

**Training of civil servants
to achieve good administration**

Proceedings

European Conference

*organised by the Council of Europe
in collaboration with the
Lithuanian Institute of Public Administration*

Vilnius (Lithuania), 27-28 October 2005

Co-operation Programme
to strengthen the Rule of Law

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Foreword

The European Conference on “Training of civil servants to achieve good administration” has been organised by the Council of Europe in collaboration with the Lithuanian Institute of Public Administration within the framework of its Co-operation Programme to strengthen the Rule of Law and in the light of the Action Plan adopted by the Heads of State and Government at the end of their Third Summit (Warsaw, 16-17 May 2005).

The Conference was intended to facilitate the implementation of policies which aim at ensuring the proper functioning of civil services in Europe through, in particular, the development of training for civil servants. This has been carried out through a comparative examination of questions related to the professional preparation of civil servants and/or candidates for public service posts.

The conclusions of this Conference have been transmitted to the Project Group on Administrative Law (CJ-DA) which is responsible in 2005 and 2006, to elaborate a draft recommendation and a consolidated model code of good administration.

The proceedings contain in particular the opening address of the Conference, the texts of the reports and contributions presented by the Rapporteurs and some participants in the Conference, the conclusions adopted during the Conference as well as the programme and the list of participants.

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Programme

Thursday, 27 October 2005

09.00 *Welcome of participants*

09.30 Opening session

Opening addresses by:

Evaldas GUSTAS, State Secretary, Ministry of the Interior, Lithuania

Giovanni PALMIERI, Head of the Public Law Department, Directorate General of Legal Affairs, Council of Europe

Chair: **Alfonsas VELIČKA**, Director, Lithuanian Institute of Public Administration

10.00 General introduction: The training of civil servants today: challenges and developments for the future

Rapporteur: **Mariano BAENA DEL ALCAZAR**, Judge at the Supreme Court of Spain, Professor at the Comptense University of Madrid (Spain)

Discussion

11.00 *Break*

1st session

11.30 What is “good administration” in a state governed by the rule of law?

- *An administration which is independent of political power?*

- *An administration with competent civil servants, recruited on a number of criteria?*

- *A "quality" administration (forecasts, aims, means, indicators, assessment, etc.)?*

Rapporteur: **Pierre-Yves MONETTE**, Federal Ombudsman of Belgium

Discussion

12.30 *Lunch*

2nd session

**Professional training of civil servants:
the search for competence for the purposes of a good administration**

14.00 Recruitment on the basis of competence

It is important to examine the methods of recruitment: competitions (internal, external, other), professional examinations, etc. Do the competitions lead to a job, a higher grade, a training school? It would also be interesting to know the nature of the tests taken by candidates: academic, professional, etc. Who are we aiming to recruit and what should their profile be? What value is given to work experience?

Rapporteur: **Jacek CZAPUTOWICZ**, Deputy Head of the Civil Service (Poland)

14.30 Appropriate training – panel discussion

*This can be initial or on-the-job training.
Initial training: how is such training made available? By a college of higher education or by different institutes? Are there entrance examinations at these colleges or institutes? Who provides the training and in what? Is the training professional in nature or more academic?
On-the-job training: do civil servants in the different states have the right to on-the-job training? What facilities are available to ensure that they profit from it? Is it compulsory? Can it be a condition for progress or promotion? What is the objective of the training: to adapt skills, to be successful in a competition for a higher grade, to obtain a promotion? What are its contents and who provides it?*

Moderator: **Mark ENTIN**, Director of the European Law Institute, State Institute of International Relations of Moscow (Russian Federation)

- **Serge PEFFER**, Training Institute of the Federal Administration (Belgium)
- **Margarita DECHEVA-DACHEVSKA**, Institute of Public Administration and European Integration (Bulgaria)
- **Maria GINTOWT-JANKOWICZ**, National School of Public Administration (Poland)
- **Jaime PEREZ**, National Institute of Public Administration (Spain)

15.30 Essential assessment

- assessment of the training

Training is important but it must meet the expectations of administrations and civil servants. It should therefore be assessed. What mechanisms are used? What are their consequences?

Rapporteur: **Osvaldas ŠARMAVIČIUS**, Director of the Civil Service Department, Ministry of the Interior (Lithuania)

- assessment of civil servants

Civil servants' need for training can be identified during their assessments. Is this the case in most states? How are such individual assessments carried out and how are requests for training made? Is there a link between the training and the assessment? How is the assessment perceived?

Rapporteur: **Nick MANNING**, Manager, Division "Public Sector Performance and Management", Directorate for Public Governance and Territorial Development, OECD
Apologised

16.30 Break

16.45 Round table

18.00 End of the first day

Friday, 28 October 2005

Chair: **Giovanni PALMIERI**, Council of Europe

3rd session

Management and quality in the training of civil servants: the search for efficiency in public administration

09.30 What does efficient management mean in the context of administration?

Nowadays we often talk about management in public organisations, and in particular about "quality management". Senior civil servants must be good "managers", that is to say they must know how to lead a team and organise a department so that it operates correctly but must also ensure a quality approach in their daily activity.

Rapporteur: **Michael DUGGETT**, Director General, International Institute of Administrative Sciences (IISA) of Brussels

10.00 Can we talk about quality management in public administration?

This requires consideration of the service's agenda, the issues, the means to achieve the objectives, the elaboration of indicators and the implementation of internal and external assessment systems. It would be useful to examine, in the context of this process, the relationship between the individual and the collective: how to link performance with productivity bonuses in favour of civil servants with the delivery of public service and the objectives of the administration which require "team spirit"?

Rapporteur: **Günter SCHMIDT**, Professor, Federal University of Applied Administrative Sciences (Germany)

10.30 Break

11.00 Round table

12.30 Lunch

4th session

**Ethics and the training of civil servants:
the search for objectivity and impartiality in public administration**

14.00 The objectivity and impartiality of the civil servant

The training of civil servants must include the consideration of ethics. Civil servants must be competent and possess certain professional skills, but it is essential that they also be aware of the nature of their role within the public administration and be able to carry out their functions in a manner which is beyond reproach.

Rapporteur: **Hélène PAULIAT**, Professor of Public Law, Member of the University Institute of France, President of the Scientific Committee of "Europa" (France)
Apologised

Discussion

15.00 The general interest and civil servants' interests

Training should instil in civil servants a sense of public service in the widest sense of the term. In particular it should indicate possible conflicts of interest. Conversely, the extra restraints sometimes imposed on civil servants mean that they need to be protected by the administration.

Rapporteur: **Bernardo Giorgio MATTARELLA**, Professor of administrative law, University of Siena (Italy)

Discussion

16.00 Break

16.30 Summary of the work and conclusions

General Rapporteur: **Caroline DALY**, Advisory Counsel, Office of the Attorney General (Ireland)

17.30 Close of the Conference

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OPENING ADDRESS

Opening address

Mr Giovanni PALMIERI
Head of the Public Law Department
Directorate General of Legal Affairs
Council of Europe

Ladies and gentlemen,

I should like first of all to thank the Lithuanian Institute of Public Administration for inviting us to this magnificent city of Vilnius for the European Conference which is beginning today on the training of civil services to achieve good administration. It is also my privilege to pass on to you from the Secretary General of the Council of Europe, Mr Terry Davis, all his best wishes for the success of this event.

This Conference is part of the co-operation programme for the reinforcement of the rule of law, under which the Council of Europe initiates bilateral or multilateral co-operation processes with one or more member States.

The Warsaw Declaration, which was adopted by the Heads of State and Government of the member States of the Council of Europe at their Third Summit on 16 and 17 May 2005, confirms our Organisation's main objective, which is to protect and promote human rights, democracy and the rule of law. The Declaration points out that all the Organisation's activities "*must contribute to this fundamental objective*".

This is why any in-depth discussion of the requisite training for civil servants and of its purpose, content and objectives must highlight the vital importance of giving civil servants in the member States a culture based on these three major principles, which are also enshrined in Article 3 of the Statute of the Council of Europe.

In the Warsaw Declaration, the Heads of State and Government also mention the role of **good governance**, which is, together with effective democracy, and I quote, "*essential for preventing conflicts, promoting stability, facilitating economic and social progress, and hence for creating sustainable communities where people want to live and work, now and in the future*".

We must therefore be careful not to lose sight in our work of this broader, and I might almost say nobler, dimension. At the same time, the title of our Conference forges a close link between the theme of civil service training – a topic on which you will be comparing your respective experiences – and that of good administration. The concept of good administration is an important subset of good governance. "Good governance" has become a familiar concept, particularly in the international organisations coming under the United Nations umbrella. It embraces a series of standards which are evolving and developing and against which the internal organisation of any State can be assessed at any time. This applies in equal measure to the legislative, the executive and the judiciary. Good administration has a prescriptive function and comprises many different standards such as high-quality legislative activities, legality, participation, transparent decision-making processes, access to information, high-quality organisation, highly efficient staff, sound budgetary and financial management, and general efficacy, accountability and supervision.

Compliance with these standards must be guaranteed by the State political infrastructure, which must endeavour to reinforce democratic culture, promote legality and ensure efficient government institutions, with the ultimate goal of guaranteeing respect for human rights.

This is the natural setting for the “good administration” concept: as Professor Pierre Delvolvé said at the Warsaw Conference organised by the Council of Europe in 2003, *“the right to good administration is new in its formulation but not in itself”*, in that *“the identification of the administration, the determination of the law applicable to it and, in particular, the duties laid upon it, have for long resulted in the public’s having rights related to the right to good administration, something that is now generally accepted”*. It *“requires a form of administration that has due regard to the rights of individuals while providing an efficient public service thanks to sound management methods, favouring a pluralistic interactive approach to decision-making. In other words, if the administration acts in a way which complies with the legitimate and reasonable expectations of those it is intended to serve, it is proof that it is a good administration”*. This highlights the importance of complying with this good governance aspect, which some countries’ legislative systems define as a fundamental right.

Even though the concept of a *“right to good administration”* is recognised in a number of European legal systems, it is not included in the European human rights system, in that it has not yet been enshrined as such by the legal instruments for protecting human rights.

Nevertheless, the absence of formal enshrinement of this right has not prevented the Council of Europe from drawing up several recommendations comprising standards relating to good administration, even if these standards target specific aspects of administrative law rather than being general in scope. At the same time, the Committee of Ministers’ recommendations play a major role in affirming the standards for good administration in the member States.

Even though such recommendations are not binding, the Organisation’s member countries do recognise the same legislative principles which have emerged thanks to this soft-law instrument. This is why it seems quite natural for the Council of Europe to finish what it started by means of its recommendations (and resolutions) not specifically targeting good administration, by formulating a document which, according to the Project Group on Administrative Law (an intergovernmental committee set up by the Committee of Ministers), might well be used as a *“Model Code of Good Administration”*, clearly highlighting the main elements of good administration and consequently constituting a new model for administrative practices in member States.

I must just outline the standards for good administration set out in Council of Europe recommendations, as they have helped to internationalise administrative law. We could list at least thirty standards, which can be classified in accordance with different criteria. The Project Group on Administrative Law has broken these standards down into four groups, namely: 1. lawfulness; 2. participation; 3. performance; and 4. transparency and control. The following are some examples.

Recommendations R(80)2 and R(2000)10 relate to the principle of lawfulness, worded as follows: “*Administrative authority, when exercising a discretionary power: 1. does not pursue a purpose other than that for which the power has been conferred*”, and “*the public official should carry out his or her duties in accordance with the law...*”.

The principle of equality (non-discrimination) appears in Recommendations R(80)2, R(977) and R(2000)10. Paragraph 6 of the latter reads as follows: “*in the performance of his or her duties, the public official should not act arbitrarily to the detriment of any person, group of body and should have due regard for the rights, duties and proper interests of all others*”. The administrative authority must also maintain “*a proper balance between any adverse effects which its decision may have on the rights, liberties or interests of persons and the purpose which it pursues*” (the proportionality rule), and must “*not pursue a purpose other than that for which the power has been conferred*” (rule prohibiting the improper exercise of authority).

The recommendations emphasise the principle of impartiality: “*the public official is expected to be honest, impartial and efficient and to perform his or her duties to the best of his or her ability with skill, fairness and understanding, having regard only for the public interest and the relevant circumstances of the case*”.

The courtesy principle, which states that “*the public official should be courteous both in his or her relations with the citizens he or she serves, as well as in his or her relations with his or her superiors, colleagues and subordinate staff*”, and the efficiency principle both concern the public official’s effectiveness in his or her contact with the public. The principle of productive performance of administrative tasks also has a similar thrust.

Furthermore, the recommendations (which always concern specific fields) comprise the principles of legitimate trust and coherency, a reasonable time for reaching decisions (“*they shall act with reasonable speed in the circumstances*”); they also cover the duty to provide reasons for administrative decisions and the need to grant an individual right of appeal against administrative decisions. As regards participation by individuals, there is also the right to a hearing and the right to comment upon administrative decisions.

This list might usefully be supplemented with “*applicable standards in terms of openness and supervision*”, which range from compulsory use of straightforward, plain, understandable language to the individual right of access to files and the general right of access to documents.

All these standards – and many more besides – together make up the concept of “good administration”, which, as we have said, constitutes a subset of “good governance”. They therefore fit into the process of gradual formulation of the principles underpinning the functioning of a “democratic society”. The right to good administration is theoretically and politically linked to the promotion of human rights and fundamental freedoms. This is why its development and recognition are directly in line with the Council of Europe’s principal activities.

The Working Party of the Project Group on Administrative Law has highlighted the fact that the main problem with defining the principle of good administration is the variety of administrative systems in the member States and the differing conceptions of good administration. For instance, the older member States endeavour to ensure general recognition of such values as courtesy, expedition and efficiency, while the more recently democratised countries concentrate on combating corruption in the administration, ensuring the requisite separation between the political and administrative fields and guaranteeing respect for elementary human rights. Nevertheless, the current trend is to use an analysis of the administrative policies implemented by Council of Europe member States in order to identify common values, shared objectives and the possibility of implementing common rules.

The Council of Europe's aim in the administrative field is to create a more efficient public service which is supposed not only to work effectively but also to "*take care*" of our citizens, who are the holders of the right to good administration.

Civil service training should therefore aim to provide civil servants with the wherewithal for discharging highly ambitious duties. This also necessitates alerting them to the current **internationalisation of administrative law**. In Europe today, for all the different characteristics peculiar to each State, we are currently witnessing a drive - launched by our Organisation - towards a cautious, realistic type of convergence. We are to some extent aspiring to pan-European harmonisation, but only to some extent, and we are definitely not seeking detailed standardisation.

Moving even further upstream, civil servants must be familiarised with the specific characteristics of a democratic environment and the typical demands of a pluralist society. The State must be subordinate to the law, and human rights take precedence over any other consideration. Then they must become acquainted with existing codes of ethics, the law in general and various technical skills.

Of course training is only a minor part of the civil servant's overall life and experience. New recruits fresh from college are always struck by the "culture shock" they experience when they plunge into the office environment in the department to which they have been posted. The story, which must surely be apocryphal, is still told of the young civil servant arriving for his first day at work and being told "*forget all you've been taught. Now you're going to see how things work in real life*".

ooOoo

I sincerely hope that this Conference will provide an insight into "real life" and will enable all the participants to clarify their ideas on the necessary objectives and the resources required for achieving them.

Training civil servants obviously also involves **motivating** them. Training and motivation are two sides of the same coin, and in the end they are the main factors influencing the reality known as "*day-to-day democracy*", which necessitates regular contacts between the citizen and the civil servant.

In conclusion, I am certain that none of you underestimates the difficulties facing us. If we want a civil service in which staff initiative takes precedence over dumb obedience, where participation is more important than silence and empowerment prevails over submission, and in which a listening ear and dialogue take priority over instructions and orders, all the member States of the Council of Europe must put their shoulders to the wheel and introduce effective training systems commensurate with the task in hand.

Thank you for your attention.

REPORTS

General introduction:
The training of civil servants today: challenges and developments for the future

Mr Mariano BAENA DEL ALCAZAR
Judge at the Supreme Court of Spain
Professor at the Computense University of Madrid (Spain)

1. Introduction

A) Concepts

Ladies and Gentlemen, I first wish to welcome you to this conference before going on to present the theme we are here to discuss today, attempting, to begin with, to offer you some introductory ideas about the training of civil servants in modern-day Europe.

First and foremost, we should ask ourselves how we define training. Generally speaking, training consists in a range of activities and procedures aimed at making current or future employees better prepared to serve their organisation, with the objective of providing an appropriate response to the organisation's needs and optimising its resources. It is accordingly not possible to divorce the definition of training from its essential link with the objectives it seeks to achieve.

Examined from a general, theoretical standpoint, training is a stage in the human resources planning process that is carried out in both the private and the public sectors. However, emphasis must be laid here on what distinguishes the public sector in these matters. Contrary to the current tendency to import private-sector methods (and even thinking) into the public sector, it is clear that public authorities do have their own particularities. Public authorities are essential components of a country's political system, and their characteristics have been shaped by each country's history, culture and political context. At the same time, the very diverse roles assigned to them heighten their national specificity. Into the bargain, despite what is regularly claimed, public authorities do not have customers, as is the case with private firms, but are there to serve citizens, members of the political community and taxpayers.

The importance of training public sector staff has been acknowledged in political and government science since Max Weber coined his model of bureaucracy. Civil servants must be specialists who have undergone technical preparation to perform their specific job, which makes it essential that they receive training of a high standard.

B) Initial and further (or in-service) training

We shall concern ourselves here with the training of government sector staff, drawing a clear distinction between initial training and further (or in-service) training.

Initial training is dispensed to future civil servants immediately upon their admission into the government sector on completion of each country's specific selection process. This training makes it possible to enhance the basic knowledge which new entrants are required to show, or which is verified, during the selection process, although, as we shall see later, it would be a good thing to extend it to other fields.

Further (or in-service) training is the training which civil servants receive, or should receive, throughout their public-sector career. This is because basic, or initial, training can, and frequently does, become outdated as a result of the need to apply new areas of knowledge or new technological skills, or of the emergence of new requirements within the organisation.

C) Objectives

The binding consideration in all cases is the constant need to satisfy the objectives underlying a training activity, whether those objectives are of a political or a more practical nature.

As regards political objectives, the leading writer on the subject (Sabino Cassese) has shown that Western Europe has made absolute priorities of the need for civil servants to be given the best possible professional grounding and of the use of training as an instrument for breathing new life into an obsolete civil service or, in the long term, integrating top civil servants in the ruling class, along the lines of the ENA (*Ecole Nationale d'Administration*) in France. It goes without saying that it is essential that training policy directors must be aware of the general political goals being aimed for.

However, in more practical terms, it is necessary to take account of both the quantitative and the qualitative aspects of training.

Above all, as Henry Mintzberg points out, training must not be equated with indoctrination, if civil servants are to be best prepared to do their jobs in practice.

From a quantitative angle, training managers must estimate how many public servants with appropriate training will be needed to perform the task or tasks which the public authority has set itself over a given period.

The qualitative side is nonetheless more important, as it consists in assessing and identifying the very substance of the needs. To address this key matter, it is essential for those in charge of the body responsible for the training of public servants be abreast of current and future political and administrative strategies. That therefore requires both an insight into future trends and the complete trust of the political authorities. It is clear to see that training is by no means a routine, repetitive activity but an active means of transforming and improving the government sector.

We have so far focused on the tangible needs of the organisation that have to be addressed, but it is also important to consider the direction and general nature of

those requirements in today's world. In other words, we must determine the nature of these specific needs by looking at the context in which they arise.

In this connection, it is necessary to take account of other aspects linked to the qualities or characteristics which public servants are nowadays required to possess. For instance, it is absolutely essential that they have some ability to grasp the economic and social realities prevailing in their country and a sensitivity to society's expectations of the public sector. Similarly, they should be aware that they will be active in a context of questioning of the public sector's role and performance, which also modifies the basis of their legitimacy. It is accordingly of fundamental importance, and this is a point I wish to stress, that they be ready to co-operate with politicians elected or appointed to public office. At the same time, they must also bear in mind the budgetary constraints that are now widespread in Europe. Similarly, account must be taken of the possible changes brought about by the introduction of new technologies in the public sector, in particular the ICTs.

Lastly, to complete our overview of the general factors of relevance to the direction and nature of training activities, mention must be made of the importance of ethical considerations. To combat the accusation that politicians and public officials are corrupt and dishonest, it is necessary to make rules of conduct a key focus of the public sector's training measures, a path already taken by a number of countries, including the United Kingdom, which, in 1995, adopted the Nolan Committee's report on standards in public life.

2. Target groups of trainees

At this juncture we must determine at whom training programmes are targeted, in view of the fact that the very structure of the civil service establishment influences the nature of the training dispensed to each category of public servant.

A) The legal relationship

Before going any further, it should be said that, although the umbrella term civil servant is in general use, it would be more appropriate to refer to public servants, so as to avoid any confusion regarding the concept's legal implications.

The model that predominates in the majority of countries, although not the only one, is that of public sector staff with civil servant status, governed by administrative law. However, other models may be found; for instance, staff may have a contractual relationship with the public body that employs them, possibly coming under ordinary labour law.

However, we shall not discuss these possibilities further here, since what interests us is the existence of a permanent professional tie between the public servant and the public sector employer, whatever the nature of the legal contract governing their relationship. If it is a matter of professional public servants working within the government sector on a lasting basis, they must be given appropriate training regardless of the nature of their legal relationship with the public authorities.

B) Categories or types of public servants

It is important at this point to specify the nature of the training that will be dispensed to the various categories of public servants. Our discussions are mainly concerned with officials working for central government, and it is not possible to consider the case of local and regional government staff. However, even confining ourselves to the central government sector, it is important to draw a distinction from the outset between managerial and operational staff.

I have long maintained that training managerial staff is a political matter, whereas training operational staff is a technical one.

This is because operational staff need only a very general grasp of the political and administrative situation, since what is more important is their capacity to master the techniques they are taught and to apply them in their job context. Without denying the need for such staff to be better acquainted with the general features of the political and administrative system, it can nonetheless be asserted that, within the public sector, training of operational staff scarcely differs from that dispensed in the private sector, and this similarity makes it possible to apply private sector personnel management techniques indiscriminately in the government sector.

On the other hand, the situation is very different in the case of managerial staff. Staff in this category are often referred to as "bureaucrats", since it is they who exercise administrative authority. The criterion permitting to distinguish them from the wider body of public servants, is that access to these posts and hence membership of this category is open solely to those who satisfy more stringent requirements as to their standard of education (normally university degree level) and also the fact that staff in this category hold positions of responsibility and are better paid than operational staff.

However, within the managerial category, a smaller group is to be singled out, who might be designated senior civil servants. These are civil servants who, on account of the nature of their managerial responsibilities, their experience or their standing within the organisation, are in close contact with the political decision-makers who determine or approve public policy.

When devising the subject matter of training courses and also in the field of human resources planning it is absolutely essential to develop a long-term view. After being selected and undergoing their initial training, new public servants are capable of holding managerial posts and performing their administrative duties, but it is extremely rare that they feel ready to take on senior civil service posts which entail working directly with the politicians. At the same time, senior civil servants are mainly drawn from the middle management category, which means that managerial staff attain that status as a second stage in their careers, usually when they reach a certain grade.

It is accordingly important that the training policy should take account of this state of affairs and prepare staff to assume their future roles and duties, whether as middle managers or senior civil servants.

C) The special situation of managerial staff and senior civil servants

a) The role (or duties) of managerial staff

Managerial staff perform a variety of roles and duties, which we will discuss according to the definitions given by writers on the subject.

Firstly, they have functional command of the unit under their responsibility, which entails analysing and assessing the problems that may be encountered and managing, planning and organising the work to be done.

In addition to gathering information of relevance to their unit, they must manage it and distribute it to the staff under their responsibility.

They must also deal with the unit's external relations, acting as its representative and ensuring proper coordination between their unit and others within the organisation.

Mention must also be made of their personnel management responsibilities, which mean that they also have to handle day-to-day problems by assuming a leadership role and settling any disputes.

Lastly, the head of unit takes charge of the relevant budget, ensuring the unit's funding requirements are covered and managing all kinds of financial and material resources.

Training must naturally prepare managerial staff to assume all these roles and responsibilities.

b) Senior civil servants and their work with politicians

As mentioned earlier, the training dispensed to staff at managerial level must prepare future senior civil servants for their work with politicians. This principally involves participating in policy making, approval of policy decisions and their application, since actual implementation of policy is usually entrusted to other public agencies or bodies and subject to external appraisal.

At the policy-making stage, senior civil servants work closely with the politicians, whom they advise on the feasibility of proposed public measures in the light of available information on the economic or social issues to which a response is needed and the resources at the organisation's disposal in order to implement that response.

As to the resources they employ in their role of expert adviser, the information used must take account of the various administrative factors that come into play, i.e. the organisation's characteristics and structure, its human resources, budgetary considerations, the management process and information requirements. This latter term

refers to the information needed to implement and manage the proposed public measures on the ground.

At the policy-development stage, senior civil servants must again assess what measures should be taken to bring the political decision-making process to completion, since initial policy decisions may have been modified or adjusted during the approval process. However, above all, once the required resources are known, senior civil servants must take care of obtaining them and allocate them to the organisational units actually implementing the public policy decisions.

These tasks and duties of senior civil servants are characteristic of and specific to modern government. No mention was made of them in past eras or in Max Weber's bureaucratic model. That is why I underlined earlier that they constitute one of the issues to be addressed when determining the nature or general direction of modern-day training requirements.

3. Practical considerations

A) Generalists and specialists

This now brings us to a number of questions of relevance to our theme.

The first is whether training must be confined to generalists, or civil servants fulfilling general administrative responsibilities, or should also be opened up to specialists.

The answer partly depends on the organisational model of each country's civil service. For instance, in the United Kingdom the civil service is primarily made up of generalists in public administration and specialists are in the minority. In France, however, the *Ecole Nationale d'Administration* (ENA) dispenses general training to civil servants who are subsequently allocated to the various specialist posts to be filled. In my country, Spain, there are some civil servants with a general administrative remit, but there are also bodies of specialist civil servants, who enjoy considerable administrative powers.

Yet, although the government sector's internal organisational model determines the nature of the training dispensed to public servants, some components of that training must be common to both generalists and specialists. The basic principle to be borne in mind is that at a given moment the generalists will have to, or may be asked to, take general administrative decisions. However, account must also be taken of the fact that the specialists, although they often hold managerial posts, may be required to fill senior civil service posts and accordingly to advise politicians within the context of the ministry dealing with their specialist field (for example, doctors within the Ministry of Public Health or economists within the Ministry of Economy and Finance).

With that objective in mind, without modifying the basic training which gives each group of specialists an enhanced knowledge of their own discipline, it is important that certain training modules should be common to both generalists and specialists. Examples are the teaching of certain management theories and of utilisation of the

ICTs, while at the same time laying emphasis on the social role played by these staff as public servants and on the importance of their work with politicians.

B) University or specialised school

Another key practical question is which centre or institution will dispense the training. This entails deciding between the traditional alternatives of university or a specialised school for public officials, such as a national school of public administration or civil service training college.

Various solutions exist, the most sophisticated of which is to be found in Germany, where the Hochschule für Verwaltungswissenschaften in Speyer is both a university and a civil service college. Elsewhere, the study of public administration is a separate specialisation (at the University of Constance) or a branch of study in the Political Science Faculty. It is more frequent for universities to propose post-graduate courses on public administration (at master or doctorate level). However, none of these solutions is compatible with the existence of a school of public administration.

It can be seen that universities focus on the theoretical aspects, whereas the schools teach the general theory but at the same time place more emphasis on the practical aspects of the civil servants' role in society and on managerial skills. At the same time, the two kinds of institution sometimes view each other with suspicion.

One apparently well-founded argument is that the schools are vital, since it is only through them that public servants fully come to appreciate their role in society and develop capabilities and attitudes conducive to the fulfilment of their future responsibilities as senior civil servants advising politicians. However, it is of course just as important that the universities should continue to run courses on public administration, since their graduates succeed in acquiring a sound theoretical grounding that they can utilise later if they wish to train as civil servants.

C) Substance of training courses

We are now going to address what I regard as the most important practical issue, the substance of the training dispensed in the specialised schools to future civil servants, which must include a sound theoretical base, inculcation of awareness of the civil servant's role in society and training in public administration techniques.

a) Theoretical foundations

It goes without saying that the specialised schools must teach the theories which provide future civil servants with the necessary knowledge base. However, that does not mean requiring trainees to go back over ground they have already covered at an earlier stage in their education, a situation which must be avoided at all costs.

In the case of the specialised schools of public administration, it should be stressed that particular importance must naturally be given to teaching of the knowledge and skills specific to each speciality, with the aim of enhancing the prior

basic training acquired by staff in these fields. The principal difficulty encountered nonetheless lies in the choice of subjects to be taught to generalists, especially bearing in mind the weight traditionally attached to legal studies in many countries (including Germany, France and Spain). This virtual monopoly position held by legal studies within the training of civil servants is no longer justified in a modern context.

It is clear that the value of the legal knowledge amassed and passed on in countries with a strong democratic tradition, attached to the principles of the rule of law, cannot and should not be dismissed. However, that does not mean that training must be exclusively, or almost exclusively, concerned with legal aspects. Although they are subject to the law and have a duty to abide by it, public administrative authorities were not established to enforce compliance with legal principles, which is the specific role of the courts. Their remit is to safeguard public interests and to respond to the demands of society in a wide variety of fields, a role which goes well beyond strict upholding of legal standards.

Accordingly, apart from law and the theories of government and public administration, the knowledge imparted to future public servants must also include components that help them understand the situation on the ground and acquire the sensitivities needed to identify social needs. It is therefore essential that civil service training programmes should include elements of economy, political science and sociology.

b) Inculcating social awareness and responsibility in public servants

At the same time, as well as teaching of the skills necessary to do their job well, public servants must also be trained in the social dimension of their role, that is to say they must be transformed into genuine public servants. The main means of achieving this goal potentially include the following. Firstly, organisation of working meetings bringing together the trainees and the most senior members of the administrative hierarchy. Secondly, holding of seminars or conferences at which leading academics or public officials are invited to speak on themes of direct relevance to the government sector, thereby highlighting the close link between professional excellence in scientific disciplines and their practical application. Lastly, organising more practical sessions or workshops with holders of posts similar to those to which the trainees will be assigned in the near future constitutes a good means of preparing them to perform their public service role. Making it mandatory for trainees to spend periods in the different branches of the government sector would perfect their professional skills.

These methods, based on the most successful national practices, are most likely to ensure that trainees identify with the organisation they work for and become aware of their duty of co-operation with the politicians.

c) Managerial skills and new technologies

In conclusion, attention must be drawn to the importance of having training courses that cover managerial skills and the new technologies alongside the subject matter previously mentioned.

With regard to the former, staff have an essential need for knowledge of tax matters, personnel management and the psychological and sociological aspects of public administration, necessary to perform the managerial tasks entrusted to them as heads of various administrative entities.

Lastly, special attention must be paid to training civil servants in information technology, so that they attain a level surpassing that of the mere user and acquire advanced knowledge of the ICTs.

1st Session

What is « good administration » in a state governed by the rule of law ?

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1. Introduction

In this short paper I shall have to confine myself to a limited number of aspects of the broad subject of good administration, not forgetting to make the point that it is something that is of key importance to a state's development.

I therefore propose to address three topics: the independence of government departments, their professionalism and their organisation. These topics cover such issues as the separation of powers, the question of the participation of civil servants in political debate and their neutrality and impartiality, the values underpinning the service they provide to government departments and the public, the recruitment, training, treatment, appraisal and career development of staff and the establishment of the relevant objectives and budgets, effectiveness and efficiency, benchmarking and internal and external monitoring.

2. Some definitions

Before I tackle these three subjects, it is worth recalling the various concepts that are frequently used in this context, sometimes appropriately but at times in a somewhat confused manner, namely good administration, good governance, the rule of law and, lastly, democracy.

Good administration denotes the proper functioning of the state's administrative machinery, which, here, sometimes refers to the administrative machinery of the Executive – in other words, actual government departments – and sometimes denotes the administrative machinery of the three powers: the Legislature, the Executive and the Judiciary. Good administration is related to the independence, professionalism and organisation of that machinery – three aspects broached in this paper – but also its openness, its structure and its decentralisation and devolution, among other things. It should be noted that in many cases the principles of good governance are not actually binding, but take the form of soft law, and that the right to good administration is therefore not often recognised as such¹.

Over and above good administration, *good governance* concerns the proper functioning of the state itself, and not just its administrative machinery. It is reflected in such principles as the rule of law, respect for democratic values, respect for human rights and fundamental freedoms, effective judicial protection, civic participation and

¹ See, however, the European Union's Charter of Fundamental Rights, Art 41.

the protection of minorities and the principles of precaution, analogy², safety and security, financial rigour, good administration³ and the sound use of public resources.

The **rule of law** is one of the key principles of good governance, denoting the organisation of a state on the basis of observance of its legal rules by citizens and government bodies alike. These rules may be laid down by the government or recognised and incorporated by it into the country's domestic legal system, or may take the form of customary law by which the government must abide, or they may be general principles of law inherent in the legal system. These general principles of law, which are just as binding as rules laid down by the government, include the prohibition of the abuse of authority and the principles of equality and non-discrimination, the right to due process and the adversarial principle, the principles of legal certainty⁴, reasonableness⁵, proportionality and the separation of powers, the continuity and adaptability of the public service, and the principles of *patere legem quam ipse fecisti*, whereby the government department is required to abide by the rules it has itself issued, and *non bis in idem*, whereby someone may not be tried twice for the same offence.

Last but not least, **democracy** is a type of political regime based on the principle of the transfer to the government by the country's citizens – or, more broadly, the people under its administrative authority – of responsibility for exercising their individual sovereignty by means of a system enabling them to continue to oversee the exercise of that sovereignty, sometimes directly and sometimes through representatives. Democracy, which is likewise one of the key principles of good governance, is often, for that very reason, wrongly lumped together with the rule of law. These are in fact two quite separate, albeit complementary, concepts, as is borne out by the existence of undemocratic political regimes based on the rule of law.

3. Independence of government departments?

One thing must be made clear from the outset. Unless otherwise specified, the term “government departments” designates public services under the authority of the Executive.

Independence, neutrality and impartiality are, once again, concepts that are often confused and yet are very different.

In public affairs, independence means total autonomy; neutrality is an absence of political commitment, and impartiality means an unbiased attitude.

You will have noticed that the heading to this section takes the form of a question. The reason for this is that, by virtue of the principle of the separation of powers, government departments under the authority of the Executive are not actually

² Or the principle of a fair balance, whereby government departments must be subjected to similar requirements to those applicable to the members of the public with whom they deal.

³ Good administration is therefore one aspect of good governance.

⁴ This principle requires, in particular, that rules laid down and the administrative decisions taken by public authorities be non-retrospective, clear and accessible.

⁵ For a detailed study of this crucial general principle of law, see *Le principe du raisonnable dans l'action administrative*,

P-Y Monette, in *Chroniques de droit public - CDPK*, Ghent, 2001-3.

independent of the government. On the contrary, they are the operative wing of the government, the tool whereby it acts. It is therefore wrong, in structural, functional, organisational and financial terms – to mention the four classic facets of independence – to talk of the independence of government departments, even though particular departments may enjoy autonomy of varying degrees within the Executive.

Nor are government departments completely independent of the Legislature. Although, in accordance with the principle of the separation of powers, government departments are structurally independent of Parliament, they are subject to its oversight and receive only the budgets allocated to them by Parliament, which means that they are functionally and financially dependent on the latter. As regards organisational independence, it can be said that government departments are independent of the Legislature, in that it is highly unusual to see Parliament, when it carries out its task of overseeing the Executive, examine the actual organisation of government departments, even when it is legally empowered to do so; in this respect, it allows the government to remain in control.

Government departments are, however, independent of the Judiciary, just as the parliamentary and judicial authorities are independent of the government. Indeed, this is a crucial aspect of the separation of powers.

So although the concept of the independence of government departments is a highly relative one, their autonomy vis-à-vis government oversight may be very real. This may be a good thing, and yet this organisational and possibly functional and/or financial and sometimes even structural autonomy does not ultimately prevent government departments from being dependent on the public service that the government wants them to provide.

The **neutrality** of government departments is something quite different. Although the latter depend on the government serving the state and the citizens, and although, as the government by definition pursues a policy and is therefore not neutral, government departments are by their very nature involved in a political strategy, they are not themselves politically committed.

The neutrality of government departments enables them to refer constantly to the public interest and ensure that it takes precedence over interests specific to a group, class or community.

There is one question that invariably crops up. If a government department, as an organ of state, is neutral, is its staff likewise neutral? Clearly, administrative systems vary. The approach I favour entails imposing an obligation on the staff of government departments to refrain from actions incompatible with their duties and from political activities. For although a theoretical distinction must, of course, be made between government departments as such and the men and women of whom they are made up, experience shows that politicisation of the staff of the machinery of government (in the sense of a political commitment or participation in political debate) unavoidably leads to politicisation of the machinery of government itself.

The **impartiality** of government departments guarantees equal treatment of citizens. It is the direct corollary of the democratic organisation of a state since it

extends the principle of the equal sovereignty of citizens, the exercise of which each citizen has entrusted to the government, to the administrative level.

Although impartiality is therefore a safeguard against inequality and discrimination, it is sometimes a source of inflexibility and injustice. There is accordingly a need for means of exempting government departments from their statutory duty to treat people equally, but it is not possible, given the limited scope of this paper, to discuss the crucial issues of equality and equity⁶ here.

4. Professionalism of the public service

The quality of administration is central to the theme of this paper, and indeed of this conference. One way of tackling this extremely broad subject is to specify the principles of good administration, that is, the criteria by which the actions of government departments can be assessed as constituting good or bad administration.

These include:

- the principle of conscientious management (the requirement of professionalism);
- the principle of expeditiousness (the requirement that administrative action be taken within a reasonable time);
- the principle of compliance with reasonable expectations (fair play);
- the principle that people should be listened to and that of *audi alteram partem*, in other words the principle that all parties have the right to be heard;
- the principle of courtesy;
- the principle of appropriate access to administrative services;
- the principle that matters be referred to the competent department;
- the principle that records be kept;
- the principle that government departments should dispose of their property only in return for due consideration;
- the principle that public servants should receive appropriate, ongoing training;

and, even though they are more related to the openness of government departments:

- the principle that reasons must be given for administrative decisions;
- the principle that both active and passive information must be disclosed;
- the right of individuals to obtain access to their file;
- the principle of public access to administrative documents.

5. Organisation of the public service

Quite apart from the manner in which government departments provide a public service, which is assessed in terms of the principles of good administration, a government department must be run in such a way as to meet a number of organisational standards, especially in terms of:

- effectiveness (performance, computerisation, etc);
- efficiency (optimisation of human resources, etc.);

⁶ See, in this connection, *Du contrôle de la légalité au contrôle de l'équité: une analyse du contrôle exercé par l'ombudsman parlementaire sur l'action de l'administration*, P-Y Monette, in *Revue de Droit Constitutionnel Belge*, Brussels, 2001-1.

- responsibility;
- staff career management, in terms of recruitment, training, treatment, appraisal, career organisation (mobility), etc;
- and, of course, management, in terms of planning, budgeting, assessment and benchmarking.

2nd Session
Professional training of civil servants:
the search for competence for the purposes
of a good administration

Recruitment on the basis of competence

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In my presentation I will concentrate on the following topics:

- contemporary trends in human resources management in public administration in Europe and in the World,
- recruitment in the career-based and the position based system,
- Polish experience concerning recruitment in the Civil Service,
- classification of the systems of Civil Service and the place of the Polish Civil Service in this classification.

1. Trends in public administration.

We can observe four major trends that are affecting public administration. The first trend is the tightening of budget as far as spending on administration is concerned. There is a popular backlash against “unnecessary” spending and public pressure towards the reduction of the administrative costs and employment in the administration. Many governments are following that trend and are instituting large scale reductions of administrative work force. The budgetary constraints create challenges for recruitment, since the trend is to keep older civil servants rather than take on new staff. Also, budgetary constraints prevent administrations from retaining personnel, as they cannot compete with the private sector as far as salaries are concerned. There is also a critical shortage of skills, since the best experts, both young and older, are lured by the private sector in preference to the administration. To cope with these challenges administration is modernizing its recruitment system and introduces other instruments such as flexible work time, in order to attract and keep its staff.

The second trend is the growing expectation from the public concerning quality of the administration, and its performance. This public pressure leads towards applying a more client-oriented approach and increased concentration on introducing and improving quality standards in the administration. The third trend is the pressure towards greater efficiency. To achieve this goal, new payment and appraisal schemes are introduced, that are based on judging civil servants’ performance. The last trend is connected with the labour market situation. In some countries the unemployment rate is low, which makes the competition tighter on the labour market between administration and the private sector. In other countries, like Poland, the unemployment rate is high and there are few problems with work force availability; however, the challenge remains of recruiting the best people for the job.

Recruitment tools are getting more complicated and more multidimensional. A good example is an assessment centre. These new tools are more expensive than traditional recruitment tools and many administrations are too poor to use them. This situation is working in favour of the private sector which is gaining an upper hand in search for the best candidates.

The problem which many administrations face is the ageing of the population, which results in the ageing of the administrative staff. From data collected by the OECD the percentage of civil servants aged 50 to 59 has increased from 18% in 1995 to 25% in 2001. It means that a vast portion of civil servants will retire over the next 5 to 15 years in many OECD countries⁷. That puts pressure on the administration to replace outgoing civil servants with valuable new recruits at a time of shrinking labour markets and increased competition from the private sector. Apart from the recruitment process, innovative measures are required with regard to remuneration schemes and working time arrangements in order to retain the best of the newly recruited staff.

Since the end of the 1980s special regulations on recruitment of civil servants have been abandoned in favour of labour legislation. Contracts are short-term, collective agreements are often less advantageous than the provisions of the labour legislation.⁸ The subsequent concluding of a fixed-term contract is performance-related, which strengthens motivation to better work.

Contractualization entails replacing an employment relation governed by public law with an employment relation governed by private law, as well as management methods whereby specific objectives are attained by specific means. While the “old” civil servant rigorously applied the provisions of law, which was the end for its own sake, the “new” civil servant must be oriented towards the citizen and the quality of services he provides. A unified staff management model is gradually abandoned in favour of an individual approach in which more attention is paid to civil servants’ competence. Their career is related to individual achievements, assessed periodically. Moreover, civil servants are encouraged to favour structural and functional mobility and to gain experience in the private sector.⁹ From the civil servant’s point of view, a career in the civil service is less predictable.

Human resources management is becoming more flexible also in the area of motivation and remuneration. The decentralization process consists in devolving responsibility from the central government to the ministries and in simplification of rules and procedures. The central government still has competence in the field of appointment, remuneration and classification of higher posts, managing top civil servant positions, equal opportunities, health, security, codes of practice and

⁷ *Public Sector Modernisation: Modernising Public Employment*, OECD, 2004, see <http://www.oecd.org/dataoecd/35/16/33714681.pdf>

⁸ *Trends in Human Resources Management Policies in OECD Countries. An Analysis of the Results of the OECD Survey on Strategic Human Resources Management*, document GOV/PGC/HRM(2004)3, p. 6.

⁹ See *Career Development as an Effective Tool to Enhance the Attractiveness of Public Employment*. Study for the 40th Meeting of the Directors General responsible for Public Administration in the European Union and the European Trade Union, Athens (Greece), 20 June 2003.

disciplinary procedures.¹⁰ Many countries are introducing tenure of office with regard to senior positions in public administration. Examples of changing civil service status in the EU countries are shown in the following table.

Table. Changing civil service status

<i>Countries</i>	<i>Changing civil service status</i>
Austria	Employment on an unlimited contract basis with regard to mid-level and senior positions have been replaced with fixed-term contracts
Belgium	6-year “mandate” system for managers (Director General and two levels below)
Denmark	Special regulations on employment in the civil service have been replaced with a collective agreement
Ireland	7-year term of office for permanent secretaries, not renewable
The Netherlands	3 to 7-year appointment for senior positions
Spain	6-year appointment for heads of agencies, renewable for another 3 years
Sweden	Appointment replaced with employment on a permanent contract basis (with the exception of a few positions, e.g. judge)
Switzerland	Change in civil service status; all staff have employee status under labour laws

Source: based on *Trends in Human Resources Management Policies in OECD Countries, An Analysis of the Results of the OECD Survey on Strategic Human Resources Management*, document GOV/PGC/HRM(2004)3, p. 6

2. Recruitment in the career-based and position-based system

When analysing the system for recruitment and career development of the various administrations, two systems are usually mentioned : the career-based system and the position-based system.

In the career-based system civil servants are hired at the very beginning of their career and are expected to stay in public service throughout their working life. There is little possibility to enter the administration at the latter stage of one’s career, and especially at the higher post. Professional experience outside the public sector is

¹⁰ *Trends in Human Resources Management Policies in OECD Countries*, op.cit., p. 13.

not recognized or attaches little value in the recruitment or assessment process. Recruitment is based on formalized procedures such as exams or tests and the most important for the recruitment are the academic credentials of the candidate. Beginners entering the administration firstly go through the training period (preparatory service) which gives them a knowledge of the administration and the values and rules governing its functioning. Promotion is based on system of grades attached to the individual rather than to specific posts.

Career-based systems tend to promote collective values at entry in specific sub-groups of the civil service, with relatively weaker cross-hierarchical and cross “corps” values. However, there are certain weaknesses, such as a more difficult emphasis on individual performance and accountability and a bias towards the “generalist” skills.

In the position-based system the focus is on selecting the best-suited candidate for each position by external recruitment or internal promotion. Late entry into the civil service is quite common. In the position-based system recruitment focuses on skills and attitudes rather than on general academic knowledge. Professional experience outside the public sector is an asset. There is no obligatory preparatory service. Promotion usually entails a change of post and depends on individual performance appraisal.

The main strengths of the position-based system are a promotion of competition among civil servants and an accent on individual performance and accountability. In the position-based system the links binding civil servants across the hierarchy and status are relatively stronger. Its weaknesses are a relatively high turnover ratio and weaker common values.

The career-based system is common in continental Europe. Among countries that are using it are France, Spain, Turkey, Greece, Slovakia and Ireland. Outside of Europe, the career-based system is in use in Japan and Korea. The position-based system is popular in the United Kingdom and the Scandinavian countries as well as in Switzerland¹¹. As previously stated, both systems have their advantages and disadvantages. Any changes made to the administrative system must be undertaken carefully and take into account the administrative tradition of the country introducing these changes.

3. Recruitment in the Civil Service: a Polish experience

During the period of the Communist regime the system of state service in Poland was based on the arbitrary and unabridged rule of the Communist party. Therefore there were no clear legal rules concerning recruitment, promotion and training of state servants. The most important deciding factor of recruitment and promotion in this system was loyalty to the Communist party and to the current ruling faction. The system of *nomenklatura*, or the list of positions or jobs that could only be held by those persons approved beforehand by the Communist party, was vast, especially at the level of the state administration.

¹¹ *Trends in HRM Policies in OECD Countries, OECD 2004.*

After 1989, work was initiated in Poland to establish a professional and politically neutral civil service. The broad spectrum of political forces agreed that such a civil service was one of the conditions for building a democratic and prosperous state. The first Act on the Civil Service entered into force in July 1996. It divided the positions in the public administration into political positions (ministers, vice ministers, political advisors to the ministers, voivodship governors) and positions that were politically neutral and thus independent of political changes. The Constitution of the Republic of Poland of 1997, in its article 153, endorsed the idea of a professional and politically neutral corps of civil servants operating in the governmental administration.

In 1998 the new Act on Civil Service, which is currently in force, was passed. It divides the members of the civil service corps into two groups: employees of the civil service and nominated civil servants. To achieve a status of nominated civil servant a person must fulfill several obligations (among others, two years working in the civil service, a Masters degree or equivalent and a knowledge of at least one foreign language) and obtain a high enough score to be on the shortlist for appointments within the annual qualification procedure.

The Civil Service Act seeks a rules of openness and competitiveness for recruitment to the Civil Service Corps. The rule of openness indicates the necessity for making public announcements of vacancies in the public administration, whereas the rule of competitiveness implies employing the best candidate. Requirements are defined separately for each job position.

One job advertisement generates an average of 35 applications. For positions which do not require experience there are often several hundred. Up to the year 2003, 30 000 vacancy notices were published, which corresponds to 25% of the whole Civil Service Corps. Recruitment for the Civil Service Corps is carried out in a decentralized manner and is therefore the responsibility of each particular office. A recent amendment introduced the obligation to publish the list of candidates who have submitted their applications and to publish the name of the candidate who was selected, with a justification for that choice.

Each employee who takes a job in public administration for the first time is obliged to complete a six-month preparatory service finalized with an exam. The aim of this service is to prepare the employee both theoretically and practically for the proper performance of professional duties.

Higher positions (directors-general of offices, heads of departments or units and their deputies – over 1500 positions) are filled as a result of competition. The idea of competition is to free the high positions from political pressure. However the experience of governmental changes shows that, especially at the level of crucial posts such as directors-general, pressure has been reduced very little. There are three ways in which higher positions are filled. Firstly, there are the positions that were filled before the entering into force of the Act on Civil Service (July 1, 1999). Secondly, there are the positions filled by way of competition. A high percentage of the positions are still filled by the “acting” directors, who are “temporarily” appointed, mostly on the motion of their political superiors. However the number of “acting” higher officials has been diminishing.

4. Remarks on classification of the systems of Civil Service

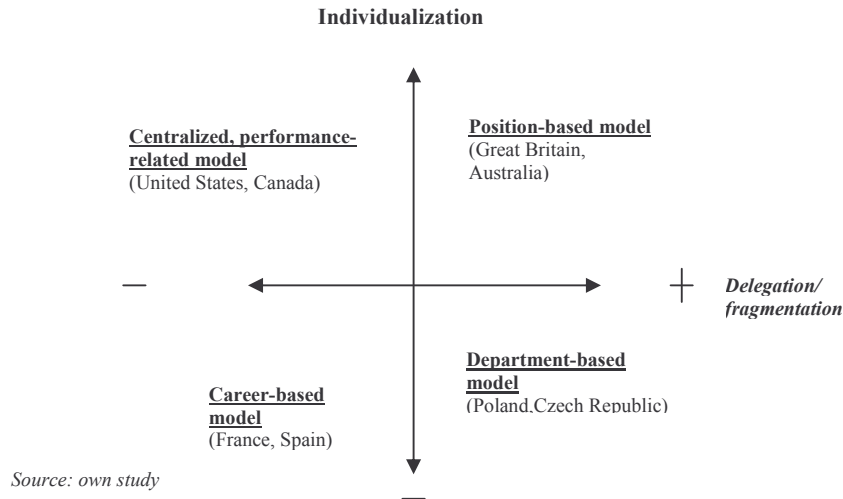
With regard to my remarks concerning the system of Civil Service in Poland I will try to answer the question of whether this is a career-based or position-based system. According to research done in the framework of the SIGMA program and by the EIPA, the Polish system is a career-based system or is close to career-based system. However some elements of the position-based system are present in the Polish system. Firstly, recruitment is made to specific positions; secondly, the higher posts are filled by way of competition.

The OECD study has shown that the traditional career-based and position-based models do not reflect reality. The new division of the civil service systems will be made based on two dimensions. The first is individualization, which measures to which extent rules and practices apply to an individual rather than to the group. The individualization indicator also measures how much power Directors-General have in creating work relations, establishing remuneration rules or introducing performance related bonuses. The second indicator is delegation/fragmentation, which measures at which level strategic decisions are taken (central, ministerial or lower).

A division based on these indicators gives us four groups of countries. Countries with a low individualization value and with a low delegation value represent the classic career-based system (France, Spain). On the opposite side of the spectrum sit countries with a high individualization value and a high delegation value, which constitute the classic position-based systems (Great Britain, Australia).

Countries with a low delegation value and a high individualization value (United States, Canada) represent the centralized performance related model. Finally, countries with a low individualization indicator and a high fragmentation indicator are Poland and Czech Republic. This is the department-based model, which is characterized by a low mobility between departments. The administration also lacks the whole governmental approach, as the interests of a particular department are perceived as those of the government as a whole. The above-mentioned civil service models, with examples of countries, are illustrated in the following chart.

Chart. Civil service models according to individualization and delegation/fragmentation criteria



To end, I wish to recapitulate the thesis of my presentation.

1. The greatest challenges facing public administrations are the pressures on tightening of the budget, growing expectations from the public concerning the quality and performance of the administration, the trends on the labour market concerning changes in the unemployment rates and the ageing process of the population in many developed countries.
2. The classic division with regard to human resources management systems in the public administration is the one between the career-based system and the position-based system. Both of these classic systems have their advantages and disadvantages, with the career-based system tending to provide better cohesion of administrations but worse performance appraisal procedures whereas position-based system put stress on individual performance but create less common values for the corps of the Civil Service.
3. Changes introduced in Poland after the fall of the Communist regime aim at the creation of a professional and politically neutral civil service corps. However, political pressure on the recruitment procedures, especially concerning the higher posts, has not yet been sufficiently tackled.
4. The latest surveys show that the way to describe systems of recruitment and management of public administration that is better than the classic division into career-based and position-based systems, is the division that is based on the two indicators: individualization and delegation/fragmentation. According to this division, the Polish civil service system belongs to the department-based system, in which the individualisation indicator is low but the delegation/fragmentation indicator is high.

Appropriate training – panel discussion

Mr Serge PEFFER
Training Institute of the Federal Administration (Belgium)

I. Initial training

A. Organisational arrangements

Between 1937 and the establishment of the IFA in 1963, fast-track civil servants recruited to work in government departments were given a year's training under the supervision of a training officer in the department concerned. This included initial training in the field, mainly covering work-related matters.

In 1963, following an exhaustive reform of civil servants' conditions of service, a centralised training institute for all government departments was opened.

The institute's first task was to devise and implement a joint initial training course for new recruits to fast-track civil service posts in government departments.

In the process, both Latin methods (such as France's *Ecole Nationale d'Administration*/School of Public Administration) and Anglo-Saxon approaches were tested in the light of existing Belgian civil service practices.

A mixed approach was adopted, combining structured formal training under a director general of training under the authority of the Prime Minister and on-the-job training directed by a departmental training officer.

Initial training is provided in the form of sandwich courses.

Currently, the IFA forms part of the Federal Public Service for "Staff and Logistics" and operates under the political authority of the Federal Ministry of the Civil Service.

The Selection Office of the Federal Civil Service (SELOR) is also a part of the "Staff and Logistics" Federal Public Service.

Initial training for fast-track civil servants recruited through SELOR for government departments is still managed by the director general of IFA in conjunction with the officer responsible for training in the department to which the trainee is assigned.

At the beginning of the one-year initial-training period, a custom-built programme is drawn up in consultation with the new recruit, the departmental training officer and the IFA.

This programme has both a common core and a tailor-made element geared to the trainee's professional functions, academic qualifications, professional experience and needs.

At the end of the initial training period, trainees must hand in a dissertation on a subject linked to their work.

B. Aims

The initial training devised and run by IFA with its partners in the departments has three aims:

- to integrate trainees into the federal civil service, which has its own values and objectives in Belgian society. Its values in its relations with society at large are as follows:
 - fairness or neutrality;
 - user satisfaction;
 - professionalism;
 - openness.
- to acquire knowledge and skills relating to the institutional framework (constitutional and administrative law) and management systems (budget, public tendering, management techniques).
- to fill specific, job profile-related skills gaps.

C. Methods

The IFA is not a conventional school of public administration. When providing initial training it can adapt its programmes at any time to meet the needs of requesting departments or direct users.

Neither does the IFA have its own teaching staff. Instead it makes use of all the available resources, including university professors, private trainers, consultancy services and others, according to its needs.

II. In-service training

A. A right and a duty

The conditions of service of Belgian civil servants specify that civil servants have the right and the duty to attend in-service training.

B. Conditions

The in-service training provided by IFA takes the form of day-release courses, that is to say courses spread over time, for which work exemptions or training leave are granted. The result is that civil servants are never far away from their departments for long.

IFA in-service training does not entail any costs for civil servants or their employers save, where necessary, for transport and subsistence expenses.

C. Link with career development

None of the in-service training courses are compulsory but they may be prerequisites for pay-rises or promotions.

D. Types of in-service training on offer

IFA offers several different types of in-service training:

1. Open training courses

Open training courses are listed in an annual catalogue and meet professional development needs expressed by civil servants themselves or their superiors. Civil servants wishing to attend such training courses must make a formal request endorsed by their head or the departmental training officer. Heads must also undertake to facilitate training and evaluate the results.

In 2005, the open training course catalogue lists over 100 titles of training courses, taught in French and Dutch.

2. Tailored training projects

In addition to these annual training courses, the IFA devises and runs tailored training projects at the request of departments, meeting specific needs which are not covered by the published programme.

3. University public administration courses

For six years, the IFA has been running a management refresher course for 50 civil servants selected on the basis of applications.

The course is taught by universities, which are chosen as a result of a call for tenders.

The course is spread over 11 months and comprises some 40 days of classes, together with practical work and placements in Belgium and abroad.

4. The training investment programme

IFA is not the only body to provide training for the federal public services. Each government department or agency is entitled to make use of universities, training institutes or the private training sector and has a training budget for this purpose.

However, it does seem that most services mainly invest in training designed to provide operational support and less in innovation. Furthermore, funding is often inadequate.

To encourage training in more innovative and strategic areas, the IFA has awarded, each year for the last fifteen years, an interdepartmental grant for training on the basis of projects on one or more themes chosen by the Civil Service Ministry. In 2005, the theme was "Internal transmission of expertise".

5. In-service training linked to career development

Belgian civil servants can attend training courses preparing them for promotion to a higher grade or courses enabling them to convert to different duties within the same grade.

The IFA is currently in the process of introducing the latter type of in-service training, which it has called “certified training” and which can influence career development within the same grade.

Certified training is not compulsory but the civil servant’s choice is limited by the category of functions (for grades B, C and D) or the career stream (for senior or A grades) into which his or her post falls.

For grade A, 17 career streams have been identified and, in each stream, IFA will be offering ten or so different types of training course in 2006. Each certified, grade-A training course will last five days.

These courses will be both “certified” and “certifying” – “certified” as they will be devised according to a unique methodology and validated by a different committee of experts for each career stream, and “certifying” because civil servants who pass the tests at the end of the course will be issued a “certificate of proficiency” confirming that they have acquired new skills.

Certificates will entitle holders to an allowance (added to their pay) or a promotion, depending on their starting point.

III. Changes and prospects

Changes in the professional environment at international level and European harmonisation in vocational training are influencing the situation in Belgium in several respects:

A. Investment in training

Generally speaking, investments in in-service training expressed as a percentage of wage bills are currently increasing in all industrialised countries as a result of the introduction of new technologies and new management tools.

In the Federal Belgian service, training investment amounted to 1.23% of the wage bill in 2002 and 1.72% in 2003. The aim for 2005 is 1.9%.

The medium-term goal is 2%, which should be close to the European average.

B. Satisfying needs

Apart from an interruption brought about by the reorganisation of the Belgian civil service between 2000 and 2002, the range of training on offer has increased steadily.

As a result of the introduction of certified training at all grades, this increase is occurring both horizontally and vertically – horizontally by covering all the civil service professions and vertically by covering all staff grades.

C. Certification of skills

In compliance with the Conclusions of the European Summits in Lisbon and Santa Maria de Feira (respectively in March and June 2000), the Belgian civil service has been progressively introducing procedures for the certification and validation of skills acquired in the course of professional careers.

Increasingly, civil service recruits are being asked to provide certification of their experience and skills in addition to proof of their academic qualifications. Access to the civil service is no longer limited exclusively to beginning-of-career posts but is now possible in higher grades which used to be reserved for promotions.

The Belgian civil service would appear therefore to be moving in the direction of a mixed system, somewhere between a career-based and a post-based model.

Mrs Maria GINTOWT-JANKOWICZ
National School of Public Administration (Poland)

Major issues

"Appropriate training of civil servants to date" is a perfect topic for our panel discussion as it provides the opportunity for a comprehensive and useful discussion.

Personally, I would suggest that while looking for answers we should not lose sight of certain issues, which I believe to be of vital importance.

First of all, administration is a historical phenomenon, extremely complex and thus in a sheer force of inertia. In other words, the condition of administration today is the result of politics, not only today but also in the past, and the degree of both economic and social development in a given society.

Secondly, it is therefore not by accident that for almost half a century six, nine and later fifteen EU member states left administration within the exclusive competence of national states, practically not taking any steps to at least harmonise certain aspects.

Thirdly, the quality of administration (that is a good administration or an administration which is not good enough) depends not only on people and structures but also on many other factors, to the same degree, which include: the legal system, formal and informal procedures, financial flows. This is the context we have to take into consideration when attempting to answer the question addressed.

The effectiveness of 'initial training' or 'on-the-job training' as a way of preparing for a job depends on the conditions, place and time. In cases of the launching of unexpected transformations as unprecedented as in Central and Eastern Europe, it is indispensable to provide initial training. In turn, in a state with a longer democratic tradition, higher level of civic awareness, experienced and well performing administrations, practising on-the-job training is undoubtedly an excellent way of preparing for a job. In other words, for a newcomer there is much of value to learn and there are many people to learn from in the work-place itself.

It is a great challenge to launch initial training as well as further training when radical and omnipresent political changes are taking place. It is the government's task to organise appropriate training in such a way as to encourage people who have the given potential to acquire knowledge quickly as well as set the public interest as their goal and superior good.

Appropriate training should, in effect, quickly provide public administration with personnel of overall competence, with a strong motivation for public service, completely honest and who have both the willingness and the skills to be of use to the administration by serving and helping others.

Finally, I take the side of those who are of the opinion that it is rational and useful to set goals for the training of national civil servants on a supranational scale. On the other hand, national institutions should be given considerable flexibility in establishing appropriate criteria for a given place and time as well as regards recruitment procedures, training programmes and also methods of conducting them.

Mr Jaime PEREZ
National Institute of Public Administration (Spain)

I. Introduction

A few characteristics of Spanish public administration must be previously defined to understand how civil servants are trained.

1) **Spanish public administration is decentralized.** Most civil servants belong either to regional public administrations (50%) or local (30%). Thus, only 20% (approx. 450.000 public employees) belong to general administration. Even so, basic common legislation rules every public administration and its civil servant regulation. There are also public funds to coordinate training in different public administrations (further detailed).

2) **Civil service is organised on a career basis** instead of job position system, which means:

- i) *Civil servant ruling provides a steady relation with public administration.* Thus, there will be a **specific importance of “on-the-job training”** to update skills and knowledge of employees which will continue until they retire.
- ii) *Career-based system is organised not on specific jobs but on professional profiles.* These profiles can be either general profiles (human resources, economic-financial management, etc.) or specific profiles (diplomats, state lawyers, architects, etc.).

There can also be upper profiles or lower profiles (top management profiles, intermediate assistants or support staff)

The organisation of the public civil service on **profiles will define what training is needed** (since training profile competences will differ from training job competences). Additionally, **promotion between profiles** (general to specific or lower to upper) **will require specific training** to ensure those requirement profiles are acquired.

- iii) General profiles recruitment is centralised by a Ministry (Public Administration Ministry. Public Administration National Institute-INAP) and specific profiles are recruited by decentralized Departments (Foreign affairs, Agriculture Ministry, etc.). **The public actor which defines the profile needed on recruitment and selects it will, in most cases, determine the needs for its training and provide it.**

II. Professional training of civil servants: the search for competence for the purposes of good administration

1) Recruitment on the basis of competence

i) Introduction:

Recruitment organised on a career-based system is, either centralised by a Ministry or decentralised, depending on the profile recruited.

ii) Minimum conditions for recruitment

- a On the whole, the **selection** of officials is **highly formalised**. It is enshrined in the Constitution (articles 23.2 and 103.3) and in different laws setting out the reference legal basis and in particular the conditions of access.
- b A **clean criminal record** is required.
- c The **nationality** condition raises the question of European Community citizens' access to a national civil service. In principle, the condition does not apply to citizens of Member States of the European Union. However, exceptions may be made for jobs involving the exercise of public authority and aimed at protecting the general interests of the State (diplomats, judicial system, fiscal powers, etc.).
- d As regards **qualification**, a university degree is required for access to the highest category of civil servant.
- e The general trend is to abolish **age limits** in order to avoid accusations of ageism. In general, the minimum recruitment age is 18 years of age.
- f As regards **language knowledge**, mastery of the official language(s) of the country is a legal obligation in most competitions. This is quite relevant to access to regional administrations where co-official languages co-exist (Catalonia, Valencia, Balearic Islands, Basque country or Galician Autonomous Regions). Exams or certifications are required. Foreign languages are required (mainly English) at the highest categories, having specific importance for specific profiles (diplomats, international commercial relations, etc.).
- g Candidates have to **pay a symbolic registration fee**. The fee varies from 7 to 25 Euros depending on the level of the competition although unemployed or disabled candidates do not have to pay it.

iii) Selection criteria

- a Owing to the application of the principle of **transparency**, information on vacancies in civil services is accessible to everybody. Freedom of information and the resulting opportunity to apply for jobs are therefore guaranteed. Competitions must be published at least in the official gazette. There is also a publication in January of the competitions planned for the following year setting the number of jobs authorised to be filled in the State administration. The definitive dates of the competitions are subsequently published in the official gazette and on the web.
- b The **equal opportunities** principle is applied by all Member States in order to avoid any form of discrimination during the selection procedure and to accept all applications without any distinction. Special efforts are being made related to disabled candidates: 5% of vacancies are reserved to them; exams may be adapted in order to give the disabled the best possible access to tests; they might even have separate recruitment processes.
- c **Equality of access of citizens to public vacancies** means that there is an on-line registration system that co-exists with registration on paper.
- d To guarantee **equal treatment for all candidates**, different measures are taken; i.e oral exams or reading of writing exams are public: anyone can attend, even another candidate for the same competition, which could help him/her prepare him/herself. Multiple-choice tests are evaluated through procedures that guarantee an anonymous evaluation.

iv) Nature of the tests

- a Candidates are notified of the programme for tests; they are thus **questioned on subjects fixed in advance**. Generally, a knowledge of the public administration concerned (constitutional or administrative ruling, civil service regulation, etc.) is required of them.
- b **Multiple-choice tests** are used when a high number of candidates take part.
- c **Written and oral exams** are necessary to evaluate knowledge of the required subjects (oral exams are generally required only for the upper ranking profiles).
- d **Practice tests** must be foreseen if there is more than one exam.
- e **Psychological tests** are commonly used for specific profiles (i.e. police and military)

- f **Interviews, examination of documents** (curriculum vitae, etc) or **work experience** are not required or considered as a rule. In fact, ruling on recruitment requires tests (“oposiciones”) as the average procedure for recruiting civil servants, documents or work experience (“concursos”) being allowed as an exceptional procedure.
- v) Board
 - a Recruitment is carried out through boards. Generally these boards are not permanent, but are created for each competition concerning the different categories of civil servants. Exceptionally, permanent boards can be created if special conditions occur (a massive number of candidates, etc.).
 - b Boards generally comprise officials of a grade higher than or at least equal to that of the vacancy. They might include specialists not attached to public administration (psychologists, language experts, etc.).
 - c Board members must have no family links or other conflict of interest with candidates.

2) Appropriate training

Appropriate training can be initial or “on the job” training.

Initial training

- i) Purpose: Initial Training is strongly linked to recruitment processes. In Spain upper and intermediate profiles go through **compulsory introductory training**. This lasts three to six months, although it can from one to five years for specific professions (judicial, police or military officials) and is an integral part of the selection process.
- ii) Who is involved?: Initial training can be given through centralized Ministries for general profiles or decentralised for specific profiles. It is **given by Public Schools** specialised in the subject. The Public Administration National Institute, a public organisation dependant on the Ministry of Public Administration, provides this training for general profiles (civil administrators, manager assistants, etc.). There are also Public Institutes that provide it for specific profiles (Fiscal Studies Institute, School for Diplomats, School for Judges, Military or Police Academies, etc.).
- iii) How is it developed?: Since knowledge requirements have already been tested at the recruitment stage, the subject **is approached in a practical** rather than academic manner. To guarantee this orientation:

- a Most professors are civil servants with real experience in the subject given.
 - b Methodology is based on the case-study approach.
 - c There might be a probationary period in an organisation for a short period of time (not more than a few months) to facilitate a first approach to public administration.
- iv) Subjects taken into consideration: **Topics analysed** depend on the initial training but some considerations might be made:
- a General knowledge of public administration general knowledge is common to any process although it acquires more importance when it has not been tested before. Ethics are also taken into consideration in initial training.
 - b New technologies related to profile requirements are also common topics.
 - c Professional abilities might also be a frequent topic (negotiation, dealing with conflict, team-working, time-planning, etc.).
 - d Specific training related to profile recruited with a practical approach is also a common subject.

“On the job” training

- i) Purpose: Most of the civil service training is focused on “on the job” training since, as was explained before, most public employees will develop their career in public administration up to their retirement.

Training will focus on updating skills of public employees. Additionally, will be a means to promotion since training can be considered as competing for new job positions.

- ii) Who is involved?: “On the job” training can be given by Public Schools as initial training, but most of it is offered by any public organization as part of human resources policies (any ministry or public organization can offer “on the job” training). Even trade unions receive funds to offer this type of training.
- iii) How is it developed?: “On the job” training, by its very definition, has tried to achieve two main objectives: To create a fund with enough continuous resources to finance it, and to **ensure some management coordination between the public administrations involved** (planification or evaluation process). To achieve these:

- a. There is a common fund coordinated by the central administration that is distributed to every public administration (state, regional or local) or trade unions under common principles and priorities. This distributing is done by a board comprising the main actors.
 - b. Every public administration responsible for training must propose a yearly training plan that must be previously approved by the board.
 - c. Every public administration must assess training developed under common systems.
 - d. The resources come from public employees' salaries (0.42% of every public employee's salary).
- iv) It is also necessary to analyse whether civil servants have the **right to training, or whether it is compulsory for them.**
 - a. Generally, training is based on voluntary attendance, although attendance at a course could be required.
 - b. Every training activity is known in advance, so that anyone who fulfils the requirements (job position, previous experience, years as a civil servant, etc.) could apply.
 - c. Authorisation from the hierarchy to apply for the training activity is needed in order to ensure the need for the training and the availability of the public employee.
- v) Type of training: Some figures give an indication of the main aspects of the Spanish system of "on the job" training (figures related to approx. 2 million public employees):
 - a. Resources: 93 million € (2005 information)
 - b. Distribution between public administrations: State (20%), Regional Administration (40%), Local Administration (20%) and Trade Unions (20%).
 - c. Public employees involved: Over 500.000 (2003 information)
 - d. Hours given: Over 1.000.000 (2003 information)
 - e. Most common activities are related to: managing, economics and budget, human resources, legal assistance, new technologies, languages, specific training, etc.¹²

¹² Annual Reports related with training can be found at <http://www.inap.map.es> ("Portal de Formación Continua").

3) Essential assessment

Assessment of the training is coordinated between the administrations to achieve homogeneous information. The subjects (quality and quantity), the approach, the professor, the means, etc, are assessed for each activity.

Depending on the results changes are made in the planning for the following year.

III. Management and quality in the training of civil servants: the search for efficiency in public administration

Quality management training is considered a priority in most training plans, specially when referring to upper professional profiles (management and directive). It can be taken through initial training or “on the job” training, specifically for some job positions that must develop these policies (such as Quality Units created in every ministry).

Additionally, training is given on the EFQM (European Foundation for Quality Management) model to those organizations that apply for it (over 80 in Central Administration).

IV. Ethics and the training of civil servants: the search for objectivity and impartiality in public administration

Training on ethics is included in initial training (where it is considered essential) and “on-the-job-training”.

There are also mechanisms for avoiding conflict of interest which are part of the civil service regulation. Thus, most civil servants cannot be taken away from their job positions to ensure independence from political pressure.

Additionally, national regulation requires that civil servants do not take a position whenever a conflict of interest occurs (family links, economic interests, etc.). Moreover, codes of ethics have been approved, especially with regard to higher positions.

Finally, disciplinary and criminal measures exist if such rules are not followed.

Essential assessment

Assessment of the training

Mr Osvaldas ŠARMAVIČIUS
Director of the Civil Service Department
Ministry of the Interior (Lithuania)

It is a great pleasure for me that our conference is being held in Lithuania, Lithuania which became a member of the European Union on 1 May 2004. I consider that the subject that I wish to present to you is very important not only to the Civil Service of Lithuania, but also to the administrations of other countries of the EU. We have a common goal: professional civil services, that co-operate closely. We can only reach that goal through a common training network, common requirements for competence and constant attention to the quality of training. I believe that in this respect this conference will reach the goal that has been set.

Let me introduce you to the context in which the Lithuanian Civil Service training system operates.

The essential changes in modernizing the Lithuanian Civil Service started 15 years ago. Until the present civil service reform went through, several phases and two main directions were implemented : the creation of civil service institutional structures and a legal basis. During this period the political system of Lithuania became independent. It adopted the present day European democratic and multicultural characteristics.

Gradually the understanding of administration is changing. Public administration is understood as a public process, which could be affected by citizens by publicly controlling and evaluating the work of the administrative institutions. Citizens can participate in the decisions of local administrations when the central government delegates its tasks to regional authorities.

In this context society has changed its view of the Civil Service. More is required from civil servants. There is now the tendency to have an administration which is professional and costs less and which responds faster to changes. Becoming a member of the EU conditioned the creation of a civil service which would meet the standards of the EU.

After an evaluation of all these features, a revised Law on the Civil Service (LCS) was adopted. A mixed career and position system in the Civil Service was set up with this Law. A model was chosen that helped to keep professional civil servants in the service. Elements of this model are, for example: the possibility of a higher position and better remuneration, as well as the possibility for the civil service to react swiftly to changing market conditions. In 2003, the Civil Service Department was placed under the Ministry of the Interior in order to independently perform the functions related to the Civil Service. Since the reform, the Lithuanian Civil Service is now made up of:

- A central administration, comprising 267 public administration institutions and offices. Approximately 10 thousand civil servants work in these institutions;
- A territorial administration, comprising 487 institutions and offices with approximately 8 thousand civil servants;
- A municipal administration, comprising 180 institutions with approximately 5 thousand civil servants.

The reform of the Civil Service has improved the quality and increased the professionalism of civil servants. The European Commission noticed this in its 2003 report on progress in Lithuania. Today, therefore the statistical characteristics of the civil servant of Lithuania are: 42 years old, 8 years of work experience in civil service, more than two thirds have a university education, 67 percent speak Russian, 38 percent speak English, 20 percent speak German, and 10 percent speak French fluently.

The reform of the Lithuanian Civil Service has influenced the Civil Service training system, which was first created in 1995 when the Officers' Law was adopted. Even though the Officers' Law did not establish the civil service according to European standards, it recognised the importance of improving qualifications. The first training projects were often started with the support of international institutions or with donations from foreign funds. Interesting programmes were proposed but they were not feasible in Lithuania.

When the Law on Civil Service was adopted it became necessary to stabilize the market for the training of civil servants. The Lithuanian Institute of Public Administration was established which, according to the Law on Civil Service, had to carry out the main functions of training civil servants. A systematic training of civil servants was started.

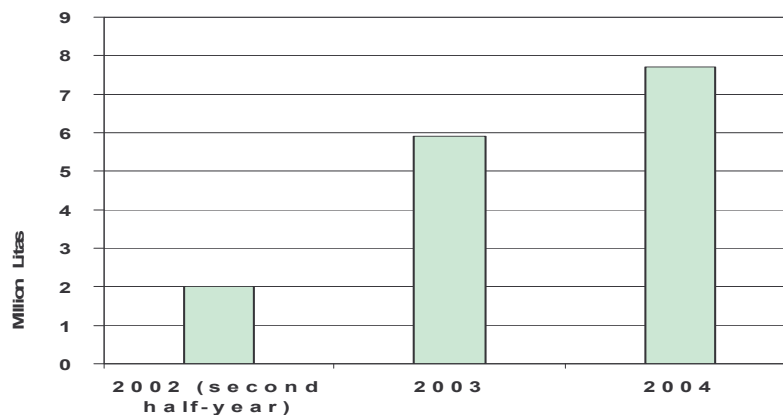
When the new 2002 revised Law on Civil Service came into force, the system of institutions which participate in the training of civil servants was started. The mechanism for planning, financing and monitoring of training of civil servants was established. At present the training is regulated by two articles of the Law on Civil Service and four legal acts, that is:

- ***Training strategy for civil servants for 2002-2006*** that establishes civil servants' priority objectives and priority target groups for training them (Approved by the Government).
- ***Rules of procedure for organising the training of civil servants*** that establishes the procedures to be followed for approval of training programmes for civil servants and the organization of training of civil servants (Approved by Minister of the Interior).
- ***Requirements for the content of training programmes for civil servants*** that establish the content of the training programmes for civil servants and general requirements for the execution of training programmes for civil servants.
- ***Rules for the approval of institutions for improving civil servants' qualifications*** that establish the procedure to be followed for certifying institutions for upgrading civil servants' qualifications (Approved by Minister of the Interior).

Characteristics of the Lithuanian Civil Service training system are minimal legal regulations and decentralized partial state financing. The main training of civil servants is carried out at the Lithuanian Institute of Public Administration.

The amount appropriated to the institution for training of civil servants should be not less than 1 percent and not more than 5 percent of the funds allocated to the remunerations of civil servants of the institution. The appropriated funds are used primarily for the training of priority target groups. According to the 2004 data of the Civil Service Department, the ministries allocated 1,2 percent of the remunerations funds to the training of civil servants and the county governor's administrations and municipal administrations allocated 1 percent.

As seen in the following graph, the scope of training has increased in relation to the 2003 rates. In 2004, 7,7 million litas were spent on training and in 2003, 5,9 million litas were spent:

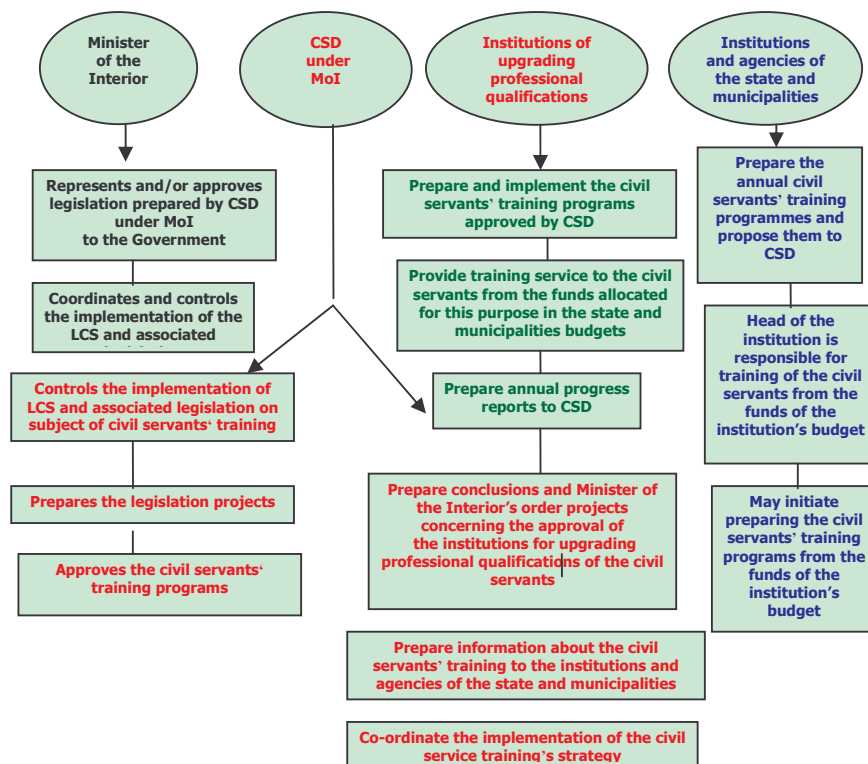


What does the Lithuanian training system consist of?

The institutions that participate in the training of civil servants are:

1. **The Government**, which approves the strategy of the training.
2. **The Minister of the Interior**, which approves the list of institutions for qualification upgrading.
3. **The Civil Service Department**, which approves training programmes and coordinates implementing of the training strategy.
4. **Qualification upgrading institutions** that supply the training services.
5. **Institutions of the State and municipalities** that identify training needs and schedule the training programmes.

The activities of the institutions participating in the training system are quite broad. The details of the functions of the institutions participating in the training of the civil servants are presented below:



The market for training Lithuanian civil servants has stabilized. At present there are 70 institutions in charge of upgrading civil servants' qualifications, which are the Lithuanian Institute of Public Administration and specialized departmental training centres, established by the ministries or other state institutions and by private companies. Moreover, university units also offer training programmes for improving civil servants' qualifications. These institutions co-operate with one another and occupy a place in the training in accordance with the Law on Civil Service.

The Lithuanian Institute of Public Administration is responsible for the quality of staff training with regard to integration into the EU, personnel management and civil servants in the 18-20 categories. The training of other categories of civil servants and the preparation of the programmes is delegated to other qualification improvement institutions approved by the Minister of the Interior.

This system is not yet complete. Integration into the EU is not finalised. We will experience new training challenges in regard to the Lithuania's EU chairmanship in 2013. It is absolutely necessary for the Lithuanian Civil Service to adjust to new conditions. It is therefore important to strengthen improvement of qualifications and improve the quality of training, the degree of internalization and the use of knowledge.

What makes up the mechanism of monitoring of the training of civil servants?

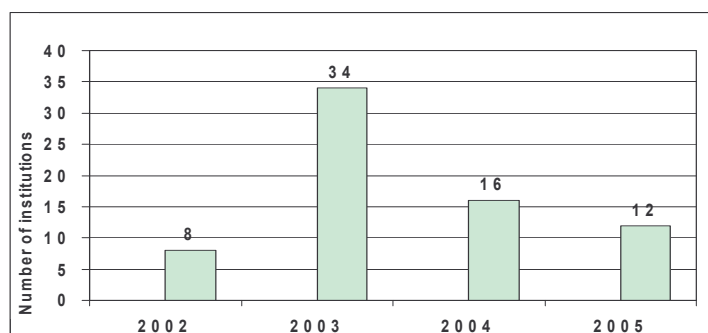
The civil servant training strategy for 2002-2006, approved by the Government, defines the priority goals and priority training target groups..

The priority goals are:

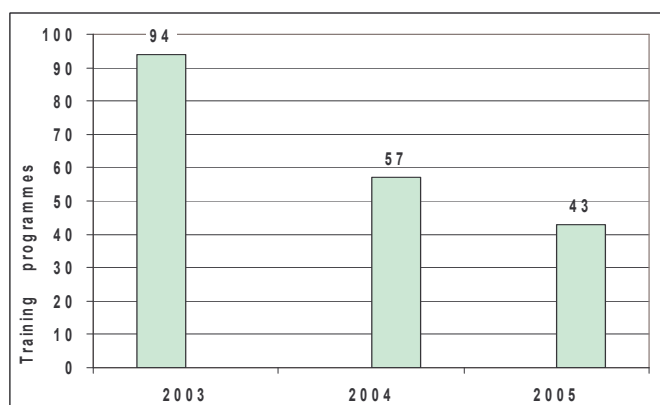
- Preparation to carry on functions, connected with the implementation of EU law (*acquis*);
- Preparation to participate in the process of EU law creation and in the work of EU institutions;
- Training in foreign languages;
- Acquisition of skills for the European Computer Driving Licence (ECDL);
- Implementation of the Government's strategic goals.

The priority training target groups are:

- Civil servants from the 18-20 categories;
 - Civil servants whose functions are related to preparation for accession to the EU;
 - Civil servants responsible for personnel management;
 - Civil servants admitted for the first time to the civil service via open competition;
 - Civil servants responsible for the implementation of the Government's strategic objectives.
-
- The Law on Civil Service and legal acts determines the mandatory initial training for new civil servants and mandatory training for civil servants in the highest categories (18-20). In the aim to strengthen public administration, it is important that the civil servants of the highest categories acquire new competences in strategic planning, management of change, making of decisions, cooperation, negotiations and other fields.
 - There exists a system of classification and requirements for certifying the Institutions providing qualification improvement for civil servants. The number of certifiable institutions reached the highest peak in 2003 and is now stabilizing, as shown in the following graph:



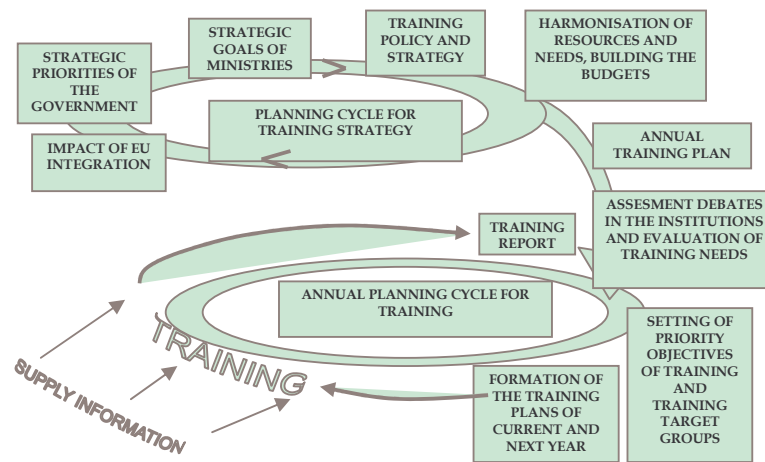
- The Law on Civil Service regulates elements of training quality monitoring such as the approving of training programmes and standardized requirements for the content of the training programmes. The training programmes are approved, if they comprise more than 8 academic hours and are reviewed by two qualified specialists: a scholar and an expert in a particular field. The approval procedure is fairly flexible. It is based on the professionalism and the responsibility of the reviewer. The lists of the specialists (scholars and experts) who review the training programmes of the civil servants are constantly renewed. In 2003, 94 civil servant training programmes were approved and 57 more in 2004. At present there are 194 approved civil servant training programmes. These dynamic are illustrated in the following graph:



We are convinced that the most available means for developing and ensuring the quality of a training system are constant classification of training needs and assessment, according to which annual training is planned. In 2002, the Civil Service Department carried out research on training needs at three levels of administration. Questions were put to 11 Ministries, 9 county governor's administrations and 48 municipalities. This research showed that there were great needs in fields of management (78,5%), economics (72,3%), law (66,2%), public administration (58,5%),

EU training (53,8%), specialised training (53,8%). It appeared that there were very low indicators for skills in foreign languages (16,9%) and computer literacy (30,8%). This is because only 6,5% of civil servants in municipalities are willing to learn foreign language and only 21,7% want to improve computer skills. The reason for this could be that civil servants in the municipalities have no experience of the influence of integration into the EU or development of an information society.

In order to ensure that the financial resources allocated for the training were properly used a procedure for planning of training was introduced. It was integrated into the preparation of state and municipality budget. By rationally allocating finances it is possible to optimize the financing according to the needs of the institution.



This picture illustrates how the training policy in the Lithuanian Civil Service is shaped. The first cycle shows the planning of the training strategy, which the Government and the Ministry of the Interior administer. Next year the strategy for the training of civil servants for 2007-2010 will be adopted. The second cycle shows the annual training planning which is implemented by offices.

In 2004 the strategic training objective for 2002-2006 was reached: a priority group of civil servants whose objective is to represent the interests of Lithuania in the committees and workshops of the European Union Council and European Commission. This priority group comprises approximately 300 civil servants of various grades. It was reached by means of a special training course of 100 hours prepared by the Lithuanian Institute of Public Administration.

To summarize the first steps of assessment of civil servant training in Lithuania, a conclusion could be made that it is difficult to find common criteria that meets today's multifaceted situation. It is even more difficult to apply those criteria practically. Sometimes a question arises whether those criteria are possible at all because, judging from experience, there are no easily recognisable methods of

assessing the effects of training. Also, different interests dominate in the training process. **Trainees** want to know how well they absorbed the training and how to improve the training process. For this reason tests and exams are used. The main purpose is to encourage the trainee to practice self evaluation, which is why there are future plans to combine the annual evaluation of job performance with improvement of qualification. **Training specialists** want to know if the assigned objectives were reached and how to improve the programme. This is done by means of a questionnaire from which one can learn of the opinion of the respondents and the quality of tasks as well as compare this information with results received from other organizations. **Supervisors** are concerned with the practical application of the training. The method used for this purpose is discussion with the trainee and evaluation of his/her performance. **Heads of the organization** are concerned with the finances allocated to the training and the benefit to the organization of the training and how it helps to achieve the strategic goals of the institution. Because the development of the organization is influenced by various exterior and interior factors it is not always possible to recognize the effect of the training. Comparative analytical information of different organizations is supplied by the Civil Service Department.

Today therefore we can talk and draw conclusions only about the lessons which we learned from setting up the Civil Service training system.

- First lesson:* the training of civil servants should be regulated by law.
- Second lesson:* it is essential to co-ordinate the training process.
- Third lesson:* it is necessary to establish a common model for a training system as well as find a mechanism for its financing.
- Fourth lesson:* a political will and financial support from the State is indispensable.
- Fifth lesson:* when establishing the training policy it is necessary to approve a training strategy that would meet the strategic goal of the Government.
- Sixth lesson:* priority target groups should be trained.

There are new challenges for the 10 new members of the EU. Until now these countries did not co-ordinate their systems of training civil servants. Therefore, everybody now has different information and uses a different method for organising work. For these reasons, we should start discussions on the common competencies of civil servants of EU countries, that is, the requirements for civil servants of each country to enable them understand each other and work together.

3rd Session

Management and quality in the training of civil servants: the search for efficiency in public administration

What does efficient management mean in the context of administration?

Mr Michael DUGGETT
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This is my first-ever visit to Lithuania, indeed to a Baltic State, and I would like to offer my most sincere thanks to the Council of Europe for the invitation to take part in this important European Conference, as well as to the Ministry of the Interior and Mr. Velicka for hosting us in the Karolina Hotel. Vilnius for me is one of those European capitals, like Warsaw or Prague, that came back into our lives after 1990 and which we – I speak as a western European – now relish and whose company we can enjoy anew, like a long-lost cousin coming home.

The training of functionaries – civil servants – to achieve good administration is a vital subject that, as Director of the International Institute of Administrative Sciences, I see everywhere as critical. Two weeks ago, on 13th October, I sat in a room in the East Lake Hotel, Wuhan, Hubei Province, China, to discuss the new Chinese Civil Service Law with Director General Liu Yanguo and colleagues. The issues are the same even if the contexts and the language are different. IIAS is 75 years old this year and we have a strong representation from this part of the world in our executive committee; I would like to have even more. Maybe next year in Warsaw, where our Association of Schools holds its annual conference, led by Professor Maria Gintowt-Jankowicz (the De Tocqueville Prize winner), we will be able to work towards this.

What does efficient management mean in the context of administration?

I am reminded of an episode in the “Yes Minister” BBC series in which the Minister discovers a hospital with 300 administrators but no doctors or nurses and no patients. Doctors cost money. “What is the hospital *for*?” asks the Minister. Minister, replies the civil servant administrator, those 300 civil servants are seriously overworked. The serious work of running the hospital must go on whether or not there are patients. And when the Minister visits the head of the administration she tells him the hospital has won prizes - for the most *hygienic* hospital in the region! The hospital is well administered. But I think one can see the point of the episode - is administration a self-justifying **ACTIVITY** regardless of **results**?

In the autumn of 1988 a report was published in London. It was during the third term of Margaret Thatcher - a leader who had finally learned how to achieve what she wanted as Minister for the Civil Service - the third of her three traditional titles as head of Her Majesty’s Government (the others were First Lord of the Treasury and Prime Minister). It was entitled “Improving Management in Government: the Next Steps”. From it flowed a huge programme of public service reform in the United

Kingdom. From that programme academics invented the term to observe what had been done - the New Public Management (NPM). And the NPM spread all over the world as a means of conducting public administration or public management. In fact the term “public administration” almost became subsumed in the term “public management”. Only perhaps in the heart of Europe did this trend not occur, so that only there does one still speak of public administration as an activity conceptually superior to management. How refreshing it is to be able to return to an earlier formulation as in the title of the Session that I have been asked to lead.

Allow me to make some remarks about the current situation in this field across the global community. What is it we have learned, after almost twenty-five years of change, about efficient management in the field of government and public administration, in the field of governance? What more needs to be said about management once you have determined that it should be and is actually efficient? In my view management in governance has to be applied in a number of domains:

- Financial;
- Personnel;
- political/policy-making.

What is, it may be asked, the difference between “management” and “administration”? And what does it mean to say that one needs to *manage* finance or personnel as opposed to “merely” *administering* finance or personnel?

In my view to manage is to apply one’s skills and competencies to a process or situation to achieve a willed end-result – whereas to administer is simply to conduct the process. It is the intentions of the end-result – or to use another word, goals or objectives – that make the difference. Many public services across the world have learned since the 1980s to pursue results and to get themselves judged by what they promised to achieve rather than keep the wheels turning and decide afterwards that what they did was good. Activity by itself is a proper task for administrators. Results are what managers are about. This means that management in governance accepts that it should make a difference. Administration in governance simply seeks proper process, no ignoble objective, and one that is appropriate in some areas. The staffs of a parliament, for example, have to ensure that votes can be held and debates conducted, that committees meet and do their business. They do not care, should not care, who wins the vote or what is decided. They must administer the process properly and carefully and fairly. But a manager has to achieve a result.

In Finance, for example, management has for over twenty years had in mind the three targets:

- efficiency;
- economy;
- effectiveness.

Efficiency is financial management measures using no more financial resources than are needed to power the engine of government. A car’s engine that delivers 100 kilometres per litre is more efficient than one that delivers 50 kilometres per litre for the same weight of vehicle. Hence, efficiency has become a standard target, with the financial regime to be used to achieve the most output.

Nevertheless, managers have also had to achieve *economy*. That is, to keep expenditure at the lowest level possible. Since the 1980s governments all over the world have run up against the unwillingness of taxpayers to pay more direct tax. They have dealt with it in part by “stealth” taxes that citizens did not notice or at any rate, object to. However, fixed budgets have become common and reduced budgets no longer rare. To control expenditure - to produce more with less - has been a vital task of public managers - and one that cannot be overlooked.

Finally, effectiveness. Managers must balance their resources against results. There is no point in *economy* if the dams fail, the markets fall, the children cannot count or spell. There is no credit in *efficiency* if the result is defeat in the election or if the terrorist gets through. Instead, it is the result that matters and effectiveness is the term we use. “Value for money” has been the jargon term, and so many officials have failed to meet its demand. In providing value for money the public manager must balance output against input. They need to be aware that the evaluation of the results of their work is unavoidable, whether it be by an audit office or by some other public trial. Are the prisons really achieving their objective or increasing crime? Do the army stores really need to be kept at 16° centigrade when their contents are metal and plastic? Do the navy, army and air force really need three different schools of music to train their bandsmen? Does the government really need to buy its cars when it could rent them? The phenomenon of market-testing has become habitual for many public managers.

Money has no voice and goes where it is sent. People are less pliable. In the area of personnel management the public manager has to be competent in a number of areas. In place of the conventional 3 *Es* of the financial regime let me propose three *Ps*:

- Proper maintenance, renewal and refreshment of system;
- deployment of *People* towards strategic results;
- Protection of the virtues and values.

Maintaining and renewing is not only a question of administration. It needs the enthusiasm and objective-seeking behaviour of managers to maintain it. A manager must lead his or her team, must give it a sense of movement forward and a sense of satisfaction in looking back. Deploying people towards results is a key aspect of management. Bureaucracy tends towards repetition, precedent, what Max Weber called “the iron cage of bureaucracy”. And this is correct; the impersonality that our Rapporteur General spoke of yesterday, where administrators are making decisions or allocating resources, is a key part of the role. Managers have to be careful not to overstep the invisible lines of consensus, of acceptable behaviour; or if they do decide to move the lines they will encounter resistance. The Project Manager of the Next Steps Reform Programme once said that the National Audit Office - set up to ensure proper use of public money - was an evil organisation since it was used to oppose change by conservative administrators. An over-statement - a change-bringer’s provocation - but you know what he meant.

Finally, managers must promote the culture and values of public administration. In a way that administrators themselves cannot always do. I believe M. Peffer said this yesterday. One of the benefits of the 1980s-1990s shake-out of many bureaucracies was that the civil servants who were moved out into the private

sector suddenly had to redefine their taken-for-granted skills into competencies that they could be paid for:

- Managing a Minister's diary became Time Management Competency;
- Briefing for Parliamentary Questions became Information Transfer Skills;
- Being one of the Boys or Girls became MBTI Team Building. (Myers-Briggs Type Indicateur)

Administrators discovered that they had been doing management all their lives. We need administrators or managers capable of enhancing, by training and by coaching, the lifting to the surface of the embedded values of an established public administration.

Finally, the domain of policy-making. Managers need to apply the discipline of their profession to the field of policy-making. This is always promised but almost never achieved. Some politicians may seek to frustrate since by definition their policies will always succeed and have always succeeded. They are happy with new promises and objectives. On the whole, in my view some politicians live in a perpetual present and are not interested in learning from or about the past, especially if the past was ruled by political opponents – except of course that it was bad. Administrators may see no point in recalling past promises not met because that is not their job. Only managers in government seek seriously to learn from success and failures.

Let me therefore conclude with a grand generalisation following Oscar Wilde¹³! All managers retire frustrated, because there is so much still to do and no project fully meets its goals. All administrators retire content, because they kept the system going long enough so they could retire into its personal rewards. Mr. Gorbachev was a manager. Mrs Thatcher was a manager. Mr. Andropov was an administrator. Mr. Major was an administrator.

Who, then, achieved most? To whom does the world owe more? I am always tempted, perhaps as I age, towards the security of simply keeping things going on. For that is not easy, heavens knows. But now that we have learned that management can increase the value to our fellow citizens of what we, entrusted with the public service, can do, I cast my vote on their side.

¹³ “All women become like their mothers. That is their tragedy. No man does. That is his.” in *The Importance of being Earnest*.

**Can we talk about quality management
in public administration?**

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1. If you ask any member of an administration this question he/she would presumably answer in the affirmative - spontaneously and before thinking it over. Quality is indeed a paramount issue in administrative processes; it is indispensable from the point of view of the public's constant scrutiny of the efforts of the civil service; it is the key item in measuring personnel performances as well as the success of products.

It can be said that the entire management of administration seems to focus on quality. And in this respect which civil servant would deny that his/her own professional performance is determined by quality aspects to which he/she is naturally committed?

To sum up... Yes, we can talk about quality management in public administration.

The more closely one looks, the more one wonders whether the managerial handling of the quality issue has been integrated into public administration. One is forced to admit that if quality is taken into account, it is not considered in a professional and systematic way.

The perception of quality differs not only according to individual standpoints; there are also various concepts as to quality demands and it remains unclear how they should be linked to other relevant values in administration (e. g. budget constraints, public welfare) and which of them should prevail when they are in competition with one another. Models and concepts are manifold. Most of them being designed for the private sector, their compatibility and usefulness for public administration is sometimes contested by decision makers. Unfortunately this often happens before they have been examined carefully enough. Even when organisations focus on quality – and nearly all organisations do – too many of them are missing a concept which could be applied to management.

To sum up... No, we cannot talk about overall quality management in public administration.

Bringing together these two contradictory observations it is important to underline that quality is at the forefront of public administration concerns as it is one of the most decisive criteria for the management of organisations.

Therefore to sum up... talking about quality management is desirable.

Can we talk about quality management in public administration? Yes, please!

2. To start off with we have to find a common understanding of both key items: public administration and quality.

Over the last two days public administration has been considered in all the forms and shapes occurring in Europe. Faced with so many different administrative subjects we should build our investigation on the broad understanding of administration being the executive power and refrain from excluding any subject run by public institutions not belonging either to legislation and jurisdiction or to governmental power. This will cover activities of the state, central, regional and local agencies, municipalities or any entity they may run or fund. Public administration depends on the public service's agenda and not on organisational form, which can sometimes be arbitrary.

Defining quality is all the more difficult given that emotions are involved and that people are affected; as a result, some scholars even refrain from defining it.

Basically, quality is the fulfilment of previously defined standards or benchmarks. Fine, but this shifts the problem in a decisive way to the development of these standards. It then takes you to the problem of finding a consensus or at least of reaching a majority agreement.

Nevertheless - defining quality is the first necessary step of any quality management. Unfortunately different quality management concepts have different approaches so quality then becomes dependent on the concept you choose.

It seems convincing to us to describe quality as a way of thinking, created in the minds of people. The public servant internalises quality and makes it an essential part of his/her professional record and personal performance. Quality turns out to become the result of a process under his/her control.

The creation of an agreement on quality has to go hand in hand with an in-depth analysis of the various products of administration and its output. This makes the definition of quality in public administration an interdependent matter, like a circle formed by both public administration and quality demands, or a pendulum swinging between these two gravitation points.

As we have to consider quality in public administration in terms of results i.e. rendered services, quality management control logically deserves agreement on the steps to be undertaken and the results to be achieved.

This process can be standardized even without going into specific details. This exercise does not take account of the variety of national, regional or local administrations; any organisation can do better on its own. Nevertheless a rough sketch of the process can be drawn.

A quality management strategy should be described basically by a process starting with defining the quality desired; preparing staff – probably by qualification - to comply with the defined standard; installing quality- oriented processes; measuring

the results and analysing the weaknesses. After eliminating these weaknesses, the foregone process can be started all over again, now at a higher quality level.

This takes the administration up a spiral staircase to a higher level... of quality.

If this process is steered you can talk about quality management.

Everyone might ask him or herself if a process comparable with the one described has been introduced in his or her public administration back home.

3. Reflecting on our own personal experience we have met strong resistance to such processes.

This may have to do with reserves stemming from being unfamiliar with the idea of quality management, for two reasons at least:

- The management approach shifts the idea of quality from an emotional and subjective matter to an objective and measurable one, while they hold that quality is not manageable.
- Other critics argue that quality management does not fit public administration. They recall that in the past methods had been developed by the private sector aimed at profit-making while public administration in its original sense (and meaning), on the contrary, was dedicated to public welfare. In short: while quality management in the private sector serves the overall goal of maximum profit; the maximum public welfare should be in the interest of public administration.

This rather simple –and perhaps fundamental – view on public administration can be attacked from several sides.

Though public administration has different stakeholders the strict dichotomy of public sector / private sector in respect of profit is too simple.

Even from the start some fields of public administration have extended their activities into the fields of trade where they were in competition with the private sector.

Therefore it seems to us more sensible to distinguish between tradable and non-tradable output. Tradable output can be measured quite well, and there is no reason why there should be no cross-sector learning. Another difference between private and public sector remains relevant: the political accountability of the latter one. Stemming from this observation these public values have to be considered as an outcome of these processes.

But the pagan ideas of economy have entered the holy circles of public administration even in the other fields quite a long time ago. Several domains of public administration have been handed over to private economy and entrepreneurship following a policy programme of administrative reform or modern public service: telecommunications, railways, postal services, etc. have been privatised in many countries.

But also within the remaining fields of public administration – e. g. police, customs, and tax administration - tasks have been transferred to the private sector e.g. by outsourcing. Even with respect to their core duties they get support from private companies. In some parts of the world even prisons are managed by private companies, and even the army has staff from private companies supporting them in fulfilling their duties in combats, conflicts or wars.

Can anyone still say for certain where the limits between public and private sector are?

Thirdly it cannot be doubted that economic thinking has been introduced to all fields of public administration, justified by the realization that public welfare costs money which has to be covered by revenue and provided in the public budget line. In times of economic crisis, every item is looked at from the point of view of possible cost reductions.

Whether achieving the maximum public welfare is an isolated goal of public administration is increasingly questioned. In the eyes of the majority of people it should be considered in relation to the problem of expenditure. Most of modern public administrations have realised this and acted in consequence.

We can establish that the agenda of public administration and public service has changed over the last decades and that this development will presumably continue – perhaps even accelerate. The perception of public administration as completely or substantially different from the private sector is no longer justified.

At least by no means with respect to certain aspects of economic thinking such as effectiveness and efficiency. Under the overall principles, both political accountability and the commitment to the rule of law, and to certain extent equity, have to be considered; which may hamper decisions to be taken under the dictate of the other three E's: economy, effectiveness and efficiency.

The approach of both sectors is by no means a mutual one; as members of public administration we have to concede that the process of cross-sectorial learning has moved us nearer to the private sector, where the speed of development has been, is and will probably be significantly higher.

The decision for quality management in public administration should examine closely - under the above mentioned preconditions - if the achievements of the private sector can be adopted, adapted or changed to the public sector demands; paying attention to the still remaining differences between the public and private sector.

But anyhow quality management must not be suspected of being aimed at profit making.

The reason is obvious: being an instrument, a tool to enhance a product, a process or the overall outcome - mainly by improving the process - it has no relation to the product itself.

4. So what is the public service's delivery?

If we keep to the quality management terms we can talk about the customer or the consumer, namely the citizen; but not forgetting the public institutions (parliament, government) and public service staff members, too. Stakeholders of the group of citizens include the general public, interested in public welfare as well as in spending revenue on public duties.

This allows us to stress that the public service's overall goal is to match the customers' demands and expectations - so that you might say service quality is what keeps the customers satisfied.

Though finding the goals comparable to the private process of producing goods, we discover differences. Service is more than selling, delivering or repairing a product. Most of the services are linked to creating an immaterial good; its value is estimated by the customer not only by the quality of the success but includes the way the public servant delivers it. Appearance and performance, communication and behaviour become decisive, too.

Not only that you do it, but how you do it, is inherent to service delivery under the aspect of quality.

This observation makes it evident that quality management has to focus on different tools or at least change their order of importance. Education and training; external and internal communication including team spirit and internalising of the public administration's values have their own weight.

It is worth mentioning how quality management concepts were introduced in 1995 into German municipalities: the German Common Municipal Agency - KGSt Kommunale Gemeinschaftsstelle - in order to show municipalities a way out of the budgetary and leadership crisis in local government bodies (Gemeinden und Kreise). The concept was addressed namely to the management level, mayors, their deputies and heads of sections and departments, and penetrated slowly, but successfully, in the administration of the municipalities making them the vanguard of quality management in Germany.

This kind of thinking, however, has not yet reached all levels of central or regional administration.

Change management in the sense of change administration; lean management, business process re-engineering helped in modernising public administration, but should be propagated as an instrument of day-to-day work at the bottom of the organisations.

It has been stated that quality management tools have found their place in most European countries. Techniques or concepts known under the abbreviations EFQM, ISO, BSC TQM and CAF are used very extensively; some countries use national instruments like VIC in Italy, INK in the Netherlands and the Swedish Quality models. We can refer to a study carried out by the European Institute of Public Administration (EIPA) which gives an overview of which tools are practised and to

what extent. It would lead us too far if we were to draw up a list of the numerous activities: the audience will be able to talk about the details more competently on the basis of their individual knowledge and experience.

Some European countries combine different, but nevertheless compatible methods, thus making use of the open edges of these techniques.

This is the easier to be practised the less these different methods exclude one another.

To the contrary, the different tools and instruments of quality management cannot clearly be differentiated from one another; they should be used at the same time if organisations prefer to do so, like instruments taken out from a tool kit, eclectically.

Civil service organisations co-operate with the private sector in the European Foundation for Quality Management (EFQM). By 2000 more than 800 members worked together in creating the EFQM-model of excellence. This specific model can be applied to various techniques including the well-known and approved benchmarking system. In Germany, for example, we use benchmarking in public administration to improve personnel performance as well as the quality of the organisations; EFQM serves as basis for the competition for the Ludwig-Erhard-Award.

All member states of the European Union have joined the Common Assessment Framework (CAF), as a result of the First European Quality Conference, held in Lisbon in 2000. Meanwhile two other Quality Conferences have taken place; the 4th European Quality Conference will be convened in Finland in September 2006.

Though it is reported that some of the new EU member states have lessened their support of actions in this field due to the lack of quality management within the Copenhagen Criteria to focus on other issues required from then on, it can be established that the political support seems in any case to be more than sufficient.

But what about the organisations at the bottom of the administration pile?

Don't they need appropriate techniques and guidance to support their decisions on what tool to take out of the kit when they introduce quality management into their own organisational units?

5. Although quality management has been accepted as a desirable philosophy and policy of improving public administration, methods are still undecided upon.

Quality management is manifold and its tools are dependent on the field of public administration.

External competitions can benefit from benchmarking methods.

Problems with respect to hierarchies can be answered by lean management concepts.

Human resources should pay attention to training systems, to assessment measures, to appraisal systems with increments and bonuses or to a concept of performance related pay.

Zero-Fault Method is compatible with personal performance as any staff member is committed, through service law, to avoid faults by risk of personal liability.

These are but a few examples, you can continue for as long as you like; you can make use of these instruments by transferring them to other processes.

For example: why not use the good practice of benchmarking also for internal staff policy by motivating and enhancing the quality of staff, finding rankings and linking them with incentives?

The German Federal Administration has updated and upgraded the former competition for improvement of administration techniques, naming it “Idee 21” and funding it with bonuses and appreciation.

Not so long ago the experience of merging different concepts and ideas helped in developing a total quality management system (TQM) bringing together the advantages of these various forms, including the involvement of the staff, using the process-oriented approach and focusing on the customers’ interests.

When the TQM-concept first came out in the private sector, reservations were expressed which we disapproved of when we talked about the difference between the private and public sectors. But this is a fundamental misunderstanding.

As mentioned before stakeholders (namely customers) include their own staff, government institutions and of course every individual citizen. Hence public administration’s output responds to the demands of every citizen or inhabitant. Those who consider general welfare as a principle of public administration will welcome this.

Quality is not a matter of function but a way of thinking: how to do the best and how to do it in the best way.

If we find compatibility of the factors of TQM for public administration there is no reason for refusing this instrument (method).

TQM comprises three special observations:

- technical quality;
- process quality;
- social quality.

While technical quality refers to machines, material, tools and methods, process quality comprises process orientation, know-how, qualification and organisation.

Social quality looks upon team orientation, communication, co-operation and motivation.

You can define specific elements in public administration which have these three components:

- the legal framework as a technical necessity;

- the process approach of organisational discharge in administrative processes, know-how and qualification in the field of quality process;
- team spirit as a decisive factor in a coherent and interdependent organisation requiring a set of staff instead of soloists or prima donnas; internal communication and co-operation as requests within this process; external communication as a crucial competence of public service; and motivation of staff which is lacking sometimes in public organisations, but which should be handled carefully by using the possibilities of empowerment and decentralisation of decisions.

Being a concept which involves staff as well as customers and understanding quality comprises external factors as well as internal views, TQM measures fit well to the top-to-bottom policy of responsibility as they enable employers to take over responsibility by empowerment.

6. That takes us to the quest for quality indicators.

Some of them are given; but these are the least precise ones.

Public Administration as essential part of the executive power of the state has to commit to legislation (constitution, legal acts, conventions, common law standards, and jurisdiction interpreting these acts). This is the basic statement of the rule of law – and every administration will subscribe to that. But if you run organisations according to the rules and regulations should this not be regarded as a quality factor that is sufficient in itself? And isn't it quality, too, associated with ordinary, routine tasks that are done properly and in due time?

And if you recall quality being a characteristic not only of the output but of the entire process you might well develop scales of quality throughout the control process: do it and do it the best way throughout the whole task.

For years efforts have been undertaken to implement the idea of “Good administration” in the standards of public administration. These have been mentioned in the framework of this conference. Of course it contains some basic standards of what administration should provide; you may recall Art 41 of the Charter of Fundamental Rights of the European Union (The Right to good administration).

If you consider, for example, the obligation of the administration to give reasons for its decisions you can set up further quantifiable criteria if the reasons are explained sufficiently and if they are explicit, clear and convincing, and respond to the arguments of the citizen, even if they are necessary part of the *ratio decidendi*.

Let us now take a closer look.

We may distinguish between two different approaches:

- one has to do with the product, the result of the delivered output;
- the other one with the person delivering it.

While the first one takes into account objective benchmarks to be established, the second one refers to personal duties put down in legislation or stipulated.

A mere overview of the person's qualities is generally sufficient in the framework of a human resources policy. Recruitment, promotion and even bonuses can be associated with this kind of quality measuring. Systems have been installed as a follow-up to most of the civil service legislation; because the main criteria for these human resources measures are based on a performance-oriented approach.

Even in this more basic system you face difficulties as to how to rate staff members. Marks for absolute or relative rankings, precautions for eliminating human factors such as preferential treatment and discrimination, protection of one or some or all competitors in his/her section; tightened up by using mathematical or statistical techniques e.g. Gauss-curve etc.

But these methods of quality assessment do not meet the demands of quality management. Only where focus is on the specific process, we have a sufficient TQM-approach as both of these aspects are linked.

Performance indicators respect this double impact.

Although we have to repeat that performance indicators are dependent on the personal performance of specific processes, too manifold to be specified in detail, we can distinguish between three categories:

- prescriptive performance indicators are linked to objectives or targets set by the hierarchy; they show the road to follow ;
- descriptive performance indicators record change; they provide a map;
- proscriptive performance indicators specify – in a negative way – things which should not happen.

The idea of performance indicators emerged in the 1960s and was promoted heavily under the Thatcher government in 1982. It has had its success story, although drawbacks are obvious. It is not only tiresome to develop indicators for each and every task. The indicators purport objectivity, although subjectivity cannot be eliminated - sometimes not even restricted to the necessary extent. Subjective elements are at hand both when fixing the indicator and measuring the success.

The most important shortcoming is within the system itself. It is difficult to decide of what the quality of the public administration should be in its various fields. If we turn away from tradable goods to interior security the following question has been asked “who are the consumers of police services?”; “who decides upon the indicators?”; “is it those who have to call on their help or those who look to them to maintain an environment in which their help is not required”. That takes us to the general question: how is the success of prevention measured by indicators? On the other hand, if traffic police guarantees easily flowing traffic how dare you set up an indicator of how many fines were given?

Here is another example from another side of public administration. How do you assess the quality of training and teaching?

What indicators do you want to use? The lectures, the script, the list of publications? The communication with students which gives rise to their motivation? The satisfaction of students or the results of their examinations? By the way: is a zero-failure rate desirable, whereas selection is within the policy of performance indicators?

Not so long ago it seemed unthinkable to ask students about the quality of lessons, lectures courses or the entire studies – now the evaluation of training involves all groups.

Bearing these shortcomings in mind, however, implementing quality management is in need of standards, benchmarks and performance indicators – and the human factor of subjectivity is always at hand; you can challenge your quality management system by creating ways to escape these dilemmas: excellent quality management should provide solutions within a controlled process.

7. The decisive incentive for staff to commit to quality standards is probably to link them with financial elements. Though salary and pensions in public service are lower than in the private sector, making social security a crucial argument for joining the public sector and staying there.

Although the mere assessment system of appraisal allows bonuses and perks, it becomes of paramount interest for the civil servant if the quality of his/her performance is rewarded by permanent payment of a substantial increase according to the quality delivered.

Tendencies for performance related pay (PRP) are to be seen in many countries during the last decade; being extended to all categories of staff and favouring decentralised schemes.

A majority of OECD member states have an extended formal performance appraisal system for employees; two thirds of the member states have to some extent introduced PRP for government employees.

It goes hand in hand with delegation of managerial responsibilities, and performance appraisals tend to rely more on dialogue with line management than on strictly quantifiable indicators.

The criteria for assessing performance related to PRP differ a great deal from country to country. There are values, discipline and input as well as a set out of output, achievement of objectives and improvement of competence, more than neglecting interpersonal and management skills.

It seems remarkable that during the last decade the use of collective or group performance schemes have increased at team/unit or organisational level.

It should be mentioned that the size of performance payments is usually rather small, so that the incentive to staff is often overestimated.

Considering the different incentives, one has come to realise that bonuses are tending to supplement and even replace merit increments, while bonuses in general are higher than merit increments.

PRP has to match up to difficulties as already mentioned: lack of quantifiable indicators, objectives tend to be too numerous, problems with detailed and highly formalised performance rating due to strict laws and the fear of claims from unsuccessful competitors. This leads to constraints such as resistance from staff and unions; unforeseen financial costs and a time-consuming implementation.

Overall there is a lack of transparency stated either in the process or the publication of the results due to data protection. Nevertheless in Germany's Federal Administration internal publication is provided.

It seemed surprising to us that PRP was seen as having less impact on staff motivation than on individual and collective performance. The derived effects lead to improvement of organisational culture and a lever for change in organisation of work. This includes the focus on training policies and some evidence of the beneficial effects of team rewards.

Taking into account the following key observations, PRP might work to some extent:

- it should be based on well-identified job objectives;
- it should establish a link between individual and organisational objectives ;
- it should be based on a simple performance rating framework, with no detailed differentiation in the ratings;
- it should be based on dialogue with the line management;
- it should be transparent and rely on well-established procedural justice mechanisms and finally,
- feedback on the appraisal should be well reported and explained.

If PRP is established in a wider framework including a well-designed set of tools out of the tool kit described above it will go hand in hand with delegation of human resources management and organisational reform – but should never be over-estimated.

8. Having examined quality measurements we would like to draw the attention to the Common Assessment Framework (CAF) which can be regarded as an excellent guideline to carry out a quality assessment. It provides indicators in several fields of public administration for self-testing which are detailed enough to give allow judgement in all branches of public administration, but which are standardised enough to make the assessment comparable all over Europe.

A questionnaire covering nine fields such as leadership, strategy and planning, personnel management, partnership and resources, process and change management, and results related to the customers, staff, and society.

Within the frame of this exercise we cannot look at what this concept covers in great detail; our brevity may be understandable, as most of the EU member states have

used this framework and reported on their experiences, which are now published in an EIPA-Study.

9. Let me close this exercise by giving you as an example the quality process set out by the Cologne-based German Federal Agency for Administration (Bundesverwaltungsamt Köln).

It can serve as an integrated and process-oriented model for handling quality management in public administration according to TQM-concepts.

The process of developing a quality management strategy is shown by the following steps:

- defining the quality desired;
- preparing staff (personnel) by information, communication, and qualification using a human resources development plan to make staff comply to the quality requested;
- installing quality oriented processes – supported by Information Technology;
- measuring the results by an overall control system containing the 4 goals of a Balanced Scorecard : quality, economic efficiency, customer and staff satisfaction; analysing the weaknesses of this process leads to measures for improvement of quality and finally to re-establishment of the circle; thus creating a kind of spiral staircase.

10. Conclusions

- In answering the question as to whether we can talk about quality management in public administration, we have to realise that though quality is a paramount subject a systematic and professional approach appropriate to management is lacking all too often. That makes it necessary to put the quality issue on the agenda of public management.
- In defining quality, we face several difficulties which have caused some institutions from refraining to define the term. Quality should be understood as the fulfilment of previously defined standards or benchmarks by the specific organisation.
- Defining standards makes it indispensable to examine the manifold subjects of public management; handling quality management in public administration becomes an interdependent process like a circle or a swinging pendulum.
- Quality in public administration means more than quality of products; it comprises the whole process of public service and takes into account the public values public administration is devoted to. Quality is that process under control.
- Quality management in public administration is mainly connected with service delivery, i.e. to focus on the way you deliver your work. Stakeholders are the customers (the specific citizen addressed by the organisation as well as the general public, public institutions and government).

- Though the tools of quality management were developed for the needs of the private sector, most of them can be adopted or at least adapted to public administration. Quality is a way of thinking and therefore makes no difference if you focus on (maximum) profit or on (maximum) public welfare. The main difference is the political accountability of public service.
- Quality management was introduced as a high-level approach to administrative reform a while ago; but it has not yet penetrated all fields of public administration. Organisations - even down to the bottom of the hierarchy - have to perceive that the tool kit provides instruments and techniques for each of their tasks. Top-down management has to observe the adoption of quality management even at the lower levels of their organisations.
- Total Quality Management (TQM) as an approach of involving staff intensively offers concepts and dismantles the reserves e.g. by training and communication. Further, it gives the opportunity to choose from the different tools and to combine them to define a strategy which fits the specific organisational demands. The elements of TQM fit well into the demands of quality in public administration.
- Quality indicators have to be examined carefully and practised strictly. They may focus either on the quality of the result delivered or on the person delivering it. It is necessary to connect them by developing performance indicators. Prescriptive, descriptive and proscriptive performance indicators help to define the real public interest. Not too many efforts should be made in developing detailed systems. The factor of subjectivity – though hidden – is still to be eliminated to a large extent.
- Performance indicators have to be linked with incentives. Appraisal, financial incentives in favour of the civil servant should be granted. Bonuses, increments, promotion etc. have to be installed. A strict system of performance related pay is difficult to install, has to take into account special criteria of transparency, fairness and equity. Serious resistance from staff and unions can be expected and the impact on the staff should not be overestimated.
- The common Assessment Framework (CAF) as a specifically designed concept for public administration well-known in the EU member states should be considered appropriate for organisations implementing quality management techniques even at the bottom of their administrations. It can be regarded as accepted.
- Quality management as a process under control takes both organisations and staff members by a spiral staircase up to a higher level of quality.

4th Session:
Ethics and the training of civil servants:
the search for objectivity and impartiality
in public administration

Objectivity and impartiality of the civil servant

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Deontology and the civil service: these two concepts have been linked since the majority of European countries first set out to improve impartiality, objectivity and loyalty in public services and authorities. Civil servants are supposed to occupy a special position, where the public service ideal requires them to respect certain principles which apply only partly to the private sector.

The term "deontology" is difficult to grasp and is always defined with reference, or in opposition, to ethics¹⁴ (an essentially Anglo-Saxon concept which tends to be regarded as optional or a matter for the individual's conscience). Deontology is not always obligatory, but it may be subject to penalties¹⁵. It might be preferable to speak of professional ethics.

Professional ethics, and professional ethics training for civil servants and public officials, are a source of many questions today, and those questions are receiving considerable attention from international bodies such as the OECD¹⁶ and the Council of Europe¹⁷. The present socio-economic context undoubtedly encourages reflection in this field:

¹⁴ "In the absolute sense, ethics would merely refer to the official's conscience. In the relative sense, however, a civil servant's ethics must be understood as applied ethics. It is a professional code, which is closely related to law and whose application is perfected through judicial supervision." (D. Jean-Pierre, *L'éthique du fonctionnaire civil*, LGDJ, 1999, BDP Tome 202, pp. 5-6)

¹⁵ "Deontology puts the stress on duties, but the status of civil service departments in France can be understood exactly only by also keeping the rights of public officials constantly in mind. As well as respecting rights and obligations precisely defined in law, they must define themselves every day: under their departmental head's supervision, they must decide what must, and must not, be done, to allow the administration to discharge its task in optimum conditions." (C. Vigoureux, *Déontologie des fonctions publiques*, Dalloz, Connaissance du Droit, 1995, p.2) Deontology is thus "a practical statement of professional duties" (*ibid.*).

¹⁶ Recommendation of the OECD Council of 23 April 1998 on the principles for managing ethics in the public service.

¹⁷ Recommendation No. R(2000)6 of the Committee of Ministers of the Council of Europe of 24 February 2000 on the status of public officials in Europe; Recommendation No. R(2000)10 of the Committee of Ministers of the Council of Europe of 11 May 2000 on codes of conduct for public officials: member States were invited to adopt national codes.

- The barriers between the public and private sectors are being steadily eroded. One notes, for example, the mixed nature of the rules applying to the public sector, the influence of Community law, which tends to make public officials "workers" like others, the hybridisation of the rules in force, and so on. The increasing closeness of the public to the private sector (e.g. in the matter of contracts) is obvious and the opening-up of public activities to competition is now commonplace. One therefore has to ask whether certain values specific to the public service need to be kept alive and, if so, what they are.
- The principles and objectives once characteristic of the private sector are now frequently transposed to the public sector. Thus the rules applying to public authorities and civil servants unhesitatingly stress the need for cost effectiveness, constant-means performance and a business-type approach, e.g. thinking in terms of "customers" and trying to promote customer loyalty. There is constant, heavy pressure on staff to do more and do it better. Public-sector employment is also becoming less secure (in line with similar developments in the private sector), and this makes staff more vulnerable to corruption. Low salaries and the risk of dismissal encourage them to look for private-sector jobs, in addition to their public functions. They thus become mere partners, and decreasingly players, in public activity. In some states, such as Bulgaria, career insecurity increases as officials move up the ladder.
- The new information and communication technologies (NICT) have simplified relations between the authorities and the public, but there is a danger of negative effects (of which we still know little) for public service staff. Sensitive areas might include the keeping of secret or confidential information, the chain of command, which e-mail can now bypass, temptations such as that of using office Internet connections for personal ends, etc.
- More generally, changes in the role of the State are upsetting public servants' sense of public service and their functions too. Increasingly, the State is becoming an economic player. "The State as employer", "the State as manager" – these are common phrases, and this approach is trivialising public law and subjecting public authorities to the principles and rules of private law. An emphasis on performance is just one consequence of this – reflected in France's application of the General Principles Act on Financial Legislation (Loi organique relative aux lois de finances - LOLF) and cost rationalisation. But performance implies user confidence in the public authorities, and this requires clarity and transparency - qualities that can be secured only by restoring the public sector's prestige or giving it back a legitimacy which it is tending to lose.
- Users, or the public, want not only more transparency, but also more and more results - demands which seem largely prompted by the new face of official action¹⁸. Transparency, effectiveness and quality must thus be

¹⁸ The role of NICT is not neutral here: early identification of the needs and wishes of users or customers makes it possible to anticipate demand and, as part of an interactive process, trigger new demands according to the same logic.

combined in a climate which, overall, is relatively unfavourable to the public sector and to public action in general. At the same time, these demands can also lead to increased monitoring of public officials and decision-making by users, which helps to make citizens active participants in public affairs¹⁹.

- In some States, the public sector, public authorities and government are still very strongly linked; similarly, the closeness of public-sector staff to local decision-makers within certain decentralised bodies, or a certain closeness to business circles in some cases, encourage the adoption of regulations to protect public service staff.
- Professional ethics are a central part of administrative reform in many States. This is true of countries like Bulgaria, which have recently made the transition to democracy, and where conflicts of interest may jeopardise the reform's effectiveness. But it is also true of the West European countries, which are constantly trying to bolster ethical standards in the public sector by bringing in new rules or practices.

Professional ethics are thus central to current thinking about the changing role of the State (reform of the State), links between the civil service (public administration) and political or economic authorities, and the role played by public or general interest services in areas which distinguish them from the private sector. The existing regulations may well prove ill-suited to the changes occurring in the public sphere: are changes in the pattern of public action a threat to the professional ethics of public service staff? If such is the case, how can public service staff be prepared to meet the threat, and what training should they be given?

Yet, as an ENA report stresses, "The public official's ethical code, which is essentially personal, is not the same as that which governs the public service or official action, even if the one is not without effects on the other; the first concerns the individual, who implements a public policy or takes part in a decision-making process; the second governs public decision-making itself, the aims of public action or the overall functioning of a service²⁰."

In answering these questions, one has to take account of several things, e.g. the ethical code which governs admission to the civil service, and the ethical code which applies throughout the civil servant's career. These two aspects are linked by the public sector's need to "perform", while preserving or restoring the public's confidence in it. The content of professional ethics is now determined by a number of different players: the administration (naturally), staff, the public, and perhaps the courts as well. The requirements relate to certain types of behaviour: for example, civil servants must be impartial and objective, although this is only one aspect of satisfactory professional conduct. They must strictly observe the public service principles which apply to them, such as that of equal treatment, which connects with objectivity: they must not treat

¹⁹ With some qualifications, however: most studies stress that the public want to be informed, and possibly consulted, but not to be responsible for taking final decisions.

²⁰ Ecole Nationale d'Administration, Department of Studies, Averroès Year, Seminar on Comparative Administration: "La gestion des ressources humaines, élément de performance des administrations publiques", Group No. 7, Deontology.

people in comparable situations differently without good reason; they must not be unjust in their decisions for essentially personal reasons. They must also respect the principle of neutrality, which connects with impartiality (and equal treatment²¹): they must not, for example, join in taking decisions in which they have a personal interest.

I. Taking account of objectivity and impartiality in recruiting public service staff

How can we recruit civil servants or public officials who are "ethically above reproach", and also do this in conditions of unquestionable objectivity and impartiality? Can we assume that candidates for public-sector posts are already familiar with professional ethics (which would imply specific training even before they join)? Should we regard objectivity as one of the values shared by all democratic societies, which public officials simply apply in the public service? Objectivity, which is indissolubly linked with the principle of equal access to the public service and with the latter's very functioning, is one of the distinctive features of serving the public.

In view of the changes we referred to at the beginning, public authorities cannot afford to dispense with minimum checks when recruiting staff. But objectivity and impartiality are required on both sides: the candidate's behaviour must not be suspect - but neither must that of the officials who assess his/her merits.

A. Detailed assessment of candidates' behaviour

Candidates for the public service must satisfy objective conditions which are fairly standard (being the norm in nearly all European countries) and also subjective conditions, specifically relating to their general behaviour; these are assessed under judicial supervision, to ensure that verdicts are not arbitrary. But the question is: should the rules go further and lay down additional conditions?

1. Candidates for the public service must satisfy certain objective conditions. They must not, for example, have committed any offence which would make them unfit for the post they are seeking. This is a universal – and certainly, in terms of professional ethics, minimum – requirement²². It is also possible, when the list of candidates eligible to take the competition is being finalised, to check that no one's behaviour is incompatible with the job for which he/she is applying. This is essential for police officers, senior civil servants recruited via the ENA, and judges (although these are not normally considered civil servants). One could suppose, for example, that a candidate regularly driving under the influence of alcohol, who had lost his driving licence for that reason, might lack some of the qualities needed to compete for a police inspector's post. At the same time, assessment, which is carried out by the authority concerned, must clearly not be a covert way of excluding certain candidates for reasons which have nothing to do with the interests of the service. Normally, an authority may not exclude a person from the list of candidates because of his/her political, philosophical, religious or trade-union convictions²³. Candidates must accordingly be able to appeal

²¹ The two terms seem to be close in meaning: see D. Jean-Pierre, *L'éthique du fonctionnaire civil*, op. cit., p. 183.

²² We shall not insist on the other requirements (e.g. concerning nationality) embodied in many European regulations. These have nothing to do with professional ethics.

²³ A French example is the Conseil d'Etat's famous Barel judgment of 28 May 1954 (*Rec. Lebon*, p. 308, concl. Letourneur).

against decisions barring them from competing²⁴. Taking some basic personal factor, which had no bearing on the interests of the service, as grounds for rejection would constitute unlawful discrimination within the meaning, for example, of the case-law of the European Court of Human Rights. A person doing this would lack both objectivity and impartiality, be in breach of the principle of equal access to the civil service, and violate the ethical principles of public service as a whole.

The question today is almost certainly a very different one: in the name of ethics and non-discrimination, should quotas be fixed in advance, when candidates for civil service competitions are actually being registered? The main problems seem to arise when the results of competitions are announced or new staff are being appointed, and not at the registration stage.

2. Should other factors, with a bearing on professional ethics, be checked as well? In most European countries, and chiefly (or at least more obviously) in those with a career-based civil service, candidates take regulation tests, and their scores determine whether or not they are accepted. In external competitions, tests are academic. In internal competitions, they are sometimes more job-related. In principle, all of them are concerned with professional or technical skills and aptitudes; at present, there seems to be no specific verification of a candidate's ability to respect professional ethics, or be objective and impartial. In countries where the civil service is not career-based, recruitment by contract following an interview may make it possible to form a very rough idea of the candidate's general attitudes, but there appear to be no requirements rooted in a general policy for the public sector.

Several ways of ascertaining a candidate's character, attitudes and likely behaviour are conceivable:

- A special "ethical test" might be included with the others in the competition, but what form should it take? Might candidates be asked to consider a specific practical case, and come up with an answer? Should psychological or behavioural tests, which have not always given good results in countries which have used them, be considered? The problem with tests of this kind is that it can be very hard to evaluate them. Perhaps the old-style panel interview might suffice, even though assessing the candidate's aptitudes can also pose problems here²⁵. In any case, no test can show how candidates will behave once they are appointed.

- If successful candidates go on to training school, ethics modules can be offered²⁶ but should they be compulsory or optional? Who will provide them? Should assessment be the same as for other subject areas? Can professional ethics be taught in the traditional academic way if it is seen as basically a

²⁴ The review by the Conseil d'Etat of refusals to admit candidates to competitions is a normal review (CE 18 March 1983, *Mulsant*, *Rec. Lebon*, p.125; CE 10 June 1983, *Rec. Lebon*, p.251).

²⁵ This is why it seems more than desirable to have these tests assessed by the whole panel, and not just by one person; the French Conseil d'Etat appears to be moving in this direction; technical tests could be assessed by one member of the panel, but the more subjective ones should be assessed by several members or indeed the whole panel (on this issue, see CE 17 November 2004, *Marc Fernandes*, *AJDA*, p. 204, contrary concl. *Aguila*).

²⁶ An example is the modules offered by the ENA, above all in the context of in-service training.

general behaviour pattern, even though certain rules and principles naturally exist? If ethics is treated as just another discipline, there is a danger that, like all the others, it may be forgotten once the tests are over and the years pass...

- Finally, for career-based civil services, checking that staff have satisfactory ethical qualities might be one of the conditions for giving them permanent appointments. However, this would involve setting up another examining board or panel, since assessment in this case could not simply be left, in our view, to an official's hierarchical superior. It would also mean that permanent appointment could be refused at that stage on grounds of inadequate compliance with ethical standards or general behaviour incompatible with the requirements of the post. The danger here is that this might create a further discrepancy between success in the tests and suitability for a given post. This connects with the broader problem of ensuring that tests really match the qualities which candidates will need in order to carry out the task (or tasks) entrusted to them during their career. It has sometimes been suggested that civil servants should be required to take an oath at fairly regular intervals, promising to respect the requirements of ethics and objectivity in carrying out their duties. Despite the solemn nature of such an oath, its effectiveness is open to doubt²⁷.

Candidates must observe professional ethics, but the people recruiting them must do so as well.

B. Objective assessment of candidates' merits

Candidates must be ethically irreproachable, and the panel which assesses the "abilities, virtues and talents"²⁸ of persons admitted to competitions must itself be objective and impartial. The public's confidence in public and government services obviously depends on their opinion of the way in which staff of those services are recruited and selected. Recruitment must not, for example, depend on political or religious considerations. However, current policies in some States may be blurring this message.

1. The selection board's membership and *modus operandi* must be above reproach. It must be objective and impartial (a much better term here than "neutral"²⁹), and it must be clear to everyone that its assessment of candidates' abilities is honest and unbiased. The tests forming part of the competition³⁰ must be conducted with the same honesty and impartiality, and candidates must be judged only on the tests they take.

²⁷ This proposal particularly applied to judges whenever they took up new appointments. If it were accepted, should all civil servants and public officials be required to take an oath? If the obligation applied only to those with public-authority prerogatives (within the meaning of the EU Court of Justice's case law), this might send a confused signal and suggest that there were two classes of public/civil service – one lofty and requiring a compulsory oath, the other lowly and not needing one.

²⁸ To adopt the wording of Article 6 of the Declaration of the Rights of Man and the Citizen of 26 August 1789.

²⁹ The courts prefer to use the concept of impartiality in disputes relating to competitions and non-contentious administrative procedures (D. Jean-Pierre, *op. cit.*, p. 183).

³⁰ See D. Jean-Pierre, *op. cit.*, p. 189.

Selection of the board's members must be transparent and impartial; for example, no member must be a relation or friend of one of the candidates. However, lack of impartiality may become apparent when the results are published: a board member may have strongly disliked a particular candidate, systematically favoured a certain type of candidate, deliberately discouraged candidates who posed a potential threat to others, etc. Anything is possible. In cases like these, a candidate may appeal against the results and the whole competition may be annulled. Nor should the board pay any attention to a candidate's political, philosophical or religious views.

2. Today, the policies pursued by certain States, which are trying to encourage certain population groups to join the public service, are reopening the question. These are so-called positive-discrimination policies, which set quotas (by sex, race, social origin³¹, etc.) for the number of places in specific competitions. This may well be useful, but it may also force selection boards to take liberties in assessing candidates' merits, and cast doubt – even unjustified doubt – on certain appointments. In the name of equality, strictly equal access for all to the civil service is compromised in an effort to guarantee equal opportunities for all. This means that the board can be objective and impartial only towards candidates in the same category, and not overall. This placing of candidates in categories may cause problems if it is not strictly regulated and applied under judicial supervision.

Certain problems also arise when tests lead only to a short list: appointment then depends on how a particular authority rates the candidate's qualities. At this stage, account is not uncommonly taken of – for example - political factors³², although they must not be decisive and simply take the place of the candidate's merits.

The principles of impartiality and objectivity must be respected in appointing candidates, and their capacity to carry out their future tasks ethically must also be verified. These requirements must be satisfied throughout their careers.

II. Taking account of objectivity and impartiality throughout a civil servant's career

Civil servants' behaviour within the service where they work must always be above reproach. Specifically, this means that they may not engage in other activities potentially harmful to that service. They must also, however, be given appropriate ethical training. Involving them in drawing up ethical rules helps to improve the quality of their work, and so contributes to "good administration".

A. General compliance with ethical principles within the public service

Some States have procedures and machinery to guarantee objectivity and impartiality in the public sector, while also protecting civil servants or public officials. Public service staff must be impartial, and may not challenge orders given them by

³¹ Group, race or religion may thus handicap access to the civil service, and this may have drawbacks (see «La discrimination positive, défi au modèle républicaine», *Le Monde Dossiers et Documents*, No 348, December 2005).

³² French local government appointments come to mind.

their superiors³³. Nor may they challenge policies, which they simply put into administrative effect at their own level. This impartiality actually reflects the neutrality of public officials - who must not interpret instructions according to their own political or religious convictions, but must not be dependent on the public authorities - and their basic loyalty to the institutions of the State. In general, they must disregard their own convictions when required to give decisions, and must treat all users and citizens who appear before them, or ask them to act, equally. These aspects are familiar, since they are part and parcel of the principle of equality.

Certain activities make public service staff far more vulnerable. This is why, for reasons of professional ethics, special machinery has been set up, to enable them to discharge functions which may put them in an exposed position, but also to protect them. Certain types of incompatibility are the issue here. Impartiality is sometimes harder to preserve in the case of tasks wholly internal to the service.

1. Some general or relative incompatibilities have been defined to protect public officials, and give the public a guarantee that the civil service respects the ethical code. These incompatibilities apply to political and economic activities³⁴.

The rules on political activity differ from country to country, but their purpose is always the same: to ensure that official decisions cannot appear biased. Whatever their nature, these rules must be objective. Often, their general character itself ensures that they are – but it is important for the public to be convinced of the impartiality of the public service³⁵ and public decision-making³⁶. Public service staff wishing to campaign for political parties and stand for election may do so only if they enjoy extensive freedom of expression outside the service and their job; if they are elected, it may be possible to find an arrangement which allows them to discharge their elected functions without casting suspicion on the public authority to which they belong. Secondment is one option, but their careers must not be slowed down or advanced simply because of their political activity³⁷.

Economic activity is, however, the area where countries have introduced binding rules to ensure that the public do not receive the impression that different interests are colluding. Conflict of interest is today a major risk in the public service, since civil servants' living standards are not really improving. Situations differ between countries, but some problems are common to all:

- Having passed through a public service training college, some officials spend only a few years in the public service and then transfer to the private sector.

³³ Unless, of course, the order given is obviously illegal and liable to cause serious damage to a public interest. The official would then be required to disobey the order in the name of ethical principles (see, on this whole issue, E. Desmons, *Droit et devoir de résistance en droit interne*, LGDJ, 1999, BDP Tome 193).

³⁴ The general approach taken here is the one proposed by Christian Vigoureux in his book, *Déontologie des fonctions publiques*, p. 99 ff..

³⁵ C. Fourrier, *La liberté d'opinion du fonctionnaire*, Thèse Paris, 1956: "The trust of citizens rests on belief in the impartiality of the administration" (p. 128).

³⁶ M. Degoffe, "L'impartialité de la décision administrative", RFDA 1998, p. 711.

³⁷ A similar principle may apply when a public official has trade union responsibilities; these must not affect his/her career.

This raises a problem of professional ethics, insofar as, having been trained by the state to serve the general interest, they depart after some time to work for the private sector, which then reaps the benefit of their training. This casts only indirect doubt on their objectivity or impartiality, which do not fall within the same area.

- Some officials, too, having served the general interest for years in the public service, want to move to the private sector, either temporarily or permanently. This is not forbidden in principle, but certain rules exist in order to forestall conflicts of interest. For example, an official, whose position within a ministry has entailed supervising certain private businesses, can hardly be allowed to leave and, from one day to the next, take up an important post in one of those businesses. This is why some states have ethics committees to check whether the public-sector post an official is leaving is compatible with the private-sector post he means to occupy. A prescribed period (e.g. 5 years) must elapse between leaving the old job and starting the new one. However, although these committees are now general³⁸, results are somewhat disappointing, either because some cases never reach them, or because their decisions are not properly followed up. There is also a general question mark over their membership and powers: are they advisory or decision-making bodies, and is consulting them obligatory or optional?

- Another principle which often applies in career-based, but also in contract-based services is the prohibition on holding public and private jobs at the same time. Public service is ample justification for professionalising staff engaged in it. Their working time must be wholly devoted to their public duties, and not be leeched by any private activity, which might well deprive them of the mental energy needed to concentrate completely on the former. The risk of conflict here is sometimes more insidious, and it is vital to warn public service staff of the possible drawbacks and problems. Conflict of this kind is very common, especially in countries with poor living standards, where civil service salaries are particularly low. Offenders may become dependent on the extra income they earn from private activity. They may be more exposed to certain risks, more vulnerable to pressure from the business world which employs them, and so less alert to dangers to their objectivity and impartiality. They may find it hard, for example, not to give their private-sector employer the decision he wants. Making mobility an obligation for public service staff thus seems a reasonable idea, since it would spare them pressure which the private sector or the business world in general might exert on them, either because they occupied exposed posts or because they were prone to economic tensions. This is often the case with high-ranking officials at local level.

- These general principles should probably outlast an official's working life, at least in some cases. Conflicts of interest do not necessarily cease on retirement, and certain rules should probably continue to apply, albeit less bindingly.

³⁸ There is one in France for each of the three civil services and, recently, the military civil service as well.

2. Impartiality and objectivity are constantly required in the day-to-day work of the public service. The authorities responsible for grading staff performance must therefore display their concern for neutrality by ignoring certain factors: they must take no account of political, philosophical, religious or other considerations, and must behave objectively, e.g. by disregarding any personal animosities. They must also be able, however, to assess an official's compliance with professional ethics (they need training to do this). If performance in this area is unsatisfactory or doubtful, their verdict is thus less favourable. An official's behaviour may be subject to checks, and even sanctions if he/she is repeatedly or seriously in breach of ethical principles. All of this might be done under judicial supervision, which would make it possible to ensure that the penalty was justified, and the person imposing it impartial or objective. There should also be safeguards for staff: it would certainly be useful if they could, when unsure how to deal with a delicate situation, seek advice – the appointment of "deontologists" or "ethics consultants" has been suggested.

In general, public officials serve on certain bodies where their impartiality must not be suspect. Bodies that propose or inflict penalties are one example – although the same applies to other bodies whose decisions may affect their careers³⁹.

Consideration should probably be given to the kind of training needed to ensure that public service staff respect ethical principles.

B. Compliance with ethical principles: training for public service staff

Public service staff must respect ethical principles in their dealings with both users and colleagues. However, they must also understand the utility and meaning of those principles, and should thus be involved – as far as possible – in defining them, so that they can apply them consistently. In-service training in this field would probably be useful.

1. In order to forestall future problems, public service staff should be involved in drawing up professional codes. Separate codes for every department or authority are out of the question, but collective internal discussion, leading to consensus, can result in departmental rules of conduct and "good practices". The fact that these rules and practices have been discussed with those mainly responsible for applying them will ensure that they are more generally respected. This kind of consultation process will have beneficial effects on the actual work of the public service; if staff pool their ideas on impartiality, the quality of decision-making processes, and thus of decisions themselves, will improve – partly thanks to administrative transparency, with each official clearly identifying his/her tasks within the structure. Professional ethics, based on the principles of objectivity and impartiality, are thus part and parcel of the public service culture in which all public service staff participate. The return of this approach may be brought about by users' comments on public authorities' helpfulness, the clarity of their procedures, the speed at which they act, their efficiency, etc.

2. In-service ethical training for staff remains essential. They must know the general principles, and this information can be provided by handbooks, charters or even, depending on the occupation or country, ethical codes giving guidance, in

³⁹ For example, the joint administrative committees in France.

doubtful cases, on what is allowed or forbidden, e.g. regarding presents, benefits in kind, and help given or requested by politicians. They must be reminded of these principles - if necessary, by in-service training modules⁴⁰. It will be necessary to decide whether these modules should be compulsory or optional, and whether changes in grade or promotions should depend on taking them. The organisation of this training should also be considered. Special training for senior officials may be useful – but should there be specific training for every type of job or every branch of the service? Case studies and role-playing are a vital part of the process, and collective training aimed at fostering good practices can also be provided successively in each department. Ethics training may itself be an indicator of good practice and good administration.

The public service in most European countries is currently dogged by a paradox. This is rooted in the inevitable clash between the vital need for ethical standards in the public service and the constant effort to improve its performance. Is a good public service one which operates on private-sector principles, or one which defends a number of irreducible public service values? Performance is not everything, since results-only thinking is in danger of upsetting the professional ethics of civil servants. Training in this context is a sensitive matter: staff are trained in private-sector methods, while being expected to uphold public-service values. The introduction of output and merit bonuses illustrates the tensions: this favours the individual approach at the expense of a collective service approach. Surely these practices create a danger that staff may shrug off certain ethical rules, in order to achieve the results expected and be financially rewarded for doing so, while the public service loses its cohesion? Nor should we forget the harmful effects on those who receive no bonuses, and so may feel sidelined or even excluded. The collective approach, which is vital to quality in the public service, would yield to individualism.

The quality approach necessarily involves looking closely at processes and procedures: results must be planned, assessed and used effectively. Transparency will reveal behaviour patterns, and lead to assessment of individual staff and departments. Departmental working relations and decision-making will be more transparent, and outside monitoring of both will be easier. The public service ideal will be emphasised, as will the obligations of strict neutrality, equal treatment and impartiality which are part of it.

⁴⁰ An example is the in-service training seminar co-ordinated by Christian Vigoureux at the ENA in June 2005 concerning the professional ethics of civil servants (see the ENA website).

The general interest and civil servant's interests

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I. Introduction

My report consists of four parts.

The first looks at two fundamental problems, namely the usefulness of training on ethical issues and the main goals that such training should aim for. Having dealt with these basic issues, the second part deals more specifically with the problem of conflicts of interest and possible techniques for dealing with them, while the third puts forward some suggestions regarding the training of public employees. The final part briefly examines the relationship between the training of public employees and the private sector.

II. Administrative ethics training: problems and options

1. Conflicts of interest and constitutional values

In December 2004, the Spanish government announced that it intended to put forward a bill to introduce a Code of good governance, including conflict of interest regulations, and to set up a regulatory body to monitor conflicts of interest. A few weeks later in Germany, Volkswagen made public the names of several members of Parliament who received a salary from the company and then announced that it would no longer have politicians on its payroll. A few weeks later again, France's Prime Minister changed the regulations regarding accommodation for ministers, after the French Foreign Minister resigned following controversy over news that he had rented a luxury flat at the State's expense. In August 2005, the President of the European Commission passed two dossiers on the subject of competition to the internal market Commissioner, because the competition Commissioner had been a member of management or control bodies of companies linked to those involved. Meanwhile, the independent panel, appointed by the United Nations' Secretary General to investigate on impropriety in the administration and management of the Iraq "oil-for-food" programme, examines the relations between a private contractor and the son of the Secretary General himself.

There have been many examples of situations like these over the last few years, even at the highest levels of public administration – and the number of cases is obviously bigger at lower levels. These examples demonstrate that cases of conflicts of interest are rife, but also that there is a willingness on the part of governments and administrative management to resolve them and prevent the damage to public interests that they may cause.

A conflict of interest arises when contrasting interests are cultivated for various reasons, and is therefore a conflict of loyalties. For politicians, this can take various

forms: a conflict may arise between parliamentary mandate and government office, between national and local office, or between public duty and private interests⁴¹.

For public sector employees, the problem is essentially one of conflict between public duty and private interests: most modern constitutions proclaim the principles of impartiality, independence and honesty of state employees and affirm their obligation to perform their duties properly and honourably. All these principles risk being violated when the employee has to act in a situation of conflict of interests.

2. Is administrative ethics training useful?

Until a few decades ago, little attention was paid to the issues of administrative ethics and even less to the ethical training of public officials. The training of future public officials and professional refresher courses for those already in employment lacked any ethical component. This was due to a variety of reasons: to the fact that conflicts of interest and the opportunities for corruption were less frequent; to a lower level of awareness of the relative risks and greater faith in public officials; and to a different way of seeing the relationship between law and administration and between judges and administration. On the one hand, public administration was conceived as the execution of the law, and the margin of discretion that administrators always have was ignored. On the other hand, judges were relied upon to guarantee the impartiality and honesty of public officials and were responsible for controlling the legitimacy of administrative acts and for repressing crime.

In the second half of the twentieth century, awareness of the role of public officials and the importance of rules to guide their behaviour and internal controls was affirmed, initially mainly in Anglo-Saxon countries and then throughout the West. Many States developed the custom of providing public servants with training on ethical principles and rules of conduct, both before and during their employment⁴².

At a scientific level, however, there is still some debate on fundamental questions⁴³: is ethical training really useful? Does it really affect employees' subsequent behaviour? Does it really convince them of the advantages of respecting the rules and to model their behaviour on the constitutional values of the public service? Or does the behaviour of individuals depend solely on their personalities, their education and the context in which they work?

A lawyer like myself cannot answer these questions, but must leave them to other social scientists. It may be observed, however, that the faith placed by many advanced legal systems in this type of training is relevant in itself: according to a recent OECD survey, "Almost all OECD countries provide training on ethics issues"⁴⁴.

⁴¹ A. Claisse, *Conflitto di interessi e funzioni governative: analisi comparata*, in S. Cassese – B.G. Mattarella (eds.), *Democrazia e cariche pubbliche*, Bologna, Il Mulino, 1996, p. 14 ss.

⁴² D.E. Yoder – K.G. Denhardt, *Ethics Education in Public Administration and Affairs: Preparing graduates for Workplace Moral Dilemmas*, in T.L. Cooper (ed.), *Handbook of Administrative Ethics*, 2nd ed., New York-Basel, Marcel Dekker Inc., 2000, p. 60 ss.

⁴³ A. Hejka-Ekins, *Ethics in In-service training*, in T.L. Cooper (ed.), *Handbook of Administrative Ethics*, p. 80 ss.

⁴⁴ OECD, *Trust in Government. Ethics Measures in Oecd Countries*, Paris, 2000, p. 46.

Naturally, we cannot ask too much of training programmes: we cannot expect them to produce effects in the short term, nor to eradicate corruption. We can, however, expect them to contribute to generating respect for the regulations and improving conduct in the long term.

I will therefore take it for granted in my report that this type of training is useful and will concentrate not on its usefulness, but on its possible characteristics.

3. Two models of ethics training

Having set aside the question of the usefulness of ethics training, another equally important and much discussed question arises⁴⁵: should training aim to instil in employees a strict respect for the regulations or to develop self-sufficient ethical awareness? In other words, should it teach detailed rules or convey values and principles?

Teaching detailed rules implies a low profile approach, but one with good chances of obtaining definite results: after the training programme, the employee will know how to behave in certain common situations (whether to accept or decline a certain offer, whether to make a decision or abstain, whether or not to join a certain association). Yet he will not have acquired a professional ethic and he will not know how to behave in less typical and common situations for which precise rules do not exist. Moreover, a rigid and authoritarian approach may prompt a negative reaction in the employee.

Conveying values and principles is a more ambitious and high profile aim: the goal is to develop a common professional ethic and provide employees with the tools and general criteria necessary to discern the rule to follow on a case by case basis. The results of this approach are less certain and it is almost impossible to measure the effects of this type of training. Moreover, employees may feel disoriented when faced with the challenge of applying principles to real life situations.

It therefore seems that the problem needs to be resolved by considering both approaches as important and mutually complementing: training must aim both to affirm the principles of public ethics and to provide precise standards of conduct.

How these two aims are balanced depends on various factors: the first is the context in which the employee works, as it is easy to convey ethical principles in the presence of shared values, but less so when faced with scepticism. The second is the type of duties carried out: those who are in frequent contact with the public and need to make decisions fast (a police officer or hospital doctor, for example) have a greater need for detailed rules than those who carry out their duties further from the public eye. The third factor is the type of organisation: detailed rules are more suited to rigidly hierarchical administrations, while principles are more suited to administrations based on individual flexibility and self-sufficiency. The type of contract is the fourth factor: an approach based on ethical values may not have much sense for an employee with a fixed-term contract. Lastly, the level of staff: the high profile approach is probably more suitable for staff with a higher level of education and experience, while the low

⁴⁵ A. Hejka-Ekins, *Ethics in In-service training*.

profile approach is more suitable for those with simpler tasks. These are but a few of the factors to be taken into consideration.

III. Conflicts of interest and public interest training

4. What is a conflict of interests?

Having dealt with these basic issues, this second part of my report deals more specifically with the problem of conflicts of interest and possible techniques for dealing with them.

First of all, we need to define what a conflict of interest is and what dealing with it implies. This is not a simple task as the definitions of conflict of interest are sometimes vague and misleading. For example, following a lengthy debate in my country (Italy) a recent law has introduced a regulation on what it calls “conflict of interest”, that is actually something quite different. According to this law, a conflict of interest is the behaviour of whoever allows private interests to prevail over public interests, to the detriment of the public interests. Therefore, not everyone who makes decisions despite having a personal interest that is in conflict with the public interest is considered to be in a situation of conflict of interest, and making decisions to one’s own advantage is not against the law unless it can be demonstrated that the public interest has been damaged.

It is obvious, on the contrary, that a conflict of interest is a simple contrast between public and private interests, which may induce a public official to sacrifice the former in favour of the latter. An OECD document gives an excellent definition: a conflict of interest is “a conflict between the public duty and private interests of a public official, in which public officials have private-capacity interests which could improperly influence the performance of their official duties and responsibilities”⁴⁶. This suitably loose definition covers the different forms of conflict of interest: the private interest may be financial, concern a business activity, originate from affiliation to other organisations or other jobs, concern a relative, and so on.

Conflict of interest regulations should also take other possibilities into account, which may go beyond the actual existence of a conflict of interest. An apparent conflict of interests, for example, can be just as damaging to the image of a public administration as a real conflict of interests. Both the current and future private interests of employees must also be considered in relation to possible conflicts with public interests. A public official may resign, for example, and subsequently be employed by a company controlled by the administration he previously worked for.

5. Regulatory approaches to conflicts of interest

Conflicts of interest can be managed in three main ways: by eliminating them, neutralising them or making them public.

The first remedy, and clearly the most effective, implies that the civil servant involved chooses between his public position and private interests. However, the greater and more diversified the civil servant’s assets are, the more impractical this

⁴⁶ OECD, *Managing Conflict of Interest in the Public Service*, Paris, 2003, p. 15.

remedy becomes, not least because selling is more difficult and the proceeds need to be reinvested. The assets could, on the other hand, be converted into a diversified portfolio, possibly consisting of exclusively foreign stocks: with “blind” management, this would effectively eliminate the conflict of interests without reducing the value of the assets.

The second remedy involves imposing the duty of abstention, backed up by sanctions, upon whoever finds himself in a conflict of interest situation. The sanctions may be imposed on the person (such as a fine or suspension or dismissal from office, as well as penalties and civil liability), the act in question (which may be defined as null or annulable) or both. This solution is obviously less effective as it tolerates the conflict of interest, but it does avoid making the situation worse: as such, it may be defined as a dynamic rather than static approach. As previously mentioned, this solution is sometimes adopted by law, especially regarding business issues: in many countries company administrators are not legally bound to choose between their position and personal interests and they are only liable to be sanctioned if an act adopted in conflict of interest causes damage to the company’s interest. There are, of course, natural limits to the applicability of abstention: it may be useful to resolve occasional conflicts of interest, but might turn out to be detrimental if the conflict of interest arises frequently: a defence minister who is a shareholder in a company that produces arms, for example, could find himself having to abstain from the majority of acts of his competence.

The third remedy, namely transparency, is naturally the weakest but is always useful, regardless of the use made of the first two solutions. The holders of the interest that is threatened must be aware of the conflict of interests, both because this works as a deterrent and permits widespread control of acts that would provide an unjust advantage, and, according to the well-known economic theory, because the holders of the interest are the principals, to whom the agent is answerable and who have the power to revoke their vote of confidence.

The regulation of conflicts of interest imposes a choice between these three approaches, and this choice of approach will naturally affect the training requirements. The second solution (the rule of abstention), for example, requires of the public employee a subtle ability to appraise the private interests that contrast with the public interest on a case-by-case basis. The first solution (incompatibility), on the other hand, implies a single initial evaluation regarding the interpretation and application of a regulation.

6. Criminal and disciplinary rules

The way in which violations are sanctioned represents another fundamental choice in the training of personnel. Legislators often react to scandals by introducing new penalties or making existing ones harsher, while the importance of disciplinary rules and sanctions tends to be overlooked. Disciplinary liability is important in the context of helping public officials develop ethical awareness, as it represents a preventive barrier against more serious violations and, in comparison to criminal sanctions, the educational element is stronger and the repressive element less strong with disciplinary sanctions.

Furthermore, while penal regulations are defined by the law in all modern States, employees' representatives can take an active part in the definition of disciplinary offences and sanctions. This may help to make them more easily acceptable to the employees and encourage their unions to see that they are respected. On this subject, I would like to mention the current system in Italy following the privatisation of civil service. While the duties of public employees are decided unilaterally by the public administration and contained in a Code of Conduct, the consequences of violating these duties, in the context of disciplinary liability, are defined in collective labour agreements.

III. Suggestions for conflict of interest training

7. A difficult kind of training

Let us look at personnel training on the subject of conflicts of interest.

As I have already mentioned, there are some doubts about the usefulness of this type of university education. These doubts are partially due to the particular nature of public ethics rules, which both protect the public interest and sacrifice private interests, so that the application of such rules is hindered by a natural tendency to look after one's private interests. Furthermore, respect of conflict of interest regulations cannot be based on employees' natural competitiveness, which induces them to work hard and in the interests of the public as far as possible, in order to gain personal advantages in terms of appreciation and promotion.

These difficulties can be dealt with in various ways: by relying on general principles and, therefore, on employees' professional pride; by focussing employees' attention not only on the rules but on the consequences of breaking them, including criminal and disciplinary sanctions; by linking training to career progression; and by ensuring that all employees receive a certain level of training in groups, in order to place them on an equal footing regarding observance of the rules of conduct.

8. Times and purposes of training

Some further suggestions may be drawn from what I have said so far.

First of all, training programmes must have two main aims: first, to inform employees of the relevant rules and laws and to help them interpret and apply them, and second, to improve understanding of the principles and logic behind the rules, in order to put employees in a position to judge independently what behaviour is appropriate, even in situations not foreseen by the laws and regulations. On the one hand, legal regulations must provide precise rules of conduct and employees must be taught "how to keep out of trouble". On the other hand, the regulations must provide general principles of conduct and employees must be taught how to apply them. Training should also demonstrate the connection between fundamental principles, such as impartiality and honesty, and principles that may be defined as instrumental, such as transparency and protection of the administration's public image.

Another point is that training must be continual: both before and at the moment of employment, in the form of undergraduate or post-graduate courses for those wishing to work in public administration, and in-career for those already working.

University education on this topic is common in the US and other Anglo-Saxon countries, but less so in other countries where the education of public servants is by tradition essentially legal. Such education is insufficient and encounters particular problems: it is difficult, for example, to teach ethically acceptable rules of conduct to students who have no experience of the problems that those rules want to resolve. Resolving ethical dilemmas and conflicts of interest is possibly the most difficult skill to teach students, yet it is important for them to know that a good public administrator must possess this ability and that it can be taught and acquired. Future public servants also need to be shown the connection between rules of conduct and other rules, such as those regarding administrative due process and administrative transparency.

Continual training of employees is of particular importance, as the sense and usefulness of rules of conduct can only be fully appreciated in conjunction with on-the-job experience. Lastly, it is important that training is not done in the abstract, but bearing in mind the context or environment of individual administrations. This confirms that training programmes must involve groups of employees with homogeneous duties and characteristics.

9. Taking working environments into account

Further suggestions arise from the need to take into consideration individual employees' working environments.

Training programmes should be organised according to the various categories of personnel (managers, officials, staff with fixed-term contracts, etc.) and specific functions (clerical, police, health workers, etc.). Special attention should be dedicated to the training of staff who come into more frequent contact with conflicts of interest, such as those responsible for public administration contracts or for tax controls.

Employees should always be involved in training activities, and this is especially true for what I have defined as the "high profile" approach, which aims to develop professional ethics and common principles' sharing. To achieve this, the most suitable teachers are senior or particularly expert members of staff. Other competences, such as those of a lawyer, may be useful for "low profile" training, which aims to explain specific regulations.

It may help to work with unions and employees' associations in both planning and carrying out training programmes, in order to encourage employees' involvement and motivation. This becomes even more relevant if such groups have been involved in drawing up the rules of conduct to be studied, as I have already suggested.

Teaching methods may vary according to the aims and time available and to the functions and characteristics of the personnel involved. Open debates are generally more suited to the high profile approach, while traditional lessons work better for the low profile approach. Materials such as manuals, presentations and films may be useful.

It is very important that teaching is not restricted to lessons and seminars. The need for guidance in discerning the right conduct to adopt implies that the employee must be guaranteed both training and advice on how to apply the rules and resolve doubtful cases, in order to shed light on the grey areas between honesty and corruption. From this point of view, many countries have set up offices such as the American Office of Government Ethics and designated ethics officials in the various administrations. It is important for employees to know that there is a competent body they can consult when the training programme is over, which may be a central or local *ad hoc* office, a senior member of staff, a fellow employee with specific competences or a union.

IV. Conflict of interest training and the private sector

10. Ethics rules and the public

I would like to conclude with two observations regarding the relationship between the training of civil servants and the private sector.

Firstly, knowledge of public service values and rules of conduct for public officials must be guaranteed both inside and outside public administrations.

An example can be seen in an unedifying recent event in my country involving the Governor of the Bank of Italy – an institution that, over time, has earned itself a very prestigious reputation for the quality of its personnel. The current Governor is at the centre of a scandal because judicial enquiries have shown that he had close relationships with some of the bankers regulated by his organisation, and that he unduly favoured them while carrying out his supervisory role. According to some rumours, in doing so he violated the code of ethics of the bank's managing bodies. The fact is that this code of ethics has not been published and its very existence has yet to be confirmed. Of what use can a code of ethics be, if it is known by no-one and therefore no-one can judge whether it is being respected or violated? Not by chance, a new code of ethics was adopted by the German Bundesbank in the aftermath of the 2004 scandal that led to the resignation of its President.

Rules of conduct for public officials should instead be made public, so that all citizens know what behaviour they can expect from State employees and contribute to upholding the principles of public ethics.

11. Public interest and private regulation

My second observation is that drawing up rules on conflicts of interest for civil servants and training them may not be sufficient, as conflicts between public and private interests can also arise for private subjects.

Public and private professional rules often overlap because lawyers, doctors, engineers and other professional figures work within public administrations: for these categories, the respect of professional codes of ethics in itself represents a guarantee for the public interest. They are also tied to the public administration by their professional relationship with it and are therefore bound by its principles of conduct.

The phenomenon of attributing administrative functions to private persons is different. It occurs in many countries and is particularly accentuated in countries that adopt privatisation and out-sourcing programmes. In these cases, private subjects who are not directly employed by public administrations manage and regulate public services, draw up technical regulations for industry or finance, control the activities of other private subjects, manage public money and so on.

This is even more pronounced at an international level, where entire sectors such as financial services, environmental protection, safety of industrial products and food safety are substantially regulated by formally private non-governmental organisations, who impose their standards on the State administrations.

This private performance of public functions is currently one of the most significant problems in administrative law, where there is a perceived need to extend guarantees, designed for public administrations, to private subjects. Rules of conduct and ethical training of staff represent important aspects of this problem.

Laws and public administrations can do much to encourage the evolution of these regulations and guarantees. They can, for example, require private bodies invested with public functions to draw up regulations regarding conflicts of interest and train their own personnel. In this manner, the sphere of application of the principles of public ethics can extend beyond the subjective boundaries of public administration to cover all contexts in which public functions are carried out.

WRITTEN CONTRIBUTIONS

ARMENIA

PROFESSIONAL TRAINING OF CIVIL SERVANTS MANAGEMENT AND QUALITY OF TRAINING FOR CIVIL SERVANTS ETHICS AND THE TRAINING OF CIVIL SERVANTS

The Law on Civil Service of the Republic of Armenia was adopted and entered into force on 9 January 2002, with a view to implementing an effective and balanced staffing policy in the Republic of Armenia, to recruit professional managers for the State bodies with moral principles and high sense of responsibility as well as to provide them with state guarantees as to social and legal security.

In accordance with the Law, the implementation of a uniform state policy for the Civil Service has been delegated to an independent body - The Civil Service Council of the Republic of Armenia.

Recruitment on the basis of competence

According to the Law on Civil Service of the Republic of Armenia there are two ways to fill a civil service position - through an **internal recruitment procedure** and through a **competition**.

Internal recruitment procedure

When a civil service position becomes vacant (with the exception of vacant civil service positions not included in structural departments as well as newly created civil service positions), the official having jurisdiction to make appointments to that given position has the right, within a week of the vacancy announcement and until the competition announcement for the given position is made, to appoint a civil servant from the relevant body, who at the same time;

- a) must meet the requirements of the passport (job description) of the given position;
- b) must be considered as occupying a civil service position of the same category or at least have the same classification grade as the given civil service position or occupy a lower classification position in the category just above the civil service position;
- c) must be a civil servant of the same structural department;
- d) must have notified his/her agreement in writing.

Competition

With the exception of the procedure described above, civil service positions of the relevant state bodies must be filled through a competition.

The competition is in two stages: tests and an interview. Tests are drawn up on the basis of questionnaires which are computer generated and randomly selected, and are destined to check the participants' knowledge in the following areas:

- a) the Constitution of the Republic of Armenia;
- b) the legislation on the Civil Service of the Republic of Armenia;

- c) the legislation (professional questions) of the Republic of Armenia defining the jurisdiction of the corresponding state body.

Those candidates having answered correctly to at least 90 per cent of the questions obtain the right to participate in the second stage of the competition, i.e. the interview. The interview with candidates should be conducted using written question cards, in the framework of the provisions of the given civil service position passport (job description) and with a view to checking their practical abilities.

As a result of the interview, the competition commission, which consists of 6 members, must vote for each candidate. Each member of the competition commission has to vote for or against a candidate. To pass the competition, candidates need to have received more than half “for” votes from the members of the competition commission having participated in the voting.

According to the established procedure, the competition commission will then forward its conclusions regarding those candidates having passed the competition for a given position to the official having the jurisdiction to make appointments to that position and who, having received the conclusions, must make a decision on the appointment to this position within 3 working days.

The competition is considered as external as all citizens of the Republic of Armenia who are fluent in Armenian, have reached the age of 18 and meet the requirements set by the passport of the given position (job description) have the right to participate in the competition.

Work experience is one of the necessary requirements for appointments to the highest, chief and leading civil service positions and this requirement is different for each position.

Appropriate training

The law on Civil Service of the Republic of Armenia defines on-the-job training for civil servants. The law envisages that every civil servant must be subject to compulsory training at least once every three years. At the same time, the training of a civil servant can be held on the basis of his/her appraisal results, a change in the passport of a given civil service position (job description) as well as on the initiative of the civil servant or the head of personnel

The objective of all training is to improve the professional knowledge and working skills of civil servants. Thus, training cannot directly lead to the promotion of civil servants.

The training of civil servants is provided by the educational institutions (universities, academies and other tertiary institutions) included in the list approved by the Civil Service Council of the Republic of Armenia. The listed educational institutions carry out the training of civil servants according to the syllabus endorsed by the Civil Service Council of the Republic of Armenia. The training syllabus contains courses on civil service legislation and management skills and the courses are given by trainers from the respective institutions, who are specialised in the aforementioned fields.

Essential assessment

- **assessment of the training**

During the first phase (2003-2005) of the training of civil servants and after each training course, surveys on the training process were organised with trained civil servants and their immediate superiors. The findings of the surveys are being analysed and as a result, the content, method and duration of training courses will be amended in the near future (beginning of 2006).

- **assessment of civil servants**

According to the law on Civil Service of the Republic of Armenia, the work of civil servants should be assessed every six months and a report produced. The assessment of the civil servant's performance is carried out by his/her immediate superior. The analysis of assessments of this kind can serve as a basis to identify the civil servant's training needs. However, there is currently no link between training and the analysis of assessments on performance.

Ethics and the training of civil servants:

- **the objectivity and impartiality of the civil servant**

The law on Civil Service envisages that the main duty of civil servants is to abide by rules of ethics.

These rules are norms which regulate the relations between civil servants, and the individual behaviour and attitude of civil servants based on general moral principles.

The civil servant must keep to the following rules of ethics:

- a) to respect the state symbols of the Republic of Armenia (flag, emblem and hymn) and the state language;
- b) to exclude public disobedience to the policies of the state bodies and officials;
- c) avoid such actions, which could be obstacles to the activities of the state bodies or discredit them;
- d) be guided by moral norms based on the principles of fairness, humanity and justice;
- e) to respect a person's dignity in spite of his/her nationality, race, gender, language, religion, political and other views, social origin, property or other condition;
- f) to be faithful to the oath taken at the time of the first civil service post stipulated by the Law of the Republic of Armenia on the Civil Service;
- g) to be fair, unbiased, self-controlled and faultless in one's behaviour;
- h) not to emphasize one's authority without any particular reason;
- i) to exclude rude behaviour in one's oral and written contacts;
- j) to be polite with officials, colleagues and other natural persons;
- k) to assist in developing and maintaining the belief and confidence of society that the civil service system is based on justice, efficiency and impartiality;
- l) to avoid any kind of sponsorship and use only moral means in reaching one's goals;
- m) not to make oneself dependent on anyone;

- n) to avoid unnecessary promises, to realise the importance and value of one's speech, and the possible negative consequences of a promise;
- o) not to abuse the information obtained at work for one's own personal benefit;
- p) to respect other nationalities' and nations' ethical peculiarities, customs and habits;
- q) to maintain other rules of ethics defined by the moral norms.

- **The general interest and civil servants' interests**

According to the Law on Civil Service of the Republic of Armenia the following restrictions are envisaged to regulate possible conflicts of interest: the civil servant shall not have the right to:

- a) perform other paid work, with the exception of scientific, pedagogical, and creative work;
- b) be personally engaged in entrepreneurial activity;
- c) be the representative of third persons in the relations connected to the body where he/she is employed, or which is immediately subordinate to or supervised by himself/herself;
- d) implement violations of the principle of political restraint of civil servants, that is, to use his/her service position in the interests of parties, non-governmental organisations, including religious associations, proselytise in their favour or implement other political or religious activities while carrying out his/her service duties;
- e) receive an honorarium for publications or speeches arising from the performance of his/ her service duties;
- f) use material and technical, financial and information resources, other state property and service information for non-service purposes;
- g) receive gifts, amounts of money or services from other persons for his/her service duties, with the exception of the cases foreseen by the legislation of the Republic of Armenia;
- h) as a state representative, conclude property transactions with close relatives or in-laws (parent, spouse, child, brother, sister, spouse's parent, child, brother and sister) except in cases foreseen by the legislation of the Republic of Armenia.

Within one month of an appointment to a civil service position, a civil servant, should he/she have 10 % or more shares in the statutory capital of any commercial organisation, is obliged to hand this capital over for entrusted management by the procedure defined by the legislation of the Republic of Armenia. The civil servant shall have the right to receive income from the property handed over for entrusted management.

It is forbidden for the civil servant to work together with close relatives or in-laws (parent, spouse, child, brother, sister, spouse's parent, child, brother and sister), if they are direct subordinates to or supervise one another.

The civil servant shall not have the right to be employed by a private employer or public organisation over which he/she has implemented immediate control in his/her civil service position over the last year or within a one year of he/she having ceased to occupy his/her civil service position.

BOSNIA HERZEGOVINA

SHORT REVIEW ON BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina was first mentioned in the Middle Ages, more precisely after the 11th century, and named *Horion Bosona* in Latin. Until the end of 19th century, it was named “Bosnia” and has since kept this name. In the Middle Ages, it was an independent country, headed by a monarch called “ban”, and very soon it became an independent kingdom; during certain time periods it had a much wider territory than it has today. In the middle of the 15th century, Bosnia fell under Turkish rule, during which time it had a specific status and some sort of governmental structure. After 1878 (after the Berlin Congress) Bosnia and Herzegovina became an integral part of the Austro-Hungarian Empire, with a very strong independent status called *corpus separatu*. It was the only territory outside the empire with a “state government”, subjugate to the Austro-Hungarian government (in fact, to the minister of finance of the Austro-Hungarian Empire); thanks to this status, between 1912 and 1918, it had its own Constitution and “Assembly” (Parliament), along side a government.

From 1918 to 1941, it was an integral part of first Yugoslavia, with a different status. After the Second World War, it had federal unit status – it was a republic and part of second Yugoslavia, with its own Constitution, parliament, government and courts. Since 1992 it has become an independent country – a unitary republic – an outcome of the war in former Yugoslavia, with a constitutional structure as from 1995, at which time it became a complex, federal state.

Geographically, it is to the west of the Balkans and it borders with Croatia on the west side and Serbia and Montenegro on the east side. Its current west border, apart from a few changes, was formed between 1699 and 1815, while its east border was formed in 1878. It covers a surface of 44.000 km² (square km) and numbers about 4,4 million citizens (according to the 1991 population census). We are not quite certain as to the precise number of citizens today, but this number is between 3,5 and 4 million citizens. Most of them (more than 90% of citizens) are of one of the following three “constitutive” people: Bosnians (Muslims), Croats (Catholics) and Serbs (Orthodox). Besides them, most of the citizens are not members of the constitutive people, and there are some minorities (Albanians, Gypsies, Ukrainians, Slovaks, Jews, etc.)

According to the Constitution set up in 1995, Bosnia and Herzegovina is now a complex state, consisting of two entities: the Federation of Bosnia and Herzegovina and the Republic Srpska, and a special territory – the Brčko District. The legislative power is exercised by the Parliament of Bosnia and Herzegovina, which consists of the House of Representatives with 42 elected representatives and the House of People with 15 members (including 5 from each of the constitutive peoples) elected by legislative organs of both entities. The Parliament of Bosnia and Herzegovina makes laws at state level and sets the budget. The number of state authorities, according to the Constitution, is not so large, but it keeps expanding, mostly by agreements between entities. There is also a widening of the interpretation of the Constitution and some authorities such as defence and armed forces, border protection, the fight against organized crime and terrorism, indirect taxation, statistics, insurance of deposits in

banks, traffic and communications, protection of national monuments etc. are added to the basic constitutional authorities (foreign policy, monetary policy, foreign trade and economic relations, customs and excise, control of air, human rights, refugees and displaced persons).

The Presidency is composed of three members of the executive power, who are directly elected, and the president is one of these three members and this rotates every eight months. Besides classical head of state constitutional roles (civil command under armed forces, foreign policy, appointing ambassadors, ratification of international agreements) the Presidency can make specific decisions, although its role is becoming less important with time and it is nearer to a classical presidential role in parliamentary political systems.

The Government of Bosnia and Herzegovina is made up of a Council of Ministers, with a presiding officer at its head, and his authority is similar that of a Prime Minister. The presiding officer and ministers (at the beginning there was three ministers, but lately that this number has increased, so we now have nine ministers, and this trend is ongoing) make up the Council of Ministers, whose main duty is to make regulations on laws (in the form of decisions) as well as some other standard government authority decisions. Ministers are at the head of ministries, which form the government, but a large number of other government organs – agencies, departments, directorates and institutions (currently there are 30 of them in Bosnia and Herzegovina) have changed the government structure.

At the head of the judiciary is the Constitutional Court of Bosnia and Herzegovina, whose main function is to see that constitutions and laws of entities are in line with the Constitution of the state and state laws; it makes decisions on constitutional controversies between the state and/or the entities, and in final appeals of any court in Bosnia and Herzegovina, related to a violation of the Constitution and of human rights. At the state level, there is also a Court of Bosnia and Herzegovina, which makes decisions on criminal law (the most serious criminal acts, war crimes, acts against the constitution, terrorism, organized and international criminal, corruption ...), decides on civil controversies between the state and/or the entities; it decides in conflicts between entities and in appeals on decisions by the Election Commission. The election and dismissal of judges and prosecutors (except of the Constitutional court) is done by a specially formed High Court and Prosecuting Council.

An independent Central bank makes decisions on monetary policy, according to the Constitution and laws; our currency is the convertible mark, linked to the euro – 1 euro = 1,995 convertible marks.

Elections in Bosnia and Herzegovina are organised every second year, and every fourth year since 2000, under the authority of the Election Commission.

Most state functions are implemented at entities' level, although the entities have rather different structures – the Republic Srpska is a unitary republic, and the Federation is made up of 10 cantons. The entities have their own constitutions, bicameral legislative bodies (in the Federation, the Parliament is made up of a House of Representatives and a House of People, and in the Republic Srpska there is a “National Assembly” and a “National Council”). Entities have Presidents with classical authorities and the

government is made up of ministries and other organs of civil service (agencies, directorates...). The judiciary is related to entities, which organise and finance courts, however, the election of judges and prosecutors comes under the authority of the High Court and Prosecuting Council.

We have municipal courts as original jurisdiction and cantonal courts in the Federation and district courts in the Republic Srpska as secondary courts. The entities have supreme courts (such as an appellate and court of cassation), and constitutional courts - only for constitutionality and legality estimating (they don't have an appellate function).

The cantons in the Federation have their own constitutions, unicameral parliaments and are governed by a President, who is at the same time the Prime Minister (since 2002 cantons do not have governors or cantonal presidents), ministries and Ministers, that have right to make laws on their own authority and to establish police forces.

Local autonomy is ruled by cities and municipalities; a small number of cities have city status, most have municipal status. Cities and municipalities have elected councils and municipality heads (since 2004 they are directly elected – mayor and council system), and they have, besides some classical functions, some state authorities, for example, inspectional supervision of constructions, trade, communal hygiene...), and these authorities are similar in both entities.

Reforms are being prepared in all sectors: administration of justice, government, defence and military, and it has been just decided to carry out a police reform (government and judiciary have been reformed since 2002 and defence since 2003). A large number of new laws have been drawn up as part of these reforms, and criminal and civil legality have been reformed as well.

Traditionally, the status of civil servants in Bosnia and Herzegovina, as in the wider region, is for those in public administration (ministries and state agencies). This kind of status is only given to police officers, customs officials, tax collectors and employees in information offices. Teachers, doctors and employees in some cultural institutions and public firms have never been civil servants, and their status has been regulated by private law. Members of the military, judges and prosecutors, also, have never been civil servants, but their status has been regulated by public law.

Although all systems of civil service have been careered, their separation from other kind of employees in private sector was not expressed like in other countries (there were no special pension system, except for members of the military and the police). The civil service has begun a process of intensive reform which started in 2002, by the adoption of laws on civil service, first in the Republic Srpska, then at state level, while a federal law on civil service was adopted a little later, in 2003. There are some similarities and some differences in the three laws: in Bosnia and Herzegovina and in the Federation civil servants are persons with university education only, while in the Republic Srpska they can be persons with higher education. The others in ministers and state agencies have the status of employees, but it is different at state and federal level (at state level their status is regulated by public law – law on labour, while in the Federation it is regulated by public law – law on employees). Employees in cities and

municipalities in the Federation have the status of civil servants, but in the Republic Srpska, they do not, although their status is also regulated by public law.

Civil servants in Bosnia and Herzegovina are not members of the armed forces, police officers, judges, prosecutors, servants in information offices, although their status is regulated by public law. Those who work for the state as employees in schools, universities, hospitals, theatres, museums, communal services etc. are not civil servants and their status is regulated by private law. Finally, in the Brčko District the status of all employees is regulated by private law – law on labour, but after negative results of that kind of system (lack of career prospects, poor level of education, large turnover) a law on civil servants and employees was drawn up, with similar solutions as in other laws on civil service.

The law on civil service is very important because it introduces a professional civil service system: civil servants have job security and cannot be dismissed (except as a result of disciplinary procedures or negative appraisals), which is very important, because Bosnia and Herzegovina is the only country in the region that has this kind of principle for all civil servants at all levels. This includes Secretaries of the Ministries (state or general secretary level), as well as most directors of civil service agencies and directorates. Therefore only Prime Ministers and Ministers are politically appointed in the government. Of course, during former nominations, even the first nominations according to a new law (from a total of nine, eight Secretaries of ministries at state level was appointed as a result of an open competition), politics had some influence, but that influence has now decreased, because Secretaries as civil servants; they cannot be dismissed and they stay in the civil service in spite of changes in government.

The civil service systems are modified systems, with a tendency to be career systems, bearing in mind that a strong sort of career system no longer exists (since 2002 a classical system of positions was foreseen, but after that it changed to a mixed system, during which an attempt was made to give promotions through internal competitions, even though every vacancy can be filled through an open competition. High-level positions are always filled through open competitions.

Civil service agencies, at all levels (state - Bosnia and Herzegovina, the Federation and the Republic Srpska) are established by civil service laws, and they have two main authorities: employment and training (education) of civil servants. Recruitment is very important in all three agencies, and it is carried out on the basis of professional abilities. All three systems have similarities, but the system at state level and at the Federation level are the closest, because they include a general multiple-choice examination, a written examination and an interview.

The system is rather slow, although it guarantees a relatively good selection of employees (the shortest period from the announcement of an open competition to an appointment is over two months, and it can be even take six months).

The system of training (education), which has been neglected, is also very important, especially at the state level. At this level, there are no civil servants who have not been through some kind of education system. Training is becoming more important; a system for the collection of points has been foreseen: every civil servant has to collect points, and for every finished training/education course, he/she gets given points. The

number of points collected is considered during the appraisal of civil servants (all three agencies have developed an appraisal system based, in the first instance, on professionalism).

At this moment in time, we are trying to improve the system by increasing the level of education of all civil servants, seeking new management potential in the civil service, improving the appraisal system and competition procedures by making them faster and more objective (introducing multiple-choice questionnaires in professional examinations), by introducing a system of internal announcements instead of open competitions, and by promoting the use of IT technologies and further education in this field.

CROATIA

**INFORMATION ON CIVIL SERVANTS TRAINING
IN THE REPUBLIC OF CROATIA**

I. INTRODUCTION

In its Programme for the mandatory period from 2003 to 2007, the Government of the Republic of Croatia, under the influence of external factors (such as accession to the European Union (EU) and globalisation) as well as in response to internal requirements, established the radical reform of state and public administration as one of its priorities, with the purpose of ensuring stability, efficiency and predictability in all sectors of social and economic activities.

In this Programme, the Croatian Government committed itself to considering and proposing a re-organisation of the state administration in order to increase efficiency and reduce costs, while not losing sight of the essential purpose of the administration: quality and prompt delivery of services to its clients, both citizens and enterprises, which, among other factors, represents one of the key preconditions for economic growth and development.

In line with this, the Croatian Government has systematically catered for the further training of civil servants and other employees in the public sector, with a view to solving professional problems and rendering a high quality of service for its clients, both citizens and enterprises, the success and development of which is considered instrumental in the functioning of a modern, efficient and effective state (and public) administration, able to achieve the aforementioned goals and objectives, in accordance with EU standards or best practices.

II. ACADEMIC TRAINING FOR CIVIL SERVICE

The history of civil service education in Croatia goes back a long time, over 235 years and dates from the very beginning of university education in the country. In her efforts to create a modern, professional and educated civil service in Croatia, Queen Mary Theresa established a *Studium politico-camerale in regnis Dalmatiae, Croatiae et Slavoniae* through her Act dated 17 July 1769.

In 1776, within the educational reform framework, the aforementioned *Studium politico-camerale* was integrated with the law studies into a newly established Juridical Faculty, today the Faculty of Law (*Facultas Iuridica*), as a part of the Royal Academy of Sciences, the effect of this being that strong legal emphasis was placed on civil service training. This may be considered as a significant achievement given the circumstances at the time.

Special studies of administration appeared again only in 1956 when a Higher Administration School was established in Zagreb. After a period of a successful development towards modern administration studies, the School was integrated in the

Faculty of Law in Zagreb. Since 1957 there has also been a two-year administration college which was integrated in the Faculty of Law in 1983. Until the establishment of the College of Administration in Zagreb in 1998, the administration studies were part of the Faculty of Law of Zagreb.

With the establishment of the College of Administration in Zagreb, administration studies were modernised and became a three-year course instead of a two-year course. More emphasis was placed on political, economic, organisational and administrative/technical contents and the teaching of those subjects favoured until then was improved. This new orientation for administration studies was in compliance with trends in other modern countries, where it was realised that a special administrative education, different in part from the legal one, was essential for an efficient, professional and high standard public administration.

With the exception of the Social College in Zagreb, the administration studies which have been harmonised to meet the requirements of the Bologna Process are organised at the faculties of law in Osijek, Rijeka and Split and at the colleges in Pozega and Vukovar for the academic year 2005/2006 (they are all three-year vocational training courses).

Since 1961, public administration postgraduate studies (Master's Degree) have been organised within the Faculty of Law of Zagreb, to provide training for experts so as to enable them to take up leading positions in the public administration or to pursue their scientific careers.

In addition to the university administration education, there are also secondary school administration programmes in the Republic of Croatia.

However, on-the-job training of civil servants during their service time has not followed university education, in terms of quality or quantity.

III. TRAINING OF CIVIL SERVANTS DURING THEIR SERVICE

A) TRAINING UNTIL THE END OF YEAR 2003

At the turn of the 20th and 21st centuries, the growing process of European integration in Croatia initiated a number of assessments for the harmonisation of all segments of the society to bring them in line respectively with European standards and the best European practice.

In this sense, adequate analyses of the situation of public administration (particularly civil service) have been made with a view to preparing a comprehensive reform. It has been concluded that the legal framework regulating the operation of civil service is not satisfactory, that managerial capabilities and administrative structures responsible for modern civil service functioning are limited and that the civil servants training system is underdeveloped (absence of a national civil servants training centre, implementation of only individual, mutually unco-ordinated training programmes in certain civil service fields).

Among the ongoing training programmes in certain civil service fields worth mentioning are those on European integration issues developed and delivered by the Ministry of Foreign Affairs and European Integration for civil servants and local self-government officials. The basis of these activities are seminars delivered in Croatian, which make up a cycle called "The ABC of the EU" and consist of the following modules: "EU Basics", "Introduction to EC Law", "EU Regional Policy", "Project Cycle Management", "EU Documentation", "European Integration and Translation" and "Introduction to the EU Economic Policy". These programmes are the result of bilateral co-operation with the Government of the Kingdom of Denmark, who sponsored the training of trainers and the preparation of curricula and manuals for all the modules. Apart from the "The ABC of the EU" cycle of seminars, a major part of the educational activities are organised in the framework of bilateral co-operation programmes with Croatian partners (Government, ministries, county councils for European integration, Croatian Chamber of Commerce or non-governmental organisations) or with the governments of EU member states (Denmark, United Kingdom, France, Germany, the Netherlands, etc.), as well as in co-operation with the non-governmental sector, including foundations and institutes. Such educational activities encompass different programmes: training of trainers, workshops, seminars, study visits, lectures and courses. There is also the possibility of financing short courses abroad for the civil servants whose work in the public administration is related to European integration issues.

Through the Croatian Government's programme of scholarships for postgraduate European studies at universities abroad, launched in 1998, more than 120 experts have been educated so far. Following their return to Croatia, they have been employed in public administration bodies, dealing with issues related to the process of Croatia's rapprochement to the European Union. Every spring, the Ministry of Foreign Affairs and European Integration calls for applications for one-year postgraduate scholarships in the field of European law, EU economy and multidisciplinary European studies, which provides a selection of the best candidates with scholarships at different European universities.

Following to the results of the analyses, public administration reform was launched within the European Commission CARDS Programme (Community Assistance for Reconstruction, Development and Stabilisation). The aim of the CARDS 2001 Project "Public Administration Reform – Support to Implementation of the Civil Service Reform" was to include all the aforementioned problems and to establish a public administration in line with economic and institutional developments in the Republic of Croatia as well as to create preconditions for public administration operation which would facilitate the Republic of Croatia's entry to the European Union.

In order to achieve this aim, the project was divided into 3, closely interrelated, components:

- to strengthen and modernise legal provisions regulating civil service operation and practice for the purpose of supporting the public administration reform programme (Component 1);
- to strengthen an institutional and organisational capability related to the functioning and management of the civil service system (Component 2);

- to develop and strengthen horizontal civil servants training programmes, including training aimed at the fulfilment of requirements under the Stabilisation and Association Agreement made between the Republic of Croatia and the European Union (Component 3).

Within the CARDS 2001 Project “Public Administration Reform – Support to Implementation of the Civil Service Reform”, a comprehensive Training Needs Assessment (hereafter referred to as TNA) was made in March and April 2003. The aim of TNA was to provide a foundation for developing both a training strategy and a training programme, taking into consideration the needs of various civil servants categories as well as long-term aims of civil service reform. TNA was oriented so as to identify problems which civil servants encounter in their everyday work and to finding the way in which training may help them in solving these problems.

For TNA, civil servants were classified into three main categories, depending on the scope of their work, tasks they perform and their level of responsibility: managerial/executive level, professional level and administrative/technical level. Questionnaires and interviews did not cover assistants to ministers and secretaries of ministries who are politically appointed high officials at the top of the organisational structure of state administrative bodies.

TNA results were as follows:

1. Civil service in the Republic of Croatia lacks qualified and skilled civil servants and the fluctuation of civil servants (particularly those on higher positions) is high. Current working environment offers poor conditions for creativity and autonomy of civil servants, including inappropriate promotion system.
2. The centralised organisational structure of state administrative bodies is not efficient and results in bad vertical communication. Very often, slow flow of information (including lots of steps in the process of approval), as well as tight schedule imposed on civil servants in order to meet short (regulated by law) deadlines, influence the quality of task performance.
3. The highest managerial positions in civil service are held by politically appointed officials who often have no technical knowledge of ministries, whose managerial skills are limited and who are not used to team work. Allocation of work is not clear and civil servants perform a lot of varied tasks.
4. At this moment (year 2003) there is no adequate civil service training in Croatia which could provide required skills and specialised knowledge. Current education covering knowledge necessary for work in civil service and public administration is mostly theoretical and includes no training. Furthermore, there is no institution in Croatia specialised in civil servants training, such as in other European countries. If there is any training, it is largely made *ad hoc*, since training becomes an important factor only when performance of certain tasks related to implementation of legal provisions become too complicated.

5. Professional training, including development of knowledge and skills of civil servants, is mostly based on experience and in every single case it depends on the assistance offered by colleagues and superiors. At this moment (year 2003) horizontal training programmes hardly exist.
6. Professional training need has been identified on all civil service levels in Croatia. The highest need for comprehensive and multidisciplinary programmes has been identified on managerial/executive level, particularly in the sense of being introduced to new managerial techniques and skills as well as to preparations for reforms planned to initiate a number of formal and informal changes in contents and methods of their work. Training need on the professional level is also a great one, particularly in relation to legal and administrative skills which should help them use their knowledge in a better way, as well as in the fields of new techniques and methods of work organisation.

From the very beginning of the project, the idea of civil servants training and all related activities have been well accepted on all levels of civil service. Certain problems during the project implementation have been caused by the lack of coordination of training programmes implemented by various state administrative bodies and insufficient number of employees in human resources departments who have not been able to efficiently plan human resources training and development within their state administrative bodies.

TNA and its results have proved to be an efficient way of realising the need to establish a civil servants training system and they have had a great influence on the change in the standpoint about training.

B) TRAINING FROM THE BEGINNING OF YEAR 2004

Soon after the announcement of TNA results, the Government of the Republic of Croatia took corresponding measures in order to change the situation that prevailed.

The Central State Office for Administration, headed by the State Secretary who is directly responsible to the Prime Minister, was established in December 2003 with a view to organising and implementing civil service reform, including, as one of the key segments, the establishment of an adequate human resources management system with a new civil servants training system as its integral part. Out of eleven departments within the Central State Office for Administration, there are four departments responsible for human resources: the Civil Service Legal Affairs Department, the Human Resources Planning and Management, the Training Planning and Organisation Department and the Civil Service Training Centre. Thereby the first concrete step in the establishment of a new, modern, Croatian administration was made and a special attention will be paid to its human resources.

Since then, a number of activities have been simultaneously carried out in order to achieve the set aims:

- appropriate facilities were allocated to the Central State Office for Administration in early 2004. The Central State Office for Administration moved into a new building in July 2004 while the renovation of the facilities intended for the Civil Service Training Centre was completed in March 2005. The Centre was fully equipped thanks to funds of CARDS 2001 PAR Programme in May 2005;

- the Head of the Centre and one senior staff member were appointed in May 2004. There are currently 5 civil servants with a university degree working in the Centre (creating and organising training implementation) and one civil servant having secondary school qualifications (Information Technology specialist);

- in October 2004, the Government of the Republic of Croatia adopted the Civil Servants Training Strategy (for the 2005-2009 period) whereby the framework of a new civil servants training system was set up. The goal of the Strategy is to improve general level of skills and qualifications of Civil Servants at all hierarchical levels through the establishment of a system of vocational training and professional improvement, which shall improve their independence, professional competence, efficiency and effectiveness, horizontal mobility and motivation through means of advancement possibilities and simulative salaries and through that it shall improve the overall efficiency and flexibility of civil service in general. Major strategy guidelines are as follows: establishment of a national specialised civil servants training institution; obligation to prepare annual training plans in each state administrative body; duty of civil servants to attend organised programmes and duty of their employers to let them do so; payment of training costs from the state budget, i.e. civil servants are not obliged to cover training costs; keeping a unique IT-based register of all taken civil servants training activities; the obligation to provide at least 3% of total expenditure for civil servants salaries for their training needs;

- until the end of December 2004, within the activities of CARDS 2001 PAR Programme, 22 trainers were trained and five training modules in the fields identified under TNA as the most important for civil servants were developed ("Management by objectives – identifying and setting objectives"; Performance management – examination/ performance evaluation"; "Communication and delegation"; "Job analysis and recruitment"; "Policy and planning – policy cycle and links with the planning process");

- in July 2005 a new Law on Civil Service was adopted, offering a required legal framework for the establishment of a new system of human resources management and civil servants training. Under the provisions of this Law, all civil servants shall have the right and shall be obliged to be continuously trained and improve their professional competences and skills through organised training programmes. Participation in training programmes shall be considered as a part of the civil servants' obligations while state bodies and superior civil servants shall be obliged to allow their subordinates to attend training programmes. Training costs shall be covered from the state budget, i.e. civil servants shall cover no training costs. Furthermore, training is related to promotion and assessment of work and efficiency of civil servants. Planned training programmes under the Law are as follows: 1) annual training programmes in certain state bodies or certain organisational units; 2) personal training programmes; 3) strategy management training programmes (intended for civil servants in the category of managerial civil servants or for civil servants wishing to be

promoted from the category of senior civil servants into the category of managerial civil servants) and 4) specialised training intended for certain groups of civil servants.

The following activities are ongoing:

- bridging project between CARDS 2001 PAR Project (completed in late 2004) and CARDS 2003 Continuation of Public Administration Reform (envisaged to begin on 1 January 2006), funded by UK Foreign and Commonwealth Office: providing professional assistance to draft secondary legislation required for the implementation of the new Law on Civil Service as well as assistance to establish a new human resources management system;

- preparation of 13 secondary regulations required for the implementation of the new Law on Civil Service, including Regulation governing methods, types and conditions of civil servants education and training;

- recruitment of new civil servants required for human resources management departments within the Central State Office for Administration as the central state administrative body responsible for the establishment of a human resources management system in the civil service of the Republic of Croatia;

- preparatory activities for the commencement of systematic civil servants training on the national level in 2006.

In June 2005 the Kingdom of Denmark approved the assistance to the Republic of Croatia in the establishment of human resources management system and improvement of the training centre (July 2005 to December 2007).

The following activities are expected in 2006:

- the commencement (January) of CARDS 2003 Project - Continuation of Public Administration Reform (establishment of human resources management system and review of general administrative procedures);

- establishment of a horizontal human resources management system in all state administrative bodies which will define training needs, propose the implementation of current programmes and the development of new ones and assess usefulness of implemented training of civil servants in relation to their performance ;

- continuation of implementation of certain programmes already developed and work on the development of new programmes in accordance with the results of made analyses;

- continuation of implementation of instructors' training programmes;

- establishment of a unique register of implemented civil servants training programmes.

IV. CONCLUSION

The Government of the Republic of Croatia set, as one of its main priorities in its Programme for the 2003-2007 Mandate (23 December 2003), the consolidation of state institutions, the regulation of relations in the political system with a strengthening of the principle of public accountability, the separation of the political system from the system of public administration and the rapid and complete reform of public administration in order to ensure its efficiency, accountability and return to the citizen.

The actions so far conducted with the assistance of the EU and other international partners in reforming the Croatian civil service have resulted in the new Law on Civil Service which, among other goals, intends to eradicate political interference in administrative decision making and management; establish a merit based system for the management and development of human resources; set conditions and terms for a unified recruitment system and introduce in-service training system.

A Training Strategy has been adopted by the Government stating that training has to be conceived in a way that allows all civil servants participating in training programmes to acquire the following principles of conduct which should be abided by during their work in the civil service: reliable and predictable administrative actions based on the law; open and transparent operation based on public access and public control; responsibility of every individual civil servant based on clearly defined personal rights and obligations; efficiency and effectiveness.

Although the implementation of the new public administration framework and some of training activities have already started it is expected that the whole framework will be fully implemented during the year 2006.

ESTONIA

1. Training of civil servants today: challenges and developments for the future

In analysing the challenges and developments of public service training in the long term, it is important at first to understand the role of training in achieving the strategic goals of an organisation and of the public service as a whole. Training is an integral part of public organisations' activities in achieving the objectives of public service development. The ultimate goal of training is to enable public administration to function in the best possible way. In order to achieve this goal, training needs to have a more proactive role in supporting the implementation of changes and in improving administrative capacity.

To increase the effectiveness and impact of training, it is necessary to improve the planning process of training activities both at organisational and public service level. Good co-operation between different counterparts in this process is essential. Training activities which are prerequisites for a smooth implementation of different reforms and regulations need to be planned as early as possible. Training needs have to be assessed already in the preparation phase of different regulatory instruments. The assessment of training needs in the public service should become an integral part of impact assessment analyses which are conducted during the drafting of laws and regulations. Improving the planning process will help civil servants to better respond to changes and to avoid an unnecessary administrative burden being placed on public institutions themselves, the private sector or on citizens.

When planning the training activities at organisational level, the training topics which are crucial for an organisation's development needs should first be identified. Training objectives need to conform to the strategic targets of an organisation. Thus, the training planning process should start by determining the needs and targets of the organisation itself. If focus is placed on the changes that need to be backed by appropriate training, top managers will need to take a more active role in the training planning process.

A competent training institution, which aims at organising high-quality training programmes for civil servants and local government officials, is a key success factor in creating a sustainable and professional civil service with solid values and know-how on horizontal training areas. In Estonia, these horizontal priority areas are formulated as public service training priorities approved annually by the Government. Though there is a Centre for Public Service Training and Development under the Public Service Academy (in the government area of the Ministry of Internal Affairs), targeted at providing training to state agencies and local government institutions, the Estonian training system is decentralised and there is no obligation to organise training courses through one particular training centre. According to the statistics, however, the Centre for Public Service Training and Development is steadily assuming the position of main training provider for public sector institutions, but there is still room for development.

2. What is "good administration" in a state governed by the rule of law?

Estonia has become a part of the 'European Administrative Space' whose further development calls for increasing co-operation between the public administrations of the

European Union (EU) member states, homogenization of the administrative capacities and compliance with the approved principles of good administration⁴⁷. The right to good administration is expressed in article 41 in the Charter of Fundamental Rights of the European Union. The existing principles of good administration in EU member states are given in the European Ombudsman's Code of Good Administrative Behaviour.

In Estonia, the citizens' right to good administration is laid down in its constitution, according to which "The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, and of local governments" (§ 14). The foundations for good administration are also set in different laws (Public Service Act, Administrative Procedure Act, Anti-corruption Act, Personal Data Protection Act etc.) which regulate public servants' behaviour. A professional civil service is the main prerequisite for achieving good administration. It is important that civil servants be well informed of the principles of good administration and of citizens' rights and that they follow these principles in their everyday work as good public behaviour enables to increase productivity of the public sector, improve service delivery and to make public administration more citizen-oriented. Good administration means the delivery of high-quality public services to citizens in accordance with existing laws, regulations and values. Different measures may be applied to meet this objective, i.e. use of public service standards, widespread use of information and communication technology, use of effective consultation mechanism with citizens etc.

3. Professional training of civil servants: the search for competence for the purposes of good administration

The Estonian public service system is an open, position-based system. The status of Estonian civil servants is defined by the Public Service Act which has been in force since 1996. There is also special legislation for specific groups of civil servants including the diplomatic corps, the police, the judiciary and the military.

According to the Public Service Act the top civil servants are appointed, evaluated and promoted centrally. For the recruitment of top civil servants, the Secretary of State announces open competitions. For the recruitment of civil servants for lower level positions, the ministries and agencies are independent and can decide on what kind of methods or criteria to apply. It is also possible, however, to announce an open competition for lower level positions. Higher education is necessary to enter the civil service.

Civil service training is aimed at developing competencies required to comply with the requirements derived from a given position and the needs of the organisation as well as the development of the public service as a whole. The aim is to create a competent public administration with professional and ethical civil servants. Organisation and co-ordination of training of officials in Estonia is carried out at different levels: for the public service as a whole, for ministries with their areas of government, and for particular agencies/units and persons. The tasks and responsibilities of different agencies at the public service level are determined in the "Principles of the Public

⁴⁷ D'Orta, C. (2003). *What Future for the European Administrative Space?* European Institute of Public Administration, Working Paper No. 2003/W/5.

Service Training System” approved by the Government in 2001⁴⁸. Co-ordination of public service training is the responsibility of the State Chancellery. In fulfilling this role, the Department of Public Service of the State Chancellery promotes co-operation between training managers, elaborates strategies and framework documents, provides guidelines and best practice information and formulates national training priorities for the public service to be approved annually by the Government. The Training Unit of the Department of Public Service can apply for support for the implementation of public service training priorities from European Structural Funds (under the administrative capacity building measure of the Estonian National Development Plan). The training priorities for 2005 that should directly enhance the quality of public administration are “Good public services” and “Public service ethics”. The Centre for Public Service Training and Development is the main institution to provide training in these areas.

Although there are training courses organised by the State Chancellery and delivered by different training institutions, overall the Estonian public service training system is decentralised, with a majority of funding and delivery of training being passed on to individual organisations. In-service training is essential for providing more specific and practice-related know-how and skills to civil servants. On-the-job training is more common in organisations where specific knowledge and skills are needed. But more institutions are also conducting “general” on-the-job training for new civil servants by appointing a mentor to them etc. In general the participation in training is not compulsory; it depends on individuals’ level of education, experience and needs.

It is difficult to assess the impact of training on the everyday work of a civil servant and even more complicated to assess the impact of training activities on the organisation as a whole. It is easy to get feedback about the organisation of trainings, lecturers etc. by using a questionnaire or having a conversation with the participants but it does not provide enough information about wider impact of training on different levels of organisation. There is therefore no common procedure for assessing the impact of training, but there is certainly a need for that at different levels.

Civil servants’ training needs are identified and agreed with their direct superiors during annual performance interviews. Data about training needs are forwarded to the personnel department. Personnel departments should then regularly provide information to civil servants about training activities on offer and also organise in-service training when needed. Civil servants themselves are also encouraged to look for required training and to participate in training as long as the employer’s authorisation is sought and granted.

⁴⁸ The State Chancellery is currently preparing an updated version of the document.

4. Management and quality in the training of civil servants: the search for efficiency in public administration

What does efficient management mean in the context of administration? Can we talk about quality management in public administration?

Generally, management and staffing in the Estonian public service is decentralized to each individual ministry or institution and therefore varies in practice. There is no ministry at the central government level with single powers to co-ordinate human resources policy in the public service. Four different institutions (the State Chancellery, the Ministry of Finance, the Ministry of Justice and the Ministry of Internal Affairs) deal with its different aspects. The Ministry of Finance is responsible for the elaboration and implementation of the principles of performance management and quality management that have broader influence on the public service system. Promotion of quality management in Estonia only started in 2001. Its underpinning lies in the Government Public Administration Reform Programme of 2001 which among other strategic areas also contained a strategy for developing citizen-oriented public administration. The aim of the strategy was to improve the performance and quality of management of public organisations, using modern efficient management methods, as well as to provide high-quality public service to the citizens. The models and methods regarding quality management could be chosen by individual public organisations. The most frequently used quality management model in the Estonian public sector is the CAF model.

Quality management serves as one measure to enhance public administration efficiency and its use facilitates the implementation of strategic planning through the creation of a well-established management system and continuous improvement of management quality. Quality management was also one of Estonia's public service training priorities in 2004.

Performance of senior civil servants is critical for the success of the overall performance of public administration. To make management in Estonian public administration more efficient, a competency framework for Estonian senior civil servants⁴⁹ was elaborated in 2004. The aim of implementing a senior civil servants' competency framework is to support their recruitment, selection and personal development towards the achievement of state level objectives. The framework enables both the standardisation of the ways used to assess the required competencies of potential and current top managers and the provision of training that is needed for developing these competencies. Though it is not compulsory to implement the framework, a number of ministries have already found it very useful and are interested in its application.

5. Ethics and the training of civil servants: the search for objectivity and impartiality in public administration

Training on ethics is important in promoting ethical behaviour and lawfulness and in creating common understanding on ethical norms and values. It is essential that public

⁴⁹ Senior civil service consists of Chancellors and Vice- Chancellors of the Ministries, Directors General of Boards and Inspectorates, and County Governors.

servants be well informed about the Code of Ethics and the nature of their role within the public administration. As EU studies have shown, the decrease of unethical behaviour increases the quality of public services and promotes good administration.

In Estonia, public service ethics is one of the Government approved Public Service Training priorities for the second year now. The Centre for Public Service Training and Development provides training activities that include a module on public service ethics for new officials from central government and local government institutions. A comprehensive ethics study material on CD-ROM will be published this year, followed by special training courses on ethics targeted at all civil servants.

Civil servants exercise public power. To avoid any possible abuse of this power there needs to be a set of legal conditions in place which enables civil servants to execute their functions in a proper and lawful manner, and also establishes adequate control mechanisms.

HUNGARY

CIVIL SERVICE IN HUNGARY

In Hungary, the regulation of the legal status of employees of the public sector is not uniform, different legal regulations being applicable to staff of various bodies and institutions.

The Act on the legal status of civil servants adopted by Parliament on 1 April 1992 (Act XXIII of 1992), with a comprehensive review implemented subsequently in 2001 applies to persons employed in the central or local public administration. The Act lists the state institutions under its scope, which are non-governmental organisations (such as the Office of the Constitutional Court, the State Audit Office, the Office of the President of the Republic, the Office of the Hungarian Parliament) and the state administration organs.

The Act on the status of public servants governs the persons employed by state and local government budgetary organs and the Act on the legal status of the commissioned officers of the armed forces covers the staff of border posts, law enforcement entities (the police, civil defence, customs and excise, penal institutions, fire brigade) and the national civil security services. With respect to judicial employees, separate Acts apply to judges, judicial staff and public prosecutors.

The Hungarian civil service regulated by the Act on the legal status of civil servants is a so-called closed, decentralized and carrier-type system.

The Human Resources function is decentralized. Ministries and central offices select their employees independently and they decide upon appointments and dismissals. In ministries, employer's rights are exercised by the administrative state secretary; in other central public administration bodies, this function is performed by the head of the institution.

The tasks related to the central management of civil service are fulfilled by the Ministry of the Interior. Thus, the data on civil servants are kept in the central public service registration system maintained by the Ministry of the Interior.

According to the Act any Hungarian citizen who has legal capacity and secondary education qualifications is eligible to become a civil servant. The regulations specify what qualifications are required to hold different positions. The legal relationship with civil servants is established for an indefinite period of time, by appointment and the acceptance thereof; civil servants are sworn in on that occasion. For the heads of department of central public administration organs specified in the law and in the case of town clerks, the suitable candidates must be selected through an open competition. The call for applications must be published in the official journal of the Ministry of the Interior. Civil servants may resign at any time.

The Act specifies a life-long career system, with categories depending on qualifications and length of service. The system includes the key phases from beginning of career

until retirement. The promotion and remuneration of civil servants are determined on the basis of a table reflecting seniority in the public service and qualifications.

The performance assessment which is obligatory for all civil servants allows for differentiated remuneration (from +30% of salary at a maximum to – 20 %), based on the objectives and performance requirements defined annually by the employer according to the priorities of the given public administration body.

At different stages in their civil service career civil servants have to take first a basic, then a high-level public administration examination. If the civil servant does not pass the examinations, his or her legal (civil service) relationship is terminated if s/he fails the basic level exam, or s/he can not be promoted if s/he fails the high-level exam.

Out-of-classroom training, further training and retraining of civil servants and management training are state duties; the government is responsible for arranging them. In 1998 the government decided to create a system for further training of civil servants that operates under central guidance and with central assistance financed from the state budget. According to the Civil Service Act the civil servants are entitled to attend thirty hours of further training for every four-year period, but taking part in further training programmes is compulsory if ordered by the civil servant's supervisor. The Hungarian system can therefore be qualified as semi-decentralized.

Mandatory further training for civil servants may be ordered by the Government or by the line minister based on medium-term and annual further training plans. In the four-year medium-term plan the Government defines the general principles and objectives for the further training of civil servants and the requirements of management training. The plan must be drafted by the Minister of the Interior, in co-operation with the Hungarian Public Administration Institute and the Prime Minister's Office.

The medium-term plans are drawn up centrally, issued in the form of government decisions containing general principles, guidelines, the main goals and priorities for the given plan period. The first plan for the period of 1999-2002 was approved in April 1999 and the second for the period of 2003-2006 in March 2003.

Since 2003 the different Ministries, other central organisations and so-called county administration offices also have to work out a "medium-term training framework" based on the guidelines of the medium-term governmental plan with the inclusion of local training needs. The annual plans are the concrete action plans of the administrative organs for each given year. These plans contain central training programmes for special groups or on specific issues of importance and are financed by the state budget but also include some "market-based" courses which qualify as training courses. These courses can be integrated in the annual plans and subsidised by the special civil service training budget line. There are other training programmes which are subsidised by the respective budget lines of different administrative organs.

The Hungarian Public Administration Institute has two main activities: it conducts research related to public administration and public service development and it participates in the planning and execution of training programmes for civil servants. It is not only a training centre for civil servants working in central administration but it

also performs co-ordination, consultancy and methodological tasks for other training organs.

In connection with the activities of civil servants, the main requirements relating to their conduct are laid down in the Act, but the Code of Ethics is not part of the Act.

Civil servants must perform their duties in the interest of the public, in compliance with legal regulations and with the decision of their controlling body, expediently, impartially and fairly, in accordance with the rules of civil case administration. Civil servants must act upon the orders of their superiors, except in cases where such orders are against the law. Should a civil servant disagree with a decision of or order from his/her superior, s/he may put any dissenting opinions in writing. Civil servants may join organisations representing their interests and they also have the right to go on strike.

To prevent corruption civil servants are obliged to declare their income and that of any relatives living with them. The frequency at which these statements have to be made ranges between one to two years and depends on the position occupied. If, in comparing these statements, the employer finds that the increase in a civil servant's wealth is not in proportion with his/her income as a civil servant the Public Service Control Office is contacted to look into the matter. A refusal to comply entails the termination of the legal (civil service) relationship.

Civil servants have also to comply with the rules of the relevant Code of Ethics. The Code is a recommendation prepared by the Ministry of the Interior in collaboration with the trade unions which is intended to serve as a guideline for the various public administration bodies to develop the own detailed rules of ethics in line with their activities. In practice some public administration organs and self-governments had already established rules of ethics in line with the specific characteristics of their respective areas.

The existing Act on the legal status of civil servants has been modified continuously over the past years to meet the requirements of a modern civil service and to cater for social changes as well as changes in the labour market.

In accordance with the actual government regulatory concept a single Act on the civil service including regulation of the legal status of all public sector employees, with the exception of judges, judicial staff and public prosecutors, is being drawn up. Its general part concerns all public sector employees and its specific part outlines rules regarding employees in different parts of the public sector. But at the same time as a uniform civil service is established, the reform of the different public services, like health services and education, has to be developed.

In fact the main modernisation activities of the public sector aim at the improvement of the performance of public administration, the reform of the human resources policy in the public service, the reform and decentralization of the central public administration system, the improvement of the quality of regulation and the provision of e-government services.

The government recently adopted a resolution on the measures to improve the performance of public administration specifying the tasks to be fulfilled to enhance client satisfaction, to improve the performance of central government and to develop the human resources of public administration.

The on-going reform and modernisation programmes in relation to the development of human resources aim at greater efficiency in the functioning of public administration, a higher standard of services provided by the public administration, greater civil service efficiency and enhanced motivation of employees so that the Hungarian public administration can fit into the European administrative area and meet its institutional and regulatory requirements.

The requirements linked to Hungary being a member state justify the need for greater co-ordination of the civil service's human resources policy. In that context, the human resources of the government sector must be analysed continuously, the human resources strategies of the ministries must be elaborated on the basis of uniform principles, and the dissemination of modern performance-enhancing and evaluation methods must be initiated and co-ordinated centrally.

To guarantee a high-quality civil service in the future, greater publicity has to be made with respect to admission to the service, a targeted admission policy has to be applied and a central competitive examination similar to that for the European Union institutions has to be introduced in respect of central public administration bodies. As the human resource requirements of the public administration will increase at an accelerating rate after 2008, a decision has to be adopted by end of 2005 on the introduction of the uniform competitive examination so that the holding of the first examinations can be announced in the spring of 2006 and held in the autumn of the same year.

In the forthcoming period, the administrative capacities of public administration must be expanded without increasing numbers; the staff should be maintained at its current level or, if possible and within reason, be reduced. For the administrative capacities concerned, adapting to a changing economic, financial, administrative and cultural environment and achieving cost-effectiveness is conditional on them having enough discretionary power in human resource management.

Civil service training, which usually takes the form of a series of campaigns, must be replaced by a target-oriented training system that can manage training needs in a transparent way. As for training programmes, horizontal training courses must be separated from tailor-made training courses. Thanks to the skills new entrants bring from school, it will become possible to reduce the ratio of general EU, language and computer courses as part as general civil service training courses. On the other hand, greater emphasis should be placed on acquiring professional skills for greater efficiency to carry duties, associated with different positions and on developing competencies. Special attention must be paid to on-line training and e-learning should be developed. The analysis of the experience with the system introduced in the Prime Minister's Office is used to promote its generalisation.

LATVIA

TRAINING OF CIVIL SERVANTS TO ACHIEVE GOOD ADMINISTRATION IN LATVIA

The principle of a good administration is envisaged by the Constitution of the Republic of Latvia, by the State Civil Service Law and it is defined within the State Administration Structure Law. The principle requires the functioning of a competent, politically neutral and effectively organised civil service.

Since 2003 the responsibility for a public administration human resources policy has lied with the State Chancellery, which initiated an integrated and unified planning human resources development policy for the whole of the public sector.

The Latvian School of Public Administration (LSPA) implements the national policy for the training of civil servants and public administration employees. LSPA is a public institution under the supervision of the State Chancellery.

Assessment

In order to ensure adequacy between competences within the civil service and the reality of administrative and political life, an annual civil servants' performance assessment is undertaken in public institutions. Common assessment procedures were introduced in the year 2001.

Within the assessment procedure, the external and internal environment, skills of civil servants as well as performance results are assessed. Within the assessment procedure suggestions on further training needs are also formulated.

Training

The LSPA has the following functions to ensure the promotion of professional qualifications of public administration employees:

- to devise and update training programmes;
- to ensure selection of trainers and co-ordinate the training process;
- to develop draft legislation, conceptual issues, reports, programmes and other documents related to the training of civil servants.

Training blocks

The priorities of the curricula are formed following opinions given by public sector institutions. In accordance with the current needs of civil service target groups, LSPA has set up the following training blocks for year 2005:

- Policy planning;
- EU studies;
- Co-operation and communication skills;
- Public administration mechanisms;
- Developments in public administration.

LSPA employs about 100 trainers. All of them (except trainers from LSPA) are employed on a part-time basis in order to give lectures on specific topics. The LSPA is not an academic institution, but is a member of NISPACE and IASIA (International Association of Schools and Institutes of Public Administration).

Goals

The LSPA pursues the following main strategic goals:

- by the end of 2006 to become a flexible training institution for clients capable of adapting training needs of civil servants to topical priority areas approved by the Government;
- to continually improve the knowledge and skills of clients to enable them to work in the public administration of Latvia in line with the requirements of the European Union and to successfully participate in the European Union;
- to ensure the effective training of civil servants focused on public welfare by way of attracting diverse financial resources and highly qualified trainers;
- to continually provide opportunities for clients to improve their skills and knowledge on issues pertaining to their work;
- to develop a quality management system and to motivate clients to use it; to make the work of LSPA more effective and improve communication to motivate clients to use the services provided by the LSPA, and to promote its development.

The LSPA has set itself the following objectives and main tasks to be performed by 2006:

- 1) to become more actively involved in the drafting and implementation of Government programmes and other important documents:
 - to improve and activate the links and the exchange of information with personnel management units of public institutions;
 - to plan the activities of the LSPA independently and continuously in accordance with the Government's priorities as stated by the State Chancellery;
 - to publicise and demonstrate the national importance and experience of the LSPA in training civil servants.
- 2) to generate interest among and facilitate involvement of senior managers in training programmes for civil servants:
 - to organise more actively, in a planned fashion and on a regular basis, special training courses (seminars) for senior civil servants;
 - to inform and involve senior civil servants at regular intervals in the process of devising and implementing new training courses at the LSPA.
- 3) to improve the training needs identification and analysis process:
 - to devise questionnaires, to conduct a survey and interview the target groups of trainees;
 - to group potential clients by type of activity;
 - to co-operate with the Policy Co-ordination Department of the State Chancellery on training issues related to strategic planning in various sectors;
 - to improve co-operation with institutions concerned.
- 4) to achieve the optimum number of and activity level for regional training centres:
 - to develop the Concept on optimising the training regions of the LSPA in conformity with the administrative territorial reform of the country;

- to develop the criteria for public tenders on establishment of regional training centres;
 - to strengthen the capacity and competence of the LSPA to manage its commitments with respect to regional training centres.
- 5) to improve selection, remuneration and professional development of trainers:
- to improve the evaluation of trainers;
 - to set the way in which trainers from civil servants will be selected;
 - to improve the pay system for the courses and services that are paid for;
 - to establish the basic principles for the professional development of trainers.
- 6) to reinforce professional co-operation with the Baltic States and the Nordic countries, and to develop the contacts established with other countries:
- to initiate and prepare joint training projects for Eastern Europe;
 - to facilitate exchange of experience on the basis of co-operation agreements;
 - to extend the network of countries and institutions that are co-operation partners to the LSPA.
- 7) to facilitate implementation and development of new, progressive teaching methods, especially distance learning and other innovations in the IT field.
- to gradually implement training methods that are aimed at economising resources and extending the clientele;
 - to inform and raise the level of awareness of the potential target groups of clients (especially in the regions of Latvia) on the above-mentioned issues.

TRAINING INDICATORS, 2004

TRAINING INDICATORS	RIGA	REGIONAL CENTRES	TOTAL
Training groups	379	110	489
Trainees	7857	2266	10123
Training hours	5959	1276	7235

In 2005 the study course programme shall be re-structured according to the following principles:

- Definition of the professional competencies covered by the different courses included in a course block;
- Development of associated course blocks providing in-depth coverage of the subject and related skills;
- Provision that contents of courses are in line with their aims and descriptions;
- Determination of an evaluation/testing system by selecting the test type which is most appropriate for evaluating the skills and knowledge covered during a specific course.

Competency-based system for enhancement of professional qualification of public servants

In the future professional enhancement programmes for public servants shall be based on acquisition of specific skills and their development. For this reason, in 2005 and in coming years, the activities of the LSPA will be aimed at the development of skills of strategic importance. Currently, there is no definition as to strategic competencies in public administration, and the study programmes are produced

according to the competencies defined for the performance assessment system of civil servants.

In its efforts to facilitate public service human resources development, in 2004 the State Chancellery developed a Job Catalogue for Public Administration in which all the functional groups (job families) which could be identified within public administration were included, thus providing general descriptions and basic duties for all the job families and job levels within them. The Job Catalogue can be used as a multifunctional tool for human resources management – personnel planning, development of job descriptions, devising of a pay system, training programme development and in defining professional standards. Thus the Job Catalogue constitutes a coherent basis for the introduction of a competency-based human resources management system for the public service, which means that it is possible to develop competency models according to job families and to define the knowledge, skills and attitudes necessary for specific jobs/roles. As a result, the competency-based human resources management system would foster a more efficient public administration, since adequate role requirements also ensure a more adequate personnel selection and more efficient appraisal and personnel planning procedures. The introduction of competency-based human resources management would also facilitate the drawing up of more adequate educational and professional training programmes, which would be based on more clearly defined professional standards and would thus better respond to needs.

The State Chancellery has defined core competencies required for public administration employees to achieve excellence, and they are as follows: (1) loyalty and ethical attitude, (2) customer (for example, internal – for public sector institutions, external – for society as a whole) orientation, (3) results based and sense of responsibility, (4) communication and co-operation and (5) progress/development orientation. Work on competencies development is still ongoing and it is foreseen that a Public Administration Competencies Manual be elaborated at the end of 2005.

Development of training course blocks

In order to ensure systematic training in specific skills and knowledge needed in public administration, it is necessary to develop study course blocks by grouping related courses in logical sequences and granting course block graduation certificates to those having passed the end course evaluation. The certificate would certify that the holder has covered all the courses of the respective block.

The LSPA re-arranges the study programme into training course blocks. Two-type course blocks are needed – subject-specific blocks and blocks designed for specific managerial levels or groups of employees/public servants. On top of the course blocks, participants must be given opportunities to attend separate study courses.

1. Subject-specific course blocks:

- *Policy planning.* Subjects: strategic planning, preparation of policy documents, statistical methods for data analysis, ex-ante and ex-post analysis of policy impacts, policy budget planning, presentation and choice of arguments for policy documents, implementation and monitoring of policies, results and result indicator system, policy communication with the public in the development and implementation stages;
- *European Union studies.* Subjects: basic principles of the EU, EU institutions, co-operation with national institutions, EU law, EU budget and finance, EU project management, Structural Funds, EU procurement procedures, EU industry policies (agriculture, environment, regional);
- *Managerial skills.* Subjects: development and management of strategies, organisational culture and development, personnel management, project management;
- *Co-operation and communication skills.* Subjects: art of argumentation/business negotiations, initial/convincing communication, public speaking, preparation of presentations, meeting management, communication with society – planning and implementation of public relations strategy, customer-focused communication;
- *Public administration mechanisms.* Subjects: administrative procedure, structure of public administration, state civil service, production of regulatory enactments, labour law, ethics and anti-corruption, regulations and procedures of public procurement, internal control, internal audit, finance policy of public administration;
- *Developments in public administration.* Subjects: protection of state secrets in institutions, control system of state assistance, legal protection of private data, human rights.

2. Course blocks for specific groups of public administration employees and civil servants:

In addition to the above-mentioned course blocks, special course blocks are developed for new public administration employees and civil servants (who have recently taken up their duties) and for high-level officials upon prior identification of requirements and needs.

Performance indicators of LSPA

The State Chancellery shall assess LSPA performance and the implementation of the annual Training Course Request according to the following performance indicators:

- An accreditation system of study courses/blocks put in place; the number of accredited courses; the number of courses which have not passed accreditation;
- A knowledge and skills testing system put in place; proportion of the courses which have a testing system; the number of evaluated tests; average test results;
- A course block system put in place; the number of public servants/employees who have attended courses of the specific block;
- A paid services' system put in place; the number courses organised which are paid for.

POLAND

Legal and structural framework

The 1998 Civil Service Act established a system for the civil service in Poland in order to ensure the professional, reliable, impartial and politically neutral execution of State tasks. The civil service corps is made up of over 115,000 persons who are employed in service positions in governmental administration units bearing the status either of ministries, central or voivodship (i.e. regional) offices.

The Prime Minister is the head of the civil service corps which consists of civil servants and civil service employees. Civil servants are employed under public law – after passing a qualification procedure they obtain a nomination and a permanent appointment. Civil service employees are employed under Labour Code general regulations.

Subordinate to the Prime Minister, the Head of the Civil Service is a core element in governmental administration, competent in civil service issues. He/she implements a state policy regarding the civil service and co-ordinates the planning and use of financial resources for the remuneration and training of the civil service corps. As from 2006 the Head of the Civil Service will be appointed by means of a competition open to nominated civil servants.

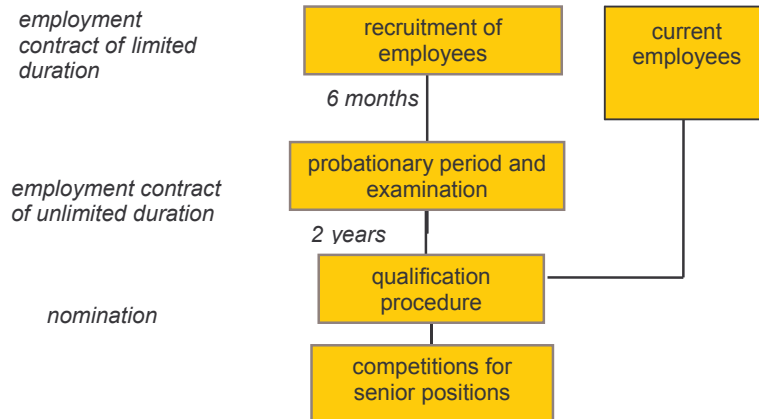
The Head of the Civil Service executes the tasks of the civil service with the assistance of Directors-General of offices (i.e. top non-political officials in ministries, central and voivodship offices). A Director-General is responsible for the effective functioning of the office and notably for its human resources policy.

The Civil Service Council has been established as an advisory and opinion pronouncing entity for the Prime Minister to evaluate qualification and competition procedures in the civil service. The Higher Disciplinary Commission, consisting of civil servants, examines disciplinary proceedings involving civil service corps members in II instance (I instance is the Office Disciplinary Commission).

Recruitment and selection

Recruitment for the civil service is run in a decentralised way and the leading role is played by Directors-General of particular ministries, or by central and voivodship offices. Announcements regarding existing vacancies should be placed in the Civil Service Bulletin. Applicants who wish to take up initial employment with a governmental administration will have to face a 6-month probationary period, at the end of which there is an exam.

Career in the civil service



Exams for senior staff and a privileged category of “civil servants” are held centrally. Access to this category is limited to those employees in governmental administration who meet the following requirements: at least two years’ employment with the civil service, university level education and a good command of a foreign language. The ensuing nomination guarantees permanent employment and entitlement to a special monthly bonus.

Managerial positions in governmental administration consist of approx. 1,600 senior posts corresponding to the positions of Director-General, director and deputy director of department. Since 1 July 2004 only nominated civil servants are eligible for these positions. Applicants taking part in the competition for these positions have to prove they possess the necessary knowledge in order to perform the tasks linked to the given position, display the necessary predisposition and general skills in combination with management skills.

Work on implementing an assessment centre is underway in the Civil Service Office. It is foreseen that this high-quality selection method be used in staffing managerial and specialist (requiring specific skills) positions in the civil service. Currently, under PHARE 2003 (“Strengthening the Public Administration Capacities”) and in co-operation with British experts, the Civil Service Office is running the recruitment and training of future assessors and working out simulation tasks. The first test is scheduled for the beginning of 2006.

The Civil Service Information Centre was launched at the beginning of 2002. The Centre plays an important role in the process of raising awareness as to the services and competencies of individual offices as well as providing detailed information regarding employment opportunities and professional development.

Assessment

According to the Civil Service Act, all members of the civil service corps are subject to permanent assessment, which is carried out by their direct superior within the scope of their entrusted duties. Furthermore, nominated civil servants are subject to periodical assessment, which is carried out by their direct superior according to the provisions defined by the Prime Minister's decree. People occupying senior posts in the civil service are also subject to these provisions. Two successive negative assessments result in the termination of an employment contract.

The assessment of a Director-General is carried out by the Head of the Civil Service in agreement with the relevant minister, head of central or voivodship office. The assessment procedure includes formal conversations between the Director-General and the relevant minister, and then between the Director-General and the Head of the Civil Service. These conversations focus, among other matters, on the expectations related to the exercising of given tasks and desired work results. Assessment (according to defined principles) covers the exercise of tasks in a given period. Apart from retaining the uniform assessment model, the procedure of conducting periodical assessments provides an opportunity to specify the individual criteria which are adjusted to the requirements for a given post.

Moreover, a growing number of governmental institutions are adopting their own system of periodical assessment addressed to civil service employees, which is modelled on the Prime Minister's decree concerning nominated civil servants.

Training

Training opportunities are open to all members of the civil service corps and cover a wide range of topics from various disciplines, such as administration, law, organisation and management, and interpersonal skills. All civil service corps members have the right to training; they do not have to pay to participate in training courses for the civil service. Training in the civil service includes: central training (organised by the Head of the Civil Service); general and specialist training (in individual offices); strategic management training designed for Directors-General; and civil servants' individual professional development training programmes.

The policy in support of the development of competences of civil service personnel is expressed, first of all, in the Civil Service Training Strategy for 2004-2007 and in the training system established on that premise. Under the Human Resources Development Sectoral Operational Programme, financed by the European Social Fund, the Civil Service Office and Ernst & Young Academy of Business, Warsaw, have carried out two projects aimed at strengthening administrative capacities. A first project, "Preparing and conducting the analysis of training needs of members of the civil service corps," focused on recognising the actual needs of employees. Under the project, a synthetic set of data was gathered, with a view to indicating the main areas in which training was required and listing priorities, notably with respect to a defined qualification standard. The outcome of the project was a proposal with a training activities plan for all groups of positions for the years 2005-2007. The next project, "Defining a qualification standard for the civil service," outlined the current status of

qualifications and the desired civil servant profile, defined the formal requirements and values in place in the civil service, as well as those required for the effective performance of civil servants. The direct result is this being to develop a qualification standard – its objective is to help members of the civil service corps to achieve the mission set for the civil service and to manage the state, through new models of competence.

Quality management

The Head of the Civil Service actively promotes the implementation of quality management tools. Recently, a number of public administration offices introduced ISO standards. In 2004 the Civil Service Office implemented a quality management system, EN ISO 9001:2000, in the field of Human Resources Management, which included recruitment, selection, assessment, training and other aspects. Furthermore, the promotion of an EU-sponsored tool, Common Assessment Framework (CAF), was included in the central training plan and in the Transition Facility Project 2004 on Improvement of Administrative Capacities in selected central government organisations. The CAF is offered as a tool to assist public sector organisations across Europe to use quality management techniques to improve performance. The CAF provides a simple, easy-to-use framework, which is suitable for a self-assessment of public sector organisations.

Ethics

Ethics have remained a priority area in central training in the civil service since the passing of the Civil Service Act. Also under PHARE 2001 (“Rising the Civil Service Awareness of Ethical Dilemmas”), training on ethical issues, partially via distance learning, was carried out as a part of central training. In total, more than 2000 civil service corps members were trained.

The Civil Service Code of Ethics was enacted in October 2002 by the order of the Prime Minister. The Code is expected to facilitate public officials’ performance in particular situations, which tend to occur in the practice of public service work and to prevent conflicts between superiors and subordinates. The ethical principles include such obligations as following service procedures driven by professionalism, accountability for decisions made, keeping a politically neutral and impartial attitude towards service, recognition of civil service activity as a professional public service provision, honest application of the binding legislation, adopting transparency in all proceedings and maintaining an attitude marked by openness towards public opinion, ability to keep confidence and business secrecy at work, and honesty in professional and peer relations.

The Head of the Civil Service has been participating in implementing the Polish Government Anti-corruption Strategy. The Civil Service Office included ethical issues (e.g. discussing conflict of interest and ethical dilemmas, popularizing the Code of Ethics) in the central training plan. The Office also takes part – as a partner – in two twinning projects on strengthening the process of implementation of the anti-corruption activities in Poland.

Rights and duties

A civil service employee's pay comprises a basic salary for a given job and a premium for seniority with the civil service. In addition, civil servants receive a premium based on the grade held. For particular achievements in professional work civil service corps members can be granted an award from a Reward Fund within the civil service. This fund, amounting to 3% of individual remuneration foreseen, remains at the disposal of Directors-General of offices.

Civil service corps members are not allowed to publicly manifest their political beliefs and to participate in strikes or actions of protest, which will interfere with the normal functioning of an office. They are not allowed to undertake additional employment without permission from the Director-General of an office, or to perform activities or actions that are incompatible with official duties or could undermine confidence in the civil service. Moreover, it is forbidden for civil servants to perform functions within trade unions, to establish or participate in political parties, and to combine employment with the civil service with having the status of self-government counsellor or MP..

There is no special pension scheme in the Polish civil service system. Pensions are set according to the general principles of the Social Insurance Fund. Retirement age is of 65 for men, 60 for women. Earlier retirement is possible at the age of 55, upon request and on condition of having completed 30 years' service.

ROMANIA

SESSION 1

A good administration in a democratic state

- A. The Romanian public administration, a quality public administration.
- B. The Romanian public administration, a politically independent public administration.

SESSION 2

Civil servants' professional training

- A. Civil servants' recruitment system.
- B. Initial and continuous professional training of civil servants.
- C. Civil servants' performance appraisal.

SESSION 3

Management and quality in the civil servants' professional training: efficiency in the Romanian public administration

- A. The activity of leading civil servants as good managers in the Romanian public administration.
- B. The quality management principles within the National Agency of Civil Servants.

SESSION 4

Civil servants' deontology and professional training

SESSION 1: A good administration in a state governed by the rule of law

A. The Romanian public administration, a quality public administration

The **pre-requisites** for a **good public administration** in Romania refer to:

- Ensuring effective and efficient **co-operation** between all the major actors performing in the field of public administration (the Ministry of Administration and Interior, the Ministry of Public Finances, the Ministry of Labour, Social Solidarity and Family, the National Agency of Civil Servants) with a view to ensuring the implementation of public administration reforms.
- Harmonising Romania's legislation related to civil service and civil servants in line with **EU standards and principles** in the field of public administration.
- Complying with the **Romanian Government's Programme** for 2005-2008 and the **Updated Strategy of the Romanian Government for the Public Administration's Accelerated Reform** for 2004-2006.

- Using effective managerial tools such as **plans, strategies, reports** and other materials in the spirit of the laws, calling upon the **principles of professionalism, impartiality, independence, and transparency**.
- Undertaking effective and efficient control of the financial and material resources of the institution and ensuring good human resources management.

The **basic principles** of a **good public administration** imply:

- Respecting and enforcing the **legal framework** in the field of civil service and civil servants (the Romanian Constitution, Law No. 215 on the Local public administration, Law No. 188/1999 on the Statute of civil servants, Law No. 7/2004 on the Civil servants' Code of Conduct, as well as the secondary legislation in the field of civil service and civil servants);
- Ensuring **impartiality** and **independence**, as well as demonstrating **professionalism** and **responsibility** in accomplishing current duties (objective, unbiased attitude towards any political, economic, religious or other interested party);
- Complying with the principle of **transparency of administrative decisions**;
- Organising the **recruitment, promotion** and the **performance appraisals of civil servants** based on **merit** and on the principles of **equality of opportunities** and **competencies** (according to the Governmental Decision No. 1209/2003 and Law No. 130/2005);
- Fostering an administrative culture focused on **citizens' best interest**;
- **Ensuring civil servants' stability** in public positions;

B. The Romanian public administration, a politically independent public administration

A **politically independent public administration** implies:

- **Separating the political factor** from the **administrative** one, by respecting the principle of administrative and financial **decentralisation** and **deconcentration**;
- Organising the **civil servants' recruitment** based on the principles of open competition, competency, equal opportunities, professionalism, motivation and transparency;
- **Ensuring the transparency** of the administrative act;
- Monitoring the civil servants' compliance with the principle of **political independence** in exercising civil service (the Law No. 188/1999 on the Statute of civil servants and Law No. 7/2004 on the Civil servants' Code of Conduct) as follows:
 - civil servants shall **abstain from publicly expressing or showing their political beliefs** and preferences;
 - civil servants shall **not be in favour of any political party or take part in political activities** during their work time;
 - civil servants shall **not be part of the political parties' leading structures**;
 - civil servants shall **not take part in fund collecting for political parties' activities**;
 - civil servants shall **not grant logistic support to candidates for public dignitary positions**;

- civil servants shall **not collaborate**, outside their work time, with **natural persons or legal personalities** who make **donations or sponsor political parties**;
- civil servants shall **not display**, on the premises of public authorities or institutions, **signs or objects with the logo or name of political parties** or their **candidates**.

SESSION 2: Civil servants' professional training

The organisation and development of civil servants' careers in Romania are regulated by GD no. 1209/2003.

Career development is ensured in the following way:

- Professional training;
- Promotion to a public position;
- Advancement in the salary grades.

The National Agency of Civil Servants ensures the management of civil service careers by drafting the legislative framework and the necessary instruments for career organising and development.

A. Civil servants' recruitment system

The relevant provisions on recruitment are contained in Law No.188/1999 as amended and republished, and in Government Decision No. 1209/2003. The vacant public positions can be filled by **promotion** (internal recruitment), **transfer, redistribution**, or by means of a competition (external recruitment).

As regards **promotion**, civil servants can be promoted from a lower to a higher ranked public position by passing an exam and by fulfilling certain conditions – a minimum period of seniority in the rank, a minimum of 'very good' obtained in the last two appraisals and meeting the job description requirements of the new position.

Concerning **transfers**, as a means of recruitment, they may take place between public authorities and institutions, as follows:

- in the interests of the department concerned;
- at the civil servant's request.

A transfer to a public position for which the respective civil servant meets the job description criteria is possible.

As for **redistribution**, the law stipulates that civil servants released from public positions on grounds other than professional misconduct form a reserve body. They have priority with respect to the filling of vacant public positions, before competitions are organised to this end. The National Agency of Civil Servants reassigns civil servants from the reserve body to a public position equivalent to the civil servant's previous position, but may also propose a move to a lower-level vacant public position, with the civil servant's written agreement.

A **competition** is based on the principles of open competition, transparency, professional merit and competency, as well as equal access to public positions for each citizen who fulfils the legal conditions to participate in the competitions. The

competition conditions are published in the Official Journal of Romania, in daily newspapers with a wide circulation, displayed at the headquarters of the institution that organises the competition and on its website, in order to attract as many competent candidates as possible.

The competitions are organised and managed by:

- The competition commission - for the high-ranking civil servants;
- The National Agency of Civil Servants for the leading public positions (except for Head of Unit and Head of Office);
- Public authorities and institutions within the central and local public administration - for the executive public positions, leading public positions of Head of Unit and Head of Office and for the vacant specific public positions, with the assent of the National Agency of Civil Servants;
- The National Institute of Administration - for specialised professional training, with the aim of being appointed to a public position, with the assent of the National Agency of Civil Servants.

The competition consists of **three stages**: files selection, written examination and the interview.

The National Agency of Civil Servants has the legal responsibility of planning the human resources management within the public administration via a managerial tool called the **Annual Manpower Plan**, meant to provide a better management of civil service and public positions. This Plan is drawn up on the basis of the proposals of the public authorities and institutions concerning the number of vacant public positions and the way of occupying these public positions, based on consultation with the civil servants' trade unions that are representatives at the national level.

B. Initial and continuous professional training

Both the civil servants' initial and continuous professional training are ensured in accordance with the legal provisions stipulated in Law No. 188/1999 on the Statute of civil servants, as republished.

The **initial professional training** corresponds to the probationary period, which is a stage in the civil servant's career between the date of the person's appointment as entrant civil servant, after passing the competition examination to enter the civil servants' body, and the date of their effective appointment as civil servants.

The probationary period is aimed at confirming the entrant civil servants' professional abilities in performing tasks and taking on responsibilities in the civil service where the respective civil servant carries out their activity as well as practical training. The probationary period is also meant for the civil servant to understand the specific nature of the activity of the respective public authority and institution, as well as the public administration's demands.

The probationary period is mandatory and effective, based on a schedule approved by the head of the public authority and institution, on the proposal of the head of the human resources department.

The **probationary schedule** allows for the following:

- Two hours a day for study during normal working hours;
- Planning the activities to be carried out, based on the theoretical knowledge level and the practical abilities acquired during the probationary period;
- The training courses the civil servant has to undertake.

Continuous training

According to the civil servants' statute, the Romanian civil servants have the right and the obligation to continuously improve their professional skills. Thus, civil servants have to undertake training courses for at least 7 days a year, organised by the National Institute of Administration or other related institutions. Civil servants undertake training courses based on an analysis of the specific needs of their authority or institution. In this respect, the public authorities and institutions have the obligation to allot funds from their own budget with a view to supporting the civil servants' career development through professional training.

C. Civil servants' performance appraisal

The civil servants' performance appraisal is regulated by Governmental Decision No. 1209/2003, thus setting the general framework for:

- Objectively correlating the civil service requirements and the civil servant's activity;
- Objectively appraising the civil servants' professional performance by comparing the extent to which previously established individual objectives meet effectively obtained results;
- Ensuring a motivational system in order to improve individual professional performances;
- Identifying the civil servants' training needs.

The civil servants' performance appraisal is designed to identify civil servants' abilities and knowledge acquired during the activities carried out and the training courses undertaken.

The aims of the performance appraisal are:

- To ensure advancement or relegation with respect to salary grades;
- To provide the possibility of promoting to a higher public position;
- To ensure that it is possible to release a civil servant from a public position if this civil servant obtains an unsatisfactory mark following the assessment;
- To establish professional training needs.

The appraisal comprises two basic stages:

- The assessor shall complete the assessment report;
- The assessment interview.

The performance appraisal report consists in:

- A mark given for accomplishing the set objectives;
- A mark given for the performance criteria;
- A final assessment mark;
- The comments of the civil servant assessed.

The identification of future progress points are discussed in detail during the assessment interview and cover all aspects related to professional performance.

SESSION 3 : Management and quality in the civil servants' professional training: efficiency in the Romanian public administration

A. The activity of leading civil servants as good managers in the Romanian public administration

The activities of an efficient public manager refer to:

1. Planning;
2. Organisation;
3. Giving instructions;
4. Coordination;
5. Control.

1. Planning – this is the most important activity for leading civil servants as public managers, and involves the setting of objectives and selecting the most suitable **strategies** to achieve these objectives.

2. Organisation – this activity refers to **task setting and assignments**.

This activity implies:

- Establishing the necessary activities with a view to accomplishing the objectives set;
- Grouping these activities and assigning the persons in charge of those activities as well as the directorates, departments, units that are able to perform these tasks;
- Delegation of power, when needed;
- Preparing the activity coordination, and horizontal and vertical reporting within the organisational structure of the public authority or institution;

3. Giving instructions – this activity involves persuading personnel to reach performance targets within the strategy chosen to achieve the objectives by using financial/non-financial motivational strategies.

4. Coordination – this activity is meant to ensure **harmonisation** of individual or group interests with the institution's aims with a view to achieving the objectives set.

5. Control

At the end of the activity, leading civil servants have to **check** if the results and performance achieved are in accordance with those set. This control is made through the civil servants' evaluation process and involves the following elements:

- Setting performance standards and indicators;
- Analysing the performance of the personnel according to established standards;
- Taking the necessary measures to bridge the identified gaps.

B. The quality management principles within the National Agency of Civil Servants, as an example of an efficient management for the Romanian public administration

The **objectives** of efficient management within the **National Agency of Civil Servants** are to:

- **Serve the citizens' interest** and **improve relations** with them;
- Provide **high quality public services**;
- **Provide continuous training** of all personnel involved in the activities connected to the Quality Management System;
- **Ensure management** and **personnel** are all involved in reaching quality results;
- Create and maintain a proper climate for the implementation and functioning of the Quality Management System (the managerial instruments that are used);
- Create an **organisational structure** in accordance with the Quality Management System, with clear responsibilities for each person involved;
- Set an **implementation strategy of the Quality Management System**;
- Find and eliminate sources of errors.

The **means** to achieve a quality management:

- A. Ensuring an efficient human resources management through:
- **Selecting and recruiting** the necessary **personnel**;
 - **Evaluating the civil servants' performances**;
 - Ensuring the **personnel's training** in accordance with their need for professional training, based on the civil servants' performance assessment process;
 - Establishing the **performance indicators** (professional civil servants who are able to reach the objectives set);
- B. Ensuring the necessary **infrastructure**:
- Hardware and software equipment specific for the activities undertaken;
 - Other necessary equipment;
 - Physical work environment factors (temperature, humidity, light).

SESSION 4: Civil servants' deontology and professional training

Civil servants' objectiveness and impartiality

The civil servants' norms of conduct are set by Law No. 7/2004 on the **Code of Conduct** for civil servants, the regulations in the matter being mandatory for civil servants as well as for those persons holding a public position on a temporary basis. The objectives of this Code of Conduct are to secure an increase in the quality of public service, good management with a view to best serving public interests and to contribute to the elimination of bureaucracy and corruption in the public administration sector.

The moral and professional conduct of civil servants is governed by the following principles:

- The **supremacy** of the **Constitution** and **law**;
- The **primacy** of the **public interest**;
- Securing the **equality of treatment for citizens** in their relation with public authorities and institutions;
- **Professionalism, impartiality** and **independence**;
- **Moral integrity**;
- **Freedom of thought** and **expression**;
- **Honesty** and **fairness**;
- **Openness** and **transparency**.

On the other hand, **impartiality** and **objectiveness** in **decision-making processes** are also the basis for recruitment and performance appraisal processes of civil servants. Thus, Governmental Decision No. 1210/2003 stipulates the existence of **disciplinary commissions** within public authorities and institutions, whose organisation and functioning is regulated by an administrative act of the head of the respective public authority or institution. The aim of these disciplinary commissions is to investigate the disciplinary infringements and propose disciplinary sanctions to be imposed. The members of the disciplinary commission are of two different kinds: those appointed by the head of the public authority or institution, and those appointed by the civil servants' trade union within that public authority or institution.

As regards the relation between public and private interests within the civil service, Law No. 188/1999 on the Civil servants' Statute stipulates that the public interest shall be completely unbiased related to any political, economic, religious or other kind of interest.

RUSSIAN FEDERATION

THE RUSSIAN FEDERAL ACADEMY OF THE CIVIL SERVICE UNDER THE PRESIDENT OF RUSSIA (RAGS) AS A TRAINING BODY FOR CIVIL SERVANTS IN THE RUSSIAN FEDERATION

Throughout its history, Russia has repeatedly attempted to modernise its system of government through reforms. However, the results achieved were often mediocre, if not disastrous. Finally, with the 1917 October Revolution, an attempt was again made to reform the country, this time completely altering its destiny. The Soviet civil service and system of state administration that resulted gave birth to a new category of civil servants who were later to be called the “Nomenklatura.” It should be noted that these Soviet civil servants were generally fairly well educated, disciplined and capable of working in the various sectors of government, in spite of the many negative aspects of this system of administration.

For some years now, Russia has again been looking at the issue of an overall modernisation of its system. The success of its reforms now largely depends on the skills and professionalism of the country’s civil servants of all levels. Russia therefore needs a modern training and retraining system for its civil servants. The task is huge, as it is necessary to provide training and further training for hundreds of thousands of civil servants, from federal to municipal level.

It was to this end that the Federal Academy of the Civil Service under the President of Russia (RAGS) was founded, with branches in nine regions of Russia. The academy is a training and research establishment that is unique in its kind in the country, and was set up on the initiative of the Russian President under Order No 1140 of 6 July 1994. Its purpose is to act as a centre for research, information, methodology and analysis concerning civil service issues in the Russian Federation and to provide retraining and further training for civil servants. In recent years, the academy has built up a community of academic experts who help tackle the problems linked to the development of Russia through training for managers and retraining and further training for the various categories of civil servants.

The RAGS conducts scientific research and provides training, retraining and further training for senior civil service managers through courses of varying lengths on the civil service and civil service staff management policies.

The lectures and research are conducted by 350 teaching staff, with 24 chairs in civil service and staff policy, state organisation, law, legal assistance, the market economy, the theory and practice of state regulation, general and specialised management, applied economics and finance, the history of the Russian state and sociology, etc. Several high-level officials from various ministries and other government bodies also give lectures at the academy.

The RAGS aims to develop civil servants’ skills so as to improve state administration in Russia, drawing on research conducted at international level in the field of government reforms. In view of the administrative reforms and social changes

under way in Russia, the academy's work ties in directly with the country's national priorities.

The academy draws on international experience of civil service training and state administration. Modern technologies are used in the training process and the academy recently set up a distance-learning laboratory.

As far as the target groups are concerned, the training, retraining and further training is aimed both at civil servants from the Federal Assembly-Parliament of the Russian Federation (Federation Council and State Duma), the government and government ministries and departments and at their counterparts from the regional and municipal levels.

The academy publishes works on the civil service and other specific areas and holds congresses, academic conferences and seminars, etc.

It is important to note that the academy has a network in the regions of the Russian Federation.

In co-operation with similar institutions in other countries, it is seeking to develop various activities:

- ☐ Postgraduate teaching programme
- ☐ Training
- ☐ Retraining
- ☐ Scientific research
- ☐ Lecturers' exchange programme
- ☐ Scholarships (through the Education Ministry)

The academy is also seeking to step up and diversify its international relations in order to improve still further the training, retraining and further training it provides for civil servants. It makes an active and effective contribution to the international process of diversifying and building up knowledge concerning the civil service and state administration.

An International Civil Service and Management Institute was set up as part of the reorganisation process carried out at the beginning of the year. The institute's task is to intensify the academy's international relations with similar establishments still further so that international and, in particular, European experience in the field of the civil service and state administration can be taken into account more extensively on a practical level in Russia.

It should be noted that a decision is expected from the UNESCO Secretariat on transforming the academy into a UNESCO chair/network, which would increase the opportunities for bilateral and multilateral international co-operation in the training of Russian and foreign civil servants through various training programmes.

SAN MARINO

A few years ago, the Republic of San Marino initiated a reform process of the Public Administration which focused on Management and Quality of public employees' training.

With the signing of the labour contract for the period 2001-2004, the Government of San Marino and Trade Unions committed themselves to developing and implementing such a reform, in order to attain "an increasingly efficient, transparent, impartial structure, at the service of citizens and enterprises".

The future Public Administration of San Marino shall:

- **be centred on citizens** and users, thus meeting in the best and most appropriate way the needs of citizens, as well as social and economic entities, while rejecting narcissistic and self-referential attitudes;
- **be cost-effective**: that is increasingly streamlined in terms of numbers, thus providing efficient and effective services at minimum costs: cost-effectiveness must become a constant criterion in Public Administration management;
- **be flexible**: more attention must be paid to the value of the organisation and to efficiency results, through adequate labour contracts;
- **be innovative**: Public Administration efficiency depends on the ability to adopt new technologies both in the internal organisation and in the relations with citizens;
- **be centred on the promotion and rationalisation of professional resources**;
- **clearly differentiate between responsibility for political guidance and management autonomy based on technical and administrative competences.**

The implementation of this project implies a **cultural, structural and regulatory change**. The following steps are necessary:

- reshaping of the Public Administration macrostructure;
- review of the efficiency and effectiveness of services in terms of users' satisfaction;
- analysis, assessment and modification of the "mission" of each service/office following macrostructural changes and the introduction of new services;
- analysis and assessment of processes and procedures, both within the various offices and throughout the whole public structure, for streamlining and innovation purposes (use of information and communication technology);
- analysis of the roles, competences and workloads of each unity;
- definition of new professional training for staff to meet new needs;
- implementation of a Single Text of laws on public employment;
- development of a Training Plan for public employees, as a strategic element in the management of human resources and for Public Administration modernisation;
- introduction of computerised services: it is necessary to promote technological innovation so that the Republic of San Marino may rely on an infrastructure essential to its social and economic development and the Public Administration may adjust to prevailing international standards.

WHAT HAS BEEN DONE SO FAR

1. Service effectiveness analysis

The first intervention aimed at “reshaping” the Public Administration was a **survey** to verify the effectiveness of offices/services, taking the following into account:

- current “labour force” within the various structures (effective staff),
- “missions” already assigned by law,
- financial law provisions in force concerning staff management.

Subsequently, a **mapping of the entire structure, that is** a detailed classification of today’s Public Administration, was made by identifying the organisational structures of each office/service and current organisational charts. This allowed the drafting of a comprehensive information document on the Public Administration of San Marino, as well as to obtain a clear picture of the internal functioning of the structure (for example, sections, informal working groups, etc.), of the individual and professional position of each employee in a dynamic organisational chart, of his/her contribution to the working processes of the office, of hierarchies and interfunctionalities, and of relational and operative dynamics. At the same time, an analysis of the **service missions** and of the resources indispensable to each office was made, which focused on **critical positions** in order to identify the essential element of the service strategy for the achievement of its objectives.

The fact that the recruitment of human and professional resources represents a strategic function for any enterprise is all the more true for a Public Administration well aware of its role and of the need to offer increasingly qualified services. While the Public Administration of San Marino has long favoured, by practice and regulation, sometimes almost automatically, employees’ careers, from now on, both service and educational qualifications will have to be considered in an equitable and balanced way. Employees will therefore have the opportunity to improve their position and young people, entering the labour world with new skills and a desire for change, will have more opportunities.

2. Minimum staff requirement

On the basis of methodological indications suggested by experts put forward by the University of San Marino and of the above-mentioned survey, an attempt has been made to define a minimum staff requirement, i.e. the professional resources, in terms of numbers and qualifications, necessary to each office or service for the fulfilment of its mission and indispensable to guarantee efficiency and satisfactory standards.

This survey shows the existing staffing situation and the minimum staff requirement.

Activity volumes and processing times are the two criteria used for the survey. Thanks to this method, it has possible to find out what the unit processing time of each activity is and as a result to make a cost-effectiveness analysis on the outcome of such activities.

3. Training

A thorough analysis of today's Public Administration has revealed the need for a Training Plan destined for public employees at all levels. The objective is to further promote the managerial skills of Directors and increase the efficiency and effectiveness of the work carried out by the other employees. Besides favouring professional development, this Plan aims at "promoting the motivated and conscious participation by employees in the reform process, strengthening their sense of belonging and awareness of the public functions, as well as guaranteeing the continuity and success of the reform of the Public Administration". Various training courses have already been started.

In the context of this ambitious project, the role played by Directors and senior officials of the Public Administration is fundamental, as they have the highest level of responsibility.

To this end, the reform shall:

- **establish by law some politically strategic offices/services:** with regard to recruitment, the Government has the faculty and is legally authorised to apply the spoil-system. On the basis of some requirements and contractual/economic terms fixed by law, such appointments are made by the Government, with duration and replacement dependent on Government composition.
- **establish by law some general terms for the other managerial positions,** according to the type of office, by defining access modalities:
 - **competition as preferred option:** for institutional or highly professional offices/services, where "continuity" is fundamental to guarantee institutions and specific competences;
 - **contract as preferred option:** for dynamic – organisational offices/services, where "managerial skills" are fundamental requirements;
 - **terms of office:** (renewable terms) to be established according to the need for continuity or organisational/professional turn-over.
 - **general rules and criteria for rotation:**
 - determination of a maximum term for directors;
 - determination of a rotation procedure on a voluntary basis; or the old system of vacancy announcements for people already employed in the sector; or better a Selection Announcement on the basis of qualifications/requirements;
 - possible rotation in agreement with the Trade Unions to meet the needs of the Public Administration.

At present, Directors' remuneration is not based on personal skills or the assessment of their managerial performance. Therefore, the reform envisages:

A NEW REMUNERATION SCHEME FOR DIRECTORS, including:

- a) **basic remuneration** of Directors. At present, in the various administrations (also local or regional), the following method prevails: setting of parameters for the classification of the functions assigned to Directors.
Offices and services could be divided up into three groups according to the following criteria:
 - **strategic relevance** of the office: Directors must have technical, legal and administrative skills, be capable of managing processes and procedures both within the Public Administration and other entities, and make highly complex decisions;
 - **organisational complexity**: Directors must have analysis, interpretation and synthesis skills according to the qualitative and quantitative complexity of (human and financial) resources managed and of possible problems and constraints in the achievement of the objectives.
 - **responsibility**: managerial, administrative and penal responsibility, both within and with respect to the outside world; scope and relevance of decisions to be made by Directors, as well as the degree of leeway and autonomy of decision-making.
 - **competences and professionalism**: kind of professionalism and level of specialist competences and knowledge.
- b) **Result-based remuneration**, based on a fixed, transparent and negotiated system aimed at establishing:
 - **objectives and results to be achieved;**
 - **an assessment and measurement system;**
 - **an impartial assessment body.**

WHAT REMAINS TO BE DONE

- **Establishment and organisation of the new macrostructure of the Public Administration.**
- **Planning of the microstructure and relevant processes suitable to meet the specific objectives of the Public Administration.**
- **Definition of the new employment typologies of public employees.**
- **Planning of an annual training scheme for public employees to meet professional requirements related to the ever-changing social needs.**

SLOVAKIA

TRAINING OF CIVIL SERVANTS IN SLOVAKIA

The training of civil servants, as an integral component of human resources management in the civil service, is closely linked to the goals of other personnel operations, which include personnel analysis, job analysis and systemization, staff planning, selection and recruitment, deployment, termination of civil service, evaluation and remuneration of employees and the creation of an HR information system. The training of civil servants, as part of lifelong learning, is an ongoing process and is closely linked to the education obtained before attaining civil service status.

Training of civil servants in strategies, concepts and legal documents

In 1995 the government of the Slovak Republic approved the Concept of Training in Civil Service which marked the starting point of a unified approach to the systematic training of civil servants. The initial Concept was detailed in the Concept of Training in Civil Service approved by Slovak government decree 663/2000. Its goal was to “create an efficient, well functioning system of lifelong training in the civil service based on a strategy of decentralization and modernization of the civil service and the preparation of the Slovak Republic for its accession to the European Union.” On this basis, a definition was agreed upon as to the target groups of participants and as to the content and structure of training programmes further to the appointment to a civil service post, which covered the different types of posts, personnel support, material and technical support, institutional backing, co-ordination and management, financing of training in the civil service and the legislative basis. To bring the approach to civil service training in line with requirements linked to the integration process of Slovakia into the European Union, the Slovak government passed decree 320/1999, adopting the Concept of Training of Civil Servants during the Integration Process.

The goals of the Civil Service Training Concept were furthered by the adoption of **Civil Service Act 312/2001**, and the establishment of the **Civil Service Office (CSO)**. Concrete results relating to the execution of tasks outlined by government decree 663/2000 on the Civil Service Training Concept included drawing up job descriptions for all civil service posts, producing a Catalogue of Civil Service Activities (Slovak government decree 110/2002) and introducing compulsory accreditation, by the Accreditation Commission of the Ministry of Education of Slovakia (Act 386/1997 on Further Education as amended by Act 567/2001), of training projects aimed at civil servants.

During the course of the implementation of the Civil Service Act, it became apparent that it needed updating. The Act which amends and modifies Act 312/2001 on the Civil Service became effective as from January 2004. According to clause 6 par. 2(f) of the amended Civil Service Act the CSO “manages training in civil service, ensures a unified systematic approach to further education of civil servants and defines minimum standards of further education of civil servants”.

The tasks related to developing a systematic approach to civil service training were stipulated in the Strategy of Employment in the Public Sector adopted by Slovak government decree 487/2003. The aim of this strategy was to reform the public sector in line with the Agenda Declaration of the Slovak government. In accordance with task B.2 of this decree (“submit for government review a draft civil service training strategy”), a Civil Service Training Strategy was elaborated, and then adopted by Slovak government decree 669/2003. These steps will then followed and detailed in the draft Civil Servants Training Concept, which needs to be developed in accordance with task B.3 of the government decree 487/2003 – “submit for government review a draft civil servants training concept”.

Civil servants’ training is now performed pursuant to the Civil Service Act by increasing and extending qualifications. Further to the CSO’s service regulation on types of qualifications, the following are considered as increasing the level of qualifications: adaptation, introductory and preparatory training; professional training, of which language training is the main priority, functional training of superior officers in different levels of civil service management, the details of which will be governed by a general binding legal regulation issued by the CSO. A specific area with respect to gaining qualifications is the training of civil servants in connection with the EU integration process.

A systematic approach to civil service training defines training as a system whose goals are aligned with the development objectives of a society, civil service, the specific responsibilities of Service Offices and with the principles of lifelong learning.

Service Offices are autonomous in the organisation of training for civil servants. The autonomy is rooted in their specific responsibilities and areas of authority, and in the diversity of civil service units in Service Offices to which civil servants belong. Another reason for the autonomy of Service Offices is the fact that they have different experience in applying a systematic approach to training. Different Service Offices will therefore implement the aims of this training concept according to their needs and introduce into their training practice any elements that may still be missing.

Training Strategy in Civil Service

The training strategy’s aim is to define the main strategic goal in the area of civil servants’ training and the strategic goals of the CSO in order to achieve that goal. **The** training strategy is elaborated on the basis of the goals and principles of the conceptual and strategic materials approved by the Slovak Government, in accordance with which the training of civil servants was performed previously and which currently have a substantial impact on the aforementioned training.

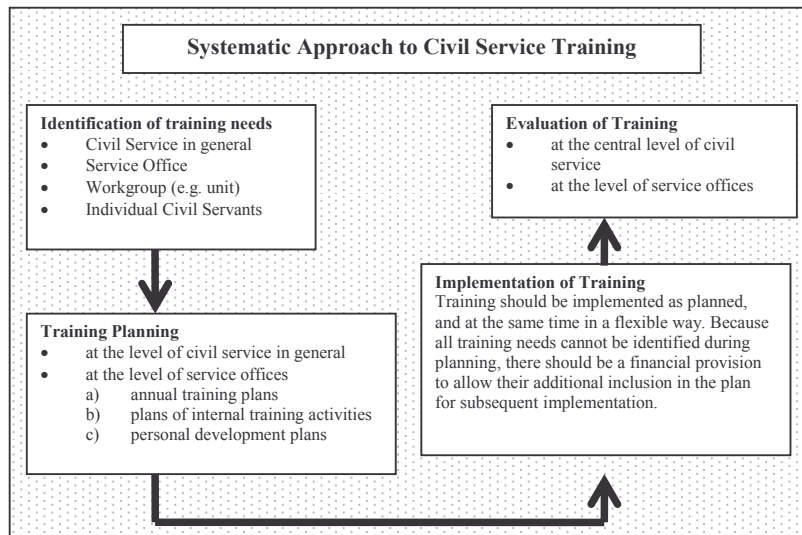
This strategy is part of a human resources strategy in the civil service whereas the baseline for the strategic approach will be the Civil Service Act. In this connection, the strategic goal of further training of civil servants is closely related to the strategic goal of human resources management in the civil service.

Strategic goal of civil service training

The strategic goal of civil service training is an ongoing and long-lasting improvement of professional performance and ethical behaviour of civil servants at all levels in central state administration bodies with the aim to develop a culture of service to citizens in compliance with the working methods of civil servants who perform their activities within the European administration context.

In order to reach the above-mentioned goal, it is essential to ensure that for further training of civil servants **a uniform systemic approach** is applied. Such an approach assumes compliance with the following requirements:

- To address civil service training as a dynamic process, the goals of which are in accordance with the civil service Human Resources management goals (anchored in the personnel policy of the state and specific service offices) and the goals of lifelong learning.
- To assure training of civil servants in connection with other personnel activities of HR management – personnel analysis, job analysis, personnel planning, recruitment and selection, placing, hiring and adaptation, placement and dismissal (make staff pensionable), staff assessment, social care provision, personnel and information system, co-operation with trade unions.
- To approach training as a process, the substance of which is a cyclical running of activities in four different phases – from analysis of education needs through to planning and to designing projects, on to organising educational events up to their assessment, the purpose of which is to optimize training performance during the next cycle of activities.
- To respect the unified general framework defined by the training strategy in civil service and subsequently by the Concept for Training in Civil Service when securing training and identifying its main elements (goals and content, determining target groups, types of education, personnel and institutional aspects of training provision).



Minimum standards = connection of training with improvement of performance

The process of building a professional, politically independent, efficient, flexible, impartial and ethical civil service has reached a new quality level in Slovakia. The training system directly related to the improvement of performance of civil servants and the principles of service assessment allow direct senior officers to appraise changes in the performance of civil servants, either by increasing their salary level, or by putting an end to their civil service employment (if the civil servant has failed, during two consecutive periods, to achieve the required results).

The nature of the change brought about by the minimum standards consists in the description of the target performance of the trainee, as well as in the determination of specific knowledge, skills or attitudes, which the trainee has to adopt to achieve the target action. Consequently, it is not the number of certificates from various seminars, but the impact of the training on the quality of the performance of service tasks by a civil servant which is decisive.

By publishing the minimum standards the CSO also stimulates the development of the civil servant training market. It will allow both domestic and foreign training institutions, or small entrepreneurs involved in training, to prepare themselves in advance for the provision of a training activity for which there will be demand on the part of the service offices.

To increase the quality of training in the civil service the CSO will issue framework training programmes. This initiative represents a significant support for training specialists because it consists in an integrated training approach that will serve as a starting point for negotiations with actual training institutions, with the aim of providing training activities of the best quality.

The Civil Service Office cannot pretend of course to regulate the training of all civil servants in such detail. On the basis of the analysis, the CSO has concentrated on five target groups:

1. newly appointed civil servants
2. specialists in human resources management
3. training specialists
4. civil servants whose job description indicates activities in the EU area
5. senior officers (by management level)

The supradepartmental competencies based on the principle of partnership and co-operation allow the CSO, through competencies in the area of training of civil servants, to increase the level of performance of tasks of the state administration and hence improve services for the citizens of the Slovak Republic.

Certification of digital literacy - ECDL

By its accession to the EU the Slovak Republic has become a member of the community of States which are endeavouring to build up the most competitive and dynamic knowledge-based economy in the world by 2010. The set of measures that will lead to the achievement of the set objective is entitled „Lisbon Strategy“. One of four priority areas of the Lisbon Strategy for Slovakia is the information society. The state administration of the Slovak Republic answers the challenges of the Lisbon Strategy in compliance with the latest trends in Europe and in the world, namely by testing the digital literacy through ECDL (European Computer Driving Licence) of all its employees. The ECDL provides a sophisticated, well-established and recommended qualification standard of basic digital literacy, warrants the uniform basic level of the knowledge of work with IT, has a modular character and the certificate ECDL is recognised in all countries of Europe (The European Commission has declared ECDL as the European standard for the determination of computer literacy). The modular character of the ECDL programme provides senior officers in charge of civil servants whose position calls for a more extensive knowledge of IT work to request a mark for the corresponding module above that of the standard pass-mark.

At its extraordinary meeting in Luxembourg in January 2005, the ad-hoc Lisbon Party completed, at the proposal of the Chairman of the CSO, the integrated plan of activities by the need to certify the computer literacy of public administration servants of the EU member States. Each modern office needs flexible, digitally literate civil servants who effectively master tasks put to them, particularly with the emerging trend of e-governance. It is only then that the civil servants concerned, with the support of quality information tools, will master the difficult process of achieving customer (citizen) service satisfaction and make an efficient use of taxpayers' money.

GENERAL REPORT

General Report

Presented by
Mrs Caroline DALY
Advisory Counsel, Office of the Attorney General, Ireland

I would like to thank the Council of Europe and the Lithuanian Institute of Public Administration for the opportunity to attend and address this Conference as General Rapporteur. I must say from the outset that the conference has been very interesting and informative. It has also led to some lively discussions on some difficult issues.

It is my role to sum up the various presentations and discussions highlighting the main points of what has been said and discussed.

Mr Mariano Baena del Alcazar:

Mr Baena del Alcazar presented a paper on “*Training of civil servants to achieve good administration*”.

This speaker sought to explain what is meant by the term “training” in the context of the public sector. He emphasised that the public sector unlike the private sector does not have customers but rather seeks to serve citizens, members of the political community and taxpayers. As a result civil servants must receive training to prepare them fully for this role. Initial training is provided to future civil servants on their selection whereas in-service training is and should as a matter of priority be provided to civil servants throughout their career in the civil service.

Many civil servants come within the category of operational civil servants and require training which is general in nature. Specialists within the civil service require specialist training along with a certain level of general training. Training is also necessary for managers within the civil service who hold positions of responsibility and senior civil servants who work closely with political decision-makers.

Among the topics which should be included as part of any training course are the following: economics, public administration, ethics, information technology, sociology and political science. In the case of managers and senior civil servants relevant training appropriate to their role is also required.

Theoretical and practical training are both necessary to ensure optimum training of civil servants.

Mr Pierre-Yves Monette:

Mr Monette gave a presentation on “*what is “good administration” in a state governed by the rule of law*”. Mr Monette examined the concept of “good administration” in the context of three areas: independence of the administration, professionalism of the administration and the organisation of the administration. Good administration in

essence ensures the smooth running of the State. Mr Monette explained that the administration is not truly independent as it is part of its role to ensure that Government policy is devised, developed and implemented therefore the administration is in fact dependent on Government which is a positive thing. However the professionalism and organisation of the administration is a matter for the administration. The professionalism of the administration is seen in the way in which the administration delivers a service. Mr Monette outlined a number of principles which underpin the delivery of services by the administration. The administration must in addition be well organised to deliver a professional service, this is a matter for human resources within the administration which now plays a central role within the administration.

Mr Jacek Czaputowicz:

Mr Czaputowicz delivered a presentation on *“Recruitment on the basis of competence”*. In his presentation Mr Czaputowicz explained that in order to recruit competent civil servants the following are important factors: budget constraints, growing expectations from the public, pressure for greater efficiency and fall in unemployment.

This presentation also explained the difficulties of attracting competent civil servants and the trends of employment within various administrations around the world.

Mr Osvaldas Sarmavicius:

Mr Sarmavicius gave a presentation on the *“assessment of training in the context of the Lithuanian civil service reform”*. This was a very interesting presentation which gave an insight of how the Lithuanian civil service has been reformed over the last 15 years. This in turn has had an impact on the training needs of civil servants and the importance attached to ensure training needs were and are delivered and how they are delivered. It was recognized earlier on by the Lithuanian authorities that there was a need for change in the civil service in that it had to be professional, ensure value for money and be more efficient. It was explained that the Lithuanian Government recognised training as essential and indeed have provided for training by allotting it a particular percentage of the annual budget. The experience of Lithuania in reforming its civil service remains top of the agenda as it is recognised that joining the EU has and continues to pose many challenges for civil servants in their work. It is accepted by the Lithuanian authorities that on-going training is vital in that regard.

Mr Michael Duggett:

Mr Duggett gave a presentation on *“what does efficient management mean in the context of administration”*. Mr Duggett explained that in order to have efficient management within the civil service it is necessary to have regard to the three Es that is, economy, efficiency and effectiveness. Efficiency requires providing the service supplied within a reasonable period, economy requires not spending any more than what is required and lastly effectiveness requires balancing resources against results.

Apart from the above the virtues and values of the civil service must be promoted and enhanced by managers.

Mr Duggett explained that the notions of value for money and benchmarking are now accepted methods of measuring the service given by the public administration.

Mr Gunter Schmidt:

Mr Schmidt gave a presentation on “*Can we talk about quality management in public administration*”. Mr Schmidt examined quality management in public administration and at the outset he claimed that a professional and systemic approach was not always evident.

He explained that management must have an understanding of public administration and quality. Public administration depends on the public service agenda whereas quality is the fulfilment of standards or benchmarks. Different quality management concepts have different approaches so quality also becomes dependent on the concept you choose.

In comparing the public sector to the private sector, differences emerge in that while the delivery of services is important, the way in which such services are delivered is as important for the public sector. Appearance, performance, communication and behaviour are decisive factors in the case of the public sector.

The methods used to achieve quality management are still undecided.

Implementing quality management requires adhering to quality indicators and benchmarking standards. It is important to connect quality indicators with performance indicators which in turn should be linked with financial incentives.

Quality management has the net effect of achieving a higher level of quality.

Mr Bernardo Giorgio Mattarella:

Mr Mattarella presented a paper on “*The general interest and civil servants’ interests*”. Mr Mattarella looked at the importance of training in relation to ethics. He indicated that it is possible to offer such training by way of detailed rules or by conveying values and principles. He further considered the benefit of both types of training.

Civil servants must be aware of what is meant by a conflict interest - both real and apparent. Mr Mattarella looked at the notion of managing conflicts of interest which may be done by one of three ways: eliminating them, neutralising them or making them public.

Having in place criminal and disciplinary rules also impact on how conflicts of interest are managed. Where they exist they must be included as part of the training of civil servants.

Training programmes should have two aims: training on ethics must be continuous and linked to other rules such as fair procedures and transparency. The trainers should be senior or expert members of staff. Unions and staff should be involved in devising training. Rules of conduct for civil servants should be made public.

The speaker also looked at private entities performing public functions. He indicated that legislation can require private bodies vested with public functions to draw up regulations regarding conflicts of interest and that these entities train their own personnel.

Training should provide knowledge of public service values and rules of conduct which should be made public. The rules should be explained to civil servants along with how they should be implemented.

Final words

The concept “good administration” is indeed difficult to define. The Council of Europe Project Group on Administrative Law (CJ-DA) is currently in the process of preparing a Recommendation with Code attached on good administration. This requires examining the notion of “good administration” in detail - what it means, how it can be achieved and of course the principles underlying it. I think the Conference has been of assistance in examining what it means.

As explained above Mr Monette sought to examine the notion of good administration while Mr Duggett and Mr Schmidt gave us an insight of the difficulties which exist for managers within the civil service to ensure good administration is in fact achieved. It is agreed that managers within the civil service are no longer purely administrators they have the additional responsibility to deliver good administration.

Public administrations in many countries have moved from the traditional model and have or are in the course of modernisation. Public administrations are evolving and developing towards non-bureaucratic administrations. The public sector has looked to the private sector for assistance in that regard. The thinking of civil servants has developed to realise they are in fact delivering a service to individuals and further they must have regard to the way in which that service is delivered.

Although drawing assistance from the private sector, it is accepted that the role of the civil servant is different to the role of an employee in the private sector.

Initial and in-service training of civil servants is vital. I think it is fair to say that in-service training needs more emphasis than it presently has. Civil servants must be given every opportunity to avail of training and more importantly relevant training throughout their career in the civil service if they are to deliver the service now expected of them.

If managers within the civil service understand what is required of them to modernise or give effect to good administration it is easier for them to achieve this. They will in turn be able to put in place a system with that aim in mind. They will be in a position to agree with operational civil servants relevant goals, provide appropriate training and put in place performance indicators linked to incentives to ensure these civil servants

achieve their goals. We have discussed in detail the type of training which should be provided to civil servants.

On the one hand managers must ensure the administration runs smoothly but also they must have regard to the 3 e's - efficiency, effectiveness and economy - value for money being very important when looking at what a public administration delivers. On the other hand managers must ensure that the virtues and values of the civil service are maintained as this is what truly distinguishes the public sector from the private sector. This in turn means a whole new mind set is required of civil servants.

I agree that managers must be both accountable and responsible. I think this applies to all civil servants in relation to their actions as civil servants.

There has been much debate on the role of managers and how results achieved are measured. Difficult issues such as evaluation of managers - quality management, quality indicators and performance indicators have been discussed. While these in themselves pose problems to put in place, it is accepted they are necessary. It is after all public money which is being spent by public administrations and it is important that public money is spent wisely and value for money is obtained.

A number of speakers have emphasised the need for Government buy-in to achieve good administration. Training funds from State budgets have definitely been a step forward in that regard.

The expectations of managers discussed earlier today were very interesting. If managers are to adopt a more business orientated approach then they must be trained properly and given the opportunity to carry out this role.

CONCLUSIONS

Conclusions

The Council of Europe, in association with the Lithuanian Institute of Public Administration, held a European Conference on 27 and 28 October in Vilnius to consider the topic “Training of civil servants to achieve good administration”.

The subject matter of this conference is taken from the Action Plan of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), which specifically provides for the development of standards of democracy and good governance, including proper functioning of civil services.

At the end of their work, the participants agreed on the following conclusions:

1. In determining how best to train civil servants it is first necessary to know what is expected of civil servants. Civil servants are service providers and the way in which they deliver a service is particularly important.
2. The concept of ‘good administration’ was debated as were the obligations posed on civil servants to achieve this goal. Good administration is central to the development of State. Three themes were discussed in this context:
 - Independence of the public administration;
 - Professionalism of the public administration;
 - Organisation of the public administration.
3. Administration must act in a neutral and impartial manner; however, the Administration is not completely independent given its role in devising, delivering and implementing Government policy. The Administration does have autonomy in the way it organises itself. The professional character of the Administration is governed by principles of good administration such as:
 - Conscientious management;
 - Swift delivery of service;
 - Consistency in the way services are delivered;
 - Keeping of records;
 - Ensuring the public has access to the administration;
 - Application of fair procedures by civil servants in making decisions which affect the rights and interests of civil servants.
4. In order to achieve good administration it is vital that training is provided to future civil servants immediately on their selection. Training should include the following subjects:
 - Public administration;
 - Ethics;
 - Social abilities;
 - Economics;
 - Political science;
 - Information technologies.

5. Where appropriate, specialised training should be given and management training should be available to those in management positions.
6. A combination of theoretical and practical training is the best approach to training. Senior and specialised civil servants play an important role in providing practical training.
7. There was a discussion on the different roles of civil servants and a distinction was made between:
 - Those who perform general operational tasks;
 - Those who are in management positions;
 - Senior civil servants who work closely with politicians.
8. In-service training is also important and must be encouraged throughout the career of a civil servant. It ensures that the skills of civil servants are kept up to date. Every opportunity should be given to civil servants to avail of in-service training.
9. The importance given to the training of civil servants is a recent development for many countries. This is mainly due to the increasing central role of human resources within public administrations, which in turn has placed emphasis on training. Governments are buying into the notion that civil servants require training. Indeed State budgets are providing specific funds for such training.
10. New member States of the European Union have had the added challenge of ensuring their civil servants represent their countries fully at meetings at European Union level. To achieve this, some countries have introduced wide ranging reforms in how their civil servants are trained and what training they receive.
11. The need for general training for both generalists and specialists within the civil service was highlighted. It was considered that certain general training should be common to both.
12. Training will result in quality of service by public administrations.
13. Managers within the public administration are responsible for ensuring that good administration is achieved in that services are delivered in an effective, efficient and economical manner. At the same time managers need to enhance values and virtues of the public administration.
14. The notion of quality management is, however, not as developed as it might be. A systematic and professional approach appropriate to management is not always evident.
15. Quality of service by a public administration comprises the delivery of a service and the way it is delivered.
16. While there are various methods by which quality in public service can be measured, quality indicators may focus either on the quality of the result delivered or on the person delivering it. It is necessary to connect quality indicators to performance indicators, which in turn must be linked to incentives.

17. Quality management, properly managed, guarantees the delivery of good administration.

18. The Council of Europe Project Group on Administrative Law (CJ-DA) is about to start work on a project which will result in a recommendation, accompanied by a consolidated model code of good administration. The conclusions of this conference will be brought to the attention of the CJ-DA which will take due account of them in its future work.

19. Moreover, the participants urged the Council of Europe to list the best practices in Europe with respect to the training of civil servants.

They voiced their satisfaction at the initiative taken by the Council of Europe to devote a conference to the training of civil servants, and expressed their gratitude to the Lithuanian Institute of Public Administration for the warm welcome and kind hospitality they extended to all participants as well as for the excellent organisation of this conference.

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