for the overall good governance system, and up-to-date guidelines for public integrity must, as a result, foster consistency with other key elements of public governance.

To this end, the implementation of reforms for a civil service marked by integrity shall contribute not only to the response for the crisis stemming from COVID-19, but also to the next epidemics, recessions, and disasters. Because of that, governments must take measures that they know are the right ones over the long term, even when concessions must be made over the short term. Broad-based agreements and the search for consensus in this matter can be facilitated if they include directing reforms and improvements towards key sectors and policies, such as those for health, economic recovery, and crisis management. Governance and reforms can function together if clear benefits for political stakeholders and the population are identified.

Along with this, reforms to consolidate integrity in the civil service and government employment require other aligned policies to be feasible. Most of the countries of the continent are part of recognized international initiatives that favor transparency, for example, open government plans, networks for transparency and use of open data, fiscal and budget transparency, public participation, and monitoring of the implementation of international anti-corruption treaties. Today, the search for greater public trust links merit to integrity and transparency. International initiatives are an opportunity that governments can take advantage of to adopt recognized standards of integrity and transparency and to enforce them

nationwide, thus highlighting consistent political will. Civil service integrity, transparency, and reform policies must rely on permanent connections at the national level, benefiting from mutual feedback and consolidating each other.

One important way of strengthening the mainstreaming national transparency, merit, and integrity policies, which are also part of international commitments, is relying on policy strengths and technical cooperation from current mechanisms of intergovernmental policy agreement and international monitoring. In that respect, the Summit of the Americas and JSWG bodies, including the OAS, through the MESICIC Secretariat, and the OECD could help to give political impetus, independent monitoring, and technical support to the initiatives of countries to reform their civil service systems. Political, structural, and dynamic visions for reforms could be mainstreamed into national action plans that are given an accelerated impetus through the Summits process, special follow-up by MESICIC, including impartial data-based indicators, and specialized technical support from the OECD.

In national plans, it is still a common challenge to achieve greater coordination, especially when tackling public integrity issues. As indicated by the OECD, there is no single model, but it is vital— as pointed out by national experts—to achieve an alignment of the several institutional stakeholders around policy objectives, as it has been demonstrated that this will facilitate the possibility of implementing reforms in the civil service with an integrity approach.

Experiences in various countries examined in the OECD's studies on integrity show that it is better to have one or more mechanisms for the coordination and inclusion of stakeholders—even when they are imperfect—than to have none at all. They also highlight that, for formal coordination mechanisms to function, institutional leadership, a management function, and implementing units authorized to steer and monitor the coordination are at least required. In addition, they add an important aspect, which is the necessary search for forums of dialogue, reflection, and cooperation among the autonomous branches and bodies which, without surrendering their autonomy, make it possible to multiply efforts to implement public integrity agendas that are consistently promoted in all sectors of the state, with the intention of boosting their credibility and trust. Finally, they confirm important experiences of mainstreaming civil society into anti-corruption efforts. In that respect, governments, if not the institutions spearheading public integrity and the civil service, can coordinate opportunities for dialogue that could lead to formal coordination mechanisms. Some of these forums could act as admittedly national initiatives or as part of broad-based international online efforts such as Open Government Partnership. These forums, as has already occurred in certain

countries of the continent, can become powerful driving forces behind institutional interests and the public to guarantee consensus around reforms and policies. They can also be a more adequate response by the state to cases of fraud and corruption.

> **d. Citizens, beneficiaries, and interest groups benefit from state actions as they are part of the institutional context because of which improving the ethical performance of public institutions means including the public in the problem and its solutions, which will consolidate the possibility for effective accountability.**

The performance of institutions is taking place in a broader context of citizens, sectors, and stakeholders that both leverage and constrain it, especially in terms of public integrity. Government institutions must build up organizational capabilities to anticipate adverse events, enhance their performance, and produce evidence-based management solutions, thus contributing to accountability. That is when capacity building of national open data policies and institutional strategies for openness become instrumental to ensuring greater integrity and transparency. In the framework of mandate No. 20 of the Eighth Summit of the Americas on the adoption of the Inter-American Open Data Program to Prevent and Combat Corruption (PIDA), the following actions are recommended, among others:

• To move forward with the implementation of domestic open data legislation and regulations, including policies and strategies.

• To identify series of priority data for combating corruption that can become open data, bearing in mind the domestic legislation of each member state, using as a benchmark the data series such as, for example: list of registered lobbyists, declaration of interests, registry of companies, register of charitable organizations, civil servants involved in procurement processes, politically exposed persons, register of civil servants, list of government contractors, government consultative councils, funding of political parties, budget, procurement processes, licenses, public-private partnerships, spending, government subsidies, international cooperation, government contracts, data from audits, voting, court rulings, records of priority infrastructure projects, minutes of meetings, changes in regulations, campaign promises, contractors penalized, complaints filed regarding procurement processes, public register of property, tax filing and declaration of assets, among others.

• Promoting access to and use of open data by the public as part of a national accountability, transparency, and public participation strategy with regard to actions undertaken by the state.

• Capacity building of government institutions with respect to open data, including openness in government procurement systems.

Risk assessment, management, and evaluation is a highly efficient way to shift from reactive institutions to proactive ones, as it provides greater capability for anticipating and rectifying management activities, which contributes to the efficiency and governance of the organizations. Because of that, it has been adopted, to a lesser or greater extent, in most countries of the continent. And OECD assessments indicate that substantial progress has been made to prevent risks of fraud or corruption in certain countries.

Risks in terms of integrity can be found in the different interactions between stakeholders of the public sector, the private sector, and civil society and in all stages of the political process and the cycle of public policymaking. This requires an inclusive approach encompassing most of society when boosting public integrity and reducing corruption in the public sector. In that respect, the mechanisms for transparency, public participation, and whistleblowing substantially contribute to reducing fraud and corruption. And in a context of pandemic, they have been sound partners for the protection of government resources and the well-being of the population. The absence or weakness of said mechanisms leads to lack of information transparency and consistency, pointless discussions, and sometimes political accusations and feuds, which in turn creates a climate of mistrust.

Participation via adequate mechanisms con bring solutions to decision-making, regulatory, and performance issues, such as those occurring when public consultations are conducted. Social oversight can help to detect problems from the standpoint of the beneficiaries of the institutional action. And whistleblowing is an important source of information about acts of fraud and corruption that undermine government efforts. A way of institutional capacity building is via effective whistleblowing and reporting systems available to anyone, including civil servants and applicants to public office in the administration, which would guarantee protection to the whistle-blowers. Without whistle-blower protection and without cultivating an open organizational culture in which civil servants trust that they can talk about problems, it is highly likely that a whistle-blowing system will only be on paper.

[17] OAS: Towards participatory processes and coproduction in open government http://portal.oas.org/LinkClick.aspx?fileticket=a6okmh_rpn0%3d&tabid=811

References

ACOSTA, Laura Débora, 2020. Capacidad de respuesta frente a la pandemia de COVID19 en América Latina y el Caribe [Capacity to respond to the COVID-19 pandemic in Latin America and the Caribbean], *Rev Panam Salud Pública* [online]. 2020;44:e109. Available at: https:https://iris.paho.org/bitstream/handle/10665.2/52654/v44e1092020.pdf?sequence=1&isAllowed=y

IBD, 2002, Marco analítico para el diagnóstico institucional de sistemas de servicio civil [Analytical framework for the institutional assessment of civil service systems]. Available at: https://publications.iadb.org/publications/spanish/document/Marco-Anal%C3%ADtico-para-el-Diagnóstico-Institucional-de-Sistemas-de-Servicio-Civil.pdf

CAF, 2020. CAF y OCDE analizan el estado de los gobiernos digitales [CAF and OECD examine the status of digital governments]. In: *CAF Noticias* [online]. Available at: https://www.caf.com/es/actualidad/noticias/2020/06/caf-y-ocde-analizan-el-estado-de-los-gobiernos-digitales/

CLAD, 2003, Carta Iberoamericana de la Función Pública [Ibero-American Civil Service Charter]. Available at: https://clad.org/wp-content/uploads/2020/07/Carta-Iberoamericana-de-la-Funcion-Publica-06-2003.pdf

Comité de Seguimiento y Veeduría Ciudadana del Fondo de Emergencia, Recuperación y Reconstrucción Económica, 2021 [Follow-up and Public Oversight Committee for the Emergency, Economic Recovery and Reconstruction Fund]. Tercer informe mensual [Veeduría Ciudadana] [Third monthly report] [online], San Salvador. Available at: http://www.repo.funde.org/id/eprint/1725/1/3-INF-CSVC.pdf

Office of the Comptroller General of the Republic of Chile, 2020. *Informe preliminar de resultados. Encuesta Qué piensas de la corrupción en Chile* [Preliminary report on the results. Survey on What do you think about corruption in Chile?] [online]. Available at: https://www.contraloria.cl/documents/451102/3831924/CGREncuesta/106ece5ef49cb18dbd086886af7497f7

Inter-American Convention against Corruption. Washington, D. C. 1996. Inter-American Multilateral Treaties [online]. Available at: http://www.oas.org/es/sla/ddi/tratados_multilaterales_interamericanos_b-58_contra_corrupcion.asp

GEDDES, Barbara, 1991. A Game Theoretic Model of Reform in Latin American Democracies. *The American Political Science Review* [online]. Los Angeles, American Political Science Association, vol. 85, No. 2, pp. 371-392. Available at: http://www.jstor.org/stable/1963165

GERSON, Daniel, 2020. *Leadership for a high performing civil service: Towards senior civil service systems in OECD countries*. OECD Working Papers on Public Governance, No. 40. Paris: OECD Publishing.

Summit Implementation Review Group (SIRG), 2018. Follow-up and Implementation Mechanism for the Lima Commitment. OEA/Ser.E GRIC/O.6/doc.26/18 rev. 1 corr. 1. December 6, 2018. Available at: http://www.summit-americas.org/SIRG/2018/112818/Mecanismo_ES.doc

Joint Summit Working Group (JSWG), 2018. JSWG Memorandum of Understanding, signed on September 4, 2018. Available at: http://www.summit-americas.org/brief/SignedMoU.pdf

JSWG, 2020. Addressing Corruption, Integrity, and Democratic Governance associated with COVID-19. Joint Statement. Fourth Special Meeting of High Authorities on the Impact of COVID-19 in the Americas. OEA/Ser.E GTCC/doc.83/20, September 14, 2020 [online]. Available at: http://www.summit-americas.org/DeclaracionESP14sept.pdf

JSWG, 2021. JSWG Action Plan (2019-2021). Available at: http://www.summit-americas.org/JSWG%20Action%20Plan%20(2019-2021)%20SPA.pdf

OECD, 2019. *La Integridad Pública en América Latina y el Caribe 2018-2019. De Gobiernos Reactivos a Estados Proactivos* [Public Integrity in Latin America and the Caribbean 2018-2019. From Reactive Governments to Proactive States]. OECD Working Papers on Public Governance [online]. Available at: https://www.oecd.org/gov/ethics/integridad-publica-america-latina-caribe-2018-2019.pdf

OECD, 2018. *Integrity for Good Governance in Latin America and the Caribbean: An Action Plan*. Lima, Peru. 19 October 2018. Available at: https://www.oecd.org/latin-america/regional-programme/Integrity-for-Good-Governance-in-Latin-America-and-the-Caribbean-Action-Plan.pdf

OECD, 2020. *Government at a Glance: Latin America and the Caribbean 2020* [online]. Paris: OECD Publishing. Available at: https://www.oecd-ilibrary.org/sites/13130fbb-en/index.html?itemId=/content/publication/13130fbb-en

OECD, 2020. *OECD Handbook on Public Integrity* [online]. Paris: OECD Publishing. Available at: https://www.oecd-ilibrary.org/sites/ac8ed8e8-en/index.html?itemId=/content/publication/ac8ed8e8-en

OECD, 2020. *Medidas políticas clave de la OCDE ante el coronavirus (COVID19). Integridad pública para una respuesta y recuperación efectivas ante el COVID19* [OECD key policy measures for the coronavirus (COVID-19). Public Integrity for effective response and recovery from COVID-19]. Updated 19 April 2020 [online]. Available at: https://www.oecd.org/coronavirus/policy-responses/integridad-publica-para-una-respuesta-y-recuperacion-efectivas-ante-el-covid-19-c3d8f08f/

OECD, 2020. *Public servants and the coronavirus (COVID-19) pandemic: Emerging responses and initial recommendations*. OECD Policy Responses to Coronavirus (COVID-19). Updated 27 April 2020 [online]. Available at: https://www.oecd.org/coronavirus/policy-responses/public-servants-and-the-coronavirus-covid-19-pandemic-emerging-responses-and-initial-recommendations-253b1277/

OECD, 2017. *OECD Recommendation of the Council on Public Integrity* [online]. Available at: https://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf

OECD, 2018. *OECD Recommendation on Public Service Leadership and Capacity* [online]. Available at: https://www.oecd.org/gov/pem/recommendation-public-service-leadership-and-capability-2019.pdf

Organization of American States (OAS), 2017. *Lineamientos para la Gestión de las Políticas de Integridad en las Administraciones Públicas de las Américas* [Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas]. Document CP/CAJP/INF.340/17. Available at: http://scm.oas.org/doc_public/english/hist_17/cp37384e03.doc

OAS, Summits Secretariat, 2018. *Lima Commitment: Democratic Governance Against Corruption. Adopted at the Eighth Summit of the Americas*, Lima, Peru. April 14, 2018 [online]. Available at: LimaCommitment_en.pdf (summit-americas.org) or http://www.summit-americas.org/viii/compromiso_lima_en.pdf

OAS, 2020. Hemispheric Report of the Fifth Round of Review of the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention Against Corruption. OEA/Ser.L. SG/MESICIC/doc.564/20 rev. 1, March 12, 2020. Available at: http://oas.org/es/sla/dlc/mesicic/docs/mesicic_inf_hem_final_5_ronda.pdf

OAS, 2020. The OAS Response to the COVID-19 Pandemic. OEA/Ser.G CP/RES. 1151 (2280/20), April 16, 2020 [online]. Available at: http://scm.oas.org/doc_public/spanish/hist_20/cp42233s06.docx

PAHO, 2020. COVID-19 Situation Report, n.1 (31 March 2020). *COVID-19 Situation Reports* [online]. Available at: https://iris.paho.org/handle/10665.2/52404

PAHO, 2020. PAHO/WHO Response. 29 June 2020. Report 14 [online]. Available at: https://iris.paho.org/bitstream/handle/10665.2/52451/COVID-19SitRep14_spa.pdf?sequence=1&isAllowed=y

PAHO, 2020. PAHO/WHO Response. 28 September 2020. Report 27 [online]. Available at: https://iris.paho.org/bitstream/handle/10665.2/52988/COVID-19SitRep27_spa.pdf?sequence=1&isAllowed=y

PAHO, 2020. PAHO/WHO Response. 7 December 2020. Report 37 [online]. Available at: https://iris.paho.org/bitstream/handle/10665.2/53186/COVID-19SitRep37_spa.pdf?sequence=1&isAllowed=y

OSZLAK, Oscar, 2001. *The Civil Service in Latin America and the Caribbean: Situation and Future Challenges* [online]. Washington, D.C.: Inter-American Development Bank. Available at: https://publications.iadb.org/publications/spanish/document/El-servicio-civil-en-América-Latina-y-el-Caribe-Situación-y-retos-futuros.pdf

UNDP, 2021. *Latin America and the Caribbean: Effective Governance, beyond Recovery* [online]. Available at: https://www.latinamerica.undp.org/content/rblac/es/home/library/democratic_governance/america-latina-y-el-caribe--gobernanza-efectiva--mas-alla-de-la-.html

SIKLODI, Isabel, 2014. *Servicio civil en América Latina y el Caribe [*Civil Service in Latin America and the Caribbean], Macroeconomics Development Series No. 155 [online]. Santiago: ECLAC. Available at: https://repositorio.cepal.org/bitstream/handle/11362/36968/S1420398_es.pdf?sequence=1&isAllowed=y