



# Follow up Report on the OECD Integrity Review of Argentina

ADOPTING A STRATEGIC APPROACH TO INTEGRITY



# Follow up Report on the OECD Integrity Review of Argentina

ADOPTING A STRATEGIC APPROACH TO  
INTEGRITY

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

**Please cite this publication as:**

OECD (2021), *Follow up Report on the OECD Integrity Review of Argentina: Adopting a Strategic Approach to Integrity*, OECD, Paris, <https://www.oecd.org/governance/ethics/follow-up-report-on-the-oecd-integrity-review-of-argentina.pdf>.

**Photo credits:** Cover © Government Secretariat of Tourism, Presidency of the Nation, Argentina.

© OECD 2021

---

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at <http://www.oecd.org/termsandconditions>.

---

# Foreword

In March 2019, the OECD published the *Integrity Review of Argentina*, which assessed efforts to transform Argentina's integrity framework from isolated initiatives into a coherent whole-of-government and whole-of-society integrity system. The *Review* suggested concrete actions for developing an integrity strategy to sustain current reforms and provided insights into how to build a culture of integrity, operationalise a risk management approach to corruption and upgrade the internal audit function within government. Finally, the *Review* assessed the government decision-making process and provided options for increasing transparency and integrity for more accountable and equitable policies.

As part of its co-operation with Argentina's Anti-corruption Office (*Oficina Anticorrupción*, OA), the OECD followed up on the implementation of the *Review's* recommendations and documented progress in this report, while identifying priorities and providing new recommendations to sustain previous reforms and tackle mid- and long-term challenges.

The current context of COVID-19 calls for a renewed commitment to integrity. Indeed, it threw a spotlight on the important role integrity plays in ensuring governments can provide quality services for their citizens and become more resilient to future crises. Likewise, integrity is needed to ensure that resources allocated and spent as part of recovery efforts alleviate the impacts on the most vulnerable.

Subnational governments in Argentina (i.e. provinces and municipalities) are in charge of providing important public services and, as such, represent government's "first window" for citizens. Like many other federal countries, Argentina needs to encourage subnational governments to adopt integrity as a pillar of their administrations. Progress in this regard has been supported by the joint work of the OA and the provinces, as well as by materials such as the Guide to establish and strengthen integrity and transparency departments in national, provincial, and municipal jurisdictions (*Guía para la Creación y Fortalecimiento de las Áreas de Integridad y Transparencia en Jurisdicciones Nacionales, Provinciales y Municipales*).

Argentina has also achieved progress in adopting a strategic approach to integrity by reviewing the National Anticorruption Plan 2019-2023 (*Plan Nacional Anticorrupción 2019-2023, PNA*) and upgrading it into a National Integrity Strategy (*Estrategia Nacional de Integridad, ENI*). However, there are also gaps with regards to lobbying, internal control and embedding a culture of integrity, which are analysed throughout this report and for which new priorities and recommendations are issued.

This report provides the foundations to inform the ENI in setting the integrity agenda for the future and adopting good international practices. The OECD is proud to contribute to the efforts of the Government of Argentina and will continue supporting it in the adoption of integrity policies for better lives.

# Acknowledgements

The report was prepared by the OECD Public Governance Directorate (GOV) under the direction of Elsa Pilichowski, OECD Director for Public Governance, and Julio Bacio Terracino, Acting Head of the Public Sector Integrity Division. The *Review* was drafted by Jacobo Pastor Garcia Villarreal (also project co-ordinator) and Felicitas Neuhaus. The report greatly benefitted from the insights and comments of Frederic Boehm and Giulio Nessi. Editorial and administrative assistance was provided by Meral Gedik, Charles Victor, and Aman Johal.

The OECD expresses its gratitude to the Argentinian Government, as well as all the institutions and organisations taking part in the process of this report, in particular the Anti-corruption Office (*Oficina Anticorrupción*), the Executive Office of the Cabinet of Ministers' Secretariat for Institutional Strengthening (*Secretaría de Fortalecimiento Institucional*), Secretariat of Modernisation (*Secretaría de Gobierno de Modernización*), and Secretariat of Public Management and Employment (*Secretaría de Gestión y Empleo Público*); the Office of the Comptroller General (*Sindicatura General de la Nación*), the Ministry of Interior's Secretariat for Political Affairs (*Secretaría de Asuntos Políticos*), the Auditor General (*Auditoría General de la Nación*), the National Electoral Chamber (*Cámara Nacional Electoral*), the Treasury Attorney General Office (*Procuración del Tesoro de la Nación*), and the Prosecutor Office for Administrative Investigations (*Procuraduría de Investigaciones Administrativas*). Likewise, the OECD would like to thank the participation of the integrity areas and contact points of Argentinian Trains (*Trenes Argentinos*), the Federal Intelligence Agency (*Agencia Federal de Inteligencia*), the National Institute for Cinema and Audio visual Arts (*Instituto Nacional de Cine y Artes Audiovisuales*, INCAA), and the ministries of Transport; Agriculture, Livestock and Fishing; Security; and Public Works.

The OECD Mexico Centre, under the leadership of Roberto Martínez, and the staff in charge of publications, notably Alejandro Camacho, were instrumental in co-ordinating the translation for the Spanish publication.

# Table of contents

Foreword	3
Acknowledgements	4
Abbreviations and acronyms	7
Executive summary	11
<b>1 Towards a coherent and co-ordinated public integrity system in Argentina</b>	<b>13</b>
Introduction	13
Ensuring integrity policies across branches and levels of government	13
Improving co-ordination and mainstreaming of integrity policies in the National Executive Branch	17
Developing a strategic approach to public integrity in the National Executive Branch	22
Proposals for action	26
<b>2 Towards strengthening the evidence-base for integrity policies in Argentina</b>	<b>29</b>
Introduction	29
Implementing a system for monitoring and evaluating Argentinian integrity policies	29
Gathering relevant data for integrity policies	34
Proposals for action	35
<b>3 Building a culture of integrity in the public and private sectors and society in Argentina</b>	<b>37</b>
Introduction	37
Advancing a strong normative framework on public integrity and strengthening its implementation	38
Integrity in Human Resources	49
Promoting an open organisational culture	53
Leveraging the full benefit of the financial and interest disclosure system	54
Cultivating a culture of integrity across society and in the private sector	55
Proposals for action	58
<b>4 Applying an internal control and risk management framework that safeguards public integrity in Argentina</b>	<b>60</b>
Introduction	60
Establishing a control environment with clear objectives	60
Developing a strategic approach to risk management	63
Strengthening the supreme audit institution	65
Proposals for action	66

<b>5 Ensuring transparency and integrity in Argentina’s public decision-making processes and political financing</b>	<b>68</b>
Introduction	68
Fostering integrity and transparency in lobbying	69
Advancing integrity in election processes	69
Promoting transparency and stakeholder engagement	71
Proposals for action	72
<b>6 Strengthening the effectiveness of the disciplinary regime in Argentina</b>	<b>75</b>
Introduction	75
Strengthening fairness, objectivity and timeliness of the disciplinary regime	76
Promoting oversight and co-ordination between relevant entities	79
Expanding transparency on the effectiveness of enforcement mechanisms and strengthening evaluation of the disciplinary system	82
Proposals for action	83
<b>References</b>	<b>85</b>

## FIGURES

Figure 1.1. Progress in the number of integrity contact points/areas	18
Figure 1.2. PNA priority objectives and strategic guidelines	23
Figure 1.3. SWOT analysis of the ENI	25
Figure 2.1. Multi-level model of operationalisation	31
Figure 3.1. High perception of corruption among government officials	38
Figure 3.2. Low levels of trust and confidence in the Government (including politicians, public servants or any kind of government agency)	38
Figure 3.3. Cooling-off period for post public employment in G20 countries	40
Figure 4.1. The basic stages of internal control integration	61
Figure 4.2. MAGyP’s risk management system	64

## TABLES

Table 1.1. Functions of the integrity or transparency departments in selected provinces	15
Table 1.2. Functions of the integrity or transparency departments in selected municipalities	16
Table 2.1. Questions to guide the definition of outputs, intermediate outcomes, and outcomes	30
Table 2.2. Example of outputs, intermediate outcomes, and outcomes for a policy on integrity codes	31
Table 2.3. Evaluations of public sector integrity systems: Scope and methods	32
Table 3.1. Act with integrity: A framework for assessment in New South Wales, Australia	52
Table 3.2. Three-tiered system of information access to the asset declarations	55
Table 3.3. Success factors for behaviour-changing campaigns	56

# Abbreviations and acronyms

ACAS	Advisory, Conciliation and Arbitration Service (United Kingdom)
AGN	<i>Auditor General (Argentina)</i> Auditoría General de la Nación (Argentina)
AIA	<i>Anti-corruption Initiative Assessment (Korea)</i> Evaluación de Iniciativas Anticorrupción (Corea)
APS	Australian Public Service
APSC	Australian Public Service Commission
ASF	<i>Supreme Audit of the Federation (Mexico)</i> Auditoría Superior de la Federación (México)
CGU	Comptroller General of the Union (Brazil)
CICC	<i>Inter-American Convention against Corruption</i> Convención Interamericana contra la Corrupción
CNE	<i>National Elections Chamber (Argentina)</i> Cámara Nacional Electoral (Argentina)
COFEPUP	<i>Federal Council of the Public Function</i> Consejo Federal de la Función Pública
CONAMER	<i>National Commission for Regulatory Improvement (Mexico)</i> Comisión Nacional de Mejora Regulatoria (México)
CPCEF	<i>Permanent Conference of Federal and State Comptrollers (Mexico)</i> Conferencia Permanente de Contralores Estado-Federación (México)
DAEO	Designated Agency Ethics Official (United States of America)
ENCIG	<i>National Survey on Government Quality and Impact (Mexico)</i> Encuesta Nacional de Calidad e Impacto Gubernamental (México)
ENI	<i>National Integrity Strategy (Argentina)</i> Estrategia Nacional de Integridad (Argentina)
GDE	<i>Electronic Document Management System (Argentina)</i> Gestión Documental Electrónica (Argentina)

IA	Integrity Assessment (Korea)
IADB	Inter-American Development Bank
IAU	Internal Audit Units
INAP	<i>National Institute of Public Administration (Argentina)</i> Instituto Nacional de Administración Pública (Argentina)
INCAA	<i>National Institute for Cinema and Audio visual Arts (Argentina)</i> Instituto Nacional de Cine y Artes Audiovisuales (Argentina)
INEGI	<i>National Statistics Office (Mexico)</i> Instituto Nacional de Estadística y Geografía (México)
INTOSAI	International Organization of Supreme Audit Institutions
ITESM	<i>Monterrey Institute of Technology and Higher Studies</i> Instituto Tecnológico y de Estudios Superiores de Monterrey
KIS	Court Information System (Estonia)
KPI	Key performance indicators
LAIP	<i>Access to Information Law (Argentina)</i> Ley de Acceso a la Información Pública (Argentina)
LFRCF	<i>Law on Audit and Accountability of the Federation (Mexico)</i> Ley de Fiscalización y Rendición de Cuentas de la Federación (México)
LMREPN	<i>National Public Employment Framework Law (Argentina)</i> Ley Marco de Regulación de Empleo Público (Argentina)
MAGyP	<i>Ministry of Agriculture, Livestock, and Fishing (Argentina)</i> Ministerio de Agricultura, Ganadería y Pesca (Argentina)
NGCI	<i>General Internal Control Standards (Argentina)</i> Normas Generales de Control Interno (Argentina)
OA	Anti-corruption Office
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OGE	Office of Government Ethics (United States of America)
OII	<i>Offices for Institutional Integrity (Peru)</i> Oficinas de Integridad Institucional (Perú)
ONC	<i>National Procurement Office (Argentina)</i> Oficina Nacional de Contrataciones (Argentina)
ONEP	<i>National Office of Public Employment (Argentina)</i> Oficina Nacional de Empleo Público (Argentina)

PIA	<i>Prosecutor Office for Administrative Investigations (Argentina)</i> Procuraduría de Investigaciones Administrativas (Argentina)
PNA	<i>National Anticorruption Plan (Argentina)</i> Plan Nacional Anticorrupción (Argentina)
RITE	<i>Corporate Integrity and Transparency Register (Argentina)</i> Registro de Integridad y Transparencia Empresarial (Argentina)
SFP	<i>Ministry of Public Administration (Mexico)</i> Secretaría de la Función Pública (México)
SIGEN	<i>Office of the Comptroller General (Argentina)</i> Sindicatura General de la Nación (Argentina)
SSFI	<i>Deputy Secretariat for Institutional Strengthening (Argentina)</i> Subsecretaría de Fortalecimiento Institucional (Argentina)
SWOT	Strengths, weaknesses, opportunities and threats
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
US	United States of America
USD	US dollars



# Executive summary

## Key findings

As acknowledged in the *OECD Integrity Review of Argentina*, the challenges to embedding integrity policies at the subnational level are significant, but there is progress. The Anticorruption Office (*Oficina Anticorrupción*, OA) is actively engaging with subnational governments to promote integrity, and a Guide to establish and strengthen integrity and transparency departments in national, provincial, and municipal jurisdictions has been published (*Guía para la Creación y Fortalecimiento de las Áreas de Integridad y Transparencia en Jurisdicciones Nacionales, Provinciales y Municipales*).

The National Anticorruption Plan 2019-2023 (*Plan Nacional Anticorrupción 2019-2023*, PNA) was drafted and approved in April 2019. This first strategic planning exercise was revised in 2020 for the design of the National Integrity Strategy (*Estrategia Nacional de Integridad*, ENI). The ENI favours a strategic, comprehensive, federal, and inclusive vision, prioritising preventive policies centred on the design and implementation of public policies to mitigate risks and crimes against the public administration.

The PNA review concluded that many initiatives lacked concrete and measurable objectives against which to evaluate progress. Technical consultations with those who designed and will implement the ENI initiatives should address the data, scope and time frame of performance measurement, to make sure it is consistent with its defined purpose.

In Argentina, the Public Ethics Law, the National Public Employment Framework and the Code of Ethics are the principal standards regulating integrity in the public sector. However, this leads to fragmentation and at times contradictions. While the OA has taken steps to raise awareness of conflicts of interest among public servants, practical guidance with examples is rare, beyond the online conflict-of-interest simulator. Furthermore, the conflict-of-interest system could be strengthened by granting the OA the power to formulate binding recommendations for public servants and government officials on managing conflict-of-interest situations, particularly those arising from *pre-* and *post-*public employment. Concerning integrity in human resources, Argentina has made progress by setting qualification and performance criteria for all positions. However, merit and integrity could be reinforced by developing a standardised process for recruitment and supporting leaders in ethical leadership.

In the area of control and audit, according to the International Organization of Supreme Audit Institutions' (INTOSAI) guidelines, Supreme Audit Institutions should be free from direction or interference from the legislature or the executive in the selection of audit issues; in the planning, programming, execution, reporting, and follow-up of their audits; in the organisation and management of their offices; and in the enforcement of their decisions where the application of sanctions is part of their mandate. An organic law is necessary to strengthen the Auditor General's (*Auditoría General de la Nación*, AGN) autonomy with regard to its organisation and operations.

In terms of political finance, Law 27504, approved by Congress on May 2019, extended restrictions on carrying out any government activity that may promote voting in favour of any candidate or political group (e.g. inaugurating public works, promoting plans, projects, or programmes of a collective nature) from 15

to 25 days prior to elections. Law 27504 also incorporated into Law 26215 on political finance an Article 16 bis, which establishes that contributions can only be made through bank transfer, deposit in banks subject to identification, electronic means, checks, debit or credit cards, or electronic applications, subject to identification by the contributor and the possibility to track the contribution.

Regarding the disciplinary regime, the National Public Employment framework is not applicable to all public officials, which could undermine the principle of fairness in enforcement. While the Treasury Attorney General's Office (*Procuración del Tesoro de la Nación*) and the Prosecutor for Administrative Investigations (*Procuraduría de Investigaciones Administrativas*, PIA) have issued rulings to expand the applicability to all employees, it would be crucial to formalise this to ensure legal certainty. The effectiveness of the disciplinary regime is undermined by limited exchange of information among the principal actors of the system and few performance indicators to evaluate its effectiveness. Finally, more data could be made public to strengthen trust in the system.

## Key recommendations

- Argentina should seek to extend the integrity agenda to the judicial and legislative branches to address the specific risks that are prevalent for them.
- The OA should continue encouraging provinces and municipalities to develop their own integrity frameworks and facilitate the exchange of good practices and solutions to common problems.
- The process of addressing the weaknesses in the PNA should be complemented by the development of robust and smart indicators.
- Argentina could reform the Public Ethics Law based on the 2019 proposed legislative bill to overcome the fragmentation of the legal framework on ethics.
- Argentina could strengthen its system for managing conflict of interest by giving the OA the power to issue binding recommendations and mandating high-level officials to consult the OA on potential conflicts of interest and follow specific recommendations.
- The Office of the Comptroller General (*Sindicatura General de la Nación*, SIGEN) and the different line ministries and government entities should step up their efforts to develop appropriation of internal control.
- Line ministries and entities should take responsibility to produce their risk maps, with potential guidance from the OA and SIGEN.
- The autonomy of AGN should be strengthened through an organic law that establishes its mandate and independence.
- There are still pending reforms relative to political finance, namely:
  - Establishing penalties for candidates, not only political parties, as a consequence of irregularities in campaign financing.
  - Clearly instituting the prohibition to buy votes and other clientelist practices.
  - Implementing the Australian ballot system (i.e., introducing ballots printed and distributed by the government).
- To strengthen fairness, objectivity and timeliness of the disciplinary regime, the National Public Employment Framework could be amended to include all categories of employees in the disciplinary regime.
- Argentina could also expand transparency on the effectiveness of enforcement mechanisms and strengthening evaluation of the disciplinary system to strengthen public trust in the enforcement mechanisms and integrity system overall.

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

## Introduction

This chapter of the *OECD Integrity Review of Argentina* (hereafter the '*OECD Integrity Review*') analysed Argentina's current institutional arrangements related to integrity policies. In particular, it called for implementing the Public Ethics Law in all branches and proposed to strengthen the policy dialogue between the executive, the legislative and the judiciary. OECD suggested that 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, OECD concluded that a strategic approach towards a National Integrity System in the executive branch could be encouraged through enhanced co-ordination between key actors. In addition, OECD suggested that dedicated integrity contact points (or specialised integrity areas) in each public body 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 presented measures to strengthen the Anti-corruption Office (*Oficina Anticorrupción*, OA), and in particular its preventive function and role as policy advisor.

In light of the previous assessments, this report is monitoring the implementation of the following recommendations:

- ensuring integrity policies across branches and levels of government in Argentina
- improving co-ordination and mainstreaming of integrity policies in the National Executive Branch
- developing a strategic approach to public integrity in the National Executive Branch.

## Ensuring integrity policies across branches and levels of government

***The Argentinian state should aim to extend the integrity agenda to the Judicial and Legislative branches and continue working with provinces and municipalities to facilitate the development of their own integrity frameworks***

As acknowledged in the *OECD Integrity Review*, the challenges to embedding integrity policies in the legislative and judicial powers are significant. Progress in the Executive branch has not always been matched by the other powers. For example, the approach in the Judiciary is still quite reactive with regards to access to information and accessing the asset declarations by judges can be difficult, as the process

takes place on paper and without clearly defined deadlines. Likewise, there is neither a gift registry in the Judiciary nor a registry for hearings, nor an open government strategy. There are positive steps in the Legislative branch as the legislature must report to the OA the asset declarations by legislative candidates. Furthermore, the Legislative branch recently launched the first Action Plan on Open Parliament of the Argentinian Chamber of Deputies, jointly drafted by legislators, their teams, civil society organisations, journalists, and stakeholders interested in the legislative work. This Plan established five main commitments to move on with a more transparent, open, and innovative Legislative power. In addition, in the province of Chubut, the local anticorruption office, works with the provincial legislature to prevent and investigate corruption.

While there does not seem to be much progress in advancing integrity policies in the legislative or the judicial branches, there is improvement in positioning integrity among subnational governments. Not only there is advancement in promoting integrity at the sub-national level, but also in the OA taking an advisory role highlighting its preventive function, which was the spirit of several OECD recommendations.

In the first place, the OA is actively engaging with sub-national governments to advance the integrity agenda. For example, on 25 September 2020, the OA met with officials from the Cabinet Co-ordination of the Province of Misiones to discuss the setting of transparency and integrity departments in the provincial government and the work to be advanced by such units. Leveraging on co-operation with the United Nations Development Program (UNDP), the OA provides technical assistance to develop, extend and strengthen integrity and transparency policies and to reinforce sectoral public policies by incorporating transparency perspectives. (OA website, 2020<sub>[1]</sub>)

Likewise, the OA is participating in the working group to draft the Public Ethics and Transparency Law of the Province of Buenos Aires. The last meeting of the working group took place on 9 November 2020 (OA website, 2020<sub>[2]</sub>).

Secondly, even though the OECD recommended the establishment of a Federal Council for Integrity, the OA has been leveraging existing co-ordination channels to advance the integrity agenda at the sub-national level. For example, on 30 October 2020, the OA participated in the meeting of the Federal Council of the Public Function (*Consejo Federal de la Función Pública*, COFEFUP) to establish a co-operation and horizontal co-ordination mechanism between the national government and the provinces on integrity, accountability, and access to information. During the meeting, participants discussed experiences, challenges, and co-operation opportunities. Participants included representatives from the provinces of Catamarca, Chaco, Córdoba, Entre Ríos, La Pampa, Río Negro, Salta, San Juan, and Santa Fe, among others. The OA officials highlighted the importance of co-ordination mechanisms based on the recommendations of the Guide to establish and strengthen integrity and transparency departments in national, provincial, and municipal jurisdictions (*Guía para la Creación y Fortalecimiento de las Áreas de Integridad y Transparencia en Jurisdicciones Nacionales, Provinciales y Municipales*, the Guide hereinafter). (OA website, 2020<sub>[3]</sub>)

The publication of the Guide is another development to be highlighted. Its objective is to provide guidance and support institutions of the national, provincial, and municipal public sector to establish departments for integrity and transparency. It recognises several reasons to establish integrity and transparency departments in local governments. In the first place, Decree 650/2019, which requires entities of the national government to set up integrity contact points (*enlaces de integridad*), invites provinces and municipalities to adopt the same measure. Second, advancing the integrity agenda at the sub-national level is consistent with international commitments and recommendations. In the framework of the follow up process to the Inter-American Convention against Corruption (*Convención Interamericana contra la Corrupción*, CICC), the Expert Committee invited Argentina to strengthen co-operation and co-ordination between the Federal Government and the provinces and municipalities for the effective implementation of the CICC. (OA website, 2020<sub>[4]</sub>)

Among other things, the Guide analyses the need to create integrity contact points in sub-national governments, degree of formalisation, size, institutional models, regulatory back up, mandate, budget, staff, functions, and co-ordination mechanisms. It provides examples of integrity or transparency departments set up at provincial and municipal governments. The first conclusion is that there is a high degree of variation in institutional models. Examples provided at the provincial level include the Provincial Directorate for Anticorruption and Transparency in the Public Sector in Santa Fe and the Office for Institutional Transparency of the Province of Buenos Aires, both under the ministry of justice of the corresponding province. Table 1.1 illustrates the different functions of the integrity or transparency departments in selected provinces.

**Table 1.1. Functions of the integrity or transparency departments in selected provinces**

Province / Institution	Promoting proactive transparency	Corruption prevention policies	Compliance with public ethics	Setting transparency, ethics, and/or anticorruption protocols	Compliance with asset declarations	Receiving corruption reports	Investigating corruption reports
Buenos Aires Office for Institutional Transparency	X	X	X	X	X	X	Only preliminary investigation and sends the case to the corresponding authority
Jujuy Anticorruption Office	X	X	X	X	X	X	X
Chubut Anticorruption Office	X	X				X	Only preliminary investigation and sends the case to the corresponding authority
Santa Fe Provincial Directorate for Anticorruption and Transparency in the Public Sector	X	X	X	X		X	Only preliminary investigation and sends the case to the corresponding authority
Mendoza Office for Administrative Investigations and Public Ethics	X	X			X	X	X
Entre Ríos Anticorruption and Public Ethics Office	X	X	X			X	X
San Juan Provincial Council for Public Ethics		X	X			X	Only preliminary investigation and sends the case to the corresponding authority

Source: [www.gba.gov.ar/justicia\\_y\\_ddhh/oti](http://www.gba.gov.ar/justicia_y_ddhh/oti); [www.oe.jujuy.gov.ar](http://www.oe.jujuy.gov.ar); [www.anticorruptionchu.gov.ar](http://www.anticorruptionchu.gov.ar); [www.santafe.gov.ar/index.php/web/content/view/full/93811](http://www.santafe.gov.ar/index.php/web/content/view/full/93811); [www.eticapublica.mendoza.gov.ar](http://www.eticapublica.mendoza.gov.ar); [www.entrerios.gov.ar/anticorruption](http://www.entrerios.gov.ar/anticorruption); [www.sajj.gov.ar/legislacion/ley-san\\_juan-6773-ley\\_etica\\_publica.htm](http://www.sajj.gov.ar/legislacion/ley-san_juan-6773-ley_etica_publica.htm).

Variance is even more pronounced at municipal level. Early research described in the Guide indicates that integrity and/or transparency departments are usually under the realm of ministries for modernisation, new technologies, public innovation, communication or the entities in charge of citizen participation or freedom of information (OA website, 2020<sup>[4]</sup>). Table 1.2 illustrates the different functions of the integrity or transparency departments in selected municipalities.

**Table 1.2. Functions of the integrity or transparency departments in selected municipalities**

Province / Institution	Promoting proactive transparency	Corruption prevention policies	Compliance with public ethics	Setting transparency, ethics, and/or anticorruption protocols	Compliance with asset declarations	Receiving corruption reports	Investigating corruption reports
Morón, Province of Buenos Aires Anticorruption Office- Transparency Office	X	X			X	X	Only preliminary investigation and sends the case to the corresponding authority
La Matanza, Province of Buenos Aires Anticorruption Office		X	X			X	
La Plata, Province of Buenos Aires Institutional Strengthening Office	X	X	X	X	X	X	
Rosario, Province of Santa Fe General Directorate for Investigations, Public Ethics and Transparency	X	X		X		X	X
Rafaela, Province of Santa Fe Ministry for Audit, Evaluation and Transparency	X			X			

Source: <http://www.moron.gov.ar/gobierno-abierto/acceso-a-la-informacion-publica>; <https://lamatanza.gov.ar/anticorrupcion#>; <https://www.laplata.gov.ar/#/transparencia/fortalecimiento-institucional>; <https://www.rosario.gov.ar/web/guest/gobierno-abierto/investigaciones-etica-publica-y-transparencia>; <http://www.rafaela.gov.ar/SITIO/#/Secretaria/13>.

COFEFUP's working plan 2020-23 includes an operative axis on co-ordination relative to transparency issues, particularly between COFEPUP and the OA, and promoting the participation by the provinces in the Open Government Federal Programme 2019-22 (*Programa Federal de Gobierno Abierto 2019-22*).

There are other established co-ordination mechanisms that could continue being leveraged to further advance the integrity agenda at the sub-national level, such as the Permanent Forum of Administrative Investigation Attorneys and Anticorruption Offices of Argentina (*Foro Permanente de Fiscalías de Investigaciones Administrativas y Oficinas Anticorrupción de la Argentina*), which resembles practices of other countries, such as Mexico (Box 1.1).

### Box 1.1. The Permanent Conference of Federal and State Comptrollers

The mission of the Permanent Conference of Federal and State Comptrollers (*Comisión Permanente de Contralores Estado-Federación*, CPCEF) is promoting co-ordination among control bodies of the federal and state governments to advance modernisation, evaluation, surveillance, and control in the management and application of public resources for the benefit of all Mexicans.

The CPCEF is, within the National System for Control and Evaluation of Public Management, the co-ordination mechanism for federal and state comptrollers to facilitate the implementation of control mechanisms and evaluation tools of the public administration, effective surveillance in the management of public resources, under criteria of probity, transparency and accountability, as well as the application of sanctions to public servants who incur in integrity failures.

The CPCEF is presided by the Minister of Public Administration of the Federal Government (*Secretaría de la Función Pública*, SFP) and elects a co-ordinator from the 32 state comptrollers on a yearly basis. In order to carry out its mission, particularly with regards to co-ordination among the Federal Government and the 32 federal entities, it is organised into regional commissions: northwest, northeast, centre-pacific, centre-west, centre-gulf-istmus and southeast. The plenary, including SFP and the 32 state comptrollers, meet twice a year, but the regional commissions also meet several times per year.

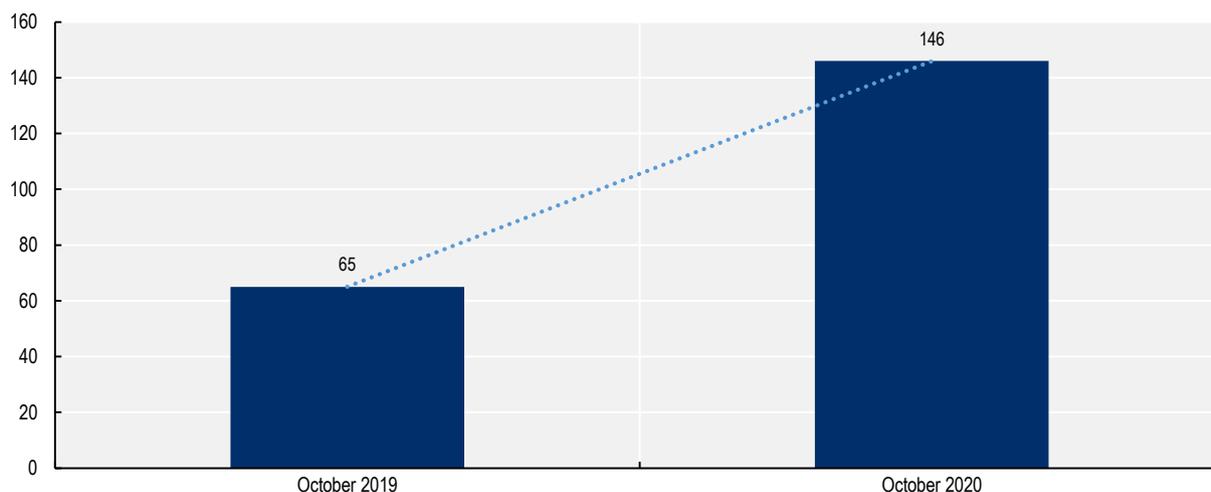
Some of the main activities undertaken by the CPCEF include the following:

- A repository of good practices by federal states.
- A digital magazine.
- The award “Transparency at hand” (*Transparencia en corto*).
- The National award of social control (*Premio Nacional de Contraloría Social*).
- Audit guidelines.

Source: CPEF (n.d.<sup>[5]</sup>), CPCEF’s website, Comisión Permanente de Contralores Estados Federación, <http://comisioncontralores.gob.mx/2017/> (consulted on 18 November 2020).

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

The *OECD Integrity Review* found that there is a need to institutionalise integrity policies at the organisational level. To address this weakness, the OA directly supported the process to establish integrity areas and programmes, as well as the strengthening of the network of integrity contact points (*enlaces de integridad*) in the National Executive Power. As of October 2019, only 65 entities had an integrity contact point. In October 2020, 146 institutions had an integrity contact point (see Figure 1.1). This increase illustrates progress and a continuous process to develop the network of integrity contact points throughout the federal public administration. These efforts were strengthened by promoting and establishing integrity areas (*Áreas de Integridad*) in public institutions as a way to embed transparency.

**Figure 1.1. Progress in the number of integrity contact points/areas**

Source: Information provided by the OA during the fact-finding interviews.

Likewise, it is worth highlighting that the Administrative Decision of the Office of the Cabinet Co-ordination N° 592/2021 was approved in June 2021 to establish the National Working Group on Integrity and Transparency (*Mesa Nacional de Integridad y Transparencia*), under the umbrella of the Ministry of Public Management and Employment, to articulate and co-ordinate the design, implementation, follow up and evaluation of integrity and transparency policies. The Working Group includes the Ministry of Public Management and Employment from the Office of the Cabinet Co-ordination, the OA, the Office of the Comptroller General (*Sindicatura General de la Nación*, SIGEN), and the Agency for the Access to Public Information (*Agencia de Acceso a la Información Pública*).

### ***Each public institution should have its own integrity programme, aligned to the national strategy***

In addition to the progress described above, 14 bodies now have integrity programmes. It is worth at this point to clarify and distinguish the following concepts: integrity contact point, integrity programme, and integrity areas. The former is explained above and consists of integrity contact points in public entities, mainly to communicate with the leading institution and promote a transparency agenda. Integrity programmes, on their side, refer to strategic planning exercises to develop integrity policies in each public entity. Lastly, integrity areas refer to the establishment of institutional spaces allowing to design and implement integrity policies in public entities. These concepts will be reviewed below.

Some of the bodies that already have an integrity programme include the ministries of public works, security, agriculture, and the environment. For example, the integrity programme of the Ministry of Security was issued through Decree 191/2020. It established that the Deputy Minister for Control and Institutional Transparency (*Subsecretaría de Control y Transparencia Institucional*) is in charge of implementing the programme, which is organised in three axes: i) fact-finding and evaluation of the institutional situation; ii) training; and iii) technical support. It outlines four specific actions: i) technical support and organisational strengthening; ii) developing general guidelines for processes; iii) developing recommendations; and iv) all other actions considered adequate to fulfil the stated objectives. Finally, it includes an action plan for each of the axes. (República Argentina, Poder Ejecutivo Nacional, 2020<sup>[6]</sup>)

The Integrity Programme of the Ministry of Agriculture, Livestock and Fishing (*Ministerio de Agricultura, Ganadería y Pesca*, MAGyP) outlines objectives relative to risk management, conflict of interest, normative compliance, training, due diligence, management control, citizen participation and interjurisdictional co-ordination.

Beyond the number of integrity contact points, integrity programmes and areas, Argentinian officials recognise that the main challenge was to institutionalise integrity and embed their role as part of the different entities. For example, they recognise that, until 2019, sometimes integrity contact points were isolated or had not developed a sense of belonging to their corresponding entities. Likewise, in some cases, they are not being consulted. For example, As of October 2020, the contact point in the Ministry of Transport had not received any request for advice and it did not develop a formal process to intervene in a request for advice concerning a conflict of interest. The current OA management has focused its efforts on the establishment, co-ordination, and networking of integrity areas, consolidating them into specialised, multidisciplinary, and full-time teams that promote good management in all public bodies, following an integrity and transparency approach.

***The OA should ensure that, in practice, the core functions performed by the integrity contact points are more standardised, while allowing for some flexibility, and oriented towards a preventive function***

Another potentially controversial feature of the integrity contact points may be their functions, which are not standardised. In practice, their functions, although established by decree, are not always the same and may be influenced by the entity's nature and its legislative framework. Their composition also varies, as in some cases, the integrity contact point is only one person, while in others there is a team backing the work of the head. On the one hand, standardising their functions may limit their interventions. On the other hand, standardising may be an effective strategy to communicate to public officials how the integrity contact points can serve them. A potential solution may be standardising some functions that all the integrity contact points should fulfil and communicating these widely, while leaving some room for flexibility and for specific tasks that may be determined by the nature of each organisation.

The function of the integrity contact points is defined by regulation, according to Decree 650/2019. It consists of an agenda that stems from the leading institution regarding transparency to reach all the national public administration. OA's aim is contributing to advance towards a political construction that allows organisational ownership and the horizontality of transparency. In other words, it aims to have each public entity adopting this agenda and incorporating the transparency perspective in the management of sector challenges.

For this purpose, the OA developed the Guide to establish and strengthen integrity and transparency departments in national, provincial, and municipal jurisdictions (*Guía para la Creación y Fortalecimiento de las Áreas de Integridad y Transparencia en Jurisdicciones Nacionales, Provinciales y Municipales*). Undertaking all the activities indicated in the previously mentioned Decree implies an important workload of activities for those serving as integrity contact points. Progress embedding the integrity perspective in the public administration requires creating the conditions to carry out the proposed initiatives.

For the above reason, the OA promotes the establishment of integrity areas that allow, according to the guidelines established in the document, sending a clear message about the relevance of public policies and prioritise the transparency agenda, providing concrete management tools, supporting policy development, and creating knowledge about preventing irregularities and resources to face them.

At the moment when this report was drafted, the Argentinian state had 24 integrity areas. Six of them in the centralised administration were established as from December 2019 and four more are currently being established.

For example, the Directorate for Access to Information and Transparency (*Dirección de Acceso a la Información y Transparencia*) of the Ministry of Transport is one of the established areas and plays the role of the integrity contact point and has the following functions, among others:

- controlling and promoting the update of the gifts registry
- promoting the upload and update of the hearings registry (*Registro de Audiencias de Gestión de Intereses*)
- facilitating the search and access to public information
- uploading and updating the asset declarations of public officials of the Ministry of Transport in the Active Transparency Platform
- identifying integrity risks (work in progress)
- reviewing the Ministry's anticorruption plan with support by the OA
- co-ordinating the implementation of ISO 9001:2015 (Quality Management System) and ISO 37001:2016 (Anti-bribery Management System).

Something similar happens in the National Institute for Cinema and Audio visual Arts (*Instituto Nacional de Cine y Artes Audiovisuales*, INCAA), where the Transparency Unit plays the role of the integrity contact points. While there are some functions that are similar to the ones carried out by the integrity area of the Ministry of Transport such as managing the gifts registry and the hearings registry, the INCAA contact point also received reports (*denuncias*) and requests for advice. OECD practice suggests that integrity contact points should have more of a preventive function, providing advice and guidance for public officials to address ethical dilemmas, while avoiding the direct management of reports, complaints, and investigations (see Box 1.2 for the case of Peru).

### Box 1.2. The Offices of Institutional Integrity in Peru

In 2019, OECD carried out a review of the Offices for Institutional Integrity (*Oficinas de Integridad Institucional*, OII) of Peru. It recommended OIIs adopt the following standard functions:

- Supporting public officials in the identification of integrity and corruption risks and advising units in the selection of effective and efficient controls.
- Leading the incorporation of integrity measures in public entity plans.
- Taking part in Internal Control Committees and contributing from there to the joint monitoring of internal control.
- Communicating public integrity matters both internally, to all employees, and externally, to stakeholders and users of the institution's services. This includes communicating the progress of the implementation of the integrity model at the entity level and the results of evaluations.
- Raising awareness among public officials on public integrity matters and reminding them about their obligations.
- In co-ordination with the Office of Human Resources, supporting the development of an internal integrity training plan and ensuring its implementation.
- Advising and guiding public officials on doubts, ethical dilemmas, conflict-of-interest situations, complaint channels, existing protective measures, and other aspects of integrity policies.
- Monitoring the implementation of the institutional integrity model aided by the Secretariat of Public Integrity.
- Monitoring the follow-up on whistleblower reports and the use of protective measures. This includes ensuring that units responsible for receiving complaints, investigating and sanctioning have adequate personnel and perform their functions promptly and effectively.
- Collecting information on complaints and sanctions as a source of information in order to focus preventive measures more specifically. For example, concentrating specific training or communication activities in areas or processes that generated more complaints than others.
- The public entity could designate the OII to be in charge of the application of the Law of Transparency and Access to Public Information (Law 27806). If it were to be decided that these two areas are to be kept separate, co-ordination between integrity and transparency needs to be ensured.

Source: OECD (2019<sup>[7]</sup>), *Offices of Institutional Integrity in Peru: Implementing the Integrity System*, OECD, Paris, <http://www.oecd.org/gov/ethics/offices-of-institutional-integrity-peru.pdf>.

A good practice adopted by Argentina to fulfil OECD recommendations is developing a network of integrity contact points. The first meeting of the network took place on 29 July 2020 to review the functions of the integrity contact points, the OA attributions with regards to corruption prevention, and the guidelines for the ethical exercise of the public function. Likewise, guidelines were provided to facilitate the exchange of information between the integrity contact points and the OA. The Chief of the Cabinet Co-ordination led the meeting, which is also a good practice as it illustrates a high level of political commitment to integrity. The network is also a platform to exchange good practices and solutions to common problems. For example, during the first meeting, the integrity contact points of the Ministry of Security and INCAA shared their experiences.

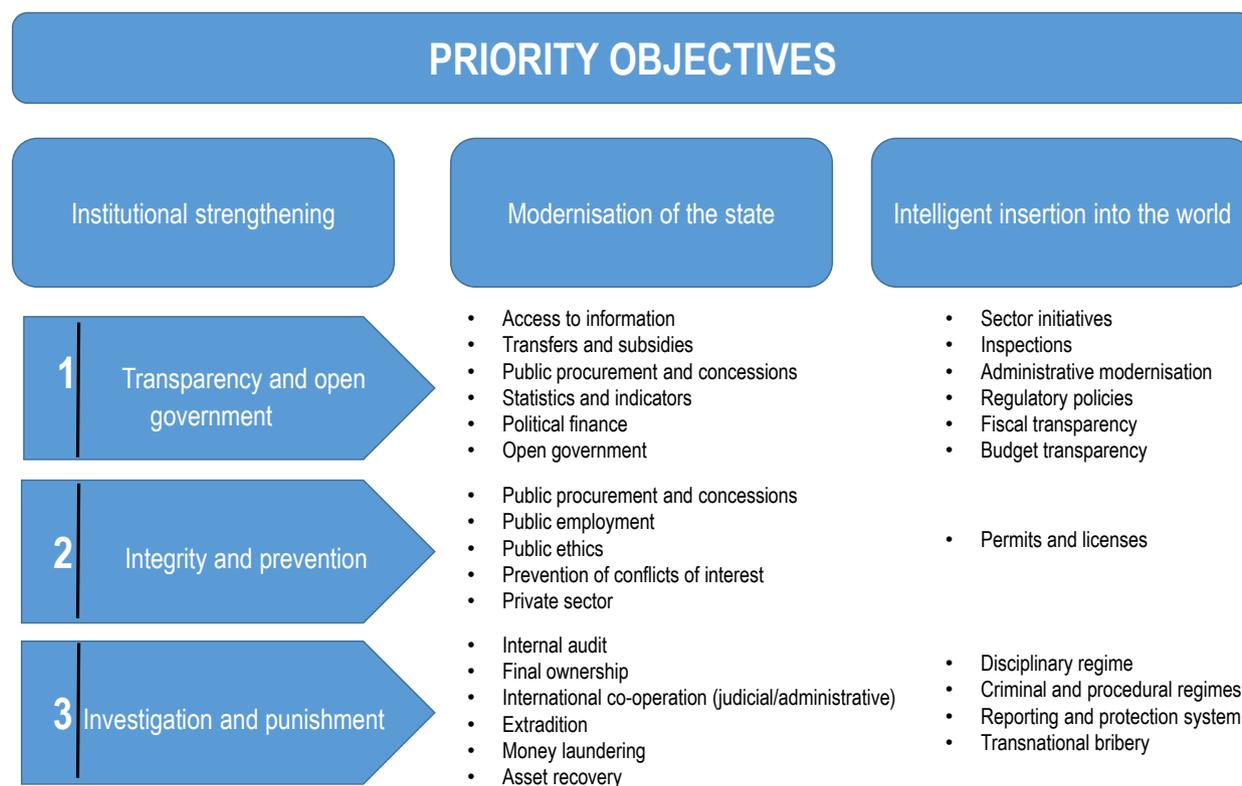
Progress towards a national integrity system requires not only embedding and horizontal actions, such as the ones described so far, but also strategic co-ordination mechanisms between the institutions responsible in the field. In this sense, it is worth highlighting the establishment of the National Board for Integrity and Transparency in the Executive Power (*Mesa Nacional de Integridad y Transparencia en el Poder Ejecutivo*), which aims to improve institutional co-ordination and promote coherent policies that reinforce each other. This National Board will be in charge of co-ordinating and articulating policies to promote integrity and transparency in the national public sector between control and oversight institutions. Its members are the Ministry of Public Management and Employment in the Office of the Chief of the Cabinet Co-ordination (*Secretaría de Gestión y Empleo Público de la Jefatura de Gabinete de Ministros*), the OA, SIGEN, and the Agency for the Access to Public Information (*Agencia de Acceso a la Información Pública*). This action is linked to ENI to provide guidelines for the co-ordinated work of the involved institutions in the design and implementation of integrity policies. The initiative is backed by a draft resolution that will formalise the Board and Bylaws for operation, which are in the process of approval, consolidated in a file that has been cleared by the legal offices of the intervening institutions.

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

The *OECD Integrity Review* recommended Argentina develop a strategic plan or strategy to advance integrity in the whole-of-government. In this framework, backed by the OA and the Deputy Secretariat for Institutional Strengthening in the Ministry of Public Management and Employment of the Office of the Cabinet Co-ordination (*Subsecretaría de Fortalecimiento Institucional –SSFI- de la Secretaría de Gestión y Empleo Público de la Jefatura de Gabinete de Ministros*), the National Anticorruption Plan 2019-2023 (*Plan Nacional Anticorrupción 2019-2023*, PNA) was drafted and formally approved in April 2019 through Decree 258/2019. The PNA initially consisted of a set of initiatives relative to transparency, integrity, and anticorruption in the centralised and decentralised administration, monitored by an Advisory Council (*Consejo Asesor*) whose members are representatives from civil society organisations, the private sector, and experts in the field. As it will be explained later, this first strategic planning exercise was revised in 2020 for the design of the National Integrity Strategy (*Estrategia Nacional de Integridad*, ENI).

The PNA's vision is that “Argentina leads the fight against corruption regionally and internationally with an open, transparent, and enabling state, which fosters trust and opportunities for development and investment”. The priority objectives are: i) institutional strengthening; ii) modernisation of the state; and iii) intelligent insertion into the world. The strategic guidelines are: i) transparency and open government; ii) integrity and prevention; and iii) investigation and punishment (see Figure 1.2). (República Argentina, Poder Ejecutivo Nacional, 2019<sup>[8]</sup>)

Figure 1.2. PNA priority objectives and strategic guidelines



Source: República Argentina, Poder Ejecutivo Nacional (2019<sup>[8]</sup>), *Estrategia y Plan Nacional Anticorrupción 2019-2023*, República Argentina, Poder Ejecutivo Nacional (9 April 2019), [https://www.argentina.gob.ar/sites/default/files/anexo\\_plan\\_nacional\\_anticorrupcion.pdf](https://www.argentina.gob.ar/sites/default/files/anexo_plan_nacional_anticorrupcion.pdf) (accessed on 11 January 2021).

The PNA outlines 260 horizontal and sectoral initiatives. Given this number, following up implementation was identified as an important challenge. In order to facilitate such follow up and advance citizen engagement, the Argentinian Government established the Advisory Council to follow up the implementation of the initiatives incorporated in the PNA (*Consejo Asesor para el Seguimiento de la Implementación de las iniciativas incorporadas al Plan Nacional Anticorrupción 2019-2023*). The Advisory Council was established by Resolution 21/2019, issued on 26 July 2019. The OA called upon NGOs, the private sector, and experts with recognised experience in transparency and anti-corruption to suggest candidates for the Advisory Council, which has 20 members. The functions of the Advisory Council are the following:

- Regularly monitoring progress and fulfilment of the initiatives outlined in the PNA.
- Drafting follow up reports on the implementation of the PNA and communicating to citizens the progress achieved.
- Producing non-binding recommendations to improve, elaborate or update the PNA.
- Compiling, analysing, systematising, producing and/or communicating information or studies about the PNA.
- Addressing requests for advice/information by the OA and the SSFI.
- Facilitating stakeholder engagement to debate specific issues relative to the PNA.

The Advisory Council should meet at least three times per year and produces minutes for each meeting, which are public. It can establish working groups, either permanent or temporary, and produces an annual report about its work. The technical secretariat of the Advisory Council is held by OA or SSFI, each for a period of two and a half years.

Starting in 2020, the OA launched the analysis and evaluation of the 260 initiatives, identifying strengths, weaknesses, opportunities, and challenges. The PNA included measures and actions aiming to create transparent environments and increase access to public information flows.

This first planning exercise (the PNA) was key for the design of the ENI. The ENI, as a transformative step for the PNA and a second exercise going beyond planning of the integrity and transparency policies in the national public sector, will favour a strategic, comprehensive, federal, and plural vision, prioritising preventive policies centred at the design and implementation of public policies to mitigate risks and crimes against the public administration, particularly in the current framework of the sanitary emergency caused by the COVID-19 pandemic.

The objective of such review was not only to allow greater coherence and systematisation of the PNA, but also to rethink it strategically and adjust it to the guidelines of the new administration. With that purpose in mind, the ENI reviews the Plan but, at the same time, goes beyond it and rethinks it into a more comprehensive vision towards the horizontality of integrity for the whole-of-government and the adoption of a comprehensive, federal, and plural perspective, aligned with the international anticorruption conventions, such as those by the UN, the OAS, and the OECD. In this framework, three core aspects were agreed: a) developing a basic strategic core, focused on prevention; b) enlarging and strengthening the Advisory Council; and c) designing a digital platform to allow follow up by citizens.

### ***It is necessary to clearly define how progress with the national strategy will be measured***

The OA, in co-operation with SSFI, developed a methodology for the analysis and assessment of the PNA initiatives, prioritising the need to make more transparent their design and replicability. The methodology aimed to collect data from the PNA assessment towards the design of the ENI and acknowledge current challenges. The assessment of the initiatives allowed identifying different aspects to consider to design indicators and setting deadlines to facilitate follow up and monitoring by citizens, which had not been anticipated. This work was undertaken through the design of two indexes: the institutional significance index and the criteria for initiative assessment. Together, they allowed classifying the proposed initiatives according to their strategic importance.

As previously explained, a taskforce with officials from the OA and the SSFI was set to review the plan. The analysis strived in determining the strategic nature of the 260 initiatives. Two indexes were designed for the analysis:

- Institutional significance index: It aims to measure the impact of the initiatives on the entities subject to each measure.
- Criteria for initiative assessment: It intends to determine whether initiatives are comprehensive and horizontal, rather than a specific activity, their timing, and to what extent they respond to international commitments, among other elements.

The early findings determined that the nature of the initiatives was very different in each case. While some initiatives were far-reaching and strategic, others were focused on a specific activity pertaining to an individual entity. Furthermore, the drafting of some initiatives was quite ambiguous, making it difficult to follow up and evaluate implementation. Timelines were also underestimated and, in some cases, the initiatives duplicated organisational missions.

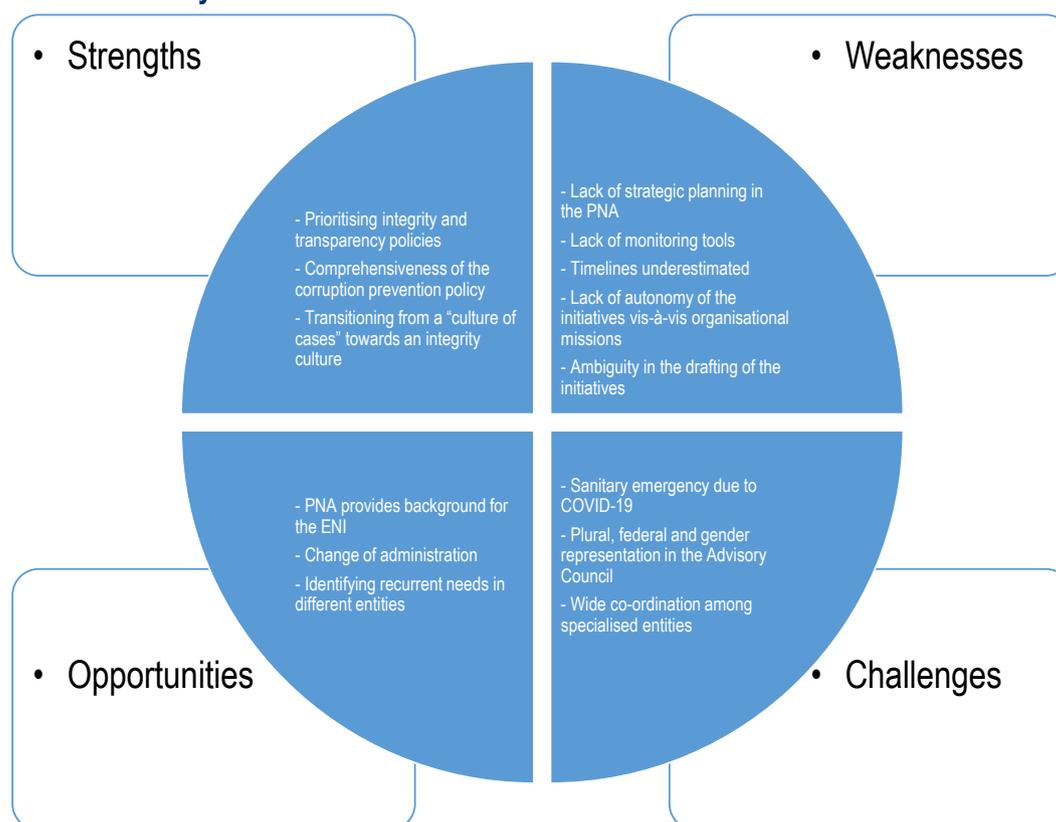
The PNA review by the taskforce, presented on 5 January 2021, elaborated on the early findings and also concluded that it lacked an adequate strategic planning and that it was more a compilation of initiatives suggested by several entities without much articulation and lacking a comprehensive and strategic design. Likewise, the taskforce concluded that many initiatives lacked concrete and measurable objectives to evaluate progress.

The review allowed to prioritise the initiatives according to their strategic relevance, design indicators, and set new timelines to facilitate the evaluation and follow up by citizens. The final result of the review process will be a new ENI that goes beyond the PNA by setting a more holistic and strategic approach to embed integrity throughout the public administration. In this sense, the ENI will develop three critical elements (OA website, 2021<sup>[9]</sup>):

1. Developing a strategic core focused on prevention: The ENI favours a preventive approach by mandating the design and implementation of policies to mitigate integrity risks. It aims to strengthen the network for co-ordination throughout the national public administration, but also with provinces and municipalities.
2. Extending and strengthening the Advisory Council: Resolution 20/2020 established the extension of the Advisory Council to include representatives from academic institutions and international organisations, in addition to NGOs, business chambers, and experts.
3. A digital platform to facilitate follow up by citizens: It aims to foster citizen engagement, social control, and citizen oversight of the entities in charge of the initiatives.

The document “Working Paper towards a National Integrity Strategy” describes the strengths, weaknesses, opportunities, and challenges of the ENI (see Figure 1.3).

**Figure 1.3. SWOT analysis of the ENI**



Source: OA website (n.d.<sup>[10]</sup>), *Documento de trabajo sobre el diseño de la Estrategia Nacional de Integridad*, [https://www.argentina.gob.ar/sites/default/files/documento\\_de\\_trabajo\\_-\\_hacia\\_una\\_estrategia\\_nacional\\_de\\_integridad.pdf](https://www.argentina.gob.ar/sites/default/files/documento_de_trabajo_-_hacia_una_estrategia_nacional_de_integridad.pdf) (consulted on 12 January 2021).

## Proposals for action

This chapter illustrates significant progress in terms of extending the integrity agenda to the subnational level and the network of integrity contact points in the national public administration, as well as in adopting a strategic approach to integrity. However, there is no progress in terms of extending the integrity agenda to the Judicial or Legislative branches. The following recommendations aim to build on progress achieved and tackle the identified shortcomings.

- **The Argentinian state should aim to extend the integrity agenda to the Judicial and Legislative branches to address the specific risks that are prevalent for them.**

Integrity policies should be embedded in the whole-of-government, beyond the Executive. In fact, in many Latin American countries, the perception of corruption among judges and legislators is quite high. Judges and parliamentarians may be subject to significant integrity risks, including capture to favour specific groups over the public interest, undue influence, bribery, and conflict of interest, among others. Therefore, legislative and judicial institutions should develop their own integrity policies and practices, starting from an analysis of the main risks and developing tailored measures to address them. In fact, their participation in the update of the ENI would be critical to include the specific policies they would commit to enforcing in their activities.

- **The OA should continue working with provinces and municipalities to encourage them to develop their own integrity frameworks and facilitate the exchange of good practices and solutions to common problems.**

The OA has been successful in approaching a number of subnational governments and supporting them in the development of their integrity policies and tools. This should be a permanent effort to ensure there is continuity in the subnational governments that have already made progress and others join the wave. Only a sustained effort will be successful in closing the gaps and reduce the variance in terms of progress made. The OA should strive to strengthen the networks where subnational governments share experiences and solutions to common challenges, such as COFEFUP and the Permanent Forum of Administrative Investigation Attorneys and Anticorruption Offices of Argentina. Another alternative to motivate provinces and municipalities to elaborate their own integrity frameworks is for the OA to undertake reviews and make recommendations according to the progress in each jurisdiction. Such reviews would be public so that citizens could easily identify which jurisdictions are already working seriously to tackle corruption and which ones are falling behind.

- **The OA should ensure that, in practice, the core functions performed by the integrity contact points are more standardised, while allowing for some flexibility, and oriented towards a preventive function.**

As described in the chapter, there is some variance as to the functions performed by integrity contact points in Argentina. This is not necessarily wrong, but there should be some core functions, clearly identified, that all the integrity contact points should perform. This would allow public officials to better understand how integrity contact points can be useful for them. The fact that in some entities integrity contact points do not feel assimilated in the organisational structure or that they have not received any requests for advice illustrates that public officials may ignore their existence or not fully understand the functions they perform. Additionally, the OA should continue promoting the separation of the function of receiving reports and investigating from the preventive functions the integrity areas and contact points should assume. The case of Peru's OIIs can be illustrative to guide further progress.

- **Each public institution should have its own integrity programme, aligned to the ENI, so that integrity becomes a whole-of-government pursuit.**

Integrity risks are different in each public entity and require tailored measures to tackle them effectively. The fact that 14 bodies already have an integrity programme is a good signal. The process to transit from

the PNA to the ENI should represent an opportunity for each public entity to develop its own integrity programme, consistent with the national strategy. The OA could also issue guidelines with the basic elements that integrity programmes should include.

- **While the process to review the PNA had the merits of prioritising its initiatives and engaging a wide range of stakeholders, it is necessary to clearly define how progress will be measured.**

Monitoring and evaluation will be discussed at length in the following chapter. It is clear that the process to review the PNA envisions the design of indicators and evaluation methodologies. This is key to strengthen the strategic character of the ENI as it would allow to measure progress and communicate it to the different stakeholders, as well as to identify shortcomings and adjust the corresponding strategies accordingly. Furthermore, this is clearly one of the opportunities to improve the PNA. An inclusive and permanent evaluation framework would also allow to update the ENI regularly, making it a living document that adapts to changing circumstances, while maintaining its core vision.



# 2 Towards strengthening the evidence-base for integrity policies in Argentina

## Introduction

This chapter of the *OECD Integrity Review of Argentina* (hereafter the ‘*OECD Integrity Review*’) provides recommendations on how Argentina could set up a central monitoring and evaluation system for its integrity policies. A central monitoring system for integrity policies would help to keep track of the implementation and facilitate evidence-informed communication with internal and external stakeholders. In turn, integrity policies should be evaluated to build knowledge and enable learning. The chapter also provides guidance on how evidence could be gathered through staff and citizen surveys to inform the design, implementation and evaluation of integrity policies.

In light of the previous assessments, this report is monitoring the implementation of the following recommendations:

- Implementing a system for monitoring and evaluating Argentinian integrity policies.
- Gathering relevant data for integrity policies.

## Implementing a system for monitoring and evaluating Argentinian integrity policies

As described in the previous chapter, the PNA review concluded that many initiatives lacked concrete and measurable objectives to evaluate progress. The Advisory Council and the extension of its membership is a welcomed measure to ensure inclusiveness in the monitoring and evaluation of the future ENI. Furthermore, the digital platform envisioned by the ENI could make the process agile and transparent, facilitating the systematisation of the evidence to assess progress of the different initiatives.

### ***It is time to develop robust and smart outcome indicators***

The Map for State Action (*Mapa de la Acción del Estado*) will be the space hosting the digital platform. The Map was established through Administrative Decision 1926/2020, under the responsibility of the SSFI, as a systematic and comprehensive registry of state initiatives allowing the visualisation of public policies, their results and impact, facilitating process improvements, planning, follow up and evaluation of public policies, to achieve greater effectiveness and quality in the public administration. The Decision establishes that all entities of the national public sector will report their progress within 15 days after the conclusion of

the first semester of the fiscal year and within 15 days after the conclusion of the full fiscal year (Boletín Oficial de la República Argentina, 2020<sup>[11]</sup>).

The Map was designed as a tool for the Office of Cabinet Co-ordination, for the different entities of the national public sector, and for the general public. In consequence, there will be different access points and visualisations according to each audience.

Since this is work in progress, it is difficult to assess how useful and effective the digital platform will be. However, considering that previously there was no mechanism or tool to follow up the implementation of the PNA, this is a step in the right direction. The challenge now will be developing the right indicators, measuring not only outputs or specific activities, but also outcomes (see Box 2.1).

### Box 2.1. Outputs, intermediate outcomes, and outcomes

When a policy is instituted, it has immediate and more remote effects. For purposes of measurement, effects are generally differentiated at the level of output, intermediate outcome and outcome.

Consider the example of a whistle-blowing mechanism. The existence of the mechanism is an obvious output of such a policy. This is no reason to quickly leave the output level behind, as there might be specific qualities of the output worth investigating. Is the mechanism implemented with complementary measures, such as awareness-raising campaigns? Is whistle-blower protection also provided?

To capture more than the *de jure* implementation of the whistle-blowing mechanism, monitoring could also look at the intermediate outcome level: Are staff using the whistle-blower mechanism? Are they familiar with the procedure?

To assess if the whistle-blowing policy has been effective, the outcome level should be considered. Has a culture of integrity and accountability been established, in which staff is comfortable reporting fraud, misconduct and corruption?

**Table 2.1. Questions to guide the definition of outputs, intermediate outcomes, and outcomes**

Inputs	Outputs	Intermediate outcomes	Outcomes
What resources are used? What activities are carried out? What are good practices/standards?	Has the measure been implemented effectively ( <i>de jure</i> )?	Is the measure being applied/used effectively ( <i>de facto</i> )?	Did the measure achieved the intended goal (impact)?
Data: Administrative data (number of training sessions, budget, staff costs, etc.).	Measure of <i>de jure</i> existence, qualitative criteria defining characteristics.	Surveys, proxies, statistics about usage, etc.	Citizen, expert, or staff surveys, proxies, etc.

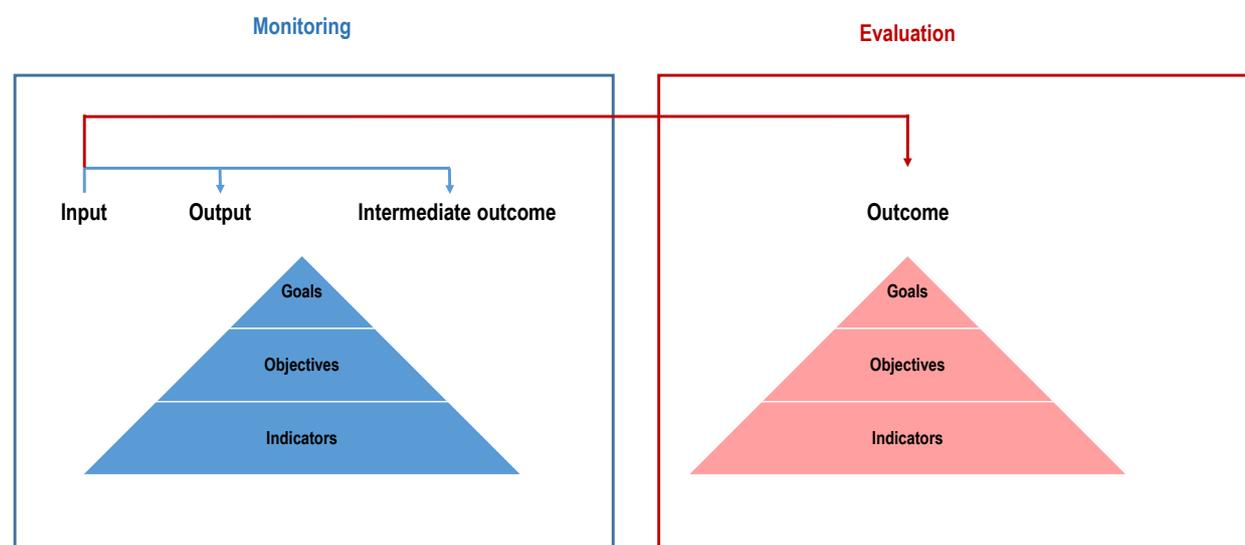
Source: OECD (2017<sup>[12]</sup>), "Monitoring and evaluating public integrity systems", in *Government at a Glance 2017*, OECD Publishing, Paris, [https://doi.org/10.1787/gov\\_glance-2017-53-en](https://doi.org/10.1787/gov_glance-2017-53-en).

### ***Determining the kind of data that is missing and would need to be collected for monitoring and evaluation purposes***

A key element in setting up strategic monitoring of integrity policies is designing a good operationalisation of what is to be achieved into relevant objectives and of what is being measured into valid indicators. Each policy typically has one or many goals that reflect the desired change. These should be translated into objectives, defining the implications of a goal in a specific context. Indicators, in turn, measure whether an

objective is fulfilled, and provide measures that the objectives concrete. Furthermore, goals, objectives and indicators can be defined on output or outcome levels (see Figure 2.1).

**Figure 2.1. Multi-level model of operationalisation**



Source: OECD (2017<sup>[12]</sup>), "Monitoring and evaluating public integrity systems", in *Government at a Glance 2017*, OECD Publishing, Paris, [https://doi.org/10.1787/gov\\_glance-2017-53-en](https://doi.org/10.1787/gov_glance-2017-53-en).

An example of strategic operationalisation is provided in Table 2.2, relative to setting high standards of conduct for public officials. One measure commonly used for this purpose is an Integrity Code for public officials.

**Table 2.2. Example of outputs, intermediate outcomes, and outcomes for a policy on integrity codes**

	Output	Intermediate outcome	Outcome
<b>Goals</b>	Existence of a useful integrity code	Issuing an integrity code	Establishing integrity as an organisational value
<b>Objectives</b>	Integrity code exists, is feasible, and addresses all relevant topics	Public officials know the integrity code and are trained to use it, initiate discussions on ethical dilemmas and suggest solutions. Managers use the code as a management tool, for example, during recruitment interviews or performance evaluations	Public officials change their behaviours and make decisions aligned with the rules, values, and principles of the integrity code
<b>Indicator</b>	Risk areas and activities are addressed in the code. Officials at all levels participate in focus groups for the development of the code.	Number of integrity-related suggested improvements. Share of officials working in risk areas who have received specific integrity training.	Integrity is measured in staff surveys

Source: OECD (2018<sup>[13]</sup>), *Integrity Review of Nuevo León, Mexico: Sustaining Integrity Reforms*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264284463-en>.

Monitoring not only makes it possible to measure the effectiveness of a given policy, but creates a base of institutionalised organisational learning and knowledge that can be used for policies and government entities. Internal stakeholders should also be invited to set up a monitoring system at an early stage in the planning process, since they are best placed to identify the evidence needed and to discuss the purpose

of the measurement. In this sense, the PNA review process allowed the OA and the SSFI to produce assessment reports grading the Plan's initiatives according to their strategic and systemic impact. Those reports were submitted to each entity, state-owned enterprise, and other institutions of the national public sector responsible for PNA's initiatives. In consequence, the stage to review the reports was launched by such entities and inputs were provided to design the future ENI.

Technical consultations with those who designed and will implement the ENI initiatives should address the data, scope and time frame of the measurement, to make sure it is consistent with its defined purpose and the designated users. The discussion could address methodology, including the potential alignment of the measurement with existing or future data collection. The strategic outline of the monitoring system should consider the existing data collection of the OA and the SSFI, while also leveraging on data compiled by other institutions such as the Office of the Comptroller General (*Sindicatura General de la Nación*, SIGEN) or the Auditor General (*Auditoría General de la Nación*, AGN). For example, AGN reported that it is putting together a database with the findings and recommendations from audits of the last five years.

The OA and the SSFI could consider different elements to define the scope of the strategic outline of the measurement. These could include the most relevant policies and functions of the integrity system, whose monitoring is key to ensure its implementation and assessment. They could consider the usual subjects of scrutiny by central governments in OECD countries, which include, among others, the existence and quality of codes of conduct, fraud risk-mapping exercises, and the existence of conflict of interest and asset declaration policies, and how well they are complied with (see Table 2.3).

**Table 2.3. Evaluations of public sector integrity systems: Scope and methods**

	Elements covered by the evaluation							Methods used for the evaluation				
	Existence and compliance with conflict of interest policies	Existence and quality of codes of conduct	Existence and compliance with asset declaration policies	Existence and quality of integrity/corruption/fraud risk mapping exercises	Existence and strength of internal controls to mitigate corruption/fraud risks	Extent of awareness of integrity policies by public officials		Organisational administrative data	Employee survey polls	Interviews/ focus groups	Public opinion polls	Case studies
Australia	●	●	○	●	●	●		●	●	○	○	○
Austria	-	-	-	-	-	-		○	●	○	○	●
Belgium	◆	●	▲	◆	▲	▲		○	●	●	○	○
Canada	▲	-	▲	◆	▲	◆		●	●	○	○	○
Chile	●	◆	●	●	●	●		●	●	●	○	○
Czech Republic	●	●	N/A	●	○	●		●	○	○	○	○
Estonia							No central evaluation of public integrity system					
Finland	-	-	-	-	-	-		○	○	○	○	○

France	●	●	●	◆	◆	◆		●	○	○	○	○
Germany	○	○	N/A	●	●	○		●	○	○	○	○
Greece	▲	◆	●	◆	●	●		●	○	○	○	○
Hungary	○	○	○	●	○	○		●	○	●	○	○
Iceland	○	○	○	○	○	●		○	●	○	○	○
Ireland	○	○	○	○	○	○		○	○	○	○	○
Italy	●	●	●	◆	●	-		●	○	○	○	●
Japan	▲	●	●	N/A	◆	●		●	○	●	○	○
Korea	●	●	○	●	●	●		●	●	○	●	●
Latvia							No central evaluation of public integrity system					
Mexico	●	●	●	-	-	▲		●	●	○	○	○
Netherlands	●	●	●	●	●	●		●	●	●	○	○
New Zealand	▲	▲	▲	▲	▲	▲		○	●	○	●	○
Norway	-	-	-	-	-	-		●	●	●	●	●
Poland	-	●*	-	-	-	●*		●	○	○	○	○
Portugal							No central evaluation of public integrity system					
Slovak Republic	-	-	-	-	-	-		○	○	○	○	○
Slovenia	●	●	●	●	●	●		○	○	○	●	●
Spain	●	●	●	●	▲	◆		●	○	○	●	○
Sweden	-	-	-	-	-	-		○	●	●	○	●
Switzerland							No central evaluation of public integrity system					
United Kingdom	●	▲	●	▲	◆	▲		●	●	○	○	○
United States	-	-	-	-	-	-		●	●	●	●	●
OECD Total												
● Always	11	12	10	9	8	10	● Yes	18	14	8	6	7
◆ Often	1	2	0	5	3	3	○ No	9	13	19	21	20
▲ Sometimes	4	2	3	2	4	4						
○ Never	4	4	5	2	4	3						
- Unknown/ varies widely	7	7	7	8	8	7						
Brazil							No central evaluation of public integrity system					
Colombia	○	○	●	◆	◆	▲		●	●	○	○	○
Costa Rica							No central evaluation of public integrity system					
Lithuania							No central evaluation of public integrity system					
Peru	○	▲	◆	◆	◆	○		●	○	○	○	○

Source: OECD (2017<sub>[14]</sub>), *Government at a Glance 2017*, OECD Publishing, Paris, [https://doi.org/10.1787/gov\\_glance-2017-en](https://doi.org/10.1787/gov_glance-2017-en).

As illustrated in the previous Table, countries use a variety of means to collect performance information, including employee surveys, interviews and focus groups, public opinion polls, and case studies. Most commonly, however, organisations use internal administrative data. Administrative data is often compiled because it is more readily available. However, it usually only reflects inputs and outputs from integrity initiatives (i.e. budget and staff data, trainings or meetings held, participants attending, declarations received, etc.). While such information is certainly valuable, it also has limitations in terms of providing insights related to desired policy outcomes (i.e. the quality of results, internalisation of integrity values, etc.).

### Box 2.2. External sources for monitoring and evaluating integrity systems

A balanced analytical framework for monitoring and evaluating integrity systems should complement administrative data with additional sources from external entities (citizens, firms, etc.), as well as with perception data. Mexico's national statistics office (*Instituto Nacional de Estadística y Geografía*, INEGI), for example, collects detailed perception data on citizens' experiences with corruption in a standard sample of public services delivered by federal, state and municipal authorities. The survey is called *Encuesta Nacional de Calidad e Impacto Gubernamental* (ENCIG) and is applied every two years. INEGI also regularly collects opinion surveys on perceived levels of corruption for various public institutions at national and subnational levels.

Korea's Anti-corruption and Civil Rights Commission developed the anti-corruption initiative assessment (AIA) and the integrity assessment (IA) that combine quantitative administrative data and perception data collected from surveys to monitor and benchmark organisations in their implementation of anticorruption policies.

Hungary's supreme audit institution assesses public sector institutions through a periodic questionnaire that in turn provides inputs for developing corruption risk indices.

Source: OECD (2017<sup>[14]</sup>), *Government at a Glance 2017*, OECD Publishing, Paris, [https://doi.org/10.1787/gov\\_glance-2017-en](https://doi.org/10.1787/gov_glance-2017-en).

## Gathering relevant data for integrity policies

### ***Work is in progress to address the recommendation to diversify mechanisms for data collection, particularly by using employee and citizen surveys***

The development of the ENI opens up opportunities to conceive mechanisms to compile data to monitor and evaluate integrity policies. As described in the previous section, OECD countries use different methods to collect performance information. The *OECD Integrity Review* suggests specifically that Argentina may start using employee and citizen surveys, as well as measurements of trust in public institutions or capturing citizen experiences with public services.

SIGEN reported that during 2021, the first national survey on integrity in state institutions will take place and then it will be applied periodically. In fact, the Joint Resolution by SIGEN, the OA, and the Ministry of Public Management and Employment published in June 2021 approves the National Integrity Survey (*Encuesta Nacional de Integridad*) to collect data about the extent of development and implementation of integrity and transparency policies in the bodies of the national public sector. It will be executed by SIGEN, in co-ordination with the OA and the Ministry of Public Management and Employment from the Office of the Cabinet Co-ordination.

Furthermore, the SSFI's National Directorate for Integrity and Transparency is promoting the application of Integrity Environment Surveys in public institutions. This effort will consist of collecting anonymous data to know employees' perceptions about ethics in working environments, the scope of knowledge and appreciation of transparency policies and the embedding of public values, among other aspects. Having this information is particularly relevant to establish a baseline to design evidence-based public policies and implement actions to strengthen an organisational culture based on the values of integrity, transparency, inclusion, and equality. During the first quarter of 2021, the National Directorate supported the application of the survey in the A. Posadas National Hospital, a decentralised body of the Ministry of Health, and in the Ministry for the Environment and Sustainable Development.

## Proposals for action

This chapter described the work in progress to embed a strategic approach in the PNA, particularly by developing monitoring and evaluation mechanisms as part of the ENI, such as the Advisory Council and the digital platform in the Map for State Action. Challenges remain, particularly in terms of developing robust indicators to measure outcomes, not only outputs, and adopting practices to collect data to support monitoring and evaluation.

- **The process to address the weaknesses in the PNA is a step in the right direction. Now, it is time to develop robust and smart indicators.**

The process to address the shortcomings in the PNA had many virtues, for example, its inclusiveness and the concern to develop monitoring and evaluation mechanisms. Consistent with this concern, the next step is to develop indicators to allow the assessment of the impact of the different initiatives and the ENI as a whole. In order to achieve such assessment, indicators should go beyond immediate effects and measure the extent to which the initiatives contribute to embedding an integrity culture in the whole-of-government.

### Box 2.3. Developing robust indicators

Good indicators have some fundamental qualities to fully benefit an organisation. They should be:

- **Relevant**, i.e. linked to key objectives of the organisation (critical outcomes or risks to be avoided), rather than on process.
- **Clear**, i.e. spelled-out in guiding documents and as simple as possible to ensure common understanding.
- **Measurable and objective**, i.e. expressed on pre-determined measures and formulas, and based on simple data that can be gathered objectively and in a cost-effective manner.
- **Achievable**, i.e. realistic and within the control of the organisation.
- **Limited**, i.e. as few as required to achieve the objectives while minimising their disadvantages (costs, efforts and risk of dispute). To the extent possible, the use of information and documentation already available should be promoted rather than requiring the collection of additional data or documentation.
- **Timed**, i.e. include specific timeframes for completion.

Source: OECD (2018<sub>[15]</sub>), *Second Public Procurement Review of the Mexican Institute of Social Security: Reshaping strategies for better healthcare*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264190191-en>.

- **In line with the previous recommendation, the OA and the SSFI could take stock of existing databases and other sources of data and determine the kind of data that is missing and would need to be collected for monitoring and evaluation purposes.**

As noted previously, there might already be important sources of data dispersed throughout public institutions or in process of development (i.e. the SIGEN database on audit findings). The OA and the SSFI would benefit from knowing exactly what kind of data is already being collected and readily available and what is still missing to conceive a mechanism to compile. This stocktaking exercise should be part of the development of the ENI to allow for continuous and robust monitoring and evaluation.

In this sense, the OA, the SSFI, and SIGEN drafted an Integrity National Survey (*Encuesta Nacional de Integridad*) to assess the scope of development and implementation of integrity and transparency policies in institutions of the national public sector and state-owned enterprises. This data-collection tool is a unique opportunity for the national state and will allow establishing an integrity baseline, contributing to identify opportunity areas, and building a route map for the development of integrity policies in entities. The joint resolution for ENI's approval is under the corresponding administrative procedure.

- **It is necessary to carry on the work to address the recommendation to diversify mechanisms for data collection, particularly by using employee and citizen surveys.**

The approval of the resolution to carry out the National Integrity Survey is, without a doubt, a solid step to address OECD recommendations. As suggested in the *OECD Integrity Review*, the application of such surveys would deliver different benefits, such as:

- contributing to assess the organisational climate in public institutions and developing the pride of being a public servant
- providing inputs to improve human resources policies linked to integrity in the public sector
- embedding a culture of integrity in the public sector by developing awareness and training
- facilitating the dialogue between citizens and users of public services, on the one hand, and public officials, on the other hand
- providing inputs for risk maps and strategies to upgrade public services.

# 3 Building a culture of integrity in the public and private sectors and society in Argentina

## Introduction

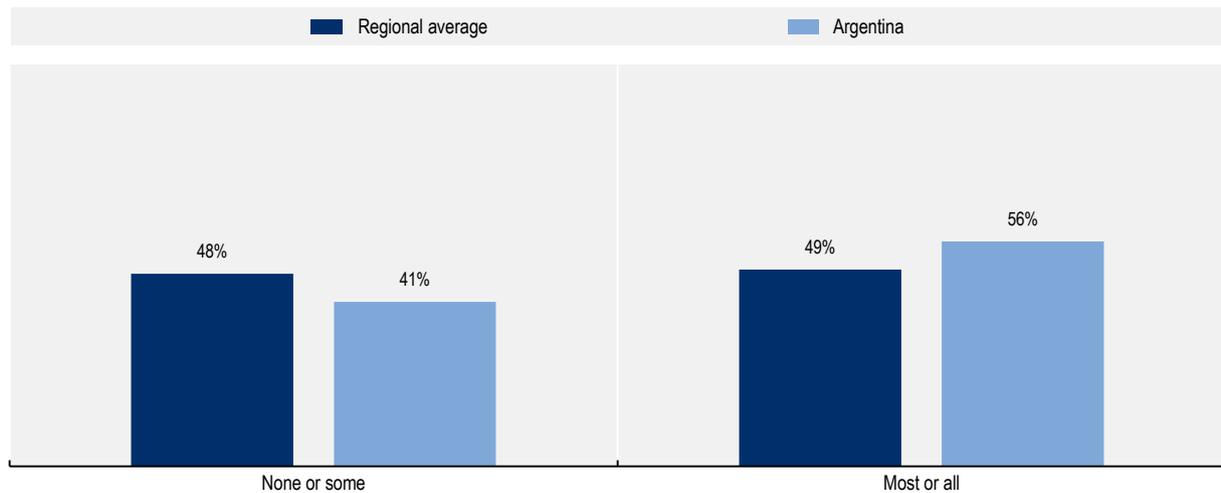
This chapter analyses the progress made in Argentina on building a culture of integrity in the public sector, private sector and society, relative to the recommendations made in the *OECD Integrity Review of Argentina*. The chapter outlines the immediate priorities for integrity, in particular addressing the current fragmentation of the public ethics framework by harmonising the different laws and regulations in a reformed Public Ethics Law and strengthening the system for managing conflict of interest by giving the OA additional powers for its enforcement. Furthermore, merit could be reinforced in the public sector and measures taken to advance the adoption of a whistleblower protection law. To strengthen the financial and interest disclosure system, it would be key to decouple the tax and asset declaration system. Lastly, measures could be reinforced to strengthen integrity in the private sector and society.

Trust in government and the citizens' perception of government acting with integrity are highly interrelated. Integrity reinforces the credibility and legitimacy of government and facilitates policy action (OECD, 2017<sub>[16]</sub>). According to the Global Corruption Barometer in 2019, 56% of citizens in Argentina consider that most or all government officials are corrupt (Figure 3.1). This is mirrored by a high level of distrust in government with 89% of citizens having little or no trust in government (Figure 3.2). Creating a culture of integrity within the public service, private sector and society is one of the avenues to rebuild citizens' trust in government.

The *OECD Recommendation on Public Integrity* (OECD, 2017<sub>[17]</sub>) underlines the need to cultivate a culture of integrity as an essential pillar of public integrity. In a culture of integrity, clear standards and procedures exist for integrity, leadership exemplifies ethical behaviour, the public sector is built on meritocracy, public servants are trained and guided to apply integrity standards and open organisational culture is promoted. Integrity extends to the private sector and society with both contributing towards a culture of integrity and not tolerating corruption.

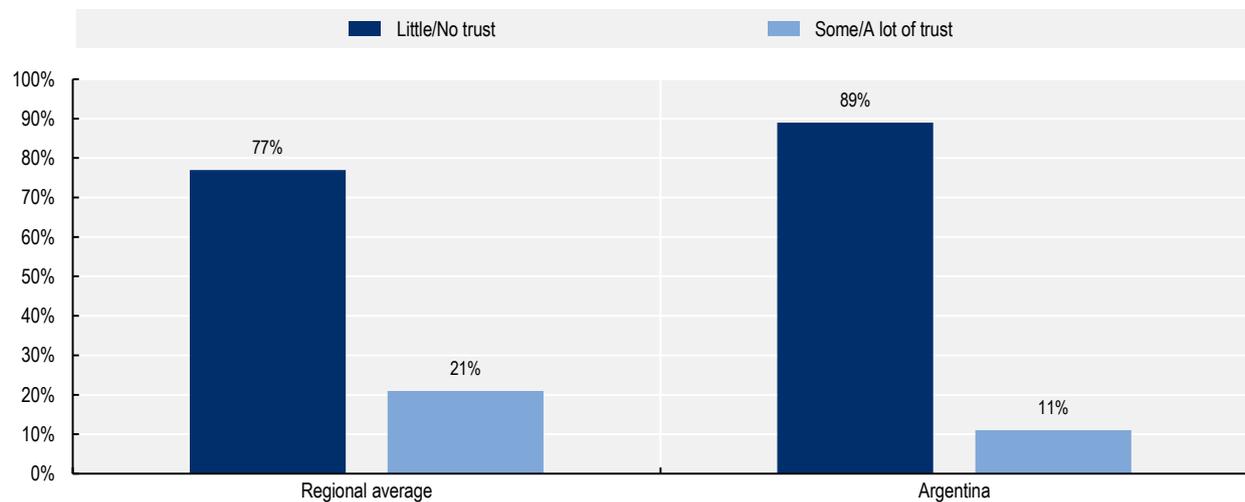
This chapter assesses progress made to establish a culture of integrity in the public and private sector and society in relation to the recommendations in the 2019 *OECD Integrity Review of Argentina* (hereafter the '*OECD Integrity Review*'). While overall only punctual developments could be assessed, the chapter provides an overview of the short and medium-term priorities for Argentina to cultivate such a culture, while not invalidating the long-term recommendations made originally, which remain relevant.

**Figure 3.1. High perception of corruption among government officials**



Source: Transparency International (2019<sub>[18]</sub>), *Global Corruption Barometer: Latin America and the Caribbean 2019*, <https://www.transparency.org/en/gcb/latin-america/latin-america-and-the-caribbean-x-edition-2019/results/arg#>.

**Figure 3.2. Low levels of trust and confidence in the Government (including politicians, public servants or any kind of government agency)**



Source: Transparency International (2019<sub>[18]</sub>), *Global Corruption Barometer: Latin America and the Caribbean 2019*, <https://www.transparency.org/en/gcb/latin-america/latin-america-and-the-caribbean-x-edition-2019/results/arg#>.

## Advancing a strong normative framework on public integrity and strengthening its implementation

Clear standards and procedures for integrity form the backbone of a culture of integrity. In order to understand what acting with integrity means, integrity standards can clarify which behaviours are expected of public officials and provide the framework to enable ethical behaviour and ensure accountability, including by applying sanctions for violating public integrity standards. These standards are embedded in the legal system and organisational policies. While in many cases an immediate reaction to a corruption scandal may be a stronger criminal framework, a strong normative framework is built on combining criminal law with civil and administrative laws, as well as codes of conduct or ethics to instil integrity (OECD, 2020<sub>[19]</sub>).

## **Argentina could reform the Public Ethics Law based on the legislative bill proposed in 2019**

Building on the recommendations made in the *OECD Integrity Review* and additional analysis, the Anti-corruption Office (*Oficina Anticorrupción*, OA) prepared a legislative bill to reform the Public Ethics Law (*Ley 25.188 de Ética en el Ejercicio de la Función Pública*) in 2019. The law project included many of the recommendations made in the *OECD Integrity Review* and was a decisive step towards a more mature public ethics framework. However, no progress has been made in its adoption since the draft was presented. As such, a majority of the recommendations remain valid. In order to address the weaknesses identified, as an immediate priority, the OA could reconsider the draft and reinstate a debate over the reform of the Public Ethics Law in line with goal 103 of the National Anti-corruption Plan. As a basis for discussion, the OA could consider addressing in particular the following elements in any kind of reform of the law.

First, as assessed in the *OECD Integrity Review* (OECD, 2019<sup>[20]</sup>), the regulatory framework on integrity consists of various different laws and secondary legislation. This has led to inconsistencies within the normative framework on integrity, mainly between the Public Ethics Law, the National Public Employment Framework and the Code of Ethics. For example, the Code of Ethics allows gifts under certain circumstances, while the National Public Employment Framework prohibits gifts. This can lead to confusions. The reform of the Ethics Law should aim to solve any inconsistencies between the different frameworks.

Second, managing conflicts of interest is a crucial part in any integrity framework. A clear definition of the circumstances and relationships that constitute a conflict of interest is the basis on which guiding material and awareness-raising activities can be designed (OECD, 2004<sup>[21]</sup>). The Public Ethics Law lacks a definition of conflict of interest and instead contains a list of disqualifying factors (*incompatibilidades*) which are incompatible with the exercise of a public function. As argued in the *OECD Integrity Review*, this may lead to a perception that a conflict of interest equals disqualifying factors. However, if appropriately managed, a potential conflict-of-interest situation may be resolved and not disqualify a public servant from public service (OECD, 2019<sup>[20]</sup>). In order to develop a clear concept of conflict of interest, the *OECD Integrity Review* recommended including a clear definition of the situations leading to a conflict of interest in the Public Ethics Law to increase understanding and awareness and apply to circumstances beyond those currently defined in Article 13. It also advised to clearly state that private interests leading to a conflict-of-interest situation include personal and private occupational interests. This is in line with the definition of conflict of interest given in Article 41 of the Code of Ethics (*Código de Ética de la Función Pública*) and in accordance with the OA's interpretation of conflict of interest in the resolutions of specific cases (OECD, 2019<sup>[20]</sup>). Article 27 of the draft law to reform the public ethics law of 2019 addresses this recommendation and proposes a description of a conflict of interest that goes beyond economic interests, which could be considered by the OA.

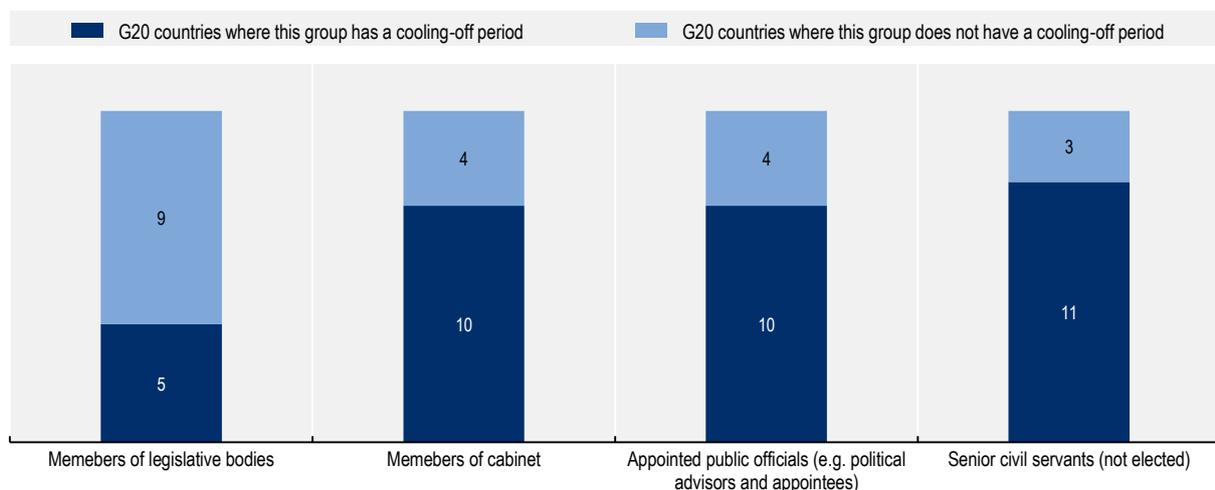
Third, a reform of the Public Ethics Law could include the basis for designing a comprehensive system for managing conflict of interest. Neither the Public Ethics Law, the National Employment Framework nor the Code of Ethics detail how to declare a conflict-of-interest situation or list remedies and solutions beyond resignation and abstention. By merely listing disqualifying functions, the Public Ethics Law may result in a perception that once in public service, conflict-of-interest situations will not arise and as such instill a fear of proactively declaring and managing a conflict of interest among public officials. While the Anti-corruption Office (*Oficina Anticorrupción*) has published material defining conflicts of interest and underlined the need to manage conflicts of interest, it would be useful to declare this in a more prominent place, such as the Public Ethics Law. This would send a strong signal on managing conflicts-of-interest situations in a preventive manner, instead of merely highlighting sanctions. A reform of the Public Ethics Law could include solutions beyond abstention and resignation to resolve a conflict-of-interest situation, for example,

divesting certain economic interests or creating a blind trust. It could also introduce a duty to declare a conflict of interest.

Furthermore, the reform of the public ethics law could consider specific standards on pre- and post-public employment. Appointing individuals who held key positions in the private sector raises the risks of preferential bias towards former employers, clients and industry in the policy-making process, procurement decisions and regulatory enforcement. Similarly, former private-sector employees can still have economic interests in relation to their former employer such as retirement benefits, deferred compensation arrangements and retained equity or stock interests. Regarding the recruitment of former public officials in the private sector, the risk consists of them making use of information and connections gained previously to unfairly benefit their new employer. There is also a risk of public officials favouring a prospective employer while still in office. It is therefore crucial to set up structures and processes to manage the risks arising from pre- and post-public employment situations (WB/OECD/UNODC, 2020<sup>[22]</sup>; OECD, 2010<sup>[23]</sup>).

To manage the risk of conflict of interest arising from pre- and post-public employment, the majority of OECD and G20 countries have established a range of different instruments for senior civil servants, appointed public officials, members of cabinet and members of legislative bodies. This includes regulating the move between private and public sector in primary and secondary legislation, including strict standards for sanctions and therefore serve as a deterrent (Figure 3.3).

**Figure 3.3. Cooling-off period for post public employment in G20 countries**



Source: OECD 2018 PMRI.

Note: Information on the People's Republic of China, India, Indonesia, Saudi Arabia, Russian Federation and United States not included.

In Argentina, there are only limited and at times contradicting rules and procedures established for joining the public sector from the private sector or vice versa. The Public Ethics Law stipulates that public servants have to recuse themselves from any decisions related to persons or matters they were linked to in the last three years. Moreover, it sets a cooling-off period of three years after leaving the public sector for public servants who have had decision-making functions in the planning, development and implementation of privatisations or concession of companies or public areas to join a regulatory body or commission of those companies or services they interacted with. In comparison, the Code of Ethics introduces a cooling-off period of one year after leaving the public sector (OECD, 2019<sup>[20]</sup>).

Taking into account fairness and proportionality in any regulation for pre- and post-public employment, the *OECD Integrity Review* recommended a reform of the Public Ethics Law to introduce cooling-off periods for paid and unpaid positions. This could be set according to the level of seniority and occupation instead of a one-year blanket ban for every public servant and a three year ban for public servants involved in privatisations or concession of companies or public areas. For example, in Germany, the Civil Service Act

stipulates cooling-off periods for civil servants after they have left the public service or have reached retirement age. Post-public employment is prohibited where there is a concern that it will interfere with service-related interests. For members of the Government and Parliamentary State Secretaries, the Federal Government may prohibit, either fully or in part, the taking up of gainful or other employment for the first 18 months after leaving office, where there is a concern that such employment will interfere with public interests. The decision on a prohibition is taken in light of a recommendation from an advisory body composed of three members (WB/OECD/UNODC, 2020<sup>[22]</sup>). Similarly, the United States established restrictions for post-public employment according to the level of seniority and function (Box 3.1).

In order to implement the cooling-off period, the *OECD Integrity Review* recommended establishing a public body responsible for overseeing the regulation and providing advice. The Public Ethics Law could designate the OA as the public body responsible. Currently, the OA sends instructions for post-public employment to high-level officials (undersecretary or above) informing them of limitations on their post-employment activities. According to Article 5 of the Code of Ethics, these instructions are binding for those receiving them.

In addition, public officials could be required to regularly report on their employment situation in order for the OA to monitor the public official's employment and, in cases of infractions, initiate sanctions. Regarding pre-public employment, this could involve disciplinary sanctions, while for post-public employment, the public pension could be reduced and the private sector employer could be sanctioned. Similarly, former public officials could make a request for exception of the post-public employment regulations in cases where no conflicts of interest are foreseen. The OA would have the final decision over such exemptions. Any decisions taken should be published online to enable public scrutiny (OECD, 2019<sup>[20]</sup>). This would be in line with good practices, for example, the United Kingdom, where ministers and senior crown servants must seek the advice of the Advisory Committee on Business Appointments before taking on any new paid or unpaid appointment within two years of leaving ministerial office or Crown service.

By including these considerations in a reform of the Public Ethics Law, the normative framework for public ethics in Argentina would be considerably strengthened. While the OA could take advantage of the already existing law project, it would be key to engage stakeholders from the private sector and civil society in the development of a reform proposal.

### **Box 3.1. Legal restrictions for post-public employment in the United States according to the level of seniority and function**

Federal employees in the executive branch of the United States are subject to a series of criminal post-employment limitations (18 U.S.C. Section 207). All former executive branch employees are prohibited from performing certain representational activities for private parties. Former employees who occupied high-level positions while in government are subject to further restrictions.

There are three basic restrictions applicable to all former executive branch officials. First, all employees are prohibited under a lifetime ban from switching sides in certain very specific matters, such as contracts, permits, and litigation; this restriction lasts for the life of the matter, not the person, and prevents the employee from representing any private party back to the government on the same particular matter involving specific parties in which the former official had worked personally and substantially for the government. Second, the law also establishes a separate two-year ban on switching sides on matters that involved specific parties that fell under the employee's official responsibility in the last year of service, but in which she or he was not personally and substantially involved. Third, all executive branch officers and employees are prohibited for one year after they leave government from aiding, assisting, or representing any outside party back to the government on certain ongoing trade or treaty negotiations they participated in the year prior to the end of their service.

In addition to these general restrictions, senior and very senior public officials are also bound by additional cooling-off restrictions. Senior employees are subject to a one-year-cooling-off period barring

representational communications and attempts to influencing persons in their former departments or agencies on behalf of outside parties, and a one-year ban on performing specific representational or advisory activities for foreign governments or foreign political parties. Very senior officials, including the heads of cabinet-level agencies and the Vice President, are subject to a two-year-cooling off period barring representational communications to and attempts to influence their former agency and certain other high-ranking officials across the executive branch on behalf of outside parties, and are covered by the same one-year ban on performing certain representational and advisory activities for foreign governments and foreign political parties as are senior public officials.

Aside from these restrictions of post-employment representational and lobbying activities on behalf of private parties, specific types of positions carry with them additional restrictions. The largest such group are those officials who were involved in procurement activities. They have additional time-limited restrictions on the acceptance of compensation from private contractors, as well as additional rules on reporting employment contacts from prospective employers who are also government contractors.

Source: WB/OECD/UNODC (2020<sup>[22]</sup>), *Preventing and Managing Conflicts of Interest in the Public Sector: Good Practices Guide*, <https://www.unodc.org/documents/corruption/Publications/2020/Preventing-and-Managing-Conflicts-of-Interest-in-the-Public-Sector-Good-Practices-Guide.pdf>.

### **Argentina could strengthen its system for managing conflict of interest by giving the OA the power for binding recommendations**

Effectively managing conflicts of interest is at the heart of integrity policy. Citizens expect public servants and government to fulfil their duties with integrity and in a fair and unbiased way. Conflict-of-interest situations, no matter if real or perceived, undermine the trust of citizens in the government by putting into question whether the government is acting in the public interest.

As detailed, in order to develop clear standards, a reform of the Public Ethics Law should include a particular focus on conflict of interest. Furthermore, in order to apply the conflict-of-interest standards, Argentina could consider granting the OA greater powers. While the OA is responsible for overseeing conflict of interest, its decisions are of consultative nature and not binding. In the past, this has led to situations in which the advice of the OA to high-level public officials has not been followed.

In line with the recommendation that the OA would act as an advisory body for pre-and post-public employment (see above), designated high-level officials could be required to consult the OA on potential conflicts of interest and resolutions prior to taking office and throughout the exercise of their duties. In fact, throughout 2020 and in line with goal 108 of the National Anti-corruption Plan, the OA formulated 27 preventive instructions (*instrucciones preventivas*) to the highest authorities of the public administration. The instructions are sent to those recipients that are in positions at a high risk of corruption, newly appointed officials and as a first step in the course of an investigation. The instructions are personalised notes informing the senior officials of the ethical standards and obligations and matters in which they should refrain from engaging in. The instruction also includes an analysis of the information provided in the financial and interest disclosure form and provides advice on potential conflicts of interest. The instructions are published on the OA website.

While this is an important step towards building a more comprehensive system for managing conflicts of interest, it could be further standardised and become a routine practice for high-level public officials and political appointees. As such, the Public Ethics Law could mandate the OA to legally act in such a capacity. Furthermore, similar to the practice for presidential nominees in the United States (Box 3.2), the introduction of an ethics agreement between the candidate for a senior post and the OA could be made a pre-condition to assume a post. In cases where a potential conflict of interest might arise, the ethics agreement would require the candidate to resolve the situation by a given deadline. The agreements should be made public as well as any action deemed sufficient to tackle the situation. A similar procedure should be established for post-public employment.

### Box 3.2. Managing potential conflicts of interest of presidential nominees in the United States

In the United States, any presidential nominee to a position requiring the advice and consent of the Senate is mandated by law to file a financial and interest disclosure form no later than five days after nomination by the president for the position. Generally, potential nominees are required to file a disclosure report with the White House as part of the background review process before their nomination is announced, which is then reviewed by Office of Government Ethics (OGE) and the nominee's potential future agency. The disclosure includes the following information:

- filer's positions held outside US Government for preceding two years
- filer's employment, assets & sources and amounts of income and retirement accounts
- filer's employment agreements and arrangements with those outside of the government as of filing date
- filer's sources of compensation exceeding USD 5 000 in a year for preceding two calendar years to filing dates
- spouse's employment, assets & and sources of income and retirement account
- other assets and income of the filer, spouse and dependent children
- liabilities over USD 10 000 arising in the preceding calendar year to the filing date.

Once the declaration is received, OGE and the agency review the draft report, ask follow-up questions, provide guidance on addressing technical disclosure issues, and analyse disclosed items for potential conflicts of interest. A draft ethics agreement (see below) is prepared outlining the steps the filer will need to take to avoid conflicts of interest. OGE preclears (i.e. tentatively approves) the report and the ethics agreement. After the formal nomination, the nominee formally files the disclosure form containing any necessary amendments that have been identified in the preclearance process. The Designated Agency Ethics Official (DAEO) certifies the report and provides OGE with the final ethics agreement and an opinion letter stating that based on the report and the ethics agreement, the filer is in compliance with applicable laws and regulations. OGE staff review the materials for completeness and transmit them for final review and certification by OGE.

In cases, where the reviewing official concludes that information disclosed may reveal a violation of applicable laws and regulations, the information disclosed is used to establish an ethics agreement to ensure that if the individual is appointed to a position, he or she will be able to comply with all relevant ethics laws. The Ethics agreement is essentially a promise by a reporting individual to undertake specific actions in order to alleviate an actual or apparent conflict of interest, such as:

- preparation of a written instrument for recusing (disqualifying) the individual from one or more particular matters or categories of official action
- divestiture of a financial interest
- resignation from a position with a non-federal business or other entity
- procurement of a waiver
- establishment of a qualified blind or diversified trust.

Ethics agreements for nominees are memorialised in written form and specify that the individual must complete the action that he or she has agreed to undertake within a period generally not exceeding three months from the date of Senate confirmation. Evidence of any action taken to comply with the terms of such ethics agreements shall be submitted by the DAEO, upon receipt of the evidence, to the Office of Government Ethics and to the Senate confirmation committee. The ethics agreement is publicly available on the OGE website.

Source: WB/OECD/UNODC (2020<sup>[22]</sup>), *Preventing and Managing Conflicts of Interest in the Public Sector: Good Practices Guide*, <https://www.unodc.org/documents/corruption/Publications/2020/Preventing-and-Managing-Conflicts-of-Interest-in-the-Public-Sector-Good-Practices-Guide.pdf>.

Regarding managing of conflict of interest while in office, the OA should fulfil its role as an advisory body to a greater extent in co-ordination with the National Directorate for Integrity and Transparency in the Sub-secretariat for Institutional Strengthening (*Dirección Nacional de Integridad y Transparencia de la Subsecretaría de Fortalecimiento Institucional*), which has developed lines of action to strengthen conflict of interest management in the public entities. Ultimately, the effectiveness of managing conflict of interest rests upon the understanding of public servants of the concept of conflicting interests, their capacity to identify a conflict-of-interest situation and their knowledge on how and where to report them. They must also trust the system and believe that reporting a conflict of interest situation will not cause them any harm. In order to clearly outline the steps for reporting, and as recommended in the *OECD Integrity Review*, the OA could release a form that has to be used to proactively declare and manage a conflict of interest at the specific moment it arises. The Directorate for Integrity and Transparency has included this as a proposal in its lines of action. The OA could closely collaborate with the Directorate to ensure its implementation. The form should be filled out in collaboration between employee and manager and include the following elements:

- description of the private interest, pecuniary or non-pecuniary, impacting the official duties
- description of the official duties the public official is expected to perform
- identification of whether this is an apparent, potential or real conflict of interest
- signed employee declaration committing to managing the conflict of interest.
- description by the manager of the proposed action to resolve the conflict of interest
- signature of both manager and employee.

The integrity contact (*Enlace de Integridad*) or the integrity and transparency areas (*Área de Integridad y Transparencia*) in the entities where they have been created, could advise managers in cases of doubts on the appropriate measures for resolving the conflict of interest. They should also be responsible for reviewing the declarations to ensure that the standards are applied in a consistent manner. Human resources could file the declaration in order to be consulted in case any doubts over the adequate management of conflict of interest arise.

Furthermore, the *OECD Integrity Review* recommended that the OA could develop additional guidance material aimed at clarifying the concept of conflict of interest and its practical implications. In 2019, the OA published a detailed report on public ethics and conflict of interest explaining in detail different concepts of conflict of interest and their application in Argentina's public sector. However, the report is still a rather theoretical discussion and as such does not serve as a guide for public officials where they could quickly get information. In 2020, the OA also published the Guide to Ethical Conduct in the Public Service. While it includes a clear statement that a conflict of interest does not equal corruption, it could underline that a conflict of interest may occur in any public servant's life and needs to be proactively managed with, if necessary, the advice and guidance of the OA or integrity contact point. In addition, the guide could also make stronger reference to the conditions that might lead to a conflict of interest situation and procedures to help to identify and to declare private interests that might result in a potential conflict of interest. A more practical tool the OA implemented is the online simulator, where public officials can seek guidance to assess whether they are in a situation of conflict of interest.

To strengthen the practical guidance, the OA could aim to identify those areas that are most at risk of corruption and attempt to provide specific support to prevent, manage and resolve conflict-of-interest situations. The Integrity contact or the integrity and transparency areas could play a key role in providing feedback to the OA on specific conflict-of-interest situations according to the function of public officials through engaging and motivating public employees to share examples of conflict-of-interest situations, e.g. during focus group discussions or training sessions organised. Doing so, the OA, along with the entity, could develop a very clear and concrete picture of "at-risk" areas, processes or positions that are particularly prone to potential conflict of interest situations, produce specific guidance and implement measures to address them, while reducing the stigma often associated with conflict of interest situations.

### ***The Code of Ethics could be reviewed in a participative process to improve clarity and ownership of public servants***

Codes of ethics are a useful tool to guide behaviour and translate legal standards to a framework for day-to-day decision making. Codes of ethics can also provide guidance to public officials on ethical dilemmas and on situations that can lead to a conflict-of-interest (OECD, 2020<sup>[19]</sup>; OECD, 2019<sup>[20]</sup>).

The Code of Ethics of Argentina is applicable to all public servants. It encompasses twenty-eight general and particular principles for ethical conduct in public service. The OA has developed guiding material including a short definition for each principle in its website and a poster explaining the responsibilities of public servants. In addition, in 2020, the OA published a Guide to Ethical Conduct in the Public Service. The Guide highlights some of the principles and obligations of the Public Ethics Law and the Code of Ethics. However, it does not provide any guidance on what these mean in practice. The only type of guidance it includes is a link to the conflict-of-interest simulator, which refers public officials to the OA in case of a potential conflict-of-interest situation.

The number of principles undermines the clarity of the Code and could lead to confusion. As analysed in the *OECD Integrity Review*, the principles are at times overlapping and redundant, while others are effectively not a principle for ethical conduct, such as the principle of financial and interest declarations. As such, Argentina could consider reducing the number of principles to make them more memorable, meaningful and less confusing. Cognitive science has shown that a number of 5-9 values are most suitable (Miller, 1956<sup>[24]</sup>). By concentrating on selected principles, more clarity is achieved. Within the OECD, several countries have decided to focus on key values and principles instead of overburdening the code. For example, the UK Civil Service Code outlines just four civil service values and the Danish “Kodex VII” defines seven central duties to guide civil servants. Under the lead of the OA, the revision of the code of ethics could be done through a participatory process where public officials would drive the development of the Code. In this way, ownership could be strengthened. The OA could seek inspiration from the experience of developing a code of ethics in Nuevo León, Mexico (Box 3.3) or the development of the Colombian Integrity Code, where public servants through different mechanisms, such as a survey and focus groups, selected five core values.

### Box 3.3. Participatory process for adopting the Ethics Code of Nuevo León, Mexico

The Ethics Code was adopted in August 2016, with the participation of various stakeholders, in a procedure different from that adopted at the federal level and in other Mexican states. Liaison groups were created in the central ministries and parastatal entities of the public administration, which met every two weeks for a year. The effort was co-ordinated by the Executive Agency for the Co-ordination of the State's Public Administration (*Coordinación Ejecutiva de la Administración Pública del Estado de Nuevo León*) to address different aspects of organisational culture. The code was drafted to replace the previous one dated 2005, as well as the 2014 Code of Conduct.

Each liaison group developed seven ethics standards, and hypothetical scenarios were discussed to better understand its content and scope. To draft the Ethics Code, public officials were assisted by an ethics specialist from the Monterrey Institute of Technology and Higher Studies (*Instituto Tecnológico y de Estudios Superiores de Monterrey, ITESM*), who led the drafting process. The goal was to have a punctual and succinct code, easy to communicate and understand, and inspiring behaviour based on commonly shared values.

The Code declares that its main purpose is to uphold the values of legality, honesty, loyalty, impartiality and efficiency in the exercise of the duties and functions of public officials. Public officials are required to comply with Nuevo León's legal system, which regulates the public service as well as the seven ethics standards and integrity rules. Each ethical standard describes, in a non-exclusive way, three expected modes of conduct with which public officials should comply, so as not to contravene any of the ethics standards. The eight ethics standards are: no corruption; service; respect and empathy; austerity and sustainability; innovation and efficiency; inclusion; fair and swift decision; and transparency. It applies to all individuals who work and are paid with public resources, for as long as they are engaged in public service activities.

Source: OECD (2018<sup>[13]</sup>), *OECD Integrity Review of Nuevo León, Mexico: Sustaining Integrity Reforms*, <https://dx.doi.org/10.1787/9789264284463-en>; and <http://codigodeetica.nl.gob.mx/>.

### **The OA could develop guidance for developing entity-specific Codes of Ethics**

The Code of Ethics is supposed to be a guidance document for the public service. Within this function, it is not supposed to provide specific guidance or emphasise specific principles and values that may be applicable for certain entities and functions. For example, public servants in the Ministry of Transport may face different integrity challenges than those in the Ministry of Education. In order to guide public servants more closely and specific to their situation, the *OECD Integrity Review* recommended the elaboration of organisational codes of ethics based on a consultative approach and guided by the OA to ensure consistency. This could include the development of a model code of ethics and a suggested methodology for elaboration.

In 2020 and 2021, 21 public entities developed organisational codes of ethics [as of May 2021]. In many cases, the integrity contact point (*Enlace de Integridad*) or the recently created integrity and transparency areas (*Área de Integridad y Transparencia*) initiated the processes. While the Guide for the Creation of the Integrity Areas and the Guide to Ethical Conduct in the Public Service provides some direction on the principal areas to be included in an organisational code a specific model or guide could provide further support to the entities

Throughout 2021 and in line with the National Integrity Strategy, the OA aims to develop a 'basic guide for the development of codes of ethics'. This could include a model code of ethics and a methodology for building a code of ethics in a participative manner as recommended previously. This guidance should also

include how to communicate the code of ethics effectively, how to implement it and underline the need for periodic revision to ensure it is up to date. By developing such standardised guidance, the OA could ensure greater harmonisation while at the same time setting a minimum standard for entity codes of ethics. The OA could also revise each code of conduct prior to adoption to ensure it is aligned with the Code of Ethics. It would be key that the elaboration of such guidance would be co-ordinated with the National Directorate for Integrity and Transparency, which has included the support in developing codes of ethics as one of its key lines of action.

### ***Campaigns and trainings to raise awareness and communicate integrity could be better targeted for greater impact***

Setting the standards and procedures for integrity in public service is one element of cultivating a culture of integrity. However, the standards will only be effective if public officials are aware of and committed to them and have the capacity to use them in their daily life in order to achieve the desired change in practice and behaviour. Raising awareness about integrity standards, practices and challenges helps public officials recognise integrity issues when they arise. Communication of the standards, both internally within the organisation and externally with stakeholders, makes the standards alive and part of the organisational culture. Likewise, well-designed training and guidance equips public officials with the knowledge and skills to appropriately manage integrity issues and seek out expert advice when needed (OECD, 2020<sup>[19]</sup>).

First, with respect to communication and awareness raising, the *OECD Integrity Review* and the National Anti-corruption Plan (Goal 96) recommended developing guiding and orientation materials to reinforce the Code of Ethics. In 2020, the OA has developed the Guide to Ethical Conduct in the Public Service. The guide details the responsibilities, principles and obligations of the Public Ethics Law and the Code of Ethics. It is used to support trainings for public officials where concrete situations presenting ethical dilemmas or potential conflicts of interest are analysed and discussed. The guide is also used as an orientation to respond to informal and formal queries received by email or telephone. Lastly, it is distributed as an attachment to all preventive instructions and post-employment instructions sent by OA to senior officials.

However, the guide does not translate the legal concepts and abstract principles of the Code into practical situations nor does it provide any practical guidance on conflict of interest (see above). In addition to the Guide, the OA could develop targeted communication campaigns building on the network of integrity contacts and integrity and transparency areas to circulate information within each public entity. This could be in line with the poster already developed on principles and ethical obligations for public servants. For instance, concrete examples could be provided on a regular basis via email or internal website about what a particular value might mean to encourage public officials to think about the value and internalise it. Similarly, well-formulated advice in the form of questions and answers dealing with one specific topic could be useful (Box 3.4). It would be key to rely on the network of integrity contacts and integrity and transparency areas in the entities to promote the materials within their respective entities.

Second, regarding training on integrity, Argentina has developed already a broad offer of trainings for public servants. Prior to the COVID-19 pandemic, three types of integrity trainings existed: 2-3h in-person trainings organised at the request of an entity on a specific focus area, 30h courses with a tutor and 4-6h self-managed courses. The last two types of courses are organised via the platform of the National Institute for Public Administration and form part of the official curriculum for public servants. It also includes integrity training developed specifically for senior management. By attending the trainings, public officials can earn credits towards promotion in their administrative careers.

The OA and the National Directorate for Integrity and Transparency of the Sub-secretariat for Institutional Strengthening offer training courses on specific subjects at the request of ministries and agencies. Throughout 2020, taking advantage of virtual tools, the OA and the National Directorate for Integrity and Transparency, in co-ordination with other entities, also developed specific training workshops and seminars focusing on topics such as public procurement and integrity during the COVID-19 pandemic. In

2020, the National Directorate for Integrity and Transparency organised 32 training sessions with 772 participants overall.

In line with the recommendation of the *OECD Integrity Review*, the INAP course on ethics, transparency and integrity includes a discussion forum where participants discuss ethical dilemma or conflict of interest situations. This could be expanded to other integrity courses offered. For senior management, it could also include an exercise on identifying personal risks and seeking opportunities how to engage junior civil servants in integrity policies. Lastly, the trainings should be obligatory and ideally repeated on a regular basis. Studies have demonstrated that ethics training should not be considered as a one-time exercise; training needs to be repeated, since people forget what they have learned, circumstances may change, responsibilities can increase or change and regulations may be amended or new ones could be enacted. For these reasons, the most rigorous ethics regimes embark on a strategy that emphasises regular training exposure of public officials (Gilman, 2005<sup>[25]</sup>). Canada, for example, has instituted continuous training sessions of its public officials, from the moment they are hired until they leave their posts.

Finally, to communicate the integrity standards, Argentina could also implement new initiatives based on behavioural sciences as recommended in the *OECD Integrity Review*. The use of regular small reminders of appropriate behaviour could allow the internalisation of social norms and the construction of a collective idea about the type of behaviour that is socially undesirable. Moreover, the use of contextual cues could increase awareness about risks in situations when deception is about to take place (Mazar and Ariely, 2006<sup>[26]</sup>). Concretely, the OA, together with the integrity points and integrity and transparency areas, could review processes and procedures for the possibility of inserting timely moral reminders.

### Box 3.4. Catalogue of questions and answers related to gifts, hospitality and other benefits in Germany

An example of a technologically basic but useful tool is the publication “Answers to frequently asked questions about accepting gifts, hospitality or other benefits”, published by the Federal Ministry of Interior of Germany. This catalogue of questions and answers was not drafted exclusively by a controlling agency, but by a group of chief compliance officers from large and medium enterprises, federal ministries, and associations. As a result, it reflects not only a top-down imposed interpretation of rules, but also a shared understanding between public and private parties. The publication covers:

- Basic information: Are federal administration employees allowed to accept gifts? What is meant by gifts, hospitality, and other benefits?
- Dealing with gifts: Is approval always required for accepting a gift, even promotional items? What should I do if I am not sure whether it is legal to give or accept a gift?
- Gifts in kind: Am I allowed to give a book or professional journal related to the employee’s field of expertise?
- Invitations, hospitality: Is it possible to invite employees to a buffet meal or snack during or after a specialist event? Is it possible to invite spouses or life partners to events?
- Paying for travel expenses: Is it possible for a third party to pay an employee’s travel expenses? What should a federal employee do if offered a ride in a taxi or rental car by a business partner?
- Delegation travel: What should one be aware of regarding delegation or factory visits? What should be noted when requesting reimbursement for travel expenses for a delegation or factory visit?
- Private use of discounts: When can the private use of discounts be approved? When is the private use of discounts prohibited?

Altogether, 52 questions are answered in a concise, easily accessible manner. An index of key terms with up-to-date hyperlinks facilitates the search.

Source: German Federal Ministry of the Interior (n.d.<sup>[27]</sup>), “Private Sector/Federal Administration Anti-Corruption Initiative – Answers to frequently asked questions about accepting gifts, hospitality, or other benefits”, <https://jaunde.diplo.de/contentblob/3809240/Daten/2296502/FragenkatalogKorruption.pdf>.

## Integrity in Human Resources

A merit-based civil service is a fundamental element of any public sector integrity system. Public servants who are responsible for implementing government functions are at the heart of government effectiveness. By ensuring integrity within the human resources processes and promoting a merit-based system, opportunities for corruption are reduced by prioritising skills over personal connections. This contributes to a professionalisation of the workforce leading to better results and higher efficiency. A merit-based system often also provides a higher degree of stability for civil servants which can reinforce civil servants’ commitment to the civil service and encourage them to actively engage in improving processes and speaking up when observing misconduct (Dahlström, Lapuente and Teorell, 2012<sup>[28]</sup>).

***To ensure merit-based recruitment, the use of short-term contracts need to be reduced to the legal minimum and a standardised process for recruitment developed***

In its analysis of mainstreaming integrity in human resources, the *OECD Integrity Review* found that Argentina has taken steps towards the reinforcement of the merit principle by introducing a common job classification system for administrative positions. Since then, the National Office of Public Employment (*Oficina Nacional de Empleo Público*, ONEP) has also finalised the development of the job classification for technical positions for centralised entities, while the nomenclature for decentralised and non-concentrated entities are currently being developed. In addition, ONEP is preparing a common Directory for Competences. By setting predetermined qualification and performance criteria for all positions, Argentina has begun a step towards reinforcing the merit principle in the civil service.

However, as analysed in the *OECD Integrity Review*, the use of employment regimes for temporary employees is widespread, which allows employers to bypass a merit-based recruitment process. While entities are expected to limit non-permanent contracts to 15% of the total workforce, sources suggest that temporary contracts are often used for staffing permanent positions (OECD, 2019<sup>[20]</sup>).

As an immediate priority to move towards a merit-based system, steps would need to be taken to limit the use of short-term contracts. In addition, ONEP could develop a standardised recruitment process, which may be more streamlined than those for permanent positions to allow for a shorter recruitment process. However, it would be key to set criteria that allow for a transparent recruitment process and strengthen merit. This could be similar to the criteria introduced in the Australian Public Service to assess work-related qualities for any employment decision.

### Box 3.5. Merit in the Australian Public Service

Employment decisions in the Australian Public Service (APS) are based on merit, which is one of the employment principles. At a minimum, all employment decisions should be based on an assessment of a person's work-related qualities and those required to do the job. For decisions that may result in the engagement or promotion of an APS employee, the assessment must be competitive.

Under the Public Service Act 1999, a decision is based on merit if:

- It is based on the relative suitability of the candidates for the duties, using a competitive selection process.
- It is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties.
- It focuses on the relative capacity of the candidates to achieve outcomes related to the duties.
- Merit is the primary consideration in taking the decision.

For the assessment to be competitive, it must also be open to all eligible members of the community. For ongoing jobs and non-ongoing jobs of more than 12-month duration, this is achieved by posting the job in the Employment Gazette on the APS jobs website.

The work-related qualities that may be taken into account when making an assessment include:

- skills and abilities
- qualifications, training and competencies
- standard of work performance
- capacity to produce outcomes from effective performance at the level required
- relevant personal qualities
- demonstrated potential for further development
- ability to contribute to team performance.

Source: OECD (2020<sup>[19]</sup>), *OECD Public Integrity Handbook*, <https://dx.doi.org/10.1787/ac8ed8e8-en>.

### ***Develop ethical leadership awareness and skills with public managers***

The role of leaders and senior management in promoting and managing integrity in their organisation is crucial. They make decisions over assigning resources to integrity systems, set the organisational priorities, and oversee the co-ordination of integrity measures. In addition, leaders act as a role model for strengthening a culture of integrity. Social learning theory suggests that people learn from one another, via observation, imitation, and modelling, and that manager's engagement in unethical acts is the biggest driver of unethical behaviour (Hanna, Crittenden and Crittenden, 2013<sup>[29]</sup>). Even the best designed codes of conduct, processes and integrity structures fall short if public officials are not encouraged by visibly committed managers and leaders.

First, in order to support ethical leadership, the *OECD Integrity Review* recommended to include integrity as a performance indicator for senior civil servants. Given the opportunity of the development of the new competency framework, ONEP could leverage the opportunity to include integrity as a key competence for civil servants. The ONEP could collaborate with the National Directorate for Integrity and Transparency on making this actionable by translating the competence for integrity into demonstrable and assessable behaviour. In this way, integrity could be part of the skills required in the hiring process of public managers

and in their performance evaluations. For example, the competency framework of the Government of New South Wales, Australia, identifies five levels of integrity and the behaviours associated with each (Table 3.1) (OECD, 2020<sub>[19]</sub>).

**Table 3.1. Act with integrity: A framework for assessment in New South Wales, Australia**

Foundational	Intermediate	Adept	Advanced	Highly advanced
<ul style="list-style-type: none"> <li>Behave in an honest, ethical and professional way.</li> <li>Take opportunities to clarify understanding of ethical behaviour requirements.</li> <li>Identify and follow legislation, rules, policies, guidelines and codes of conduct that apply to your role.</li> <li>Speak out against misconduct and illegal and inappropriate behaviour.</li> <li>Report apparent conflicts of interest.</li> </ul>	<ul style="list-style-type: none"> <li>Represent the organisation in an honest, ethical and professional way.</li> <li>Support a culture of integrity and professionalism</li> <li>Understand and follow legislation, rules, policies, guidelines and codes of conduct.</li> <li>Recognise and report misconduct and illegal or inappropriate behaviour.</li> <li>Report and manage apparent conflicts of interest.</li> </ul>	<ul style="list-style-type: none"> <li>Represent the organisation in an honest, ethical and professional way and encourage others to do so.</li> <li>Demonstrate professionalism to support a culture of integrity within the team/unit.</li> <li>Set an example for others to follow and identify and explain ethical issues.</li> <li>Ensure that others understand the legislation and policy framework within which they operate.</li> <li>Act to prevent and report misconduct and illegal and inappropriate behaviour.</li> </ul>	<ul style="list-style-type: none"> <li>Model the highest standards of ethical behaviour and reinforce them in others.</li> <li>Represent the organisation in an honest, ethical and professional way and set an example for others to follow.</li> <li>Ensure that others have a working understanding of the legislation and policy framework within which they operate.</li> <li>Promote a culture of integrity and professionalism within the organisation and in dealings external to government.</li> <li>Monitor ethical practices, standards and systems and reinforce their use.</li> <li>Act on reported breaches of rules, policies and guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>Champion and act as an advocate for the highest standards of ethical and professional behaviour.</li> <li>Drive a culture of integrity and professionalism across the organisation, and in dealings cross-government, cross-jurisdiction and outside of government.</li> <li>Define, communicate and evaluate ethical practices, standards and systems and reinforce their use.</li> <li>Create and promote a climate in which staff feel able to report apparent breaches of rules, policies and guidelines and act promptly and visibly in response to such reports.</li> </ul>

Source: OECD (2020<sub>[19]</sub>), *OECD Public Integrity Handbook*, <https://dx.doi.org/10.1787/ac8ed8e8-en>.

Second, the integrity training for public managers conducted by INAP could put a particular emphasis on public managers' responsibility in managing conflict of interest and providing advice in case their subordinated staff are faced with doubts or ethical dilemmas. The trainings could also aim at preparing managers to become a role model, to communicate to their staff that errors are human and can be discussed freely with them, and to know about the relevant integrity regulations and risk factors in their areas of work. In addition, the National Directorate for Integrity and Transparency could develop a mentorship programme, where employees are paired with more senior management and are encouraged to raise ethical management issues on which they would like guidance. In this way, leaders support each other and a peer-to-peer learning experience is built. Furthermore, a pool of future leaders is built.

## Promoting an open organisational culture

### ***Argentina could develop a detailed whistleblower protection law and pilot measures to create an open organisational culture***

A holistic approach to public integrity includes measures aimed at fostering an open organisational culture where employees feel safe to voice their opinions and raise questions and feel comfortable to discuss ethical dilemmas, potential conflict-of-interest situations and other integrity concerns. It also means that employees and managers regularly engage in conversation with the aim of raising questions, concerns or ideas and preventing misconduct, fraud or corruption (Detert and Burris, 2007<sup>[30]</sup>). In an open organisational culture built on trust in managers and the organisations, employees will feel confident to report misconduct and make use of official channels for reporting.

The *OECD Integrity Review* developed several recommendations to engage public officials in the mission and values of the public service and encourage them to actively shape the public service. It also focussed on senior civil servants to act as role models and ensure that integrity is a credible standard within the organisation. Lastly, it was recommended to adopt a comprehensive whistleblower protection law in accordance with the Inter-American Convention against Corruption. However, at the time of the follow-up report, no progress in relation to these recommendations could be assessed (OECD, 2019<sup>[20]</sup>).

As short-term priorities, the OA could work with the integrity contacts in the ministries to identify pilot measures to support an open organisational culture and build employee engagement and empowerment. Among the measures, there could be an Openness Champion within the entity, who would consult staff on measures to improve work processes, well-being and general openness. The Champions could be responsible for facilitating feedback on certain issues, or assigned to specific units or directorates. Their purpose would be to identify key hotspots within the organisation that require change, or where good practices for supporting openness exist. In addition, the OA, the National Directorate for Integrity and Transparency and the ONEP could develop guidance for managers to strengthen an open organisational culture detailing practical measures (OECD, 2020<sup>[19]</sup>).

Lastly, Argentina could adopt regulations on the protection of public servants who denounce acts of corruption, including the protection of their identity. The OA could lead the development of the draft proposal for the regulation. As detailed in the *OECD Integrity Review*, such a law could include at a minimum the following protection measures and mechanisms:

- Protection for those who report acts of corruption that may or may not be defined as criminal offences, but which may be subject to judicial or administrative investigation.
- Guaranteeing anonymity to whistleblowers that wish to stay anonymous.
- Protective measures are aimed not only at protecting the physical integrity of the informant and his or her family, but also at protecting their employment situation, especially in the case of public servants or where the acts of corruption may involve his or her hierarchical superior or colleagues.
- Mechanisms to report the threats or reprisals to which the informant may be subjected, indicating the authorities that are competent to process the requests for protection and the offices or entities responsible for providing it.
- Mechanisms that facilitate international co-operation in the foregoing areas, when appropriate.

## Leveraging the full benefit of the financial and interest disclosure system

### ***In order to ensure effective verification of the financial and interest disclosures, the tax and financial and interest disclosure system need to be decoupled***

The financial and interest disclosure system, as one element of a country's integrity system, can support the process of building a culture of integrity and reinforce accountability. Depending on the design of the disclosure forms, they may lead to a reflection by public servants on their private interests from which potential conflicts of interest may arise. The financial and interest disclosure may also be a useful tool to consult prior to the appointment or election of public officials as it gives the overseeing body the opportunity to vet the candidate, including for potential conflicts of interest which may arise in the future. This can support managing conflicts of interest when they arise by already alerting public officials to the potential risk (WB/OECD/UNODC, 2020<sup>[22]</sup>). In addition, by making financial and interest disclosures public, the government demonstrates its commitment to transparency. It also enables social control, which adds to the level of scrutiny (OECD, 2011<sup>[31]</sup>; Rossi, Laura Pop and Tammar Berger, 2017<sup>[32]</sup>).

The analysis of the financial and interest disclosure system in the *OECD Integrity Review* concluded that the system has a high degree of maturity with many elements in line with good practices. This includes the risk-based approach on who needs to submit a disclosure, the electronic filing system as well as the system for verification characterised by a high degree of systematic and standardised steps based on the exposure to corruption risks. Nevertheless, the reform of the declaration system in 2013 (Article 4, Law 26.857) weakened the system overall by mandating that the information of asset declarations available to the public and the enforcement authority would be identical to the tax declaration, which severely undermines the extent of information available. The confidential annex, which is only accessible if judicial proceedings are opened, provides greater details on the requested information, such as the individualisation of each asset, its location, size, acquisition value and tax value, ownership, or, in the case of profits, origin of the funds. The confidential annex also includes information on external activities and basic information on spouses and children of the public official. As a result, the reform impedes an effective verification function by the enforcement authorities, as they have no access to key information. Similarly, a higher degree of access for civil society and an improved online search function would enable civil society to scrutinise the declarations (OECD, 2019<sup>[20]</sup>).

In moving forward, the immediate priority would be to disentangle the asset and the tax declaration system to allow for enforcement authorities to access a higher degree of information crucial for verifying the declarations and also allowing citizens to access more details. The OA is currently working on a reform to create an independent system for the asset declarations administered by the OA and review the information currently required to better serve the systems' objective of preventing conflict of interest and detecting illicit enrichment.

This includes the development of a new independent system administered by the OA. The system will consist of several interoperable modules, specifically a module for OA to manage the declarations, a module for submitting the declarations and an HR module to facilitate communication between the OA and the HR areas of the public administration, which will upload information on public servants joining or leaving the public service. It will also include a module to allow judicial forces access to confidential information.

In drafting a reform of the system, the OA could consider the following proposals of the *OECD Integrity Review* (OECD, 2019<sup>[20]</sup>):

- **Enabling interoperability between information systems:** While the system would be independent of the tax declaration system, interoperability could be assured to pre-fill information required in both systems and in this way facilitate the process for public officials.
- **The information requested could be broadened:** Particular attention could be put on the information which serves to assess potential conflict-of-interest situations and illicit enrichment.

This would include information on unremunerated outside positions, employment history (including future positions when leaving office), a threshold for immovable and movable assets over which assets need to be specified individually, information on other shareholders for immovable assets and for debts, the date when the liability was incurred and the deadline for repayment. The form could also request details on partners and dependent children. This would be in line with the information requested in the Draft Public Ethics Law. In addition, Argentina could include beneficial ownership, meaning public officials also declare assets they effectively use and control, despite being in the name of a third party. This would be particularly relevant for those politically exposed persons according to Article 1 of Resolution 52/2012, where the risk of beneficial ownership is most relevant (Rossi, Laura Pop and Tammar Berger, 2017<sup>[32]</sup>).

- **A three-tiered system could be developed to facilitate greater access to the OA and citizens:** In decoupling the tax and asset declarations, it would be essential to reform the Public Ethics Law to grant the OA access to the information currently entailed in the confidential annex. Without access to this information, the verification process cannot be effective. For example, currently the OA only has access to the cumulative amount of income, while not being able to access the source of income. In this way, it is not possible to detect a potential conflict-of-interest situation. In addition, the level of access for citizens to information contained in the declarations could be increased to allow them to act as an additional level of accountability, while balancing privacy and security concerns. This would send a signal to citizens that the public sector is committed to transparency and open to public scrutiny. Effectively, Argentina could consider developing a three-tiered system for access to the declarations with varying degrees of information available, but allowing for verifying information effectively. As detailed in the *OECD Integrity Review*, the scope of information available for each level could look as detailed in Table 3.2.

**Table 3.2. Three-tiered system of information access to the asset declarations**

Access level	Information included
Judicial authority in case of legal proceedings	Precise location of the declared properties (declarant and household members) Numbers of bank accounts, safety deposit boxes and credit cards (declarant and household members) Precise amount of debt owed Information on debt owned for household members
Entity responsible for verification (e.g. OA)	Exact amount of income from other sources, not related to the public official's primary employment Name, immovable and moveable assets of household members Type of liability, date when liability was incurred and repayment deadline Identification of those who are partners, co-owners or parts of companies, assets or contracts declared by the official (trusts, usufructs, powers of attorney, guarantees, etc.) Information on beneficial ownership Access to the declaration of spouses, cohabitants and minor children
Public	All information, except the information detailed for the other two access levels

Source: OECD (2019<sup>[20]</sup>), *OECD Integrity Review of Argentina: Achieving Systemic and Sustained Change*, <https://dx.doi.org/10.1787/g2q98ec3-en>.

## Cultivating a culture of integrity across society and in the private sector

Building a culture of integrity does not only concern the public sector, but is also the responsibility of individuals, civil society and companies who interact with public officials and play a critical role in setting the public agenda and influencing public decisions. At the most basic level, individuals' choices have an impact. Witnessing the costs of corruption, they can choose to ignore them and become victims, or recognise violations and actively contribute to strengthening public integrity (OECD, 2020<sup>[19]</sup>).

Adopting a whole-of-society approach to integrity will mean that:

- Public integrity standards are established and implemented in companies.
- Public integrity standards are established and implemented in civil society organisations.
- Public integrity values are established and accepted as a shared responsibility by individuals.
- Relevant stakeholders are engaged in developing, updating and implementing the public integrity system (OECD, 2020<sup>[19]</sup>).

The *OECD Integrity Review* suggested detailed measures on how to promote integrity standards both within the private sector and among individuals and civil society. The OA has engaged with the private sector and civil society in the organisation and participation in training sessions and events. Advancing further in this area, the following priorities could be considered in line with the analysis and recommendations made in the *OECD Integrity Review*.

### ***The OA could reinforce efforts to communicate the value of integrity***

Individuals play a key role in upholding a culture of integrity in society. While citizens are usually well aware of corruption and its prevalence in society, effective communication about integrity is about breaking the cycle of integrity infractions. Indeed, when there is a perception of corruption, evidence suggests that individuals are more tolerant to corruption breaches themselves. To break the cycle, the responsible anti-corruption communications body must devise a clear, measurable and impactful strategy for communications based on evidence, rather than impressions (OECD, 2019<sup>[20]</sup>).

In order to challenge existing norms and perceptions of corruption, the OA could launch a targeted communication campaign that challenges on the one hand existing norms and perceptions, but also communicate the expected norms and the measures taken to move towards a culture of integrity. As advised in the *OECD Integrity Review*, such a communication campaign should be accompanied by a series of awareness-raising campaigns and the appropriate timeline for each. For each of the campaigns, the strategy should identify the expected outcomes (e.g. attitudes or behaviours to change, skills to develop), the target audiences, the key messages and the communication channels (e.g. television, web, social media, print media) as well as the evaluation mechanisms (e.g. opinion surveys, web analytics, participation in events, number of complaints submitted, etc.). In addition, it would be key to observe the success factors detailed in Table 3.3 to ensure that such a campaign does not have the opposite effect of increasing citizen apathy and reducing motivation to uphold integrity norms (OECD, 2020<sup>[19]</sup>; OECD, 2019<sup>[20]</sup>).

**Table 3.3. Success factors for behaviour-changing campaigns**

Goal	Options
Tailor the campaign to the audience	<ul style="list-style-type: none"> <li>• Acknowledge existing attitudes</li> <li>• Make the issue publicly accessible</li> <li>• Make the issue culturally specific</li> <li>• Look at the issue from the target audience's point of view</li> <li>• Conduct a pilot or pre-test to monitor outcomes</li> </ul>
Generate community responsibility	<ul style="list-style-type: none"> <li>• Make the issue socially unacceptable by framing it in moral terms</li> <li>• Highlight the wider impact of the issue on society and demonstrate the impact on human life</li> </ul>
Increase a sense of urgency	<ul style="list-style-type: none"> <li>• Develop a sense of self control, motivation, knowledge and skills</li> <li>• Offer alternative behaviour</li> </ul>
Encourage action	<ul style="list-style-type: none"> <li>• Highlight the action that needs to be taken, such as the proper procedures to report corrupt activities</li> </ul>

Source: OECD (2020<sup>[19]</sup>), *OECD Public Integrity Handbook*, <https://dx.doi.org/10.1787/ac8ed8e8-en>.

Since mid-2020, the OA has reinforced its communication efforts by designing a communication action plan designed to bring the organisation's public policies closer to society as a whole, defining new communication channels, updating content and incorporating new interaction strategies. As part of this, the OA carried out the following actions:

- Launch of the OA's new website, reflecting its current priority objectives and the structuring of its lines of work.
- Outlining and increasing the frequency of publication of the OA's actions on the website and social networks.
- Expansion of the presence in social networks: Twitter, Facebook, LinkedIn and Instagram.
- Expansion of the press coverage of the OA's activities.
- Dissemination of the management reports, not only on the website, but also on social networks;
- Increased links with the media and journalists.
- Generation of new spaces for conversation and interaction based on the increased presence in networks.

### ***The OA could evaluate the compliance programmes in the private sector and develop detailed guidance for its implementation***

Besides individuals and civil society, the private sector is also a key partner to make a public integrity system a reality. International and national standards have been developed in many jurisdictions to legally bind companies to uphold anti-corruption standards, including responsible business conduct, such as protecting human rights, environmental, labour and taxation standards and similar. Public integrity in companies also refers to issues pertaining to the participation of companies in the policy-making process, namely lobbying and political financing (OECD, 2020<sup>[19]</sup>).

In 2017, Argentina passed the Law on Corporate Criminal Liability for Corruption Offences (*Ley de Responsabilidad Penal Empresaria en casos de corrupción*), which includes a provision for business integrity programmes. It requires companies to implement a business integrity programme based on the specific risks related to their size and commercial and economic activity. Article 23 of the law requires the business integrity programme to contain three core elements: a code of conduct or ethics; rules to prevent unlawful acts during bidding, contract implementation or other interactions with the public sector; and regular training sessions on the business integrity programme for members of the company. It also proposes ten additional elements that could be included, depending on the company profile. The law also provides some incentives for company compliance. While not mandatory for all companies, a business integrity programme is a prerequisite for access to procurements over a certain threshold, including public works, public-private partnerships, and the contracting of goods and large-scale services (Article 24). The existence of a business integrity programme may also help mitigate penalties for legal entities that breach the Law on Corporate Criminal Liability (article 9) (OECD, 2019<sup>[20]</sup>).

As the entity responsible for establishing the principles and guidelines for implementing Articles 22 and 23 of the law, the OA prepared integrity guidelines for the private sector. As part of a project financed by the Inter-American Development Bank "Minimum Principles for the Ethical Exercise of Management in Public Enterprises", the OA is also drawing up a Guide for the ethical exercise of senior authorities in public enterprises and for the functioning of compliance areas. This is crucial in supporting and guiding companies towards a culture of integrity.

To ensure that the business integrity programmes are reaching the intended impact, Resolution 03/2021 entrusts the OA with the design of corporate integrity and transparency register (*Registro de Integridad y Transparencia Empresarial*, RITE). The aim is to contribute to the development, improvement and maturity of business integrity programmes, stimulate exchange of good practices, and promote transparent business

and market environments. The collective initiative also plans to set up a digital platform where companies can provide evidence of the progress of their business integrity programmes. This initiative is a work in progress, funded by the Inter-American Development Bank (IADB), and set to be completed by March 2022. At the time of drafting this report, the implementation of this resolution could not be assessed yet.

Finally, taking advantage of the law has been in place for several years, the OA could conduct an evaluation of the impact of the law, specifically Articles 22 and 23, the implementation status and areas of improvement. The evaluation could also research if an independent verification mechanism for the business programmes should be introduced generally or under certain circumstances to ensure a higher degree of compliance. For example, in Canada, in order to be reconsidered eligible for bidding following debarment, companies are required to provide certification by an independent third party that integrity measures are implemented. (OECD, 2019<sup>[20]</sup>).

## Proposals for action

### ***Advancing a strong normative framework on public integrity and strengthening its implementation***

- Argentina could reform the Public Ethics Law based on the proposed legislative bill in 2019 to overcome the fragmentation of the legal framework on ethics. This could also include a clear definition of the circumstances and relationships that constitute a conflict of interest and a list of solutions to resolve a conflict of interest. In addition, it could introduce cooling-off periods for paid and unpaid positions in relation to the level of seniority and occupation and designate the OA as the responsible enforcement body.
- Argentina could strengthen its system for managing conflict of interest by giving the OA the power to issue binding recommendations and mandating high-level officials to consult the OA on potential conflicts of interest and follow any specific recommendations. Furthermore, the OA could develop a form for proactively declaring conflicts of interest as they arise, which would also include the proposed action to resolve the conflict. Lastly, the OA could develop more practical materials to support public officials in the identification of conflicts of interest.
- The Code of Ethics could be reviewed in a participative process to improve clarity and ownership of public servants.
- The OA could include a model for entity-specific code of ethics and methodology on building a code of ethics in a participative manner in the guide currently being developed by the OA on codes of ethics.
- Campaigns and trainings to raise awareness and communicate integrity could be better targeted for greater impact. Awareness-raising activities could provide concrete examples of integrity on a regular basis. Training efforts could be strengthened by including more interactive discussions and emphasising regular training. In addition, behavioural insights could be used to insert integrity reminders in processes and procedures at risk of corruption.

### ***Mainstreaming integrity in human resources***

- To ensure merit-based recruitment, the use of short-term contracts needs to be reduced to the legal minimum and a standardised process for recruitment developed.
- Argentina could strengthen the development of ethical leadership awareness and skills with public managers by including integrity as a competence in the new competency framework currently developed by ONEP. Specific training could also be established to build managers' capacities to

guide their staff on integrity matters and a mentoring programme could be set up to provide peer-to-peer learning opportunities.

### ***Promoting an open organisational culture and establishing whistleblower protection***

- The OA could work with the integrity contacts in the ministries to identify pilot measures to support an open organisational culture and build employee engagement and empowerment. In addition, the OA, the National Directorate for Integrity and Transparency and the ONEP could develop guidance for managers to strengthen an open organisational culture detailing practical measures.
- It would be key to develop a detailed whistleblower protection law to encourage potential whistleblowers to come forward and provide a standard for protection. At a minimum, the law should include:
  - Protection for those who report acts of corruption that may or may not be defined as criminal offences, but which may be subject to judicial or administrative investigation.
  - Guaranteeing anonymity to whistleblowers that wish to stay anonymous.
  - Protective measures are aimed not only at protecting the physical integrity of the informant and his or her family, but also at protecting their employment situation, especially in the case of public servants and where the acts of corruption may involve his or her hierarchical superior or colleagues.
  - Mechanisms to report the threats or reprisals to which the informant may be subjected, indicating the authorities that are competent to process the requests for protection and the offices or entities responsible for providing it.
  - Mechanisms that facilitate international co-operation in the foregoing areas, when appropriate.

### ***Leveraging the full benefit of the financial and interest disclosure system***

- In order to ensure effective verification of the financial and interest disclosures, the tax and financial and interest disclosure system need to be decoupled. This would provide the OA with greater access to the declaration needed for effectively verifying the information provided. A reform of the Public Ethics Law could also consider the following proposals to strengthen the overall system:
  - enabling interoperability between information systems.
  - broadening the information requested to strengthen verification.
  - developing a three-tiered system for access to the declarations to give greater access to the OA and citizens to strengthen accountability.

### ***Cultivating a culture of integrity across society in Argentina***

- The OA could develop a communication strategy not only to challenge existing norms and perceptions, but also communicate the expected norms and the measures taken to move towards a culture of integrity.
- The Corporate Integrity and Transparency Registry could promote an independent verification mechanism for business integrity programmes and the OA could conduct an evaluation of the impact of the Law on Corporate Criminal Liability for Corruption Offences.

# 4 Applying an internal control and risk management framework that safeguards public integrity in Argentina

## Introduction

This chapter of the *OECD Integrity Review of Argentina* (hereafter the '*OECD Integrity Review*') analysed Argentina's internal control and risk management framework against international models and good practices from OECD member and non-member countries. It provided an overview of the strengths and weaknesses of the internal control and risk management framework in Argentina and proposals for how this framework could be reinforced, such as through implementing a strategic approach to risk management that incorporates integrity risks, establishing control committees in all government entities, and strengthening the mandate and independence of the external audit function.

In light of the previous assessments, this report is monitoring the implementation of the following recommendations:

- Establishing a control environment with clear objectives.
- Developing a strategic approach to risk management.
- Strengthening the supreme audit institution.

## Establishing a control environment with clear objectives

The *OECD Integrity Review* recommended Argentina to upgrade the “control environment with clear objectives that demonstrate managers' commitment to public integrity and public service values, and that provides a reasonable level of assurance of an organisation's efficiency, performance, and compliance with laws and practices”.

### ***SIGEN and the different line ministries and government entities should step up their efforts to develop appropriation of internal control***

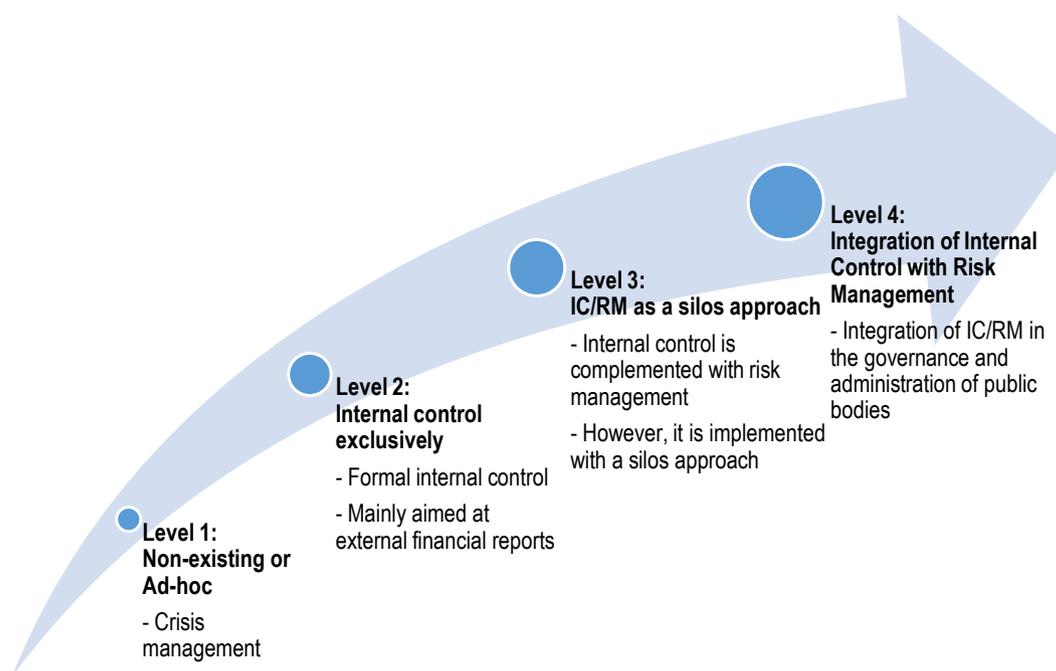
In this context, the Review recommended that an entity establishes clear objectives for the system as a whole, for individual programmes and for the control environment. Clear objectives for the system as a whole are still pending and the level of commitment, understanding, and implementation varies widely

among ministries and other government bodies, as confirmed during the fact-finding interviews for this follow up report.

Another significant problem is that the General Internal Control Standards (*Normas Generales de Control Interno*, NGCI) are not widely known throughout the public administration. Hence, the appropriation of internal control activities is usually weak.

In fact, internal control should not be conceived as a series of periodical meetings in the year, held by specialised stakeholders to discuss topics difficult to understand, under some sort of bureaucratic routine that is kept in formal minutes and records, but that does not affect the organisation. If control is conceived as an uninterrupted activity of the different units in their corresponding decision levels, aimed at ensuring compliance with organisational objectives within a framework of respect for rules and policies, it is easier to convey to the personnel the contribution that each unit can make, within the scope of their responsibilities and resources. Figure 4.1 below illustrates four basic stages of internal control integration and the risk management processes in the governance and management systems of an organisation:

**Figure 4.1. The basic stages of internal control integration**



Source: OECD.

Training is one of the basic tools to facilitate alignment of the officials' personal objectives with the objectives of their public institutions, and provide them with knowledge and tools to develop an effective and efficient activity oriented towards the common good, thus, the mechanisms to ensure a sufficient level of contribution to the control environment should be explored.

While some training on internal control was reported in the *OECD Integrity Review* and it has continued, it has not become systematic and it has not necessarily targeted the public officials that should develop ownership of internal control. For example, SIGEN has a Superior Institute for Public Management Control (*Instituto Superior de Control de la Gestión Pública*), but its activities are mainly directed to the internal audit units (IAU) in ministries and other government entities and to the *sindicatos jurisdiccionales*, who serve as the liaisons between SIGEN and the IAUs. According to SIGEN regulations (Decree 279/2010), such Institute aims to train in matters related to control. SIGEN, through its Institute, could establish a co-operation agreement with the National Institute of Public Administration (*Instituto Nacional de*

*Administración Pública*, INAP) to design courses directed to line officials and, in this way, advance the appropriation of control by them. In fact, SIGEN signed an agreement with AGN in April 2020 to extend the Institute's training activities to AGN's staff. In spite of the above, during 2020 no training was reported on the Three Lines of Defence Model, whose adoption was recommended by OECD to clarify the internal control roles between line officials, managers, and internal audit. The model has the potential to make a significant contribution to the appropriation of internal control by line officials and managers throughout the public administration and to achieve real change. Such training is planned for 2021.

SIGEN reported that it partnered with the OA, the Ministry for Public Management and Employment, and the National Procurement Office (*Oficina Nacional de Contrataciones*, ONC) in the context of COVID-19 to carry out joint workshops on topics such as emergency procurement, gifts, and asset declarations. This partnership could serve as the means to reach out to a large number of public officials and train them on matters related to internal control, particularly on the Three Lines of Defence Model. Internal control could also be part of the subjects of induction courses for newly recruited public officials.

### ***SIGEN should build on previous reforms to advance the professionalisation of IAUs***

While the IAUs are spread throughout the public administration, SIGEN still needs to strengthen its positioning as a reference for training and guidance on internal control. The Ministry of Transport and *Trenes de Argentina*, for example, reported that its interaction with SIGEN is minimal. In contrast, SIGEN claims that it has constant interaction with all public entities through IAUs (given that SIGEN is their lead body) and the audit commissions in state-owned enterprises (whose members are SIGEN staff), which participate in all the boards of such enterprises, with voice but without voting rights. Furthermore, SIGEN reported it would sign an agreement with the OA on June 2021 to exchange information on, for example, the findings of its reports and the outcomes of the reports filed in the OA.

While keeping an arm's length distance allows SIGEN to maintain its independence relative to its audit function, avoiding a situation where it audits actions based on its previous advice, it is also true that it could provide general guidance and capacity-building activities for line officials and managers who should assume responsibility for internal control. Furthermore, SIGEN did not participate in the PNA review, even though its experience and the findings of its audits could have provided light regarding integrity risks and policy failures.

The professionalisation of IAUs should help to achieve such positioning. The professionalisation of the internal audit work strengthens the independence of the auditors' determinations, since they base their opinions on recognised standards, methodologies and techniques, and comply with the internationally recognised auditing standards. It is widely recognised that in the past the appointment of IAU's heads was influenced by the leaders of the institutions which they were going to audit. Decree 72/2018 started a change by establishing criteria for the appointment, such as at least three years of experience in control activities and a university degree. SIGEN also opened a registry for applicants to become heads of IAUs, but there is not yet a formal and merit-based recruitment process. The new Registry for Internal Auditor Applicants (*Registro de Postulantes a Auditores Internos*) requires three years of experience in control activities to prioritise and professionalise control in the entities. On the other hand, there are no specific criteria for removing the heads of IAUs and there are still many who were appointed at a time when the leaders of the audited institutions could significantly influence the decision.

OECD identified some weaknesses in the NGCI, such as the lack of detailed explanations relative to how the frameworks for internal control and risk management should work in practice and how responsibilities are allocated. As of November 2020, the NGCI had not been updated to address such weaknesses.

***SIGEN should complete the review of the experience of the Control Committees to assess their usefulness and take actions to strengthen them***

Finally, the Review reported that SIGEN had planned to establish Control Committees in the different ministries and agencies. While the early work of such committees reported benefits, such as the engagement of managers and their commitment to invest efforts in internal control (in fact, minutes are produced after every meeting to record the commitments), only one round of meetings took place and the process stopped as a consequence of COVID-19. During 2021, SIGEN plans to analyse if such obstacle hindered the fulfilment of such commitments.

As mentioned before, as of 31 December 2020 the first round of meetings had taken place in the Control Committees of most entities, including all ministries. SIGEN is currently working on a system for control committees to save the minutes and their commitments. However, until May 2021, it had not been possible to retrieve the minutes from previous meetings or any other related record.

## **Developing a strategic approach to risk management**

Governance practices in OECD countries indicate that risk management should be considered an integral part of the institutional management framework, instead of being applied in isolation. Risk management should permeate the organisation's culture and activities, in such a way that it matters to everyone who work in it. Informed employees who can recognise and fight corruption have more possibilities of identifying the situations that can undermine institutional objectives and those of the area under their responsibility.

***Line ministries and entities should take responsibility to produce their risk maps***

According to SIGEN directives, all public entities should identify, analyse, and manage risks that may jeopardise the attainment of organisational objectives. SIGEN issues annually a risk map of the public sector and each ministry and public institution should develop its own risk map as well. In fact, SIGEN requires that institutional planning considers the risk map and the risk cycle is projected over four years. At least one audit should be carried out within those four years. After analysing the risk map for the public administration as a whole, SIGEN determined that it was not accurate (for example, the map registered more risks in a theatre than in the Central Bank). Hence, a formal review of the risk map was launched and a pilot implemented. The pilot gathered the *síndicos jurisdiccionales*, the heads of IAUs in ministries and agencies, and the different SIGEN departments. The resulting information is still being processed, so conclusions are not yet available.

During 2020, several ministries and agencies established their risk management units, but SIGEN does not have all the information about these units. Progress and quality in the development of institutional risk maps are uneven and lacks systematisation. The INCAA, for example, reported that in 2019 it had started the process to develop its own risk map, but it was suspended because there was never enough political commitment. In 2020, after the change in administration, the risk mapping project was included in INCAA's Integrity Plan, with support by the OA, however, the pandemic was an obstacle to its execution, as it required several actions difficult to undertake in this context. As of October 2020, *Trenes de Argentina* and the Intelligence Agency reported that they had not started their own risk maps. On the other end of the spectrum, the MAGyP, as part of its Integrity Programme, defined the objective to establish its risk management system, including risk identification, types of risks, and the risk map (see Figure 4.2).

**Figure 4.2. MAGyP's risk management system**

Source: Information provided by the MAGyP.

The process in the MAGyP started with a gap analysis to verify, among other elements, the existence of procedures manuals and risk control mechanisms for its processes and activities. As part of the Integrity Programme, MAGyP also plans to carry out trainings on risk management and control and to appoint risk monitors. On top of that, the MAGyP is implementing ISO 31000 on risk management and ISO 37001 on compliance. The Ministry of Security also reported that the process to produce its risk map is ongoing and started with a diagnostic applied to all the bodies under its jurisdiction addressing, for example, risks in procurement and contract management.

Another point to take care of is avoiding that IAUs produce the risk maps, instead of the officials and managers of each institution. Taking ownership of risk by officials is critical for the appropriate treatment of deficiencies in the internal control system. However, the fact-finding interviews illustrated a risk that, due to a lack of knowledge about this matter from line officials, IAUs may end up in a position of participating in the identification of risks and controls, or complementing those that they consider being incomplete risk assessments.

Despite the greater knowledge that IAUs may have regarding risks and controls, this should not be a task of internal audit or whoever carries out those duties, but a job of the persons in charge of managing the public entities in their different levels. Officials should perform these activities at the operational level and at the cross-management levels. The fact that the officials responsible for management are the ones who perform both tasks, without the IAUs replacing their analyses and decisions, would help them taking ownership of risk, and for such officials to see a direct relationship between risks, control activities and performance in their working areas, which is essential to encourage the achievement of objectives and institutional results.

Furthermore, the strategic use of risk management is facilitated when the heads and directors have managerial training and skills. In such cases, managers easily understand how the internal control system supports the achievement of the proposed objectives and take risk management reports and plans as useful tools to achieve better performance. The OA recently informed OECD about its interest to develop government capacities for risk management, as often this function is externalised to consultants who are not specialised in public sector risks. Furthermore, externalising risk management may hinder appropriation by line officials.

## Strengthening the supreme audit institution

### ***The autonomy of AGN should be strengthened through an organic law***

The *OECD Integrity Review* highlighted that, even though the 1994 Constitution announces the drafting of an organic law for the Auditor General (*Auditoría General de la Nación*, AGN), such a law has not been issued. In fact, there are about a dozen bills regarding AGN governance introduced in Congress, but they have not been passed due to a lack of political consensus. In OECD countries, supreme audit institutions (SAIs) are established under specific laws that outline their powers, responsibilities and independence (see, for example, Box 4.1 on Mexico's Supreme Audit of the Federation – ASF). Indeed, AGN is the only SAI that does not have an organic law in Latin America.

#### **Box 4.1. The Law on Audit and Accountability of the Federation (Mexico)**

Mexico's Law on Audit and Accountability of the Federation (*Ley de Fiscalización y Rendición de Cuentas de la Federación*, LFRCF) regulates articles 73, 74 and 79 of the national Constitution with regards to:

- the public accounts
- irregular situations reported following what this law establishes regarding the ongoing fiscal year or previous ones, different from the one belonging to the public accounts under review
- the application of the formulas to distribute, provide, and spend federal transfers
- the spending and destination of resources coming from debt acquired by federal states and municipalities, guaranteed by the Federation.

Article 79 of the Constitution establishes that the Supreme Audit of the Federation (*Auditoría Superior de la Federación*, ASF) is endowed with technical and management autonomy and to decide about its internal organisation, operation, and resolutions. Title 1 of the LFRCF refers to the audit of the public accounts, establishing the stages, deadlines and minimum contents of the general audit report and the individual reports.

Title 7 of the LFRCF refers to the organisation and governance of Mexico's Supreme Audit of the Federation (*Auditoría Superior de la Federación*, ASF). It establishes the requisites and the procedure for the appointment of the Superior Auditor, the term of his mandate, his powers and attributions, the requisites for the deputy auditors, the specific grounds for removal of the Superior Auditor, and the institutional civil service, among other elements.

Source: Ley de Fiscalización y Rendición de Cuentas, available at [https://www.senado.gob.mx/comisiones/finanzas\\_publicas/docs/LFRCF.pdf](https://www.senado.gob.mx/comisiones/finanzas_publicas/docs/LFRCF.pdf) (accessed on 9 February 2021).

According to INTOSAI guidelines, SAIs should be free from direction or interference from the Legislature or the Executive in the selection of audit issues; planning, programming, execution, reporting, and follow-up of their audits; organisation and management of their offices; and the enforcement of their decisions where the application of sanctions is part of their mandate. Just like LFRCF does for Mexico's ASF, an organic law is necessary to strengthen AGN's autonomy with regards to its organisation and operations. AGN reported that it is working with civil society organisations, such as *Poder Ciudadano* and SITEC, to raise awareness about this shortcoming and urge Congress to take action.

More operational autonomy would support AGN's position to relate to specific government institutions to advance integrity, for example, SIGEN or the OA. In fact, AGN reports it has periodic meetings with SIGEN, but until February 2021 there was no formal co-ordination mechanism. A co-operation agreement between AGN and SIGEN was established on 16 March 2021 to share information and training and streamline communication. This is important as AGN's audits could be instrumental, for example, to strengthen risk management in government institutions and identify structural risks of fraud and corruption.

## Proposals for action

This chapter concludes that there has been limited progress with regards to the Integrity Review recommendations on risk management and internal control. Furthermore, one of the main shortcomings is the need to strengthen the autonomy of AGN.

- **SIGEN and the different line ministries and government entities should step up their efforts to develop appropriation of internal control**

Several measures can be taken to accelerate such appropriation. First of all, training should be systematic and directed to line officials and managers who should internalise internal control. In fact, internal control and risk management could be part of induction materials and courses for newly recruited public officials. SIGEN could, for example, leverage its partnership with the OA and the Ministry for Public Management and Employment to reach out to public officials and train them on the Three Lines of Defence model. Furthermore, the NGCI could be reviewed or complemented with practical manuals with detailed explanations relative to how the frameworks for internal control and risk management should work in practice and how responsibilities are allocated.

- **SIGEN should build on previous reforms to advance the professionalisation of IAUs**

Although Decree 72/2018 started a process of professionalisation of IAUs by establishing criteria for the appointment of their heads, there is still a need to craft a merit-based competitive recruitment process. Such a process could be applied not only to the heads of IAUs, but also to their technical staff. Professionalisation would help IAUs and SIGEN to position themselves as the “go to” institutions in matters related to internal control. That said, both SIGEN and IAUs should always be mindful of the independence of their audit functions.

- **SIGEN should complete the review of the experience of the Control Committees to assess their usefulness and take actions to strengthen them**

Early findings indicate that Control Committees reported some benefits, such as the engagement of managers and their commitment to invest efforts in internal control. The distortions created by COVID-19 interrupted the process to establish such committees but they can certainly be instrumental to facilitate appropriation by line managers. With this in mind, SIGEN could complete the review of their experiences and take action to address the shortcomings that emerge from the analyses.

- **Line ministries and entities should take responsibility to produce their risk maps, with potential guidance from the OA and SIGEN**

Line ministries should commit to upgrading their risk management, starting with the production of their own risk maps. Currently, it is clear that the level of commitment to risk management varies significantly among public institutions and the capacities still need to be developed. The OA and SIGEN could help the process by building capacities of line managers and providing manuals and other practical materials. These initiatives could harmonise methodologies and close the capacity gaps. SIGEN and IAUs should be careful though to avoid active participation in the actual production of the risk maps to preserve their independence.

- **The autonomy of AGN should be strengthened through an organic law that establishes its mandate and independence in the selection of audit issues; planning, programming, execution, reporting, and follow-up of their audits; its organisation and management; and the enforcement of its decisions**

It is clear that AGN's autonomy is limited, setting it apart from the common practice in OECD countries, and even in the context of Latin America. Strengthening AGN's autonomy would boost its capacity to co-ordinate with government entities such as SIGEN and the OA, therefore improving its contribution to good governance and the prevention of corruption. It would also protect it from political influences that may undermine its objectivity and reputation.

# 5 Ensuring transparency and integrity in Argentina's public decision-making processes and political financing

## Introduction

This chapter of the *OECD Integrity Review of Argentina* (hereafter the '*OECD Integrity Review*') looked at the resilience of Argentina's public decision-making processes with respect to the risk of capture of public policies by special interests. In this sense, it concluded that Argentina could promote integrity and transparency in lobbying activities by extending the scope of its framework to other branches of government, improving the negative perception of lobbying through stakeholder participation and ensuring that all actors involved are held to account. In turn, to enable elected representatives' accountability, it recommended that the high degree of informality in political financing needs to be reduced, along with an increase in the effectiveness of monitoring and enforcement. In addition, the Review suggested to step up efforts to expand political finance regulations to the provincial level in order to make the financing system more coherent. The achievement of all these goals requires strengthening and implementing Argentina's Access to Public Information Law and the existing mechanisms to promote stakeholder engagement in the legislative and the executive branches.

In light of the previous assessments, this report is monitoring the implementation of the following recommendations:

- Fostering integrity and transparency in lobbying.
- Enhancing integrity in election processes.
- Promoting transparency and stakeholder engagement.

Before entering into the discussion on progress, it is important to highlight that, given the COVID-19 context, the political actors agreed not to undertake deep reforms to the elections system. Evidently, this limited the possibility to address some of the recommendations from the *OECD Integrity Review*.

## Fostering integrity and transparency in lobbying

### ***Argentina still needs a more comprehensive definition of lobbying***

The *OECD Integrity Review* explains that Argentina introduced regulations on interest management through Decree 1172/2003. However, it is basically focused on the duty of public officials to register audiences or meetings with individuals or legal entities trying to influence public policies. This focus is overly restrictive as the lobby definition in OECD countries usually goes beyond audiences to include all activities aiming to influence public policies and decisions, such as other types of communications or contacts with public officials.

The Review reported that there was a bill under discussion in Congress to amend the legislation that regulates interest management, specifically bill N° 4-PE02017. This bill lost its parliamentary status, but there are others still to be discussed, such as 3548-D-2020 on the regulatory framework on interest management, introduced in the Chamber of Deputies on 15 July 2020. Another bill was 2904-D-2019 on interest management in all state bodies, introduced in the same Chamber on 7 June 2019, but it also lost its parliamentary status.

Other than that, there is no other relevant progress regarding OECD recommendations to set up an online registry for lobbying activities in all branches of government, awareness-raising campaigns to address the negative public perceptions regarding lobbying activities, and the duty to disclose lobbying activities by the private sector and civil society, including a Code of Conduct for lobbyists from the private sector and other forms of self-regulation.

## Advancing integrity in election processes

### ***Although Law 27504 represents good progress, more needs to be done to advance integrity in election processes***

The *OECD Integrity Review* advanced a series of recommendations relative to campaign finance and integrity in election processes. The highlight in terms of progress is Law 27504, approved by Congress in May 2019. This law has helped Argentina to partially address OECD recommendations.

First, the *OECD Integrity Review* suggested that there should be more restrictions on government advertisement and communications during all the stages of political campaigns. Law 27504 extended, from 15 to 25 days prior to the elections, the restrictions to inaugurate public works, promote plans, projects, or programmes of a collective nature and, in general, carrying out any government activity which may promote voting in favour of any candidate or political group. In fact, this reform was first applied during the 2019 national elections.

Second, the Review acknowledged that while anonymous contributions to political campaigns are forbidden, it is often the case that the source of funding is difficult to determine since 90% of the contributions are made in cash. Law 27504 incorporated into Law 26215 on political finance an Article 16 bis, which establishes that contributions can only be made through bank transfer, deposit in banks subject to identification, electronic means, checks, debit or credit cards, or electronic applications, subject to identification by the contributor and the possibility to track the contribution. Likewise, it amended Article 44 to allow private contributions from legal entities for political parties, setting a limit for each legal person of 2% of the spending allowed for the corresponding campaign. Contributions by legal entities had been forbidden through a reform in 2009. Just like in the previous case, this reform was first applied during the 2019 national elections leading to important results, for example, non-traceable contributions represented only 0.44% and 80% of the declared campaign contributions in 2019 came from legal entities.

Third, OECD recommended Argentina set up an online registry for contributors to campaigns and political parties. Law 27504 incorporated into Law 26215 on political finance an Article 16 ter, which requires the establishment of a platform through which contributors to any political group fill out a sworn statement (*declaración jurada*) on the free consent to contribute and that the contribution is not within any category forbidden by law. The platform was developed and launched by the National Elections Chamber (*Cámara Nacional Electoral*, CNE) for the 2019 elections, it is currently working and available at <https://aportantes.electoral.gob.ar/>, allowing declarations by individuals and legal entities. The platform allows contributors' information to be uploaded during the process of the election, facilitating timely access to it, which was impossible in the past.

Fourth, the *OECD Integrity Review* identified the problem of insufficient capacities for elections audits and hence recommended to increase the staff dedicated to this activity, upgrading the operational capacities of the system to control political finance. Article 44 of Law 27504 created eight positions for auditors ranked as Administrative Assistant Secretaries (*Prosecretarios Administrativos*) to work for the CNE's Body of Accountant Auditors (*Cuerpo de Auditores Contadores*). These auditors were appointed and participated in the examination of the 2019 campaign reports. It is unclear to what extent this reform addresses the shortage of human resources but the Ministry of Interior argues that the time taken to audit decreased significantly, allowing to meet the legal deadlines. In any case, it is desirable that CNE carries out an assessment to identify gaps and, where possible, reorganise its staff to strengthen control and audit activities.

Fifth, OECD recommended strengthening co-ordination and the exchange of information among CNE and other public institutions, such as OA and the Justice General Inspectorate (*Inspección General de Justicia*). Law 27504 established that the Elections National Justice can request all information deemed necessary to carry out ordinary and campaign asset controls under its jurisdiction, particularly to investigate financing of political parties which may involve illicit funds. The Unit of Financial Information (*Unidad de Información Financiera*), the Central Bank, the National Social Security Administration (*Administración Nacional de la Seguridad Social*), the Prosecutor of Economic Crimes and Money Laundering (*Procuraduría de Criminalidad Económica y Lavado de Activos*) and OA, among other institutions, should address information requirements by the Elections National Justice, without the possibility to invoke banking or fiscal secret.

Sixth, the *OECD Integrity Review* suggested more severe penalties for political parties that submit their financial reports previous to campaigns out of time. Law 27504 amended Article 67 of Law 26215 on political finance to penalise with an amount equivalent to 10% of public funding for electoral campaigns for the next process following the determination to political parties that submit out of time, up to 30 days, the final campaign report. If the delay goes from 31 to 90 days, the amount doubles.

Finally, OECD recommended harmonising the national and provincial regulatory frameworks on political finance. There is partial progress in this regard, as Law 27504 established a mechanism for provinces to adhere to Law 26215 for their elections. However, provinces keep their powers to establish their own elections regulations. The Ministry of Interior recognises that this is a major reform that will take time and incentives to motivate provinces to adhere to Law 26215.

On top of the previous achievements stemming from Law 27504, the electoral unit (*unidad de módulo electoral*) was updated through Article 66 of Law 27951 on the General Budget for 2021 at ARS 20.50. This complies with the mandate of Law 26215, which establishes that the electoral unit should be updated by Congress in the National Budget Law. The continuous update of the electoral unit is necessary to ensure political parties respect clear limits and to avoid discretionary decisions by the CNE.

Notwithstanding the achievements mentioned above, it is hard to assess at the moment other impacts of the 2019 reforms, as the Electoral Justice has not completed its review on that year's elections.

On the other hand, there are also some OECD recommendations on these topics for which further efforts are needed, notably:

- Reviewing the participation criterion for political parties to be in a position to receive public funding and the requisites to recognise and maintain the legal personality of political parties.
- Establishing penalties for candidates, not only political parties, as a consequence of irregularities in campaign financing.
- Establishing stricter regulations on the dissolution of political alliances before campaign reports are reviewed and approved.
- Clearly instituting the prohibition to buy votes and other clientelist practices, as well as penalties for those individuals who offer (or even accept) benefits with the intention to influence voting behaviour.
- Implementing the Australian voting system (i.e. introducing ballots printed and distributed by the government).

## Promoting transparency and stakeholder engagement

### ***A website for regulatory consultation may be useful to foster citizen engagement in policy making***

The *OECD Integrity Review* recommended Argentina to advance the effective implementation of the Access to Information Law (*Ley de Acceso a la Información Pública*, LAIP) establishing access to public information agencies and the Federal Council for Transparency, providing them with adequate resources to fulfil their mandates, and formalising co-ordination mechanisms through the Roundtable for Institutional Co-ordination on Access to Public Information.

Decree 899/17 formalised the Roundtable through the signature of a deed. Currently, the Roundtable gathers the access to information agencies from the public attorney (*Ministerio Público de la Defensa*), fiscal public attorney (*Ministerio Público Fiscal*), Nation's Magistrate Council (*Consejo de la Magistratura de la Nación*), the national executive branch, the Chamber of Deputies, and the Senate. The objective of the Roundtable is to promote joint initiatives among access to information offices of the different branches of government. The Secretariat of Political Affairs (*Secretaría de Asuntos Políticos*) of the Interior Ministry holds the technical secretariat of the Roundtable. Some of the outputs developed so far include benchmark indicators for access to information policies, a general training plan and capacity building plans for individual institutions, and a diagnostic of the active transparency websites for each obligated entity, including recommendations on the use of plain language and getting closer to the citizen.

There is no progress reported on the OECD recommendation relative to facilitating the online submission of comments on draft regulatory proposals and responding to such comments. The website of the United States ([www.regulations.gov](http://www.regulations.gov)) can be illustrative of how to proceed to address this recommendation (see Box 5.1). This can be a powerful tool to engage citizens in general, and regulation stakeholders in particular, in policy making.

### Box 5.1. The website Regulations.gov (United States)

Regulations.gov is the source for information on the development of Federal regulations and other related documents issued by the U.S. government. Through this site, anyone can find, read, and comment on regulatory issues. Any interested individual can comment on proposed regulations and related documents published by the U.S. federal government and find final regulations, notices, scientific and technical findings, guidance, adjudications, comments submitted by others, and the unified agenda and regulatory plan.

After Congressional bills become laws, federal agencies are responsible for putting those laws into action through regulations. This process may include the following steps:

- an agency initiates a rule-making activity, and adds an entry to its regulatory agenda
- a proposed Rule or other document is published in [Regulations.gov](https://www.regulations.gov)
- the public is given the opportunity to comment on this rule for a specified timeframe
- final Rules can be accessed on [Regulations.gov](https://www.regulations.gov).

The website contains a “comment form” in which the interested person may enter a comment, attach files, and provide personal information when applicable. The information entered on the web form may be viewable publicly, but it is identified beforehand. Upon completion, the submitter receives a Comment Tracking Number.

Source: Regulations.gov website, [www.regulations.gov](https://www.regulations.gov) (accessed on 15 February 2021).

## Proposals for action

- **Argentina still needs to develop a more comprehensive definition of lobbying, along with efforts to address negative perceptions of this activity.**

Lobbying can contribute to democratic participation and provide useful information for policy makers. However, it implies multiple risks for integrity if it is not transparent and subject to ethical standards. The first step to manage such risks is to understand the different forms of lobbying and address them through a comprehensive definition that goes beyond audiences and/or meetings with individuals or entities trying to influence policy making. In fact, different forms of lobbying can hinder inclusiveness and objectivity in decision making in the different branches of government. For example, businesses may try to influence legislative bills or secondary regulations that would require them to disclose sensitive information about health effects of a product. Likewise, lawyers and retired judges may try to influence court rulings by taking advantage of their personal relationships. In addition to a comprehensive definition that acknowledges this kind of risks, it would be important to change public perceptions towards lobbying, recognising both, its potential contributions and the actions needed to mitigate integrity risks. Such efforts should be advanced jointly between the state and the lobbying industry.

- **An online registry for lobbying activities in all branches of government would make this activity more transparent.**

A good practice in OECD countries to increase the transparency of lobbying activities is to set up a registry. A single consolidated registry would be ideal to ensure whole-of-government implementation consistency, co-operation, and the exchange of good practices and efforts to prevent bad practices. However, there would also be merits in having each branch of government having its registry and identifying the specific forms of lobbying that may influence their activities. In this latter case, other mechanisms for co-ordination

and information sharing could be set up, such as a Task Force on mitigating integrity risks stemming from lobbying activities.

- **The private sector and lobbyists themselves should be engaged in fostering transparency in lobbying.**

Any process to develop a comprehensive lobbying definition, position it as a legitimate activity, or foster its transparency would have to be a joint initiative involving different stakeholders. Such plurality would maximise impact, keep the issue on the public agenda, and facilitate continuity. In fact, it is always possible that this kind of reform will face resistance and opposition. A plurality of stakeholders backing such initiatives and illustrating some degree of consensus would strengthen implementation perspectives and hinder reactions against reform.

- **There are still pending reforms relative to political finance, namely:**
  - *Reviewing the participation criterion for political parties to be in a position to receive public funding and the requisites to recognise and maintain the legal personality of political parties.* Currently, the participation criterion creates incentives to establish parties and use them solely to receive state funding, without being representative of the electorate. Requisites to maintain the legal personality of political parties could also be reviewed. In Mexico, for example, new political parties cannot rely on alliances to reach the threshold required to maintain personality and the right to receive state funds.
  - *Establishing penalties for candidates, not only political parties, as a consequence of irregularities in campaign financing.* Currently, penalties are not applicable to candidates and hence they are not accountable for the way campaigns are financed. Extending the potential penalties to candidates would create additional pressures to ensure financing sources are legitimate and properly managed.
  - *Establishing stricter regulations on the dissolution of political alliances before campaign reports are reviewed and approved.* Alliances can be used by political parties to avoid economic penalties relative to campaign finance. In consequence, before alliances are dissolved, they should comply with all reporting requirements and authorities should be allowed to make them accountable for any irregularity. Reforms should be advanced to strengthen such accountability and allow authorities to review the reports of political alliances and proceed according to results.
  - *Clearly instituting the prohibition to buy votes and other clientelist practices, as well as penalties for those individuals who offer (or even accept) benefits with the intention to influence voting behaviour.* Clientelism and vote-buying hinder democracy, weaken the secrecy of voting, and may exclude citizens from public employment and services. The first step in any effort to combat these practices is to clearly prohibit them in law and set penalties for those engaging in clientelistic behaviours. Ideally, the drafting of laws and regulations to inhibit clientelism and favour their implementation would be a multi-stakeholder effort.
  - *Implementing the Australian ballot system (i.e. introducing ballots printed and distributed by the government).* This system would inhibit clientelist practices which are facilitated through the control that political parties exert over the printing and distribution of ballots. Previous experiences with the adoption of the Australian ballot system, and positive results from the provinces of Córdoba and Santa Fe, may illustrate the way forward. Its adoption would also increase protections on the secrecy of voting and ensure that the same political options are presented to all citizens.
- **Argentina could develop a website for regulatory consultation as a means to foster citizen engagement in policy making.**

Rule making is always a process under the risk of capture, but public consultation can help to make it more resilient to ensure it responds to the public interest, rather than private ones. The more transparent and inclusive the consultation, the more evident the interests around a draft regulation become. An online website, where any interested individual can provide comments and respond to others', has proved to be a valuable tool to engage citizens, get to know their concerns, identify secondary effects of draft regulations, and make the process inclusive. Regulations.gov in the United States and the website of CONAMER (*Comisión Nacional de Mejora Regulatoria*) in Mexico provide good examples and even allow regulatory authorities to answer online to the concerns of consultees.

# 6

## Strengthening the effectiveness of the disciplinary regime in Argentina

### Introduction

This chapter analyses the progress made in Argentina in relation to the recommendations of the *OECD Integrity Review of Argentina* to strengthen the disciplinary system. While limited progress could be documented, the chapter highlights the priorities for Argentina to strengthen the effectiveness of the system, in particular by ensuring the formal inclusion of all public officials, irrespective of their employment regime, and building a strategy for developing skills and capacities of disciplinary staff. Ensuring the effectiveness of the disciplinary system, co-ordination among the different entities could also be strengthened allowing for exchange of information and mutual learning. Lastly, accountability and trust in the system could be fostered by collecting meaningful data on the system and publishing it online.

As one of its thirteen principles comprising a public integrity system, the *OECD Recommendation on Public Integrity* underlines enforcement of integrity rules and standards for effective accountability (OECD, 2017<sub>[17]</sub>). Through effective enforcement mechanisms, compliance with the system can be fostered and the government demonstrates its commitment to upholding integrity. The *OECD Recommendation on Public Integrity*, therefore, calls on its adherents to “ensure that enforcement mechanisms provide appropriate responses to all suspected violations of public integrity standards by public officials and all others involved in the violations” (OECD, 2017<sub>[17]</sub>; OECD, 2020<sub>[19]</sub>). The following elements are crucial for an efficient integrity enforcement system:

- Public integrity standards are enforced through disciplinary, civil, and/or criminal proceedings in line with the principles of fairness, objectivity and timeliness.
- Mechanisms for oversight, co-ordination, co-operation and exchange of information between relevant entities and institutions are in place, within and among each enforcement regime.
- Public sector organisations are transparent about the effectiveness of enforcement mechanisms and the outcomes of cases, while respecting privacy and confidentiality (OECD, 2020<sub>[19]</sub>).

While public officials in Argentina are subject to different regimes, such as civil, criminal, administrative/disciplinary and political, this chapter primarily assesses the disciplinary regime for public sector employees in the executive branch of Argentina, focusing on duties and obligations related to integrity. In line with the *OECD Integrity Review of Argentina* (hereafter the ‘*OECD Integrity Review*’), the chapter analyses the progress of Argentina in implementing the recommendations included in the review, specifically the need for a more coherent legal and institutional framework in order to prevent impunity and to support accountability and legitimacy of the integrity system of Argentina as a whole. Given that limited progress has been achieved so far, the chapter focusses on identifying the immediate priorities to advance the disciplinary regime in Argentina.

## Strengthening fairness, objectivity and timeliness of the disciplinary regime

### ***Amending the National Public Employment Framework to include all categories of employees in the disciplinary regime***

The enforcement principle of the *OECD Recommendation on Public Integrity* underlines that enforcement should be characterised by fairness, objectivity and timeliness. Upholding these elements in investigations, court proceedings and rulings strengthens trust in the enforcement regime, but also the broader integrity system (OECD, 2020<sup>[19]</sup>).

In Argentina, the disciplinary regime is defined in the National Public Employment framework, Law no. 25.164 (*Ley Marco de Regulación de Empleo Público*, LMREPN) and the implementing regulation, Decree 14121/2002. However, the LMREPN only applies to public officials belonging to the stability regime. Employees belonging to the contractors' regime, advisors of superior institutions and a special regime regulated by the Executive Power for those appointed *ad honorem* fall out of the scope of the Law and should be subject to a specific regime, which has not been put in place. However, by not applying the standards to all types of employment, the principle of fairness would be undermined. To counteract this, the Treasury Attorney General Office (*Procuración del Tesoro de la Nación*) and the Prosecutor Office for Administrative Investigations (*Procuraduría de Investigaciones Administrativas*, PIA) have issued rulings (*dictámenes*) extending the application of the disciplinary regime to any category of public official (OECD, 2019<sup>[20]</sup>).

In order to ensure legal certainty and that the extension of the application of the disciplinary scope to any category of public official could not be overruled in the future, the *OECD Integrity Review* recommended amending the LMREPN to ensure a consistent disciplinary response, in particular given the wide use of the contractors' regime. In line with goal 165 of the National Anti-corruption Plan for strengthening the disciplinary regime, the reform of the law should be a priority to ensure fairness in the application (OECD, 2019<sup>[20]</sup>).

### ***In cases where disciplinary offices have no permanent staff, temporary staff should be allowed to prepare cases***

Within the disciplinary system of Argentina, the Treasury Attorney General Office and PIA are the two bodies principally in charge of the system (Box 6.1). The Treasury Attorney General oversees and co-ordinates the activity of the disciplinary offices (*Oficinas de Sumarios*) in the entities, which are in charge of initiating and building a disciplinary case, either on their initiative (*ex officio*) or following a report. The PIA can intervene in any disciplinary proceeding or initiate one by its own initiative. A major challenge within the disciplinary regime potentially slowing down the process is the procedural requirement established in Decree 467/99 on Administrative Investigations Regulation (*Reglamento de Investigaciones Administrativas*). Article 6 of the Regulation establishes that the disciplinary offices in the entities are responsible for the preparation (*instrucción*) of cases and should be under the responsibility of a public official belonging to the stability regime. The Treasury Attorney General Office may waive the requirement on an ad-hoc basis. Overall, about 50% of lawyers working within the disciplinary offices are permanent staff. In some cases, agencies do not have any permanent staff working in the disciplinary office. This means that the practice of needing a waiver is quite common.

The *OECD Integrity Review*, therefore, recommended that the Treasury Attorney General Office could develop a proposal for amending Decree 467/99 to allow those disciplinary offices without permanent staff to rely exceptionally on officials appointed under the temporary employment regime as set out in Article 9 of the LMREPN. In fact, the National Directorate of Summary and Administrative Investigations in the Treasury Attorney General Office is currently contemplating an update of article 6 of Decree 467/99 to address this issue. By establishing the specific conditions under which a waiver would be possible, it can be expected that a key challenge contributing to any delay in preparing cases could be overcome. In fact, the Treasury Attorney General Office is developing a draft reform project to address this issue.

Notwithstanding the specific design, in cases where no permanent staff is present in disciplinary offices, the Treasury Attorney General Office would need to support and offer guidance to the offices on a regular basis to ensure high quality in the preparation of cases (OECD, 2019<sup>[20]</sup>).

### Box 6.1. Key actors of the disciplinary system in Argentina

In Argentina, the competencies and responsibilities for the disciplinary system are shared among several entities:

The **Treasury Attorney General Office** (*Procuración del Tesoro de la Nación*) is in charge of performing a wide range of legal advisory services to the Executive Power. Among them, its National Directorate of Summary and Administrative Investigations (*Dirección Nacional de Sumarios e Investigaciones Administrativas*) is responsible for conducting administrative disciplinary proceedings involving senior public officials (so-called categories A and B with executive functions regardless of the employment relationship with the State). The Directorate also conducts audits of disciplinary offices in entities, provides them advice and acts as the “interpretation authority” of the Administrative Investigation Regulation.

The **disciplinary offices** in the entities (*Oficinas de Sumarios*) are in charge of initiating and building disciplinary cases either on their own initiative (*ex officio*) or following a report. The offices are the centre of the disciplinary system in so far as they have the responsibility to ensure fair and objective proceedings in line with Decree 467/99 on Administrative Investigations Regulation. Although being functionally independent in their activities (Decree 467/99), disciplinary offices report to the Ministry’s secretary or sub-secretary (*secretarías or sub-secretarías*). The offices are supervised by the Treasury Attorney General Office, which receives updates on cases every six months, organises meetings to improve their activities, provides them technical advice, and carries out occasional audits to check their compliance with legal procedures.

The **Prosecutor Office for Administrative Investigations** (*Procuraduría de Investigaciones Administrativas*, PIA) is the body within the Attorney General’s office (*Ministerio Público*) responsible – among other things - for investigating administrative misconduct by public officials. In order to fulfil its functions, the PIA should be informed of any administrative proceeding that has been initiated by disciplinary departments. At the same time, it may carry out preliminary investigations, promote or intervene in administrative or judicial proceedings where public officials have allegedly committed administrative irregularities and corruption offenses. When the investigation carried out by PIA detects the possible breach of administrative norms, the information – together with a draft opinion (*dictamen fundado*) – is sent to the Treasury Attorney General Office or to the official of higher administrative hierarchy of the relevant department. In both circumstances, the PIA participates in the proceedings as an accusatory party (Law 27.148).

The **Anti-corruption Office** (*Oficina Anticorrupción*) may provide opinions on the violation of the norms on public ethics contained in both the Public Ethics Law and the Ethics Code (Decree 41/1999). Similarly to the PIA, when an investigation carried out by the Anti-corruption Office (i.e. the Anticorruption Investigations Undersecretary) detects breaches of administrative norms the corresponding proceedings are passed with a draft opinion (*dictamen fundado*) to the Ministry of Justice, the Treasury Attorney General Office or to the head of the relevant department.

The **Office of the Comptroller General** (*Sindicatura General de la Nación*, SIGEN) is the main entity responsible for strengthening the co-ordination with the internal control and oversight bodies of the entities. As part of disciplinary proceedings, it should be notified when the proceedings reveal the possible existence of fiscal damage.

Source: OECD (2019<sup>[20]</sup>), *OECD Integrity Review of Argentina: Achieving Systemic and Sustained Change*, <https://dx.doi.org/10.1787/g2q98ec3-en>.

### ***Investing in skills and capacity building of the disciplinary staff could strengthen the quality of the disciplinary system***

The effectiveness of the disciplinary system depends on the professionalism and capacities of its staff. A professional workforce limits discretionary choices, helps addressing technical challenges, ensures a consistent approach of disciplinary action and contributes to reduce the rate of annulled sanctions due to procedural mistakes and poor quality of legal files. Consequently, it is key to invest in the training of staff and build a continuous learning culture to enable staff to develop their skillset. At the same time, it is vital to build a multidisciplinary pool of employees to carry out meaningful investigations consisting of administrative law experts, accountants, subject-matter experts (for particularly complex cases), financial experts, IT specialists, managers/co-ordinators and support staff.

Training of disciplinary matters in Argentina is carried out by the Treasury Attorney General Office's National Directorate of State Lawyers (*Dirección Nacional de la Escuela del Cuerpo de Abogados del Estado*), which is in charge of providing training to the body of lawyers working for the Government of Argentina, including those working in disciplinary units. This includes a specific module on the disciplinary system as well as courses on public ethics.

In addition to building skills through training opportunities, support may also be provided through guides, manuals, or other tools, such as dedicated hotlines or electronic help desks addressing doubts or questions related to disciplinary matters and procedures (Box 6.2). In Argentina, there are currently no established channels through which employees of the disciplinary offices can seek continuous guidance. While staff can consult the Treasury Attorney General Office, this seems to be ad-hoc and not in a formalised manner. The limited offer and particularly investment in developing the skills and capacities of public officials working in the disciplinary offices may lead to a weakening of the cases prepared, ultimately undermining the efficiency of the system (OECD, 2020<sup>[19]</sup>; OECD, 2019<sup>[20]</sup>).

To build capacities and support public officials in building and sustaining disciplinary cases, the Treasury Attorney General Office, as co-ordinating body of the disciplinary offices, could prioritise a strategy to enable learning and skills development through training, ideally as a mix of in-person and online. In addition, the general integrity course for all staff could include an overview of the disciplinary regime in order to create greater awareness. This would also be in line with goal 165 to strengthen the disciplinary system of the National Anti-corruption Plan, which specifically suggests training senior public officials on the application of sanctions.

Investing in building the skills of the public officials would be a long-term investment, however with clear gains in the short-term by increasing efficiency of the system as a whole and by minimising the risk of mistakes through proceedings that endanger the effectiveness and fairness of the entire disciplinary enforcement system. Another benefit of investing in the training of staff would be that it may result in a more motivated workforce by demonstrating the entity's commitment to its staff.

### Box 6.2. Providing guidance on disciplinary matters

The Civil Service Management Code in the United Kingdom recommends compliance with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on Disciplinary and Grievance Procedures, and notifies departments and agencies that the code is given significant weight in employment tribunal cases and will be taken into account when considering relevant cases. The ACAS, an independent body, issued the code in March 2015, which encourages:

- clear, written disciplinary procedures developed in consultation with stakeholders
- prompt, timely action
- consistency in proceedings and decisions across cases
- evidence-based decisions
- respect for rights of the accused: the right to information, legal counsel, hearing and appeal.

The Australian Public Service Commission (APSC) has also published a comprehensive Guide to Handling Misconduct, which provides clarifications of the main concepts and definitions found in the civil service code of conduct and other applicable policies/legislation, as well as detailed instructions to managers on proceedings. The Guide also contains various checklist tools to facilitate proceedings for managers, such as the Checklist for Initial Consideration of Suspected Misconduct; Checklist for Employee Suspension; Checklist for Making a Decision about a Breach of the Code of Conduct; and the Checklist for Sanction Decision Making. The Comptroller General of the Union (CGU) in Brazil provides various tools for guidance to respective disciplinary offices, including manuals, questions and answers related to most recurrent issues, and an email address to clarify questions related to the disciplinary system.

Sources: (OECD, 2020<sup>[19]</sup>; ACAS, 2015<sup>[33]</sup>; APSC, 2015<sup>[34]</sup>; CGU, n.d.<sup>[35]</sup>).

## Promoting oversight and co-ordination between relevant entities

### ***Ensuring effectiveness of case management, the Treasury Attorney General Office could strengthen co-ordination and communication with and among the disciplinary offices***

The disciplinary offices are at the centre of the disciplinary system having the responsibility to initiate and build disciplinary cases. The Treasury Attorney General Office oversees the work of the disciplinary offices through regular case updates, guidance, technical advice and occasional audits. Indeed, effective co-ordination with and among the disciplinary offices is essential to ensure effectiveness of case management, ensure uniform application of the integrity framework and promote the exchange of good practices. Through regular exchanges, the Treasury Attorney General Office can support the disciplinary offices in the challenges encountered and provide appropriate guidance. However, in practice, the communication between the Treasury Attorney General Office and the disciplinary offices and among the offices themselves is less regular. Similarly, oversight is limited with only few audits being carried out (two in 2019).

To further support co-ordination, the *OECD Integrity Review* proposed establishing a formal network of the disciplinary offices for mutual learning and strengthening official communication channels between the offices and the Treasury Attorney General Office. The Treasury Attorney General Office could also organise regular meetings of the disciplinary offices similar to a practice in Mexico where areas and units in charge of disciplinary liability within internal control bodies regularly meet. Both the platform and the

meetings would enable them to discuss common challenges, propose improvements and exchange good practices.

Furthermore, to improve communication and exchange on the management of cases, a common practice in OECD countries is to set up an electronic case management system. In Argentina, a step towards such an electronic system is the obligatory use of the Electronic Document Management system (*Gestión Documental Electrónica*, GDE) which is an integrated system for filing, numbering, tracking and registering any action or documents in the national public sector. This has proved particularly beneficial throughout the COVID-19 pandemic, as it allowed public officials to file cases electronically while working from home given the restrictions set for working in the office.

Having the system in place, the Treasury Attorney General could explore options to develop a fully effective case management system. For example, in Brazil, the Disciplinary Proceedings Management System (*Sistema de Gestão de Processos Disciplinares*, CGU-PAD) allows storing information about the disciplinary procedures instituted within public entities and make them available to other actors, in a fast and secure way. It has reduced processing times by 20%.

In Argentina, neither the Regulations on Administrative Investigations approved by Decree 467/99 nor the Decree 1759/72 – T.O. 2017 regulating the Law on Administrative Procedures set out electronic means as valid forms of issuing notifications and summons. These would therefore need to be amended to allow for such a step. At the same time, it would be crucial to develop a system that allows means to include a date and time of receipt for notification to ensure legal certainty of its receipt.

For example, in Estonia, the Court Information System receives a notification once addressees have opened the uploaded document, which is then considered as legally received (Box 6.3). Furthermore, the system is limited to the national public sector and, as such, is not accessible for the PIA. Therefore, cases involving the PIA are dealt outside of the electronic system. The Treasury Attorney General Office and the PIA could explore how to interlink their systems in order to ensure swift communication and information exchange. Exchange with the PIA on their case management system, PIANet, might also enable the Treasury Attorney General Office to advance their system based on the strengths and challenges of PIANet. PIANet allows the user to obtain reports on the workflow of cases, identify defendants or suspects in criminal cases or administrative inquiries, and to access the main opinions and documents that were submitted by the PIA in court cases and administrative inquiries. As such, it supports the PIA's General Co-ordination Department in managing investigation teams and in monitoring all cases on behalf of the National Prosecutor (OECD, 2019<sup>[20]</sup>) (Procuraduría de Investigaciones Administrativas, 2018<sup>[36]</sup>).

### Box 6.3. The Estonian Court Information System

When a court in Estonia uploads a document to the Estonian Court Information System (KIS), it is sent via a secure electronic layer for data exchange (the X-Road) to the e-File, a central database and case management system. The e-File allows procedural parties and their representatives to electronically submit procedural documents to courts and to observe the progress of the proceedings related to them. The document uploaded to the e-File is then visible to the relevant addressees, who are notified via email. After the addressee accesses the public e-File and opens the uploaded document, it is considered as legally received. The KIS then receives a notification that the addressees or their representatives have viewed the document. If the document is not received in the public e-File during the predetermined time period, the court uses other methods of service.

Source: OECD (2020<sup>[19]</sup>), *OECD Public Integrity Handbook*, <https://dx.doi.org/10.1787/ac8ed8e8-en>.

This might also provide an opportunity to discuss how to improve effectiveness of the disciplinary system as a whole and how to further promote the exchange of practices and information-sharing among the two entities. This could also include information and elaboration of statistics on the disciplinary system, which would be key information for policy making, as well as evaluating the disciplinary system itself. In order to enable such an exchange, the Treasury Attorney General Office could set up an informal working group, which would include, as appropriate, other actors within the disciplinary system such as SIGEN and the OA. The entities could also consider other mechanisms to prevent fragmentation of efforts and ensure mutual learning, such as staff secondment programmes or formal inter-agency committees or working groups (Box 6.4). This could be in line with the co-operation agreement of April 2016 and institutional co-operation agreement of July 2010 between the Treasury Attorney General Office and SIGEN.

In addition, co-ordination mechanism between criminal investigators and the entities responsible for the disciplinary system could be considered in line with the role, competence and confidentiality limits of each institution involved. While criminal and disciplinary enforcement systems have different objectives and functions, co-ordination mechanisms could strengthen enforcement collaboration and the exchange of relevant information that are mutually helpful to scrutinise all typologies of liability related to suspected violations of integrity breaches.

#### **Box 6.4. Mechanisms to prevent fragmentation of efforts**

Inter-agency agreements, memoranda of understanding, joint instructions, and networks of co-operation and interaction are common mechanisms to promote co-operation with and among law enforcement authorities. Examples of this include various forms of agreements between the prosecutors or the national anti-corruption authority and different ministries; between the financial intelligence unit and other stakeholders working to combat money laundering; or among the different law enforcement agencies themselves. These types of agreements are aimed at sharing intelligence on the fight against crime and corruption, or carrying out other forms of collaboration. In some cases, countries have launched formal inter-agency implementation committees or information exchange systems (sometimes called “anti-corruption fora” or “integrity fora”) among various agencies; others hold regular co-ordination meetings. In order to foster co-operation and inter-agency co-ordination, some countries have initiated staff secondment programmes among different entities in the executive and law enforcement with an anti-corruption mandate, including the national financial intelligence unit. Similarly, other countries have placed inspection personnel from the anti-corruption authority in each ministry and at the regional level.

Source: OECD (2020<sup>[19]</sup>), *OECD Public Integrity Handbook*, <https://dx.doi.org/10.1787/ac8ed8e8-en>; UNODC (2017<sup>[37]</sup>), *State of Implementation of the United Nations Convention against Corruption Criminalization, Law Enforcement and International Cooperation*, [http://www.unodc.org/unodc/en/corruption/tools\\_and\\_publications/state\\_of\\_uncac\\_implementation.html](http://www.unodc.org/unodc/en/corruption/tools_and_publications/state_of_uncac_implementation.html) (accessed on 17 February 2021).

## Expanding transparency on the effectiveness of enforcement mechanisms and strengthening evaluation of the disciplinary system

### *Collecting enforcement data and making it transparent*

Collecting and systematising data on the disciplinary system can support the integrity system in several ways. First, statistical data on the enforcement of integrity standards provides insights into key risk areas. Second, data can contribute to monitoring and evaluating the disciplinary system and support assessment of how well the system performs. Third, data can inform institutional communications, giving account of enforcement action to other public officials and the public which may strengthen trust (OECD, 2018<sup>[38]</sup>). Lastly, consolidated, accessible and analysed statistical data on enforcement practices enables assessment of the effectiveness of existing measures and of the quality of co-ordination among anti-corruption institutions (UNODC, 2017<sup>[37]</sup>; OECD, 2020<sup>[19]</sup>).

As assessed in the *OECD Integrity Review*, the quality of data collection and its use regarding the disciplinary system is weak in Argentina. The PIA does publish some data in its annual report on cases intervened, type of sanctions and similar. It has also created a Register of Sanctions (disciplinary and criminal). The register is built automatically from the information required in the PIANet and, as such, an important step towards building a more extensive data set on enforcement. Concerning the data collected by the Treasury Attorney General Office, it can be observed that while it has data on number of cases, outcomes and sanctions, the information is not centralised. Similarly, the Anti-corruption Office does not receive the decisions on the violations of the Code of Ethics from the disciplinary offices and does not centralise such information in a register, as provided for in Article 49 of Decree 41/99. As such, there is no co-ordinated approach to collecting data in a systematic manner.

In order to develop a better understanding of the disciplinary system, the *OECD Integrity Review* recommended that the Treasury Attorney General Office could strengthen its data-collection activities allowing it to draw trends according to criteria such as year, entity, or sanctioned conduct. It could also co-ordinate efforts for compiling disciplinary statistics and data from the different entities to ensure a complete picture of the disciplinary system. The overall aim should be to collect data that provide a clear understanding of issues such as the number of investigations, typologies of breaches and sanctions, length of proceedings, intervening institutions, in a manner that would facilitate analysis and comparability through time. Data collection organised in such a way could support the identification of risk areas and anomalies that would require further preventive efforts or investigations (OECD, 2020<sup>[19]</sup>).

In addition, the Treasury Attorney General Office could publish data and statistics regularly on its website and identify ways to effectively communicate with citizens on the advances of the disciplinary system. Currently, data is only published as a response to an access to information request. The National Directorate of Summary and Administrative Investigations does keep a confidential updated register of pending and closed summary proceedings. A procedure has been established whereby the offices of summary proceedings must report every six months the status of the summary proceedings in process and the sanctions applied in the closed summary proceedings, providing the details of the file, the summary proceedings, the sanction if applicable, and mentioning the date and the administrative act ordering it. The National Directorate of Summary and Administrative Investigations could analyse what kind of information regarding this confidential register could be actively made public, while guaranteeing data protection rights to better inform citizens on the effectiveness of the disciplinary system. Actively publishing data and seeking communication with citizens would send a strong signal of the public sector's commitment to integrity and ensure accountability which can also foster trust (OECD, 2019<sup>[20]</sup>).

Furthermore and with a longer-term perspective, the Treasury Attorney General Office could use the data on the disciplinary system to evaluate its effectiveness through the definition of key performance indicators (KPIs). These can help to pinpoint areas for improvement, challenges and bottlenecks throughout the

disciplinary process, which need to be addressed in order to move towards a mature disciplinary system. For example, the Council of Europe developed performance indicators on effectiveness, efficiency, quality and fairness of justice systems, which, take into account the share of reported alleged offences taken forward, and average length of proceedings (Council of Europe, 2018<sup>[39]</sup>). Similar indicators could be applied to the disciplinary system in Argentina (OECD, 2019<sup>[20]</sup>).

Lastly, the analysis of evaluations based on KPIs is key for addressing challenges and shortcomings not only of the enforcement system, but also of the integrity system as a whole. In order to do so, co-operation could be sought with the Integrity Working Group consisting of the OA and the National Directorate for Integrity and Transparency in the Deputy Secretariat for Institutional Strengthening (*Subsecretaría de Fortalecimiento Institucional*, SSFI) given their oversight role for the effectiveness of the overall integrity system. Argentina could also commit to publishing the results of the evaluation and performance assessment of the disciplinary system. This would demonstrate a commitment to improving accountability mechanisms and instil confidence in the enforcement system (OECD, 2020<sup>[19]</sup>).

## Proposals for action

### ***Strengthening fairness, objectivity and timeliness of the disciplinary regime***

- The National Public Employment Framework could be amended to include all categories of employees in the disciplinary regime.
- The Administrative investigations Regulation could be reformed to allow temporary staff to prepare cases, in instances where disciplinary offices have no permanent staff. This should be accompanied by guidance and support from the Treasury Attorney General Office on a regular basis to ensure a high quality of case management.
- In order to ensure efficiency and quality of the disciplinary system, the Treasury Attorney General office could develop a strategy for building and developing skills and capacities of its workforce. This could include:
  - offering regular training opportunities, in person and online; and
  - developing manuals and communication tools so that staff in disciplinary offices can seek guidance.

### ***Promoting oversight and co-ordination between relevant entities***

- Ensuring effectiveness of case management, the Treasury Attorney General Office could strengthen co-ordination and communication with and among the disciplinary offices by:
  - establishing a formal network of the disciplinary offices enabling mutual learning and exchange of good practices; and
  - setting up an effective case management system, which would allow storing information, track cases as they progress and exchange information with other entities. Any system should also consider how to ensure interlinkages with systems of other bodies responsible for disciplinary investigations, such as the PIA.
- The disciplinary system could be further strengthened by developing co-operation mechanisms to promote the exchange of practices between the PIA and the Treasury Attorney General Office. This could be done by establishing a working group, which could also invite other actors as necessary. This could also include criminal investigators to strengthen collaboration between the criminal and disciplinary system.

***Expanding transparency on the effectiveness of enforcement mechanisms and strengthening evaluation of the disciplinary system***

- In order to improve transparency of the disciplinary system, the Treasury Attorney General Office could strengthen its data-collection activities allowing it to draw trends according to criteria such as year, entity, or sanctioned conduct. It could also co-ordinate efforts for compiling disciplinary statistics and data from the different entities to ensure a complete picture of the disciplinary system.
- Moving beyond passive transparency, the Treasury Attorney General Office could proactively publish the data collected on its website in a user-friendly format.
- Based on the data collected, the Treasury Attorney General Office could develop key performance indicators allowing for evaluation of the disciplinary system. This would be key to address challenges and any shortcomings of the disciplinary system. It could also provide insights into the effectiveness of the integrity system as a whole.

# References

- ACAS (2015), *ACAS Code of Practice on Disciplinary and Grievance Procedures*, [33]  
<http://www.acas.org.uk/index.aspx?articleid=2174>.
- APSC (2015), *Handling misconduct: A human resource manager's guide*, [34]  
<http://www.apsc.gov.au/publications-and-media/current-publications/handling-misconduct-a-human-resource-managers-guide-2015>.
- Boletín Oficial de la República Argentina (2020), *Decisión Administrativa 1926/2020: Sistema de Información Mapa de la Acción Estatal*, [11]  
<https://www.boletinoficial.gob.ar/detalleAviso/primera/236506/20201026#:~:text=DECAD%2D2020%2D1926%2DAPN%2DJGM%20%2D%20Creaci%C3%B3n.&text=Que%20ha%20toma%20la%20intervenci%C3%B3n,2%20de%20la%20CONSTITUCI%C3%93N%20NACIONAL> (accessed on 14 January 2020).
- CGU (n.d.), “Manuais e Capacitação”, <http://www.cgu.gov.br/assuntos/atividade-disciplinar/capacitacoes> (accessed on 17 February 2021). [35]
- Council of Europe (2018), *European judicial systems: Efficiency and quality of justice - 2018 Edition (2016 data)*, <https://rm.coe.int/rapport-avec-couv-18-09-2018-en/16808def9c> (accessed on 17 February 2021). [39]
- CPCEF (n.d.), *CPCEF's website*, Comisión Permanente de Contralores Estados Federación, <http://comisioncontralores.gob.mx/2017/> (accessed on 18 November 2020). [5]
- Dahlström, C., V. Lapuente and J. Teorell (2012), “The Merit of Meritocratization”, *Political Research Quarterly*, Vol. 65/3, pp. 656-668, <http://dx.doi.org/10.1177/1065912911408109>. [28]
- Detert, J. and E. Burris (2007), *Leadership Behavior and Employee Voice: Is the Door Really Open?*, <https://about.jstor.org/terms> (accessed on 16 January 2020). [30]
- German Federal Ministry of the Interior (n.d.), “Private Sector/Federal Administration Anti-Corruption Initiative – Answers to frequently asked questions about accepting gifts, hospitality, or other benefits”, <https://jaunde.diplo.de/contentblob/3809240/Daten/2296502/FragenkatalogKorruption.pdf> (accessed on 17 February 2021). [27]
- Gilman, S. (2005), “Ethics Codes and Codes of Conduct as Tools for promoting and Ethical and Professional Public Service: Comparative Successes and Lessons”, World Bank, Washington D.C. [25]

- Hanna, R., V. Crittenden and W. Crittenden (2013), "Social Learning Theory: A Multicultural Study of Influences on Ethical Behavior", *Journal of Marketing Education*, Vol. 35/1, pp. 18-25, <http://dx.doi.org/10.1177/0273475312474279>. [29]
- Mazar, N. and D. Ariely (2006), "Dishonesty in Everyday Life and Its Policy Implications", *Source Journal of Public Policy & Marketing*, Vol. 25/1, pp. 117-126, <http://www.jstor.org/stable/30000530>. [26]
- Miller, G. (1956), "The magical number seven, plus or minus two: some limits on our capacity for processing information.", *Psychological Review*, Vol. 63/2, pp. 81-97, <http://dx.doi.org/10.1037/h0043158>. [24]
- OA website (2021), *Se realizó la evaluación del Plan Nacional Anticorrupción*, Anti-corruption Office, <https://www.argentina.gob.ar/noticias/se-realizo-la-evaluacion-del-plan-nacional-anticorrupcion-0> (accessed on 12 January 2021). [9]
- OA website (2020), *Encuentro sobre políticas de cooperación y articulación con la provincia de misiones*, Anti-corruption Office, <https://www.argentina.gob.ar/noticias/encuentro-sobre-politicas-de-cooperacion-y-articulacion-con-la-provincia-de-misiones> (accessed on 25 September 2020). [1]
- OA website (2020), *Guía para la creación y fortalecimiento de las áreas de integridad y transparencia en jurisdicciones nacionales, provinciales y municipales*, Anti-corruption Office, <https://www.argentina.gob.ar/sites/default/files/if-2020-51883774-apn-ssiyt-oa.pdf> (accessed on 7 August 2020). [4]
- OA website (2020), *La OA participó en el Consejo Federal de la Función Pública*, Anti-corruption Office, <http://www.argentina.gob.ar/noticias/la-oa-participo-en-el-consejo-federal-de-la-funcion-publica> (accessed on 30 October 2020). [3]
- OA website (2020), *Participación en las mesas de trabajo del proyecto de Ley de Ética Pública y Transparencia de la Provincia de Buenos Aires*, Anti-corruption Office, <http://www.argentina.gob.ar/noticias/participacion-en-las-mesas-de-trabajo-del-proyecto-de-ley-de-etica-publica-y-transparencia> (accessed on 9 November 2020). [2]
- OA website (n.d.), *Documento de trabajo sobre el diseño de la Estrategia Nacional de Integridad*, Anti-corruption Office, [https://www.argentina.gob.ar/sites/default/files/documento\\_de\\_trabajo\\_hacia\\_una\\_estrategia\\_nacional\\_de\\_integridad.pdf](https://www.argentina.gob.ar/sites/default/files/documento_de_trabajo_hacia_una_estrategia_nacional_de_integridad.pdf) (accessed on 12 January 2021). [10]
- OECD (2020), *OECD Public Integrity Handbook*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/ac8ed8e8-en>. [19]
- OECD (2019), *OECD Integrity Review of Argentina: Achieving Systemic and Sustained Change*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://dx.doi.org/10.1787/g2g98ec3-en>. [20]
- OECD (2019), *Offices of Institutional Integrity in Peru: Implementing the Integrity System*, OECD, Paris, <http://www.oecd.org/gov/ethics/offices-of-institutional-integrity-peru.pdf>. [7]
- OECD (2018), *Integrity for Good Governance in Latin America and the Caribbean: From Commitments to Action*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264201866-en>. [38]

- OECD (2018), *OECD Integrity Review of Nuevo León, Mexico: Sustaining Integrity Reforms*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264284463-en>. [13]
- OECD (2018), *Second Public Procurement Review of the Mexican Institute of Social Security (IMSS): Reshaping Strategies for Better Healthcare*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264190191-en>. [15]
- OECD (2017), *Government at a Glance 2017*, OECD Publishing, Paris, [https://dx.doi.org/10.1787/gov\\_glance-2017-en](https://dx.doi.org/10.1787/gov_glance-2017-en). [14]
- OECD (2017), “Monitoring and evaluating public integrity systems”, in *Government at a Glance 2017*, OECD Publishing, Paris, [https://dx.doi.org/10.1787/gov\\_glance-2017-53-en](https://dx.doi.org/10.1787/gov_glance-2017-53-en). [12]
- OECD (2017), *OECD Recommendation of the Council on Public Integrity*, OECD, Paris, <http://www.oecd.org/gov/ethics/recommendation-public-integrity.htm> (accessed on 17 February 2021). [17]
- OECD (2017), *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264268920-en>. [16]
- OECD (2011), *Asset Declarations for Public Officials: A Tool to Prevent Corruption*, Fighting Corruption in Eastern Europe and Central Asia, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264095281-en>. [31]
- OECD (2010), *Post-Public Employment: Good Practices for Preventing Conflict of Interest*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264056701-en>. [23]
- OECD (2004), *Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264104938-en>. [21]
- Procuraduría de Investigaciones Administrativas (2018), *Informe Anual de Gestión 2018*, [https://www.mpf.gob.ar/pia/files/2019/10/INFORME.ANUAL\\_2018.pdf](https://www.mpf.gob.ar/pia/files/2019/10/INFORME.ANUAL_2018.pdf) (accessed on 17 February 2021). [36]
- República Argentina, Poder Ejecutivo Nacional (2020), *Programa de Transparencia e Integridad – Lineamientos y Plan de Trabajo*, República Argentina, Poder Ejecutivo Nacional (1 June 2020), <https://www.boletinoficial.gob.ar/detalleAviso/primera/231052/20200623> (accessed on 11 January 2021). [6]
- República Argentina, Poder Ejecutivo Nacional (2019), *Estrategia y Plan Nacional Anticorrupción 2019-2023*, República Argentina, Poder Ejecutivo Nacional (9 April 2019), [https://www.argentina.gob.ar/sites/default/files/anexo\\_plan\\_nacional\\_anticorrupcion.pdf](https://www.argentina.gob.ar/sites/default/files/anexo_plan_nacional_anticorrupcion.pdf) (accessed on 11 January 2021). [8]
- Rossi, I., Laura Pop and Tammar Berger (2017), “Getting the Full Picture on Public Officials: A How-to Guide for Effective Financial Disclosure”, <http://dx.doi.org/10.1596/978-1-4648-0953-8>. [32]
- Transparency International (2019), *Global Corruption Barometer: Latin America and the Caribbean 2019*, <https://www.transparency.org/en/gcb/latin-america/latin-america-and-the-caribbean-x-edition-2019/results/arg#> (accessed on 3 January 2021). [18]

- UNODC (2017), “State of Implementation of the United Nations Convention against Corruption Criminalization, Law Enforcement and International Cooperation”, [37]  
[http://www.unodc.org/unodc/en/corruption/tools\\_and\\_publications/state\\_of\\_uncac\\_implementation.html](http://www.unodc.org/unodc/en/corruption/tools_and_publications/state_of_uncac_implementation.html) (accessed on 17 February 2021).
- WB/OECD/UNODC (2020), *Preventing and Managing Conflicts of Interest in the Public Sector: Good Practices Guide*, World Bank Group/OECD/UNODC, [22]  
<https://www.unodc.org/documents/corruption/Publications/2020/Preventing-and-Managing-Conflicts-of-Interest-in-the-Public-Sector-Good-Practices-Guide.pdf> (accessed on 5 January 2021).

# Follow up Report on the OECD Integrity Review of Argentina

## ADOPTING A STRATEGIC APPROACH TO INTEGRITY

This report takes stock of progress with the implementation of the recommendations included in the *OECD Integrity Review of Argentina*, published in March 2019. It also provides new recommendations to sustain reform and tackle more systemic issues in the mid- and long-term. The report starts by analysing the extent to which the integrity agenda has extended to the different branches of government and to the subnational level. It assesses recent reforms to develop a National Integrity Strategy and embed a culture of integrity throughout the public administration. Likewise, it discusses the status of risk management and internal control. Furthermore, it evaluates the latest reforms relative to political finance, notably Law 27504 (approved in May 2019), and the disciplinary regime.