

Forum 2021 Intégrité et Anticorruption de l'OCDE
Table ronde de clôture
Interventions de M. Pierre Moscovici,
Premier président de la Cour des comptes de France

The OECD anticorruption & integrity hub has organised its yearly global forum on line from the 23rd to the 25th March 2021 with the following theme « ***Leading through the Crisis: Integrity and Anti-Corruption for a Resilient Recovery*** ».

The Forum has explored the new integrity risks, challenges and opportunities arisen in the COVID 19 context, as well as identified innovative solutions required to govern and conduct business with integrity, including with respect to responsible business conduct, and tackle corruption in times of crisis. The Forum invited governments, business leaders, policy makers, anticorruption experts and practitioners, civil society representatives and academics to focus on restoring trust and integrity in and beyond the current crisis, in building a more resilient and more ethical future.

The topic of the closing session was « Bringing back integrity » after ethics was undermined by the crisis and in a context of economic recovery based on public funds. Relevant topics were transparency, the way decisions are taken, ownership, and the bond of trust to be restored between citizens and institutions.

Beside Mr. Moscovici, the 3 other panellists were Mr. Jeffrey Schlagenhauf, Deputy Secretary General of OECD, Mrs. Delia Ferreira, Chair of Transparency International, and Mr Klaus Moosmayer, BIAC board member and chief ethics, risk and compliance officer at Novartis, with the moderation of Mrs. Elsa Pilichowski, director of public governance at OECD.

Question 1: Could you please tell us how probity and integrity played a role throughout your career, especially as French Minister and European Commissioner? One of your priorities now at the Cour des Comptes is anti-corruption and transparency as a global strategy. Why did you identify these as priority and what does it mean in practice?

Mr. Moscovici: I would like to say that during the different stages of my career, whether political or administrative, national or international, I have tried to implement concrete proposals and actions to give integrity a special place in our systems. When I was appointed as French Minister of Economy and Finance in 2012, I carried this aspiration for a more transparent public life. Beyond the existing criminal law, no institution or process really monitored behaviour through the lens of integrity. That is why, after having been late on the subject, we took up the issue of transparency in 2013. The Sapin II law, which was presented by my successor Michel Sapin, and for which I have a particular attachment, and the National Anti-Corruption Plan have provided a stronger and more centralized legal framework for anti-corruption and transparency policies. The creation of the National Financial Prosecutor's Office in 2013, the High Authority for Transparency in Public Life in the same year and the French Anti-Corruption Agency in 2016, show the general willingness to build strong instruments and institutions that can achieve ambitious goals.



I also had the opportunity, as European Commissioner for Economic and Monetary Affairs, to work on the GAFAM tax project at the European level, whose objective was to increase transparency and fairness in taxation. It would have put the relationship between public authorities and digital companies back on the right track, in order to ensure the respect of ethical standards and national and international laws. Nevertheless, it turned out that international collaboration on this issue was not easy, and that some countries, including France, decided to take initiatives at the national level, which I welcome. The fact remains that transparency is a subject to be dealt with at the international level, at the risk of losing its meaning.

Now that I preside over the French Court of Accounts, transparency and integrity are two principles that I strive to uphold in our daily work. According to article 15 of the French Declaration of Human Rights, the primary mission of the Cour is to contribute to the accountability of public managers towards citizens for the use of public funds. I believe that the circulation of information for the practical implementation of such accountability is the cornerstone of a democratic debate and a guarantee of ethics. If no one is held really and individually accountable for his actions, then fraudulent behaviour develops.

That is why I decided to launch an ambitious process of **strategic reform, called JF 2025, which includes the need to put transparency at the forefront of our mission.** Because of a collective process and brainstorming, we decided to **create a platform for the collection of whistle-blowers' reports**, in order to recognize their eminent role in our society and to fight against corruption and misbehaviour. As for improving the quality and comprehensiveness of our work, the JF 2025 program also encompasses actions to include a component of benchmark in our audit methodology systematically, using European and international comparisons. The objective is to **give citizens access to broader sources of information on a transnational scale.**

Regarding anticorruption, **the aim of Supreme Audit Institutions, according to their respective mandates, is to contribute to fight against fraud in public funds management and to promote integrity in public organisations.** The French Court of Accounts fully shares this goal. I will give you three examples:

- we have **a straight and structured relationship with French judicial authorities;**
- according to our strategic plan, we will **create specific units for “regularity and probity” to support our audit staff for finding violations ;**
- we will **annually report on the concrete results of our contribution to fight against corruption.**

But transparency and fight against corruption are not merely French issues, they of course involve all the Supreme Audit Institutions, which work hand in hand to build a more transparent and exemplary Europe. **The support of the Task Force on Audit and Ethics created in 2011 within the EUROSAI, our European multilateral forum, allows us to have a strategic approach to integrity, to ensure high standards of transparency for managers, and to pursue a policy of listening to and protecting**

whistle-blowers. We must also continue to advocate for the independence of Supreme Audit Institutions, and to disseminate our best practices through transnational cooperation.

In the end, it is necessary to **rethink the place of Supreme Audit Institutions in the establishment of an ethical society.** In fact, our organizations have the capacity, thanks to their independence, to bring a fair and sharp look at the public policies conducted at the national and international levels. We must work in cooperation with governments and parliaments to provide regular and timely advice, because without objectively checked facts, there is no sound public debate.

Question 2: Governments worldwide are dedicating unprecedented amounts of public funds to protect the livelihoods of our societies and particularly the most vulnerable. Only 2 weeks ago, the United States adopted a 1.9 trillion dollar stimulus package. How can we ensure effectiveness, fairness and integrity of these measures? How can we audit and evaluate the integrity of the recovery?

Mr. Moscovici: The COVID-19 health and economic crisis has totally disrupted our lives and ways to perceive transparency. A year ago, Statista published a study on the countries best prepared for a health crisis. History has taught us that not all national and community reactions were able to control the spread of the virus, and that those we thought were ready were ultimately no more ready than others were.

Unpreparedness and confusion on a global scale have led to real breaches of ethical and integrity rules. This should make us question the **construction of more resilient and responsive systems**, to avoid an explosion in the number of reports of corruption, as experienced last year, both in health care systems and in the market for products that have suddenly become necessities such as masks. Fragile health systems have seen a sharp increase in bribes and unconventional payments for care, tests, or medical management.

As national and EU recovery packages resulted in record levels of public debt, **the audit of the management of public funds is essential to ensure that every expenditure is properly accounted for.** Probity and integrity are two key elements in achieving the goal of transparency. Upholding these principles is necessary in all measures of public governance, **from the allocation of social subsidies to the award of public contracts worth millions. That is why the role of Supreme Audit Institutions are even more necessary.**

Besides the Covid-19, today's context is highly sensitive regarding ethics and anti-corruption policies. France is currently asked to comment on its 23rd place in Transparency International corruption perception index. The construction of an ethical society, in its governance as well as in all its elements, requires continuous work. In my experiences, I have clearly perceived **the importance of acculturation to ethical processes**, which like any training, must be repeated and evolving. Otherwise, we run the risk that at the first crisis the cracks in the system will open and let behaviours contrary to the established principles escape.

We are not at the end of the road and we do not know what the world will be like afterwards after the Covid-19 crisis - which means that we face **two challenges** today and in the years to come.

First, the quality, sustainability and transparency of public spending. I say quality, not just the level or nature of spending: it is a question of knowing whether each euro spent meets its objectives and whether it has been spent in the right way. **It is essential that Supreme Audit Institutions ensure that the funds are properly distributed and that those affected by the epidemic receive effective support from the State in this time of crisis.** Many allowances or financial supports have been and will be distributed: **it is our duty to check if their beneficiaries are equally treated according to their needs.**

Second, the need to gain the trust of citizens. The French SAI, as all other SAIs, has to repair this trust by holding public managers truly accountable, increasing the transparency of their decisions and evaluating the tangible impact of public policies. **Ethics and deontology have to become key drivers of every institution.**

To you as representatives of institutions, administrations, politicians or businessmen, what I would like to tell is that this unprecedented context has resulted for us in a total change in the conditions under which we carry out our missions. The current situation has also revealed **very high expectations of public action: does public action keep its commitments? Does the spending of such huge amounts of money achieve fair and effective results? Are these results concrete and positive for citizens?** Citizens must be at the heart of our missions, and their service as the general interest must continue to guide our actions.

Question 3: What achievements would you hope to see at the next Forum?

Mr. Moscovici: I will conclude on a hopeful note, with some advice for reform in the area of transparency and fight against corruption I would like to see at the next Forum.

Now more than ever, **we have to build international momentum to pave the way for a more transparent society and ethical governance.** The OECD Forum plays a major role in this agenda. As a former European Commissioner, I can only welcome the European initiatives that flourished and that still need to blossom in other institutions, at other scales. The creation of the European Public Prosecutor's Office in October 2017 and its installation at the end of 2020, as well as the willingness of Portugal, being president of the EU Council, to advance on the issue of tax transparency and country-by-country declaration, sign the European will to fight against fraud affecting public budgets. Moreover, the fact that the Commission's acceptance of the recovery plans is subject to the presentation by the Member States of control and audit mechanisms to protect the EU's financial interests stresses that the issue of transparency is being taken into consideration by all bodies.

We have many tools at our disposal, but in order to ensure integrity, I believe we have to work around **three major axes of reform:**

First, we must strengthen the audit of public procurement. The current vaccine race, echoing the mask race, has shown that we need to guarantee that there are structures in place to monitor public contracts, even in emergency circumstances. The combination of public accountability and civic participation can ultimately provide incentives for improving the quality and transparency of data.

Second, we must prioritize digital governance. As citizens use technology to hold governments accountable and exercise their civic rights, countries must harness the opportunities presented by evolving technologies such as artificial intelligence, data-driven algorithms, and mass social networks, while developing policies to address threats including misinformation, discrimination, and privacy. Emerging standards should be monitored, and access to the Internet should be inclusive. Above all, great tools such as the Open Government Partnership, which France had the opportunity and honour to chair in 2016, can provide insightful support.

Third, strengthening integrity is only possible in environments that guarantee fundamental freedoms of expression. Care should be taken to ensure that emergency powers, which temporarily restrict these constitutional rights and alter legal procedures, are subject to restrictions within the relevant national and international legal frameworks.

In conclusion, and contrary to Ludwig Wittgenstein's assertion according to which "*there are no ethical propositions, there are only ethical acts*", I hope that the issue of integrity will continue to mobilize citizens and national and international institutions, both in our thoughts and in our actions. There is still a long way to go, but it opens up fruitful perspectives.

Thank you very much for your attention!