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Implementing the Fundamental Principles of Official Statistics

Defending the Fundamental Principles: dealing with the public and dealing with politics

Note by the Federal Statistical Office of Switzerland

Summary

The paper provides a Swiss perspective on how to reinforce the Fundamental Principles, with an emphasis on the international level. The paper assesses the benefits of the twenty years of existence of the Fundamental Principles. The Fundamental Principles were a guide to upgrading the statistical systems of many countries and created a sense of community among official statisticians at the international level. However, they are a constant challenge to implement and to enforce outside official statistics. The paper outlines possibilities for a better implementation of the Principles both at national and international level, and how to proactively deal with the public and policymakers.

I. Introduction

1. In Switzerland, citizens are invited to vote on various topics at least three times a year. The population has been consulted on 250 proposals during the last 30 years (Federal Statistical Office (FSO) statistics portal, 2011). Referenda and initiatives raise vivid debates where official statistics can contribute to democratic choices. FSO statistics are highly trusted: in an independent survey conducted in 2008 on a small sample, 67% of respondents answered that official statistics were reliable, although 78% noted that, while data were correct, politicians and the media tended to use them to suit their own cause. 94% of respondents are aware of the Federal Statistical Office (MIS Trend, 2008). As a member of the international statistical community, we consider trust in official statistics as an international public good that must be preserved. This paper is a Swiss perspective on what could be done to reinforce the Fundamental Principles, with an emphasis on the international level.

2. The first section is an account of 20 years of existence of the Fundamental Principles (FP). The Fundamental Principles were a guide to upgrading the statistical systems of many countries and created a sense of community among official statisticians at the international level. However, they are a constant challenge and struggle. While they are accepted by all, they are not enforced, because they are inward-looking: they are mostly known to official statisticians, although they impact on the behaviour of other players. The second section describes avenues of work for a better implementation of the principles. Instead of proposing institutional changes at the national level, we take a realistic look at the issue of independence, and argue that statisticians need concrete “weapons” to proactively deal with the public and with politics. These weapons can be found at the national level, but international organisations could definitely help.

II. 20 years of Fundamental Principles of official statistics

3. This section assesses the benefits of the very existence of the Fundamental Principles. They have served the statistical community well, despite considerable changes in the way statistical activities are carried out.

A. Benefits of the Fundamental Principles at the national level

4. At the national level, the main tangible impact is probably the overhaul of national statistical systems. The changes in statistical systems in countries in transition from central planning to a market economy and their significance in developing countries are well documented (United Nations Economic Commission for Europe (UNECE): 2003). Important changes also took place in countries like Switzerland:

(a) A statistical law was adopted in 1992. It establishes the principles governing the setting up of the statistical programme. It gives a coordinating role to the FSO and grants professional independence to producers;

(b) A multiannual programme gathers all official data collections and outlines priorities. It is adopted by the Federal Council (executive) and presented to the Parliament. In practice, it stems from a wide consultation of relevant stakeholders and it has never been rejected;

(c) The national charter was passed in 2002, as a commitment device also for regional statistical offices. An independent Ethics Board was created;

(d) Switzerland adopted the European Union (EU) Code of practice, which is integrated into a bilateral agreement on statistical cooperation with the EU (Public International Law).

5. In many countries there is a greater consciousness at the national level of being part of a system, and more responsiveness and readiness to commit to universal rules. Some national statistical offices were recently proclaimed independent agencies. At the national level, the FP are a recognition that official statistics are no longer there for bureaucratic needs, they are a commitment towards citizens.

B. Benefits of the Fundamental Principles at the global level

6. The Principles gave official statisticians an identity: the international statistical community has strong core values and a spirit of partnership. The Principles give Chief statisticians an international backing, a shield against political influence, and the right to respond to inappropriate use of data notably in the media. We think that the original, remarkably short text has an historic value and must be preserved. Quoting Mr Jean-Louis Bodin (UNECE, 2003/ Bodin, 2011: 62), they started off “a new era” for international statistics, with landmark initiatives such as:

- (a) The creation of the IMF dissemination standards (SDDS/GDDS);
- (b) The EU Code of Practice, with associated regular peer reviews;
- (c) A consensus on delivering MDG indicators;

(d) The very fact that the Statistical Commission has been meeting yearly since 1997, adopting or revising important standards at an increasing pace, shows the urge and the willingness to find common solutions.

7. Not only does the family meet more often, it has also developed an identity towards the rest of the world: the Principles are “a code of conduct for the global official statistics community” (J. Matheson, High-level Forum on Official Statistics, 2011), a first declaration of independence. They position official statistics as opposed to other data. This makes it easier to identify good practice and themes of global interest. Moreover, specific challenges to official statistics such as independence, coordination and burden reduction inspire constant re-thinking in various circles and give further importance to this common identity. Finally, the core values formulated in the Fundamental Principles have been used to draft local, national, and regional ethical codes, as well as internal codes of conduct for staff.

8. This assessment is backed by a report made in 2004 to the Statistical Commission on the implementation of the principles, which showed that 90% of Chief statisticians were aware of the FP (United Nations Statistics Division (UNSD), 2004:29). 95% and 80% of respondents declared facing no actual political interference in planning, respectively in publishing results. Even better results were found for independence in methodological choices. Despite cases of gross violations of the principles, statistical work is generally respected and delivered as planned (in 2/3 of the cases, based on a release calendar [UNSD, 2004: 7]).

C. Implementation of the Principles

9. It is a constant struggle to implement the Principles or the Code of Practice as government, the media, and technology evolve. Recent worrying cases of violations (involving fundamental rights such as freedom of information, the integrity of Chief

statisticians, or confidentiality) show that the principles remain as relevant as ever, that they have to be defended every day. There seem to be a general sentiment that something must be done to reinforce them.

10. When it comes to deciding what to do, the 2004 UNSD survey shows interesting insights on which principles are the most difficult to implement, according to Chief statisticians:

(a) Principle 4 (Prevention of misuse): most national statistical offices (NSOs) are entitled to comment on cases of misuse. The report notes that many countries “apply a modest policy”, mentioning a lack of resources, and “a general hesitation regarding the danger of engaging in any political debate”. It is also reported that most misinterpretations occur in the mass media, government agencies, as well as international organisations (UNSD, 2004:13);

(b) Principle 8 (National coordination): most NSOs operate within a ministry and share their core business with other ministries, or sub-national offices in a system of public statistics producers in which the NSO has a key role and can use established coordination mechanisms. It often does not have the power to impose solutions or standards;

(c) 90% of Chief statisticians were aware of the FP. 50% of Chief statisticians noted that it is less frequently the case for other national producers and higher-level officials and policymakers to whom they report (2/3);

(d) When it examined the UNSD survey, the Statistical Commission regretted an important rate of non-response. It is difficult to know if this is due to a lack of coordination capacity by the organisers or by the NSOs involved (in any case, difficulties with Principle 10), or a preoccupying lack of awareness of the principles by NSOs.

11. We come to the conclusion that the principles that are the least implemented are precisely those that imply not only an action by the NSOs but also a certain behaviour by third parties, such as political actors above the Chief Statisticians, officials from other government agencies, or the media (including political/commercial publications). The same conclusion has been formulated by Eurostat (“implementation depends on factors outside the direct control of the national statistical office”; Eurostat, 2010: 6).

12. This impression that the Principles are not doing so well when confronted with the “rest of the world” is reinforced by some core challenges that face official statistics. However, we claim that the original text applies and should guide work of the statisticians:

(a) A first example is the internationalisation of politics and resulting indicator-based policies (e.g.: Greenhouse gas mitigation, millennium development goals (MDG), monetary integration). Statistics informing those policies should rest well on non-controversial rules such as principles 2, 3, 4, 9 and 10. Recent cases of failure to follow these rules show that implementation is lacking and affect the credibility of statistics and of the policies;

(b) A second example is the constant pressure to reduce the burden on respondents. This issue is sufficiently covered by Principles 1,2, and 5;

(c) Finally, the difficult issue of micro-data access for research purposes is governed by Principles 6 and 7.

13. So the Fundamental Principles brought a lot to the work of official statisticians. The main problem is that in practice they apply to statisticians only. The emperor has no clothes: official statisticians cannot use the Principles to oppose those most likely not to respect them. The literature often refers to the integrity of the Chief statistician himself. He is certainly an important fuse, and usually the last resort defender of the integrity of the work of the NSO. However, it is quite a weak institutional arrangement to rely on one

person, especially on an insider (in the government system) to be a referee, without yellow cards to give. Indeed, her last resort weapon is to inflict *herself* a red card, whereas often another player should be punished.

14. In the next sections we explain how simple measures at home can help, how the international level could create commitments and put yellow cards in Chief statisticians' pockets.

III. Dealing with the general public

15. What is needed for the Principles to be better implemented is a (long term, voluntary) commitment by the most difficult and urgent stakeholders. They should embrace the principles, or at least they should be aware of them. Rewriting the FP or the Code of Practice will not help in implementing the Principles. What is needed is a constant involvement towards policymakers and the general public, and also a fight against prudence (statisticians tend to shy away from political discussion), to assert the principles towards them.

A. National level

16. Statistical offices need to find allies in the media and in the general public. Nowadays the press is more about interpreting data and telling stories than re-printing releases. It is therefore necessary to “position the statistical system (Lehohla, HLF, 2011). Statisticians need to talk directly to the public (using “I” or “we” and explaining what they are doing instead of “it” and focusing on data only). The aim is to make citizens perceive statistical offices not as distant and nosy bureaucracies, but as a neutral source of information on aspects of their life. It is important to act proactively in order to establish a relationship and trust, rather than just intervening in debates. Values, the FP, and international standards must be communicated. A solution would be a regular column in a national newspaper. The in-house printing press can also be used. The Swiss Federal Statistical Office recently launched “ValueS”, a glossy publication appearing three times a year in 3 languages that aims at reaching out to the general public in an open manner.

17. Dedicating web pages to FP, the EU Code of Practice (CoP) and other endorsed instruments helps. It is even better to show how the national institutional setup complies and what the NSO does to implement the principle. The webpage put in place by the Institut national de la statistique et des études économiques (INSEE) of France in this matter is an excellent example¹.

18. It could also be useful to edict and publish national rules and to make the procedure on commenting misuse clear and transparent, so as to prevent accusations of partiality. Another solution to emphasise the benefits of official statistics is labelling. This practice is used in France and the UK and it aims at differentiating official statistics that complies with given standards (including the Principles) from “any other data”. This practice allows NSOs to dissociate themselves from bad practices. It also makes the difference clear to people who would not necessarily be aware of what it takes to produce official data. The idea is to dedicate the FP to final users: they should know about ethical issues, and what compliance to expect from the NSO.

19. Anything that differentiates official statistics from other sources in a positive way and establishes a permanent dialogue with the general public would make it an ally when it

¹ <http://www.insee.fr/fr/insee-statistique-publique/default.asp?page=qualite/principe1.htm>

comes to defend the FP against those who misuse statistics. All in all such measures help make the public an eye-witness and an ally.

B. International level

20 As international organisations have governments as their main partners, their role is described in the next section. Nevertheless, there is a global civil society and a European citizenship. Some simple initiatives by international agencies can raise awareness in the general public. The Statistical Commission approved the idea of a recurrent “World Statistics Day” (United Nations Statistical Commission (UNSC): 2011). 2014 will mark the 20 years of the adoption of the Principles at the global level. By this time the Friends of the Chair on FP will have finished their work, UNSD will have reviewed the implementation of the Principles. Using the next World Statistics Day as an awareness device for the Fundamental Principles would be a good occasion to convey them to a larger public.

21. Finally, the United Nations being a unique place where non-governmental organizations (NGOs) and diplomats meet, delivering information on international comparable data sources could be a task for the organisation and its agencies (due to their specialisation and to possible economies of scale, it would be an occasion to mention the Principles to a key audience). This could be delivered online as a part of the training of national diplomats or in the form of short courses replicated in international hubs such as New York, Geneva and Brussels. United Nations statistical bodies should offer this kind of training to political units within the Secretariat and specialised agencies, so that United Nations officials better understand the nature of international statistical data.

IV. Dealing with politics

A. National level

22. As discussed above, politicians, officials from political government offices and communication specialists are good candidates for misusing statistics in the public debate. Compliance is not in the hands of the NSO but of the government as a whole. National statistical offices are in a difficult position to react, since most of them are located in some part of the administration and depend upon the executive part of a government (the Cabinet, a ministry, a planning authority). In rare cases, Statistical offices report to the parliament or are independent agencies. Even in the EU, statistical regulations are in the end approved by political bodies. The reality check has it that statistical offices are part of the government machinery and depend on external rulers, in particular for budget and staff matters, and when they use registers as sources of data.

23. Any of the institutional arrangements above allows for a certain level of independence to be granted by law. Often, as in the case of Switzerland where the Statistical Office is part of the Department of Home Affairs, professional independence exists in practice. Some claim that it is necessary to make statistical offices independent institutions, on the example of Justice or of Central Banks. While the step has been taken in some countries, we do not think that there would be a general willingness to grant full independence to NSOs, including matters such as budget and programming. We also note that the Fundamental Principles do not refer to full independence but to professional independence. Therefore, complying with the FP does not require complete independence but accountability and legitimacy. This claim is based on an examination of the well-established theory that justifies independence of Central Banks. Western-style central

banks, such as the Swiss National Bank, which also produces statistics, are sister-institutions to NSO and good examples of very independent agencies.

24. The theory of Central Bank independence is based on a technical problem specific to monetary policy: an “inflation bias” was demonstrated, due to lobby pressure, to financial claims by the government (seignuriage) or overshooting risk (Kydland & Prescott, 1977). A spectacular consensus of economists made it possible that 25 countries chose to grant independence to their Central Banks between 1989 and 1998, with the main objective to make the institute able to credibly commit to a goal of long term price stability (Cukierman, 1998; Rogoff, 1985). Credibility is about managing expectations: the Bank has to maintain a reputation of willingness to defend a goal. In this institutional design, credibility is the aim, independence is a tool, a commitment device. It has a gate-keeping role in a principal-agent relationship (government-bank), in a difficult environment where masses of capital move freely. Independence can be granted to various degrees (management, financial, operational, instruments, or goals).

25. If the advantages of such arrangements have been demonstrated in practice (inflation was curbed), the causation with independence is not demonstrated. The performance can be attributed to the degree of *conservatism* of the Bank or to *coherence* with other policies/institutions². Some even contest the feasibility of independence (the law can be changed, the central bank can be given tasks that do not relate to its main objective, it can be requested to yield dividends to the state, or to save financial institutions). A stable objective written in law, reinforced by accountability and legitimacy are more important in resisting to pressures than institutional independence. (Buiter, 2006). The causation link between independence and performance is thin, considering that performance may be due to a sound and legitimate objective that can be credibly enforced. There are also sacrifices related to independence (technocratic rule, difficulty to address downturns when budgetary policy cannot be used).

26. As far as statistical offices are concerned, the FP request, similarly, a commitment to deliver a constant policy: high-quality and independent information. However, the case for altering the institutional position of NSOs is limited. The FP only refer to what it takes to produce credible data, not to complete independence. There are important caveats related to accountability: while data must be made available on an impartial basis (principle 1) and based on professional methods and procedures (principle 2), the other principles limit independence: there is an obligation to accountability and transparency, backed by “scientific standards” (principles 3) and the entitlement to comment (principle 4), the need for cost effectiveness in choosing the source (principle 5), to maintain confidentiality and to stick to legislation as far as the content is concerned (principle 7).

27. Secondly, independence can lead to isolation, loss of relevance, and declining budgets, in particular if statisticians fail to engage in the democratic debate and address difficult issues. Crucially, unlike central banks, statistical offices have limited possibilities to generate their own resources: revenues as well as mandates from the outside do not cover the cost of basic statistics mandated by law. It is too easy to claim that independence is the key to ensure compliance by all. While it could certainly be part of the solution, the risk is that non-independence be used as an excuse for not being active and proactive.

28. This means that other devices than the institutional arrangement should be sought at the national level. More than independence, NSOs should seek to maximise their legitimacy. Legitimacy can stem from the statistical programme (stakeholder involvement, approval by the parliament, approval of the budget as mentioned in the CoP), or ex-post:

² Friedmann, 1962 ; Buiter, 2008.

from the general public (trust), from external peer reviews (scientific legitimacy), or from the ruling of an independent ethical council. Being accountable is a good compromise between democracy and effective independence resulting in a legitimate statistical policy and programme. Statistics is not an obscure result of number crunching, it is a service that is accountable to the public (via Parliament and the media).

29. While it is good to operate at arms' length from politics, and it may be comfortable to enjoy a high degree of independence, it is sufficient and crucial to be legitimate. We propose two devices:

(a) NSOs need to engage with users within government offices so that they respect the data. This literacy work must ensure that they can find and understand the data they need, and understand the value of independently-produced data that complies with international standards. The awareness programme should include a reminder on the advantage of using official data, and informing on the limits of data;

(b) The government can help to implement the Principles by voluntarily signing a declaration to abide to the FP. Many countries have drafted a national charter of official statistics that echoes the universal principles. In Switzerland the charter is open to signature by government offices, at the national and regional level. An independent, NGO-based ethical council receives complaints from the public. Wherever such documents exist, it would be useful to open them for signature by line ministries and policymakers. A bolder step would be to abide to an international code and accept international scrutiny as a necessary check.

B. International level

30. The previous section concludes that there is thin scope for action in terms of institutional design at the national level. Most existing national systems offer a sufficient level of legitimacy and independence. They could be safeguarded through external pressure. At the international level, considering the rise of international indicator-based policies, there is scope for more biting institutional processes that would help NSOs in case strong national players violate the Principles. Reflections on more binding rules have started within the EU and the International Monetary Fund (IMF).

C. A more consistent approach to politics

31. A precondition is an extension of the scope of action of the international statistical system. The system works well in developing technical standards and in coordinating programmes. Statisticians seem much less at ease when issues close to politics are on the agenda (recent examples include development policy, gender, or territorial controversies). A common reaction is to avoid discussing the (statistical side of the) topic in-depth. Quite often the context in which statistics are used is forgotten to focus on technical details instead. Another observation that has been made is that some statisticians have to leave their desks to diplomats. A dispassionate, technical examination of politically-loaded statistical issues is possible and will help position statistics in international organisations. Such debates necessitate openness to the non-statistical side of things, careful preparation in dialogue with, but at arm's-length from, diplomats and a strong leadership by the Chief statistician.

32. If a more consistent approach is found, the next step is to find mechanisms to act in cases of gross violations and their consequences. The first measure this paper advocates is to enhance the status of the FP from an inward-looking code of conduct to a high-level political commitment. The FP must be presented for formal adoption by a high-level policy

body (the UN General Assembly) so that states formally recognise the Principles. The second step is to make them known and build constituencies, notably support by NGOs and international media. Knowledge of the Principles by those actors should ensure that statistics are recognised as part of citizens' entitlement to free information.

D. In search for a neutral referee: assessment mechanisms

33. In a globalised world, non-compliance in one country affects the credibility of official statistics also in the rest of the world. Mechanisms of international evaluation are needed, with clear rules and due process. The Statistical Commission, in its 2011 session, "encouraged regional assessments of the implementation of the Fundamental Principles" (UNSC, 2011). This could take different forms but it requires a sound institutional design. We consider that statistical systems in the region are ripe for putting in place that kind of mechanism, which could be more or less biting.

34. A soft mechanism would be to create an online collection of real-life situations where independence and impartiality have been threatened and successful responses. This would provide good practices on fundamental issues. The competence to receive and moderate the forum would be granted to the UNECE Statistics Division, with an annual report submitted to the Bureau and the CES.

35. A more biting system would be a voluntary regional evaluation mechanism whereby the Statistical Division would, following an alphabetical order, send out each year to a few countries a short self-assessment questionnaire on the Principles and new measures taken at the national level to promote them, with a section on deviations. The processed results would then be presented to CES for comments. This would help building some sort of a "case law" on how to deal with FP-related issues and feed into the website mentioned above. The Chief statistician would be free to give publicity to the results at home. The main benefit of such a system would be its regularity. The disadvantage is that it might turn into a bureaucratic exercise.

36. A lighter system is *ad hoc* reactions. In case of a gross violation, the CES could request that a case be analysed in a neutral way by the Statistical Division. Arguably, it is a "nuclear option": while it seems technically possible for any CES representative to draw the attention of the Conference (considering its broad mandate), and ask for an "investigation" to be launched, this seems unlikely. Indeed this body is not used to that kind of reaction, and it is difficult to imagine if there would be a) a first mover to speak up b) a willingness to condemn a practice. Due to the rarity of such cases, even if a procedure exists on paper, it would be quickly forgotten.

37. Another possibility is to base the system on denunciations, and entrust the Bureau or an Ethics Committee to request an investigation by a subgroup, or by the Statistical Division (SD). At the end of the process, the CES would deliberate and qualify the case. While this seems to be a good compromise between the dynamism of a regular investigation and openness to the civil society, such a design would have to take in consideration the impact on the CES itself, in particular whether the CES working methods would be undermined by the turmoil. Anonymity should be granted to the whistleblower.

38. A good institutional design for peer pressure would have to have a certain level of automatism, be standardized (a precondition for equal treatment once the country declares its willingness to be evaluated) and emphasise good practices as much as bad practices. It would most certainly remain voluntary or depend on the assessment of the CES. In all cases, the Bureau or the SD would act as a neutral referee and if necessary commission external experts. This also means that sufficient resources must be given to the SD to investigate, process complaints and consult external advisers.

39. An ideal system would be a biting and universal one. It would involve compulsory submission of reports, and the CES or Statistical Commission would have the right to qualify the performance of the member under review. It has to be noted that in many other policy domains, member states have freely accepted to submit themselves to that kind of periodic examination. Usually they take the form of an international convention that obliges parties to regularly report (usually at a 2 to 6-year rhythm) to an organisation. The report is examined by a high-level panel of experts, who can ask questions and make recommendations. Currently no such system is available for statistics. Examples exist in much more fundamental areas than statistics (2 UN covenants on human rights, rights of women, children; Universal Periodic Review of the Human Rights Council³, ILO conventions, etc). They are there to embarrass states (they have no obligation but accept, as a party to the convention, to be “named and shamed” if necessary) and are usually open to NGOs or the general public. Such reviews, freely accepted by the parties under a convention, could also exist for statistics, based on the Fundamental Principles. It would involve a regular examination along the terms described above, and would be an informal precondition to access membership of the Statistical Commission. At the moment, there is no legal instrument to anchor such a system (an adoption of the FP by the General Assembly will not be enough). However, the 1928 Convention on economic statistics, still valid for 26 countries, grants the United Nations Economic and Social Council (ECOSOC) the right to propose amendments and a conference to the convention (Art. 8). This convention could be reactivated in order to firmly base an assessment mechanism.

V. Conclusion

40. This paper attempted to provide a realistic account of the Fundamental Principles. It came to the conclusion that the Principles promulgated 20 years ago accompanied dramatic changes to the international statistical system. However it posed the diagnosis that they are inward-looking (they are morally binding only for statisticians). Implementation lags behind: the FP, or equivalent texts such as the Code of Practice are largely unknown to the general public and unbinding to governments and third parties.

41. It was argued that statisticians can contribute to reinforce the Fundamental Principles by dealing more proactively with the general public, in particular the media, and more consistently with political issues. There is a scope for better communication of these values at the national level. At the international level, there is a scope for action to better empower Chief statisticians and give a higher profile to the ethical code of our profession.

42. The paper does not take the stance that institutional adaptation at home is necessary, since in most countries a significant level of independence exists, provided that the laws reflect the Principles. It advocates a better communication of the Principles, their formal adoption by the UN General Assembly, and a binding international mechanism assessing the performance of statistical systems under the Principles, possibly based on a voluntary, self-regulatory approach. Such an external mechanism is preferable to possibly protracted attempts to reinforce the institutional position of NSOs at the national level. Soft processes such as voluntary self-assessments would be useful, but a more binding and regular assessment is sketched as a feasible and ambitious tool to strengthen official statistics.

³ Review of the human rights practices of all States, every four years.

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