

Chapter 1. Towards a coherent and co-ordinated public integrity system in Argentina

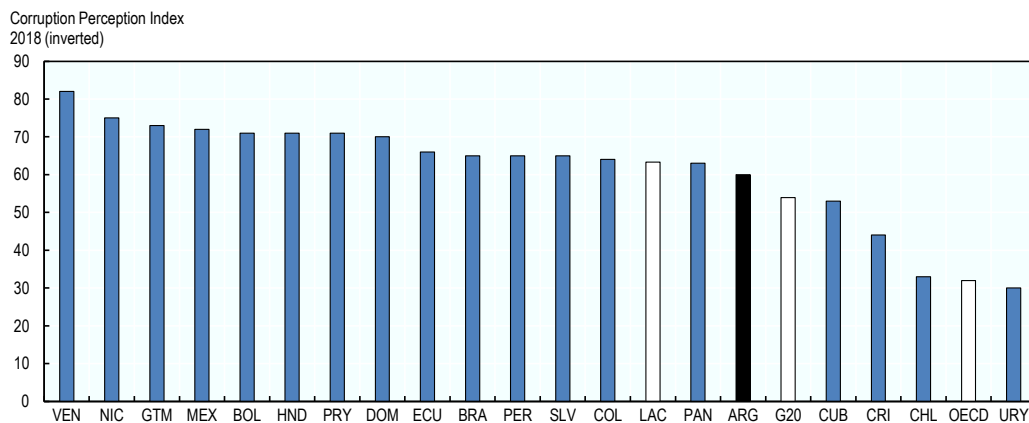
This chapter analyses Argentina's current institutional arrangements related to integrity policies. In particular, it calls for implementing the Public Ethics Law in all branches, and proposes to strengthen the policy dialogue between the executive, the legislative and the judiciary. A Federal Council for Integrity could promote, within the constitutional mandates, the development of integrity systems in the Provinces that are coherent with the national level while adapted to subnational realities. Furthermore, a strategic approach towards a National Integrity System in the executive branch could be encouraged through enhanced co-ordination between key actors. In addition, dedicated integrity contact points in each public entity could mainstream integrity policies throughout the national public administration. A National Integrity Strategy could provide both the strategic goals of the integrity system and allow an operationalisation at organisational levels. Finally, the chapter presents measures to strengthen the Anti-corruption Office, and in particular its preventive function and role as policy advisor.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

1.1. Introduction

The lack of integrity in public decision-making, which is not limited to corrupt practices, is a threat to inclusive growth, undermines the values of democracy and trust in governments, and impedes an effective delivery of public services. Corruption is indeed an issue in Argentina. Transparency International's 2017 Corruption Perception Index (CPI), Argentina's score was 39 on a scale of 0 (highly corrupt) to 100 (very clean). As such, the score is close to the average of Latin America (38), and it is not significantly different from the scores of countries such as Brazil, Colombia, Panama and Peru. However, Argentina scores significantly worse than Cuba, Costa Rica, Chile and Uruguay, in Latin America, as well as the average of the OECD (68) or the G20 (54) (Figure 1.1).

Figure 1.1. Argentina's perceived level of corruption is close to the average of the region, but significantly lower than the average of the G20 and the OECD

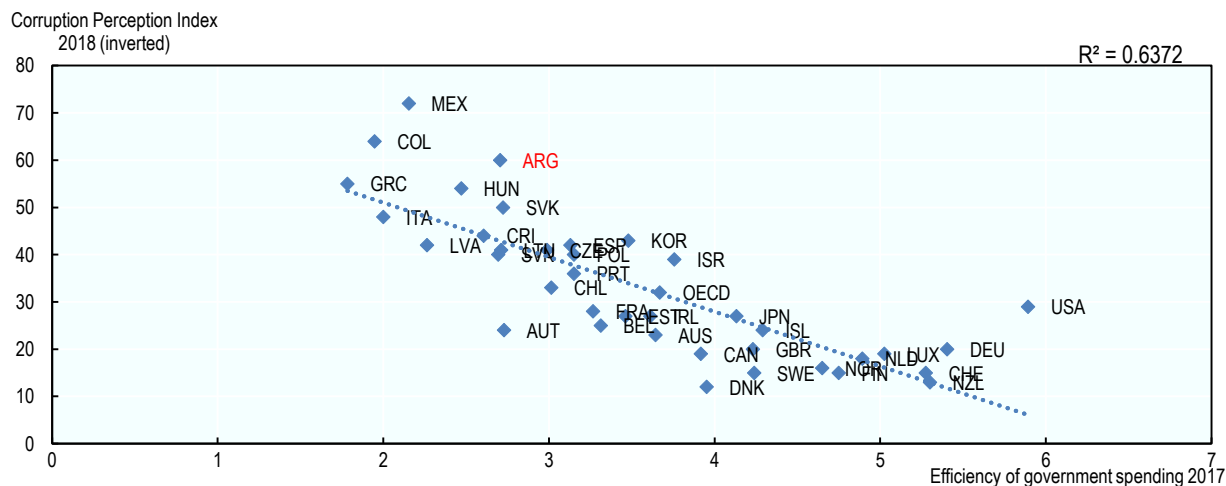


Note: The score of the Corruption Perception Index (CPI) has been inverted to facilitate the interpretation as perceived levels of corruption.

Source: Transparency International (2018).

In particular, corruption endangers efficient government spending, and represents a waste of scarce resources that could be used otherwise to address a country's most pressing issues (Figure 1.2). While cases of corruption need to be detected, investigated and sanctioned, more in-depth preventive actions are necessary to address systemic and institutional weaknesses that facilitate corruption and other unethical practices in the first place. Put differently, countries face the challenge to move from a merely reactive "culture of cases" to a proactive "culture of integrity", defined as a culture where there is a consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests (OECD, 2017^[1]).

Figure 1.2. Argentina could improve its efficiency of government spending by preventing corruption



Source: World Economic Forum (2017), The Global Competitiveness Index 2017-2018, and Transparency International.

Given the complexity of the task to prevent corruption and promote a culture of integrity, various institutions have mandates and functions that are necessary to advance towards such goal. Only in a joint and coherent strategic approach, the measures taken are able to mutually reinforce each other, unfold their potential and contribute to a positive change. Country practices and experiences show that appropriate legislative and institutional frameworks enable public-sector organisations to take responsibility for managing the integrity of their activities. Clear institutional responsibilities at the relevant levels (national, subnational, sectorial, and organisational) for designing, leading and implementing the elements of the integrity system are key to ensure an effective implementation of the normative requirements. The responsibilities should of course come along with the mandate, resources and capacities to fulfil them effectively.

The 2017 *OECD Recommendation of the Council on Public Integrity* provides policy makers with a vision for such a coherent and comprehensive public integrity system (OECD, 2017^[1]). It shifts the focus from fragmented and ad hoc integrity policies to a context dependent, behavioural and risk-based approach with an emphasis on cultivating a culture of integrity across government and the whole of society (Figure 1.3).

Figure 1.3. A Strategy for Public Integrity: The 2017 OECD Recommendation



Source: (OECD, 2017^[1]).

1.2. Ensuring integrity policies across branches and levels of government in Argentina

1.2.1. The implementation of the Public Ethics Laws is heterogeneous across branches and there is little dialogue between branches

To achieve an effective change in the public sector, the experience from OECD member and non-member countries emphasises that together with the executive branch, legislative and judiciary bodies have a vital role in ensuring integrity in a country. As such, the 2017 *OECD Recommendation of the Council on Public Integrity* defines the public sector as including “... the legislative, executive, administrative, and judicial bodies, and their public officials whether appointed or elected, paid or unpaid, in a permanent or temporary position at the central and subnational levels of government. It can include public corporations, state-owned enterprises and public-private partnerships and their officials, as well as officials and entities that deliver public services (e.g. health, education and public transport), which can be contracted out or privately funded in some countries” (OECD, 2017^[1]).

In Argentina, a variety of Laws and regulations are relevant for integrity policies, and many of them will be analysed in the following chapters. However, for the national level, the Law 25.188 on Ethics in the Public Sector (*Ley de Ética en el Ejercicio de la Función Pública*, Public Ethics Law) is the core integrity Law. It establishes a set of duties, prohibitions and disqualifying factors (*incompatibilidades*) to be applied, without exception, to all those performing public functions at all levels and ranks in all three branches, including State-Owned Enterprises (SOE), be it on a permanent or temporary

basis, as a result of the popular vote, direct appointment, competition, or any other legal means (see details and additional normative frameworks in chapter 3). As such, the Public Ethics Law is in line with an encompassing whole-of-government approach across all branches, at least for the national level.

The picture is less clear with respect to the institutional responsibilities for the implementation and enforcement of the Public Ethics Law. The Law refers to the establishment of an Authority of Application (*Autoridad de aplicación*). Chapter VIII of the Law foresaw the creation of an independent National Public Ethics Commission (*Comisión Nacional de Ética Pública*), attached to the Congress (Art. 23, 24, 25). However, this Commission was never established, amongst other because of a decision by the Supreme Court of Argentina that this Commission would constitute an interference of the legislative with the executive and the judiciary. Eventually, in 2013, Article 8 of Law 26.857 derogated Chapter XIII. Interestingly, however, Articles 6 and 18 of the Public Ethics Law are still referring to this Authority, and the Commission is even explicitly mentioned in Articles 7, 11, 19, 20, 21, 40 and 46.

As a result, the implementation of the Public Ethics Laws is quite heterogeneous across branches. For the National Executive Branch (*Poder Ejecutivo Nacional*, or PEN), Decree 164 defined already in 1999 the Ministry of Justice and Human Rights (*Ministerio de Justicia y Derechos Humanos*) as the authority responsible for the application of the Law in the executive. This task then has been delegated by the Ministry of Justice to the Anti-corruption Office (*Oficina Anticorrupción*, or OA) through Resolution 17 /2000. The mandate provided to the OA, reformed recently by Decree 174/2018, clearly defines the office as the lead entity for the executive branch in developing, promoting and implementing all regulations, policies and activities related to ethics in the public administration and the management of conflict-of-interest situations. For the Judiciary, the Supreme Court is responsible for the Asset Declarations, and sanctions can be applied following Article 16 of Law Decree 1285 (see also chapter 3 and 4). In the legislative branch, however, there is currently neither an authority of application nor an implementing regulation for the Public Ethics Law and no sanctions are specified. As a consequence of this fragmentation, in practice, there is no coherent public integrity framework across all branches despite the broad scope of the Public Ethics Law.

Therefore, Argentina could take advantage of the currently ongoing legislative reform of the Public Ethics Law to ensure its coherent application across all branches. Considering the past experience, mandating a single authority responsible for enforcing the Public Ethics Law seems unrealistic, at least in the short and medium term. Argentina should thus move towards mandating and establishing a responsible authority for each of the other branches, as foreseen in the Public Ethics Law. In the end, it should be clear to all public officials who is leading the implementation and is responsible for the enforcement of the Law, irrespective of the branch they are working in.

A similar arrangement opting for different authorities of application for a single Law has been introduced recently in Argentina through Article 28 of the Law 27.275 on Access to Public Information (*Ley de Acceso a la Información Pública*). It requires that beyond the executive, Access to Public Information Agencies have to be created in the legislative, the judiciary (*Poder Judicial de la Nación*), the Attorney General's office (*Ministerio Público Fiscal de la Nación*), the Defender General's Office (*Ministerio Público de la Defensa*), and the Council of Magistrates (*Consejo de la Magistratura*). The respective agencies are responsible for implementing and enforcing the Access to Information Law (see chapter 7).

In addition, to exchange good practices and discuss challenges, Argentina could consider establishing a policy dialogue between the different branches without creating additional bureaucracy. For example, the authorities of application, once implemented, could meet twice a year, and the meetings could be organised based on the principle of a rotating lead. The corresponding lead authority could be in charge of preparing the meeting, organising the venue, and moderating the discussions. By rotating the lead responsibility every year, the appearance of one branch dominating the policy dialogue could be minimised, and avoid repeating the failure to establish a National Public Ethics Commission responsible for all branches. The need for such a policy dialogue could be clearly specified in any revision of the Public Ethics Law.

1.2.2. The majority of provinces do not have an integrity system in place

Provincial and municipal authorities are responsible for providing a wide range of public services and have higher levels of direct contact with citizens. As such, they also provide strong opportunities for increasing trust in government. However, opportunities for certain types of corruption can also be encountered more, and more likely, at subnational levels. Indeed, subnational governments' responsibilities for certain services (e.g. education, health, security/justice, waste management, utilities, granting licences and permits) increase the frequency and directness of interactions between government authorities and citizens and firms, creating thereby opportunities for corruption. By strengthening local integrity systems, subnational governments thus can capitalise on the opportunity to forge trust between citizens and governments (Nolan-Flecha, 2017^[2]).

In addition, when some laws apply to the national level only, especially in federal countries like Argentina, there may be a certain risk of legal loopholes if subnational levels fail to address a cross-cutting issue such as corruption through an adequate legal and institutional framework. In turn, looking only at the national level may hide the complexity and diversity of contexts often encountered at the subnational levels, which may require specific laws. Indeed, ensuring a high-quality institutional framework at all levels of government can only be achieved if countries take into consideration the diversity of local needs and the particularities of lower levels of government (Rodrigo, Allio and Andres-Amo, 2009^[3]).

Also, interdependencies between levels of government require a certain degree of coherence. There can be institutional interdependencies, when the allocation of roles and responsibilities is not exclusive; financial interdependencies, when central and sub national governments are co-funders of public spending in regions and socio-economic interdependencies, when issues and/or outcomes of public policy at one level have impact on other regions and the national level (spill-over effects). In such a context, a full separation of responsibilities and outcomes in policy-making cannot be achieved. Even in countries as federalised as the US, the federal government has progressively increased its role through intergovernmental regulations imposed on state and local governments through direct to more indirect actions that force subnational levels policy change (Charbit and Michalun, 2009^[4]). Also, while in the majority of OECD countries (71%) state and local governments are considered autonomous and able to determine their own integrity policies, almost all countries do have some formal or informal mechanisms in place to ensure co-ordination between the central and subnational level (OECD, 2017^[5]).

In Argentina, Provinces are not subject to the national Public Ethics Law, and are not obliged to draft own ethics laws or similar frameworks as a basis for subnational integrity systems. Similar gaps can be observed for other relevant integrity laws, such as political

finance regulations (see chapter 7). With respect to public ethics, out of the 23 Provinces and the city of Buenos Aires, 11 provinces currently do not have a Public Ethics Law or similar. With respect to the quality and level of enforcement of the existing public ethics laws in the provinces the panorama is less clear, and the Anti-corruption Office could consider conducting a comprehensive review of existing laws and authorities of implementation at provincial level. Because of this legal fragmentation, a majority of public officials in the provinces are not subject to a public ethics law creating loopholes and risks of corruption. In December 2016, 66% of all public officials were working at the provincial level and 13% at the municipal. As such, they fall outside the effective reach of the national Public Ethics Law and may or may not be subject to a provincial ethics law (*Subsecretaría de Políticas, Estadísticas y Estudios Laborales, Ministerio de Trabajo, 2017*).

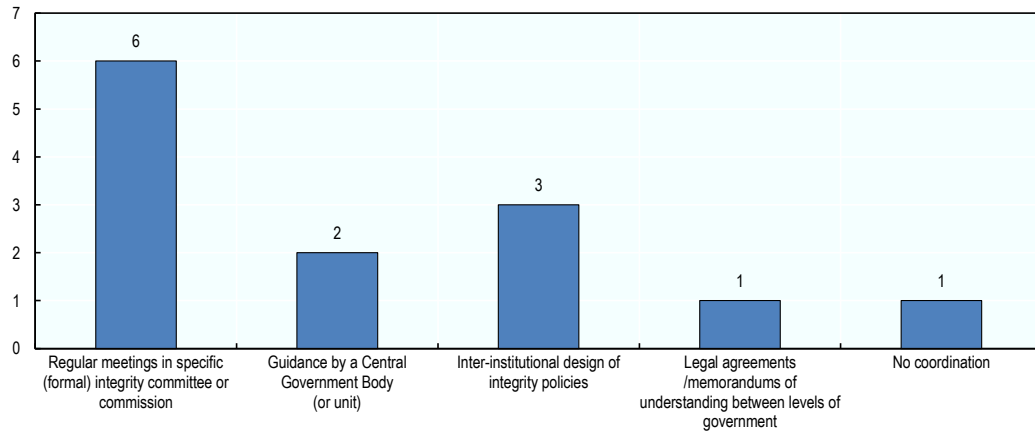
The Anti-corruption Office has acknowledged the challenge and the relevance of a policy dialogue between the national and the provincial level, as well as amongst the Provinces and municipalities. Despite being limited by its mandate to the national public administration, the office has moved forward with specific initiatives aimed at reaching out to the subnational level:

- The **Plan Provincias**, launched in 2004, is based on three main pillars: First, the preparation of Provincial Diagnostic Reports, second, the organisation of regional seminars and, third, the generation of Provincial Implementation Plans. Through the Plan, the Anti-corruption Office provides technical assistance and cooperation concerning the implementation of the Inter-American Convention against Corruption in provinces, and stimulates and strengthens the participation of civil society in the prevention and fight against corruption.
- The **Permanent Forum of State Prosecutors for Administrative Investigations and Anti-corruption Offices**, which meets at least twice a year, was created in 2005 and brings together State Prosecutors for administrative investigations, Anti-Corruption Offices and equivalent entities from various Provinces and municipalities in Argentina. The national Anti-corruption Office was co-founder and is an active member of the Forum. Its objective is to exchange experiences and information for the improvement of anti-corruption policies implemented by these national and provincial organisations in their respective jurisdictions
- In addition, since 2017, the Anti-corruption Office has signed cooperation agreements in the **Province of Buenos Aires** with the Office for Institutional Strengthening (*Oficina de Fortalecimiento Institucional*) and with currently 70 of its Municipalities.

Building on these experiences, Argentina could move towards a more systematic approach to promote integrity systems at provincial level that are coherent with the national level while responding to the specificities of the subnational level. Other federal countries have also acknowledged this challenge and are following different options, such as regular meetings in committees or commissions, inter-institutional design of integrity policies, guidance by a central government body, or legal agreements (Figure 1.4 and Box 1.1).

Figure 1.4. Co-ordination mechanism used by federal OECD countries

In your country, how is co-ordination between dedicated bodies at central and sub-national levels ensured?



Note: Ten OECD countries are organised as federal states: Australia, Austria, Belgium, Canada, Germany, Mexico, Spain, Sweden, Switzerland and United States. Three countries reported that federal states are not completely autonomous to decide over their integrity policies: the U.S., Switzerland and Mexico. In the U.S., States are autonomous except if conduct triggers some Constitutional authority given to the federal government in Article I of the Constitution. Then, the federal government could legislate and enforce laws applying to the conduct of state and local officials. In addition, the central and sub-national bodies in the U.S. engage in informal co-ordination on many of the subject specific elements of an integrity system. In Mexico, the Constitution (Article 113) obliges States to mirror the National Anti-Corruption System (*Sistema Nacional Anticorrupción*, SNA). Belgium reported having no co-ordination, but has a Consultation Committee where issues related to Good Governance are discussed more broadly (see Box 1.1).

Source: (OECD, 2017^[5]).

Box 1.1. Formal and Informal Co-ordination mechanisms in federal countries

Among the federal member countries of the OECD, different co-ordination models can be found.

Mexico: High degree of formalisation

The National Anti-Corruption System (*Sistema Nacional Anticorrupción, SNA*) was created to:

- overcoming notorious “implementation gaps” by improving co-ordination both horizontally (across federal government) and vertically (between levels of government), and particularly by bringing states under the remit of the system;
- addressing fragmentation in policies and developing a more comprehensive and coherent approach to integrity;
- strengthening enforcement mechanisms for integrity breaches under both administrative and criminal jurisdictions, and including for private sector actors; and
- reinforcing oversight by requiring greater transparency, expanded auditing powers and greater involvement of civil society.

This co-ordination system has been established legally in the Mexican constitution (Article 113) and obliges states to mirror the SNA in the respective Local Anti-Corruption Systems to coordinate with local authorities responsible for prevention, detection and sanctioning of administrative responsibilities and corruption. Once the secondary legislation of the SNA was passed, which effectively brought the system to life, states were given a deadline of one year to create the Local Anti-Corruption Systems.

Belgium: Informal co-ordination through regular meetings

In Belgium, a Consultation Committee was established in the Chancellery of the Prime Minister to discuss good governance issues which require cooperation between the different levels of government.

The Committee consists of the ministers from the federal government and the ministers from the governments of the Communities and Regions. It meets once a month. The Secretariat of the Consultation Committee is responsible for the administrative and logistical task of the Committee, such as preparing and sending meeting agendas, organising meetings and distributing the results of the decisions made.

The Secretariat is also overseeing the monitoring process of the cooperation agreements between the different entities and publishing cooperation agreements involving the federal government. In addition, it brings together the reports from the Ministerial conferences.

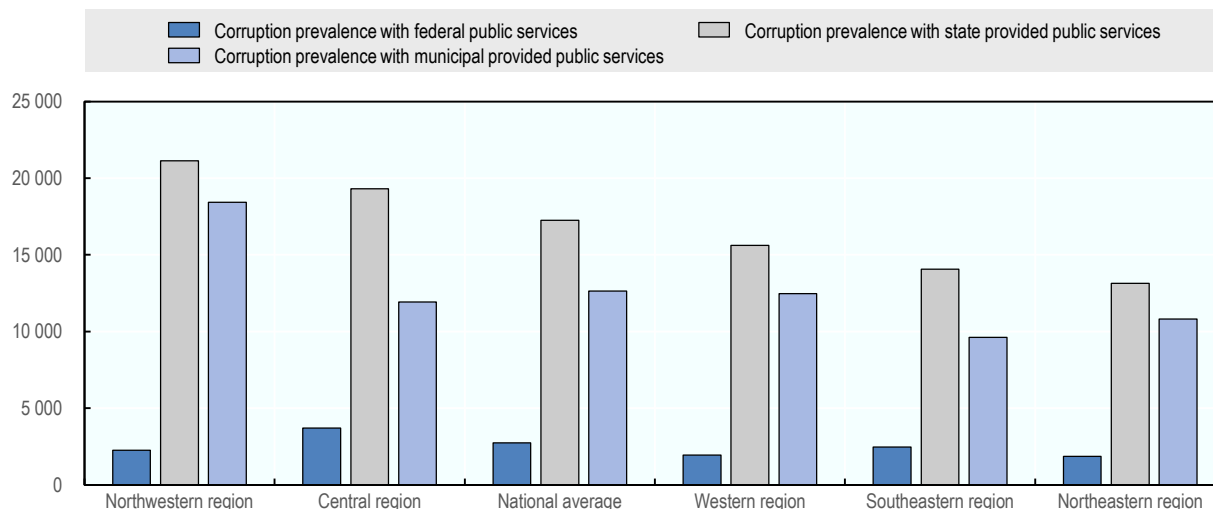
Sources: (OECD, 2017^[6]; OECD, 2017^[5]; Chancellery of the Prime Minister, n.d.^[7]).

In Argentina, a revised Public Ethics Law could require the implementation of a Federal Council for Integrity as a first step towards ensuring a coherent integrity system that includes the subnational level. Such a Federal Council for Integrity would be in line with the country's policy tradition, as similar councils already exist for national security, education, investment, and energy, for example. Most recently, Article 29 of the Access to Public Information Law requires the creation of a Federal Council for Transparency (Consejo Federal para la Transparencia). The Federal Council for Transparency incorporates the commitment of the Provinces to guarantee the right of access to public information. It is a space to promote interjurisdictional co-ordination and co-operation regarding access to information policies at the national and provincial levels.

The Anti-corruption Office could host and steer this Federal Council for Integrity at national level, which main function would be to develop guidelines for Provincial Integrity Systems in line with the national Public Ethics Law and beyond, e.g. taking as a reference point the vision provided by the 2017 *OECD Recommendation of the Council on Public Integrity*. In the short term, the Permanent Forum of State Prosecutors for Administrative Investigations and Anti-corruption Offices, mentioned above, could be the platform to move forward with a discussion of such a Federal Council for Integrity and fine-tuning a concrete proposal. In these discussions, it could also be considered merging the Federal Council for Integrity with the Federal Council for Transparency, and opt for a joint steering between the Anti-corruption Office and the Access to Information Authority.

In addition to such an institutional solution, Argentina could promote an evidence-informed discussion on challenges related to corruption through comparative data across Provinces and municipalities. The National Institute of Statistics and Censuses (Instituto Nacional de Estadística y Censos, or INDEC) could collect this data through household surveys, as recommended in chapter 2. For example, Mexico's National Statistics Office (Instituto Nacional de Estadística y Geografía, or INEGI) conducts a biennial survey on citizens' experiences with public sector corruption in a standardised sample of government-provided services. It then calculates a "corruption incidence" ratio by dividing the total number of citizens who interacted with public authorities in the request or receipt of a service by the number of acts of corruption reported in interactions with public authorities. The ratio is a proxy for the extent to which certain interactions have been subject to corruption: it is not an exact figure of experienced corruption (OECD, 2017_[6]). The results in Mexico show that state and municipal governments exhibited greater incidences of experienced corruption in the provision of public services, relatively speaking, when compared to the federal level. The data also allows a comparison between regions or States: for example, the Northwestern Region of Mexico demonstrated the highest levels of reported corruption in the delivery of public services (Figure 1.5).

Figure 1.5 Regions in Mexico where corruption is most prevalent, INEGI’s “corruption ratio” by level of government and region



Note: Región central (Distrito Federal, Guerrero, Hidalgo, México, Morelos, Puebla y Tlaxcala); Región occidental (Aguascalientes, Colima, Guanajuato, Jalisco, Michoacán de Ocampo, Nayarit, Querétaro y Zacatecas); Región sureste (Campeche, Chiapas, Oaxaca, Quintana Roo, Tabasco, Veracruz de Ignacio de la Llave y Yucatán); Región noroeste (Baja California, Baja California Sur, Chihuahua, Sinaloa y Sonora); Región noreste (Coahuila de Zaragoza, Durango, Nuevo León, San Luis Potosí y Tamaulipas).

Source: INEGI (2015), Encuesta Nacional de Calidad e Impacto Gubernamental, www.beta.inegi.org.mx/proyectos/enchogares/regulares/encig/2015/.

1.3. Improving co-ordination and mainstreaming of integrity policies in the National Executive Branch

1.3.1. A National Commission for Integrity and Transparency could strengthen the co-ordination amongst key integrity actors of the national executive branch

With an increased number of actors participating in a system, the risk for duplication and overlap augments, as well as the need for an effective co-ordination. Co-ordination is an arduous task requiring that “elements and actors (...) remain plural and different, while it aims for results that are harmonious and effective” (OECD, 2004^[8]). Clear formal and/or informal mechanisms for horizontal and vertical co-operation and co-ordination between the actors, sectors and subnational levels help in avoiding fragmentation, overlap and gaps and ultimately in ensuring the coherence and the impact of policies.

In Argentina, amongst the areas considered as priorities by the current Government, many are related to what would constitute a strategic approach towards an integrity system. These areas are: citizen participation, political reform, the recovery of public statistics, open government, the revaluation and optimization of public employment, and administrative reform (Box 1.2). These priorities are led by various governmental entities, and each one is indirectly contributing essential parts to a national integrity system.

Box 1.2. Key priorities of the Government of Argentina related to integrity policies

Objective IV – Sustainable Human Development

Priority 47: *Citizen participation*. We believe in teamwork, not only within the Government but also between the State and society. We want to expand these networks to work more and more with Social Organisations, volunteers and companies to reach each of the people who need it.

Objective VI – Strengthening Institutions

Priority 77: *Political Reform*. Political reform is a process that covers the whole period of the government. In a first stage, we are promoting policies to strengthen the integrity, transparency and equity of the electoral process. To modernise and give greater transparency to the voting system, we seek to implement the Single Electronic Ballot. In addition, to avoid distortions in the will of voters, we are working to eliminate multiple lists and multiple nominations, and to improve control and sanctions of electoral offenses.

Priority 79: *Anticorruption Programme*. To advance against corruption, we are implementing a strategic plan for transparency and institutional strengthening that requires the collaboration of all levels of the State.

Objective VII – Modernisation of the State

Priority 83: *Recovery of Public Statistics*. It is impossible to plan or evaluate public policies without knowing their real impact. (...) We are moving towards completing the process of standardising public statistics.

Priority 84: *Open Government*. A contemporary state is more open, transparent and close to the citizens. With the objective of opening up public administration, we are strengthening the practices of open government at the federal level by fostering accountability, citizen participation, new technologies and public innovation.

Priority 85: *Revaluation and optimisation of public employment*. We want to revalue public employment. That is why we are implementing a comprehensive human resource development policy that includes organisational design, performance and compensation.

Priority 89: *Administrative reform*. The National Public Administration needs to be updated and modernised. In order to have a State at the service of citizens, a set of initiatives must be promoted to modernise state management, redesigning support systems on the way to a model in line with the 21st century.

Source: Translated from www.casarosada.gob.ar/objetivosdegobierno/.

As such, as in most countries, the institutional panorama of the integrity system is complex in Argentina – even looking only at the national executive branch without considering the Provinces and the still lacking authorities of application foreseen in the Public Ethics Law. Indeed, in the executive, the following actors can be considered as forming the core of an Argentinian National Public Integrity System:

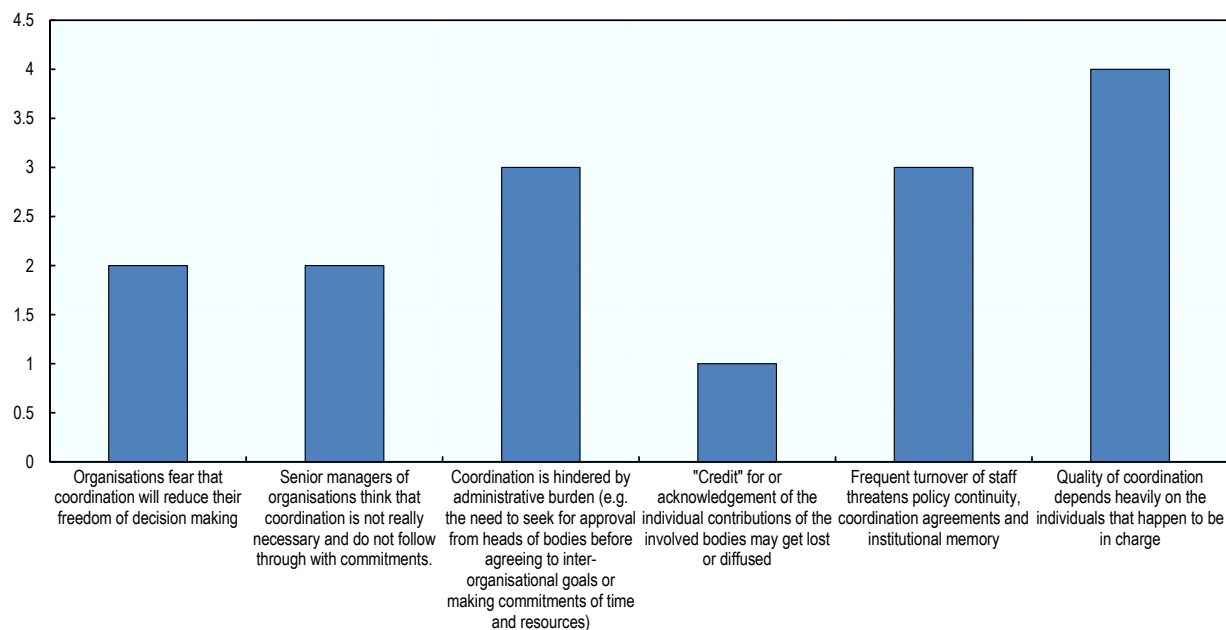
- The Anti-corruption Office

- The Office of the Comptroller General (Sindicatura General de la Nación, or SIGEN), for internal control, audit and risk management policies
- The Access to Public Information Agency for the executive (Agencia de Acceso a la Información Pública, AIP, del ejecutivo)
- The Ministry of Interior, especially the Secretariat for Political Affairs (Secretaría de Asuntos Políticos) for policies related to access to information/transparency, stakeholder engagement, political finance and lobbying
- The Ministry of Education, for policies related to cultivating a culture of integrity in the whole of society
- The Treasury Attorney General Office (Procuración del Tesoro de la Nación, or PTN)
- The Executive Office of the Cabinet of Ministers (Jefatura de Gabinete de Ministros, or JGM), especially the Secretariat for Institutional Strengthening (Secretaría de Fortalecimiento Institucional) created recently by Decree 6/2018, and the Secretariat of Modernisation (Secretaría de Gobierno de Modernización) for policies related to human resource management, training, organisational culture, public management, and open government

Ensuring co-ordination amongst these different actors is challenging. As in many countries, co-ordination amongst integrity actors in Argentina is dependent on the individuals that happen to be in place, and co-ordination faces the challenge of frequent turnover of staff and by the administrative burden coming along with co-ordination, e.g. the need for seeking internal approval before being able to commit to inter-organisational goals (Figure 1.6).

Figure 1.6. Perceived challenges to an effective co-ordination between actors of the Argentinian public integrity system

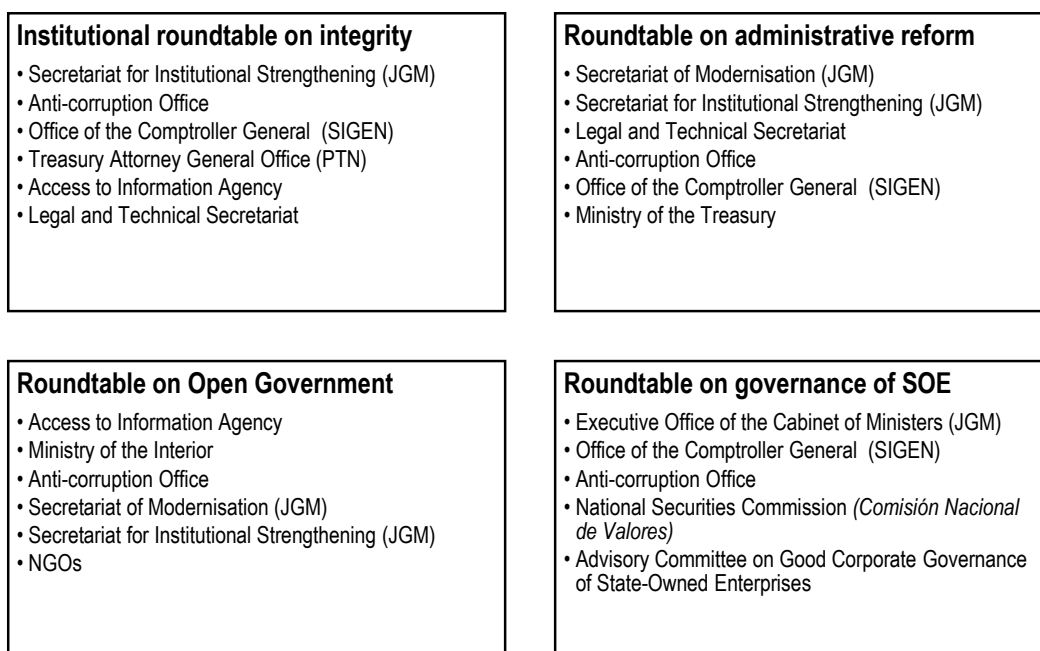
(1 = not a challenge, 2 = somewhat of a challenge, 3 = a moderate challenge, 4 = severe challenge)



Source: (OECD, 2017^[5]).

Currently, the Executive in Argentina has addressed the co-ordination challenge through four roundtables (*mesas de trabajo*): on integrity, on administrative reform, on open government, and on corporate governance of State-Owned Enterprises (SOE). This last roundtable includes the Advisory Committee on Good Corporate Governance of State-Owned Enterprises (*Comité Asesor en Buen Gobierno de Empresas de Propiedad Estatal*) created by Resolution 1/2018 (OECD, 2018^[9]). Figure 1.7 shows the current composition of these roundtables. According to information provided by Argentina, the roundtables on integrity and on administrative reform are particularly relevant for integrity policies. The Secretariat for Institutional Strengthening of the Executive Office of the Cabinet of Ministers is leading the institutional roundtable on integrity, which started meeting in the second semester of 2017.

Figure 1.7. Composition of roundtables on integrity-related policy issues in Argentina



Source: Information provided by the Government of Argentina.

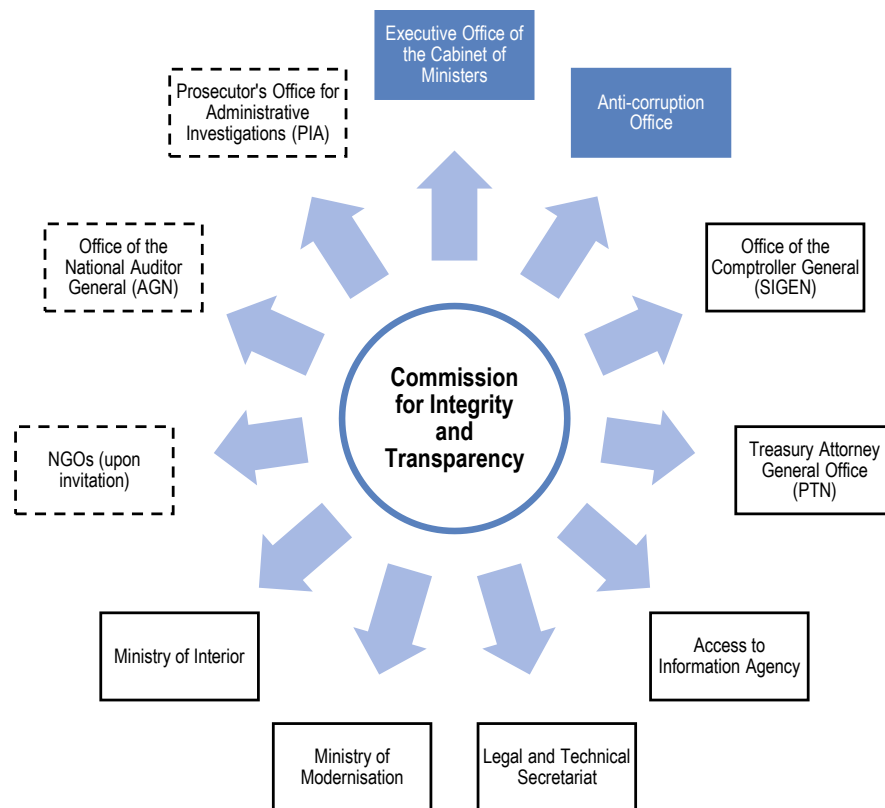
These roundtables are a commendable step towards ensuring a more co-ordinated approach, but there is room for improvement. Indeed, while an approach to co-ordination based on rather informal roundtables has the advantage of allowing for flexibility and does not create new formal structures, there might be a cost from the perspective of sustainability. Good international practice shows that integrity policies, especially preventive measures, require coherency and continuity to unfold and show impact; change is unlikely to happen at a significant level within one single government. Roundtables, however, are unlikely to stay in place after changes in government and may endanger recent and forthcoming reforms. In addition, given their informality, they are prone to depend more upon leadership and commitment of leaderships than more institutionalised solutions.

Therefore, the Executive Office of the Cabinet of Ministers could consider merging the roundtables of integrity and of administrative reform to institutionalise a formal co-ordination mechanism, such as a Commission for Integrity and Transparency in the PEN

(see below Figure 1.8). In addition to merging the roundtables, the Ministry of the Interior should be included too, so that the composition of this Commission reflects the key areas of an integrity system in the executive branch. Of course, depending on the topics discussed, different relevant units from the Ministries and the Executive Office of the Cabinet of Ministers may be involved. Due to their role in cultivating a culture of integrity in the whole of society, the Ministry of Education could also be included, or invited on a regular base (see chapter 8). The Commission could exchange information and co-ordinate with the roundtables on open government and on SOE in areas relevant for integrity policies (OECD, forthcoming^[10]).

In addition, key external actors could be included with voice but without vote to contribute to the debates, to provide legitimacy to the Commission and to ensure a certain degree of continuity over time. First, even though not part of the executive, the Auditor General (Auditoría General de la Nación, or AGN) and the Prosecutor Office for Administrative Investigations (Procuraduría de Investigaciones Administrativas, or PIA) could be included due to their relevance for the external control and audit of the executive and the administrative and disciplinary enforcement of integrity policies (see chapters 4.3.2 and 5). Second, relevant and interested NGOs could be invited to join the discussions; for instance those currently participating in the Open Government Roundtable: the Civil Association for Equality and Justice (Asociación Civil por la Igualdad y la Justicia, or ACIJ), the Center for the Implementation of Public Policies for Equity and Growth (Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento, or CIPPEC), the Legislative Directory Foundation (Directorio Legislativo) and Poder Ciudadano, the local chapter of Transparency International.

Figure 1.8 provides an overview of how a potential Commission for Integrity and Transparency could look like.

Figure 1.8. Composition of the proposed Commission for Integrity and Transparency

Note: In dotted lines, invited members from outside the executive, with voice but without vote. In blue, the Secretary for Institutional Strengthening of the JGM, responsible for co-ordination and monitoring, and the Anti-corruption Office, responsible for steering integrity policies and guidelines.

Colombia and Peru have implemented similar commissions, although with a broader scope beyond the executive branch (Box 1.3). In Argentina, the Commission could have the following three key objectives:

- to design a national integrity and transparency strategy for the executive steered by the Anti-corruption Office (see section 1.4);
- to present, monitor and discuss the status of implementation of such a national strategy discuss challenges and opportunities, and to ensure the evaluation of the policy results (see chapter 2); and
- to discuss and elaborate draft laws and regulations on integrity policies.

Box 1.3. Anti-corruption Commissions in Colombia and Peru

The National Committee for Moralisation in Colombia

The Anti-corruption Statute, Law 1474 from 2011, established the National Committee for Moralisation (*Comisión Nacional de Moralización*, or CNM), a high-level mechanism to co-ordinate strategies to prevent and fight corruption. The CNM is a multipartite body led by the President of the Republic and composed of 13 members: the President of the Republic; the Inspector General (Procuraduría General de la Nación); the Prosecutor General (Fiscalía General de la Nación); the Comptroller General (Contraloría General de la República); the Auditor General (Auditoría General de la República); the National Ombudsman (Defensoría del Pueblo); the Secretary of Transparency; the President of the Congress; the President of the Senate; the President of the Supreme Court; the President of the Council of the State (Consejo de Estado); the Minister of Justice; and the Minister of the Interior. The CNM ensures information and data exchange among the members, establishes indicators to assess transparency in the public administration, and adopts an annual strategy to promote ethical conduct in the public administration. The Commission issues reports and publishes the minutes of the meetings. The Transparency Secretariat has been established in the office of the Presidency as the technical secretariat to the CNM.

The High-level Anti-corruption Commission in Peru

Peru's High-level Anti-corruption Commission (*Comisión de Alto Nivel Anticorrupción*, or CAN) was established by Law no. 29976 and its regulation in decree no. 089-2013-PCM, which outlines CAN's mandate and responsibilities. CAN's main activities are: articulating efforts; co-ordinating the actions of multiple agencies; and proposing short, medium and long-term policies directed at preventing and curbing corruption in the country. The CAN is formed by public and private institutions and civil society, and co-ordinates efforts and actions on anti-corruption. Non-governmental actors include representatives of private business entities, labour unions, universities, media and religious institutions. Recently, in 2018, a Secretary for Public Integrity (*Secretaría de Integridad Pública*, or SIP) has been created in the Presidency of the Council of Ministers (*Presidencia del Consejo de Ministros*, or PCM). Besides leading the development of integrity policies in the executive, the SIP also assumes the role of the technical secretariat of the CAN, in charge of co-ordination, advice and implementation of the agreements reached by the Commission. As such, the SIP ensures also coherence between the strategic whole-of-government and whole-of-society role of the CAN and the mainstreaming of integrity policies throughout the public administration and subnational levels.

Source: (OECD, 2017^[11]; OECD, 2017^[12]).

The Commission could be hosted by the Executive Office of the Cabinet of Ministers and co-ordinated by its Secretariat for Institutional Strengthening. The main responsibility of the Secretariat in relation with the Commission would be twofold: ensuring the co-ordination between the relevant actors and other line ministries, as well as following-up on the implementation of integrity policies by setting-up an adequate monitoring system (see also chapter 2).

In turn, the Anti-corruption Office, as the authority of application of the Public Ethics Law in the executive branch and as national focal point for the UN Convention against Corruption and the Inter-American Convention against Corruption, could lead the Commission in relation to designing and developing public policies and guidelines that strengthen integrity in the public service and prevent corruption. The Anti-corruption Office can build on accumulated specific knowledge on corruption and integrity policies over time, and can contribute a certain degree of continuity across different governments. The participation of the Office in the policy dialogue with the legislative and the judiciary and in the proposed Federal Council for Integrity (see section 1.2) would also allow for a certain degree of coherence of the integrity system across branches and levels of government. Along the same line, Transparency and Open Government policies and guidelines should be led by the respective responsible public entities for the executive.

1.3.2. Establish an integrity contact point dedicated to preventing corruption and promoting integrity policies in each public entity

Implementing integrity policies throughout the public administration is a challenge. In essence, the question boils down to how to translate and anchor national laws and policies into organisational realities. Although integrity is ultimately the responsibility of all individuals within an organisation, dedicated “integrity actors” are particularly important to complement the essential role of managers in stimulating integrity and shaping ethical behaviour (OECD, 2009^[13]). Indeed, international experience suggests the value of having a dedicated and specialised individual or unit that is responsible and accountable for the internal implementation and promotion of integrity laws and policies. Guidance on ethics and conflict of interest in case of doubts and dilemmas needs also to be provided on a more personalised and interactive level than just through written materials; especially to respond on an ad-hoc basis when public servants are actually confronted with a specific problem or doubts and would like to seek advice.

However, there is currently no clear anchoring of integrity policies at organisational level in Argentina. The need for such an organisational function becomes clear in the following recent developments: On the one hand, a Network of Contact Points for Access to Public Information has been activated. By the time of this Review, there are 102 contact points; all ministries and 83 % of decentralised entities have such a contact point in place. On the other hand, the Anti-corruption Office is promoting and institutionalising a network of contact points (enlaces) in various public entities in order to reach more effectively the organisational level with their policies. In addition, similar to experiences from State-Owned Enterprises, the *Dirección Nacional de Vialidad* in the Transport Ministry has established an Ethics and Transparency Unit (Unidad de Ética y Transparencia, or UET). Currently, the tasks of the UET is related to the training of public employees, the creation of corruption prevention and transparency programmes; the review of public procurement processes and the establishment of a mechanism for reporting crimes against the public administration (whistleblowing).

Interviews with Argentinian public officials showed that there is a potential for up-scaling this UET, but also that there is a need for more clarity concerning their roles, the co-ordination with other internal units and with other external entities, and with respect to their place in the organisation and their budget. The Anti-corruption Office could therefore assess the strength, weaknesses, opportunities and threats faced by the existing UET in the executive, and build on experience gained by similar UET in State-Owned Enterprises. Then, taking into account the experience of the Network of Contact Points for Access to Public Information and their own informal network of contact points, the Anti-corruption

Office could develop a more general policy that assigns integrity and transparency a formal and institutionalised place in the organisational structure of public entities. The OA could table this proposal to the Commission for Integrity and Transparency recommended above, and test the policy in a pilot implementation in 4 to 5 ministries.

The goal of this policy is to ensure the existence of a dedicated and specialised integrity and transparency function within each public entity. Ideally, an integrity contact point should be clearly integrated into the organisational structure, report directly to the highest authority and dispose of an own budget to implement the activities related to its mandate. The number of staff could vary according to the size of the respective public entity. The integrity function could be assigned to already existing units, for instance to human resource departments, or to individuals that would take up this function in addition to their current tasks. However, this comes along with the risk that the existing unit or the individual will not be able to dedicate sufficient resources to this new function and that the activities related to the promotion of integrity policies will not be carried out with due care. To allow a flexible approach, the Anti-Corruption Office's policy could consider several types of integrity contact points, depending on criteria such as the size of the public entity or the level of risk. Whether the decision is to create a new dedicated integrity contact point or assign the role to an individual or existing unit, the Anti-corruption Office, the Secretariat of Modernization, the Ministry of the Interior and the Access to Public Information Agency would need to provide the integrity contact points with training and guidance.

The main responsibility of an integrity contact point, in co-ordination with other relevant internal units, is to promote integrity and transparency policies decided by the Commission for Integrity and Transparency proposed above, adapting it to the respective organisational reality (see section 1.4.2). While the integrity contact point therefore not necessarily is responsible for implementing all aspects of these integrity policies, it could articulate and monitor the implementation of these policies at organisational level. In addition, one could think of two channels of accountability and reporting: the first, as already mentioned, to the highest authority of the public entity and the second, outside the public entity, for example, to the Commission for Integrity and Transparency or the Anti-corruption Office and the Secretariat for Institutional Strengthening. This second external channel would allow the central monitoring system to be fed with information from public entities (see Chapter 2) and would also provide a certain level of independence and protection to these units.

In particular, it would be recommendable to separate clearly the preventive function of the integrity contact point from activities related to the detection of individual cases of wrongdoing, investigation and enforcement. First, this ensures the credibility of the integrity contact point as a “safe haven” and facilitates the building of trust. Other units in the public entity will be more likely to share information and be open to advice coming from the integrity contact point on structural changes to prevent wrongdoings if they don't have to fear that the information they provide may be used against the unit in case of an investigation. Second, experience from practice shows that units who have both functions dedicate most of their efforts and resources to incoming reports through the whistleblowing reporting channel, while not dedicating sufficient time to prevention and the promotion of a culture of integrity. For instance, an integrity contact point could provide guidance to potential whistleblowers with respect to existing internal and external reporting options or available protection measures, but ideally should not receive reports themselves. Indeed, prevention is often equated with providing training only, while cultivating a culture of integrity requires more (see chapter 3). Finally, the reception of reports may generate expectations of results that integrity units are not able not deliver, as they are lacking investigatory powers and cannot impose sanctions. A general policy to

guide the design of an integrity contact point could consider experiences of OECD countries such as Germany (Box 1.4) or Austria (Box 1.5).

Box 1.4. Germany's Contact Persons for Corruption Prevention

Germany, at federal level, has institutionalised units for corruption prevention as well as a responsible person that is dedicated to promoting corruption prevention measures within a public entity. The contact person and a deputy have to be formally nominated. The “Federal Government Directive concerning the Prevention of Corruption in the Federal Administration” defines these contact persons and their tasks as follows:

1. A contact person for corruption prevention shall be appointed based on the tasks and size of the agency. One contact person may be responsible for more than one agency. Contact persons may be charged with the following tasks:

- serving as a contact person for agency staff and management, if necessary without having to go through official channels, along with private persons
- advising agency management
- keeping staff members informed (e.g. by means of regularly scheduled seminars and presentations)
- assisting with training
- monitoring and assessing any indications of corruption
- helping keep the public informed about penalties under public service law and criminal law (preventive effect) while respecting the privacy rights of those concerned.

2. If the contact person becomes aware of facts leading to reasonable suspicion that a corruption offence has been committed, he or she shall inform the agency management and make recommendations on conducting an internal investigation, on taking measures to prevent concealment and on informing the law enforcement authorities. The agency management shall take the necessary steps to deal with the matter.

3. Contact persons shall not be delegated any authority to carry out disciplinary measures; they shall not lead investigations in disciplinary proceedings for corruption cases.

4. Agencies shall provide contact persons promptly and comprehensively with the information needed to perform their duties, particularly with regard to incidents of suspected corruption.

5. In carrying out their duties of corruption prevention, contact persons shall be independent of instructions. They shall have the right to report directly to the head of the agency and may not be subject to discrimination as a result of performing their duties.

6. Even after completing their term of office, contact persons shall not disclose any information they have gained about staff members’ personal circumstances; they may however provide such information to agency management or personnel management if they have a reasonable suspicion that a corruption offence has been committed. Personal data shall be treated in accordance with the principles of personnel records management.

Source: German Federal Ministry of the Interior “Rules on Integrity”, www.bmi.bund.de/SharedDocs/Downloads/EN/Broschueren/2014/rules-on-integrity.pdf?__blob=publicationFile.

Finally, building on its experience with the current informal network of contact points, the Anti-corruption Office could establish and steer a network between these more formalised integrity contact points. Such a network would facilitate the exchange of good practices and the discussion of problems and would provide an entry point for development of capacities (see also Box 1.5 and Box 1.6). An online platform where participants can exchange ideas and practices, raise doubts and questions to the network and upload information could be a cost-efficient way to support such a network in addition to regular in-person meetings. Ideally, such a network would already be created during the pilot implementation recommended above to enable joint learning and to fine-tune the design of the network and its working dynamics.

Box 1.5. Austria: The Austrian Integrity Network (Integritätsbeauftragten-Netzwerk)

In Austria, the Federal Bureau to prevent and fight corruption (Bundesamt zur Korruptionspraevention und Korruptionsbekaempfung, BAK) created the Austrian Integrity Network (Integritaetsbeauftragten-Netzwerk) with the purpose to strengthen integrity by firmly anchoring integrity as a fundamental element in public sector.

To this end, the BAK trains civil servants to become experts in the field of integrity and corruption prevention within the framework of the Integrity Network. These integrity officers provide advice and guidance in their entities to strengthen integrity within specific entities. The integrity officers can access further information on compliance, corruption, ethics, integrity and organisational culture.

In addition to the Internet platform, the BAK also offers regular follow-up meetings for integrity officers on specific topics such as risk management and ethics and values. For example, during the meeting on ethics and values, participants presented their existing values model. After a discussion in break-out groups and in plenary session, the participants identified good practices for the process of implementing a values statement in an entity.

Source: <https://integritaet.info/>.

Box 1.6. The Canadian Conflict-of-Interest Network

The Canadian Conflict of Interest Network (CCOIN) was established in 1992 to formalise and strengthen the contact across the different Canadian Conflict of Interest. The Commissioners from each of the ten provinces, the three territories and two from the federal government representing the members of the Parliament and the Senate meet annually to disseminate policies and related materials, exchange best practices, discuss the viability of policies and ideas on ethics issues.

Source: New Brunswick Conflict of Interest Commissioner (2014), Annual Report Members' conflict of interest Act 2014,
www.gnb.ca/legis/business/currentsession/58/58-1/LegDoc/Eng/July58-1/AnnualReportCOI-e.pdf.

1.4. Developing a strategic approach to public integrity in the National Executive Branch

1.4.1. The Anti-corruption Office could develop a National Integrity Strategy, with concrete and achievable goals and strategic objectives

Moving from an ad hoc and reactive “culture of cases” to a more proactive “culture of integrity” focusing on prevention requires vision, insight and foresight, and as such both strategic and operational planning. The 2017 *OECD Recommendation of the Council on Public Integrity* highlights the value of setting strategic objectives and priorities for the public integrity system based on a risk-based approach, and that takes into account factors that contribute to effective public integrity policies (OECD, 2017^[1]).

There are various advantages of following a strategic planning approach. First, a strategy that commits the government to concrete, ambitious but feasible outcomes can be a message to the citizens emphasising that this is a serious endeavour. In turn, too broad, vague or unrealistic goals may reflect a lack of political will. Second, a planning process reduces the risk of merely copy-and-pasting solutions from other countries and can provide incentives for innovative thinking by forcing policy-makers to start with identifying the issues as well as the desired changes (outcomes), and then working backwards to identify objectives and concrete activities, emphasising the theory of change (Johnsøn, 2012^[14]). Third, a strategic approach is fundamental for developing benchmarks and indicators and gathering credible and relevant data on the level of implementation, performance and overall effectiveness of the public integrity system (see chapter 2). Finally, a strategic plan can also be valuable co-ordination instrument, as it should require to clearly assigning responsibilities to the identified goals and objectives.

In Argentina, as mentioned previously, the Government priority goal number 79 states that the Government is “implementing a strategic plan for transparency and institutional strengthening in cooperation with all levels of the State”. However, there is currently no such strategic national strategy with goals that give a clear indication of the systemic change the integrity system wants to accomplish. In this sense, it also might be misleading to have a project under priority 79 that is called “preventive system of public integrity”, but that focuses only on some specific activities carried out by the Anti-corruption Office. Indeed, as argued above, an integrity system includes, but is not limited to activities directly implemented and controlled by the Anti-corruption Office.

Nonetheless, the Anti-corruption Office is, due to its technical expertise, well placed to steer such a strategic participatory planning exercise in the co-ordination roundtables under Executive Office of the Cabinet of Ministers, or ideally in the context of the Commission for Integrity and Transparency. Such a role is also covered by its mandate “to prepare and co-ordinate anti-corruption programmes”. At the same time, the recently created Secretariat for Institutional Strengthening has elevated the issue of integrity policies to the highest level and provides, as argued above, an opportunity for co-ordinating a more comprehensive approach towards a National Integrity System, involving all key actors.

The Anti-corruption Office could thus engage with all relevant entities and steer the joint construction of a National Integrity Strategy to set strategic goals and priorities for the public integrity system, drawing also, but not only, on the government priorities laid out in Box 1.2. Involving all relevant entities is not only key to ensuring the effective implementation of measures related to the respective core competencies of the different

actors. Moreover, the specific knowledge and experiences are relevant inputs to define the strategic vision of a National Integrity System as a whole, and help building a shared understanding of priorities as well as a joint ownership of the strategy. In addition, having defined strategic goals will also enable the Secretariat for Institutional Strengthening to monitor and promote the evaluation of the National Integrity Strategy (see chapter 2).

Of course, a strategy on its own is not a silver bullet, and its success depends both on the quality of its content and on the process of designing and implementing the strategy. Besides involving key stakeholders, the design of the National Integrity Strategy should be based on risk assessments, sound evidence from research and practice, and on context specific diagnostics, including political economy analysis (Corduneanu-Huci, Hamilton and Ferrer, 2013^[15]). While the overall vision should be comprehensive and consider all relevant aspects of an integrity system, the National Integrity Strategy needs to set ambitious but realistic priorities, make explicit the required inputs for the fulfilment of these goals, and link the strategy to the budget. Finally, monitoring, evaluation and communication should be considered as an integral part of the National Integrity Strategy and should thus be decided upon at the beginning (see chapter 2). The Integrity Review of Argentina, in the following chapters and in its Action Plan, provides concrete recommendations that could feed into this planning process; various studies and tools can further guide the strategic planning exercise (Pyman, Eastwood and Elliott, 2017^[16]; Hussmann, 2007^[17]; UNODC, 2015^[18]; Council of Europe, 2013^[19]).

In addition, Argentina could consider including a sectorial perspective in the National Integrity Strategy. Such a sectorial perspective has at least three important advantages (Boehm, 2014^[20]; Campos and Pradhan, 2007^[21]; OECD, 2015^[22]). First, broad, one-size-fits all approaches cannot take into account the specificities of corruption risks in different sectors. A thorough understanding of how a given sector works, its processes and actors, is however often required to design effective measures. Second, promoting integrity in sectors can translate into more concrete goals and results that directly affect people's well-being. Also, corruption in procurement processes at sector level entail higher prices and/or lower quality of services. As such, tackling corrupt practices in a specific sector can make service provision more effective and efficient. In addition, curbing corruption in a sector can create positive spill-overs to other sectors and enhance state legitimacy, as citizens recover trust in their government and ask for more reforms (Banerjee and Duflo, 2012^[23]; Nolan-Flecha, 2017^[2]). Third, there may be windows of political opportunity making reforms at sector level more feasible (Matsheza, 2012^[24]). For developing the sectorial goals in the National Integrity Strategy, the Anti-corruption Office would need to involve the respective lead ministry of the sector as well as key stakeholders. In addition, Argentina has recently expressed the willingness to join the Extractive Industries Transparency Initiative (EITI), and could consider joining other international initiatives with specific focus, such as the Construction Sector Transparency Initiative (CoST), or the Medicines Transparency Alliance (MeTA), for example.

Box 1.7 presents the new anti-corruption strategy of the UK, which includes a sectorial perspective. The UK Strategy was developed in a joint effort, steered by the Joint Anti-Corruption Unit (JACU), and focuses on a few priorities while reflecting a high degree of political leadership by setting concrete goals and actions and by addressing politically sensitive issues too.

Box 1.7. United Kingdom (UK) anti-corruption strategy 2017-2022

At the 2016 Anti-Corruption Summit in London, the UK government pledged to develop a cross-government anti-corruption strategy that laid out a long-term vision of how to tackle corruption, and how the government would implement the commitments made during the Summit. The UK anti-corruption strategy was published in December 2017 and aims to provide a long-term framework to steer the government's actions in preventing corruption. The strategy contains six priorities for Parliament which are as follows:

1. Reduce the insider threat in high-risk domestic sectors, such as borders and ports
2. Strengthen the integrity of the UK as an international financial centre
3. Promote integrity across the public and private sectors
4. Reduce corruption in public procurement and grants
5. Improving the business environment globally
6. Working with other countries to combat corruption

The strategy is guided by four approaches: **Protect** against corruption, by building open and resilient organisations across the public and private sectors; **Prevent** people from engaging in corruption, including strengthening professional integrity; **Pursue** and punish the corrupt, strengthening the ability of law enforcement, criminal justice and oversight bodies to investigate, prosecute and sanction wrongdoers, and; **Reduce** the impact of corruption where it takes place, including redress from injustice caused by corruption.

The strategy was developed as a cross-government initiative with a whole-of-society approach, aiming to coordinate government anti-corruption efforts with civil society, the private sector, and law enforcement. To achieve this, the strategy outlines how the government Anti-Corruption Champion will play an active role in engaging stakeholders, and increase coordination with domestic partners modelled on the success of the Joint Money Laundering Intelligence Taskforce and the Joint Fraud Taskforce. The strategy also notes that cooperation will be facilitated with civil society and the private sector by undertaking regular, problem-oriented policy dialogue through both informal and formal means.

Source: HM Government (2017), *United Kingdom anti-corruption strategy 2017-2022*, www.gov.uk/government/publications/uk-anti-corruption-strategy-2017-to-2022.

1.4.2. All public entities could elaborate own objectives and activities that are aligned with the National Integrity Strategy

Integrity is relevant for all public entities. The cross-cutting relevance of integrity for safeguarding the achievement of other public policy goals, such as goals related to health, defence, education or infrastructure, or, more generally speaking, the Sustainable Development Goals (SDGs), call for an effective implementation of integrity policies in each single public entity. Dedicated, responsible integrity actors at organisational level can contribute to this (see section 1.3.2). In addition, experience shows that goals that are not included explicitly into the organisational planning, budgets and internal accountability mechanisms are unlikely to be taken seriously by managers.

The National Integrity Strategy sets the strategic goals and objectives but needs to be operationalised by public entities into specific objectives and actions at organisational level. The Ministry of Modernisation, now Secretariat of Modernisation, issued guidelines with concrete recommendations for planning and the monitoring and evaluation process that could be used for this operationalisation (Ministerio de Modernización, 2016_[25]). Indeed, the integrity planning could be integrated into the process of developing the Integral Management Plans (*Planes Integrales de Gestión*), also called Ministerial Plans (*Planes Ministeriales*) or Strategic Plan (*Planes Estratégicos*). In turn, these Integral Management Plans need to be broken down into the Operational Plans (*Planificación Operativa*), with concrete activities or projects, responsibilities, time frames and budgets.

To facilitate this strategic and operational planning at organisational levels, the Anti-corruption Office and the Secretariat of Modernisation could jointly support public entities in developing their own organisational integrity strategy through planning workshops. With such support, public entities would be able to reap the synergies between their specific knowledge on the reality of their day-to-day business and the integrity and anti-corruption as well as the planning and M&E knowledge of the Anti-corruption Office and the Secretariat of Modernisation. As such, the Anti-corruption Office could validate the integrity objectives and activities of this planning at entity-level, while the Secretariat for Institutional Strengthening could approve the related indicators.

Figure 1.9 provides an overview of the proposed integrity planning process in line with the methodological guideline from the Ministry of Modernisation. The National Integrity Strategy would be aligned with Argentina's national government goals and be reflected in the strategic and operational planning at entity level. As recommended above, this National Integrity Strategy could also incorporate a sectorial perspective, where key line ministries and sectorial stakeholders would need to be involved in the planning.

Figure 1.9. From the National Strategy to operational plans at organisational level



A management system to track progress of these integrity plans could be added to the Management Board (*Tablero*) currently used by the Executive Office of the Cabinet of Ministers (see chapter 2). In the medium to long term, Argentina could consider moving towards an integrated management system similar to the Colombian one, which does not only track the achievement of objectives, but also of how these objectives have been achieved: Management for Results with Integrity and Transparency (Box 1.8).

Box 1.8. Making integrity one of the priorities for planning and management – The Colombian Integrated Planning and Management Model

The Integrated Planning and Management Model (Modelo Integrado de Planeación y Gestión, or MIPG) is a reference framework for directing, planning, executing, monitoring, evaluating and controlling the management of Colombian public entities, in order to generate results that meet development plans and solve the needs and problems of citizens, with integrity and quality of service.

The MIPG consists of seven dimensions through which one or more Institutional Management And Performance Policies are developed:

- Human talent (heart of the model);
- Strategic Direction and Planning (planning);
- Management with Values for Results (do);
- Evaluation of Results (verify and act);
- Information and Communication (transversal dimension);
- Knowledge and Innovation Management (transversal dimension);
- Internal Control (verify, act and ensure).

Integrity policy as a force for change

Although integrity is an element in all dimensions of the MIPG, the development of Integrity Policies was included as a fundamental part of Strategic Human Talent Management (Dimension 1). Integrity Policies seek to establish and promote values in the Colombian public service that encourage and strengthen practices and behaviours that are integral and exemplary. To achieve this challenge, the adoption of the recently developed general code is one of the ways in which Integrity Policy can be developed.

For the adoption, public entities should consider at least the following aspects:

- Leadership of the management team and the coordination of human management areas;
- Carry out permanent participatory exercises for the dissemination and ownership of the values and principles proposed in the Integrity Code;
- Establish a system for monitoring and evaluating the implementation of the Code to ensure compliance by the public servants when exercising their functions;
- Familiarise public officials with the Code in a way that builds on their personal experiences to encourage reflections about their work and role as public servants that eventually lead to changes in their behaviour;
- Adopt and internalise the Code of Integrity, and in accordance with the particularities and autonomy of each public entity, add principles of action ("what I do" and "what I don't do") to the five values established in the Code and include up to two additional values, if the entity deems it necessary.

Source: Función Pública (2017), Modelo Integrado de Planeación y Gestión.

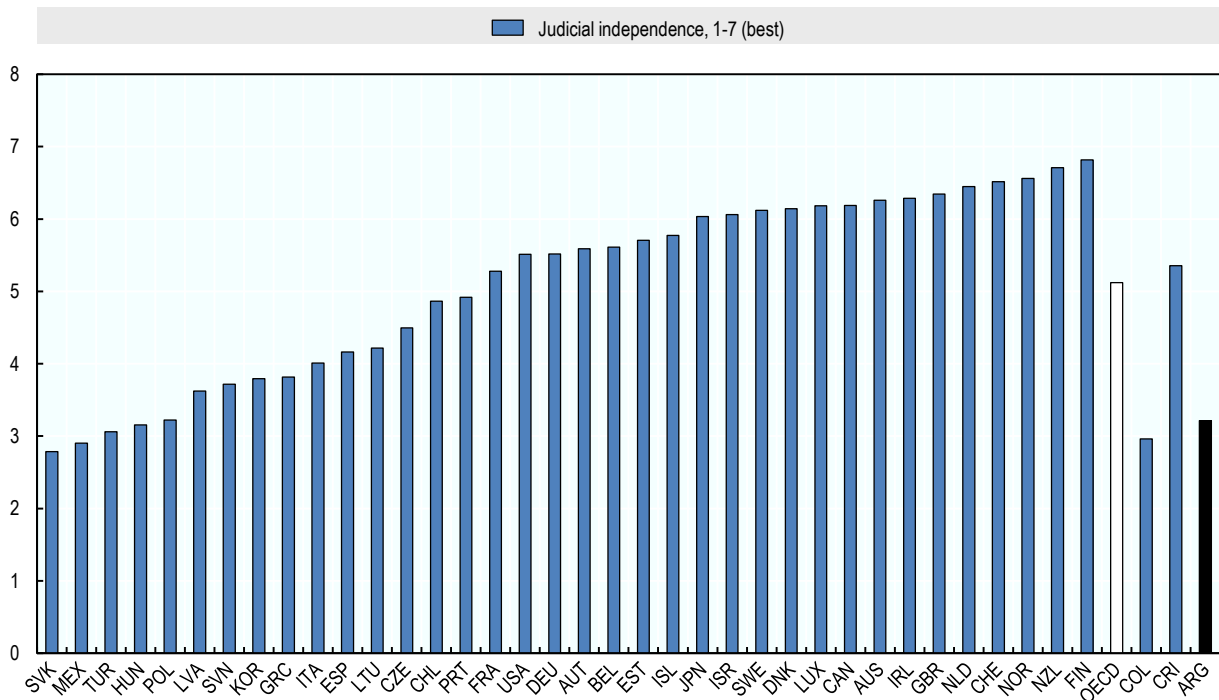
1.5. Strengthening the focus and the organisation of the Anti-corruption Office

1.5.1. The Anticorruption Office could reinforce and make more visible its preventive work as a policy adviser

When discussing the relevant institutions and their mandates a core question relates to the preventive and enforcement functions of anti-corruption efforts. The United Nations Convention against Corruption (UNCAC) recommends the establishment of “preventive anti-corruption body or bodies” in Article 6, as well as “Authorities” specialised in combating corruption through law enforcement in Article 36. As such, the UNCAC does not explicitly recommend the existence of a *single* body responsible for *both* prevention and law enforcement of corruption. Nonetheless, in many cases countries have opted for a single anti-corruption authority with both preventive and enforcement functions, although with limited success (OECD, 2013^[26]; Recanatini, 2011^[27]; Hussmann, Hechler and Peñailillo, 2009^[28]). In OECD countries, prevention and enforcement are usually strictly separated and even when looking at prevention policies only, countries vary extensively in how they organise their public integrity systems, and in many cases responsibilities are shared between various institutions (OECD, 2017^[5]).

In Argentina, the Anti-corruption Office plays a central role in Argentina’s integrity system. Decree 838 of 2017, replaced recently by Decree 174/2018, reformed and strengthened its internal structure by elevating the rank of the two former directors (for investigations and transparency policies planning) to sub-secretariats. The Sub-secretariat for Integrity and Transparency is responsible for many of the preventive functions of a public integrity system. The Sub-secretariat for Anti-corruption Investigations can initiate preliminary criminal investigations of cases where the patrimony of the State is affected, for example following reports received by the Anti-corruption Office or red flags in asset declarations (see also chapter 4). The Anti-corruption Office can and does intervene as a claimant if cases are brought to justice. As a complementary role to the initiated criminal investigations, the Anti-corruption Office must prepare preventive recommendations for the redesign of processes and institutions with the aim to mitigate the risk of similar practices occurring again in the future.

Historically, the investigative function of the Anti-corruption Office started because of doubts with respect to the *de facto* independence and effectiveness of the judiciary (Figure 1.10). The OECD 2017 Report on the implementation of the OECD Anti-bribery Convention reports that there are signs of politicisation and lack of neutrality of the Attorney General’s Office (*Procuración General de la Nación*). It further notes that there was little or no improvement to problems in the criminal justice system that were identified in earlier evaluations, including widespread delays in economic crime investigations and executive interference in judicial and prosecutorial independence (OECD, 2017^[29]). More concretely, the report finds that the composition of the Judicial Council (*Consejo de la Magistratura*) should be adjusted to ensure that it effectively protects the independence of judges. Also, investigative judges in charge of complex corruption cases have heavy caseloads, and judicial vacancies as well as the use of surrogate judges remain widespread, which further impinges independence and contributes to delay (OECD, 2017^[29]). A strengthening of the justice system, and in particular of the Prosecutor Office for Administrative Investigations (PIA), the Attorney General’s Office, and the Judicial Council, is therefore key to ensure the credibility and legitimacy of the integrity system. As such, with a strengthened justice system in the medium to longer term, the Anti-corruption Office’s mandates may evolve towards a clear focus on prevention.

Figure 1.10. Judicial independence is perceived as very low in Argentina

Source: World Economic Forum, Global Competitiveness Index 2017.

In the meanwhile, the interviews conducted during the fact finding mission indicate that the investigative function gives the Anti-Corruption Office a certain power and legitimacy and, consequently, is more respected and taken seriously by the other public entities, which facilitates the application of its policies, including preventive measures. However, the OA's communication with the press and social media focuses almost exclusively on cases and investigations. Thus, citizens and public servants relate predominantly the OA with its investigative function, while its role in prevention is less visible and receives less attention.

This however could undermine the credibility and effectiveness of the preventive advisory role of the OA. Public institutions could for instance think that measures aimed at gathering information for preventive purposes, such as surveys or interviews, are actually just another way to obtain information for investigative purposes. If public entities believe information provided by them is actually intended to detect red flags or malpractices, they may not have the incentive to cooperate and provide truthful information. Also, the Anti-corruption Office may be confronted with the scenario where they recommended preventive measures that have been implemented by the public entity, but a corruption case nevertheless arises afterwards. An analogy could be made with advisory and audit functions. Guidelines on audit point to the issue that "...if internal auditors are involved in developing the internal control systems, it may become difficult to maintain the appearance of independence when auditing these systems (International Organization of Supreme Audit Institutions, 2010_[30])."

To mitigate potential adverse effects of the investigative function on the preventive function of providing policy advice, the Anti-corruption Office could consider, on the one hand, ensuring and communicating not only internally, but also and especially to external

stakeholders, the strict separation of the two sub-secretariats. In addition, the Anti-corruption Office could establish clear communication protocols regulating the exchange of information between the two Sub-secretariats, arguably limiting communication to an exchange between the respective heads of the sub-secretariats.

On the other hand, the Anti-corruption Office should make more visible and invest more into its preventive and advisory role by further strengthening its Sub-secretariat for Integrity and Transparency. Through internal capacity building and through attracting the right human resource, the Anti-corruption Office could in particular seek to further strengthen its analytical and planning capacities in order to fulfil its functions related to steering the development of a National Integrity Strategy (section 1.4) and to providing guidance to public entities (section 1.3.2 and chapters 3 and 4).

Finally, the Anti-corruption Office could invest in developing a strong communication strategy aimed at clarifying and emphasising its preventive role; even a discussion on advantages and disadvantages of rebranding the Anti-corruption Office into “Integrity Office” could be initiated in that context. The preventive communication strategy could pay particular attention to highlighting solutions, good practices and successes instead of a problem-oriented communication strategy emphasising corruption cases and the costs of corruption. Indeed, problem-centred communication about how widespread and bad corruption is can be discouraging. Evidence shows that in the worst case, such problem-centred communication makes corruption become a self-fulfilling prophecy (Corbacho et al., 2016^[31]): The perception that corruption is common in society makes integrity breaches more justifiable (OECD, 2018^[32]) (see also chapter 8).

1.5.2. The Anti-Corruption Office could be strengthened by increasing its financial and administrative autonomy

The recent reform of the Anti-corruption Office improves the stability of its organisational structure. However, the OA continues to be a secretary of the Ministry of Justice and Human Rights and, as such, it is the Ministry that takes the ultimate decision to contract staff or services and maintains all the databases with relevant information for the investigations. This administrative dependence from the Ministry has been pointed out during interviews with public officials in Argentina as a risk affecting the effective functioning of the Anti-corruption Office. Indeed, while the situation is reportedly less critical than during previous administrations, the institutional setting creates administrative burdens and a high level of de facto dependency from the Ministry of Justice and Human Rights, which in turn can be one crucial element affecting the effectiveness but also the perceived autonomy and transparency of the OA.

Therefore, Argentina could put in place mechanisms that give the Anti-corruption Office a higher degree of administrative autonomy and financial independence. For this purpose, it would be recommended to aim at a similar status as the Financial Information Unit (*Unidad de Información Financiera*, UIF). The UIF belongs to the Ministry of Economy and Finance but has autonomy and financial autarchy. The President of the UIF has the responsibility to create the entity’s organisational structure as well as to select its personnel based on meritocracy and professionalism according to Decree 1025 of 2016. The decree implements the regime defined by Law no. 25.246 and translated in the creation of a new organigram aimed at simplifying internal activity and the decision-making processes (UIF, 2016^[33]).

An increased administrative autonomy and financial independence would also allow the Anti-corruption Office to implement internal anti-corruption and integrity measures

aimed at addressing own integrity risks. In particular, the ability to decide over its own human resource policies would not only ensure a professional and multidisciplinary staff aligned with the needs of the Anti-corruption Office. Moreover, human resources management measures are enabling to mitigate internal corruption risks and creating a culture of independence. Indeed, formal administrative independence is rarely sufficient to ensure de facto independence. The way in which the Anti-corruption Office attracts, retains and motivates staff is ultimately a key determinant of its ability to act independently and take decisions that are objective and based on evidence (OECD, 2017^[34]). Access to training opportunities and guidance on ethical dilemmas and conflict-of-interest situations can further contribute to safeguarding the integrity of the Anti-corruption Office.

Furthermore, the head of the OA, the Secretary of Public Ethics, Transparency and Fight against Corruption, is currently appointed according to Decree 109/1999 by the executive branch based on a few general requirements (degree, academic training, qualified professional experience, as well as a “democratic and republican” career path). The Secretary can be removed without having to meet any specific justification. Even though most Secretaries are directly appointed even without such minimum criteria, leading the Anti-corruption Office is arguably different. First, it implies sensitive responsibilities related to the investigative function, exposing the Secretary to potential internal and external pressures and critiques. Second, anti-corruption policies usually directly affect powerful interests. These, in turn, may try to exert influence on these policies to make them weaker or to impede an effective implementation by exerting pressure on the Secretary.

Consequently, formal procedures for selecting and removing the head of the Anti-corruption Office could further strengthen the leadership of the Secretary. The process of selecting and removing the head of the Anti-corruption Office, for instance, could be inspired by the Law on Access to Public Information (Articles 20 to 23 of Law 27.275) or the Financial Information Unit (Articles 9 and 10 of Law 25.246). For instance, the process provided for the appointment of the UIF’s President and Vice-president is also carried out by the executive branch, upon proposal of the Ministry of Economy and Finance, whose candidates are made public in the official journal and two newspapers together with their curricula. Furthermore, candidates need to present their and their family members’ asset declarations, and undergo a public hearing to address the comments and observations raised by citizens, NGOs, professional associations and academic institutions within 15 days from the official proposal. After that, the proposal is submitted to the executive branch. Some criteria are also established concerning tenure (4 years, extendable) and removal, which can only be decided by the executive branch in case of poor performance of duties, serious negligence, if sentenced for wilful crimes, or in case of supervening fiscal or moral inability.

Proposals for action

Ensuring integrity policies across branches and levels of government in Argentina

- Argentina should ensure the application of the Public Ethics Law beyond the executive branch by establishing the respective authorities for all branches as foreseen in the Public Ethics Law.
- In addition, Argentina could consider establishing a policy dialogue between the different branches. The meetings could be organised based on the principle of a rotating lead, and the need for such a policy dialogue clearly specified in any revision of the Public Ethics Law.
- Argentina could consider establishing a Federal Council for Integrity to promote policy coherence and dialogue on matters of integrity and anti-corruption between the National level and the Provinces. The Federal Council for Integrity could be hosted and steered by the Anti-corruption office at national level and develop guidelines for Provincial Integrity Systems in line with the national Public Ethics Law and other relevant national Laws related to integrity policies. It could also be considered merging the Federal Council for Integrity with the Federal Council for Transparency, and opt for a joint steering between the Anti-corruption Office and the Access to Information Authority.
- In addition, Argentina could promote an evidence-informed discussion on differences related to integrity and corruption through comparative data across Provinces and municipalities. The National Institute of Statistics and Censuses (INDEC) could collect this data through household surveys.

Improving co-ordination and mainstreaming of integrity policies in the National Executive Branch

- The Executive Office of the Cabinet of Ministers could implement a National Commission for Integrity and Transparency as a formal co-ordination mechanism amongst key integrity actors of the national executive branch. This could be achieved by merging the current roundtables of integrity, administrative reform and open government. The Commission could be hosted by the Executive Office of the Cabinet of Ministers, and steered by the Secretariat for Institutional Strengthening. In turn, the Anti-corruption Office should lead the Commission in relation to designing and developing public policies and guidelines that strengthen integrity in the public service and prevent corruption.
- To allow for an effective implementation of integrity policies throughout the national public administration an integrity function should exist in each public entity that is clearly dedicated to promoting integrity and preventing corruption, and not to the detection of individual cases, investigations or enforcement. To achieve this, the Anti-corruption Office could assess the strength, weaknesses, opportunities and threats faced already existing units in the executive and in State-Owned Enterprises. Then, the OA could develop a policy that clearly assigns integrity and transparency a place in the organisational structure of public entities. The proposal could be tabled for discussion to the Commission for Integrity and Transparency recommended above, and tested in a pilot implementation in 4 to 5 public entities.

Developing a strategic approach to public integrity in the National Executive Branch

- The Anti-corruption Office could lead a participatory planning process with the aim to develop a National Integrity Strategy, with concrete and achievable goals and strategic objectives. The Anti-corruption Office is, due to its technical expertise and mandate, well placed to steer such a strategic participatory planning exercise and could engage with all relevant entities and steer the joint construction of a National Integrity Strategy to set strategic goals and priorities for the public integrity system. In addition, Argentina could consider including a sectorial approach in the National Integrity Strategy.
- To further facilitate the mainstreaming of the National Integrity Strategy, all public entities could elaborate own objectives and activities that are aligned with the national strategy. Indeed, the integrity planning ideally would be integrated into the process of developing the Integral Management Plans (*Planes Integrales de Gestión*), also called Ministerial Plans (*Planes Ministeriales*) or Strategic Plan (*Planes Estratégicos*). In turn, these Integral Management Plans could be broken down into the Operational Plans (*Planificación Operativa*), with concrete activities or projects, responsibilities, time frames and budgets. The Anti-corruption Office and the Ministry of Modernisation could jointly support public entities in this task through planning workshops.

Strengthening the focus and the organisation of the Anti-corruption Office

- The Anti-corruption Office could consider ensuring and communicating not only internally, but also and especially to external stakeholders the strict separation of the two sub-secretariats.
- The Anti-corruption Office should make more visible and invest more into its preventive and advisory role by further strengthening its Sub-secretariat for Integrity and Transparency.
- Through internal capacity building and through attracting the right human resource, the Anti-corruption Office could in particular seek to further strengthen its analytical and planning capacities in order to fulfil its functions related to steering the development of a National Integrity Strategy and to providing guidance to public entities.
- In addition, the Anti-corruption Office could invest in developing a strong communication strategy aimed at clarifying and emphasising its preventive role; even a discussion on advantages and disadvantages of rebranding the Anti-corruption Office into “Integrity Office” could be initiated in that context.
- The preventive communication strategy could pay particular attention to highlighting solutions, good practices and successes instead of a problem-oriented communication strategy emphasising corruption cases and the costs of corruption.
- A strengthening of the justice system, and in particular of the Prosecutor Office for Administrative Investigations (PIA), the Attorney General’s Office, and the Judicial Council, is key to ensure the credibility and legitimacy of the integrity system.
- Argentina could implement measures aimed at increasing the Anti-corruption Office’s administrative autonomy and financial independence. An option could be to follow the model of the Financial Information Unit (UIF), which would give the OA the autonomy to decide over its own staff, to align the job description to

its needs, and ensure professionalism and multidisciplinary by a merit-based contracting of the staff required to fulfil its functions related to policy design and investigations.

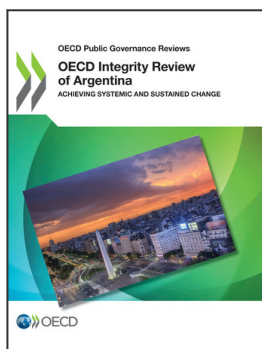
- The Anti-corruption Office could introduce measures mitigating internal integrity risks, in particular through adequate human resource management and facilitating access to training opportunities and guidance on ethical dilemmas and conflict-of-interest situations to its staff.
- The implementation of formal procedures for checks-and-balances when selecting and removing the head of the Anti-corruption Office could further strengthen the leadership of the Secretary. For instance, the process of selecting and removing the head of the OA could be inspired by the Law on Access to Public Information (Articles 20 to 23 of Law 27.275) or the Financial Information Unit (Articles 9 and 10 of Law 25.246).

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From:
OECD Integrity Review of Argentina
Achieving Systemic and Sustained Change

Access the complete publication at:
<https://doi.org/10.1787/g2g98ec3-en>

Please cite this chapter as:

OECD (2019), "Towards a coherent and co-ordinated public integrity system in Argentina", in *OECD Integrity Review of Argentina: Achieving Systemic and Sustained Change*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/ad8ec939-en>

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