



ReSPA

Regional School
of Public Administration

8th ReSPA Annual Conference

*The Professionalisation of the Civil
Service between Politics and
Administration*

12 and 13 November 2015
Danilovgrad (Montenegro)

Background

Public administration reform was presented by the EU as one of three pillars (*together with economic governance and the rule of law*) of the Enlargement Strategy 2014–15.

According to the Enlargement Strategy “public administration remains weak in most enlargement countries, with limited administrative capacity, high levels of politicisation and a lack of transparency” (p. 2) “Adequate management of human resources, better policy planning, coordination and development, sound administrative procedures and improved public financial management, including revenue administration and collection are of fundamental importance for the functioning of the state and for implementing the reforms needed for EU integration. Countries need to increase their efforts to improve their public administrations at all levels on the basis of national strategies” (p. 4). When it comes to human resource management the European Commission highlights what it understands as priorities: “the organization and functioning of the public service, including de-politicisation, merit-based recruitment and promotion, training and professionalisation” (p. 4).

In order to meet the requirements of the EU enlargement process, there is an obvious need for the improvement of public administration. Western Balkans countries in their approximation process toward EU should harmonise their public administrations with the principles of the European Administration Space, which, as defined by SIGMA, means: “*Shared principles of public administration among EU Member States constitute the conditions of a “European Administrative Space” (EAS).* “The EAS includes a set of common standards for action within public administration which are defined by law and enforced in practice through procedures and accountability mechanisms.”¹

In accordance with the EU Enlargement Strategy, the 2015 ReSPA Conference focuses on the challenge of professionalising and de-politicising public administrations in the Western Balkans. In all ReSPA member countries professionalisation and de-politicisation are needed in order to meet one day the requirements of EU membership and, what is more important, to build the capacity of public administrations to serve adequately the needs of their societies.

Although all public administrations in ReSPA member states and Kosovo*² have formally set the boundary between professional functions and political appointments in the state administration, a natural tension remains between the interest in ensuring both political responsiveness and professional competence in the civil service. The need to better manage political interventions in personnel policy and administrative decision-making is recognised by most observers of the politico-administrative realities in ReSPA member states. Even if the full de-politicisation of the public service is an aspiration that has not been fully met by many EU member states, the ambition to reduce politicisation of public institutions and to increase professional competence in the civil service is a general driving force for change. Yet, this driving force is in need of sound civil service reform policies by the Governments of ReSPA member countries.

¹ SIGMA Papers No 27 available at: <http://www.oecd-ilibrary.org/docserver/download/5kml60zwd7h.pdf?expires=1435061556&id=id&accname=guest&checksum=960FB785C58BB3E078BEF95B833D048D>

² This designation is without prejudice to positions on status, and it is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.



While challenging to measure precisely, there is a large body of work conducted by international organisations and social science research that indicates that the de-politicisation of personnel policy and, in particular, merit recruitment and promotion are central ingredients of high-quality, high-performing governments in the 21st century. Indeed, merit based civil service management has been shown to promote economic growth, reduce public sector corruption, significantly improve the management of public policy programmes and increase trust in government. Similarly, “de-politicisation is considered by many to be the most important element of public administration reform in terms of strengthening democracy.”³ In the long run, it has a positive influence on the institutional foundations of personnel management, contributes to the stability of the public service and increases the proportion of highly skilled, motivated and committed public servants.

Most countries around the world recognise the need to create professional civil services that are aligned with the requirements of democratic states. Political democracy, modern market economies and complex states and societies require professional public administrations. The merit system is for the moment the only known way of building up public administrations that attain an acceptable degree of autonomous professionalism with regards to partisan politics.⁴

The merit system can be understood as the key instrument for making legal certainty a public good. Legal certainty, or juridical security, has a fundamental value for the economy and for society. It is even more valuable as a product of the state, particularly in transition countries, than are such values as efficiency and effectiveness in conducting public affairs. The reason is quite obvious: Legal certainty allows society to be efficient and effective in it, and this is an essential pre-condition for the development of the economy. The state should be effective and efficient in producing legal certainty. Legal certainty also requires – upstream – good law-drafting, good quality of legislation and good professional policy advice. In welfare states, the quality of public services provided or produced by the state requires managerial efficiency, but public services must be delivered on the basis of equity and entitlements of individuals, as defined and recognised in legislation. Consequently, efficiency in the management of public services is legitimate if it falls within the procedural and entitlement parameters set down in law.

The merit system, like any other public administration mechanism, has not developed because it is intellectually or culturally more appealing than other systems, but because it has been better able to solve practical political, social and economic problems in countries with western-type cultural backgrounds, i.e. where the individual, and not the social group, is the cornerstone of society. The merit system has proved to be an indispensable instrument for producing legal certainty and predictability in public decision-making. Each country’s merit-based civil service has its own particular historical and cultural roots, but each country has also borrowed from others⁵ in such a way that today several common trends can be discerned in the civil services of the world’s most advanced democracies and economies.

³ <http://search.proquest.com/openview/31f3a27506346b1e11dc6cebf890615a/1?pq-origsite=gscholar>

⁴ See Cardona, Francisco. 2004. “*Civil Service, Democracy and Economic Development*”. *Viešoji Politika ir Administravimas* (7): 16-22.

⁵ European countries in which the historical evolution of merit systems played a reference role were the United Kingdom, France and Prussia. Most European countries built their own merit systems by borrowing elements from these national frameworks.



Building professional, democratic public services entails striving in two policy directions. On the one hand, towards more structural-type changes aimed at building democratic institutions ruled by law that are able, at the same time, to provide the citizenry with an acceptable standard of public services. On the other, towards more functional-type changes aimed at consolidating acceptable professional and ethical behaviour in public life, and enabling efficient public management methods. Both structural and functional aspects are intertwined as both seek to strengthen the public legitimacy of the state. With all necessary country-specific variations, both should shape sound public administration reform policies.

It is in the structural domain where the necessity of separating politics from administration appears more sharply, along with a number of equally important issues like the set of values linked to the rule of law principle, the representation of the general or public interest, the respect of civil rights, equality before the law, etc., because they will always demand direct policy intervention to change the structural elements of the State in order to be effective. Structural change requires strong policy design.⁶

Objectives

Despite the fact that civil service reform policies and management are basic for de-politicisation and professionalisation of public administration, the human resources management function in the public sector is often regarded as secondary compared to other sectors and functions.⁷

The conference will discuss the following propositions or aspects of them:

1. Professionalism in public service requires a firm application of the merit principle in human resource management. Favouritism, nepotism, patronage and clientelism are inimical to impartiality and ultimately an obstacle to the development of a professional public service.
2. Professionalism requires stability. The necessary know-how cannot emerge and acquire robustness without stable public services. Politicisation is inimical to stability, as it generally leads to the replacement of many public servants whenever there is a government changeover.
3. Professionalism requires separation of politics and administration and a refining of their interface. The autonomy of the public service should be legally and managerially protected. This value of autonomy should be embedded in the relationships between politically elected officials and administrative officials appointed on merit, even if it is acknowledged that an autonomous public service and a good public administration are a constant political endeavour and a goal still to be fully attained in many national jurisdictions of EU member states.

⁶ See Cardona, Francisco and Eriksen, Svein (2015): “*Professionalism and Integrity in the Public Service*” in Guides for Good Governance N° 1. Centre for the Integrity in the Defence Sector. Ministry of Defence, Oslo, Norway. At <http://cids.no/wp-content/uploads/pdf/cids/7250-DSS-Professionalism-and-integrity-skjerm.pdf>

⁷ Continuity and Change: The Role of the HR Function in the Modern Public Sector may be downloaded at: <http://eprints.kingston.ac.uk/3349/1/Truss-K-3349.pdf>

4. Professionalism requires resilient integrity on the part of public officials, both elected and appointed. The law and management should promote and protect the integrity and accountability of public servants. Training and disciplinary arrangements are indispensable management instruments. Codes of conduct and integrity plans may offer helpful guidelines for public officials' behaviour.

Introducing changes in the working environment of the civil servants should be focused on:

- ✓ *Professionalisation* in the public service determines how its activities will be designed and materialised out since relying on: loyalty, neutrality, transparency, diligence, punctuality, effectiveness, impartiality, and other values that may be specific to individual countries as described in the UN publications⁸. In addition the motivation is one of the most important factors that directly and indirectly influence the professionalism at work?
- ✓ *Overall conclusion and the recommendations* would lead towards creation of specific guidelines and/or regulation that would concern the abovementioned topics.

Target Audience

The respected target audiences will be composed of representatives from the Western Balkan Public Administration Institutions including senior officials involved in the preparation and implementation of administrative reforms in line ministries, Prime Minister's Offices / Government Offices and/or EU integration offices, ReSPA expert working group on HRM and representatives of respected regional and international institutions, professionals in the subject, Academia, Civil Society and Think Tank organizations' representatives.

⁸ UN Publication (01/2000) - Professionalism and Ethics in the Public Service



AGENDA:

Day 1 – Thursday, November 12th, 2015

(Open to the Media)

09:00 – 09:30 *Registration*

09:30 – 10:30 **Introduction**, Moderated by ReSPA Programme Managers

- Opening speech of ReSPA Director
- EU Commission representative
- Ministers of ReSPA Members

10:30 – 11:00 *Coffee break/Press Conference*

11:00 – 12:30 **The challenge of civil service professionalisation: The experience of the Western Balkans and lessons from abroad**, Moderated by ReSPA Programme Managers

- “The quality of human resources management in the Western Balkans: The challenge of improving the quality of implementation“ Finding from the ReSPA HRM Regional Study (*Jan Meyer-Sahling, Nottingham University, UK*)
- “Professionalisation in the context of transition, EU accession and the economic crisis: Lessons from Estonia” (*Eve Limbach, Top Civil Service Excellence Centre, Government Office of Estonia*)
- “The challenge of civil service professionalization: Lessons from Poland” (*Jan Pastwa, National School of Public Administration, KSAP, Poland*)
- “Impact of the world crisis on the professionalisation in public administration: The OECD experience” (*Zsuzsana Lonti, Organization for Economic Co-operation and Development, OECD*)

12:30 – 14:00 *Lunch*

14:00 -15:30 **The context of reform: Drivers of civil service professionalisation in the Western Balkans**, Moderated by ReSPA Programme Managers

- “What drives the professionalisation of public administration in development and transition countries” (*Arpine Korekyan, United Nations Department for Economic and Social Affairs, UNDESA*)
- “The role of civil society organisations in promoting the professionalisation of public administration” (*Jasenka Perovic, Technical Assistance for Civil Society Organizations, TACSO*)
- “Political parties and civil service professionalisation: Understanding the motivation of politicians“ (*Petr Kopecky, Leiden University, the Netherlands*)
- “Professional standards and selection procedures for the managerial positions in the civil service: The perspective of the EU and the Western Balkan” (*Gregor Virant, University of Ljubljana, Slovenia*)

15:30 – 16:00 *Coffee break*

16:00 – 18:00 **Round Table Discussion: How to effectively promote the professionalisation and de-politicisation of public administration in the Western Balkans?** Chair: Hans-Achim Roll

- Martins Krievens, State Chancellery, Latvia
- Milena Lazarevic, Center for European Policy, Perspective of Think Tank
- Prof Marius Profiriou, President of NISPACee
- Minister Kori Udovicki – *TBC*
- Deputy Minister Ramadan Ilazi – *TBC*
- EU Commission representative - *TBC*
- Stevo Muk, Institute Alternativa – The perspective of civil society -*TBC*
- Minister Konjevic, *TBC*
- Albania, *TBC*

18:30 – 19:15 *Transfer to Wine Cellar “Shipcanik”*

19:15 – 21.30 *Culture event/Opening dinner*

Day 2 – Friday, November 13th, 2015

09:00 – 09:30 *Registration*

09:30 – 10:30 **Selected issues in relation to the professionalisation of the civil service**
Moderated by ReSPA Programme Managers

- “Managing the senior civil service between politics and administration: Insights from Western democracies, lessons for the Western Balkans”, Salvador Parrado, UNED, Madrid
- “Promoting integrity management in the civil service”. Francisco Cardona.
- “The role of civil society in promoting civil service professionalization: Lessons from Croatia before and after EU accession”. Igor Vidacak, Office for Cooperation with NGOs, Government of the Republic of Croatia

10:30 – 11:00 *Coffee*

10:00 – 12:00 **Parallel group sessions, Moderated by ReSPA Programme Managers**

Panel 1: Promoting merit recruitment into the senior civil service, Chair: Jan Meyer-Sahling

- “Promoting merit recruitment in Bosnia and Herzegovina”, Aleksandra Rabrenovic, Institute of Law, Belgrade
- “Promoting merit recruitment in Macedonia”, Jahi Jahija and Tony Gathering
- “Promoting merit recruitment in Kosovo”, Hamit Qeriqi

Panel 2: Promoting integrity in the civil service, Chair: Francisco Cardona

- “Integrity and free access to information: The Croatian experience”, Anamarija Musa, Information Commissioner, Republic of Croatia
- “Integrity management and anti-corruption in public administration”, Slagjana Taseva, Transparency International, Macedonia
- “Leadership and integrity management in complex organisations” Kim Mikkelsen, University of Southern Denmark
- “Report from the ReSPA Conflict of Interest Study”, TBC

Panel 3: The role of civil society in promoting civil service professionalization, Chair: Igor Vidacak

- “The impact of citizen participation on inclusion, transparency and the effectiveness of policy-making and implementation: Lessons from Kosovo”, Venera Hajrullahu, Kosovo Civil Society Foundation
- “The perspective of the EU on civil society and public administration reform”, TBC
- EU Commission Representative, TBC

12:30 – 14:00 *Lunch break*

13:30 – 14:30 **Conclusions and outlook**

Moderated by ReSPA Director, Jan-Hinrik Meyer-Sahling, Goran Pastrovic, Fatos Mustafa

- *Reports from morning panels*
- *Discussion of strategies for promoting civil service professionalization in the Western Balkans*
- *Plans for the future*

14:30 – 15:30 **Plans for the future**

15:30 **Closing of the conference, Moderated by ReSPA Programme Managers**