



GOVERNANCE

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Conflict of Interest and Administrative Law

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If we accept that a conflict of interest occurs when an individual or organization is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other, it is sure that administrative institutions are highly vulnerable to this kind of situation: administrative bodies situated at the crossroad of different interests, administrative staff supervising companies they could be willing to join, judicial or quasi-judicial bodies also acting as advisors to some institutions, administrative bodies possessing both regulatory powers and corresponding sanctioning capacities, and so on.

The question addressed in the paper will be to determine how administrative law tools (be it rules about administrative procedures, rules about civil servants, or judicial review mechanisms) try to cope with this problem, and to eliminate conflicts of interest.

The paper will reflect on how far administrative law can eliminate conflicts of interest in administrative institutions, and probably come to the skeptical conclusion that it can never totally do so, since the administration is by essence a place where diverging interests meet in order to be balanced within public decisions. In a sense, the State is by nature a huge converging point for diverging interests, and administrative law would probably exhaust itself if it tried to segment them systematically.