Corporate Governance in Public Administration

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ABSTRACT: This work aims to analyze the control and accountability mechanisms that underpin corporate governance in public administration, highlighting the importance of the internal control system, transparency, conflict management, and political oversight. In parallel, it seeks to develop a critical analysis of the effectiveness of these instruments in the Portuguese context, identifying the main challenges and opportunities for strengthening good public governance.

The work is structured in five parts: theoretical framework, analysis of the four fundamental mechanisms of control and accountability, integrative critical analysis, and conclusion.

The analysis developed throughout this work allowed us to understand the importance of corporate governance as a fundamental instrument for promoting a more efficient, transparent, and accountable public administration. Applying the principles of good governance in the public sector contributes to strengthening citizens' trust in institutions, improving the quality of public management, and ensuring a more effective use of state resources.

KEYWORDS: Corporate Governance; Public Administration; Accountability; Leadership

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1. INTRODUCTION

The growing demands of citizens regarding the quality of public services, the transparency of government decisions, and the proper use of public resources have reinforced the importance of corporate governance in the public sector. Although the concept originated in the private sector as a response to the control failures and financial scandals that marked the last decades of the 20th century, its adaptation to public administration has become fundamental to ensuring more efficient, responsible management oriented towards the collective interest (OECD, 2015; Hood, 1991).

Public corporate governance can be understood as the set of principles, mechanisms, and practices that guide the management of public organizations, promoting values such as transparency, accountability, integrity, and efficiency. In a context marked by challenges such as administrative complexity, digital transformation, the growing demand for accountability, and the need to strengthen citizens' trust in institutions, the adoption of effective governance models plays a decisive role (Bovaird & Löffler, 2009; Pollitt & Bouckaert, 2011).

In Portugal, the debate on the quality of public governance has gained increasing relevance, particularly after the 2008-2011 financial crisis, which highlighted structural weaknesses in the control and accountability systems of the public sector. The intervention of the Troika (European Commission, ECB and IMF) imposed significant reforms on the Portuguese public administration, including the strengthening of internal control mechanisms, budgetary transparency and supervision of public entities (Crespo de Carvalho, 2013; Ministry of Finance, 2012).

2. THEORETICAL FRAMEWORK

2.1. Origins and Evolution of the Corporate Governance Concept

The concept of corporate governance initially emerged in the private sector as a response to the need to ensure proper management of organizations and to protect the interests of shareholders and other stakeholders. The Cadbury Report (1992), published in the United Kingdom following a series of financial scandals, was a foundational milestone in defining corporate governance as the system by which companies are directed and controlled. Subsequently, the Hampel Report (1998) and the OECD Principles on Corporate Governance (1999, revised in 2004 and 2015) consolidated an internationally accepted framework.

The OECD (2015) defines corporate governance as the set of relationships between management, supervisory bodies and the various stakeholders in the organization, establishing mechanisms for direction, control and accountability. This definition encompasses five fundamental dimensions: shareholder rights, equitable treatment of stakeholders, the role of different stakeholders, information disclosure and transparency, and the responsibilities of the governing body.

The transposition of this concept to the public sector gave rise to what is known as public governance, which adapts the principles of good governance to the specificities of public administration. In this context, the objective is not limited to maximizing economic value, but to creating public value through the provision of quality services, the efficient use of public resources, and the promotion of the collective interest (Moore, 1995; Stoker, 2006).

2.2. Main Supporting Theories

Several theoretical currents contribute to the foundation of the study of corporate governance in public administration. Agency theory (Jensen & Meckling, 1976) constitutes the most influential conceptual basis, providing an analytical framework for understanding the need for control mechanisms. From this perspective, citizens assume the role of principals, delegating the management of resources and collective interests to government officials and public managers. The existence of information asymmetries and potential divergences of interests justifies the implementation of mechanisms for supervision, control, and accountability (Eisenhardt, 1989).

Accountability, a central concept in this governance model, can be understood as the obligation of public agents to account for their decisions and actions, assuming responsibility for the results achieved. Bovens (2007, p. 450) defines accountability as "a social relationship in which an actor has the obligation to explain and justify their conduct before a forum, with the forum being able to raise questions and issue a judgment, and the actor suffering consequences." This conceptualization allows us to distinguish between vertical accountability (of rulers to citizens via elections), horizontal accountability (between state bodies), and diagonal accountability (involving independent oversight bodies and civil society).

New Public Management (NPM), theorized by Hood (1991) and Hughes (1998), contributed to the dissemination of governance practices inspired by the private sector, promoting a greater focus on results, efficiency, and performance evaluation. NPM advocated decentralization, management autonomy, and management by objectives as antidotes to Weberian bureaucracy. However, its application generated criticism related to the fragmentation of public services and the weakening of traditional accountability mechanisms (Hood & Dixon, 2015).

More recently, approaches such as Public Governance or Neo-Weberian State (Pollitt & Bouckaert, 2011) advocate a more comprehensive view of public governance, based on collaboration between different actors, citizen participation, and the creation of public value. This approach recognizes that effective governance does not result exclusively from hierarchical or market mechanisms, but also from collaborative networks between public, private, and civil society actors (Osborne, 2010; Rhodes, 1997).

In the Portuguese context, the theoretical framework of public governance has been applied progressively, with particular influence from OECD doctrine and European Union guidelines. The Stability and Growth Programme, the 2011-2014 financial assistance programme and subsequent reforms have resulted in a significant reorganization of public administration, impacting control and accountability models (Rocha, 2011; Crespo de Carvalho, 2013).

2.3. Principles of Public Corporate Governance

Among the fundamental principles of public corporate governance, the following stand out, contributing to strengthening the legitimacy of public institutions and increasing citizens' trust in the actions of the State (OECD, 2015; INTOSAI, 2019):

- **Transparency:**obligation to disclose relevant information about the activity, decisions and performance of public organizations;
- **Accountability:**Accountability of public officials to citizens and other stakeholders for the results of their actions;
- **Integrity:**Acting in accordance with ethical values and standards of conduct that promote public trust;
- **Legality:**subjection of public action to the primacy of law and the principle of administrative legality;
- **Participation:**Involvement of citizens and stakeholders in public decision-making processes;
- **Efficiency and effectiveness:**The rational use of public resources to maximize the results and impact of public policies;
- **Equity:**Fair and non-discriminatory treatment of all citizens in accessing public services.

3. CONTROL AND ACCOUNTABILITY MECHANISMS

The operationalization of corporate governance in the public sector implies the existence of concrete mechanisms that ensure the control of organizations, accountability, and responsibility of public agents. These mechanisms constitute the functional core of good public governance, guaranteeing that state resources are managed efficiently, transparently, and in accordance with the collective interest.

This section analyzes four fundamental mechanisms: the internal control system, transparency, conflict management, and political oversight. Each plays a distinct but complementary role in the governance architecture of public organizations.

3.1. Internal Control System

The internal control system constitutes an integrated set of policies, procedures, and practices designed to ensure that public organizations achieve their objectives effectively, efficiently, and in accordance with the law. According to the Committee of Sponsoring Organizations of the Treadway Commission (COSO), internal control encompasses five essential components: the control environment, risk assessment, control activities, information and communication, and monitoring.

In the context of the Portuguese public administration, the internal control system is structured in three hierarchical levels. First-line control is exercised by the services themselves, through self-assessment and internal verification procedures. Second-line control is ensured by specialized units, such as Internal Audit Units (UAI), which independently evaluate processes and identify vulnerabilities. Finally, third-line control is performed by external entities, such as the Court of Auditors and the General Inspectorate of Finance, which exercise a more systemic type of oversight.

The effectiveness of internal control depends, to a large extent, on the quality of the organizational environment in which it operates. A culture of integrity, leadership committed to ethics, and open communication channels are indispensable conditions for formal control mechanisms to produce results. When the organizational environment is dysfunctional, control procedures become mere bureaucratic formalities, without real impact on the quality of management.

Among the main functions of internal control are: the prevention and detection of errors and irregularities; the safeguarding of public assets; ensuring the reliability of financial and management information; and compliance with applicable legal and regulatory provisions. The International Organization of Supreme Audit Institutions (INTOSAI) has developed standards and guidelines that frame best practices in this area, notably through the ISSAI (International Standards of Supreme Audit Institutions) framework.

A critical aspect of the internal control system is its ability to adapt to risk. Risk-based management involves identifying and prioritizing areas of greatest exposure—whether due to operational complexity, financial volume, or history of irregularities—and concentrating control resources in those areas. This approach significantly increases the system's efficiency, in contrast to purely formal and uniform control models.

Despite the progress made, significant challenges remain in implementing robust internal control systems in public administration. Organizational fragmentation, a shortage of specialized human resources, cultural resistance to evaluation, and a lack of coordination between different levels of control are factors that limit the effectiveness of these systems. The digitization of administrative processes presents itself simultaneously as an opportunity through the automation of controls and as a new risk due to exposure to cyber threats and the complexity of information systems.

3.2. Transparency

Transparency is a core value of democratic public administration and a fundamental pillar of corporate governance in the public sector. It encompasses the duty of public organizations to disclose, in an accessible and understandable way, relevant information about their activities, decisions, performance, and use of resources. It simultaneously constitutes an instrument of accountability and a mechanism for building trust between the State and citizens.

From a normative point of view, the right of access to administrative information is enshrined in Article 268 of the Constitution of the Portuguese Republic, and implemented in Law No. 26/2016, of August 22, which establishes the regime for access to administrative and environmental information. At the European level, Directive 2019/1024 of the European Parliament and of the Council promotes the reuse of public sector data, framing open information as an asset of economic and social value.

Transparency can be analyzed in different dimensions. Financial transparency concerns the disclosure of public accounts, budgets, and budget execution. Procedural transparency refers to the openness of decision-making procedures, including the justification of administrative acts. Performance transparency implies the publication of performance indicators and the evaluation of the achievement of objectives. Finally, relational transparency concerns the disclosure of relationships between public and private entities, including contracts, concessions, and financing.

The development of open data portals like dados.gov.pt in Portugal represents an important step towards achieving active transparency. The proactive publication of information, without requiring a request from the citizen, constitutes an evolution from the classic model of passive transparency, based on the right of access upon request. This paradigm shift reflects a broader conception of accountability, in which the State takes the initiative to inform citizens about its functioning.

However, formal transparency does not necessarily equate to real transparency. Making information available in inaccessible, technically complex, or difficult-to-interpret formats can hinder effective understanding by citizens and civil society. The financial and administrative literacy of the population, as well as the capacity of civil society organizations to process and analyze the information disclosed, are determining factors in the effectiveness of transparency as an accountability mechanism. It is also important to mention the role of transparency in preventing corruption. According to Transparency International, there is a negative correlation between levels of government transparency and corruption perception indices. Public exposure of decisions and processes reduces opportunities for opportunistic behavior and increases the perceived cost of corrupt practices, acting as a systemic deterrent.

3.3. Conflicts of Interest

Managing conflicts of interest represents one of the most complex challenges of corporate governance in public administration. A conflict of interest occurs when a public official finds themselves in a situation where their private economic, family, associative, or other interests may influence, or be perceived as influencing, the performance of their public duties. The existence of conflicts of interest does not necessarily imply the occurrence of illegal acts, but it creates conditions conducive to corruption and compromises the impartiality of public decision-making.

The Portuguese regulatory framework regarding conflicts of interest is based on several instruments. Law No. 52/2019, of July 31, establishes the regime for the exercise of functions by holders of political and high public office, including provisions on incompatibilities, impediments, and declarations of interests. The Transparency Entity (ET), created by Law No. 52/2019, has the mission of verifying the declarations of income, positions, and interests of holders of public office and promoting integrity in the exercise of public functions.

The main mechanisms for managing conflicts of interest include:

- Declarations of interests and incompatibilities, which allow for the identification of potential conflicting situations;
- Rules of impediment and recusal, which oblige a public official to refrain from intervening in proceedings in which they have a direct or indirect interest;
- Cooling-off periods, which limit the possibility of public office holders performing functions in private entities with which they have had a functional relationship;
- Codes of conduct and ethics, which establish behavioral standards and guidelines for border situations;
- Whistleblowing systems allow for the reporting of suspicious situations while protecting the whistleblower.

Directive (EU) 2019/1937 on the protection of persons reporting violations of Union law was transposed into Portuguese law by Law No. 93/2021 of 20 December.

This legislation establishes a whistleblower protection regime that contributes to strengthening mechanisms for detecting conflicts of interest and irregularities in public administration.

A recurring problem in managing conflicts of interest is the phenomenon of "revolving doors," which describes the movement of individuals between public regulatory or supervisory positions and leadership roles in regulated industries. This mobility, when not properly regulated, can compromise the independence of regulators and lead to situations of regulatory capture, where the regulator begins to act in the interest of the regulated entities to the detriment of the public interest.

The effectiveness of conflict management mechanisms depends not only on the existence of adequate rules, but also on their rigorous application and the existence of credible sanctions. Impunity is a determining factor in the perpetuation of inappropriate behavior, so the capacity for oversight and sanctioning by the competent authorities is an indispensable condition for the system's effectiveness.

3.4. Political Oversight

Political oversight is a fundamental mechanism of democratic accountability in public organizations. It translates into the set of control, monitoring, and accountability functions exercised by political representative bodies, particularly Parliament, over the actions of the executive branch and public administration. Political oversight ensures that government officials and public managers are accountable to citizens through their elected representatives.

In the Portuguese constitutional system, the Assembly of the Republic exercises political oversight through multiple instruments: questions and interpellations to the Government, parliamentary committees of inquiry, hearings of members of the Government and public administration officials, review of decree-laws, and voting on motions of censure. These parliamentary control mechanisms are complemented by the action of the Court of Auditors, which oversees the legality and regularity of public revenues and expenditures, and the Ombudsman, who reviews citizens' complaints against acts of the administration.

The effectiveness of political oversight depends on several structural factors. Firstly, the quality and availability of information: political oversight bodies can only effectively perform their functions if they have reliable, complete, and timely information on the administration's activities. Secondly, the technical capacity of parliamentarians and their support staff: the increasing complexity of public management demands specific skills to interpret management reports, consolidated accounts, and performance evaluations. Thirdly, political independence: oversight tends to be more effective in systems with strong parliamentary opposition and mechanisms that protect members of oversight committees from partisan pressure.

The relationship between political oversight and public management is, however, complex and potentially paradoxical. On the one hand, political oversight is indispensable to guarantee the democratic accountability of public managers. On the other hand, excessive or inadequate oversight can compromise management autonomy, introduce short-term time horizons incompatible with strategic planning needs, and generate risk-averse behaviors in managers, who tend to prioritize formal compliance over innovation and efficiency.

This dilemma between political control and management autonomy is particularly evident in the case of independent regulatory bodies. Independence from political power is a condition for their credibility and effectiveness, but it cannot mean a lack of accountability. Mechanisms such as periodic reports to Parliament, public hearings, and independent external evaluations allow for a combination of regulatory autonomy with appropriate forms of democratic oversight.

In the European context, the principle of good governance—enshrined in Article 41 of the Charter of Fundamental Rights of the European Union—implies that public institutions must act transparently, responsibly, and subject to appropriate controls. Political oversight falls within this broader framework of democratic legitimacy requirements, which goes beyond mere formal legality to encompass dimensions of responsiveness, effectiveness, and integrity.

4. CRITICAL ANALYSIS

An analysis of control and accountability mechanisms in Portuguese public administration reveals significant progress in recent decades, but also persistent vulnerabilities that limit the effectiveness of public corporate governance. This section seeks to develop a critical and integrated reading of the four mechanisms analyzed, identifying their interdependencies, shortcomings, and the challenges to their implementation.

First and foremost, it is important to emphasize that control and accountability mechanisms cannot be evaluated in isolation. The effectiveness of each depends, to a large extent, on the functioning of the others. A robust internal control system loses some of its value if there is no transparency that allows its results to be validated externally. Transparency is all the more relevant the greater the capacity of civil society and political oversight bodies to use the disclosed information. Conflict of interest management mechanisms only produce deterrent effects if there are instances of political, judicial, and social oversight capable of detecting and sanctioning violations. This systemic interdependence is often underestimated in approaches that treat each mechanism as an autonomous module.

Secondly, it is necessary to acknowledge the persistence of a structural tension between the logic of control and the logic of management autonomy. Strengthening accountability mechanisms can, under certain circumstances, generate perverse effects: the proliferation of accountability requirements can overburden organizations with formal obligations that divert resources from the effective delivery of services; risk aversion induced by supervision can inhibit innovation and continuous improvement; and the focus on regulatory compliance can overshadow concern for substantive results. The literature on public management has termed this phenomenon "accountability overload," a situation in which the multiplication of control mechanisms paradoxically compromises the quality of governance.

Thirdly, it is necessary to question the real effectiveness of existing mechanisms in relation to their formal effectiveness. Portugal has a relatively developed regulatory framework regarding internal control, transparency, conflicts of interest, and political oversight. However, international governance indicators such as the World Bank's World Governance Indicators or Transparency International's Corruption Perceptions Index reveal that Portuguese performance in these areas, despite having improved, remains below the average of the most developed countries in the European Union. This discrepancy between the formal quality of the norms and their effective implementation suggests that the central problem is not one of regulatory design, but of implementation and organizational culture.

The cultural dimension is precisely one of the most relevant and least addressed factors in debates about public corporate governance. The existence of adequate norms is a necessary but insufficient condition for behavioral change. The integrity of public agents, the commitment of leadership to the values of good governance, and the existence of an organizational culture that values accountability are determinants of the effectiveness of formal mechanisms. Organizations where a culture of minimal conformity predominates, in which the objective is to formally fulfill requirements without assimilating their spirit, tend to develop accountability mechanisms that are simultaneously costly and ineffective.

One critical aspect that deserves particular attention is the fragmentation of the supervisory and control system in Portugal. The coexistence of multiple entities with oversight functions – the Court of Auditors, the General Inspectorate of Finance, sectoral inspectorates, independent regulatory authorities, the Transparency Authority, among others – creates risks of overlapping competences, coverage gaps, and inefficiency in the use of supervisory resources. Coordination between these entities is frequently insufficient, and the absence of a clear map of responsibilities can lead to situations where no entity assumes full responsibility for supervising certain risk areas.

Regarding transparency, it is important to distinguish between making data available and effectively communicating information. Publishing large volumes of data on public portals, while a step forward, does not in itself guarantee comprehension by citizens. Meaningful transparency requires that information be presented in a contextualized, comparable, and interpretable way, which implies an investment in the quality of institutional communication that many public organizations have not yet undertaken. The gap between the provision of information and its effective appropriation by citizens constitutes one of the main challenges for the real operationalization of the principle of transparency.

Regarding the management of conflicts of interest, critical analysis reveals that formal regulation of the phenomenon has progressed, but its application faces significant practical difficulties. The Transparency Authority, despite representing a relevant institutional advance, has faced limitations in human and technical resources since its creation, hindering its effective oversight capacity. Furthermore, the "revolving door" system remains insufficiently regulated in some sectors, particularly concerning the transition between financial regulation and the private banking sector. Preventing regulatory capture requires more robust mechanisms and a more deeply rooted culture of independence within supervisory bodies.

In the area of political oversight, critical analysis points to the need to strengthen Parliament's technical capacity to effectively perform its oversight functions. The increasing complexity of public management, with the proliferation of public enterprises, public-private partnerships, European funds, and structured financing instruments, demands technical skills from parliamentarians that are not always available. Investment in parliamentary support services, including the possibility of using independent external auditors, is a condition for political oversight to produce real results.

Finally, it is important to mention the impact of digitalization as a cross-cutting factor of change in control and accountability mechanisms. The digitalization of administrative processes creates new opportunities for automatic compliance control, early detection of irregularities, and the proactive provision of information. At the same time, it introduces new cybersecurity risks, algorithmic opacity, and digital exclusion that governance systems must be prepared to manage. The governance of algorithms and artificial intelligence systems in public administration is an emerging domain that challenges traditional control and supervision models, requiring new skills, new tools, and probably new forms of accountability.

In summary, a critical analysis of control and accountability mechanisms in public administration reveals that the main challenge lies not in the absence of formal instruments, but in their consistent implementation, their systemic articulation, and the promotion of an organizational culture genuinely committed to the values of good governance. Effective public corporate governance is not merely a matter of institutional design, but of leadership, shared values, and the collective capacity to learn and continuously improve.

5. CONCLUSION

Internal control mechanisms, transparency, conflict of interest management, and political oversight constitute essential pillars of this governance model. Despite the progress made in Portugal in recent decades, significant challenges remain related to the coordination between control entities, the effectiveness of existing mechanisms, the capacity for oversight, and the consolidation of an organizational culture based on integrity and accountability.

The critical analysis conducted shows that the existence of formal norms and structures, while necessary, is not sufficient to guarantee effective governance. The true quality of corporate governance depends on its practical implementation, the commitment of public leaders, and the ability of organizations to integrate the principles of accountability and transparency into their daily operations.

Finally, digital transformation and the increasing complexity of public management pose new challenges to the governance of public organizations, requiring the continuous adaptation of control and oversight mechanisms. In this context, strengthening the culture of integrity, institutional cooperation, and citizen participation will be crucial for consolidating more effective, legitimate, and value-creating public governance models.

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