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Subject:

Executive Summary: The CEPA Secretariat is calling for observers of CEPA to provide inputs for consideration at the 12th Session of CEPA. The following inputs are presented to CEPA for its consideration in deliberation and reporting to ECOSOC as part of the ongoing discussion on the preparation of the post-2015 development framework in the UN System.

THREE KEY SUB-THEMES

The Committee of Experts, as approved by the ECOSOC reviews the role of responsive and accountable public governance in achieving the Millennium Development Goals and the post-2015 development agenda as its main theme for discussion. Three key sub-themes have been the focal point of the 12th CEPA meeting:

.   Making public-governance work for the post-2015 development agenda: addressing the challenges facing public administration in relation to the Millennium Development Goals up to and beyond 2015 and examining how the emphasis on governance has evolved over the past few years (E/C.16/2013/2);

.   Stakeholder accountability in public governance for development: highlighting the importance of stakeholder accountability as an indicator of the degree to which public governance has been achieved and as an instrument to improve the performance of institutions and the delivery of services (E/C.16/2013/3); and

.   Creating an enabling environment for the post-2015 development agenda: underlining the paramount need for an enabling environment for the post-2015 development agenda including with regard to human capital development in the public sector, performance reporting and monitoring and evaluation of public service delivery (E/C.16/2013/4).

1. **The Concept of Public-Governance**

The concept of Governance – the act of governing - and more specifically public-governance – decision-making process and appropriate leadership by officials of a state or government officials including the political system - has several meanings and definitions. This becomes an issue for State Members when addressing the question of what are the best practices in governance in public administration.   The first objective is to agree on the terms (i.e. Governance and public-governance) and how they relate to the Millennium Development Goals[i].

For example, The World Bank developed a project on governance entitled *Worldwide Governance Indicators* outlining the traditions and institutions by which authority in a country is exercised. The project looks at the process of electoral system, the development and enforcement of governmental policies. Six key indicators are used: accountability, political stability, lack of violence, government effectiveness regulatory quality, Rule of law and control of corruption. The indicators are used to evaluate the governance of over 200 states on approximately 40 data sources which are supplied by more than 30 different organizations worldwide.

Regardless the many critics – i.e. often arbitrary, too complex, lack comparison – of some of those indicators, there is a need to continue using them with improvement measures. This becomes more important when dealing with PPPs (public-private partnerships), the management of the market economy, the international opening of markets accompanied with less regulations and trade barriers.

Recommendations:

.   Continue the sharing of information pertaining to the definition and indicators of public-governance with State members

.   Evaluate how public-governance has changed in various regions of the world and see what are the lessons learned from good practices

.   Assess how the Millennium Development Goals have been achieved by the State members and what needs to be done to continue in implementing appropriate approaches allowing for the improvement of public-governance

2.   **Stakeholder of Accountability**

In Canada, a new legislation was enacted[1] in 2006 to deal with federal accountability. Other provinces and municipal governments established in their own jurisdictions similar provisions. The essence of the legislation is to reduce the opportunity to exert influence with financial means by limiting political donations, restricting lobbying activities for some time for former ministers of the Government including their aides and senior public servants and providing protection for whistle blowers.

The aims of the Canadian legislation are to limit and reveal the funding of political parties, increase transparency of government spending and establish a link between approved expenditures and their outcomes and more specifically:

i)   Independent Oversight Offices: new independent entities were created reporting to the highest levels of the political system on the administration of the federal government dealing:

- The Commissioner of Lobbying as a fully independent office with greater investigative powers.
- The Parliamentary Budget Officer provides with objective analysis about government estimates, the state of the federal government's finances, and trends in the national economy.
- The Public Sector Integrity Commissioner promotes and protects whistleblowers from negative repercussions in the workplace.
- The Procurement Ombudsman reviews and investigates complaints against government procurement practices.
- The Conflict of Interest and Ethics Commissioner administers the Conflict of Interest Code for Members of the House of Commons.

ii)   New limits on individual donations to parties and candidates

- Prohibition of gifts or other benefits to a candidate for political office that influence or appear to influence performance of that office if elected.
- Individual political contributions limited to $1,100 to different aspects of a single political organization: $1,100 to a registered party; $1,100 to a registered party's candidates, nomination contestants, and constituency associations, collectively; and $1,100 to leadership contestants collectively.
- Corporations, unions and organizations are banned from contributing to parties and candidates.
- Candidates must report all gifts over $500 to the head of the electoral officer.

iii)   Lobbying

- Senior public officials prohibited from engaging in lobbying for 5 years after their employment has ceased.

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[1] The Federal Accountability Act (full title: An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability)

When developing the concept of accountability in public administration, there is first a need to determine the following elements:

.   Definition: what are the terms and indicators we apply to the meaning of the concept of public-governance?

.   Objectives: what are we trying to achieve in terms of accountability and for what purposes;

.   Measurement of performance: what are the indicators we are trying to advocate in achieving the objectives?

.   Means: what are the financial and human resources the organization possess or is willing to make available in order to achieve the desired objectives?

.   Responsibilities: it's essential that key organizations and individuals be held accountable for the usage of public funds and that there a set of define rules when fundamental norms are breached or violated.

.   Political and judicial willingness to intervene: any successful program of accountability requires that there be a strong political willingness to participate in the enforcement of accountable programs and measures. This is also a fundamental task for the legal system to overview any transgressions to legislation and regulations that would compromise efforts to enhance public administration accountability.

Recommendations:

.   Continue the sharing of information pertaining to the definition and indicators accountability with State members

.   Evaluate how accountability has changed in various regions of the world and see what are the lessons learned from good accountable practices

.   Assess how the Millennium Development Goals have been achieved by the State members and what needs to be done to continue in implementing appropriate approaches allowing for the improvement of accountability

    3)   **Monitoring Public Service**

One of the key elements of public administration is to have appropriate monitoring systems (often called ombudsman or watchdogs) that will protect the vested interests of the public and be at arms-length with the legal and political powers of governments. The key elements of an appropriate monitoring system (i.e. watchdog) would be:

.   Clear mandate on specific topic: it's necessary not to create a monitoring system that has a vast mandate because it becomes difficult to execute the expected tasks in an efficient manner. The broader the mandate, the more it becomes difficult to prioritize since the level of expectations of the public is immense and there is a need for change.

.   Financial autonomy: appropriate entities have the means and resources to complete the required work without outside constraints or

.   Legislative powers: the powers of the monitoring agency need to be spelled out in a legislation or regulations in order for the entity to request legal enforcement before an independent judicial system.

.   No retaliation: the individuals or entities involved in the measuring of governance must be protected against external, internal or peer pressures.

Recommendations:

.   Continue the sharing of information pertaining to the definition and indicators of measures of public service with State members

.   Evaluate how public service has changed in various regions of the world and see what are the lessons learned from good practices

.   Assess how comparable measure of public service developed by State members achieved the Millennium Development Goals and what needs to be done to continue in implementing appropriate approaches allowing for the improvement of public service

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[i] The World Bank defines governance as the manner in which power is exercised in the management of a country's economic and social resources for development.