



Executive summary

Enhancing the impact of Integrity Pacts in public procurement: an analysis from Spain's experience

Esteban Arribas Reyes | Edited and reviewed by Andrea Prieto



An executive summary of Working Paper 46: *Incrementando el impacto de los Pactos de Integridad en la contratación pública: un análisis desde la experiencia en España*, authored by Esteban Arribas Reyes and edited and reviewed by Andrea Prieto. The paper is available in Spanish at collective-action.com/publications.

The negative effects of poor practices in public procurement, including crimes such as bribery, kickbacks, collusion, fraud, facilitation payments or bid rigging, are a complex problem that requires a multilateral response in the form of Collective Action between government, business and civil society. Integrity Pacts are an innovative solution with great potential in this direction.

An Integrity Pact is a flexible tool to help make public procurement fairer and more transparent and reduce the risk of corruption. Based on a Collective Action approach, it is an agreement between a government contracting authority and bidding companies that commits all parties to follow a transparent procurement procedure and refrain from any practices that may be considered as corruption. An Integrity Pact typically involves an independent monitor from civil society.

Analyses of the impacts of Integrity Pacts have often focused on the outcomes of specific interventions to determine whether and how they have worked. However, Integrity Pacts may have the potential to structurally change highly complex systems. A deeper analysis is required to measure the tool's impact in light of the sustainable changes it has produced or has the capacity to produce. Demonstrating that an initiative has led to sustainable change can also be more powerful in convincing governments, civil society and businesses of the value of Integrity Pacts and of Collective Action in general.

Spain offers a powerful case study of how civil society practitioners can work with governments to introduce and implement an innovative Collective Action tool even in a fairly bureaucratic setting – and start a journey towards long-term change.

Based on our analysis of four Integrity Pacts in Spain implemented between April 2017 and January 2019, we offer specific recommendations to measure and enhance the impact of Integrity Pacts, especially in achieving long-term change. In brief, these are:

- Integrity Pacts should be seen firstly as a preventive tool that seeks to change corrupt behaviours in the context of public procurement and instil a culture of transparency.
- The tool can also be seen as an investment in wider integrity. The result of this investment, in the Spanish case, was a powerful intangible in terms of accountability, legitimisation of the democratic system and awareness of integrity and transparency.
- To fully understand the return on investment, analysing the effectiveness and usefulness of Integrity Pacts should go beyond identifying the outcomes of a single intervention. Ideally, it should measure the tool's contribution to creating sustainable change in public administrations as part of a wider anti-corruption approach.
- Politics determines public policy. Taking into consideration the political context around the contracting body is fundamental to a successful implementation of the tool.
- For the implementation of Integrity Pacts, it is recommended to act prudently and ensure buy-in. This implies tailoring the approach and identifying parties committed to transparency in order to generate confidence in the tool.
- Emphasising the collaborative aspect of Integrity Pacts is helpful in enhancing buy-in from public entities. It is also important to make it clear that Integrity Pacts are tools to strengthen and support the work of institutions like audit bodies or inspectors general, not an obstacle or competitor.
- Incorporating Integrity Pacts in the legal framework, for example for strategic and high-value projects, could boost overall anti-corruption efforts by providing a new element of independent monitoring with civil society participation. It would also make them more easily available and frequently used, contributing to sustainable change over time.
- Integrity Pacts could be an effective tool to institutionalise the evaluation of public programmes and policies.
- As a preventive tool, implementation of Integrity Pacts needs to start early on, before the identification of the contracting need and the technical specifications are confirmed.
- To guarantee the independence and autonomy of the Integrity Pact, funding should preferably be from independent or cooperating organisations. If funding comes from the public administration itself, there needs to be maximum transparency and safeguards to ensure the independence of monitors and their autonomy in issuing recommendations.
- A lot hangs on the monitors. They need a high level of independence, knowledge and reputation, preferably with extensive experience in public procurement and without conflicts of interest.