

Revista de Administración Pública

The logo of the Instituto Nacional de Administración Pública (INAP) is displayed in a large, bold, black, sans-serif font. The letters are stylized, with the 'I' and 'N' being particularly prominent.

White papers and documentary reports. Transparency and accountability Instruments

Francisco José Díaz Casillas*

*The Comptroller wants our house to be made of crystal; everything can be seen; everything can be known;... 1925.***

When we talk about transparency we refer to the openness of political and bureaucratic organizations' information available for public scrutiny through a system that classifies and spread government's information.

We have to make clear that transparency itself does not imply accountability, but the policy to make government's information be out on the open, in the "public showcase" so that those who are interested can review it, analyze it and give an opinion about it. After reviewing and analyzing it, endless profits can be derived: use to complete academic investigations, suggestions to improve management or even serve as mechanisms to put on notice abnormalities or punishable conducts.

In this sense, we must understand transparency is only a global accountability system, essential in modern democracies. When rulers

* Doctor, Master and Bachelor of Public Administration from the National Autonomous University of Mexico. Professor of the graduate program of the Faculty of Political and Social Sciences (UNAM) and INAP. He has worked as Head of Secondary and higher education of the Ministry of Education and sub minister of Citizen Participation and Crime Prevention in the Ministry of Public Security; both of them part of the Federal District's Government. He has also published some articles and books.

** Newsletter of the Comptroller's Office. Mexico. Volume II, July-August 1925. Page 137. The head of the Department of Comptroller at the time was Luis Montes de Oca; later on February 1927 he worked as Minister of Finance and Public Credit until the end of Plutarco Elías Calles's presidency (December 1st 1924-November 30th 1928).

know it is important to make their actions clear, and the law requires it, it is convenient to ask professional auditors to elaborate documentary reports and white papers so as to present clear reports.

This action will bear witness to the facts, will serve as historic memory for those who will later exercise public function because they will have the results and commitments derived from these government actions.

Thus, accountability is nowadays an essential element to ensure transparency and public resource management. On the other hand, documentary reports and white papers are an important part of this machinery. They are by nature and in accordance to the law, documents with accounting and documentary contents which will support proceedings, open to knowledge and scrutiny of those who wish to do so.

When a period of government ends in the federal or local spheres of the Federal District, it is mandatory to create documentary reports and white papers to be considered and included in the Delivery-Reception documents of public offices whose term is over. This obligation and practice should also be observed by those leaving office, another responsibility held by those working in public administration.

The exposure method we have chosen to comment on these issues is the Q&A one; so as to get closer to an administrative practice which was born in the Viceroyalty and remained in force until the 19th and 20th century and then became an optional action. However, it is also used to know the state of public issues when a government term ends and it gives public employees the opportunity to make the use of resources transparent and avoid subsequent administrative or legal punishments made it necessary to implement audit instruments to check if they gave clear accounts on spending without any intervention by government institutions to request such an audit.

Citizens can doubt that these resources were not used for the purpose they were intended and there is a healthy possibility and obligation of providing clear and correct information on procedures and administrative issues of public management to citizens that request it; these instruments are nowadays essential to transparency. Let us discover what these instruments are all about.

What is a White Paper?

“The public government document which records actions and results yielded by a relevant and important project, program or topic of Federal Public Administration”,¹.

When are organizations and offices supposed to prepare a White Paper?

“... when they consider it necessary to leave documentary record of the development of government programs or projects; as well as other relevant issues or those authorized by the minister or the Ministry”².

When should a program, project or topic be considered relevant?

When the latter is:

- I. Of high social, economic, regional, cultural impact, of technical importance or containing operative management aspects which benefit society or specific sectors of it or strengthen public administration;
- II. Relevant to achieve important essential goals, of general interest or productive sector or regional impact or economic activity because of its nature or characteristics; in accordance to goals and strategies from the National Development Plan;
- III. A program which provides grants or transfers of tax resources of high social impact or regional program executed with federal resources which are of high impact to society or contribute to the strengthening of coordination mechanisms between states and their municipalities, the Federal District and its political-administrative bodies;
- IV. A project whose main purpose is widen the productive capacity of an specific economic and social sector, national production of goods, infrastructure or necessary services in accordance to goals and strategies from the National De-

¹ *Lineamientos para la elaboración e integración de Libros Blancos y de Memorias Documentales*. Official journal of the Federation: October 10th 2010. dof.gob.mx/nota_detalle.php?codigo=5213396&fecha=10/10/2011&print=true

² *Ibid.*, page 2.

velopment Plan or a strategic project connected to activities established in articles 25 and 28 of the Political Constitution of the United Mexican States;

- V. Refers to a government issue that because of its nature or characteristics needs to be held accountable for certain relevant actions such as addressing a demand made by citizens, demand for justice enforcement, perfecting some system and/or procedure, implementation and administration of federal resources; development of significant improvements to operative or administrative efficiency which affects the population or the Federal Public Administration sphere; and
- VI. Because it is considered relevant because of some legal legislation or justified because of its importance, complexity or problems present in its execution or implementation, results or benefits yielded, among other factors”³.

What are White Papers supposed to contain?

- VII. Presentation.
- VIII. Legal basis and purpose of the White Paper.
- IX. Background.
- X. Regulatory framework corresponding to actions carried out during the execution of the program, project or topic.
- XI. Program's, project's or topic's connection to the National Development Plan and sectorial, institutional, regional and/or special programs.
- XII. Executive summary of the program, project or topic.
- XIII. Executed actions.
 - a) Work Program;
 - b) Budget and Schedule of authorized spending;
 - c) Integration of files and/or executive projects, and
 - d) Documents to support the application of resources, including accounting and budget procedures and records, summary chart of authorized and exercised budget and in some cases documents on resources given to the Federal Treasury; allocation processes of goods and/or services and celebrated agreements or contracts, among others.
- XIV. Monitoring and control.

³ *Ibid.*, page 2.

XV. Results and benefits achieved.

XVI. Public employee's final report on the execution of the program, project or topic.

Procedimiento simplificado para la integración y desarrollo de libros blancos

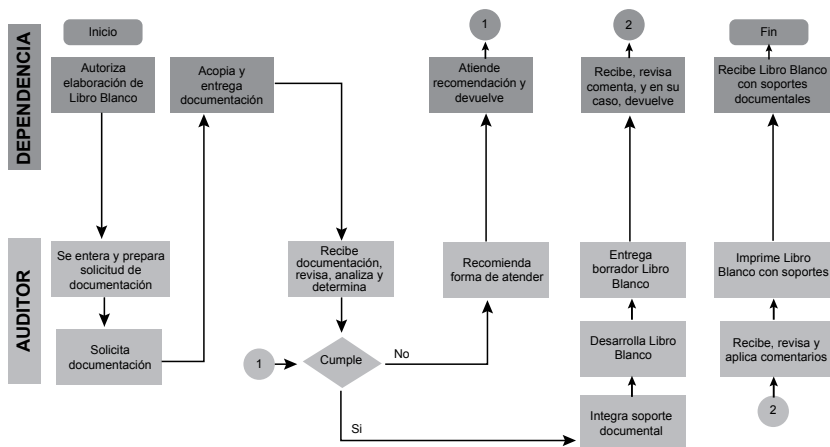


Chart developed by Emilio Vargas.

When do White Papers become Black ones?

- Failure to provide documentary evidence to enable the auditor to authenticate the documents supporting the audited activity physically exists.
- When those directly responsible of taking care of different activities do not do this.
- When information regarding financial statements and notes is not kept organized.
- When accounting records are not available, as well as minutes of shareholders' and board meetings.
- Mistakes and omissions in financial statements.
- Irregularities which include audited bodies or employees.
- Non-fulfillment of contracts, agreements and commitments and non-collection of contractual penalties for non-compliance.
- Violation of laws and regulations which protects the audited activity.

- The fact that authorities do not act on claims, disputes or legal actions which could damage the audited entity.
- Lack of implementation of plans or their application without assessing risks caused against the audited entity's assets, as well as surcharges applied by the lack of proper implementation.
- The presence of risky situations which are not considered as potential conflicts of interest, etc.

What are the consequences and of what kind?

- Recommendations;
- Observations, y
- Complaints.

These can be very simple or very severe. It could be the requirement to complete documents, correct a mistake or omission; as long as it is not used to cover irregularities which are by law considered as administrative offenses or embezzlement. The latter would require a ruling against the audited authority and administrative sanctions due to the embezzlement of public resources.

These facts would force Public Function or the Government Accountability Office to start an administrative, criminal responsibility trial and make a complaint to the Finance and Public Credit Ministry or the equivalent office in states and/or tax entities to initiate a compensatory process⁴ of diverted resources or embezzled by public employees or other individuals.

Do White Papers have to include all of the organization's or office's management term?

No. White Papers can only contain specific information on Plans and Programs whose activity includes the use of public resources, without regards for their origin, either through a process that can initiate ex ante and ex post during the development of this plan and agenda.

⁴ Administrative law includes "Compensatory Law of the Public Service" in charge distributing compensatory responsibilities to public employees and even individuals due to omissions or actions which damage public tax's or states' patrimony.

Results of this process can only guarantee the adequate use of allotted resources in accordance with current regulations, without determining if the programmed goals are right or wrong.

What are documentary reports?

“They are public government documents used to describe a Federal Public Administration program’s, project’s or topic’s actions and results which are deemed important, but not as important and relevant as White Papers;”⁵.

Who creates documentary reports?

“Agencies and offices will have the opportunity to create documentary reports –whose structure is similar to White Papers– to record actions and results of government programs, projects and actions”⁶, nonetheless, their creation will be in charge of the agency’s staff –no hiring or other expenses included– including delivery record of receiving agency or entity, or public servant who authorized its creation.

What is the nature of White Papers and Documentary Records?

Information and documentary support is of public nature as stated by the *Federal Law of Transparency and Access to Government Public Information*.

What is documentary support?

Compendium of e-documents and files which supports credible and compelling information; when properly classified and organized it is documentary support in the form of White Papers and documentary reports.

How do you assign the contracting of services to create White Papers?

Agencies and offices must send the Ministry of Public Function –and a copy to the head of the internal body of control– a proposal of the White Papers they want to create which will be analyzed and studied.

⁵ *Ibid.*, page 2.

⁶ *Ibid.*, page 4.

Fifteen days later, the Ministry will give an opinion on the importance of their elaboration.

How do you assign the contracting of services to create White Papers in the Federal Government?

According to current regulations, the Finance Ministry through the Expenditure sub ministry published on December 28th 2010 on the Official Journal of the Federation the *Object Classifier for Federal Government Spending* which came into effect the next day. The section which refers to the Definition of Concepts and Items, Chapter 3000, General Services, Concept “3300 Professional, scientific, technical and other services. Resources used to cover the expenses of hiring individuals and companies who provide independent professional services regarding informatics, advisory, consulting, training, studies and research, protection and security;...”⁷.

Specifically, item “331 legal, accounting, auditing and related services. Resources used to [...]; hire accounting, auditing and accounting, tax and technical services [...] and other which are not classified elsewhere”⁸.

How do you assign the contracting of services to create White Papers in the Federal Government?

In the Federal sphere, the authorization of the Ministry of Public Function is needed to create them. They will have to be created by the agency’s staff and their own resources and only in justified cases the hiring of services will be authorized.

Does the Federal District need to fulfill this obligation?

The Federal District has its own *Accountability guidelines derived from the management report in public administration of the Federal District 2006-2012*, published on the Official Journal on December 29th 2010.

If the document issued by the Federal District’s government is not an original one, the latter can be found in the one published by the

⁷ Official Journal of the Federation. *Clasificador por Objeto del Gasto para la Administración Pública Federal*. December 28th 2010.

⁸ *Ibid.*

Ministry of Public Function in the Official Journal of the Federation on October 13th 2005, under the following name *Guidelines to create the accountability report of Federal Public Administration 2000-2006, and the creation and integration of White Papers*; which is enough to fulfill this requirement.

Nonetheless, it is worth mentioning that in the creation of White Papers “Head of agencies, deconcentrated bodies, political-administrative bodies and agencies of the Federal District’s Public Administration will create a White Paper to have documentary support of the development of programs and/or projects of special Government, and other relevant issues, considering internal criteria and regulations determined by their own nature and administrative structure”⁹.

However, we should also consider the convenience of using both legislations, when using federal public resources; and even though both legislations fulfill the necessary requirements to deliver-receive in public administration, it is not wrong to consider the contents of White Papers established by the federation, having them justify the results of the audit, without widening or reducing contents (including the costs).

How do you assign the contracting of services to create White Papers in the Federal District?

According to current regulations, the Finance Ministry through the Expenditure sub ministry published on October 19th 2010 on the Official Journal of the Federal District the *Object Classifier for Federal Government Spending* which came into on January 1st 2011; which includes among others Chapter 3300, “Professional, scientific, technical and other services”. This means “resources used to cover the expenses of hiring individuals and companies who provide independent professional services such as [...] advisory, consulting, [...] studies and research, ...”¹⁰.

Said concept is divided into items such as Generic Item 3330, “Administrative consultancy, technical processes and in information technologies”, which includes “resources to cover the expenses of the

⁹ Official journal of the Federal District. *Lineamientos para la rendición de cuentas derivado del informe de gestión de la administración pública del Distrito Federal 2006-2012*. December 29th 2010.

¹⁰ Official Journal of the Federal District. Official Notice: NO. SE/1493/2010 *Clasificador por objeto del Gasto del Distrito Federal*. October 19th 2010. Page 88.

areas of [...] administrative consultancy (general administration, financial, [...])” scientific and technical ([...] and others unspecified elsewhere)...”¹¹.

Therefore, specific item 3331 “Administrative consultancy, technical processes and in information technologies” which includes “resources to cover the expenses of the areas of [...] administrative consultancy (general administration, financial, [...])” scientific and technical ([...] and others unspecified elsewhere)”¹².

What types of government auditing exist and what is their purpose?

Without undermining other kinds of audits carried out by public bodies, we can say the most common ones are: 1) Financial audit: review of financials statements and every documents it covers. 2) Operational Audit: used to evaluate the performance of an organization, program, activity of function carried out by the government whose purpose is to improve performance and responsibility of public employees in charge of said activity.

What responsibilities do we have with citizens when performing an audit?

1. Every public employee who administers programs should be accountable, subject to an audit.
2. Citizens have a right to know at all times if public funds are administered correctly and opportunely and in accordance to the law; government audits are perfect instruments to inform of the application of public resources.
3. It is essential that audits let us know if these programs are fulfilling the purpose they were authorized for, without deviation or unjustified omission.

As we can see, White Papers have been used in the last two presidential terms as instruments to accompany administrative management of government *ex ante*, during and *ex post* bodies to ensure allotted resources for activities are used efficiently, taking into account all of the procedures included in regulations.

¹¹ *Ibid.*, page 89.

¹² *Ibid.*, page 89.

This will not only speak well of those who are responsible for their exercise, besides taking care of its adequate application it also enforces current regulations and leaves proof of honesty and transparency through an audit.

It is clear that this exercise cannot be applied in the managing of government bodies, just when a program is audited; and even when resources might have been correctly applied, this does not justify the effectiveness of the goals of this program; it must be evaluated under a new light. This evaluation can be done according to the evaluation of projects vision, which can include the results of White Papers.

This evaluation of Plans and Programs, White Papers and other measurement instruments is the raw material of government reports, where we are forced to point out the advances and difficulties found in the application of government programs so as to correct, modify, widen or end the chosen public policy.

In conclusion, White Papers contribute significantly to make correct use of resources in a transparent way and contribute to the evaluation of results of plans and programs. A deeper evaluation of results of the application of public policies helps us understand if it is adequate or needs to be modified, widened or even put to an end.

Government reports are excellent documents that allow operation current or transitory administrations to know about the state of the administration and avoid making mistakes which can be very costly socially, politically and economically.

Bibliography

- Ackerman, J. (2004). *Sinergia Estado-sociedad en pro de la rendición de cuentas: lecciones para el Banco Mundial*. World Bank Work Document No. 31, Washington, D. C. p.p. 1-48.
- _____. (2008). *Más allá del acceso a la información. Transparencia, rendición de cuentas y Estado de Derecho*. México: Instituto de Investigaciones Jurídicas UNAM, Siglo XXI Editores, Cámara de Diputados del Congreso de la Unión, Universidad de Guadalajara y Centro Internacional de Estudios sobre la Transparencia y Acceso a la Información, A.C. 403 pages.
- Del Castillo, A. (2003). *Medición de la corrupción un indicador de la rendición de Cuentas*, México: Comisión de Vigilancia de la Cámara

de Diputados, Auditoría Superior de la Federación, Serie Cultura de la Rendición de Cuentas, No. 5. Pp. 28-59.

General Accounting Office (GAO). (1996). *Normas de auditoría gubernamental*. México: Comisión Permanente de Contralores Estado-Federación. 132 pages.

Haro Bélchez, G. (2010). *Fiscalización superior. Avances y retos*. México: Miguel Ángel Porrúa. Serie Políticas Públicas. 237 pages.

Hijar y Haro, A. (1919). *Administración y Contabilidad Fiscal*. México: Imprenta Victoria. 287 pages.

Junco, M. (2003). *El derecho a la información de la penumbra a la transparencia*. México: Porrúa, 110 pages.

Merino, M. (2008). "La transparencia como política pública", en *Más allá del acceso a la información. Transparencia, rendición de cuentas y estado de derecho*. México, Instituto de Investigaciones Jurídicas de la UNAM, Siglo XXI Editores, Cámara de Diputados del Congreso de la Unión, Universidad de Guadalajara y Centro Internacional de Estudios sobre la Transparencia y Acceso a la Información, A. C. Pp. 240-262.

Newsletter of the Comptroller's Office. Mexico. Volume II, July-August 1925.

Official Journal of the Federation. *Lineamientos para la elaboración e integración de Libros Blancos y de Memorias Documentales*. October 10th 2011. Retrieved from: dof.gob.mx/nota_detalle.php?codigo=5213396&fecha=10/10/2011&print=true

_____. *Clasificador por Objeto del Gasto para la Administración Pública Federal*. December 28th 2010. Retrieved from: http://dof.gob.mx/nota_detalle.php?codigo=5172682&fecha=28/12/2010

_____. *Lineamientos para la formulación del informe de rendición de cuentas de la Administración Pública Federal 2000-2006, así como para la elaboración e integración de libros blancos*. October 13th 2005.

Official Journal of the Federal District. *Lineamientos para la rendición de cuentas derivado del Informe de Gestión de la Administración Pública del Distrito Federal 2006-2012*. December 29th 2010.

_____. Official Notice: No. SE/1493/2010 *Clasificador por objeto del Gasto del Distrito Federal*. October 19th 2010.

Thede, N. (2003). "Derechos Humanos, nuevas democracias y rendición de cuentas: logros y desafíos", en *Democratización, rendición de cuentas y sociedad civil: participación ciudadana y control social*. Mexico: Cámara de Diputados LIX Legislatura, CIESAS, Universidad Veracruzana, Miguel Ángel Porrúa. Pp. 37.

- Trinidad, Á. (2006). *La transparencia y el acceso a la información como política pública en la sociedad y el gobierno*. México: Miguel Ángel Porrúa. 155 pages.
- Ugalde, L. C. (2002). *Rendición de cuentas y democracia. El caso de México*. Mexico: Instituto Federal Electoral. 61 pages.